

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BOBBY SINGLETON, et al.,)
)
Plaintiffs,)

v.)

Case No.: 2:21-cv-1291-AMM

WES ALLEN, in his official)
capacity as Alabama Secretary of)
State, et al.,)
Defendants.)

THREE-JUDGE COURT

EVAN MILLIGAN, et al.,)
)
Plaintiffs,)

v.)

Case No.: 2:21-cv-01530-AMM

WES ALLEN, in his official)
capacity as Secretary of State of)
Alabama, et al.,)
Defendants.)

THREE-JUDGE COURT

MARCUS CASTER, et al.,)
)
Plaintiffs,)

v.)

Case No.: 2:21-cv-01536-AMM

WES ALLEN, in his official)
Capacity as Alabama Secretary of)
State, et al.,)
Defendants.)

STATE DEFENDANTS' SUBMISSION OF THEIR EXPERT REPORTS

Hon. Wes Allen, sued in his official capacity as Alabama Secretary of State, and Sen. Steve Livingston and Rep. Chris Pringle, sued in their official capacities as Chairs of the Alabama Permanent Legislative Committee on Reapportionment, hereby file their expert reports, as directed by the Court during the status conference held on July 31, 2024. Personal contact information for the experts has been partially redacted.

Exhibit A – Expert Report of Dr. Christopher W. Bonneau

Exhibit B – Expert Report of Adam M. Carrington, Ph.D.

Exhibit C – Expert Report of M.V. Hood III

Exhibit D – Expert Report of Dr. Wilfred Reilly

Exhibit E – Expert Report of Sean P. Trende, Ph.D.

Respectfully Submitted,

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

EVAN MILLIGAN, ET AL.,

Plaintiffs,

Civil Case No. 2:21-CV-01530-AMM

v.

WES ALLEN, SECRETARY OF STATE, ET AL.,

Defendants.

AND

MARCUS CASTER, ET AL.,

Plaintiffs,

Civil Case No. 2:21-CV-00751-WKW-JTA

v.

JOHN H. MERRILL, SECRETARY OF STATE, ET AL.,

Defendants.

AND

BOBBY SINGLETON, ET AL.,

Plaintiffs,

Civil Case No. 2:21-CV-01291-AMM

V.

JOHN H. MERRILL, SECRETARY OF STATE, ET AL.,
Defendants.

EXPERT REPORT OF DR. CHRISTOPHER W. BONNEAU

I. Introduction and Qualifications

I was retained as an expert by the defendants to ascertain whether Black candidates in elections in Alabama perform worse than white candidates on account of their race. Additionally, I have responded to certain claims made by the plaintiffs' experts. My findings and conclusions are based on Alabama-specific voter registration and election data, research I have conducted in the writing of two books and multiple articles and chapters about judicial elections, and the findings of other scholars who have studied elections. I am compensated at a rate of \$350/hour; my compensation is not dependent on the contents of my report or the outcome of this case. I previously served as an expert for the defendants in *Alabama State Conference of the NAACP, et al. v. State of Alabama, et al.* (Case No: 2:16-CV-731-WKW, 2020), for the plaintiffs in *Greg Lopez, Rodney Pelton, and Steven House v. Jena Griswold, Colorado Secretary of State, and Judd Choate, Director of Elections* (Case No: 1:22-CV-00247-PAB), for the defendants in *Dyamone White, et al. v. Mississippi State Board of Election Commissioners, et al.* (Case No: 4:22-CV-62-SA-JMV), and for the defendants in *Stone, et al. v. Allen, et al.* (Case No: 2:21-CV-01531-AMM).

I am currently Professor of Political Science at the University of Pittsburgh, where I have taught since 2002. I also am serving as the Interim Chair of the Department of Spanish and Portuguese. I received my BA from Valparaiso University in Political Science, Theology, and Humanities, an MA in political science from Ball State University, an MA in political science from Michigan State University, and a PhD in political science from Michigan State University.

My scholarly research primarily focuses on the nature of judicial elections. My studies have focused on all aspects of these elections, from voter participation to voter knowledge to campaign fundraising to campaign spending to electoral contestation to electoral competition to the consequences of electing judges. I have spent most of my scholarly career seeking to answer questions about judicial elections and respond to critics of them using empirical data.

To date, I have coauthored 2 books on judicial elections (*In Defense of Judicial Elections* in 2009 and the award-winning *Voters' Verdicts: Citizens, Campaigns, and Institutions in State Supreme Court Elections* in 2015), and co-edited one other (*Judicial Elections in the 21st Century* in 2017). Additionally, I have authored or coauthored 14 scholarly articles and 8 book chapters on the topic. I have received multiple grants for my research from the National Science Foundation, and four of my articles have been published in the most selective general journals in my discipline.

Finally, I have spoken at numerous academic conferences, universities, bar associations, and legislative committees on the topic of judicial elections. A current version of my CV is appended to this report.

II. Statewide Judicial Elections in Alabama

1. Alabama is one of six states to currently elect at least some of their state supreme court judges in races with the partisan affiliation of the candidates provided on the ballot. The others are Louisiana, New Mexico, Illinois, Pennsylvania, and Texas. Of these states, Texas is the only one besides Alabama to elect all their appellate judges in statewide races with the partisan affiliations of candidates on the ballot.
2. Prior to the realignment in Alabama politics from a Democratic majority to a Republican majority, African Americans not only served on Alabama's Supreme Court, but they also won reelection to that court. Oscar Adams won two statewide races (1982 and 1988) and Ralph Cook won one (1994). Since Cook lost his bid for reelection in 2000, only *one* Democrat has won election to Alabama's Supreme Court (Sue Bell Cobb), and she is also the only Democratic candidate to win an election to the intermediate appellate court in Alabama, suggesting something unique about her. Thus, when Alabama was a state dominated by the Democratic Party, African Americans had electoral success; since the switch to Republican Party dominance, they have not. But neither have white Democratic Party candidates.
3. Alabama does not register voters by political party; however, Alabama is one of 7 states that allows for straight ticket voting.¹ Table 1 shows the percentage of straight-ticket votes cast in the past 3 election cycles.

¹ The other states are Indiana, Kentucky, Michigan, Nevada, Oklahoma, and South Carolina.

Table 1: Straight-Ticket Voting in Alabama Elections

Year	Total Ballots Cast	Straight Rep	% Straight Rep	Straight Dem	% Straight Dem
2018	1,725,877	663,269	38.4%	462,065	26.8%
2020	2,329,114	967,157	41.5%	596,786	25.6%
2022	1,423,409	648,953	45.6%	298,434	21.0%

In 2018, the percentage of people voting straight-ticket Democrat was 26.8%, and the percentage of voters voting straight-ticket Republican was 38.4%. By 2022, of the over 1.4 million votes cast, 21.0% were straight-ticket Democratic ballots, while a whopping 45.6% were straight-ticket Republican ballots; the Democratic percentage decreased while the Republican percentage increased. While it is true that many voters who do not utilize the straight-ticket option may vote entirely for candidates from one political party, they are at least making individual selections in each race, which increases the chances that they will vote for candidates from multiple parties. Clearly, based on their advantage with straight-ticket voting, Republican candidates have a significant advantage over their Democratic counterparts.

4. The prevalence of straight ticket voting means that most voters are voting for a *political party*, not a candidate (or candidates). Thus, the fact that 45.6% of the ballots cast in 2022 were straight-ticket Republican votes indicates that the race of the candidates for either party did not matter; voters were not voting for individual candidates. Add to that the 21.0% who voted straight-ticket Democrat, 66.6% of Alabama voters—2/3 (!)—cast ballots for a political party, not individual candidates.

5. Since 2000, there have been 36 elections to the Alabama Supreme Court. These elections are listed in the Appendix A to this report. Twenty (55.6%) of these have been contested in the general election by the two major political parties, and 1 election only had competition by a 3rd Party candidate.
6. Since 2000, only 1 Democrat (Sue Bell Cobb) has won an election to Alabama's Supreme Court. All incumbents have won except for three, two of those being Democratic incumbents in 2000 and one being the Republican who lost to Cobb in 2006. (The 2018 Republican primary election for chief justice—a separately elected seat—between two incumbent justices is not counted as an incumbent loss in this paragraph.)
7. From 2000-2022, looking at all 21 races where there was competition in the general election, the winner won with an average of 57.7% of the vote. The range over this time was 50.3% to 79.7% (in a race that involved a 3rd Party and no Democratic Party candidate); in races that involved Republicans and Democrats, the range was 50.3% to 67.5%.
8. Over this period, there were six African American candidates, all of whom were Democrats. In 2000, incumbents Ralph Cook and John England lost their bids for reelection; in 2006, challengers Gwendolyn Kennedy and John England lost their bids for the Supreme Court; in 2018, challenger Donna Wesson Smalley lost an open seat to Jay Mitchell; and in 2022, Anita Kelly lost an open seat election to Greg Cook.
9. Comparing the vote of African American Democratic candidates to the other Democratic candidates in those years shows no evidence of racial bias in

voting. In 2000, Cook received 46.4% of the vote and England received 45.8% of the vote. This is *higher* than the percentage of the vote received by the two losing Democratic candidates who were white (45.3% and 45.2%). While these differences are small, they suggest that the African American candidates were not disadvantaged because of their race; they were disadvantaged because they were Democrats. The same is true for 2006. In 2006, the closest race was between Sue Bell Cobb (the only Democrat to win during this period) and the incumbent Drayton Nabers. Cobb received 51.5% of the vote. England received 45.0% and Kennedy received 43.2%. These were higher than the percentage of the vote received by another white challenger, Al Johnson, who received 42.1%. Again, the African American candidates are performing on par with (or better than) the white candidates of their same political party.² This is not surprising given that Alabama both provides voters the political party affiliation of the candidates and allows voters to vote for all the party's candidates at once using the straight ticket voting option.

The African American candidates also spent significantly less money than their opponents in these state supreme court races, as shown in Table 2. However, Democratic candidates (including Sue Bell Cobb, who successfully won her election) all spent significantly less money than Republican candidates. While it is true that the candidate who spends the most money

² In 2018 and 2022, the only contested races involved African American candidates, so it is not possible to compare the performance of African American Democratic candidates with white Democratic candidates.

does not always win the election, scholars have shown that campaign spending does provide important information to voters (Bonneau and Hall 2009; Hall and Bonneau 2013; Hall 2015) and in an election it is very difficult to win if there is a large campaign spending differential.

Table 2: Campaign Spending by Candidate in AL State Supreme Court Races, Two-Party Contested Races Only

Year	Candidate Name	Candidate Race	Candidate Party	Amount Spent
2000	Ralph Cook	Black	Democrat	\$437,482
	Lyn Stuart	White	Republican	\$1,254,450
2000	John England	Black	Democrat	\$500,681
	Tom Woodall	White	Republican	\$1,107,839
2000	Sharon Yates	White	Democrat	\$715,419
	Roy Moore	White	Republican	\$1,499,766
2000	Joel Laird	White	Democrat	\$1,090,243
	Robert Harwood	White	Republican	\$1,460,157
2006	Gwendolyn Kennedy	Black	Democrat	\$13,708
	Tom Woodall	White	Republican	\$454,247
2006	John England	Black	Democrat	\$966,550
	Glenn Murdock	White	Republican	\$1,473,985
2006	Sue Bell Cobb	White	Democrat	\$2,474,988

	Drayton Nabers	White	Republican	\$4,608,662
2006	Al Johnson	White	Democrat	\$265,193
	Lyn Stuart	White	Republican	\$1,756,131
2018	Donna Wesson Smalley	Black	Democrat	\$74,734
	Jay Mitchell	White	Republican	\$631,119
2018	Robert Vance	White	Democrat	\$86,376
	Tom Parker	White	Republican	\$869,643
2022	Anita Kelly	Black	Democrat	\$22,506
	Greg Cook	White	Republican	\$1,909,110

10. In the elections in Table 2, Republican candidates, on average, spent \$1,547,737, while Democratic candidates spent, on average, \$604,353.
11. In state supreme court elections from 2010-2022, there is a strong, statistically significant relationship between the percentage of the vote received by the Democratic candidate in a county and the percentage of the registered voters who are African American in that county in a bivariate regression. A one-unit increase in the percentage of registered voters who are African American leads to a 0.50 percentage point increase in the percentage of the vote received by the Democratic candidate. This means that, on average, if the percentage of African American registered voters increased by 1%, Democratic candidates would perform 0.50 percentage points better, other things being equal. This indicates that a statistically

significant important predictor of how well Democrats do in Alabama is a result solely of how many African American voters there are in the county.

12. This means that if, say, the percentage of registered voters who are African American moved from 35%-36%, the percentage of the vote received by Democratic candidates would increase from 45% to 45.5%.

13. In a multivariate regression model including both the percentage of the registered black population and whether the losing state supreme court candidate was black as independent variables, African American candidates perform 4.3 percentage points better than White candidates.

III. Alabama State Legislative Elections

14. I examined the 2022 elections to the Alabama House of Representatives using the same methods and techniques as I did for state supreme court elections, and I find similar results. Black Democrats who lost contested seats for the State House averaged 29.1% of the vote in the counties in which they ran, while white Democrats averaged 23.7%. Once again, while all Democrats have a difficult time winning elections in Alabama, Black Democrats perform better when they challenge white Republicans than white Democrats do.

15. This is also true in the 2022 elections to the Alabama State Senate: Black Democrats who lost contested seats averaged 32.1% of the vote in the counties in which they ran, while white Democrats averaged 24.9%.

16. It is important to remember that in state legislative races, unlike statewide races, the electorate and candidates for each seat are unique. However, the

results above suggest that, in districts where a Black Democrat is challenging a white Republican, that candidate outperforms districts where a white Democrat is challenging a white Republican.

17. Another indication that race is not the driving force behind vote choice comes from the 2022 District 74 election to the Alabama House of Representatives. In 2018, that district was 67% white and elected a Republican; in 2022, after redistricting, it became 55% Black (Cason 2022). Perhaps not surprisingly, a Democrat was elected. However, in the Democratic primary, a white Democratic candidate defeated a Black Democratic candidate. In fact, the white candidate (Philip Ensler) received over 65% of the vote against the Black candidate (Malcolm Calhoun). If race was the driving force in this election, then why would a majority Black district select a white Democratic nominee over a Black nominee? While the data cannot tell us the reasons why voters in House District 74 selected the candidate they did, the data do indicate that the race of the candidate was not a factor in an African American candidate losing either the Democratic primary.

18. Additional evidence for the effect of party being the most important factor can be found looking at the Alabama House of Representatives. In 2021, Kenneth Paschal became the first Black Republican to win election to the State House since Reconstruction. In doing so, he defeated a white Republican in the primary and won 74.7% of the vote against a white Democrat in the general election. While only 1 case, this illustrates that

voters do make selections based on the candidate's positions as well as their political party affiliation.

19. Likewise, Bill Lewis (a Black attorney) was appointed to the Circuit 19 bench by Republican Governor Robert Bentley. Lewis subsequently won a full term on the bench in 2018, facing no opposition either in the Republican Primary or in the general election. Even though white votes make up the majority of the Republican Party, Lewis was unopposed for the nomination, suggesting that his race was not a factor in the election.

V. Alabama Congressional Elections

20. The 2024 Republican primary in the newly drawn Congressional District 2 is a good example African-Americans largely identifying as Democrats as opposed to Republicans. In this newly drawn district, every candidate running on the Democratic side was Black (Chapoco, Rocha, and Stephenson 2024). On the Republican side, there 3 African-American candidates, with the highest vote-getter of the three receiving only 1.9% (Gassiott 2024).
21. These results are not surprising because, as stated in the expert reports of both Drs. Liu and Palmer, in all the elections they analyzed, Black voters preferred Black candidates, and all these Black candidates in their analysis were Democrats. Thus, the number of Black voters who participated in the Republican primary is quite small, and thus we cannot learn much from their electoral performance.

22. Indeed, using 2020 census data³ and looking at the 2022 elections, the bivariate correlation between the percentage of voting age African-Americans in a district and the percentage of the vote received by the Democratic candidate was 0.72.⁴ If the two elections where Democrats did not contest the seat (thereby receiving 0% of the vote) are removed, this relationship jumps to 0.87.⁵ The bivariate correlation measures the extent to which both variables occur together. It ranges from -1.0 to 1.0, and any correlation above 0.5 (or -0.5) is considered a moderate relationship and any correlation above 0.7 (or -0.7) is considered a strong relationship.
23. The results in congressional elections in Alabama are consistent with the story that political party is driving these election results, not race.

V. Response to Plaintiffs' Expert Reports

24. Dr. Liu relies on King's ecological inference (EI) technique to determine whether voting in Alabama races is racially polarized. While EI techniques are widely used by courts for this type of analysis, they have some significant limitations (e.g., Cho 1998; Elmendorf, Quinn, and Abrajano 2016).
25. In addition to the statistical limitations noted above, there is a significant inferential limitation: EI cannot tell us about the reasons behind the observed

³ The data used for this analysis is found in Table 5 of Cooper's expert report filed in the *Caster* case.

⁴ This falls just outside the conventional 0.05 level of statistical significance ($p = 0.68$). I suspect this is largely because there are only 7 cases being analyzed here.

⁵ This falls just outside the conventional 0.05 level of statistical significance ($p = 0.57$). I suspect this is largely because there are only 5 cases being analyzed here.

(inferred) data. Liu (p. 4) posits that Black candidates lose, writing, “[V]oting in Alabama during the last 15 years where there is a choice between or among Black and white candidates is ‘racially polarized’ in that Black voters in 25 of the 25 elections analyzed have expressed a clear preference for the same candidate, and in the elections analyzed the preferred candidate by Black voters was a Black candidate.” But his analysis must end there; he cannot provide an explanation for why BPCs lose. That is, even if we were to grant that EI is 100% accurate in recovering individual-level behavior from aggregate data, that data would still not tell us *why* we observe what we observe.

26. Professor Liu relies on elections where there were “both a Black candidate and a white candidate (i.e., biracial elections) during the last 15 years (p. 4).” He justifies this by saying these elections “satisfy the necessary conditions for Black and non-Black voters to have an opportunity to vote for the candidate of their choice, which is not available in uni-racial [sic] elections involving only white candidates (or involving only Black candidates)” (p. 4-5). Thus, in Dr. Liu’s expert opinion, Black voters do not have an opportunity to select a candidate of their choice if there is no Black candidate. This is both overly reductionist and false. There is no reason to assume, a priori, that a Black candidate is the only (or even the best) option for Black voters. By this logic, Liu would expect Black voters to, for example, vote for Clarence Thomas over Bernie Sanders. Justice Thomas’ concurring opinion in *Alexander v. South Carolina State Conference of the NAACP* (2024) notes that the plaintiffs in that

case, like Dr. Liu, “make no effort to explore whether the affinity of the district’s black population toward the Democratic Party ‘might be the product of similar socioeconomic interests rather than some other factor related to race.’”

27. As an example of why omitting these elections does not make sense, Dr. Liu determines that elections involving Representative Terri Sewell (a Black Democrat) are relevant in 2010, 2012, and 2022, but because she was challenged in the Democratic primary by another Black candidate in 2014, Dr. Liu does not analyze whether she was the preferred candidate of Black voters in that election.

28. Another example: since only biracial elections “satisfy the necessary conditions for Black and non-Black voters to have an opportunity to vote for the candidate of their choice, which is not available in uni-racial [sic] elections involving only white candidates (or involving only Black candidates)” (Liu report, p. 4-5), it follows that Black voters had no preference in the U.S. Senate election between Doug Jones and Roy Moore because both candidates were white.

29. Dr. Liu also omits at least three races which meet his criteria: the 2014 1st Congressional District race between Burton LeFlore (a Black candidate) and Bradley Byrne (a white candidate), the 2012 3rd Congressional District race between John Andrew Harris (a Black candidate) and Mike Rogers (a white candidate), and the 2012 5th Congressional District race between Charlie Holley (a Black candidate) and Mo Brooks (a white candidate).

30. Dr. Liu curiously includes the 2020 “Vice Presidential election” (p. 5) as a race between an African-American candidate and a white candidate. There was no “Vice Presidential election” in 2020; voters had to vote for either the ticket of Biden/Harris or Trump/Pence. Voters did *not* have the option of voting just for Vice President Harris any more than they had the option to vote for Vice President Pence. Moreover, there is scholarly literature demonstrating that the vice-presidential candidate has very little impact on voters’ choice of President (e.g., Romero 2001; Ulbig 2010). This is particularly true when looking at “targeted choice”: “vote choice among groups with whom they share a salient geographic (i.e., home state or region), demographic (i.e., gender or religious), or ideological (i.e., liberal, conservative) identity” (Devine and Kopko 2020, 15). In fact, with the interesting exception of the selection of Paul Ryan (who helped Mitt Romney attract conservative voters), “we see no such effects at any point during the campaign, or, at best, a temporary increase in support that fades away by Election Day” (Devine and Kopko 2020, 16).

31. Moreover, Dr. Liu’s analysis ignores the single biggest determinant of vote choice in American politics: political party (e.g., Sievert and Banda 2024; Stapleton and Langehennig 2024). This is important because we know that African Americans overwhelmingly identify with the Democratic Party (e.g., Watts 2024). In 2022, looking at Alabama State Senate races, the bivariate correlation at the county-level between the percentage of registered voters who are Black, and the percentage of the vote received by the Democratic

Party candidate was 0.78, an incredibly strong relationship; for the Alabama State House, it was even higher: 0.82. Thus, we need to find a way to separate out the effects of political party from the effects of race.

32. Indeed, in Table 1 of Dr. Liu's report, in all 9 elections he analyzes, the Black candidate represented the Democratic Party, and the white candidate represented the Republican Party. Thus, we cannot determine whether the candidates lost because they were Black or because they were Democrats.
33. This is contrary to Justice Alito's majority opinion in *Alexander*, where he writes, "a party challenging a map's constitutionality must disentangle race and politics if it wishes to prove that the legislature was motivated by race as opposed to partisanship." Liu's analysis fails to do that.
34. Indeed, Justice Alito's majority opinion goes on to state that an expert's "conspicuous failure to control for party preference is alone sufficient to discredit any reliance on his report."
35. In Table 1, Dr. Liu only analyzes the Democratic primary in Congressional District 1. Interestingly, he neglects to include or analyze the runoff election, where the Black candidate (James Averhart) won the nomination. Not including the runoff election paints a misleading picture of that election.
36. Dr. Liu focuses only on races that include African American candidates to determine if voting is racially polarized. However, only focusing on these cases leads to selection bias and potentially erroneous conclusions. Rather, we need to look at how people in Alabama vote in *all* races, not just those where there are African American candidates. If African Americans vote

similarly for white candidates as they do for African American candidates, then it *cannot* be the race of the candidate that is driving voting patterns. By excluding these races, the Liu report assumes that there are differences based on the race of the candidate rather than treating it as an empirical question. “For example, if white voters tend to be conservative and most potential minority candidates are very liberal, strong minority candidates may elect not to run because they are ideologically out of step” (Elmendorf, Quinn, and Abrajano 2016, 655).

37. Looking at contested statewide state supreme court elections from 2000-2022, the bivariate correlation between percentage of registered voters who are African American, and the percentage of the vote received by the Democratic candidate is 0.46; if I limit the analysis to 2010-2022, it is 0.48. This relationship is statistically significant: the higher the percentage of registered voters who are Black, the higher the percentage of vote for the Democratic candidate.
38. The same results hold for state legislative and U.S. congressional races, as I discuss above in paragraphs 22 and 31.
39. Dr. Liu also includes two mayoral runoff elections in the City of Montgomery. While he does not state why he included these races, one likely reason is because these races are nonpartisan, and thus appear to undermine the argument that party is not a relevant factor here. However, in both these elections, the Black candidate (and, according to Dr. Liu, the Black-preferred candidate) *won* the election. More importantly, Reed had previously won

three partisan elections as a Montgomery County Probate Judge. His party identification (Democrat) was likely known to voters.

40. Moreover, Bonneau and Cann (2015) found that there are high levels of partisan voting even in nonpartisan elections. That is, voters registered as Democrats vote for the Democratic candidate (and the same for Republicans) even if the partisan identification of the candidates is not on the ballot.

41. Thus, even though the party affiliation of candidates does not appear on the ballot, this does not mean that the partisan affiliation of candidates is irrelevant; this, rather than racial polarization, could be the reason for the observed voting patterns.

42. Dr. Palmer's analysis suffers from the same flaws as Dr. Liu's. In paragraph 7 of his report, he writes, "Across an analysis of 17 statewide elections, the Black-preferred candidate was able to win only once." However, all these Black-preferred candidates were Democrats. The same is true for his analysis of congressional districts as well.

43. Dr. Palmer writes in paragraph 23 that "The Black-preferred candidate, Doug Jones, won this election only because of his margin of victory in the 7th Congressional District; Moore won the majority of the vote in five of the seven congressional districts." A look at Dr. Palmer's Table 10 shows that this claim is misleading: Doug Jones outperformed other Democratic candidates *in every congressional district*. Jones won his race by outperforming the typical vote share received by Democratic candidates in every congressional district, not just the 7th.

44. It is worth pointing out that while Dr. Palmer claims that Doug Jones was the preferred candidate of Black voters, Dr. Liu's statement about the importance of biracial elections clearly leads to the implication that because the race was between two white candidates, Black voters did not have the opportunity to vote for the candidate of their choice (see p. 4-5 of his report and paragraph 26 above).

V. Conclusion

45. My examination of the evidence in this case does not reveal evidence of voting based on race. Indeed, African American candidates either perform as well as or outperform White candidates of the same political party in judicial, state legislative, and congressional elections in Alabama.

46. African American candidates did have success running in statewide judicial elections before Alabama realigned and became a one-party Republican state.

47. The lack of success of African American candidates is not because of their race; rather, it is because they overwhelmingly run as members of the Democratic Party. Indeed, in the one case where a Black Republican ran against a white Democrat for a state legislative seat, the Black Republican won easily (and even defeated a white Republican in the primary). And in the one case where a Black Republican judge ran for election, he was uncontested in both the primary and the general election.

I reserve the right to update this report based on additional facts, testimony, and/or materials.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Chris W. Bonneau

June 28, 2024

DATE

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Appendix A: Alabama State Supreme Court General Elections, 2000-2022

Year	Winner (Party)	Loser (Party)	Winner Pct. of Vote
2000	Moore (R)	Yates (D)	54.7%
2000	Stuart (R)	Cook (D)	52.6%
2000	Lyons (R)	Smith (L)	79.7%
2000	Woodall (R)	England (D)	54.2%
2000	Harwood (R)	Laird (D)	54.8%
2002	See (R)	Anderson (D)	52.6%
2004	Parker (R)	R. Smith (D)	55.8%
2004	P. Smith (R)	Monroe (D)	61.6%
2004	Bolin (R)	Rochester (D)	59.7%
2006	Cobb (D)	Nabers (R)	51.5%
2006	Lyons (R)	-----	100%
2006	Woodall (R)	Kennedy (D)	56.8%
2006	Stuart (R)	Johnson (D)	57.9%
2006	Murdock (R)	England (D)	55.0%
2008	Shaw (R)	Paseur (D)	50.3%
2010	Parker (R)	Parsons (D)	58.9%
2010	Bolin (R)	Edwards (D)	62.8%
2010	Wise (R)	Chambers (D)	62.9%
2012	Moore (R)	Vance (D)	51.8%
2012	Murdock (R)	-----	100%
2012	Bryan (R)	-----	100%
2012	Stuart (R)	-----	100%
2014	Shaw (R)	-----	100%
2014	Main (R)	-----	100%
2016	Bolin (R)	-----	100%
2016	Wise (R)	-----	100%
2016	Parker (R)	-----	100%
2018	Parker (R)	Vance (D)	57.4%
2018	Stewart (R)	-----	100%
2018	Bryan (R)	-----	100%
2018	Sellers (R)	-----	100%
2018	Mitchell (R)	Smalley (D)	60.5%
2020	Shaw (R)	-----	100%
2020	Mendheim (R)	-----	100%
2022	Cook (R)	Kelly (D)	67.4%
2022	Wise (R)	-----	100%

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Curriculum Vitae
April 2024

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Academic Positions

- Professor, Department of Political Science, University of Pittsburgh, February 2019 - present
- Associate Professor, Department of Political Science, University of Pittsburgh, September 2008 - January 2019
- Assistant Professor, Department of Political Science, University of Pittsburgh, August 2002 - August 2008

Administrative Positions

- Interim Chair, Department of Hispanic Languages and Literatures, July 2023 - present
- Director of Graduate Studies, Department of Political Science, 2022 - 2023
- Co-Chair, Institutional Conflict of Interest Committee, 2022 - 2023
- Co-Director, Center for American Politics and Society (CAPS), 2013 - 2014
- Interim Director of Undergraduate Studies, Department of Political Science, 2008 - 2009

Education

- Ph.D., Political Science (American Politics, Research Methods, Positive Political Theory), Michigan State University, 2002.
- M.A., Political Science, Michigan State University, 1999.
- ICPSR Summer Program, University of Michigan. 1999.
- M.A., Political Science, Ball State University. 1998.
- B.A., Political Science, Theology, and Humanities, Valparaiso University, 1997.

Other Training

- 2012. Provost’s Diversity Seminar.
- 2016. Inside-Out Instructor Training.
- 2022. Faculty Development Certificate Program: Inclusive Leadership.
- 2023. Cutting-Edge Leadership Development.

Grants

- \$47,872. University of Pittsburgh Chancellor’s Seed Grant, “Pitt Prison Education Project” (Chris W. Bonneau, Nancy Glazener, Cory Holding, and Shalini Puri, co-Principal Investigators). September 1, 2018-August 31, 2020.
- \$26,578. National Science Foundation, “Collaborative Research: A Workshop on the Normative Implications of Empirical Research in Law and Courts” (SES 1228172, SES 1228306; Brandon L. Bartels and Chris W. Bonneau, co-Principal Investigators). September 1, 2012-August 31, 2013.
- \$990. University of Pittsburgh School of Arts and Sciences, Type II Research Expenses Grant. Summer, 2010.
- \$80,000. National Science Foundation, “Collaborative Research: An Individual-Level State Supreme Court Database” (SES 0518491, SES 0516409, SES 0516600; Chris W. Bonneau, Paul Brace, and Kevin Arceneaux, co-Principal Investigators). September 1, 2005-August 31, 2006.
- \$4,000. University of Pittsburgh School of Arts and Sciences, Type I Third Term Research Stipend. Summer 2005.
- \$7,950. National Science Foundation, “Doctoral Dissertation Research: Money and State Supreme Court Elections” (SES 0108906; Chris W. Bonneau and Melinda Gann Hall, co-Principal Investigators). July 1, 2001-June 30-2002.

Awards

- 2021 Chancellor’s Distinguished Teaching Award.
- 2017 Pi Sigma Alpha Award for the Best Paper presented at the 2017 Annual Meeting of the Southern Political Science Association for “‘Stronger Together’: Political Ambition and the Presentation of Women Running for Office” (with Kristin Kanthak).
- 2016 Virginia Gray Best Book Award given by the State Politics and Policy Section of the American Political Science Association for the best political science book published on the subject of U.S. state politics or policy in the preceding three calendar years for *Voters’ Verdicts: Citizens, Campaigns, and Institutions in State Supreme Court Elections* (with Damon M. Cann).

Publications

Books:

- Bonneau, Chris W. and Damon M. Cann. 2015. *Voters' Verdicts: Citizens, Campaigns, and Institutions in State Supreme Court Elections*. Charlottesville, VA: University of Virginia Press. *Winner of the 2016 Virginia Gray Best Book Award given by the State Politics and Policy Section of the American Political Science Association for the best political science book published on the subject of U.S. state politics or policy in the preceding three calendar years.*
- Bonneau, Chris W. and Melinda Gann Hall. 2009. *In Defense of Judicial Elections*. New York: Routledge.
- Hammond, Thomas H., Chris W. Bonneau, and Reginald S. Sheehan. 2005. *Strategic Behavior and Policy Choice on the U.S. Supreme Court*. Stanford: Stanford University Press.

Edited Books:

- Bonneau, Chris W. and Melinda Gann Hall. 2016. *Judicial Elections in the 21st Century*. New York: Routledge.
- Bartels, Brandon L. and Chris W. Bonneau. 2015. *Making Law and Courts Research Relevant: The Normative Implications of Empirical Research*. New York: Routledge.

Peer-Reviewed Journal Articles:

- Bonneau, Chris W. and Kristin Kanthak. 2021. "Desk Rejecting 'Against Desk Rejects!'" *PS: Political Science and Politics* 54: 690-693.
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- Bonneau, Chris W., Jarrod Kelly, Kira Pronin, Shane Redman, and Matthew Zarit. 2017. "Evaluating the Effects of Multiple Opinion Rationales on Supreme Court Legitimacy." *American Politics Research* 45: 335-365.
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- Hall, Melinda Gann and Chris W. Bonneau. 2008. "Mobilizing Interest: The Effects of Money on Citizen Participation in State Supreme Court Elections." *American Journal of Political Science* 52: 457-470.
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- Bonneau, Chris W. and Heather Marie Rice. 2017. "Judicial Selection in the States: A Look Back, A Look Ahead." In *Routledge Handbook of Judicial Politics*, edited by Robert M. Howard and Kirk A. Randazzo. New York: Routledge. Pages 340-351.
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- Bonneau, Chris W. and Melinda Gann Hall. 2004. "The Wisconsin Judiciary." In *Wisconsin Government and Politics*, 8th edition, edited by Ronald E. Weber. New York: McGraw-Hill. Pages 171-196.
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Law Reviews:

- Bonneau, Chris W. and Shane M. Redman. 2015. "Much Ado About Nothing: The Irrelevance of *Williams-Yulee v. The Florida Bar* on the Conduct of Judicial Elections." *Vanderbilt Law Review En Banc* 68: 31-41.

Book Reviews:

- Bonneau, Chris W. 2019. Review of *Judicial Merit Selection: Institutional Design and Performance for State Courts*, by Greg Goelzhauser. *Law and Politics Book Review* 29: 134-135.
- Bonneau, Chris W. 2017. Review of *Supreme Democracy: The End of Elitism in Supreme Court Nominations*, by Richard Davis. *Congress and the Presidency* 45: 112-114.
- Bonneau, Chris W. 2016. Review of *Justices on the Ballot: Continuity and Change in State Supreme Court Elections*, by Herbert M. Kritzer. *Perspectives on Politics* 14: 235-236.

- Bonneau, Chris W. 2012. Review of *Electing Judges: The Surprising Effects of Campaigning on Judicial Legitimacy*, by James L. Gibson. *Law and Politics Book Review* 22: 469-472.
- Bonneau, Chris W. 2007. Review of *Supreme Conflict: The Inside Story of the Struggle for Control of the United States Supreme Court*, by Jan Crawford Greenburg. *Law and Politics Book Review* 17: 499-501.
- Bonneau, Chris W. 2006. Review of *The Politics of Precedent on the U.S. Supreme Court*, by Thomas G. Hansford and James F. Spriggs, II, and *Judging on a Collegial Court: Influences on Federal Appellate Decision Making*, by Virginia A. Hettinger, Stefanie A. Lindquist, and Wendy L. Martinek. *Perspectives on Politics* 4: 776-777.
- Bonneau, Chris W. 2006. Review of *Reforming the Court: Term Limits for Supreme Court Justices*, edited by Roger C. Cramton and Paul D. Carrington. *Law and Politics Book Review* 16: 361-363.
- Bonneau, Chris W. 2003. Review of *Judicial Review in State Supreme Courts: A Comparative Study*, by Laura Langer. *Publius: The Journal of Federalism* 33: 166-168.

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- Bonneau, Chris W. and Heather Marie Rice. 2020. “The Judicial System of the USA.” In *The USA and Canada 2020* 22nd edition, edited by Dominic Heaney. London: Routledge.
- Bonneau, Chris W. and Heather Marie Rice. 2019. “The Judicial System of the USA.” In *The USA and Canada 2019* 21st edition, edited by Dominic Heaney. London: Routledge.
- Bonneau, Chris W. and Heather Marie Rice. 2018. “The Judicial System of the USA.” In *The USA and Canada 2018* 20th edition, edited by Dominic Heaney. London: Routledge.
- Bonneau Chris W. and Shane M. Redman. 2017. “*Citizens United v. Federal Election Commission* (2010).” In *Encyclopedia of American Civil Rights and Liberties: Revised and Expanded Edition*, 2nd edition, edited by Kara E. Stooksbury, John M. Scheb II, and Otis H. Stephens, Jr. Santa Barbara: ABC-CLIO. Pages 145-146.
- Bonneau, Chris W. and Sean Craig. 2017. “*Caperton v. A.T. Massey Coal Co.* (2009).” In *Encyclopedia of American Civil Rights and Liberties: Revised and Expanded Edition*, 2nd edition, edited by Kara E. Stooksbury, John M. Scheb II, and Otis H. Stephens, Jr. Santa Barbara: ABC-CLIO. Pages 127-129.
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- Bonneau, Chris W. and Heather Marie Rice. 2015. “The Judicial System of the USA.” In *The USA and Canada 2016* 18th edition, edited by Neil Higgins. London: Routledge. Pages 117-125.

- Bonneau, Chris W. and Heather Marie Rice. 2014. “The Judicial System of the USA.” In *The USA and Canada 2015* 17th edition, edited by Neil Higgins. London: Routledge. Pages 111-118.
- Bonneau, Chris W. and Heather Marie Rice. 2013. “The Judicial System of the USA.” In *The USA and Canada 2014* 16th edition, edited by Neil Higgins. London: Routledge. Pages 104-110.
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- Bonneau, Chris W. and Mark S. Hurwitz. 2012. “The Judicial System of the USA.” In *The USA and Canada 2013* 15th edition, edited by Neil Higgins. London: Routledge. Pages 102-108.
- Stricko, Tara W. and Chris W. Bonneau. 2011. “Judicial Decision Making.” In *International Encyclopedia of Political Science*, edited by Bertrand Badie, Dirk Berg-Schlosser, and Leonardo Morlino. Thousand Oaks, CA: Sage. Pages 1367-1370.
- Rice, Heather Marie and Chris W. Bonneau. 2009. “Judicial Branch.” In *Political Encyclopedia of U.S. States and Regions*, edited by Donald P. Haider-Markel. Washington, DC: CQ Press. Pages 817-819.
- Bonneau, Chris W. and Heather Marie Rice. 2009. “Judicial Selection.” In *Political Encyclopedia of U.S. States and Regions*, edited by Donald P. Haider-Markel. Washington, DC: CQ Press. Pages 824-825.
- Rice, Heather Marie, Chris W. Bonneau, and Mark S. Hurwitz. 2009. “Judges.” In *Political Encyclopedia of U.S. States and Regions*, edited by Donald P. Haider-Markel. Washington, DC: CQ Press. Pages 815-817.

Opinion:

- Bonneau, Chris W. and Kristin Kanthak. 2021. “Democracy Demands High Levels of Participation.” *Pittsburgh Post-Gazette*, October 31, 2021.
- Bonneau, Chris W. and Kristin Kanthak. 2019. “The Thriving Field of State Politics.” *The Chronicle of Higher Education*, August 13, 2019.
- McCoy, Chris and Chris W. Bonneau. 2018. “Convoluting Judicial Amendment Subverts Voters.” *The Daily Reflector*, November 5, 2018.
- Bonneau, Chris W. 2018. “NC Needs to Stop Messing with Its Judiciary.” *Raleigh News and Observer*, May 18, 2018.
- Bonneau, Chris W. 2016. “2016: The Year We Knew Nothing.” *The Cresset*. 80 (Advent): 10-11.

- Bonneau, Chris W. and Sean Craig. 2015. “*King v. Burwell* and the Future of the PPACA.” *Retina Today* 10 (May/June): 16-21.
- Bonneau, Chris W. 2013. “Political Science Professor: Many Good Reasons for Idea of Electing Judges.” *The Oklahoman*, September 8, 2013.
- Bonneau, Chris W. 2013. “PA System of Electing Judges Works.” *Philadelphia Inquirer*, February 15, 2013.
- Bonneau, Chris W. 2012. “Are Judicial Elections A Real Problem In Michigan?” *Detroit News*, June 19, 2012.
- Bonneau, Chris W. 2012. “True ‘Merit’ in Judicial Selection.” *Philadelphia Inquirer*, April 8, 2012.
- Bonneau, Chris W. 2011. “A Bum Rap on Elected Judges.” *Washington Post*, May 26, 2011.
- Lazos, Sylvia R. and Chris W. Bonneau. 2010. “Appoint Judges? No Thanks. Elections Ensure Certain Safeguards.” *Las Vegas Review Journal*, October 31, 2010.
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Other:

- Bonneau, Chris W. and Kristin Kanthak. 2018. “In Memoriam: Tom Carsey.” *State Politics and Policy Quarterly* 18: 119-121.
- Bonneau, Chris W. 2018. “The Case for Partisan Judicial Elections.” Federalist Society White Paper.
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- Bonneau, Chris W. 2012. “A Survey of Empirical Evidence Concerning Judicial Elections.” Federalist Society White Paper.
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- Bonneau, Chris W. 2008. “Formal Theory and Judicial Politics: Contributions and Cautions.” *Law and Courts Newsletter* 18: 4-6.

Current Projects

- Transparency from Start to Finish: A How-to Guide for the Social Sciences with Kristin Kanthak and Lee D. Walker.
- “Measuring State Campaign Contribution Limit Stringency,” with Damon Cann.

Conference/Workshop Participation

2023

- “Measuring State Campaign Contribution Limit Stringency” (with Damon Cann). Paper Presented at the Annual Meeting of the American Political Science Association, Los Angeles, CA, August 31-September 3, 2023.
- “Measuring State Campaign Contribution Limit Stringency” (with Damon Cann). Paper Presented at the Annual State Politics and Policy Conference, Pittsburgh, PA, May 18-20, 2023.

2022

- Participant in “Desk Rejections in Political Science Journals.” Roundtable at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 7-10, 2022.

2020

- Participant in “State of the Field: Judicial Politics Research in 2020.” Roundtable at the Annual Meeting of the Southern Political Science Association, San Juan, PR, January 9-11, 2020.
- “Candidate Over Party: Split Ticket Voting in Judicial Elections” (with Damon M. Cann). Paper Presented at the Annual Meeting of the Southern Political Science Association, San Juan, PR, January 9-11, 2020.

2019

- “Candidate Over Party: Split Ticket Voting in Judicial Elections” (with Damon M. Cann). Paper Presented at the Annual Meeting of the American Political Science Association, Washington, DC, August 29-September 1, 2019.
- “How You Like Me Now? Evolving Perceptions in the 2016 Presidential Election” (with Kristin Kanthak). Paper Presented at the Annual Meeting of the Southern Political Science Association, Austin, TX, January 17-19, 2019.

2018

- “The Review Process and the Citation Gap: The Role of an Editor’s Nudge” (with Kristin Kanthak, Amanda Leifson, and Shane Redman.” Paper Presented at the Annual Meeting of the American Political Science Association, Boston, MA, August 30-September 2, 2018.
- Participant on “The Impact of Human Subjects Guidelines and Informed Consent Scripts on Data Access and Research Transparency.” New York City, May 21, 2018.

- Participant on “Teaching Introductory Courses in Political Science: Big Ideas.” Roundtable at the Annual Meeting of the Southern Political Science Association, New Orleans, LA, January 4-6, 2018.
- “Women’s Political Ambition and the 2016 Presidential Election” (with Kristin Kanthak). Paper Presented at the Annual Meeting of the Southern Political Science Association, New Orleans, LA, January 4-6, 2018.

2017

- “Women’s Political Ambition and the 2016 Election” (with Kristin Kanthak). Paper Presented at the Good Reasons to Run Conference, University of Pennsylvania, November 11, 2017.
- “Women’s Political Ambition and the 2016 Election” (with Kristin Kanthak). Paper Presented at the 2017 Conference on New Research on Gender and Political Psychology, Tulane University, October 22-24, 2017.
- “‘Stronger Together’: Political Ambition and Women Running for Office” (with Kristin Kanthak). Paper Presented at the Annual Meeting of the American Political Science Association, San Francisco, CA, August 31-September 3, 2017.
- Participant in “Evolving Practices for Data Management and Sharing: A Data-PASS Workshop.” Harvard University, June 14, 2017.
- “Criminal Sentencing and the Cost of Appeal” (with Sean Craig and Kira Pronin). Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 6-9, 2017.
- “Judicial Selection in a Time of Uncertainty: Irrelevant or More Relevant Than Ever.” Conference on The U.S. Judicial System in a Trump Presidency. Center for American Political Responsiveness. Penn State University. March 17-18, 2017.
- “‘Stronger Together’: Political Ambition and the Presentation of Women Running for Office” (with Kristin Kanthak). Paper Presented at the Annual Meeting of the Southern Political Science Association, New Orleans, LA, January 12-14, 2017. *Winner of the 2017 Pi Sigma Alpha Award for the Best Paper presented at the 2017 Annual Meeting of the Southern Political Science Association.*

2016

- Participant on “Meet the Editors: Publishing in Political Science.” Roundtable at the Annual Meeting of the Southwestern Political Science Association, Las Vegas, NV, March 23-26, 2016.
- “Judicial Selection in the States: A Look Back, A Look Ahead” (with Heather Marie Rice). Paper Presented at the Annual Meeting of the Southern Political Science Association, San Juan, PR, January 7-9, 2016.

2015

- “Evaluating the Effects of Multiple Opinion Rationales on Supreme Court Legitimacy” (with Jarrod Kelly, Kira Pronin, Shane Redman, and Matthew Zarit). Paper Presented at the Annual Meeting of the American Political Science Association, San Francisco, CA, September 3-6, 2015.
- Participant on “Evaluating the Latest Wave of State Judicial Elections Scholarship.” Roundtable at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 16-19, 2015.
- “Evaluating the Effects of Multiple Opinion Rationales on Supreme Court Legitimacy” (with Jarrod Kelly, Kira Pronin, Shane Redman, and Matthew Zarit). Paper Presented at the Annual Meeting of the Southern Political Science Association, New Orleans, LA, January 15-17, 2015.

2014

- Participant on “The Politics of Electing Judges: Bonneau and Cann’s *Voters’ Verdicts*, Gann Hall’s *Attacking Judges*, and Kritzer’s *Justices on the Ballot*.” Roundtable at the Annual Meeting of the American Political Science Association, Washington, DC, August 28-31, 2014.
- “Judicial Elections and the Illusion of Pandering” (with Kira Pronin). Paper Presented at the Annual Meeting of the American Political Science Association, Washington, DC, August 28-31, 2014.
- “Institutions, War Chests, and Candidate Deterrence” (with Damon Cann). Paper Presented at the Fourteenth Annual State Politics and Policy Conference, Bloomington, IN, May 15-17, 2014.
- “Judicial Elections and the Illusion of Pandering” (with Kira Pronin). Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 3-6, 2014.
- Participant in “Justice At Risk: Research Opportunities and Policy Alternatives Regarding Judicial Selection.” Invited Conference Sponsored by the American Judicature Society, American Constitution Society, and Vanderbilt University School of Law. Nashville, TN, March 20-21, 2014.

2013

- “Incumbency, Ballot Cues, and State Supreme Court Elections” (with Damon Cann). Paper Presented at the Annual Meeting of the American Political Science Association, Chicago, IL, August 29-September 1, 2013.
- “Individual-Level Factors and Voter Participation in Judicial Elections” (with Damon Cann). Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago IL, April 11-14, 2013.

- “Getting Things Straight: How Ballot Design Affects Participation in Judicial Elections” (with Eric Loepp). Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago IL, April 11-14, 2013.
- Participant in “An Uncommon Dialogue: What Do We Want In Our Judges and How Do We Get There?” Invited Conference Sponsored by The Federalist Society, The Aspen Institute, and the Institute for the Advancement of Legal Studies, Colorado Springs, CO, March 28-29, 2013.

2012

- Participant on “Roundtable on the 2012 U.S. Elections: Expectations, Forecasts, and Divination.” Roundtable at the Elections, Public Opinion, and Parties Conference, Oxford, UK, September 7-9, 2012.
- “Individual-Level Factors and Voter Participation in Judicial Elections” (with Damon Cann). Paper Presented at the Elections, Public Opinion, and Parties Conference, Oxford, UK, September 7-9, 2012.
- “State Courts in the U.S: Past, Present, and Future” (with Brent D. Boyea). Paper Presented at the XXX International Congress of the Latin American Studies Association, San Francisco, CA, May 23-26, 2012.
- “Party Identification and Vote Choice in Partisan and Nonpartisan Judicial Elections” (with Damon Cann). Paper Presented at the Annual Meeting of the Southern Political Science Association, New Orleans, LA, January 12-14, 2012.

2011

- “Party Identification and Vote Choice in Partisan and Nonpartisan Judicial Elections” (with Damon Cann). Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, March 31-April 3, 2011.
- Participant on “Evaluating How Judges Are Selected in the U.S.: Exploring the Normative Implications of Empirical Research.” Roundtable at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, March 31-April 3, 2011.

2010

- Participant on “Authors Meet Critics: *In Defense of Judicial Elections.*” Roundtable at the Annual Meeting of the American Political Science Association, Washington, DC, September 2-5, 2010.
- “Campaign Contributions in Judicial Elections” (with Brent Boyea, Damon Cann, and Victoria Farrar-Myers). Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 22-25, 2010.

2009

- Participant in “Workshop on the Identification and Integration of Law and Courts Data.” University of South Carolina, Columbia, SC, November 7, 2009.
- “Negativity and Television Advertising in State Supreme Court Elections” (with Melinda Gann Hall). Paper Presented at the Annual Meeting of the American Political Science Association, Toronto, ON, September 3-6, 2009.
- “Contributions to Judicial Campaigns: Assessing Comprehension in an Environment without Partisan Signals” (with Brent Boyea, Damon Cann, and Victoria Farrar-Myers). Paper Presented at the Annual Meeting of the American Political Science Association, Toronto, ON, September 3-6, 2009.
- “Going Negative: Attack Advertising in State Supreme Court Elections” (with Melinda Gann Hall). Paper Presented at the Ninth Annual State Politics and Policy Conference, Chapel Hill, NC, May 22-23, 2009.
- “Contributor Decisions in Judicial Elections: Explaining the Impact of Partisan and Nonpartisan Election Formats” (with Brent Boyea, Damon Cann, and Victoria Farrar-Myers). Paper Presented at the Ninth Annual State Politics and Policy Conference, Chapel Hill, NC, May 22-23, 2009.
- “The Effect of Campaign Contributions on Judicial Decisionmaking” (with Damon Cann). Paper Presented at the Annual Meeting of the Southern Political Science Association, New Orleans, LA, January 8-10, 2009.
- Participant on “Conducting Judicial Research.” Roundtable at the Annual Meeting of the Southern Political Science Association, New Orleans, LA, January 8-10, 2009.

2008

- “Campaign Contributions, Judicial Decisionmaking, and Institutional Context” (with Damon Cann). Paper Presented at the Annual Meeting of the American Political Science Association, Boston, MA, August 28-31, 2008.
- Participant on “The State of Judicial Elections Research.” Roundtable at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 3-6, 2008.
- “Campaign Contributions, Judicial Decisionmaking, and Institutional Context” (with Damon Cann). Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 3-6, 2008.
- “Judging Under Constraint: Institutions and State Supreme Court Decisionmaking” (with Kevin T. Arceneaux and Paul Brace). Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 3-6, 2008.

2007

- “On Consensus in State Supreme Courts” (with Kevin T. Arceneaux and Paul Brace). Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 12-15, 2007.
- “Does Money Buy Voters? Campaign Spending and Citizen Participation in State Supreme Court Elections” (with Melinda Gann Hall). Paper Presented at the Seventh Annual State Politics and Policy Conference, Austin, TX, February 23-24, 2007.
- Participant on “Authors Meet Critics: *Strategic Behavior and Policy Choice on the U.S. Supreme Court* and *The Politics of Precedent on the U.S. Supreme Court.*” Roundtable at the Annual Meeting of the Southern Political Science Association, New Orleans, LA, January 4-6, 2007.
- “Race and the Politics of Criminal Cases on State Supreme Courts” (with Heather Marie Rice). Paper Presented at the Annual Meeting of the Southern Political Science Association, New Orleans, LA, January 4-6, 2007.

2006

- “Judicial Independence and Minority Interests” (with Daniel Berkowitz and Karen Clay). Paper Presented at the Conference on Empirical Studies of Courts and Judges, Harvard Law School, November 10, 2006.
- “Educating the Public: The Effects of Judicial Independence on Minority Interests” (with Daniel Berkowitz and Karen Clay). Paper Presented at the Annual Meeting of the International Society for New Institutional Economics, Boulder, CO, September 21-24, 2006.
- “Judicial Independence, Elections, and Minority Interests” (with Daniel Berkowitz and Karen Clay). Paper Presented at the Annual Meeting of the American Law and Economics Association, Berkeley, CA, May 5-6, 2006.
- “Mobilizing Interest: The Effects of Money on Ballot Rolloff in State Supreme Court Elections” (with Melinda Gann Hall). Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 20-23, 2006.

2005

- “On the Nature of Ballot Rolloff in Contemporary State Supreme Court Elections” (with Melinda Gann Hall). Paper Presented at the Annual Meeting of the American Political Science Association, Washington, DC, September 1-4, 2005.
- “Do We Really Know It Because We See It? Reconceptualizing Strategic Behavior on the United States Supreme Court” (with Thomas H. Hammond). Paper Presented at the Annual Meeting of the American Political Science Association, Washington, DC, September 1-4, 2005.
- “Voter Participation in State Supreme Court Elections: Can the Electorate Judge Quality?” (with Melinda Gann Hall). Paper Presented at the Fifth Annual State Politics and Policy Conference, East Lansing, MI, May 13-14, 2005.

- “Conceptualizing ‘Sincere’ and ‘Strategic’ Behavior on the U.S. Supreme Court: How Can We Empirically Tell the Difference?” (with Thomas H. Hammond). Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 7-10, 2005.

2004

- “Vacancies on the Bench: Open Seat Elections for State Supreme Courts.” Paper Presented at the Annual Meeting of the American Political Science Association, Chicago, IL, September 2-5, 2004.
- “Selecting the Majority Opinion on the Supreme Court” (with Forrest Maltzman, Paul J. Wahlbeck, Thomas H. Hammond, and Saul Brenner). Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 15-18, 2004.
- “Dollars and Sense: Campaign Contributions and State Supreme Court Elections.” Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 15-18, 2004.

2003

- “Challengers, Margins, and State Supreme Court Elections” (with Melinda Gann Hall). Paper Presented at the Annual Meeting of the American Political Science Association, Philadelphia, PA, August 28-31, 2003.
- Participant on “Teaching Methods to Undergraduates.” Roundtable at the Annual Meeting of the Southwestern Political Science Association, San Antonio, TX, April 16-19, 2003.
- “Understanding the Dynamics of Campaign Spending in State Supreme Court Elections.” Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 3-6, 2003.
- “Predicting Campaign Spending in State Supreme Court Elections.” Paper Presented at the Third Annual State Politics and Policy Conference, Tucson, AZ, March 14-15, 2003.

2002

- “Money, Judges, and Votes: The Effects of Campaign Spending in State Supreme Court Elections.” Paper Presented at the Annual Meeting of the American Political Science Association, Boston, MA, August 29-September 1, 2002.
- “Campaign Spending in State Supreme Court Elections.” Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 25-28, 2002.
- Participant on “State of the Discipline: State Courts.” Roundtable at the Annual Meeting of the Southwestern Political Science Association, New Orleans, LA, March 27-30, 2002.

2001

- “A Court of Appeals in a Rational-Choice Model of Supreme Court Decision-Making” (with Thomas H. Hammond and Reginald S. Sheehan). Paper Presented at the Conference on Institutional Games and the U.S. Supreme Court, College Station, TX, November 2-3, 2001.
- “Money and Votes in State Supreme Court Elections.” Paper Presented at the Annual Meeting of the American Political Science Association, San Francisco, CA, August 30-September 2, 2001.
- “Incumbents, Challengers, and the Politics of Judicial Elections” (with Melinda Gann Hall). Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 19-22, 2001.
- “Procedural Justice, Fairness, and Local Courts in the United States.” Paper Presented at the Interim Meeting of the Research Committee on Comparative Judicial Studies, International Political Science Association, Cape Town, South Africa, January 7-9, 2001.

2000

- “Fairness, Institutional Legitimacy, and the Courts.” Paper Presented at the Annual Meeting of the American Political Science Association, Washington, DC, August 31-September 3, 2000.
- “Challengers in State Supreme Court Elections” (with Melinda Gann Hall). Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 27-30, 2000.

1999

- “Toward a Rational Choice Spatial Model of Supreme Court Decision-Making: Making Sense of Certiorari, the Original Vote on the Merits, Opinion Assignment, Coalition Formation and Maintenance, and the Final Vote on the Choice of Legal Doctrine” (with Thomas H. Hammond and Reginald S. Sheehan). Paper Presented at the Annual Meeting of the American Political Science Association, Atlanta, GA, September 2-5, 1999.
- “Perspectives on the Feminist Critique of the Judiciary: A Q-Methodological Approach” (with Ralph E. Baker). Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 15-17, 1999.
- “Public Perceptions of the Judiciary: Legitimacy and the Feminist Critique” (with Ralph E. Baker). Paper Presented at the Annual Meeting of the Western Political Science Association, Seattle, WA, March 25-27, 1999.

1998

- “Justice Ruth Bader Ginsburg and the ‘Feminine Voice’” (with Ralph E. Baker). Paper Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 23-25, 1998.

Invited Talks

- Buckeye Justice Forum. “Judicial Elections in Ohio.” October 19, 2022.
- Ohio Association for Justice’s Advocates Circle. “Partisan Judicial Elections: Lessons for Ohio.” August 31, 2022.
- PaperClip Communications. “Strategies on Governing in Uncertain Times.” April 25, 2022.
- Allegheny College, Law and Policy Program. “Nonpartisan(?) Judicial Elections.” September 17, 2021.
- Pennsylvania Leadership Conference October Briefing. “Judicial Selection.” October 19, 2019.
- Federalist Society Texas Statewide Conference. “Proposed Reforms to Texas Judicial Selection.” September 14, 2019.
- University of South Alabama. Department of Political Science. “Nonpartisan (?) Judicial Elections.” March 13, 2019.
- University of Oklahoma. Department of Political Science. “Nonpartisan (?) Judicial Elections.” February 11, 2019.
- Federalist Society Counsels Summit. “Judicial Elections.” August 17, 2018.
- Federalist Society Justices Summit. “Judicial Elections.” August 16, 2018.
- American Legislative Exchange Council. “State Judicial Selection.” August 10, 2018.
- Institute for Humane Studies Policy Research Seminar. “Reforming Our Institutions: Judicial Reform.” July 21, 2018.
- John Locke Foundation. “Selecting Judges in North Carolina: Time For a Change?” May 7, 2018.
- St. Louis University Chapter of the Federalist Society. “The Case for Partisan Judicial Elections.” March 29, 2018.
- Triangle Lawyers Chapter of the Federalist Society. “Judicial Selection.” February 15, 2018.
- Federalist Society Pennsylvania Statewide Conference. “What Is the Right Method for Choosing Judges?” October 19, 2017.
- Florida Bar Convention. “The Constitution Revision Commission and Florida’s Judiciary.” June 22, 2017.
- Clemson University. Department of Political Science. “‘Stronger Together’: Political Ambition and the Presentation of Women Running for Office.” November 11, 2016.

- U.S. Government and Politics Advanced Placement Reading Professional Night. “The Supreme Court and the 2016 Presidential Election.” June 5, 2016.
- Princeton University. Department of Politics Public Law Colloquium. “Institutions, War Chests, and Candidate Deterrence.” November 12, 2015.
- Slippery Rock University. Department of Political Science. “Electing Judges: Partisan Influences in Judicial Elections.” October 26, 2015.
- Little Rock Lawyers Chapter of the Federalist Society. “Discussion on Judicial Selection.” June 23, 2015.
- Valparaiso University. Department of Political Science. “Electing Judges: Partisan Influences in Judicial Elections.” May 1, 2015.
- Grove City College. Department of Political Science. “Electing Judges: Partisan Influences in Judicial Elections.” April 9, 2015.
- Temple University. Department of Political Science. “War Chests as Entry Deterrence with Strategic Delay.” March 27, 2015.
- Tulsa Lawyers Chapter of the Federalist Society. “Oklahoma Supreme Court Judicial Selection Reform: Elections vs. Appointment vs. Nominating Committee.” November 21, 2013.
- The Ohio State University. Department of Political Science. “Getting Things Straight: The Effects of Ballot Design and Electoral Structure on Voter Participation.” October 16, 2013.
- Utah State University. Department of Political Science. “Negativity and Television Advertising in State Supreme Court Elections.” March 5, 2013.
- University of Texas-Arlington. Department of History. “What We Know (and Don’t Know) About Judicial Elections.” February 22, 2013.
- University of North Carolina. Department of Political Science. “Party Identification and Vote Choice in Partisan and Nonpartisan Judicial Elections.” January 11, 2013.
- Federalist Society National Lawyers Convention, State Courts Leadership Luncheon. “State Judicial Elections.” November 15, 2012.
- Tallahassee Lawyers Chapter of the Federalist Society. “Judicial Merit Retention in Florida.” October 15, 2012.
- University of California, Davis. Department of Political Science. “Party Identification and Vote Choice in Partisan and Nonpartisan Judicial Elections.” May 22, 2012.
- Indiana University. Maurer School of Law. University Center of Law, Society, and Culture Symposium on Judicial Selection. April 21, 2011.

- State Bar of Minnesota Appellate Practice Institute, Minneapolis, MN. “Law, Politics, and the Election of Judges.” March 4, 2011.
- Rutgers University. Department of Political Science. “Negativity and Television Advertising in State Supreme Court Elections.” February 25, 2011.
- Boise State University. Canadian Studies Program. “Why We Should Elect Judges.” February 15, 2011.
- University of Nevada, Las Vegas. Boyd School of Law, American Constitution Society. “Destroying the Myths of Judicial Reformers.” October 21, 2010.
- University of Nevada, Las Vegas. College of Liberal Arts, University Forum Lecture Series. “Judicial Selection in Nevada: The Consequences of Change.” October 20, 2010.
- University of Nevada, Las Vegas. Boyd School of Law. “Why We Should Elect Judges.” October, 20, 2010.
- Grove City College. “Why We Should Elect Judges.” February 19, 2009.
- Louisiana State University. Department of Political Science. “Mobilizing Interest: The Effects of Money on Citizen Participation in State Supreme Court Elections.” October 29, 2007.
- University of South Carolina. Department of Political Science. “Mobilizing Interest: The Effects of Money on Citizen Participation in State Supreme Court Elections.” October 22, 2007.
- Penn State University–Fayette. “Trends and Issues in Electing Judges.” December 1, 2005.
- Georgia State University. Department of Political Science. “Mobilizing Interest: Money, Quality, and Ballot Rolloff in State Supreme Court Elections.” October 27, 2005.
- University of Georgia. Department of Political Science. “Mobilizing Interest: Money, Quality, and Ballot Rolloff in State Supreme Court Elections.” October 24, 2005.
- West Virginia University. Department of Political Science. “Electoral Verdicts: Incumbent Defeats in State Supreme Court Elections.” April 30, 2004.

Expert Witness

For Plaintiffs

- *Greg Lopez, Rodney Pelton, and Steven House v. Jena Griswold, Colorado Secretary of State, and Judd Choate, Director of Elections.* Civil Case No: 1:22:CV-00247-PAB). 2023.

For Defendants

- *Dyamone White, et al. v. State Board of Elections Commissioners, et al.* Civil Case No: 4:22-CV-62-MPM-JMV. 2023.

- *Alabama State Conference of the NAACP, et al. v. State of Alabama, et al.* Civil Case No: 2:16:CV-731-WKW). 2020.

Courses Taught

Undergraduate

- American Political Process
- Research Methods in Political Science
- Constitutional Law: Governmental Powers
- Constitutional Law: Civil Rights and Civil Liberties
- Judicial Process
- Seminar in American Politics: The Supreme Court
- Seminar in American Politics: Judicial Selection
- Seminar in American Politics: Politics, Science, and Sports
- Inside-Out: Race and the Criminal Justice System
- Inside-Out: Mass Incarceration
- Inside-Out: The Supreme Court
- Sports and American Politics
- American Politics Through Film

Graduate

- Empirical Methods of Research (Research Design)
- Advanced Research Methods (Maximum Likelihood)
- Judicial Politics
- Dissertation Overview Seminar

Professional, University, and Department Service

Profession

- Co-Host, State Politics and Policy Conference, May 2023.
- Co-Editor, *State Politics and Policy Quarterly*, June 2014-May 2020.

- Panelist, Doctoral Dissertation Improvement Grant Panel, Political Science Program, National Science Foundation, 2015-2017.
- Panelist, Law and Social Science Program, National Science Foundation, 2009-2011.
- Review Editor, *Justice System Journal*, 2010-2013.
- Editorial Board Member, *American Politics Research*, 2016-present.
- Editorial Board Member, *Social Science Quarterly*, 2012-present.
- Editorial Board Member, *State Politics and Policy Quarterly*, 2008-2011, 2020-2022.
- Editorial Board Member, *Justice System Journal*, 2006-2010, 2014-2015.
- Editorial Board Member, Routledge Law and Courts Series, 2012-present.
- Treasurer, Law and Courts Section of the American Political Science Association, 2012-2014.
- Member, Executive Committee, State Politics Section of the American Political Science Association, 2011-2013.
- Section Chair, Judicial Politics Section, 2024 Annual Meeting of the Southern Political Science Association.
- Section Chair, Judicial Politics Section, 2012 Annual Meeting of the Southern Political Science Association.
- Section Chair, State Politics Section, 2008 Annual Meeting of the American Political Science Association.
- Section Chair, Positive Political Theory Section, 2008 Annual Meeting of the Southern Political Science Association.
- Section Chair, Political Methodology Section, 2003 Annual Meeting of the Southwestern Political Science Association.
- Chair, 2021 E. E. Schattschneider Award Committee, American Political Science Association.
- Chair, 2020 C. Neal Tate Award Committee, Southern Political Science Association.
- Member, Committee to Select New Publisher for *State Politics and Policy Quarterly*, 2019.
- Member, Committee to Select New Editor for the *Journal of Law and Courts*, 2020.
- Member, 2018 Nominations Committee, Law and Courts Section of the American Political Science Association.
- Member, 2016 C. Neal Tate Award Committee, Southern Political Science Association.

- Member, 2016 Lasting Contribution Award Committee, Law and Courts Section of the American Political Science Association.
- Member, 2015 Service Award Committee, Law and Courts Section of the American Political Science Association.
- Chair, 2011 Nominations Committee, Law and Courts Section of the American Political Science Association.
- Member, 2009 Nominations Committee, Law and Courts Section of the American Political Science Association.
- Member, 2005 Teaching and Mentoring Award Committee, Law and Courts Section of the American Political Science Association.
- Member, 2004 Pi Sigma Alpha Award Committee, Southwestern Political Science Association.
- Reviewer for *American Journal of Political Science*; *American Political Science Review*; *American Politics Research*; Atomic Dog Publishing; CQ Press; *Election Law Journal*; *Electoral Studies*; *Journal of Comparative Economics*; *Journal of Empirical Legal Studies*; *Journal of Law and Courts*; *Journal of Law, Economics, and Organization*; *Journal of Legal Studies*; *Journal of Policy Analysis and Management*; *Journal of Politics*; *Journal of Theoretical Politics*; *Judicature*; *Justice System Journal*; *Law and Society Review*; Longman Publishing; McGraw-Hill Publishers; National Science Foundation; NYU Press; Oxford University Press; *Party Politics*; *Pearson Publishing*; *Political Analysis*; *Political Behavior*; *Political Science Research and Methods*; *Political Research Quarterly*; *Politics, Groups, and Identities*; *Public Administration Review*; Routledge; Roxbury Publishing; *Social Science Quarterly*; Stanford University Press; *State and Local Government Review*; *State Politics and Policy Quarterly*; Temple University Press; Time-Sharing Experiments for the Social Sciences (TESS); University of Chicago Press; University of Michigan Press; University of Virginia Press.
- Member, Executive Committee of the Indiana Political Science Association, 1999-2000.
- Reader, AP Government and Politics Exam, 2004-2006, 2008-2010.
- Table Leader, AP Government and Politics Exam, 2011-2012, 2014-2016.
- Question Leader, AP Government and Politics Exam, 2017-2018, 2023.
- Exam Leader, AP Government and Politics Exam, 2019-2021, 2023.
- Annual Meeting of the American Political Science Association: Discussant 2004, 2006, 2009, 2010, 2011, 2013, 2014, 2017; Chair 2005, 2010, 2011, 2016, 2017.
- Annual Meeting of the Midwest Political Science Association: Discussant 2003, 2004, 2005, 2006, 2007, 2010, 2011, 2013; Chair 2005, 2010, 2011, 2013.

- Annual Meeting of the Southern Political Science Association: Discussant 2003, 2004, 2005, 2006, 2008, 2009, 2012, 2016, 2017; Chair 2006, 2008, 2009, 2012.
- Annual Meeting of the Southwestern Political Science Association: Discussant 2003; Chair 2003.
- Annual State Politics and Policy Conference: Discussant 2015, 2016; Chair 2014, 2015, 2016.
- Conference on Empirical Studies of Courts and Judges: Discussant 2006.

University

- President, University Senate: 2018-2021.
- Immediate Past President, University Senate: 2021-present.
- Member, Board of Trustees Athletics Committee: 2022-2023.
- Member, Board of Trustees Budget Committee: 2018-2022, 2023-present.
- Member, Provost's Advisory Committee on Instructional Excellence, 2022-present.
- Member, Planning Committee for Pitt Diversity Forum 2020: Advancing Social Justice: A Call to Action.
- Member, Search Committee for Vice Provost for Faculty Affairs: 2020.
- Member, Search Committee for Vice Provost for Faculty Development and Diversity: 2020.
- Member, Search Committee for Vice Provost for Graduate Studies: 2020.
- Member, Executive Committee of Task Force for Reimagining Pitt Education: 2020.
- Member, Plan for Pitt 2025 Steering Committee: 2020-2021.
- Member, Arts and Sciences Tenure Council: 2015-2017, 2022-2023.
- Alternate member, Arts and Sciences Tenure Council: 2012-2013, 2021-2022.
- Co-Chair, Faculty Affairs Committee: 2017-2018.
- Member, Senate Tenure and Academic Freedom Committee: 2011-2018
- Member, Faculty Senate: 2011-2013, 2017-2018.
- Member, Faculty Assembly: 2010-2013, 2016-2018.
- Member, Dietrich School of Arts and Sciences Graduate Council: 2010-2012, 2020-2022, 2023-present.
- Member, Mellon Fellowship Selection Committee: 2008.

- Member, College of Social Science Screening Committee, Michigan State University: 2001.

Department

- Member, Chair's Advisory, Planning, and Budgeting Committee: 2009-2011, 2020-2023.
- Member, Formal Theory Search Committee: 2006-2007.
- Member, American Politics Search Committee: 2005-2006, 2012-2013, 2017-2018 (Chair).
- Member, Political Behavior Search Committee: 2016-2017.
- Member, Computational Social Science Search Committee: 2019-2020.
- Chair, Structural Racism Search Committee: 2021-2022, 2022-2023.
- Member, Graduate Awards Committee: 2002-2007, 2011-2013; Chair 2022-2023.
- Member, Graduate Admissions Committee: 2005-2011 (Chair, 2007-2011), 2013-2014, 2016-2017, 2021-2022.
- Member, Graduate Education Committee: 2011-2014, 2016-2017, 2018-2021; Chair 2022-2023.
- Member, Undergraduate Education Committee: 2015-2018.
- Coordinator, Political Methodology Speaker Series: 2004-2008.
- American Politics Exam/Paper Committee (19): Zachary Auter, Ian Cook, Sean Craig, Derek Culp, Brent Dupay, Amanda Leifson, Eric Loepp, Nicole Loncaric, Morgan Marietta, Stephanie McLean, Brandon Myers, Traci Nelson, Heather Rice, Nathaniel Ropski, Tara Stricko, Matt Tarpey, James Tinnick, Eric Wagner, Matthew Weinstein, Michelle Wier.
- Methodology Exam Committee (17): Zachary Auter, Andrea Castagnola, Katharine Floros, Hakan Gunaydin, Jennifer Laks Hutnick, Leslie Marshall, Shawna Metzger, Marilia Mochel, Juan Negri, Lauren Perez, Dana Puia, Juan Carlos Rodriguez-Raga, Daniel Tirone, Sofia Vera, Yu Xiao, Qing Yang, Juan Antonio Rodriguez-Zepeda.
- Comparative Politics Exam/Paper Committee (3): Agustin Grijalva, Dan London, Dana Puia.
- Dissertation Committees Chaired (4):
 - Maria Andrea Castagnola (University of Pittsburgh; Visiting Professor, University of Torcuato Di Tella, Argentina)
 - Shane Redman (University of Pittsburgh; Executive Director of Analytics and Institutional Research, Washtenaw Community College)
 - Tara Stricko (University of Pittsburgh; Associate Professor of Political Science, Kennesaw State University)

- Lawrence (LJ) Zigerell (University of Pittsburgh; Associate Professor of Political Science, Illinois State University)
- Dissertation Committees Served (10):
 - Matthias Avina (University of Pittsburgh; postdoctoral researcher, University of Copenhagen)
 - Oliver Bateman (University of Pittsburgh; writer)
 - Todd Curry (Western Michigan University; Associate Professor of Political Science, University of Texas–El Paso)
 - Agustin Grijalva (University of Pittsburgh; Professor of Law, Universidad Andina, Ecuador)
 - Jonathan Hack (George Washington University; Director of Content and Strategy, Justice, Health, and Democracy Impact Initiative, Harvard University)
 - Jenna Becker Kane (Temple University; Associate Professor of Political Science, West Chester University)
 - Brandon Lenoir (University of Pittsburgh; Assistant Professor, College of Strategic Communication, High Point University)
 - Stephanie McLean (University of Pittsburgh; Senior Research Analyst, Royal Canadian Mounted Police)
 - Juan Carlos Rodriguez-Raga (University of Pittsburgh; Associate Professor of Political Science, Universidad de los Andes, Colombia)
 - Matt Tarpey (University of Pittsburgh; Assistant Professor, Pittsburg State University)

References

Available Upon Request

Milligan v. Allen

Caster v. Allen

Singleton v. Allen

N.D. Alabama

Expert Report of Adam M. Carrington, Ph.D.

June 27, 2024

Qualifications

I am an Associate Professor of Politics at Hillsdale College where I have taught since 2014. I received my M.A. and Ph.D. from Baylor University in that same year. At Hillsdale, I hold the William and Patricia LaMothe Chair in the U.S. Constitution. I also hold an appointment and teach regularly in the Van Andel Graduate School of Statesmanship at Hillsdale. My scholarship has focused on American political institutions in their historical context, including the judiciary, the presidency, and political parties. I have published work concerning these topics focused on the American South as well. Along these lines, I have had scholarly articles published on Southern judicial history in *Southern Legal History* and *Journal of American Legal History*.¹ These pieces focused on the Reconstruction Era. I also have an article on Congressional attempts to curb the Supreme Court through proposing Constitutional amendments, which links those efforts to changing political party dynamics in the latter half of the 20th century.² Moreover, I have taught courses on political parties, the presidency, the U.S. Constitution, and Constitutional law throughout my time at Hillsdale College.

For my work on this report, I was compensated at the rate of \$300 an hour. I was not directed to come to any particular result but to submit my findings based on my own research and conclusions.

Findings and Conclusions

In this report, I analyze the historical development of party affiliations among Alabama voters from comprising the core of the Democratic “Solid South” to becoming a dependably Republican-voting state. I give special focus to the shifting patterns of Southern white voters from reliably Democrat to dependably Republican. This development will reach back to the 1920s, though particular attention will be given to the region’s and state’s histories since the 1950s.

As I will recount, many explain the historical partisan shift with a decided if not entire focus on race: The end of legal segregation and the gains made by the Civil Rights movement in the 1960s caused racially-focused Democrats to abandon the party of Jefferson Davis. They then moved to the Republican camp because the GOP, no longer the party of Lincoln, had adopted the race-conscious, even white-supremacist views once the commitment of the Democratic Party. In short: the two parties switched and Southern whites, unchanged in their views, switched parties in response.

¹ Adam M. Carrington, “Running the Robed Gauntlet: Southern State Courts’ Interpretation of the Emancipation Proclamation” *Journal of American Legal History* 57(4)(December 2017): 556-584; Adam M. Carrington, “Equality, Prejudice, and the Rule of Law: Alabama Supreme Court Justice Thomas M. Peters’ Protection of African-American Rights During Reconstruction” *Journal of Southern Legal History* 25(2017): 205-234.

² See Curt Nichols, David Bridge, and Adam M. Carrington, “Court Curbing via Attempt to Amend the Constitution” *Justice Systems Journal* 35(4)(2014): 331-343.

So the story goes. But I will discuss how this focus fails to tell the full tale. A singular or even dominant focus on race is insufficient in explaining the development of the current partisan landscape in the broader American South generally and in Alabama specifically. This report will seek to give a fuller picture of the development of political parties in the 20th century and into the 21st century that describes other, crucial factors that contributed to the partisan shift in the South from Democrat to Republican.

First, I will set up the concept of American political parties, examining how the history and scholarship regarding them points toward parties as voter coalitions with significant fluidity. Voters in most cases are not defined by one issue or identity in their electoral choices. Second, I apply this theory to Southern partisan voting patterns since the 1920s, with special attention paid to the post-1950 history. In that examination, I do note how pervasive the issue of race was during the post-Civil War and early 20th century periods. However, as other scholars argue, too, I will describe how the post-Civil Rights era marked the South's transition toward acting more in line with the scholarly theories of parties and thus closer to the rest of the country. Historically, this story moves from the New Deal Democratic Coalition to the rise of the New Left within the Democratic Party and the rise of Modern Conservatism within the Republican Party. Those developments in the parties in the 1950s and 1960s inaugurated a slow but definite partisan shift. On a host of non-racial issues—economic, foreign policy, and social—Democrats moved away from the preferences of a majority of Southern voters, making the Republican Party, especially its Modern Conservative element, more attractive. Moreover, the South itself evolved in ways that aligned it more naturally with the GOP, especially on economic policy.

This analysis is relevant to the totality of circumstances test required by §2 of the Voting Rights Act of 1965. Specifically, it appears to touch on the issue of redistricting in relation to at least three of the factors put forth by the Senate Judiciary Committee in its 1982 amendment of §2. The first Senate factor considers the “extent of any history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process.” While not focused on particular laws, executive orders, or like public policy actions (though some will receive direct attention), this report will discuss the matters that precede and often underly government action. Government actions result from those holding office who obtain those offices either directly or indirectly by elections. Election results stem from the actions of voters taken in relation to their political views. These views closely relate to the political parties and other coalitions with which they align. Understanding the significant roles played by issues other than race in Southern and Alabama party affiliations can help to understand whether racial discrimination features in Alabama's political processes.

This report also comments on redistricting in relation to the second factor, which concerns the “extent to which voting in the elections of the state or political subdivision is racially polarized.” By this factor, I understand polarization to involve more than simply the question of whether whites and blacks generally vote for different political parties and candidates. That African-American and white voters tend to vote more for Democrats or Republicans nationally, regionally, and in Alabama particularly is largely true. However, just because racial polarization might technically or statistically exist does not mean that it *substantively* exists. Statistical racial polarization in itself reveals nothing about the motivations underlying voter behavior. I understand substantive racial polarization to mean that race, rather than other factors like political partisanship, predominantly explain voting patterns. My report will give evidence that partisanship fueled by political issues not directly tied to nor driven by racial

views better explains the statistical racial polarization seen in Alabama. In other words, the evidence suggests that party politics, not race, explains why Alabama voters vote the way they do.

Finally, this report bears on the sixth factor, which confronts the question of whether or not, “political campaigns have been characterized by overt or subtle racial appeals.”³ While some attention will be paid to particular comments made by public persons, this report will focus on the deeper and broader coalitional developments among Southern voters that have helped shift the South, including Alabama, from reliably Democratic in voting patterns to generally Republican. These developments will examine a combination of policies, platforms, and public perceptions related to the two major political parties. Here, the report will contend, again, that the appeals that have effectively shifted partisan leanings in the South include appeals to economic, foreign policy, and social issues not focused on race.

Ultimately, the broader story of the partisan shift in the South, including Alabama, speaks to race as not the exclusive or even dominant factor in enduring voting changes. Instead, the success of the Civil Rights Movement helped in the ability for other political matters to come to prominence. Those other matters then took on a significant role in the partisan changes among Southern voters, including voters in Alabama.

Methodology

I have taken an approach that is both theoretical and historical. I begin with theory, discussing the concept of political parties in the scholarly literature. I then turn to history, using the theory as a lens through which to see the historical development of parties with a special comparative focus on the South. My focus will predominately be on Southern white voters, whose shift in voting tendencies formed the main statistical reason for the change in expected partisan election results. My analysis also will tend to focus on the South generally and the Deep South in particular, though specific instances and data related to Alabama will be noted. In this approach, I agree with the general scholarly view that Alabama is not an outlier within the Deep South in significant ways on the issues this report addresses.⁴

To construct this analysis, I draw heavily on historical scholarship and also draw on primary documents such as speeches at national conventions, party platforms, national legislation, presidential executive orders, and state ballot initiatives. Given the party and coalitional lens, prominence will be given to party-related documents.

The Nature of American Political Parties

In 1942, E.E. Schattschneider wrote that “democracy is unthinkable save in terms of [political] parties.”⁵ Historically, political parties have formed the basic structure by which Americans organize themselves around principle and policy commitments. In this light, they structure their choices for public offices — national, state, and local. Political parties also aid in the functioning of government, providing

³ United States Senate, 97th Congress, 2nd Session, Report No. 97-417, 28-29.

⁴ Placing Alabama as a generally typical state within the Deep South is longstanding. See Donald R. Matthews and James W. Prothro, *Negroes and the New Southern Politics* (New York: Harcourt, Brace, and World, Inc., 1966); Seth C. McKee and Melanie J. Springer, “A Tale of ‘Two Souths’” *Social Science Quarterly* 96(2)(June 2015): 588-607.

⁵ E. E. Schattschneider, *Party Government: American Government in Action* (New York: Routledge, 2003[1942]), 1.

an institution and an identity that facilitates cooperation between Constitutional offices such as the House and the Senate, Congress and the President, as well as state and national governments.⁶

John Aldrich, in his 1995 work, *Why Parties?*, points up that, “[a]ll democracies that are Madisonian, extended republics, which is to say all democratic nations, have political parties.”⁷ By speaking of James Madison and an extended republic, Aldrich grounds the study of American political parties in that Framers’ possibly most famous written work, *Federalist 10*.

In 1787-1788, the Anti-Federalists who opposed ratification of the then-proposed Constitution argued that America already was too large to operate as a functioning republic. Taking a cue from the French philosopher Montesquieu, these Anti-Federalists argued that republics must be small in size. When they grew too large, they morphed into empire and went from a government of, by, and for the people into a despotism either of one person or of a few elites. *Brutus*, one of the leading Anti-Federalists, made this argument in his first paper critiquing the proposed constitution. He wrote “that a free republic cannot succeed over a country of such immense extent, containing such a high number of inhabitants...as that of the whole United States.”⁸ He recounted how the republics of ancient Greece and Rome, having “extended their conquests over large territories of country” that “the consequence was, that their governments were changed from that of free governments to those of the most tyrannical that ever existed in the world.”⁹

In *Federalist 10*, James Madison responded to this and like critiques as part of a broader argument to ratify the Constitution. He did so first by bringing up a different problem that plagued popular governments. This problem was so dangerous it proved to have “been the mortal diseases under which popular governments everywhere have perished.”¹⁰ This hideous monster he called faction. It consisted of either “a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.”¹¹ These factions were driven not by cool, thoughtful reflection on the common good but by impulsive, emotional prejudices to oppress others or to do some other kind of public harm. Factions caused instability and injustice to seize the political process, often sending the republic in a tumultuous pendulum swinging between anarchy and tyranny, ending in the regime’s demise.

By his own account, Madison’s most important solution for the problem of faction was an extended or large republic—the very set-up the Anti-Federalists feared. However, Madison argued that an extended or large republic would contain significant advantages over a small one in addressing faction’s pernicious effects. Small republics tended to have a very homogenous population with super-majorities sharing a wide swath of characteristics, principles, and policy positions. This homogeneity allowed for majority factions to organize and to act on their disordered, oppressive injustice with relative ease.

⁶ See Harry V. Jaffa, *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War* (Lanham, MD: Rowman & Littlefield, 2000), 434.

⁷ John H. Aldrich, *Why Parties?: The Origin and Transformation of Political Parties in America* (Chicago: University of Chicago Press, 1995), 3.

⁸ *Brutus*, “No. 1,” *The Anti-Federalist*, edited by Hebert J. Storing, Selected by Murray Dry from *The Complete Anti-Federalist* (Chicago: University of Chicago Press, 1985[1981]), 113.

⁹ *Ibid.*

¹⁰ *Ibid.*, 42.

¹¹ *Publius* (Alexander Hamilton, James Madison, John Jay), *The Federalist, Gideon Edition* (Indianapolis: Liberty Fund, 2001), 43.

A large republic countered this problem. It did so by subverting factions' ability to organize and to act as majorities. The logic was fairly common-sense. A large republic meant more people involved in politics across a wider expanse of territory. Usually, that enlarging of the population introduced much greater diversity within the people regarding their characteristics, their principles, and their preferences. Doing so undermined the ability of homogenous majorities to realize their existence and organize politically around it. Even more important, though, this diversity then restricted if not eliminated the existence of broad and deep majorities in the first place.

This heterogeneous population held two important ramifications for this report's purposes. First, majorities usually needed to be created by means of forming coalitions. In other words, persons not exactly alike must agree to work together to reach the needed vote threshold to win elections. On religion, for example, no one sect tended to garner over 50% of the vote. Thus, Baptists might need to make common cause with Lutherans or Presbyterians or Roman Catholics or other faiths (or no faith) to achieve the majority needed to enact principles and policies. Doing so tended to keep the majorities from agreeing to the plans of oppressive factions. Instead, they had to find common ground more on basic human rights and the common good of the general public.

Second, the coalitional nature of majorities made those majorities much more fragile and fluid than they would be in a small republic with a largely homogeneous population. Persons or groups did not tend to have only one issue that drove them. Various matters could ignite their interest and influence their vote at the same or at different times. Thus, these persons or groups may unite on one issue or set of issues but not on others. Views on taxes or foreign policy might be the main point holding the coalition together, for instance. But if other issues became primary, ones on which the coalition did not agree, they could split the coalition and make way for new majorities formed by other primary points of agreement.

As Aldrich implied, much of the modern political science literature on American political parties traces its theory, whether consciously or not, back to Madison's observations in *Federalist 10*. For political parties are seeking majorities in the House, Senate, state legislatures, governorships, and in the Electoral College that selects the president. Given our extended (and ever more extending) republic, competitive American political parties must be coalitional. They cannot rely on one region, one subgroup, or one issue to win and maintain majorities. Thus, parties act like coalitions as described above. They form around basic like characteristics and on agreement regarding a set of issues. In fact, recent party literature has focused on the claim that, "groups of organized policy demanders are the basic units of our theory of parties."¹² Therefore, parties consist of "coalitions of interest groups and activists seeking to capture and use government for their particular goals."¹³ The party usually tries to focus its stances on issues that accentuate its unity. However, new issues arise and secondary matters become primary. Parties, then, whether as a whole or in regard to particular members, may be forced to take other stances that threatens to undermine its unity.¹⁴ The 19th century Whig Party, for example, formed around common views about internal improvements and tariffs (known as the "American System"), legislative supremacy within the elected branches of government, and opposition to President

¹² Kathleen Bawn, Martin Cohen, David Karol, Seth Masket, Hans Noel, and Johnny Zaller, "A Theory of Political Parties: Groups, Policy Demands and Nominations in American Politics" *Perspectives on Politics* 10(3)(August 2012): 575.

¹³ *Ibid.*, 571.

¹⁴ Gary Miller and Norman Schofield, "The Transformation of the Republican and Democratic Party Coalitions in the U.S." *Perspectives on Politics* 6(3)(2008): 433.

Andrew Jackson. Yet in the 1850s, the party was ripped into pieces and ceased to exist when slavery, an issue it tried to relegate to secondary status, rose to a place where it no longer could be avoided.¹⁵

This background brings us to the focus of this report. In discussing voting patterns and coalitional arrangements in the South, including Alabama, race has been exalted as the dominant factor influencing voters up to the present.¹⁶ And race did play an out-sized part through a significant portion of Southern political history. In fact, this matter showed the explanatory limits of the extended republic as Madison described it in *Federalist 10*. Sometimes, though rarely, one issue or identity could overwhelm the others. In this instance, race and its institutionalization in slavery or, later, in segregation, overwhelmed other factors that might have undermined this majority faction and created fluid coalitions. Economic class, for instance, did not have the explanatory power that *Federalist 10* and other theories held for it in defining party alignments and developments.¹⁷ A 1958 article noted, “[t]he emphasis on unity among the ‘whites’ in the south’s one-party system de-emphasizes class differences or issues involving conflict within the white group.”¹⁸ Glen Feldmen observed the longstanding tendency “to put race regularity and white supremacy above all other competing factors.”¹⁹ Moreover, the predominance of race and slavery over all other issues in the 1850s helped lead to the American Civil War. The issue of race was perpetuated by voter suppression and Jim Crow segregation in the post-Reconstruction South as well. There was some white dissent in the South even during these periods, especially in the mountain regions of Eastern Tennessee and Western North Carolina that had opposed secession and, post-war, clung to Republican Party loyalty, despite finding little statewide electoral success.²⁰ But these were exceptions, not the rule. Therefore, the preceding points must be seen and acknowledged as deeply influential on Southern politics in the 19th and early to mid-20th centuries.

Yet, as introduced earlier, this focus on race does not tell the whole story of Southern coalitions and voting patterns, especially since the middle of the 20th century. Instead, that history shows the South moving toward and finally realizing the more diversity and fluidity in coalitions that marked the logic of *Federalist 10* and the theory of political parties as coalitions that occur within extended republics. It was a turn toward the normalized politics Madison envisioned and that usually occurred within other parts of the country. Thus, Byron Schafer and Richard Johnston titled their book, one giving non-racial factors as the dominant reasons for partisan re-alignment in the South, *The End of Southern Exceptionalism*.²¹

Other scholars also admit, even if grudgingly, that the partisan shift in the South involved much more than race. Carmines and Stanley wrote that, “[w]hile racial conflict may have precipitated, in part,

¹⁵ See Michael F. Holt, *The Rise and Fall of the Whig Party: Jacksonian Politics and the Onset of the Civil War* (New York: Oxford University Press, 1999).

¹⁶ Gerald R. Webster, “Demise of the Solid South” *Geographical Review* 82(1)(Jan. 1992): 43-55.

¹⁷ Madison said in *Federalist 10* that, “the most common and durable source of factions has been the various and unequal distribution of property.” See Hamilton, Madison, Jay, 44.

¹⁸ James W. Prothro, Ernest Q. Campbell, and Charles M. Griff, “Two-Party Voting in the South: Class vs. Party Identification” *American Political Science Review* 52(1)(March 1958): 131.

¹⁹ Bruce Feldmen, *The Irony of the Solid South: Democrats, Republicans, and Race, 1865-1944* (Tuscaloosa: University of Alabama Press, 2013), xii. The time period of Feldmen’s book is particularly helpful since his report argued that politics in the covered period (1865-1944) was mostly defined by race with changes coming in subsequent decades.

²⁰ Sundquist, 103. Gordon B. McKinney, “Southern Mountain Republicans and the Negro” *Journal of Southern History* 41(4)(Nov. 1975): 493-516.

²¹ Byron E. Schafer and Richard Johnston, *The End of Southern Exceptionalism: Class, Race, and Partisan Change in the Postwar South* (Cambridge, MA: Harvard University Press, 2006).

conservative movement away from the Democratic Party, the transformation has been sustained by other issues.”²² In fact, the same influential political party scholars wrote in 1990 that, “Southern political conservatives are now out of tune with the Democratic party on a wide range of issues.”²³ In 2001, Aubrey Jewett concluded his study of increased GOP strength in Southern state legislatures between 1946-1995 by writing that, “the evidence supporting many other explanations of Republican legislative growth suggests that scholars who emphasize only race to the exclusion of other causal factors are being overly simplistic.”²⁴ Along the same lines, Earl and Merle Black in the 2002 book, *The Rise of Southern Republicans*, noted that, “modern southern politics involves more than its obvious racial divisions.”²⁵ By 2004, David Lublin declared about Southern politics, “I find little evidence of continuing white backlash” to the rise of full participation by African-Americans in the political process.²⁶ While still giving a significant place for race, Matthew D. Lassiter’s *Silent Majority* (2006) argued against “race reductionist” readings of American history that failed to account for how Southern metropolitan areas came to operate much like Northern counterparts and the place that social and economic class played in conscious political motivations of voters and policy-makers.²⁷

This report accepts as true that race once played a predominant role in Southern politics, including Alabama as part of the Deep South. But it will examine reasons to question the claim that race continues to possess the dominant explanatory power often given to it in this story. In so doing, it will look to other factors beyond race which made significant contributions to partisan re-alignment in the American South, including the state of Alabama, especially starting in the second half of the 20th century. This report, then, will argue that explaining the status of partisan politics in 2024 solely or predominately in racial terms leaves out too much of the backstory and too much other, reasonable explanations for current party alignment and voting patterns. For some time, a wide range of other issues have played a significant role. Those issues arose out of a broader, national ideological change within both parties to which we turn next.

Party Change—The Rise of the New Left and Modern Conservatism

1) The Rise of the New Left

The story of partisan alignment in the South, including Alabama, must begin with the Democratic Party. The South had been the base for the Jeffersonian Democratic-Republicans, the precursor to the modern Democratic Party. It continued to be the stronghold for the Democratic Party that formed under Andrew Jackson’s leadership in the 1820s and 1830s.²⁸ The Democratic Party’s base

²² Edward G. Carmines and Harold W. Stanley, “Ideological Re-Alignment in the Contemporary South: Where Have All the Conservatives Gone?” in *The Disappearing South*, edited by Robert P. Steed, Laurence W. Moreland, and Tod A. Baker (Tuscaloosa: University of Alabama Press, 1990), 32.

²³ *Ibid.*

²⁴ Aubrey W. Jewett, “Partisan Changes in Southern Legislatures, 1946-1995” *Legislative Studies Quarterly* 26(3)(August 2001): 479.

²⁵ Earle Black and Merle Black, *The Rise of Southern Republicans* (Cambridge, MA: Harvard University Press, 2002), 4.

²⁶ Lublin, 28.

²⁷ Matthew D. Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton, NJ: Princeton University Press, 2006).

²⁸ Aldrich, 107-119.

remained in the South after the Civil War, too, intensified by the Republican Party's connection to the Union cause. Some attempts were made during Reconstruction to make the GOP competitive in the South but such efforts failed, especially once federal troops were withdrawn.²⁹ Still, the Republican Party became the national majority party after the end of the Civil War. Periods of closely contested elections and of divided government existed, especially at the end of Reconstruction in the latter 1870s and throughout the 1880s. However, the GOP reigned as the majority party through the greater portion of the years spanning 1865-1932.

The Great Depression opened up the potential for a new majority coalition. The Republican Party under President Herbert Hoover was thoroughly discredited in light of the economic collapse that shook the country and then settled into a new and harsh reality far different from the heady days of the "Roaring '20s." The Democratic landslide of 1932, under the leadership of Franklin Delano Roosevelt, railed against the GOP's failures as part of asserting their own ascent to political power.³⁰

The consequent New Deal coalition established the Democrats as the country's majority party for the first time since before the American Civil War. The Democratic Party built on the New Deal focused on economic issues. FDR's program sought much greater government involvement in regulating as well as participating in the economy. Thus, the coalition was defined predominately in economic terms, with working class or "blue-collar" Americans identifying decidedly with Democrats in their attempt to alleviate the hardships the Great Depression involved. This link we can see in President Franklin Delano Roosevelt's rhetoric in the period. In his First Inaugural, Roosevelt had lambasted, "the unscrupulous money changers" who "know only the rules of a generation of self-seekers."³¹ On the eve of his decisive re-election in 1936, FDR said, "I should like to have it said of my first Administration that in it the forces of selfishness and of lust for power met their match. I should like to have it said of my second Administration that in it these forces met their master."³² This placement of the Democratic Party with the working class, and against the wealthy, had a long pedigree going back to the original party system between the Jeffersonian Democratic-Republicans and the Hamiltonian Federalists and then to Andrew Jackson railing against the "monied interests" that he equated with the Whig Party. However, the New Deal did more than renew that old distinction; it intensified it to a degree not seen since before the Civil War, if ever.

This coalition crossed racial bounds. A majority of African-Americans first began voting for the Democratic Party nationwide during the Great Depression.³³ This meant that Southern segregationists and African-Americans voted for decades for the same party.³⁴ Such a broad coalition wielded dominant results at the national and state levels with massive margins of victory for FDR in 1932 and 1936 as well

²⁹ Gordon B. McKinney, "Southern Mountain Republicans and the Negro" *Journal of Southern History* 41(4)(Nov. 1975): 493-516.

³⁰ Skowronek, *The Politics Presidents Make*, 288-289. See also H.W. Brands, *Traitor to His Class: The Privileged Life and Radical Presidency of Franklin Delano Roosevelt* (New York: Anchor Books, 2009), 238-239, 264-265.

³¹ Franklin Delano Roosevelt, "Inaugural Address" *The Public Papers and Addresses of Franklin D. Roosevelt* (New York: Random House, 1938), 2: 12.

³² Franklin Delano Roosevelt, "Address at Madison Square Garden, New York City" *The Public Papers and Addresses of Franklin D. Roosevelt* (New York: Random House, 1938), 5: 568-569.

³³ See Nancy Joan Weiss, *Farewell to the Party of Lincoln: Black Politics in the Age of F.D.R.* (Princeton: Princeton University Press, 1984). See also Sidney M. Milkis, "Ideas, Institutions, and the New Deal Political Order" *American Political Thought* 3(1)(Spring 2014): 172.

³⁴ James C. Cobb, *South Atlantic Urban Studies* 1(1977): 255.

as huge majorities in Congress, governorships, and state legislatures. The GOP had been reduced to a rump party with little chance of contesting for a national majority.

However, the Madisonian-based theory of parties says that coalitions can be tenuous and fluid, especially when in the majority. New issues arise, both from competing parties but also from within the coalition itself. The New Deal coalition that had made the Democrats the dominant majority party began to show serious, enduring signs of strain in the early 1960s. The strain came internally when that period saw the rise of the self-defined “New Left.” Prominent intellectual C. Wright Mills penned “A Letter to the New Left” in 1960 working out how this form of liberalism distinguished itself from the now decades-dominant Old Left.³⁵

Mills argued that the Left’s primary focus on economic class no longer worked in the effort to pursue social justice. In the past, “the historic agency [of change] has been the working class...also parties and unions variously composed of members of the working class.”³⁶ But that no longer was true; the working class had become part of the problem of oppression, not the central means for finding new solutions to it. Instead, Mills pointed toward a new coalition that looked at the world as involving oppressors and oppressed but in relationships beyond labor versus capital. This perspective paved the way for a liberalism that focused on issues of racial justice and which began to discuss matters of women’s rights and LGBTQ rights. It also opened the door to expressing frustrations with American Cold War policy, especially on the nuclear arms race,³⁷ as well as a concern for environmental matters such as water and air pollution.³⁸ Taken together, the New Left was more willing to criticize American policy but, even more radical for the time, to also condemn America itself as inherently unjust, something that the much more patriotic-speaking New Deal Democrats did not do and would not have done.

Given the shift away from a focus on economic class, the New Left’s intellectual center would not be the union hall. Instead, its foundation would build from the college campus and include those with college degrees—itsself a growing population among the Baby Boomers. “It is with this problem of agency in mind,” Mills wrote, “that I have been studying, for several years now, the cultural apparatus, the intellectuals — as a possible, immediate, radial agency of change.”³⁹ Thus, the “Port Huron Statement” presented one of the most famous declarations of this new ideology’s views. Published on June 15, 1962, the document was written by Tom Hayden on behalf of the group “Students for a Democratic Society.”⁴⁰ The document claimed the perspective of a new generation, “housed now in universities, looking uncomfortably to the world we inherit.” That document further spoke of “the Southern struggle against racial bigotry.” The “Port Huron Statement” further observed the fear many had at the threat of nuclear war with the Soviet Union.⁴¹ It stated that “tarnish appear[ed] on our image

³⁵ C. Wright Mills, *The Politics of Truth: Selected Writings of C. Wright Mills*, edited by John H. Summers (New York: Oxford University Press, 2008), 255-266.

³⁶ *Ibid.*, 262.

³⁷ Paul Boyer, “From Activism to Apathy: The American People and Nuclear Weapons, 1963-1980” *Journal of American History* 70(4)(1984): 837-844.

³⁸ Keith M. Woodhouse, “The Politics of Ecology: Environmentalism and Liberalism in the 1960s” *Journal for the Study of Radicalism* 2(2)(Fall 2008): 53-84.

³⁹ Mills, 264.

⁴⁰ Jim Miller, *Democracy is in the Streets: From Port Huron to the Siege of Chicago* (Cambridge, MA: Harvard University Press, 1987); See also *The Port Huron Statement: Sources and Legacies of the New Left’s Founding Manifesto*, edited by Richard Flacks and Nelson Lichtenstein (Philadelphia: University of Pennsylvania Press, 2015).

⁴¹ “Port Huron Statement,” 3.

of American virtue” and it spoke of “the hypocrisy of American ideals.”⁴² As the movement developed, these critiques also extended to the working class that had formed the backbone of the Democratic New Deal coalition. In a 1980 article, Sidney M. Wilhelm noted that, “working-class racism” challenged the Marxist economic paradigm which itself had sought to explain racism as the product of capitalism. Though he attempted to re-configure an economic underlying basis, he had to admit that working class Americans could take the side of oppressors.⁴³ As time would go on, certain intellectuals on the Left would make harsher critiques of working-class voters on their views regarding the issues on which the New Left now gave greater focus. They would more and more be seen as part of the problem rather than a full partner in the solution.

The rise of the New Left created a rift within the Democratic Party. Perhaps the best-known and most dramatic manifestation of this rift came during the 1968 Democratic National Convention in Chicago. The New Left subset sought renewed focus on civil rights and an end to the Vietnam War. Nicolas Proctor, in his book on the 1968 Convention, noted that, “conservative Democrats—particularly those from the South—argued the opposite.”⁴⁴ They gave much greater support to American foreign policy and much less support to civil rights efforts. Chicago’s Democratic Mayor, Richard Daley, sent police in to violently break-up these protesters in the streets, using clubs and tear-gas. Doing so did not result in restored peace and harmony within the Democratic Party, however. Subsequent changes in presidential selection strengthened the New Left within the Democratic Party as well. A mixed system had existed that permitted some say by voters in primaries but left substantial nominating power to the party itself regarding presidential candidates. In response to the McGovern-Fraiser Commission, the Democratic Party moved to a system where the voters took effective control of the nomination-making through a process dominated by primaries or caucuses.⁴⁵ Nicol C. Rae noted that, starting in the 1970s, the new nomination process, “was structurally biased in favor of candidates from the party’s neoliberal and New Left factions, with little appeal to most southern white voters.”⁴⁶

In 1972, the New Left got one of their own nominated on the Democratic ticket for president: George McGovern.⁴⁷ He went on to a crushing defeat against sitting president Richard Nixon, winning only Massachusetts and D.C. for meagre 17 electoral votes to Nixon’s 520. But the New Left would continue to exert a serious and growing influence over the Democratic Party. Bruce Miroff declared that, after McGovern, “the party would never again look like the urban-labor coalition of the New Deal era.”⁴⁸ The New Left would move the Democratic Party’s coalition to include more college-educated voters and to focus more on non-economic issues of gender, race, the environment, gun regulation, and other matters. Working Class voters would remain in the coalition but with increasing unease and decreasing

⁴² *Ibid.*, 4.

⁴³ Sidney M. Wilhelm, “Can Marxism Explain America’s Racism?” *Social Problems* 28(2)(December 1980): 98-112.

⁴⁴ Nicolas Proctor, *Chicago, 1968: Policy and Protest at the Democratic National Convention* (Chapel Hill: University of North Carolina Press, 2020).

⁴⁵ See Adam Hilton, *True Blues: The Contentious Transformation of the Democratic Party* (Philadelphia: University of Pennsylvania Press, 2021), 66-87; James W. Ceaser, *Presidential Selection: Theory and Development* (Princeton: Princeton University Press, 1979), 260-303.

⁴⁶ Nicol C. Rae, *Southern Democrats* (New York: Oxford University Press, 1994), 46.

⁴⁷ Bruce Miroff, *The Liberals’ Moment: The McGovern Insurgency and the Identity Crisis of the Democratic Party* (Leavenworth University of Kansas Press, 2007).

⁴⁸ *Ibid.*, 1.

numbers.⁴⁹ For, in these developments, a growing section of the Democratic Party would expand on C. Wright Mills' implicit critique of the working class, arguing in more explicit terms that it perpetuated the forces of oppression on issues sex, sexuality, and race.

As time went on, the rise of the New Left bore fruit for the Democratic Party in some regions while hurting its electoral prospects in others. Jonathan Bell described how the new liberalism helped turn California into a reliably Democratic and Progressive state.⁵⁰ States like Massachusetts and others in the Northeast also became increasingly Democratic, despite for a long time being the regional electoral base for Republicans. But in the South, including Alabama, this turn in the Democratic Party bode ill for its long-term electoral viability, for reasons we will turn to soon.

2) *The Rise of Modern Conservatism*

The Republican Party developed during this time as well. In the 1920s, the party had been defined by policies of lower taxes, fiscal responsibility, and limited government linked to leaders like President Calvin Coolidge.⁵¹ This approach gained significant popularity during the economic boom of the 1920s but fell into disrepute, as noted above, during the Great Depression and in response to FDR's critiques. The Republican party did not regain any majority in Congress from 1932 until 1946. They did not recapture the White House until Dwight D. Eisenhower, hero of World War II, won the office in 1952. During the 1950s, the GOP had largely followed the "New Republicanism" of Eisenhower.⁵² This view sought moderation, arguing it would follow the New Deal consensus and manage its governmental programs in a restrained and efficient manner. It also looked to contain, not roll back, the forces of Communism led by the Soviet Union and China.⁵³

But portions of the Republican Party chafed under this new approach.⁵⁴ These men included Robert Taft, an Ohio Senator who was the main rival to Eisenhower for the GOP presidential nomination in 1952. First, this group sought to renew the GOP's pre-New Deal economic philosophy, critiquing FDR's policies as undermining American liberty. Second, many of the same Republicans wished to take a hard line against global Communism, defeating it outright rather than merely limiting its expansion. Third, they began to emphasize federalism on the level of governmental structure against an ever-growing national government. Fourth and finally, this group wished to emphasize traditional views on issues of religion and morality.

One can see this synthesis encapsulated in William F. Buckley's editorial announcing the first issue of *National Review*, published in November of 1955. Buckley wrote of "Conservatives" as those

⁴⁹ White working-class voters saw some limited success nationally, such as with the presidential candidacies of Jimmy Carter and Bill Clinton. These national victories tended to need special circumstances, such as Watergate for Carter and the crushing defeats suffered by more New Left-aligned candidates preceding Carter's (McGovern) and Clinton's (Mondale, Dukakis) candidacies.

⁵⁰ See Jonathan Bell, *California Crucible: The Forging of Modern American Liberalism* (Philadelphia: University of Pennsylvania Press, 2012).

⁵¹ See Amity Shlaes, *Coolidge* (New York: Harper Collins, 2013).

⁵² Randall Bennett Woods, *Quest for Identity: America Since 1945* (New York: Cambridge University Press, 2005), 73-98.

⁵³ John Micklethwait and Adrian Wooldridge, *The Right Nation: Conservative Power in America* (New York: The Penguin Press, 2004), 41-43.

⁵⁴ John Andrew, "The Struggle for the Republican Party in 1960" *The Historian* 59(3)(Spring 1997): 613-631.

“who have not made their peace with the New Deal.”⁵⁵ Buckley decried a “relativism” that downplayed belief in God and would doubt, “the superiority of capitalism to socialism, of republicanism to centralism.”⁵⁶ Anticipating Mills, he saw this view as growing on college campuses in particular.⁵⁷ In similar fashion, the Sharon Statement, put together in 1960 by young conservatives, with Buckley’s help, praised the U.S. Constitution in that it, “reserves primacy to the several states, or to the people, in those spheres not specifically delegated to the Federal government.” The document also lauded the “market economy,” and declared that, “the forces of international Communism are, at present, the greatest single threat to these liberties.”⁵⁸

These views would begin to cause tensions within the Republican Party at a similar time as the New Left threatened the cohesion and peace of the Democratic Party. Republicans’ base had been in the North, especially New England. That was the home of what became known as “Rockefeller Republicans” after Nelson Rockefeller, long-time governor of New York and Vice-President under Gerald Ford. These Republicans held more moderate views, especially on social but also on economic issues, and were out-of-step with the emerging conservatism.⁵⁹ This upstart conservatism seemed more at home in the Western states instead. Thus, in 1964, Arizona Senator Barry Goldwater captured the GOP presidential nomination. Goldwater represented the emerging conservatism Buckley had articulated nearly a decade prior. In his acceptance speech, given in San Francisco, Goldwater declared that Republicans would act toward, “encouraging a free and a competitive economy” while also upholding “law and order.” Goldwater spoke of a philosophy of limited government where the best place for its exercise was, “closest to the people involved.” And he railed against the Soviet threat, saying, “communism and the governments it now controls are enemies of every man on earth who is or wants to be free.”⁶⁰

Goldwater lost in decisive fashion to Lyndon Johnson in the Fall of 1964. He won only five states—his home state of Arizona and five states within the Deep South, including Alabama. But, as with the New Left in the Democratic Party, this emerging conservatism would not go away. It did suffer from the 1964 electoral setback. Richard Nixon would win the 1968 and 1972 presidential elections for the Republican Party. He rejected significant elements of Modern Conservatism, and, among other acts that frustrated conservatives, he instituted wage and price controls,⁶¹ created the Environmental Protection

⁵⁵ William F. Buckley, “Publisher’s Statement” *National Review* November 19, 1955, 5. For a helpful discussion of Buckley’s shift on race from the 1950s to the 1960s, one that included a rejection of southern segregation, see Alvin Felzenberg, *A Man and His Presidents: The Political Odyssey of William F. Buckley, Jr.* (New Haven: Yale University Press, 2017).

⁵⁶ *Ibid.*

⁵⁷ See also William F. Buckley, *God and Man at Yale: The Superstitions of Academic Freedom* (Chicago: Henry Regnery Company, 1951).

⁵⁸ See Greg L. Schneider, *Cadres for Conservatism: Young Americans for Freedom and the Rise of the Contemporary Right* (New York: New York University Press, 1999), 34.

⁵⁹ Gary Miller and Norman Schofield, “Activists and Partisan Realignment in American Politics” *The American Political Science Review* 97(2)(May 2003): 257.

⁶⁰ Barry Goldwater, “Address Accepting the Presidential Nomination at the Republican National Convention in San Francisco” July 16, 1964. <https://www.presidency.ucsb.edu/documents/address-accepting-the-presidential-nomination-the-republican-national-convention-san>. Retrieved 3/18/2024.

⁶¹ Executive Order 11615 of August 15, 1971, Providing for Stabilization of Prices, Rents, Wages, and Salaries, 36 FR 17813; Executive Order 11627 of October 15, 1971, Further Providing for the Stabilization of the Economy, 36 FR 20139.

Agency,⁶² and signed both the National Environmental Policy Act⁶³ and the Clean Water Act.⁶⁴ In fact, a conservative Ohio Congressman, John Ashbrook, primaried the sitting president with the campaign slogan, “No Left Turns.”⁶⁵ However, with Ronald Reagan’s election in 1980, a Buckley-Goldwater kind of conservatism had gone mainstream, becoming the driving force within the Republican Party. Reagan had been a Goldwater supporter, giving one of the 1964 campaign’s most famous speeches in his favor, “A Time for Choosing.”⁶⁶ Then and in the 1980 campaign, Reagan spoke of limited government, private enterprise, deep opposition to communism, and traditional moral values. While some of these views continued to keep a significant portion of white-collar, highly educated voters in the GOP, working-class voters began to see elements of the GOP’s conservative positions as attractive, too. The decisive shift in the GOP thus had ramifications for partisan alignments around the country, including the South.

In the pages that follow, this report will detail how the above developments in the Democratic and Republican parties participated in the South’s slow-motion move from solidly Democratic to solidly Republican.

Civil Rights and voting patterns within the South

We begin with the focus for most discussions of Southern voting patterns: race and the Civil Rights Movement. The narrative states that Southern Democrats became frustrated with the national party over its embrace of African-American civil rights, first in 1948 and then again in 1964. The story of GOP gains in the South tends to focus especially on the 1964 election. There, Republican Presidential candidate Barry Goldwater won the Deep South for the GOP for the first time since Reconstruction. Alabama not only voted for Goldwater but gave him a massive 71% of the vote even though the state had not gone Republican since the Reconstruction era election of 1872. The story goes that the South broke with the Democratic Party over President Johnson shepherding through the Civil Rights Act of 1964. Southern white voters abandoned Democrats and ran to Republicans to maintain their race-based partisanship in a new political party, ironically the party formerly (but no more) of Abraham Lincoln, emancipation, Northern aggression, and Reconstruction.⁶⁷

The focus on 1964 applies one influential strain of the broader political party literature. This strain focused on critical elections that marked a significant and lasting shift in the composition of party coalitions as well as which of the major parties held lasting majority status. V. O. Key, a giant in the field of political parties’ scholarship, was an early and influential articulator of this perspective.⁶⁸ A number of other scholars followed suit, pointing to elections such as 1800, 1832, 1860, possibly 1896, 1932, and

⁶² See “Reorganization Plan Nos. 3 of 1970.” July 9, 1970. U.S. Code, Congressional and Administrative News, 91st Congress--2nd Session, Vol. 3, 1970.

⁶³ National Environmental Policy Act of 1969, 83 Stat. 852 (1970).

⁶⁴ An Act to amend the Federal Water Pollution Control Act, 86 Stat. 816 (1972).

⁶⁵ Alfred S. Regnery, *Upstream: The Ascendance of American Conservatism* (New York: Simon and Schuster, 2008), 141. Ashbrook would receive less than 10% of the vote in the primaries in which he participated before dropping out.

⁶⁶ *The Reagan Manifesto: A Time for Choosing and Its Influence*, edited by Eric D. Patterson and Jeffrey H. Morrison (New York: Palgrave Macmillan, 2016); H.W. Brands, *Reagan: The Life* (New York: Doubleday, 2015), 137-138.

⁶⁷ Angie Maxwell and Todd Shields, *The Long Southern Strategy: How Chasing White Voters in the South Changed American Politics* (New York: Oxford University Press, 2019).

⁶⁸ See V. O. Key, “A Theory of Critical Elections” *Journal of Politics* 17(1955): 3-18; Key, “Secular Re-alignment and the Party System” *Journal of Politics* 21(1959): 3-18.

1980 as examples that inaugurated new, dominant party coalitions in American politics. In his influential work on the presidency, Stephen Skowronek placed American presidents within “political time,” which concerns cycles of political coalitions that ascend to power, struggle to maintain that dominance, and eventually get disrupted by a new ascendant coalition.⁶⁹ He also used a theory of critical or realigning elections to help explain his “political time.” In much of this scholarship, 1964 can mark a critical election that did not create a new electoral majority but did shift the South to the GOP.⁷⁰

Other scholars rightly pushed back against this theory as not fully explaining the historical development of political parties. One strain argued that some realignments occur more slowly, across multiple elections, spanning even decades before coming to some form of completion.⁷¹ While some have tried to explain the South’s move from predominately Democratic-leaning to Republican through the critical election theory (mostly focused on 1964), others have committed to a more gradual model that says the racial component slowly worked its way toward the partisan shift.

This report will challenge both those narratives. One cannot reduce the shift in political loyalties in the South either to one election or to one issue set like race. As noted above, the fuller story spans close to a century of American history.

Potential GOP prospects in the South arose as early as 1928. At the presidential level, Republicans won what is known in scholarship as the “peripheral South.” This sub-region included Texas, Tennessee, Virginia, North Carolina, and Florida. But that election had notable results even in the Deep South, defined as Louisiana, Mississippi, Alabama, Georgia, and South Carolina.⁷² In Alabama, for example, Democrat Al Smith won with only 51% of the vote and over 43% in Georgia. Some attribute this outcome to race-based issues, since Smith was more open than most Democrats of the time to African-American civil rights.⁷³ But the bigger issue in 1928, other than economic prosperity of the “Roaring 20s” being credited to Republicans, was that Al Smith was Roman Catholic. This point caused consternation in the very Protestant Southern portion of the Democratic Party, where centuries-old views questioning Roman Catholic loyalty and capacity to adapt to non-authoritarian regimes.

Moreover, this report must note where within those states the GOP did well. Republican gains were focused in urban or metropolitan centers, not rural areas, both in the Peripheral and the Deep South.⁷⁴ V. O. Key pointed out as early as 1949 that Republican strength in that earlier election was higher in urban as opposed to rural portions of the South.⁷⁵ This trend continued in subsequent electoral contests. Even in the wipeout election of 1932, Herbert Hoover performed better in Southern cities like Charlotte, Richmond, and Dallas than Republican candidates had in their decisive national victories

⁶⁹ See Stephen Skowronek, *The Politics Presidents Make*

⁷⁰ Black & Black, 4, 28; James E. Campbell, “Party Systems and Realignments in the United States, 1868-2004” *Social Science History* 30(3)(Fall 2006): 370.

⁷¹ See Edward G. Carmines and James A. Simpson, “Issue Evolution, Population Replacement, and Normal Partisan Change” *American Political Science Review* 75(1981): 107-118.

⁷² Earle Black and Merle Black, *Politics and Society in the South* (Cambridge, MA: Harvard University Press, 1987), 14

⁷³ At the same time, Herbert Hoover garnered a paltry 18% of the vote in Mississippi and under 9% in South Carolina.

⁷⁴ The Deep South included Louisiana, Mississippi, Alabama, Georgia, and South Carolina. M.V. Hood III and Seth C. McKee, *Rural Republican Realignment in the Modern South: The Untold Story* (Columbia, SC: University of South Carolina Press, 2022), 12.

⁷⁵ Key, 328.

throughout the 1920s.⁷⁶ In the 1950s, Dwight D. Eisenhower's victories in the Peripheral South as well as his improved percentages in the Deep South came overwhelmingly from urban or metropolitan areas. For example, Donald Strong pointed out that, in the 1950 census, Mountain Brook, Alabama had the highest median income of any city in the state. In 1952, it voted for Republican Eisenhower over Democrat Adlai Stevens by a margin of nearly 4-1.⁷⁷ The three counties that contained Birmingham, Mobile, and Montgomery all voted by margins notably above the state average of 35% for Eisenhower. Strong would find a similar urban, upper-class strength in the Deep South, including Alabama, for Eisenhower in his 1956 re-election. Bernard Cosman then continued the examination in 1960, finding Richard Nixon, though in a losing national effort, garnered strong margins in the urban South comparable to Ike.⁷⁸

Scholars see this as the start of what has been called, "Metropolitan Republicanism" in the South. The Republican Party's revived prospects came not just in the South's periphery. It also developed *within* Southern states in particular areas, not others. Most notably, as the phrase, "Metropolitan Republicanism" relates, the GOP gained not in rural but in urban portions of the states. As these areas grew in population, so would Republican prospects. Therefore, James C. Cobb in 1977 noted that, "[t]he South's cities seem to be the logical place to begin further analyses of southern Republicanism."⁷⁹ These cities, especially in what later came to be distinguished as "suburbs," proved the base for the rising GOP successes.

The main point to consider here is that, as Sundquist noted, these gains were "durable."⁸⁰ Slow and steady, they formed a definite and consistent trend in Southern voting patterns. Contrast these gains with two elections which some point to as hard moves away from Democrats and toward Republicans in the South. The first was in 1948. The Democratic Party experienced a temporary revolt from its Southern ranks in the form of Dixiecrats who were angry at President Truman and the national party's stance on African-American civil rights. Led by Senator Strom Thurmond, this contingent won Louisiana, Alabama, Mississippi, South Carolina, and one electoral vote from the state of Tennessee.⁸¹ Yet these disgruntled Democrats did not move into the Republican ranks.⁸² In fact, Thurmond won those states in part because he was made the official Democratic nominee on the ballot within them. After the election, these voters mostly returned to the Democratic fold; they did not join the Republican party.⁸³ Moreover, Thurmond's best voting regions were not predominately from groups and areas trending toward Republicans but from regions of continued Democratic strength.⁸⁴ Thurmond would switch to

⁷⁶ Phillips, *Emerging Republican Majority*, 161.

⁷⁷ Donald S. Strong, "The Presidential Election in the South, 1952" *Journal of Politics* 17(3)(August 1955): 343.

⁷⁸ Bernard Cosman, "Presidential Republicanism in the South, 1960" *Journal of Politics* 24(2)(May 1962): 303-322. See also Black & Black, *Politics and Society in the South*, 265.

⁷⁹ James C. Cobb, "Urbanization and the Changing South: A Review of the Literature" *South Atlantic Urban Studies* 1(1977): 263.

⁸⁰ Sundquist, 279.

⁸¹ Micklethwait and Wooldridge, 52-53.

⁸² Sundquist, 275.

⁸³ Black and Black, *Rise of Southern Republicanism*, 208.

⁸⁴ *Ibid.*, 276. Thurmond would switch to the Republican Party but not until September of 1964. See Nadine Cohodas, *Strom Thurmond and the Politics of Southern Change* (Macon, GA: Mercer University Press, 1993), 450-452.

the GOP though not until 1964—16 years later. Even then, as Dr. Kari Frederickson notes in her report, “Strom Thurmond’s party-switching remained a singular act”⁸⁵ with very few politicians following suit.

The other election—1964—is where many scholars focus the narrative of Republican ascendancy in the South. As noted above, that election saw a sudden rise in GOP support, most of it concentrated in the presidential candidacy of Barry Goldwater. Goldwater did very well in the Deep South and the rural portions of it, the opposite of the trends for the GOP up to that point. Republicans did make some gains below the presidential ticket, including gaining five seats in United States House delegation from Alabama. However, Republicans gave back a significant portion of these gains. In the next congressional election, Alabama’s house delegation reverted to majority Democratic, not to change back again until 1996. In 1968, Richard Nixon received just shy of 14% of the state’s vote, coming in third place behind avowed segregationist and Alabama Governor George Wallace as well as Democratic nominee Hubert Humphrey. Governor Wallace did especially well in rural areas, not those where GOP strength had been growing slowly in previous decades.⁸⁶

Thus, the GOP’s lasting growth occurred in the metropolitan and suburban areas during this period, not rural. Rural areas, with the exception of 1964, remained the bedrock group voting for Democrats or for splinter Democratic candidates like George Wallace. This observation matters in assessing the growth of the GOP among white voters in Southern states like Alabama. Rural areas were considered the most committed to maintaining the old ways and most resistant to reform, especially on matters of race.⁸⁷ Those areas, more than urban ones, would seem more likely to seek party change in response to Democrat deviation from racial orthodoxy as the voting patterns in most of these elections support. Metropolitan areas tended to be more diverse in population and open to reform, including on matters related to race. Moreover, the metropolitan areas during these decades saw an influx of persons immigrating from other parts of the country, including the Midwest, bringing with them more GOP votes and less segregationist attitudes. In fact, by 2009 about 1/3 of those living in the South were born in other regions of the country. And most transplants were to urban/suburban areas where Republicans did increasingly well electorally and who fit well within traditionally Republican-friendly constituencies.⁸⁸ Thus, Key observed that, even in the deep South, it was true that at times “urbanism apparently outweighed racial restraints.”⁸⁹

After 1968, the South showed greater willingness to vote Republican at the presidential level. It voted for Nixon in 1972 and for Reagan and George H.W. Bush in the 1980s. However, these all were landslide elections where the Republican candidate dominated across the country. It also did not translate elsewhere down the ticket: the region remained dominantly, stubbornly Democrat in every other electoral sphere. Lublin noted that a shift in the South to a Republican majority anywhere below

⁸⁵ Kari Frederickson, “Race and Politics in Twentieth-Century Alabama,” Initial Report, 25.

⁸⁶ David Knoke and Constance Henry, “The Political Structure of Rural America” *The Annals of the American Academy of Political and Social Science* 429(January 1977): 56.

⁸⁷ Louis Wirth, “Urbanism as a Way of Life,” *American Journal of Sociology* 64 (July 1938): 1-24; 5 Charles O. Lerche, *The Uncertain South* (Chicago: Quadrangle Books, 1964), 236.

⁸⁸ Irwin L. Morris, *Movers and Stayers: The Partisan Transformation of 21st Century Politics* (New York: Oxford University Press, 2021). See also Richard K. Scher, *Politics in the New South: Republicanism, Race and Leadership in the Twentieth Century, 2nd Ed.* (New York: M.E. Sharpe, 1997). In the 21st century, this in-migration tended to help Democrats more, though that shift came well after the GOP became not just competitive but favored in the region. See Hood, McKee, *Rural Republican Realignment*, 251-253.

⁸⁹ Key, 321.

the presidential level seemed to be a political version of “waiting for Godot.”⁹⁰ For thirty years after the Civil Rights Movement supposedly drove the South into the arms of the GOP, Democrats “held the preponderance of governorships as well as congressional seats” while “Democratic dominance appeared even greater at the state legislative and local levels.”⁹¹ For instance, as late as 1991 Democrats held a 77 to 39 advantage over the GOP—essentially 2-1—among Congressional delegations.⁹²

It was not until 1994 that Republicans won a majority of House districts in the South—thirty years after the passage of the Civil Rights Act of 1964 and twenty-nine after the enactment of the Voting Rights Act of 1965. Republicans also won a majority in the North in that election, a double-feat not accomplished since 1872.⁹³ Even crossing this threshold did not result in the immediate collapse of the Democratic Party in the South, which gained some seats in Congress, governorships, and state legislatures back in subsequent elections during the rest of the 1990s and ceded the ground it did in the South only begrudgingly.⁹⁴ It took till the 2000 presidential election for a Republican to win the entire South in a non-blowout contest.

The slowness of this change matters considering the actual voters involved. By 1994, a significant generational shift in voting population from 1964 had taken place. This shift only becomes more pronounced in the 2020s. The most recent census data showed that only 18% of Alabama residents are over the age of 65.⁹⁵ The voters that revolted against the Democrats in 1948 and 1964, then generally returned, comprise a small and shrinking portion of the electorate. The rise of Republican strength in the region in the post-Civil Rights era coincided with not only migration from other parts of the country but also new generations accounting for an increasing segment of the voting public. In fact, research has pointed to “replacement” of older, native voters as one notable contributor to the GOP’s ascendancy in the late 20th and early 21st centuries. From the 1980s till 2000, for instance, the average rural Southerner who identified as a Republican was ten years younger than his Democratic-affiliated counterpart.⁹⁶ Green, Palmquist, and Schickler claim that as much as half of white Southern voters’ migration to the GOP was generational replacement.⁹⁷

Moreover, this story includes a further normalization of Southern voting patterns. Consider the slow-motion change in rural partisan preferences between North and South. For most post-Civil War history, the Republican Party’s Northern base was rural with Democrats doing better among the more Roman Catholic, immigrant populations of cities. In the South, as noted before, Republicans did better in cities, though not that well, while Democrats dominated among that region’s rural voters. However, that began to change after the era of Civil Rights. Rural voting patterns began to converge between North and South. Thus, Southern rural voters began to vote more like their counterparts across the country. By 2004, southern rural voters were slightly more Republican in voting patterns than their corresponding

⁹⁰ David Lublin, *The Republican South: Democratization and Partisan Change* (Princeton: Princeton University Press, 2004S), 1.

⁹¹ *Ibid.*

⁹² Black & Black, 13.

⁹³ Black & Black, 2.

⁹⁴ Lublin, 2.

⁹⁵ “Quick Facts: Alabama,” United States Census Bureau. <https://www.census.gov/quickfacts/fact/table/AL/PST045223>. Accessed 3/27/2024.

⁹⁶ Hood, McKee, *Rural Republican Realignment*, 28.

⁹⁷ Donald Green, Bradley Palmquist, and Eric Schickler, *Partisan Hearts and Minds: Political Parties and the Social Identities of Voters* (New Haven: Yale University Press, 2002).

Northern rural voters.⁹⁸ It marked the South becoming more like the rest of the country in its voting patterns rather than maintaining a distinctiveness that before more comported with voting in a dominantly race-conscious manner. Not until the 2010s did rural Southerner whites align with the GOP more than urban whites.⁹⁹

In sum, this move from Democrat to Republican in the South hardly seems explainable predominantly by race. Beyond the statistics, we also have evidence that the Republican Party did not seek to go to the segregationists who had supported Strom Thurmond in 1948 and George Wallace in 1968. Some have argued that Republicans made sustained racial appeals but in more subdued or cloaked terms. Black and Black, for instance, argue in their 2002 book that Republicans from Nixon onward took this route with Goldwater as an earlier set-up.¹⁰⁰ This theory became known as the GOP's "Southern Strategy," which, some insist, continues to this day. For example, Dr. Frederickson opines that "white identity politics occup[ies] the center of Republican politics"¹⁰¹ now and since at least the Civil Rights Movement of the mid-20th century. She relies heavily on the GOP's "Southern Strategy" as inherently and perpetually grounded in white supremacy to make this argument. There are a number of concerns with her interpretation of the relevant history and with that of others who accept race as dominant in this tale.

For one, consider the case of Barry Goldwater. Goldwater had opposed the Civil Rights Act of 1964 and campaigned vigorously in the South in the Fall of 1964, downplaying the civil rights issue there for the sake of getting votes. But he was far from a model segregationist. He had voted for the 1957 and 1960 civil rights bills, desegregated his own family business, integrated the Arizona Air National Guard and U.S. Senate cafeteria.¹⁰² And his opposition to the 1964 Civil Rights Act rested on grounds that the law, while moral in intent, violated the Constitutional distribution of powers, especially between state and national governments.¹⁰³

For another, take the campaigns and presidency of Richard Nixon. Frederickson admits that Nixon was no George Wallace. She says, though, that Nixon wooed Southern white segregationists in that he, "established a politically safe terrain by simultaneously affirming his belief in the principles of equality while opposing the use of federal intervention to enforce compliance."¹⁰⁴

Nixon indeed consistently affirmed his belief in racial equality before the law. In his first inaugural address, Nixon declared:

No man can be fully free while his neighbor is not. To go forward at all is to go forward together. This means black and white together, as one nation, not two. The laws have caught up with our conscience. What remains is to give life to what is in the law: to

⁹⁸ Seth E. McKee, "Rural Voters and Polarization of American Presidential Elections" *PS: Political Science and Politics* 41(1)(January 2008): 102.

⁹⁹ Hood, McKee, *Rural Republican Realignment*, 24.

¹⁰⁰ Black & Black, *Rise of Southern Republicans*, 216, 277.

¹⁰¹ Frederickson, 4.

¹⁰² See "Where Barry Stands" *Time* August 2, 1963. <https://time.com/archive/6807933/nation-where-barry-stands/>. Accessed August 11, 2024; Lee Edwards, *Goldwater: The Man Who Made a Revolution* (Regnery: 1995).

¹⁰³ See Jeffrey K. Tulis and Nicole Mellow, *Legacies of Losing in American Politics* (Chicago: University of Chicago Press, 2018), 110.

¹⁰⁴ Frederickson, 24.

insure at last that as all are born equal in dignity before God, all are born equal in dignity before man.¹⁰⁵

Statements of this kind were not atypical for Nixon nor new in his political career. In fact, Richard Nixon hardly fit the bill for the person to morph the GOP into the party of white supremacy. He held a long record of support for civil rights, including *Brown v. Board of Education* and the civil rights acts of 1957 and 1960. Unlike Barry Goldwater, Nixon also had endorsed the Civil Rights Act of 1964 and efforts leading to the Voting Rights Act of 1965.¹⁰⁶ In 1967, Nixon granted an interview with the *New York Times* where he said, “people in the ghetto have to have more than an equal chance. They should be given a dividend” in response to the history they had experienced of discrimination.¹⁰⁷

Frederickson argues Nixon’s policies regarding civil rights supports the racial element of the “Southern Strategy.” The Nixon Administration did pursue a moderate approach to enforcing civil rights. As president, Nixon opted for fewer hard deadlines for desegregation, moving much of its enforcement from the executive branch to the judiciary as well as supporting more cooperative efforts to get Southern schools to integrate.¹⁰⁸ Moreover, he opposed school busing as the means to integrate public schools.

But hanging the hat of white supremacy on these factors does not hold up well in light of the broader history. While making an argument for a Southern Strategy, Black & Black note that, “Nixon positioned himself to southern voters as opposed to segregation but favoring only voluntary integration.”¹⁰⁹ Such a position would be quite the concession for white supremacists to take in their voting preferences. But even that description does not fairly describe Nixon’s policies. Nixon’s desegregation plan still included substantial Justice Department-initiated litigation, which Dean Kotlowski notes, “offended many white southerners” and thus made “questionable whether Nixon had swapped civil rights enforcement for southern votes as his critics complained.”¹¹⁰ After these executive branch lawsuits began, a record number of African-American school children went to integrated schools in the Fall of 1969.

The school busing policies, moreover, were not the only method or necessarily considered the best method for pursuing integration. They also were deeply unpopular, not merely the scourge of Southern segregationists. A Harris Poll from 1975 found that Americans supported desegregation by a 56%-35% margin while the same sample opposed busing 75%-20%.¹¹¹ Thus, a number of voters did not

¹⁰⁵ Richard Nixon, “Inaugural Address” *Public Papers of the Presidents of the United States: Richard Nixon, Containing the Public Messages, Speeches, and States of the President: 1969* (Washington, D.C.: United States Government Printing Office, 1971), 3.

¹⁰⁶ Ronald Sullivan, “Back Rights Bill, Nixon Urges” *New York Times* June 16, 1964, 22. Joseph A. Loftus, “Senate’s Leaders Seek Voting Bill: Mansfield and Dirksen Say They Want a Simple Plan” *New York Times* March 11, 1965, 19.

¹⁰⁷ “Nixon Gives Views on Aid to Negroes and to the Poor” *New York Times*, December 20, 1967, 22.

¹⁰⁸ Hugh Davis Graham, “Richard Nixon and Civil Rights: Explaining an Enigma” *Presidential Studies Quarterly* 26(1)(Winter 1996): 94.

¹⁰⁹ Black & Black, *Rise of Southern Republicans*, 210.

¹¹⁰ Kotlowski, 24.

¹¹¹ *New York Times*, October 5, 1975, pg. 59. A Washington Post poll in 1978 found that only 25% of Americans agreed with the statement that ““racial integration of the schools should be achieved even if it requires busing.” See Laura Meckler, “Effective But Never Popular, Court-Ordered Busing is a Relic Few Would Revive” *Washington Post*, July 7, 2019. https://www.washingtonpost.com/national/effective-but-never-popular-court-ordered-busing-is-a-relic-few-would-revive/2019/07/07/dce439c8-9d40-11e9-b27f-ed2942f73d70_story.html. Retrieved 6/3/2024.

see busing as essential to achieving the goal of desegregation, a goal with which they agreed. Importantly, these statistics also revealed far from boisterous support from African-Americans. In a 1973 Gallup poll, for example, only 9% of African-Americans rated school busing at the top of their list of the best means for integration.¹¹²

Dr. Frederickson quotes an Alabama newspaper from the time heralding that “Nixon Keeps His Word.” But if Nixon was trying to signal subtly to white supremacists that he was on their side, he sold them a false bill of goods. His rhetoric hardly gave much to them in the first place, extolling racial equality. And his policies did not deliver on segregationist priorities. Simply put, Nixon failed to stop desegregation, instead helping bear considerable fruit on that front. In 1968, 68% of black children in the South attended single-race schools. That number had plummeted to 8% by 1972, the year Nixon ran for re-election. Far from coming despite Nixon, these welcome results happened in part due to his administration’s efforts.

In addition, Nixon compiled a number of other concrete policy accomplishments on civil rights. His budget proposals to Congress asked to increase funding for enforcing civil rights from \$75 million to \$2.6 billion between 1969 and 1972.¹¹³ In 1970, he approved a new IRS policy denying tax exempt status to all-white private schools, a move that especially went after institutions in the South trying to avoid public school integration.¹¹⁴ Nixon privately declared the move would not help him politically but made the call regardless.¹¹⁵ Nixon also played a significant part in the development of affirmative action programs. His “Revised Philadelphia Plan” built upon existing policies requiring those receiving federal funds to show some kind of affirmative action in their procedures. Rather than gut this program, he revived and enhanced it. In particular, the Revised Philadelphia Plan” focused on government contracts for construction jobs. Nixon did not take this route for political ease. He faced significant pressure from Congress to end all affirmative action requirements within the bureaucracy with Elmer P. Staats, the Comptroller General, declaring such plans illegal in November of 1968, the same month Nixon was elected president.¹¹⁶ This opposition included Southern politicians, among them Democratic Senators John McClellan of Arkansas and Sam Earvin of North Carolina.¹¹⁷ But Nixon forged ahead, doing something the Johnson Administration had not on this issue: establishing numerical requirements for minority hiring among those entities eligible for government contracts with concrete timetables attached.¹¹⁸ This policy, far from a new attempt to woo Southern segregationists, went beyond Nixon’s former position in favor of persuasion over coercion when he was Vice-President under Eisenhower.¹¹⁹

¹¹² “Gallup Finds Few Favor Busing for Integration” *New York Times*, September 9, 1973, 55. <https://www.nytimes.com/1973/09/09/archives/gallup-finds-few-favor-busing-for-integration.html>. Retrieved 6/4/2024.

¹¹³ Graham, 95.

¹¹⁴ Eileen Shanahan, “Private Schools that Bar Blacks to Lose Tax Aid” *New York Times* July 11, 1970, 1. <https://www.nytimes.com/1970/07/11/archives/private-schools-that-bar-blacks-to-lose-tax-aid-irs-policy-is.html>. Retrieved 6/4/2024.

¹¹⁵ Kotlowski, 25.

¹¹⁶ J. Larry Hood, “The Nixon Administration and the Revised Philadelphia Plan for Affirmative Action: A Study in Expanding Presidential Power and Divided Government” *Presidential Studies Quarterly* 23(1)(Winter 1993): 147-150.

¹¹⁷ *Ibid.*, 150.

¹¹⁸ Dean J. Kotlowski, “Richard Nixon and the Origins of Affirmative Action,” *The Historian* 60(3)(Spring 1998): 528-530.

¹¹⁹ See also Kotlowski, “Richard Nixon and the Origins of Affirmative Action,” 533.

In fact, Joan Hoff has argued that Nixon has received too little credit for his advancement of civil rights during his career, including his presidency.¹²⁰ Any assessment of his so-called “Southern Strategy” that is based in alleged subtle racial language must account for the above (and additional) explicit words and deeds promoting the advancement of civil rights. Thus, while Nixon’s less-aggressive approach to civil rights might have been more attractive to segregationist elements in the South than Humphrey in 1968 or McGovern in 1972, Nixon’s policies nevertheless seriously undermined the segregationist and white supremacist agenda. White supremacists’ choice came down more on how to lose the legal and political battle, not whether they would lose.

One point sometimes lost in these discussions is the weak position Southern segregationists were in as the Civil Rights Movement won out and how the Republican Party itself understood this weakness. In 1968, Nixon won the presidency without the votes of the Southerners who cast ballots in droves for the Southern segregationist.¹²¹ Though the margin was narrow, the GOP still could win without the Deep South. In 1969, Kevin Phillips, who then worked in the Nixon Administration, published his famous book, *The Emerging Republican Majority*. In summing up trends toward the GOP in the South, Phillips emphasized the incapacity of segregationists to continue as a relevant factor in American politics. He wrote that “For national political reasons, the Republican Party cannot go to the Deep South, but...the Deep South must soon go to the GOP.”¹²² In other words, the South’s move to the GOP would be more on the latter’s terms, not the former’s. And these terms would have less to do with race and more to do with a combination of economic, foreign policy, and social issues then percolating within the parties and across the country due to the New Left and Modern Conservatism.

Studies bore this point out at least as early as the 1980s. In an examination of voter attitudes between 1980-1988, Alan Abramowitz found that the claim of the centrality of race in explaining partisan behavior was “quite limited,” despite so many scholars assuming its truth.¹²³ He critiqued the findings focused on race for the same basic reason this report questions them: failure to account for other issues, events, and developments that have as much or more explanatory power. The narrow view obscured the broader story.

Dr. Frederickson also claims the race-based “Southern Strategy” continued with Reagan. Her very quick assessment, as with Nixon, makes claims that unnoted evidence points against. To give one example: in 1982, President Reagan signed an extension of the Voting Rights Act of 1965. In doing so, he agreed to amendments strengthening the law’s power by replacing §2’s discriminatory intent requirement with an effects test. In fact, African-American civil rights leaders declared that Reagan had given them “everything we wanted.”¹²⁴

Though her short analysis effectively ends with the end of the 20th century, Frederickson concludes that the Republican Party continues to this day to be the “white party” and that it has, “adopted a host of conservative policy positions that had race at their core.”¹²⁵ In fact, she asserts that basically all major conservative and Republican positions, including, “taxes, spending, education, crime,

¹²⁰ Joan Hoff, *Nixon Reconsidered* (New York: Basic Books, 1994).

¹²¹ Gerard Alexander, “The Myth of Racist Republicans,” *Claremont Review of Books* IV(2)(Spring 2004).

¹²² Phillips, 233.

¹²³ Alan I. Abramowitz, “Issue Evolution Reconsidered: Racial Attitudes and Partisanship in the U.S. Electorate” *American Journal of Political Science* 38(1)(February 1994) :2.

¹²⁴ “Voting Rights Act Extension by the Senate Seen Likely as Dole Engineers Compromise,” *Wall Street Journal*, May 4, 1982.

¹²⁵ Frederickson, 29.

and welfare, as well as the promotion of what came to be known as ‘family values’ issues” all really were driven by racial attitudes.¹²⁶

This broad-brush claim shows serious difficulties with the narrative of a race-dominant Southern Strategy. It often falls back on what Dr. Joseph Bagley calls “colormasking”—subtle appeals to racial anxiety or animosity hidden underneath overt language of racial equality.¹²⁷ Thereby, as Frederickson claims, nearly all if not all Republican and conservative appeals ultimately are racial in origin and intent, regardless of what is explicitly stated.

Likely for support on this claim, she ends with a quote from Maxwell and Fields’ book, *The Long Southern Strategy*. That work demonstrates wider problems with the attempt to make race so central to Southern politics in particular and even to American politics more generally. It attempts to place alleged racial appeals within a broader strategy by the GOP regarding sex, sexuality, and religion. It paints a picture of a GOP committed to oppression across most cultural and political questions with race as only one element. But whatever the merits of that argument, it undermines the dominance of race as an explanatory factor by admitting that many other issues distinct from race contributed to the South’s move to the GOP. It attributes increasing prominence to questions regarding women’s rights and economics. At least one of its author’s even emphasizes a religious basis underlying and thus cohering many of these views.¹²⁸

Moreover, a related issue is the problem of deciphering the masked motivation undergirding a particular view or policy as dominated by race. As noted above, it is not clear that opposition to busing was due primarily to racist attitudes, since some did oppose these policies while still supporting integration. Affirmative action is another example. Does the evidence show that Republicans by and large oppose affirmative action and other race-conscious policies because they desire to discriminate against blacks or because they believe in a “color-blind” Constitution, the very argument raised by Justice John Marshall Harlan in his dissent against legalized segregation in *Plessy v. Ferguson*?¹²⁹ Similarly, some, like Dr. Bagley, interpret advocacy for “school choice” along with opposition to the teaching of critical race theory in primary schools as racially motivated rather than coming from a commitment to bettering education for all children¹³⁰ But that cannot be reconciled with the fact that school choice, for example, continues to garner significant and increasing backing from members of all races.¹³¹ Non-racial reasons certainly can explain policy preferences on these issues. Likewise, a belief in greater border security regarding immigration is seen by Dr. Bagley and others as signaling racial

¹²⁶ Frederickson, 29.

¹²⁷ Joseph Bagley, Declaration, *Milligan v. Merrill*, December 10, 2021, at 1, 3, 26; Bagley, Third Expert Report, *Milligan v. Allen*, May 17, 2024, at 1, 24.

¹²⁸ “[T]he [Republican] party worked to reframe its positions on a host of domestic issues, ranging from health care to foreign policy, into matters of religious belief.” See Angie Maxwell, “What We Get Wrong About the Southern Strategy” *Washington Post*, July 26, 2019. <https://www.washingtonpost.com/outlook/2019/07/26/what-we-get-wrong-about-southern-strategy/>. Retrieved 6/5/2014.

¹²⁹ Compare Richard Johnson, “The 1982 Voting Rights Act Extension as a ‘Critical Juncture’: Ronald Reagan, Bob Dole, and Republican Party-Building” *Studies in American Political Development* 35(2)(October 2021): 224; with Matthew Lassiter, *The Silent Majority*, and Abramowitz, *supra* note 123.

¹³⁰ Bagley, Third Expert Report, at 30-31

¹³¹ See Mike McShane, “A Decade of Public Polling on Education” *Forbes*. <https://www.forbes.com/sites/mikemcshane/2022/09/30/a-decade-of-public-opinion-on-education/>. Retrieved 6/27/2024; Denisha Allen, “School Choice Really is the Civil Rights Issue of Our Time” *The Hill* February 14, 2024. <https://thehill.com/opinion/education/4465271-school-choice-really-is-the-civil-rights-issue-of-our-time/>. Retrieved 6/27/2024.

animosity, even when substantial numbers of Latino and African-American voters support such policies.¹³²

This practice of casting each and every conservative policy as containing some element of white supremacy paints a simplistic picture and inappropriately diminishes non-racial reasons explaining voter behavior. Unfortunately, this continues to infect the scholarship.¹³³ But it has also gained new traction in the public arena. For example, former attorney general Eric Holder recently claimed that Alabama’s redistricting actions in this case “mirrored the sordid history of the Jim Crow era.”¹³⁴ And President Biden described Georgia’s attempts to regulate its elections as “Jim Crow 2.0.”¹³⁵ And his questioning whether a “real” black person could vote for Republicans suffered from the same problem of assuming rather than showing racial animus.¹³⁶

In what follows, we will look beyond the numbers at the ways that the South came to the GOP and moved away from the Democratic Party. Shifts in all three—the South, GOP, and Democrats—contributed to these changes.

Economics and Role of Government

First, this report will discuss the issue of economic development. In 2008, Gary Miller and Normal Schofield pegged the Republican Party’s unity to being “pro-business.”¹³⁷ The American public held this view of the GOP going back into the 19th century, when post-Civil War Republicans sought to protect American business through tariffs and spent significant government dollars helping develop railroads and other infrastructure. In the North, this power stretched to rural areas, in part due to the

¹³² Bagley, Third Expert Report, at 30. An April poll found that 42% of Latinos in the US supported a border wall with significant support for deportation (38%) and majority (64%) for shutting down the Southern border as a potential policy tool. See Russell Contreras, “Exclusive Poll: Latino support for border wall, deportation jumps” *Axios* April 11, 2024. <https://www.axios.com/2024/04/11/poll-latino-support-border-wall-deportations-jumps>. Retrieved June 10, 2024. In a Pew poll this Spring, 33% of surveyed Latinos said that increasing deportations of those here against the law would make the current situation “better” while 26% said “worse” (with 19% saying it would not make much of a difference). See, “Latino’s Views on the Migrant Situation at the U.S.-Mexico Border” Pew Research Center, March 4, 2024. <https://www.pewresearch.org/race-and-ethnicity/2024/03/04/latinos-views-on-the-migrant-situation-at-the-us-mexico-border/>. Retrieved 6/10/2024.

¹³³ One academic example would be Alan Abramowitz, whose 1990s work was cited earlier. His later work also tends to code certain issues, like opposition to affirmative action, school busing, and greater restrictions on immigration, as inherently racial in nature. See Alan I. Abramowitz, *The Great Realignment: Race, Party Transformation, and the Rise of Donald Trump* (New Haven: Yale University Press, 2018). On this point, see also Larry M. Bartels, “Ethnic Antagonism Erodes Republicans’ Commitment to Democracy” *Proceedings of the National Academy of Sciences of the United States of America* 117(37)(September 15, 2020).

¹³⁴ Quoted in Joseph D. Bryant, “Supreme Court Ruling 1 Year Ago Today Changed Alabama’s Congressional Map” *AL.com* June 8, 2024. <https://www.al.com/news/2024/06/supreme-court-ruling-1-year-ago-today-changed-alabamas-congressional-map.html>. Accessed June 11, 2024.

¹³⁵ See Joseph Biden, “Remarks by President Biden on Protecting the Right to Vote” *The White House* <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/01/11/remarks-by-president-biden-on-protecting-the-right-to-vote/>. Retrieved June 11, 2024.

¹³⁶ Quote by President Biden in Eric Bradner, Sarah Mucha, and Arlette Saenz, “Biden: ‘If You Have a Problem Figuring Out Whether You’re for Me or Trump, then You Ain’t Black’” *CNN.com*. <https://www.cnn.com/2020/05/22/politics/biden-charlamagne-tha-god-you-aint-black/index.html>. Retrieved June 11, 2024.

¹³⁷ Miller and Schofield, 433-436.

GOP expanding its protective tariffs to certain agricultural products. While Democrats had electoral strength in Northern cities due to immigration and Roman Catholic voters, the Southern wing was more aligned with agriculture, making the agrarians a natural base for that portion of the Democratic Party.

Republicans had tried in the post-Reconstruction era to make inroads into the South on economic grounds. President Rutherford B. Hayes sought to attract Southern whites through providing government funding for internal improvements, especially the development of railroad systems.¹³⁸ These efforts failed to make significant change to a South still traditional in culture, agricultural in economy, and embittered by the memory of the Civil War. However, changes in both major parties, as well as economic developments in the South, later caused the region to see its interests as fulfilled more in the GOP than in the Democratic Party.

Since the times of Andrew Jackson, if not even Thomas Jefferson, the Democratic Party had a significant component that desired a government limited in size and scope. This included circumscribed government involvement in the economy, exemplified by Jefferson's and Jackson's opposition to the national bank. The Progressives of the late 19th and early 20th centuries sought to change that philosophy, desiring to reorient the Democrats (and Republicans) toward a more expansive view of governmental powers. Yet this effort only changed portions of the Democratic Party, making little inroads in its Southern portion.

FDR's election and subsequent implementation of the New Deal brought decisive change for the view of government and the economy within the Democratic Party. The New Deal included a massive expansion of governmental regulation, especially of banks. It also involved significant government involvement in the economy with the many programs the Democratic President and Congress put in place to employ American workers.¹³⁹

Though quite popular within the party and across the country, the Democratic Party had its own opponents to the New Deal. Carter Glass and Harry F. Byrd, Democratic Senators from Virginia, both criticized it publicly.¹⁴⁰ Georgia Governor Gene Talmadge won his 1932 race calling for lower taxes and limiting government's size. He later called the New Deal "a combination of wet nursin', frenzied finance, downright Communism and plain dam-foolish."¹⁴¹ By 1938, a discernable and substantial (though certainly minority) group of these Democrats existed and vocally so. Regionally, the highest concentration of them resided in the South. That year, President Franklin Roosevelt attempted a purge of New Deal opponents from the Democratic Party.¹⁴² He did so by pushing more liberal challengers to defeat these anti-New Deal Democrats in the 1938 primaries. He failed miserably in this effort. A strain of Southern Democratic thought, one believing in more limited government and state authority, continued to wield significant power and often aligned with Northern Republicans on matters of common cause. This alliance with Northern Republicans was not built on support for segregation but in

¹³⁸ Vincent P. de Santis, "Republican Efforts to 'Crack' the Democratic South" *Review of Politics* 14(2)(April 1952):248.

¹³⁹ Amity Schlaes, *The Forgotten Man: A New History of the Great Depression* (New York: Harper Collins, 2007).

¹⁴⁰ See A. Cash Koeniger, "The New Deal and the States: Roosevelt Versus the Byrd Organization in Virginia" *The Journal of American History* 68(4)(March 1982): 876-896.

¹⁴¹ Quoted in Howard N. Mead, "Russell v. Talmadge: Southern Politics and the New Deal" *The Georgia Historical Quarterly* 65(1)(Spring 1981): 31.

¹⁴² See Susan Dunn, *Roosevelt's Purge: How FDR Fought to Change the Democratic Party* (Cambridge, MA: Harvard University Press, 2010).

a continued rejection of the economic philosophy that retooled the 1920s *laissez faire* GOP for modern conservatism.¹⁴³

Moreover, as an economic program of free markets and a political philosophy of smaller government took hold within the GOP, certain developments in the South made those positions even more attractive to voters in the region. The South had been considered economically backward and thus besieged by poverty and slow growth from Antebellum times into the middle of the 20th century. In 1937, the South's per capita income barely attained half the level in the rest of the country, a fact which was blamed mostly on the South's continued agrarian base and thus lack of industrial development.¹⁴⁴ That began to change in the second half of the 20th century. The South began a period of sustained economic growth that continues to this day. A new, vibrant middle class arose. In fact, in the 1940s, 30% of Southerners were considered middle class. That number had doubled to 60% by the 1980s.¹⁴⁵ This economic growth came disproportionately in the suburbs, a category of community that did not exist in the political science literature on Southern politics in the 1950s but was a strength electorally for Republicans for decades prior.

This growth in jobs and other opportunities accelerated migration from other parts of the country to the South. These new Southerners overwhelmingly consisted of white-collar workers who already formed a foundational component of the GOP elsewhere.¹⁴⁶ Economic development of a rising middle class continued to accelerate GOP gains in the South in the 1980s during the presidency of Ronald Reagan.¹⁴⁷ Reagan had argued in his First Inaugural that, "Government is not the solution to our problem, government is the problem."¹⁴⁸ He had cut taxes and spoke of the need to restrain federal spending, though that latter goal would prove a failing effort. The GOP continued to be identified with those positions, which became increasingly attractive to the growing, upwardly mobile suburban sections of the South.

Since that time, the growth in the South has continued to be urban and suburban, with nearly 90% of job growth coming in those portions of the South between 1987 and 2007.¹⁴⁹ Those changes continued to benefit the GOP. Thus, in the 1990s, the base of the Republican Party in Congress had not only moved to the South, with Georgia's Newt Gingrich as Speaker of the House and Texans Dick Armey and Tom Delay serving as majority leader and majority whip, but its base came to a great degree from the region's growing suburbs.¹⁵⁰ Gingrich's 1995 book, *To Renew America*, preached an economic gospel of free trade, low regulation, restored federalism, and a market economy dynamic in wealth creation

¹⁴³ Hood & McKee, 14. See also Erick Schickler, *Racial Realignment: The Transformation of American Liberalism 1932-1965* (Princeton, NJ: Princeton University Press, 2016).

¹⁴⁴ Bruce J. Schulman, *From Cotton Belt to Sun Belt: Federalist Policy, Economic Development, 1938-1980* (Durham: Duke University Press, 1994), 3-4.

¹⁴⁵ Joseph A. Aistrup, *The Southern Strategy Revisited: Republican Top-Down Advancement in the South* (Lexington, KY: University Press of Kentucky, 1996). See also James C. Cobb, *Redefining Southern Culture: Mind and Identity in the Modern South* (Athens, GA: University of Georgia Press, 1999).

¹⁴⁶ Dan Balz and Ronald Brownstein, *Storming the Gates: Protest Politics and the Republican Revival* (Boston: Little, Brown, & Co., 1996).

¹⁴⁷ Ferrel Guillory, "The South in Red and Purple: Southernized Republicans, Diverse Democrats" *Southern Cultures* 18(3)(Fall 2012): 9.

¹⁴⁸ Ronald Reagan, "First Inaugural Address" *Ronald Reagan Presidential Library and Museum*. <https://www.reaganlibrary.gov/archives/speech/inauqural-address-1981>. Retrieved 3/17/2024.

¹⁴⁹ Guillory, 13.

¹⁵⁰ Matthew D. Lassiter and Kevin M. Kruse, "The Bulldozer Revolution: Suburbs and Southern History Since World War II" *The Journal of Southern History* 75(3)(August 2009): 693.

and uplifting to hardworking Americans.¹⁵¹ It thereby continued basically to follow the blueprint articulated by Buckley in the 1950s, Goldwater in the 1960s, and Reagan in the 1980s. Dr. Bagley tries to cast Gingrich's conservative politics, especially his attempts to reform entitlements, as dominated by disparaging racial views of African-Americans.¹⁵² His accusation would have to strain history to find credible support. Gingrich's views showed the decidedly suburban, middle-class focus of the GOP at the time not a subliminal attempt to play racial politics.

The scholarship has noted these components helping the GOP to slowly gain strength in the South below the presidential level. Lublin found that "economic issues most quickly began to differentiate Republicans and Democrats after passage of the Voting Rights Act of 1965."¹⁵³ Richard Nadeau and Harold W. Stanley found that, since the mid-1970s, economic class has become the defining line for partisan preferences between Democrats and Republicans.¹⁵⁴ Even works emphasizing the racial answers to Southern re-alignment admit the existence and even the importance of a "free-market" economic philosophy in the development of Republican prospects in the 1940s and 1950s South. Challenging that thesis directly, Byron E. Shafer and Richard Johnston declared that economic change was the "first and foremost" driver of the partisan shift in the South from Democrat to Republican.¹⁵⁵

The combination of Southern economic development, Democratic movement to the left on economic issues, and the GOP embrace of and emphasis on free markets, lower regulation, and limiting government's size and scope, all aided a shift in voter identification toward the Republican party and away from the Democrats. Increasingly numbers of Southerners began to see the national Democratic party as the party of high taxes, irresponsible spending, and thereby the party whose policies stifled individual economic liberty and the economic pursuit of the American Dream.

Foreign Policy: Communism and the Cold War

Next, I turn to the development of the parties regarding the dominant foreign policy issue from 1945-1990: the Cold War against the forces of communism, especially Soviet Russia.

President Roosevelt officially recognized the Soviet Union in 1933, despite the Revolution of 1917 having brought the communists to power sixteen years prior.¹⁵⁶ However, the issue of America's response to national and international communism did not rise to a primary concern until after the end of World War II, when the defeat of Nazi Germany and Imperial Japan shifted international sphere toward the developing Cold War conflict between Soviet Communism and Western capitalist democracies.

Both parties generically opposed communism and saw it as a significant threat to the United States. President Harry Truman had initiated the foreign policy approach known as "Containment,"

¹⁵¹ Newt Gingrich, *To Renew America* (New York: Harper Collins, 1995).

¹⁵² See Bagley, *Third Expert Report*, 30.

¹⁵³ Lublin, 30.

¹⁵⁴ Richard Nadeau and Harold W. Stanley, "Class Polarization and Partisanship Among Native Southern Whites, 1952-90" *American Journal of Political Science* 37(3)(1993): 900-919.

¹⁵⁵ See Schafer and Johnston, *The End of Southern Exceptionalism: Class, Race, and Partisan Change in the Post-War South* (Cambridge, MA: Harvard University Press, 2009).

¹⁵⁶ Alonzo Hamby, *For the Survival of Democracy" Franklin Roosevelt and the World Crisis of the 1930s* (New York: Press Press, 2004), 152-153.

which sought to stop further Soviet territorial expansion.¹⁵⁷ Eisenhower essentially continued that policy during his presidency even if he tried to place some rhetorical distance between himself and his predecessor.¹⁵⁸ But the GOP as a whole tended to articulate a more antagonistic opposition than the Democrats. Wisconsin Republican Senator Joseph McCarthy, for example, infamously pushed the issue of communism to the forefront of American politics in the 1950s. GOP leadership proved more cautious. However, Robert Taft and Dwight Eisenhower, leaders of the more conservative and moderate wings of the party, were as careful to not fully repudiate McCarthy as they were not to fully embrace him. Moreover, in 1952 and 1956, Eisenhower picked Richard Nixon as his running mate.¹⁵⁹ Nixon had risen to prominence in large part due to his large participation in the hearings between Alger Hiss and Whittaker Chambers, where the latter accused the former of acting within the national government as a communist spy.¹⁶⁰ In 1948, Nixon campaigned tirelessly for Republican Presidential candidate Thomas Dewey in his presidential campaign against sitting president Harry Truman, focusing on the communist threat within the national government.¹⁶¹ The critiques Nixon made of Truman went beyond Democrat inability to find and oust Soviet infiltrators. International developments like the loss of China in 1949 and the war in Korea all opened up attacks on the Democratic Party as soft on our communist enemies.

As Sundquist notes, McCarthy's strident and often erratic anti-communism crusade had surprising popularity with a segment of the population decidedly outside the GOP coalition: Roman Catholics. The Roman Catholic church, however, already had engaged in significant efforts internationally against the rising Red menace.¹⁶² Though it did not result in immediate lasting gains, the move by the GOP to become the more unapologetically anti-Communist would aid in later efforts, mostly through social issues like abortion, to bring Roman Catholics into the party's fold.¹⁶³

The modern conservative movement that began to develop in the 1950s, the movement that became the base of the GOP, defined itself in large part by its anti-communism.¹⁶⁴ We saw this before in William F. Buckley's opening salvo in *National Review*, when he said we must seek the defeat of this foe. Goldwater's acceptance speech at the Republican National Convention in 1964 minced no words about his antipathy toward communism, an antagonism Lyndon Johnson used to great effect to paint Goldwater as an extremist who might lead us into nuclear war.¹⁶⁵

The approach to the Soviet Union and to the broader communist threat solidified as a significant party issue with the Vietnam War. America's participation in the conflict was largely escalated by

¹⁵⁷ Elizabeth Spaulding discusses the critiques leveled at Truman's policy during the time which included claims of being too soft on the Soviets as well as too provocative. See Elizabeth Edwards Spaulding, *The First Cold Warrior: Harry Truman, Containment, and the Remaking of Liberal Internationalism* (Lexington, KY: University of Kentucky Press, 2006).

¹⁵⁸ John Lewis Gaddis, *Strategies of Containment: A Critical Appraisal of Postwar American National Security Policy* (New York: Oxford University Press, 1982), 127-128.

¹⁵⁹ Sundquist, 338-339.

¹⁶⁰ Irwin F. Gellman, *The Contender: Richard Nixon, the Congress Years, 1946-1952* (Yale University Press, 2017 [originally The Free Press, 1999]), 196-224.

¹⁶¹ *Ibid.*, 255-261.

¹⁶² Sundquist, 339.

¹⁶³ This report does not focus on the movement of Roman Catholics into the GOP due to the small number of self-identified Catholics in Alabama and other portions of the Deep South historically, except for Louisiana.

¹⁶⁴ Donald T. Critchlow, *The Conservative Ascendancy: How the Republican Right Rose to Power in Modern America* (Leavenworth: University of Kansas Press, 2011), 1; Jeffrey D. Howinson, *The 1980 Presidential Election: Ronald Reagan and the Shaping of the American Conservative Movement* (New York: Routledge, 2014), 13-16.

¹⁶⁵ Stephen Skowronek, 340.

Democratic presidents, namely John F. Kennedy and LBJ, even as the rising New Left not only questioned our approach toward the Soviet Union but deeply opposed our involvement in Vietnam. The clashes in and around the 1968 Democratic National Convention largely concerned Vietnam.

Moving to the 1980s, President Reagan continued and even amplified the GOP antagonism toward the Soviet Union. He famously called the Soviets an “Evil Empire” in March of 1983, speaking in the kind black and white moral language that appealed to traditional voters. Moreover, he did not push for containment of the communist threat. Instead, in 1987, he called on the Russians to tear down the Berlin Wall while speaking in front of the Brandenburg Gate.¹⁶⁶ In addition, Reagan increased defense spending in relation to the Soviet threat, all of which positioned him in the public mind as fulfilling the longstanding conservative hardline toward communism.¹⁶⁷

The above developments in foreign policy had significant effects on partisanship in the South. As elements of the Democratic Party protested the Vietnam War, Southern Democrats found themselves again out of step with the leftward move. On communism, the clear opposition the GOP articulated became increasingly distinct from Democrats and attractive to Southern voters. Southerners held decidedly negative views of communism.¹⁶⁸ They tended to see it as against their economic and religious views. Carmines and Stanley see political import to this point, attributing Reagan’s success in the South in part to his strident anti-communism.¹⁶⁹ Reagan tied his critique of Communist Russia to broader conservative principles such as economic liberty, American patriotism, and to religious faith, telling news anchor Walter Cronkite that “their ideology is without God, without our idea of morality in the religious sense.”¹⁷⁰

Some have tried to tie the South’s anti-communism back to race, arguing that communism and civil rights were considered linked foes.¹⁷¹ However, this view falls prey to the reductionism previously noted. Anti-communism connected with Southern patriotism and religiosity, not to mention the South’s generally free-market economic views.¹⁷² These shifts all point to the Cold War as being one way that the GOP became more attractive to Southerners.

Social issues

Finally, this report turns to social issues. Social issues concern political reaction to cultural and moral matters. As discussed above, the New Deal coalition united around economic policy, differentiating itself with the GOP on those grounds primarily. Social issues were “submerged in the New

¹⁶⁶ See Romesh Ratnesar, *Tear Down This Wall: A City, A President, and the Speech that Ended the Cold War* (New York: Simon & Schuster, 2009).

¹⁶⁷ Robert M. Collins, *Transforming America: Politics and Culture During the Reagan Years* (New York: Columbia University Press, 2007), 193-218.

¹⁶⁸ Joseph A. Fry, *Dixie Looks Abroad: The South and U.S. Foreign Relations, 1789-1973* (Baton Rouge: Louisiana State University Press, 2002), 223.

¹⁶⁹ Edward G. Carmines and Harold W. Stanley, “Ideological Re-Alignment in the Contemporary South: Where Have All the Conservatives Gone?” in *The Disappearing South*, edited by Robert P. Steed, Laurence W. Moreland, and Tod A. Baker (Tuscaloosa: University of Alabama Press, 1990), 23-24.

¹⁷⁰ Quoted in H.W. Brands, *Reagan: The Life* (New York: Doubleday, 2015), 279.

¹⁷¹ See Jeff R. Woods, *Black Struggle, Red Scare: Segregation and Anti-Communism, 1948-1968* (Baton Rouge: Louisiana State University Press, 2004).

¹⁷² James C. Cobb, “World War II and the Mind of the Modern South,” *Remaking Dixie: The Impact of World War II on the American South*, edited by Neil R. McMillen (Jackson, MS: University of Mississippi Press 1997).

Deal years.”¹⁷³ Yet they did not stay so in the 1960s and beyond. In fact, the changes in the two major parties on this front did much to create greater distance between the average Southern voter and the Democrats and to push Southern voters closer to the Republican Party.

As a social issue, race of course came to the forefront in the 1960s in a way that severely tested the Democratic New Deal coalition. However, we have discussed how these intra-party battles did not produce an immediate move to the Republican Party of any durability. Separate from race’s effect on voters, other social issues arose from the 1960s and beyond that contributed mightily to the changing partisan landscape in the South.

1) *Religious Identity*

First, we turn to the issue of religious identity. The South has a reputation for high levels of religious adherence, especially to some iteration of Christianity. It is part of the so-called “Bible Belt” and for good reason. Baptists and Methodists have traditionally been the two largest demographics, as from 1850-1926 they combined for about 70% of Southern residents as a whole.¹⁷⁴ Alabama is no different on this score. In a book chapter released in 2005, Ted Ownby found that over 42% of Alabama residents identified as Baptist alone.¹⁷⁵ In its 2014 “Religious Landscape Study,” Pew Research found that 86% of surveyed Alabamians identified as Christians. Forty nine percent of the population claimed “Evangelical Protestant” as their self-designation.¹⁷⁶ This religious connection goes beyond mere identification. More than half of Alabamians reported going to religious services at least once a week, which is well above the national average.¹⁷⁷

For most of American history, this high religiosity did not matter for partisan alignment. Particular denominations tended toward one political party or the other with mainline Protestants forming the backbone of the GOP. Thus, the joke went that the Episcopal Church was, “the Republican Party at prayer.”¹⁷⁸ Democrats did better among Roman Catholics in the North and Baptists in the South. However, these were far from hard and fast distinctions. FDR, for example, was Episcopalian. Warren G. Harding was a Baptist.¹⁷⁹ Regardless, both parties were seen as homes for religious persons, especially those adhering to some form of Christianity.

However, the alignments within Christianity have changed. At first, the change concerned a divide between more theologically liberalizing denominations and those who retained a theologically traditional set of beliefs. Episcopalians and other mainline Christian denominations who liberalized

¹⁷³ Everett C. Ladd, “Like Waiting for Godot: The Uselessness of Realignment for Understanding Change in Contemporary American Politics” *Polity* 22(3)(Spring 1990): 523.

¹⁷⁴ Roger Finke and Rodney Stark, *The Churching of America, 1776-2005: Winners and Losers in Our Religious Economy* (New Brunswick, NJ: Rutgers University Press, 2006), 157-160.

¹⁷⁵ Ted Ownby, “Evangelical but Differentiated: Religion by the Numbers” *Religion and Public Life in the South*, edited by Charles Wilson Reagan and Mark Silk (Lanham, MD: Rowman and Littlefield, 2005), 41.

¹⁷⁶ “Adults in Alabama” *Religious Landscape Study* <https://www.pewresearch.org/religion/religious-landscape-study/state/alabama/>. Accessed 3/13/2024.

¹⁷⁷ *Ibid.*

¹⁷⁸ Daniel K. Williams, *The Politics of the Cross: A Christian Alternative to Partisanship* (Grand Rapids: Wm. B. Eerdmans, 2021), 19.

¹⁷⁹ Pew Research Center, “The Religious Affiliations of U.S. Presidents” January 15, 2009. <https://www.pewresearch.org/religion/2009/01/15/the-religious-affiliations-of-us-presidents/>. Retrieved 3/20/2024.

theologically now tend to be more aligned with the Democratic Party, though even here laypersons tended to be more Republican than the clergy. Southern Baptists and theologically traditionalist versions of Lutheran, Presbyterian, Pentecostal, and non-denominational churches have moved overwhelmingly into the GOP. The rise of the “Moral Majority” in the 1980s and the “Christian Coalition” in the 1990s further cemented the link between the theologically traditionalist group of churches, political conservatism, and Republican political identity.¹⁸⁰ The “Moral Majority” was formed by Jerry Falwell, founder of Liberty University and founding pastor of Thomas Road Baptist Church, both in Lynchburg, VA. Falwell had been angered by *Roe v. Wade* and by the IRS’s efforts to revoke Bob Jones University’s tax exempt status based on its ban for interracial dating and marriage (though he argued for the latter largely on grounds of religious liberty and limitations on governmental power). Falwell then established the “Moral Majority” in June of 1979 through which Falwell endorsed candidates, raised and donated money to political campaigns, and registered evangelicals to vote. Falwell focused on social issues like prayer, traditional marriage, but also anti-communism, warning of God’s judgment if Americans did not turn back to God.¹⁸¹ The Christian Coalition, formed in the late 1980s, was created by another important figure in the American conservative religious landscape: Pat Robertson. Like Falwell, Robertson also founded a college—Regent University in Virginia Beach. The “Christian Coalition” gave special focus to local elections while also putting out voting guides with “scorecards” for United States Congressmen that rated them based largely on their conformity to conservative values.¹⁸² The identification of Republicans with traditional moral or “family” values also attracted an increasing number of Roman Catholics, once solidly in the Democratic column, especially on issues like abortion and marriage.

These developments also continued to push mainline Protestants out of the GOP and toward the Democratic Party. The Episcopal Church, for example, consecrated its first gay bishop in 2003, approved its first liturgy for same-sex relationships in 2012, and officially permitted same-sex marriages within its churches in 2015. The Presbyterian Church (USA) changed its rules to permit the same unions in 2015 as well. This report will discuss below the movements of the parties on LGBTQ rights. But these liberalizing trends in Mainline Protestantism had significant effects on party affiliation as well.

More importantly for this report, the divide *within* religious adherents has been supplemented by a bigger one *between* religious adherents and those who do not identify with any organized religion at all.¹⁸³ The so-called “nones” have ballooned in size, especially among millennials and Generation Z.¹⁸⁴ These persons, either secular or at least unaffiliated with any organized religion, have become one of

¹⁸⁰ See Daniel K. Williams, *God’s Own Party: The Making of the Christian Right* (New York: Oxford University Press, 2012).

¹⁸¹ Williams, *God’s Own Party*, 171-179.

¹⁸² Mark J. Rozell and Clyde Wilcox, “Second Coming: The Strategies of the New Christian Right” *Political Science Quarterly* 111(2)(Summer 1996): 274-275.

¹⁸³ Louis Bolce and Gerald De Maio, “Secularists, Anti-Fundamentalists, and the New Religious Divide in the American Electorate” *From Pews to Polling Places: Faith and Politics in the American Religious Mosaic*, edited by J. Matthew Wilson (Washington, D.C.: Georgetown University Press, 2008), 251-276.

¹⁸⁴ Gregory A. Smith, “About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated” *Pew Research Center* December 14, 2021. <https://www.pewresearch.org/religion/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/>. Retrieved 3/21/2024; Jason DeRose, “Religious ‘Nones’ Are Now the Largest Single Group in the United States. NPR, January 24, 2024. <https://www.npr.org/2024/01/24/1226371734/religious-nones-are-now-the-largest-single-group-in-the-u-s>. Retrieved 3/20/2024.

the most reliable constituencies for the Democratic Party in the 21st century.¹⁸⁵ By contrast, those who identify with some form of institutional Christianity, but especially theologically conservative evangelical or Roman Catholic iterations, vote overwhelmingly Republican.¹⁸⁶

Given the continuing high levels of religiosity in the American South, especially in Alabama, it makes sense that these trends would affect partisan affiliations on the political front. Thus, a number of works have shown how the religious-secular divide has had a significant impact on the partisan splits within the voting public.¹⁸⁷ Religious adherence or non-adherence has become a fairly reliable marker for partisan identity as well, this research shows. As the GOP has become identified more exclusively with religious voters and Democrats with more secular, the decidedly religious South would likely feel more at home with the former party.

As this report turns to other social issues that have affected the Southern partisan landscape, religion will play a role in each of them. On abortion and LGBTQ rights, the divide between the parties is in part fueled by a divide between religious conservatives on the GOP side and either religious progressives or secularists anchoring the Democratic Party. We turn next to those issues and their importance to this discussion.

2) *Abortion*

Another issue to develop after the Civil Rights and Voting Rights Acts was abortion. Alabama's legislature passed the first statutory ban on terminating pregnancies in 1841. The penalties attached to violating that law were enhanced in 1894. In 1951, however, the legislature reduced the penalties, though evidence points toward this reduction as trying to secure better enforcement through increased likelihood of convictions.¹⁸⁸

On January 22, 1973, the U.S. Supreme Court released its decision in *Roe v. Wade*.¹⁸⁹ By a 7-2 vote, the justices determined that the Constitution protected a right to privacy that included a woman's choice to terminate her pregnancy. This decision voided the laws restricting abortion across the South, including those in place in Alabama.

Though reaction at first was mixed between the parties, the Republicans moved toward affirming the Pro-Life cause with Democrats increasingly siding with the Pro-Choice movement. The 1976 GOP Party platform included an acknowledgment that persons in the party existed across the spectrum of wanting near-total allowance and near-total bans on abortion. But, with language

¹⁸⁵ Peter Smith, "Non-Religious Voters Wield Clout, Tilt Heavily Democratic" December 3, 2022. <https://apnews.com/article/abortion-pennsylvania-reproductive-rights-e5eb366a76995619a2c9bae200f414e6>. Retrieved 3/21/2024.

¹⁸⁶ For a breakdown of Gallup Polling on this issue in the 2020 election, see Frank Newport, "Religious Group Voting and the 2020 Election" November 13, 2020. <https://news.gallup.com/opinion/polling-matters/324410/religious-group-voting-2020-election.aspx>. Accessed 3/20/2024.

¹⁸⁷ David E. Campbell, Geoffrey C. Lehman, John C. Green, and Nathanael G. Sumaktoyo, "Putting Politics First: The Impact of Politics on American Religious and Secular Orientations" *American Journal of Political Science* 62(3)(July 2018): 551-565; William V. D'Antonio, Steven A. Tuch, and Josiah R. Baker, *Religion, Politics, and Polarization: How Religiopolitical Conflict is Changing Congress and American Democracy* (Lanham, MD: Rowman & Littlefield, 2013).

¹⁸⁸ See also Brian Lyman and Evan Mealins, "A History of Abortion Law and Abortion Access in Alabama" *Montgomery Advertiser* June 24, 2022. <https://www.montgomeryadvertiser.com/story/news/2022/06/24/abortion-law-access-alabama-roe-vs-wade-history/7702753001/>. Retrieved 3/14/2024.

¹⁸⁹ 410 U.S. 113 (1973).

introduced by Kansas Senator Bob Dole, the platform said, “[t]he Republican Party favors a continuance of the public dialogue on abortion and supports the efforts of those who seek enactment of a constitutional amendment to restore protection of the right to life for unborn children.”¹⁹⁰ The Democratic Party platform of that year took a less decided stance. It merely said, “[w]e fully recognize the religious and ethical nature of the concerns which many Americans have on the subject of abortion. We feel, however, that it is undesirable to attempt to amend the U.S. Constitution to overturn the Supreme Court decision in this area.”¹⁹¹

In 1980, the GOP platform enhanced its Pro-Life stance. It reiterated support for a Constitutional amendment protecting unborn life, adding, “[w]e also support the Congressional efforts to restrict the use of taxpayers' dollars for abortion.”¹⁹² Democrats that year also moved toward the Pro-Choice position. Their platform restated that some opposed abortion for ethical and moral reasons. However, it added that “[w]e also recognize the belief of many Americans that a woman has a right to choose whether and when to have a child.” Beyond recognizing these competing views, it also declared that, “[t]he Democratic Party supports the 1973 Supreme Court decision on abortion rights as the law of the land and opposes any constitutional amendment to restrict or overturn that decision.”¹⁹³

Moving on to 1984, the differences between the parties became stark. The GOP declared, “[t]he unborn child has a fundamental individual right to life which cannot be infringed.” From that statement, the platform not only reiterated a call for a human life amendment but also “legislation to make clear that the Fourteenth Amendment's protections apply to unborn children.” It restated the party’s opposition to government funding for abortion and commended those private organizations that provided alternatives to abortion for pregnant women.¹⁹⁴ The Democrats’ 1984 platform, by contrast, spoke of, “the fundamental right of a woman to reproductive freedom” that Reagan’s reelection threatened. In 1988, the Democratic Party would add a provision declaring, “that the fundamental right of reproductive choice should be guaranteed regardless of ability to pay,” thus calling for government funding of abortion for those women living in poverty.

The scholarship reveals that voters paid attention to these hardenings in the parties on the issue of abortion. Louis Bolce, in a 1988 study, argued that a significant shift occurred in voter views of how each party approached abortion.¹⁹⁵ Greg Adams displayed how, by 1997, the Republican and Democratic parties had clarified their abortion stances, with the GOP becoming the clear home for Pro-Life advocates and the Democrats more welcoming to the Pro-Choice movement.¹⁹⁶ Second, he showed how a significant number of voters have switched their party identification in response to abortion.

¹⁹⁰ “The Republican Party Platform of 1976” <https://www.presidency.ucsb.edu/documents/republican-party-platform-1976>. Retrieved 3/15/2024.

¹⁹¹ “The Democratic Party Platform of 1976” <https://www.presidency.ucsb.edu/documents/1976-democratic-party-platform>. Retrieved 3/19/2024.

¹⁹² “The Republican Party Platform of 1980” <https://www.presidency.ucsb.edu/documents/republican-party-platform-1980>. Retrieved 3/15/2024.

¹⁹³ “The Democratic Party Platform of 1980” <https://www.presidency.ucsb.edu/documents/1980-democratic-party-platform>. Retrieved 3/15/2024.

¹⁹⁴ “The Republican Party Platform of 1984” <https://www.presidency.ucsb.edu/documents/republican-party-platform-1984>. Retrieved 3/15/2024.

¹⁹⁵ Louis Bolce, “Abortion and Presidential Elections: The Impact of Public Perceptions of Party and Candidate Positions” in *Presidential Studies Quarterly* 18(4)(Fall 1988): 815-829.

¹⁹⁶ Greg D. Adams, “Abortion: Evidence of an Issue Evolution” *American Journal of Political Science* 41(3)(July 1997): 718-737.

Third and finally, he displayed how vocal Pro-life and Pro-choice commitments among party elites has affected the way regular people view major party views on abortion. All of these points direct toward the public, including in the South, seeing the GOP as the Pro-life party.

Moreover, overturning *Roe v. Wade* and then its reaffirmation in *Planned Parenthood v. Casey*¹⁹⁷ became rallying cries for conservatives and many within the GOP. In the 1990s, the Democratic Party's Pro-choice stance did include President Clinton's formulation that abortion should be, "safe, legal, and rare." However, since that time, Progressives and the Democratic Party more broadly have made the case for broader and less apologetic support for abortion rights and the women exercising that right.¹⁹⁸

These movements within the two parties clearly placed the GOP closer to, and the Democratic Party further from, the preferences of Southern voters. The South has opposed legalized abortion by higher margins than the country as a whole. Alabama in particular has taken a much more anti-abortion stance than the average American. In a 2014 Pew Research survey, Alabama had the lowest support for legalized abortion in the entire nation.¹⁹⁹ In 2018, Alabama voters passed an amendment to their state constitution by a 59-41% margin.²⁰⁰ The text read that, "[t]his state acknowledges, declares, and affirms that it is the public policy of this state to recognize and support the sanctity of unborn life and the rights of unborn children, including the right to life" and pledged the state's public policy-making to "the protection of the rights of the unborn child in all manners and measures lawful and appropriate." Then, in 2019, Alabama passed one of the most restrictive abortion laws in the country.²⁰¹ It banned nearly all abortions except for fetuses with a "lethal anomaly" or where continued pregnancy would, "present serious health risk" to the woman.

In addition, we have data showing that a significant number of people vote on the basis of abortion. In the 2016 presidential election, for instance, the next president's capacity to nominate new justices to the Supreme Court proved deeply consequential to the election of Donald Trump. A CNN exit poll found that those who said Supreme Court appointments were "the most important factor" reported voting for Donald Trump by a 56%-41% margin.²⁰² This voter focus on the Supreme Court was concerned predominantly with the prospect of overturning *Roe v. Wade* and *Planned Parenthood v. Casey*.

The motivations for a pro-life or a pro-choice position does not seem to be based in race. In an early study after the Court handed down *Roe*, Donald Granberg found attitudes about abortion most strongly correlated to religious belief, not economic class, geography, or race.²⁰³ One example pertinent to Alabama politics is the Southern Baptist Convention. In 2024, an estimated 1.25 million Alabama residents, or one in four, considered themselves Southern Baptist, whose adherents overwhelmingly

¹⁹⁷ 505 U.S. 833 (1992).

¹⁹⁸ See Katha Pollitt, *Pro: Reclaiming Abortion Rights* (New York: Picador, 2014); *Shout Your Abortion*, edited by Amelia Bonow and Emily Nokes (Oakland, CA: PM Press, 2018); J. Shoshanna Ehrlich and Alesha E. Doan, *Abortion Regret: The New Attack on Reproductive Freedom* (Santa Barbara, Praeger, 2019).

¹⁹⁹ Pew Research Center, "Views About Abortion by State" 2014 U.S. Religious Landscape Study <https://www.pewresearch.org/religion/religious-landscape-study/compare/views-about-abortion/by/state/>. Retrieved 3/15/2024.

²⁰⁰ Alabama Constitution of 1901, Art. I, § 36.06.

²⁰¹ See "Human Life Protection Act" or HB 314.

²⁰² Jane Coaston, "Polling Data Shows Republicans Turned Out for Trump in 2016 because of the Supreme Court" June 29, 2018. <https://www.vox.com/2018/6/29/17511088/scotus-2016-election-poll-trump-republicans-kennedy-retire>. Retrieved 3/15/2024.

²⁰³ Donald Granberg, "Pro-Life or Reflection of Conservative Ideology: An Analysis of Opposition to Legalized Abortion" *Sociology and Social Research* 62(April 1977/1978): 414-429.

oppose abortion.²⁰⁴ That denomination's stated positions on abortion did evolve. It gave its first official position in 1971, before the Supreme Court handed down *Roe v. Wade*. This statement and others in the 1970s gave some opening to permitting abortion for certain reasons. However, the Southern Baptist Convention settled on a decidedly pro-life stance by 1980, when it called for amending the Constitution to ban abortion except for when the life of the mother was at risk.²⁰⁵ Also opposing any government funding for abortion, the SBC has maintained a consistent and strident anti-abortion position to the present day.

Thus, it is reasonable to see that Alabama voters highly motivated by that issue would align with the political party closest to their views on abortion. That party clearly is the GOP, not the Democrats. Given the sensitive, emotional nature of the issue, it also is reasonable that the abortion positions of parties and their candidates would make a significant difference in voter decisions at the polls.

3) *LGBTQ Rights*

Another issue of importance for Southern partisan identification concerned LGBTQ rights. On the Supreme Court, gay rights began to receive consistent protection in *Romer v. Evans* (1996),²⁰⁶ which struck down a Colorado amendment prohibiting anti-discrimination protections for gay persons. This trend continued with *Lawrence v. Texas* (2003)²⁰⁷ that voided a Texas law banning homosexual sodomy. In *United States v. Windsor* (2013),²⁰⁸ the Court struck down portions of the Defense of Marriage Act (DOMA) that had defined marriage in traditional terms for federal law. These legal efforts culminated in the 2015 Supreme Court decision *Obergefell v. Hodges*²⁰⁹ which recognized a constitutional right to marriage for same-sex couples.

Though neither party officially supported same-sex marriage until the 21st century, the Democratic Party always showed greater openness to and support for the legal and cultural claims of gay persons. As early as 1972, Madeline Davis argued for inclusion of gay rights in the Democratic Party Platform.²¹⁰ Harvey Milk, the first openly gay man elected to office in California, joined the Democratic Party in 1972 before being elected San Francisco Board of Supervisors in 1977.²¹¹ One of the first openly gay members of Congress, Barney Frank from Massachusetts, was a prominent Democrat as well.

Beyond persons, official Democratic Party positions moved toward greater recognition about, and advocacy for, gay rights. The 1992 Democratic Party Platform committed to policies that would "provide civil rights protection for gay men and lesbians and an end to Defense Department

²⁰⁴ See Pew Research Center, "Views About Abortion Among Members of the Southern Baptist Convention" <https://www.pewresearch.org/religion/religious-landscape-study/religious-denomination/southern-baptist-convention/views-about-abortion/>. Retrieved 3/15/2024.

²⁰⁵ See Southern Baptist Convention, "Resolution on Abortion" June 1, 1980. <https://www.sbc.net/resource-library/resolutions/resolution-on-abortion-6/>. Retrieved 3/20/2024.

²⁰⁶ 517 U.S. 620 (1996).

²⁰⁷ 539 U.S. 558 (2003).

²⁰⁸ 570 U.S. 744 (2013).

²⁰⁹ 576 U.S. 644 (2015).

²¹⁰ Madeline Davis, "Address to the Democratic National Convention," *Speaking for Our Lives: Historic Speeches and Rhetoric for Gay and Lesbian Rights, 1892-2000*, edited by Robert B. Ridinger (New York: Harrington Park Press, 2004), 179-180.

²¹¹ Lillian Faderman, *Harvey Milk: His Lives and Death* (New Haven: Yale University Press, 2018), 142-149. Due to his open homosexuality, Milk was murdered after less than a year after taking office on November 27, 1978.

discrimination”²¹² in response to the ban on such persons from serving in the military. Yet this movement was far from smooth. In 1996, Congress passed, and Democratic President Bill Clinton signed, the previously mentioned “Defense of Marriage Act”.²¹³ Again, the law defined marriage for federal government purposes in exclusively heterosexual terms. It also declared that states would not have to recognize marriage between same-sex couples that took place in other states. In Congress, Democratic officeholders voted 118-65 for the bill in the House and 32-14 for it in the Senate. These votes came in addition to nearly unanimous support from the GOP. Yet even here, differences between the parties still existed. Not only did a number of Democrats vote against DOMA, unlike with the GOP; the party platforms for 1996 took very different approaches, with the Republican platform giving full-throated support to the law and the Democratic platform avoiding the issue entirely.

While support for gay rights generally continued to grow within the Democratic Party, it took until 2012 for the Party’s platform to explicitly endorse same-sex marriage.²¹⁴ President Obama, then running for re-election, had stood against legalizing such relationships in his 2008 campaign. But he had announced a change of opinion in the lead-up to the 2012 election,²¹⁵ becoming the first presidential candidate of a major political party to take that stance.

The Republican Party, by contrast, vigorously supported traditional marriage as the exclusive definition of the institution, at least it did through the handing down of *Obergefell*. Some Republicans voiced opposition to this position, including Vice-President Dick Cheney and Ohio Senator Rob Portman.²¹⁶ However, these were decidedly minority views within the party.

For example, in a well-publicized speech at the 1992 Republican National Convention, Pat Buchanan criticized the Democratic ticket of Bill Clinton and Al Gore as “the most pro-lesbian and pro-gay ticket in history.” He also decried, “the amoral idea that gay and lesbian couples should have the same standing in law as married men and women.” He was one of six speakers to advocate for traditional marriage and family structures at the Convention.²¹⁷ In the 2000 presidential election, when Al Gore supported “civil unions” for same-sex couples, George W. Bush strongly opposed them.²¹⁸ The public took notice of these party positions. In a 2003 article, Paul Brewer noted that, “[i]n American politics, support for gay rights has typically been associated with liberalism and the Democratic party, whereas opposition to gay rights has typically been associated with conservatism and the GOP.”²¹⁹

These perceptions were only reinforced by subsequent events. The GOP’s 2004 party platform attacked, “hard-left” judges who, “threaten America’s dearest institutions and our very way of life. In

²¹² “1992 Democratic Party Platform.” <https://www.presidency.ucsb.edu/documents/1992-democratic-party-platform>. Retrieved 3/16/2024.

²¹³ 110 Stat. 2419 (1996).

²¹⁴ “We support marriage equality and support the movement to secure equal treatment under law for same-sex couples.” See “2012 Democratic Party Platform.” <https://www.presidency.ucsb.edu/documents/2012-democratic-party-platform>. Retrieved 3/19/2024.

²¹⁵ Kerry Eleveld, *Don’t Tell Me To Wait: How the Fight for Gay Rights Changed America and Transformed Obama’s Presidency* (New York: Basic Books, 2015), xvi.

²¹⁶ Andrew Reynolds, *The Children of Harvey Milk: How LGBTQ Politicians Changed the World* (New York: Oxford University Press 2019), 239.

²¹⁷ Sean Cahill, “The Anti-Gay Marriage Movement” *The Politics of Same-Sex Marriage*, edited by Craig A. Rimmerman and Clyde Wilcox (Chicago: University of Chicago Press, 2007), 169.

²¹⁸ John Kenneth White, *Barack Obama’s America: How New Conceptions of Race, Family, and Religion Ended the Reagan Era* (Ann Arbor: University of Michigan Press, 2009). 130.

²¹⁹ Paul R. Brewer, “The Shifting Foundations of Public Opinion on Gay Rights” *Journal of Politics* 65(4)(November 2003): 1210.

some states, activist judges are redefining the institution of marriage.”²²⁰ The same platform also said that President Bush would defend DOMA. In the same section, it said President Bush supported a Constitutional Amendment that “fully protects marriage” and that, “[w]e further believe that legal recognition and the accompanying benefits afforded couples should be preserved for that unique and special union of one man and one woman which has historically been called marriage.”²²¹

Like with abortion, the party development on this issue opened up a significant gap between the majority of Southern voters and the Democratic Party while the GOP better aligned with those voters. In a 2007 survey of Alabama voters, 60% of respondents agreed with the statement that homosexuality “should be discouraged.” In the 2014 survey, that number dipped a little. However, 52% of respondents still agreed with that statement” In the same report, 57% of Alabama respondents opposed the legal recognition of same-sex marriage. Alabama was the state with the least support for legal recognition of same-sex marriage in the entire country according to the Pew study.

These opinion surveys played out in voting patterns. In 2006, Alabama voters approved Amendment 774, also known as the “Sanctity of Marriage Amendment.” Among its provisions, this amendment said, “[m]arriage is inherently a unique relationship between a man and a woman” and therefore, “[a] marriage contracted between individuals of the same sex is invalid in this state.” In addition, the amendment specified that, “The State of Alabama shall not recognize as valid any marriage of parties of the same sex that occurred or was alleged to have occurred as a result of the law of any jurisdiction regardless of whether a marriage license was issued.”²²²

The voters passed this new addition to the state constitution by an overwhelming margin, 81%-19%. This move by Alabama voters participated in a much broader trend. Between 2004 and 2012, thirty states passed referenda defining marriage exclusively in traditional terms. Thirteen did so in 2004 alone.²²³

Again, these trends give a non-racial reason for the voting preferences of a majority of Alabama voters in the 21st century. The conservative argument for more traditional values on matters of sexuality has proven more in-line with voter preferences in the state and the region, even as LGBTQ rights have received increased legislative and judicial protection nationally. As with abortion, those voters placing a high importance on these issues in the state and region would tend to see Republicans as their more natural ally.

Conclusion

In this report, I have sought to provide a fuller context for how Alabamians in 2024 come to identify with and vote for one of the two major political parties. This context came from a broader discussion of political parties in America and a more focused inquiry into party history in the South, of

²²⁰ “2004 Republican Party Platform” <https://www.presidency.ucsb.edu/documents/2004-republican-party-platform>. Retrieved 3/16/2024.

²²¹ *Ibid.*

²²² Alabama Constitution of 1901, Amendment 774. <https://constitutii.files.wordpress.com/2013/02/alabama.pdf>. Retrieved 3/19/2024.

²²³ Haeyoun Park, “Gay Marriage State by State: From a Few States to a Whole Nation” *New York Times*, March 31, 2015. <https://www.nytimes.com/interactive/2015/03/04/us/gay-marriage-state-by-state.html>. Retrieved 3/16/2024; Thomas M. Keck, “Beyond Backlash: Assessing the Impact of Judicial Decisions on LGBT Rights” *Law and Society Review* 43(1)(March 2009): 153-154. See also Cary Franklin, “Marrying Liberty and Equality: The New Jurisprudence of Gay Rights” *Virginia Law Review* 100(5)(September 2014): 845.

which Alabama comprises an important a consistent example of the Deep South. We know that the once solid Democratic South turned from the Democratic Party, now voting reliably Republican at the national and state levels. With the anomaly of 1964 in the Deep South, it did so slowly and incrementally, starting at the presidential level, in the Peripheral South, and through urban and then suburban areas. Democrats remained the clear majority party on nearly all non-presidential offices for decades after the Civil Rights movement triumphed in the region. Only in the mid-1990s did the South really start to turn to a majority Republican region at the Congressional and state government levels, a trend that continued slowly into the 21st century, with Alabama's legislature only turning fully to the GOP in 2010.

Southern voters, including in Alabama, slow-motion forsook the Democrats and gradually embraced the GOP for a variety of reasons. The rise of the New Left within the Democratic Party caused it to diverge sharply from Southern voters' beliefs on a number of issues. At the same time, developments in the GOP, based in the growth of Modern Conservatism, eventually led many in the South to see Republicans as embodying their views better. These issues included economics and the role of government, communism, abortion, and LGBTQ rights. We could add more to the list, including gun control and environmental policy, where the GOP has come to align decidedly with the preferences of a majority of Southern voters. However, the above gives a good amount of evidence to make the same point: race alone does not account for the partisan realignment of the last 60 plus years.

The explanatory dominance of race could come even more into question in the current election cycle. While very preliminary, polling for the 2024 election has consistently shown significant shifts within minority voters toward the GOP.²²⁴ In fact, Democrats in minority communities have expressed alarm on this point.²²⁵ We should not read too much into these polling numbers and political reactions to them yet. However, they give additional evidence that the political alignments at work today are driven by factors other than race such as economics, foreign policy, and moral issues and that social and economic class also plays a significant role in persuasion toward partisan identities.

In conclusion, I should make clear that these observations do not give a moral approval or disapproval of the views held and actions taken on the above matters. I neither defend nor critique Alabama voters on their views about economics, government, communism, religion, abortion, and gay rights. Instead, what the above clearly show are issues distinct from race that significantly influenced Alabama party affiliation and voting patterns. Nor do I deny that race plays any factor whatsoever in the minds of any voters in Alabama in 2024. As noted in the introduction, these other elements do not eliminate race entirely as a factor in how voters, including white voters, cast their ballots. Still, the above history and scholarship gives solid evidence that other factors beyond race have had an important, consequential effect on partisan realignment in the South, including the state of Alabama. That fuller narrative matters for considering the role of race in redistricting. I believe this evidence should be taken

²²⁴ Jeffrey M. Jones and Lydia Saad, "Democrats Lose Ground With Black and Hispanic Adults" *Gallup* February 7, 2024. <https://news.gallup.com/poll/609776/democrats-lose-ground-black-hispanic-adults.aspx>. Retrieved 6/5/2024; Philip Bump and Lenny Bronner, "Another Lens into the Rightward Shift of Black and Hispanic Americans" *Washington Post* March 11, 2024. <https://www.washingtonpost.com/politics/2024/03/11/black-hispanic-republican-votes-polling/>. Retrieved 6/4/2024; Russell Contreras, "Democrats' big vulnerability: Why they're losing Black, Hispanic voters" *Axios* March 13, 2024. <https://www.axios.com/2024/03/13/why-democrats-black-hispanic-vote-republican>. Retrieved 6/4/2024.

²²⁵ Maya King, "Behind the Republican Effort to Win Over Black Men" *New York Times*, June 10, 2024. <https://www.nytimes.com/2024/06/10/us/politics/2024-election-gop-black-men-voters.html>. Retrieved June 10, 2024.

into account by any judicial body considering redistricting plans, including the current one under consideration by this court.

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Education

Ph.D.: Baylor University, Department of Political Science, 2014.
M.A.: Baylor University, Department of Political Science, 2011.
B.A.: Ashland University, Department of Political Science and Department of Religion, 2007.

Books

Liberty in Full: Justice Stephen Field's Cooperative Constitution of Liberty (Lexington Books 2017. Paperback 2019).

Academic Articles/Book Chapters

“Power Struggle: Locke and Montesquieu on Separation of Powers” in collected volume honoring Dr. David Nichols (under contract with Lexington Books).

“Ship as State: the Political Philosophy of *Master and Commander*” in *The Politics of Contemporary Hollywood Films* (forthcoming from Lexington Books).

“Self-Defined, Self-Expressed, Societally-Approved: Justice William J. Brennan’s Jurisprudence of Human Dignity” in *The Catholic Supreme Court Justices* (Forthcoming 2024 from Catholic University of America Press).

“Story Time With Whittington: Judicial Review in *Repugnant Laws and Commentaries on the Constitution*” in *The Georgetown Journal of Law & Public Policy* 19(Summer 2021).

“No ‘Piece of Cake’: Applying Liberty and Equality in *Masterpiece Cakeshop*” in *Society, Law and Ethics*, Edited by David Mackey (Jones & Bartlett 2021).

“Alexander Hamilton and Popular Government: Friendly Defender and Friendly Critic” in *Democracy and the History of Political Thought*. Edited by Patrick Cain, Steve Block, and Stephen Sims (2021 with Lexington Books).

“The Statesmanship of Job: Puritan Joseph Caryl on Job as the Model Magistrate” in *Evangelical Quarterly* 90(3)(2019).

“Running the Robed Gauntlet: Southern State Courts’ Interpretation of the Emancipation Proclamation” *American Journal of Legal History* 57(4)(2017).

“Equality, Prejudice, and the Rule of Law: Alabama Supreme Court Justice Thomas Peters’ Protection of African-Americans’ Rights During Reconstruction” *Journal of Southern Legal History* (2017).

“To Inform and Recommend: Hamilton and the Constitutional Ground for Interaction between Executive Officers and Congress” *Presidential Studies Quarterly* 47(4)(2017).

“Constructed for Liberty: Justice Clarence Thomas’s Understanding of Separation of Powers” *Journal of American Political Thought* 5(4)(2016).

“Free and Happy Bonds: *Loving v. Virginia*’s Nineteenth-Century Precedent on Marriage and the Pursuit of Happiness” in *American Constitutionalism, Marriage, and The Family: Obergefell v. Hodges and U.S. v. Windsor in Context*. Edited by Patrick N. Cain and David Ramsey (Lexington Books: 2016)

“Free and Happy Bonds: *Loving v. Virginia*’s Nineteenth-Century Precedent on Marriage and the Pursuit of Happiness” *Perspectives on Political Science* 45(2)(2016).

“Police the Border: Justice Stephen Field on Immigration as a National Police Power,” *Journal of Supreme Court History* 40(1)(2015).

“Court Curbing via Attempt to Amend the Constitution: An Update of Congressional Attacks on the Supreme Court from 1955–1984” with Curt Nichols and David Bridge in *Justice Systems Journal* (May 2014).

"Liberty and Regulation," *Readings in American Government, 9th ed.* Edited by Mary and David Nichols (Dubuque, Iowa: Kendall/Hunt, 2013).

Book Reviews

“*Anchors of Democracy: A New Division of Powers, Representation, Sense of Limits* by Rocco Pezzimenti” in *Review of Metaphysics* 76(2)(December 2022).

“Shakespeare’s *Coriolanus*: two editions by Jeffrey Kahan and Jan Blits” in *Interpretation* 47(3)Summer 2021).

“Neil Gorsuch: A Judge in Full.” Review of *A Republic If You Can Keep It* by Neil Gorsuch in *American Spectator* 11/6/19. <https://spectator.org/neil-gorsuch-a-judge-in-full/>.

“How ‘We the People’ Can Reclaim Our Constitution,” Book Review of Randy Barnett, *Our Republican Constitution*, in *The Federalist* 4/23/2016.
<http://thefederalist.com/2016/04/23/how-we-the-people-can-reclaim-our-constitution/>.

Review of *California Crucible: The Forging of Modern American Liberalism* by Jonathan Bell in *Political Science Quarterly* (Summer 2013).

Review of *The Agnostic Age: Law, Religion, and the Constitution* by Paul Horwitz in *Journal of Church and State* (Summer 2012).

Conferences and Talks

“*Energy’s Scaffold: Edward Bates on Separation of Powers in the Lincoln Administration*” submitted for “Abraham Lincoln and the American Experiment in Self-Government” Ashland University, 11/17-18/2023.

“Power Struggle: Locke and Montesquieu on Separation of Powers” conference honoring legacy of Dr. David Nichols 10/14-15/2022.

“Songs in the King’s Key: The Political Thought of the Psalms” given at the John M. Ashbrook Center for Public Affairs 10/22/2021.

“Supreme Court Preview: Cases to Keep an Eye on in the Upcoming Term” Webinar for the John M. Ashbrook Center for Public Affairs 9/29/2021.

“The First Amendment and Pornography: Drawing a Line in the Sand.” Talk given at 2019 Love & Fidelity Conference, 11/10/2019.

“Still Imperial? The Presidency and the Constitution” (discussant) APSA 2019, Washington, D.C. (8/31/2019).

“ ‘Full of Fears and Full of Hopes’: Conversations with Tocqueville on the Problems of Democracy in America” at Baylor University (panelist) (6/30-7/1/2019).

James Wilson Institute XVI at the Kirby Center (panelist) (5/3-5/5/2019).

5th Annual Salmon Chase Lecture & Colloquium at Georgetown Law (panelist) (11/30-12/1/2018).

APSA in Boston (chaired panel) (8/30-9/2/2018).

“In Substance, Not Name: Antebellum Court Seeds of the Administrative State.” Talk at Baylor University, 3/16/18.

“The Statesmanship of Job: Joseph Caryl on Job as the Model Magistrate.” Panel at the Southern Political Science Association Annual Meeting, New Orleans, LA, 1/6/18.

Roundtable: The Electoral College: Time to Re-Evaluate? Panel at the American Political Science Association Annual Meeting, San Francisco, CA, 9/3/2017.

Roundtable: Checks on Executive Power Under Obama And Trump. Panel at the American Political Science Association Annual Meeting, San Francisco, CA, 9/2/2017.

“Presidential Opinions, Congressional Recommendations: The Ambivalent Constitutional Status of Treasury Secretary Alexander Hamilton.” Presented at the American Political Science Association Annual Meeting, San Francisco, CA, 9/4/2015.

“Free and Happy Bonds: The Nineteenth Century Courts on Marriage and the Pursuit of Happiness,” at the annual meeting of the Northeastern Political Science Association, Boston, MA, November 2014.

“Author Meets Critics: Nicholas Buccola’s *The Political Thought of Frederick Douglass: In Pursuit of American Liberty*,” at the annual meeting of the Midwestern Political Science Association, Chicago, IL, April 2013 (Discussant).

“Congressional Attacks on the Supreme Court: Court-Curbing from a Regime Politics Perspective,” paper with Curt Nichols and David Bridge, accepted at the (cancelled) *American Political Science Association* meeting, New Orleans, LA, September 2012.

“Western Natural Law Tradition” Alexander Hamilton Institute, Clinton, New York, June, 2012 (Discussant).

“Enforced Satisfaction: Justice Field on Government’s Role in the Pursuit of Happiness” paper presented at the annual meeting of the *Northeastern Political Science Association*, Philadelphia, PA, November, 2011.

“Presidential Success and Failure,” panel at the annual meeting of the *Northeastern Political Science Association*, Philadelphia, PA, November, 2011 (Chair, Discussant).

“The ‘City on a Hill’ Unglued?: John Winthrop and the Problem of Faction” paper presented at the annual meeting of the Southwestern Social Science Association, Houston, TX, 2010.

Other Professional Experience

Provided expert report and gave deposition for the State of Alabama in *Stone v. Allen* (2024).

Awards and Honors

William and Patricia LaMothe Chair in the U.S. Constitution, Hillsdale College

Professor of the Month (April 2019), Kappa Kappa Gamma

Hillsdale College Professor of the Year (2018), Hillsdale College

Teacher of the Month (February 2016), Student Federation, Hillsdale College.

Richard D. Huff Outstanding Graduate Student, Department of Political Science, Baylor University, 2014.

Stormie Schott Award (Graduate Outstanding Church/Community Service), Baylor University, Department of Political Science, 2012.

Presidential Scholar, Baylor University, Graduate School, 2009-Present.

James Madison Award (Outstanding Ashbrook Scholar), Ashland University, 2007.

Charles M. Parton Award (Outstanding Thesis), Ashland University, 2007.

Teaching Experience

Assistant Professor, Hillsdale College, 2014-Present

POL 101: *U.S. Constitution*

POL 301: *American Government*

POL 303: *The American Presidency*

POL 305: *Civil Rights*

POL 306: *Political Parties and Elections*

POL 407: *The Federalist*

POL 412/504: *Politics and Literature*

POL 416: *Montesquieu*

POL 597: *Richard Nixon* (Independent Study)

POL 597: *Political Theory Survey* (Independent Study)

POL 597: *Statesmanship of Lincoln* (Independent Study)

POL 742: *The American Presidency*

POL 743: *Constitutional Law I: Constitutional Powers*

POL 744: *Constitutional Law II: Constitutional Rights*

POL 832: *Teaching Apprenticeship*

Collegiate Scholars 259: *Tocqueville's The Ancien Regime*

Collegiate Scholars 259: *Hamilton: The Man; the Musical*

Collegiate Scholars 259: *Politics in the Bible*

Collegiate Scholars 259: *Fate and the Individual in European Literature* (w/Dr. Eric Hutchinson)

IDS 597.01: *Law and Society*

Teacher of Record, Baylor University, Waco, TX, 2012-2013

American Constitutional Development (2 sections)

Languages

English: Native Language

New Testament Greek: Reading Knowledge

Biblical Hebrew: Reading Knowledge

Associations

American Political Science Association

Phi Kappa Phi

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
(SOUTHERN DIVISION)**

BOBBY SINGLETON, *et al.*,

Plaintiffs,

v.

WES ALLEN, in his official capacity as
Alabama Secretary of State, et al.,

Defendants.

Civil Action No. 2:21-cv-1291-AMM

THREE-JUDGE COURT

EVAN MILLIGAN, *et al.*,

Plaintiffs,

v.

WES ALLEN, in his official capacity as
Alabama Secretary of State, et al.,

Defendants.

Civil Action No. 2:21-cv-01530-AMM

THREE-JUDGE COURT

MARCUS CASTER, *et al.*,

Plaintiffs,

v.

WES ALLEN, in his official capacity as
Alabama Secretary of State, et al.,

Defendants.

Civil Action No. 2:21-cv-01536-AMM

EXPERT REPORT OF M.V. HOOD III

I, M.V. Hood III, affirm the conclusions I express in this report are provided to a reasonable degree of professional certainty. In addition, I do hereby declare the following:

I. INTRODUCTION AND BACKGROUND

My name is M.V. (Trey) Hood III, and I am a tenured professor at the University of Georgia with an appointment in the Department of Political Science. I have been a faculty member at the University of Georgia since 1999. I also serve as the Director of the School of Public and International Affairs Survey Research Center. I am an expert in American politics, specifically in the areas of electoral politics, racial politics, election administration, and Southern politics. I teach courses on American politics, Southern politics, and research methods and have taught graduate seminars on the topics of election administration and Southern politics.

I have received research grants to study election administration issues from the National Science Foundation, the Pew Charitable Trust, the Center for Election Innovation and Research, and the MIT Election Data and Science Lab. I have also published peer-reviewed journal articles specifically in the area of election administration, including redistricting. My academic publications are detailed in a copy of my vita that is attached to the end of this report. Currently, I serve on the editorial boards for *Social Science Quarterly* and *Election Law Journal*. The latter is a peer-reviewed academic journal focused on the area of election administration.

During the preceding five years, I have offered expert testimony (through deposition or in court [including remotely]) in the following cases around the United States: *Ohio A. Philip Randolph Institute v. Ryan Smith*, 1:18-cv-357 (S.D. Ohio), *Libertarian Party of Arkansas v. Thurston*, 4:19-cv-00214 (E.D. Ark.); *Chestnut v. Merrill*, 2:18-cv-907 (N.D. Ala.), *Common Cause v. Lewis*, 18-CVS-014001 (Wake County Superior Court); *Nielsen v. DeSantis*, 4:20-cv-236 (N.D. Fla.); *Western Native Voice v. Stapleton*, DV-56-2020-377 (Montana Thirteenth Judicial District Court); *Driscoll v. Stapleton*, DV-20-0408 (Montana Thirteenth Judicial District Court); *North Carolina v. Holmes*, 18-CVS-15292 (Wake County Superior Court); *Singleton v. Merrill*, 2:21-cv-01291 (N.D. Ala.); *Milligan v. Merrill*, 2:21-cv-01530 (N.D. Ala.); *Caster v. Merrill*, 2:21-cv-1536 (N.D. Ala.); *Robinson v. Ardoin*, 3:22-cv-00211 (M.D. La.); *Turtle Mountain Band of Chippewa Indians v. Jaeger*, 3:22-cv-00022 (E.D. ND); and *Stone v. Allen*, 2:21-cv-01531-AMM (N.D. Ala).

I am receiving \$400 an hour for my work on this case and \$400 an hour for any testimony associated with this work. In reaching my conclusions, I have drawn on my training, experience, and knowledge as a social scientist who has specifically conducted research in the area of redistricting. My compensation in this case is not dependent upon the outcome of the litigation or the substance of my opinions.

II. SCOPE AND OVERVIEW

I have been asked by counsel for the Defendants to provide an expert report to answer the following questions:

1. How do black voting patterns in Alabama compare to other states? (III)
2. Are racial disparities on various sociodemographic factors present outside of Alabama? (IV)
3. How does 2016 Republican presidential primary candidate Ben Carson's vote share compare across states? (V)
4. Do white voters support minority Republican candidates? (VI)
5. How have black political metrics changed over time in Alabama? (VII)

III. BLACK VOTING PATTERNS

In this section, I compare black voting patterns in Alabama to Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia. These states were selected because, according to the most recent decennial Census, they each had a black population of 10% or greater.¹ For each of these states I have recorded the percentage of the black electorate casting ballots for the Democratic candidate in the following statewide contests: U.S. President, U.S. Senate, and Governor. In addition, I also collected some data for U.S. House elections using the pooled statewide vote for all Democratic candidates.² My analysis spans eight election-cycles, from 2008 through 2022.

In the absence of survey data, it would be necessary to produce statistical estimates of black voting behavior. In this matter, however, we can rely on survey data from which such estimates can be derived. I make use of two well-known surveys, the National Exit Polls³ and the Cooperative Election Studies (CES) (see also Appendix B). Both are large-scale surveys designed to provide representative samples of voters at the state-level.⁴ In addition, the CES undergoes a vote validation process following each election-cycle. The vote estimates produced for this report from the CES are restricted to those cases that had a validated record of turnout for each of the elections analyzed.

A summary of results for the set of comparison states using National Exit Poll data is found in Table 1 (Appendix B, Tables A-P display detailed election data collected from the National Exit Poll and the CES). These results exhibit very high levels of black support for Democratic candidates across elective offices from 2008 through 2022. For example, average black support for Democratic presidential candidates was 93.1%; for Democratic gubernatorial candidates average support was 88.7%; and for Democratic U.S. Senate candidates it was 90.1%. Across all contests analyzed, the average black Democratic vote was 90.8%. The exit poll data provides five elections to analyze from Alabama during this time period (see Table 2). The average black Democratic vote for these three contests was 92.4%.

¹Source: Table P2. 2020 PL 94-171 (Redistricting Data).

²All elections used for analysis, including U.S. Congress, are two-party contested.

³Note: In a given election-cycle, an exit poll is not necessarily conducted in every state.

⁴For the CES, in order for a state to be included in my analysis I set a minimum threshold of thirty unweighted respondents. Using this data source, I was also able to calculate a 95% confidence interval around each estimate.

Table 1. Black Voting Patterns in Comparison States, 2008-2022

Year	President	Governor	Senate
2008	95.6%	94.0%	91.2%
2010		91.2%	89.4%
2012	95.1%	88.5%	91.5%
2014		87.8%	92.2%
2016	89.1%	90.0%	86.2%
2018		87.8%	89.6%
2020	90.7%	92.0%	89.3%
2022		85.5%	90.0%
2008-2022	93.1%	88.7%	90.1%
All Races	90.8%		
<i>N</i>	165		

Note: Entries are the average Democratic vote share by office.

Source: National Exit Polls.

Table 2. Black Voting Patterns in Alabama, 2008-2022

Year	President	Governor	Senate
2008	98%		90%
2010			
2012	95%		
2014			
2016			
2018			
2020	89%		90%
2022			
2008-2022	94.0%		90.0%
All Races	92.4%		

Note: Entries are the Democratic vote share by office.

Source: National Exit Polls.

Table 3 displays results for the twenty comparison states using data from the CES, from 2008 to 2022. Once again, these results indicate black voters are highly likely to support Democratic candidates. For President, Democratic support averaged 94.5%. Comparable figures for other offices include 88.4% for Governor, 91.7% for U.S. Senate, and 90.6% for U.S. House. The average Democratic support across all offices was 91.4%.

From the CES there are a total of twenty contests available to analyze for Alabama (see Table 4). In Alabama, average Democratic support for President stood at 98.2% among black voters. The comparable figures for other offices were as follows: Governor 94.6%, U.S. Senate 94.1%, and U.S. House 91.0%. Average Democratic support from black voters across these twelve elections stood at 93.9%.

Table 3. Black Voting Patterns in Comparison States, 2008-2022

Year	President	Governor	Senate	House
2008	96.9%	96.8%	97.1%	94.7%
2010		90.7%	91.1%	91.9%
2012	95.9%	95.6%	95.5%	92.6%
2014		87.6%	93.0%	91.8%
2016	93.5%	90.9%	89.7%	87.7%
2018		90.8%	93.1%	93.2%
2020	91.2%	85.6%	90.3%	88.3%
2022		82.5%	85.9%	86.5%
2008-2022	94.5%	88.4%	91.7%	90.6%
All Races	91.4%			
<i>N</i>	338			

Source: CES.

Table 4. Black Voting Patterns in Alabama, 2008-2022

Year	President	Governor	Senate	House
2008	98.7%			
2010		94.0%	84.5%	74.0%
2012	99.8%			96.0%
2014		100%		100%
2016	96.3%		99.3%	97.3%
2018		93.4%	94.3%	93.0%
2020	97.9%		95.1%	85.4%
2022		90.8%	97.2%	91.1%
2008-2022	98.2%	94.6%	94.1%	91.0%
All Races	93.9%			

Source: CES.

Overall Summary

The analysis in this section reveals that Democratic support among black voters, on average, exceeds 90%. This fact is true both for Alabama and a group of twenty comparison states that have a black population of 10% or greater. Of the 528 races analyzed from the National Exit Polls and the CES combined (including Alabama), there was not a single instance where the estimate for black support of Democratic candidates ever fell below a majority. In regard to the CES analysis where it was possible to compute a 95% confidence interval for the derived vote estimates, there were three cases (0.8%) of the 358 analyzed where the lower bound on the confidence interval dipped below 50% Democratic support. For all other elections analyzed (99.2%), one can be confident from a statistical perspective that the Democratic candidate received a majority of the black vote. This pattern transcends both geographic region (South versus non-South) as well as party control (Democratic versus Republican) at the state-level. In

summary, black support for Democratic candidates across these jurisdictions could be characterized as being close to monolithic.

IV. RACIAL COMPARISONS

I was asked by counsel for the Defendants to determine if racial disparities present in Alabama also exist in other states. In this section I analyze racial disparity rates between white and black residents in Alabama on a number of commonly referenced criteria. I also provide these same comparisons for the twenty states listed in Section III of this report. In analyzing disparity rates, I collected data from government agencies on a number of socio-demographic measures including educational attainment, food stamps, median household income, per capita income, the poverty rate, home ownership rates, unemployment rates, infant mortality rates, vehicle ownership, health insurance, internet access, and incarceration rates. For each of these measures I calculate a difference measure in order to determine if a disparity rate between whites and blacks is present (see Appendix A for a list of data sources). Data on Alabama are also provided for each measure as a point of comparison. From these tables it is possible to determine if disparity rates in Alabama are higher or lower than the comparison states and, second, is there a pattern in white-black disparity rates across states.

A. Education

Table 5 below compares educational attainment rates for whites and blacks on two metrics: the percentage of the population with at least a high school degree (or equivalent) and the percentage of the population with a college degree or higher. The table also provides the arithmetic difference between the white and black percentages, with a positive difference evidence of a racial disparity on that measure. For example, in Alabama 89.8% of whites have a high school degree compared to 85.0% of blacks—a difference of 4.8. The remainder of the table lists these same values for the twenty comparison states. There is a positive disparity on this measure for all twenty of the comparison states. The mean difference (excluding Alabama) in the disparity measure is 5.5 points.

The second part of Table 5 examines differences based on the percentage of the whites and blacks who have obtained a bachelor's degree. In Alabama there is a 10.9-point difference between the white and black populations on this measure. The mean difference measure for the comparison states is 14.1.

In summary, for both levels of educational achievement analyzed there is a positive disparity difference for all twenty states, as well as Alabama.

Table 5. Comparison of non-Hispanic White and Black Educational Achievement Rates, 2022

State	High School or Equivalent			B.S. or Higher		
	White	Black	Difference	White	Black	Difference
Alabama	89.8%	85.0%	4.8	30.1%	19.2%	10.9
Arkansas	90.7%	86.9%	3.8	26.6%	18.1%	8.5
Connecticut	95.2%	87.9%	7.3	46.5%	25.4%	21.1
Delaware	94.0%	91.0%	3.1	37.0%	25.3%	11.7
Florida	93.8%	85.0%	8.8	35.9%	21.8%	14.1
Georgia	91.9%	88.7%	3.2	37.2%	26.6%	10.6
Illinois	94.8%	87.9%	7.0	40.8%	23.9%	16.9
Louisiana	90.0%	82.4%	7.7	30.1%	17.4%	12.7
Maryland	94.6%	91.4%	3.2	47.4%	32.7%	14.7
Michigan	93.4%	87.7%	5.7	32.3%	18.7%	13.7
Mississippi	89.6%	81.9%	7.6	27.7%	17.5%	10.1
Missouri	92.3%	88.4%	3.9	32.2%	20.3%	12.0
New Jersey	95.2%	89.6%	5.6	46.9%	27.1%	19.8
New York	93.9%	84.9%	8.9	45.4%	25.9%	19.5
North Carolina	92.7%	88.0%	4.7	37.6%	23.7%	14.0
Ohio	92.7%	87.2%	5.5	31.5%	19.3%	12.2
Pennsylvania	93.7%	88.4%	5.3	35.3%	21.0%	14.3
South Carolina	92.2%	85.0%	7.3	35.4%	18.2%	17.2
Tennessee	90.8%	88.1%	2.7	31.1%	22.3%	8.8
Texas	94.8%	91.1%	3.7	41.0%	27.7%	13.3
Virginia	93.8%	88.4%	5.5	44.2%	26.6%	17.6
Average	93.0%	87.5%	5.5	37.1%	23.0%	14.1

Notes: Averages exclude Alabama.

Source: U.S. Census Bureau 2022 ACS (5-year)

B. Food Stamps

The next table (Table 6) displays the proportion of a state's population, by race, that is receiving food stamps. In this case a negative difference measure is indicative of a lower percentage of whites on food stamps compared to blacks. In Alabama, 8.1% of whites receive food stamps versus 26.7% of blacks, producing a difference of -18.6. The difference measures for the group of twenty comparison states are also negative. The mean difference measure is -17.4.

Table 6. Comparison of non-Hispanic White and Black Households Receiving Food Stamps, 2022

State	White	Black	Difference
Alabama	8.1%	26.7%	-18.6
Arkansas	8.3%	24.4%	-16.0
Connecticut	6.4%	24.1%	-17.6
Delaware	6.9%	20.2%	-13.3
Florida	7.2%	26.1%	-18.9
Georgia	6.9%	22.2%	-15.4
Illinois	8.1%	32.8%	-24.7
Louisiana	9.3%	30.2%	-20.9
Maryland	6.3%	18.9%	-12.6
Michigan	9.1%	32.7%	-23.6
Mississippi	7.1%	24.8%	-17.6
Missouri	7.9%	24.8%	-17.0
New Jersey	4.1%	18.0%	-13.9
New York	8.5%	26.7%	-18.2
North Carolina	7.7%	25.2%	-17.4
Ohio	9.4%	28.1%	-18.8
Pennsylvania	9.7%	33.0%	-23.4
South Carolina	6.0%	22.4%	-16.4
Tennessee	9.1%	23.4%	-14.2
Texas	5.6%	20.0%	-14.4
Virginia	5.6%	18.2%	-12.6
Average	7.4%	24.8%	-17.4

Notes: Averages exclude Alabama.

Source: U.S. Census Bureau 2022 ACS (5-year)

C. Median Household Income

Table 7 displays median household income (MHHI) levels by race. For this table, a positive value in the difference column indicates that the median household income value for whites is greater than that for blacks. In Alabama, the median household income for whites is \$69,303 compared to \$40,661 for blacks, producing a difference of \$28,642. For all twenty comparison states there is a positive difference measure, indicating that white MHHI is greater than black MHHI. The mean difference for these states is \$31,168.

Table 7. Comparison of non-Hispanic White and Black Median Household Income Levels, 2022

State	White	Black	Difference
Alabama	\$69,303	\$40,661	\$28,642
Arkansas	\$60,932	\$37,395	\$23,537
Connecticut	\$102,023	\$59,728	\$42,295
Delaware	\$87,027	\$58,385	\$28,642
Florida	\$74,121	\$51,249	\$22,872
Georgia	\$82,329	\$55,010	\$27,319
Illinois	\$86,254	\$46,717	\$39,537
Louisiana	\$70,652	\$37,015	\$33,637
Maryland	\$110,044	\$79,161	\$30,883
Michigan	\$73,276	\$42,171	\$31,105
Mississippi	\$65,751	\$36,263	\$29,488
Missouri	\$69,746	\$44,293	\$25,453
New Jersey	\$109,096	\$65,351	\$43,745
New York	\$92,218	\$58,805	\$33,413
North Carolina	\$74,488	\$47,088	\$27,400
Ohio	\$72,111	\$40,499	\$31,612
Pennsylvania	\$78,481	\$45,944	\$32,537
South Carolina	\$73,611	\$42,672	\$30,939
Tennessee	\$68,793	\$46,708	\$22,085
Texas	\$88,575	\$55,459	\$33,116
Virginia	\$93,942	\$60,201	\$33,741
Average	\$81,674	\$50,506	\$31,168

Notes: Averages exclude Alabama.

Source: U.S. Census Bureau 2022 ACS (5-year)

D. Per Capita Income

Table 8 examines per capita income (PCI). For this analysis, a positive difference measure is an indication that white per capita income is greater than black per capita income. In Alabama, black PCI lags behind that of whites, with the difference being just under \$15,000. The same general pattern is evident when examining the twenty states being used for comparison—a positive difference measure. The average difference figure for these comparison states is \$19,417.

Table 8. Comparison of non-Hispanic White and Black Per Capita Income, 2022

State	White	Black	Difference
Alabama	\$38,479	\$23,722	\$14,757
Arkansas	\$35,771	\$21,388	\$14,383
Connecticut	\$62,193	\$33,759	\$28,434
Delaware	\$48,743	\$32,390	\$16,353
Florida	\$47,905	\$25,347	\$22,558
Georgia	\$46,410	\$28,566	\$17,844
Illinois	\$51,660	\$27,904	\$23,756
Louisiana	\$40,130	\$21,652	\$18,478
Maryland	\$61,021	\$39,971	\$21,050
Michigan	\$41,536	\$24,972	\$16,564
Mississippi	\$35,781	\$20,635	\$15,146
Missouri	\$39,533	\$25,435	\$14,098
New Jersey	\$62,009	\$34,568	\$27,441
New York	\$57,916	\$32,376	\$25,540
North Carolina	\$44,360	\$27,102	\$17,258
Ohio	\$40,903	\$24,910	\$15,993
Pennsylvania	\$45,539	\$26,303	\$19,236
South Carolina	\$42,658	\$24,282	\$18,376
Tennessee	\$39,561	\$26,283	\$13,278
Texas	\$52,081	\$29,861	\$22,220
Virginia	\$53,959	\$33,634	\$20,325
Average	\$47,483	\$28,067	\$19,417

Notes: Averages exclude Alabama.

Source: U.S. Census Bureau 2022 ACS (5-year)

E. Poverty Rate

A comparison of the percentage of the population falling below the poverty level is found in Table 9. In Alabama, the Census estimates that 11.1% of the white population is below the poverty line, compared with 25.3% of the black population. The negative difference calculation is an indication that a greater percentage of blacks in Alabama are living in poverty compared to whites. This same finding is also evident for the twenty comparison states, each of which has a negative difference measure. The mean difference for this group of states is -12.7.

Table 9. Comparison of non-Hispanic White and Black Poverty Rates, 2022

State	White	Black	Difference
Alabama	11.1%	25.3%	-14.3
Arkansas	12.9%	28.9%	-16.0
Connecticut	6.3%	17.3%	-11.1
Delaware	7.6%	17.2%	-9.7
Florida	9.6%	20.0%	-10.4
Georgia	9.4%	19.0%	-9.5
Illinois	8.2%	24.8%	-16.6
Louisiana	12.2%	29.8%	-17.7
Maryland	6.3%	13.0%	-6.7
Michigan	10.3%	26.1%	-15.8
Mississippi	11.7%	30.0%	-18.3
Missouri	10.7%	23.8%	-13.1
New Jersey	6.2%	16.1%	-9.9
New York	9.4%	20.5%	-11.1
North Carolina	9.4%	20.5%	-11.1
Ohio	10.3%	27.3%	-17.0
Pennsylvania	8.5%	24.5%	-16.0
South Carolina	9.8%	23.6%	-13.8
Tennessee	11.2%	22.8%	-11.6
Texas	8.3%	18.8%	-10.5
Virginia	7.8%	16.5%	-8.8
Average	9.3%	22.0%	-12.7

Notes: Averages exclude Alabama.

Source: U.S. Census Bureau 2022 ACS (5-year)

F. Home Ownership

Rates of home ownership, by race, are compared in Table 10. For Alabama, 77.7% of the white population are homeowners, compared with 51.3% of blacks. The positive difference measure of 26.4 indicates that the rate of home ownership for whites is greater than the rate of home ownership for blacks. This difference measure is also positive for the twenty comparison states, evidence of racial disparity in home ownership rates. The mean difference across the comparison states is 30.4.

Table 10. Comparison of non-Hispanic White and Black Home Ownership Rates, 2022

State	White	Black	Difference
Alabama	77.7%	51.3%	26.4
Arkansas	72.4%	44.2%	28.2
Connecticut	75.8%	40.7%	35.1
Delaware	81.3%	51.5%	29.7
Florida	76.0%	47.6%	28.4
Georgia	75.6%	49.0%	26.6
Illinois	74.8%	40.2%	34.6
Louisiana	77.6%	48.9%	28.6
Maryland	77.5%	52.5%	25.0
Michigan	78.7%	43.3%	35.5
Mississippi	79.1%	54.4%	24.7
Missouri	72.8%	39.3%	33.5
New Jersey	76.4%	39.7%	36.7
New York	66.8%	32.7%	34.1
North Carolina	74.4%	46.3%	28.1
Ohio	73.1%	36.1%	36.9
Pennsylvania	75.0%	43.4%	31.6
South Carolina	78.9%	53.5%	25.4
Tennessee	73.6%	43.6%	30.0
Texas	70.7%	41.3%	29.3
Virginia	73.8%	48.6%	25.2
Average	75.2%	44.8%	30.4

Notes: Averages exclude Alabama.

Source: U.S. Census Bureau 2022 ACS (5-year)

G. Unemployment Rates

Unemployment rates by state and racial category are provided in Table 11. In Alabama, the 2022 unemployment rate for whites was 2.1%, compared to 3.9% for blacks. In this case, the difference between these two figures is -1.8, an indication that the black unemployment rate is higher than the white unemployment rate. For the twenty states used as comparisons to Alabama, the difference measure is also negative. The average difference across the comparison states is -3.1.

Table 11. Comparison of non-Hispanic White and Black Unemployment Rates, 2022

State	White	Black	Difference
Alabama	2.1%	3.9%	-1.8
Arkansas	3.4%	5.0%	-1.6
Connecticut	3.8%	5.9%	-2.1
Delaware	3.5%	7.2%	-3.7
Florida	2.5%	4.3%	-1.8
Georgia	2.1%	5.1%	-3.0
Illinois	3.5%	10.9%	-7.4
Louisiana	2.7%	5.8%	-3.1
Maryland	2.8%	4.5%	-1.7
Michigan	3.6%	7.4%	-3.8
Mississippi	2.6%	6.0%	-3.4
Missouri	2.5%	4.0%	-1.5
New Jersey	3.3%	6.4%	-3.1
New York	3.5%	8.7%	-5.2
North Carolina	2.9%	6.5%	-3.6
Ohio	3.4%	7.1%	-3.7
Pennsylvania	3.7%	7.4%	-3.7
South Carolina	2.8%	5.2%	-2.4
Tennessee	3.0%	6.0%	-3.0
Texas	3.5%	5.4%	-1.9
Virginia	2.4%	4.6%	-2.2
Average	3.1%	6.2%	-3.1

Notes: Averages exclude Alabama.

Source: Bureau of Labor Statistics.

H. Infant Mortality

Table 12 presents data on infant mortality by race of mother which is calculated as infant deaths per 1,000 births. In Alabama, the infant mortality rate for white mothers is 6.13. The infant mortality rate for black mothers is 11.14. The difference between these two rates is -5.01, an indication that the infant mortality rate is higher among black mothers as compared to white mothers. For the twenty comparison states, the difference measures are all negative as well. The mean difference for this group of states is -6.44.

Table 12. Comparison of non-Hispanic White and Black Infant Mortality Rates, 2021

State	White	Black	Difference
Alabama	6.13	11.14	-5.01
Arkansas	7.44	15.01	-7.57
Connecticut	3.29	9.87	-6.58
Delaware	2.78	9.22	-6.44
Florida	4.42	10.89	-6.47
Georgia	4.83	9.02	-4.19
Illinois	3.86	12.27	-8.41
Louisiana	5.15	10.93	-5.78
Maryland	4.54	9.19	-4.65
Michigan	4.30	13.40	-9.10
Mississippi	6.85	13.00	-6.15
Missouri	4.83	11.86	-7.03
New Jersey	2.39	8.42	-6.03
New York	2.93	9.26	-6.33
North Carolina	5.30	11.32	-6.02
Ohio	5.49	13.64	-8.15
Pennsylvania	4.12	9.79	-5.67
South Carolina	5.18	12.87	-7.69
Tennessee	5.10	10.26	-5.16
Texas	4.13	9.73	-5.60
Virginia	4.47	10.28	-5.81
Average	4.57	11.01	-6.44

Notes: Averages exclude Alabama.

Source: Centers for Disease Control.

I. Vehicle Ownership

Table 13 presents data on vehicle ownership rates by race. In Alabama, 3.6% of white households do not own a vehicle, compared to 5.6% of black households. The difference between these two figures is -2.0, which indicates that black households are more likely not to own a vehicle compared to white households. For all twenty comparison states there is also a negative difference measure, with an overall mean for this group of -2.7.

Table 13. Comparison of non-Hispanic White and Black Vehicle Ownership Rates, 2021

State	White	Black	Difference
Alabama	3.6%	5.6%	-2.0
Arkansas	4.6%	5.9%	-1.4
Connecticut	5.4%	8.5%	-3.0
Delaware	4.1%	5.9%	-1.7
Florida	4.6%	6.0%	-1.4
Georgia	3.4%	6.1%	-2.6
Illinois	7.8%	10.7%	-2.9
Louisiana	4.7%	8.3%	-3.6
Maryland	5.3%	8.7%	-3.4
Michigan	5.3%	7.3%	-1.9
Mississippi	3.6%	6.2%	-2.6
Missouri	4.9%	6.5%	-1.6
New Jersey	6.6%	11.3%	-4.7
New York	18.9%	28.9%	-9.9
North Carolina	3.6%	5.5%	-1.9
Ohio	5.6%	7.5%	-1.9
Pennsylvania	7.4%	10.6%	-3.2
South Carolina	3.6%	5.8%	-2.2
Tennessee	4.1%	5.4%	-1.3
Texas	3.6%	5.2%	-1.6
Virginia	4.3%	6.0%	-1.7
Average	5.6%	8.3%	-2.7

Notes: Averages exclude Alabama.

Source: U.S. Census Bureau 2021 ACS (5-year)

J. Health Insurance

Table 14 presents data on health insurance coverage, specifically the percentage of the population 19 to 64 years of age that lacks health insurance. The Census Bureau data estimates that 12.5% of white Alabamians and 16.7% of black Alabamians have no health insurance coverage. The difference between whites and blacks, at -4.2, indicates that there is a racial disparity on this measure. This same pattern is present for all twenty comparison states with an overall average difference of -4.3.

Table 14. Comparison of non-Hispanic White and Black Health Insurance Coverage, 2021

State	White	Black	Difference
Alabama	12.5%	16.7%	-4.2
Arkansas	10.0%	12.6%	-2.5
Connecticut	4.4%	8.4%	-4.0
Delaware	6.2%	7.8%	-1.7
Florida	14.7%	20.7%	-6.0
Georgia	14.2%	18.7%	-4.4
Illinois	6.2%	11.6%	-5.4
Louisiana	9.5%	12.6%	-3.2
Maryland	4.2%	7.6%	-3.4
Michigan	6.7%	9.5%	-2.8
Mississippi	15.1%	20.7%	-5.6
Missouri	12.0%	18.2%	-6.2
New Jersey	5.3%	11.4%	-6.1
New York	4.6%	8.2%	-3.6
North Carolina	11.7%	16.0%	-4.3
Ohio	7.6%	11.3%	-3.6
Pennsylvania	6.2%	9.9%	-3.7
South Carolina	12.7%	16.9%	-4.2
Tennessee	12.1%	16.4%	-4.3
Texas	14.0%	20.5%	-6.5
Virginia	7.7%	12.2%	-4.5
Average	9.3%	13.6%	-4.3

Notes: Averages exclude Alabama.

Source: U.S. Census Bureau 2021 ACS (5-year)

K. Internet Access

Table 15 presents data on the percentage of households lacking internet access. The American Community Survey estimates that 12.7% of white households in Alabama lack internet access, compared to 20.9% of black households in the state. This is reflected in the difference measure of -8.3. For the twenty comparison states, there is also a negative difference figure. Such is an indication that more black households lack internet access compared to white households. The average difference measure for the comparison states is -5.8.

Table 15. Comparison of non-Hispanic White and Black Internet Access, 2021

State	White	Black	Difference
Alabama	12.7%	20.9%	-8.3
Arkansas	15.3%	21.3%	-6.0
Connecticut	8.0%	11.9%	-3.9
Delaware	7.8%	9.7%	-1.9
Florida	8.0%	15.2%	-7.1
Georgia	9.6%	14.3%	-4.7
Illinois	9.5%	16.0%	-6.5
Louisiana	12.9%	23.0%	-10.1
Maryland	7.3%	10.0%	-2.7
Michigan	10.1%	16.4%	-6.3
Mississippi	15.8%	23.5%	-7.7
Missouri	11.4%	15.8%	-4.4
New Jersey	7.7%	12.7%	-4.9
New York	9.7%	14.3%	-4.6
North Carolina	10.5%	17.1%	-6.6
Ohio	10.5%	16.2%	-5.7
Pennsylvania	11.5%	15.0%	-3.5
South Carolina	10.1%	22.0%	-11.9
Tennessee	12.6%	18.2%	-5.7
Texas	7.5%	13.6%	-6.1
Virginia	9.3%	14.9%	-5.6
Average	10.3%	16.1%	-5.8

Notes: Averages exclude Alabama.

Source: U.S. Census Bureau 2021 ACS (5-year)

L. Incarceration Rates

Table 16 presents data on incarceration rates by race measured as the number of persons incarcerated per 100,000. For each racial group, this statistic is calculated as: [Number Incarcerated/Population 18 and older]*100,000. In Alabama, there are 471 whites incarcerated per 100,000 residents and 1,387 blacks incarcerated per 100,000 residents. The difference of -916 indicates that the black incarceration rate exceeds the white incarceration rate. The same pattern, noted by a negative difference measure, is present for all twenty of the comparison states in Table 16. Across these states, the average difference is -1,044.

Table 16. Comparison of non-Hispanic White and Black Incarceration Rates, 2022

State	White	Black	Difference
Alabama	471	1,387	-916
Arkansas	586	2,068	-1,482
Connecticut	158	1,471	-1,313
Delaware	324	1,813	-1,490
Florida	354	1,585	-1,231
Georgia	408	1,122	-714
Illinois	155	1,184	-1,029
Louisiana	442	1,639	-1,197
Maryland	140	779	-639
Michigan	221	1,537	-1,316
Mississippi	592	1,433	-842
Missouri	396	1,502	-1,106
New Jersey	71	825	-753
New York	79	651	-572
North Carolina	232	873	-641
Ohio	305	1,825	-1,520
Pennsylvania	248	1,687	-1,439
South Carolina	240	933	-692
Tennessee	330	1,157	-827
Texas	497	1,699	-1,202
Virginia	275	1,144	-869
Average	303	1346	-1,044

Notes: Averages exclude Alabama.

Source: U.S. Department of Justice. Bureau of Justice Statistics.

Summary of Findings

For the thirteen measures analyzed, there is evidence of a racial disparity in Alabama between whites and blacks. This same pattern of disparity also exists for the twenty states used for the purpose of comparison. For the 260 total cases analyzed for this group of states, the same pattern of disparity between blacks and whites is also present. Again, it should be noted that this pattern of racial disparity is present across a diverse group of states, both politically and geographically. In sum, neither in Alabama nor any of the twenty comparison states is there a single instance where black residents fare better than white residents on the metrics surveyed. For ten of the thirteen measures analyzed (77%), the disparity rate for Alabama is below the average disparity rate calculated for the comparison states. Additionally, for none of the thirteen measures does the disparity rate for Alabama constitute the maximum value among the states analyzed.

V. CARSON VOTE

In this section I have gathered vote return data for candidate Ben Carson, who is black, during 2016 Republican presidential primary race (see Table 17 below). Vote returns were compiled from the first primary contest, the Iowa caucus, through the primaries held on Super Tuesday.⁵ Carson dropped out of the GOP presidential primary after Super Tuesday.⁶ In all, Carson participated in 15 primaries and caucuses, including the primary election held in Alabama. Carson's vote totals ranged from a low of 2.6% in Massachusetts to a high of 10.8% in Alaska. Carson earned his second highest vote total, at 10.2%, in Alabama. The difference between Carson's vote share in Alaska and his vote share in Alabama is 0.6 points.

Table 17. Carson Vote in the 2016 Republican Presidential Primary

Date	State	Vote Share
Feb. 1	Iowa	9.30%
Feb. 9	New Hampshire	2.31%
Feb. 20	South Carolina	7.23%
Feb. 23	Nevada	4.81%
March 1	Alabama	10.24%
March 1	Alaska	10.83%
March 1	Arkansas	5.72%
March 1	Georgia	6.23%
March 1	Massachusetts	2.57%
March 1	Minnesota	7.37%
March 1	Oklahoma	6.22%
March 1	Tennessee	7.59%
March 1	Texas	4.16%
March 1	Virginia	5.87%
March 1	Vermont	4.18%

⁵The Super Tuesday contests were held on March 1, 2016. Source for vote returns: *CQ Voting and Elections Collection* (<https://library.cqpress.com/elections>).

⁶David Jackson and Erin Kelly. "Ben Carson Drops Out of GOP Presidential Race." *USA Today*. March 4, 2016. Accessed at <https://www.usatoday.com/story/news/2016/03/04/ben-carson-republican-presidential-race/80047678>.

VI. WHITE SUPPORT FOR MINORITY REPUBLICAN CANDIDATES

Are white voters willing to vote for minority Republican candidates? This was a research question that I analyzed in a peer-reviewed journal article. In this article, a co-author and I examined the voting behavior of white voters as it related to support for minority GOP candidates in U.S. Senate and gubernatorial elections in 2006, 2010, and 2012.⁷ In short, we found that white conservatives support minority Republican candidates at the same rates or at significantly higher rates than Anglo (non-Hispanic white) GOP nominees. In our study, voting on the part of white conservatives is shown to be colorblind—the primary explanatory factor appears to be ideological congruence between the voter and the candidate. Stated succinctly, ideology trumps race in the case of white Republicans and their support for minority GOP nominees.

Other peer-reviewed research has also examined the question of white support for minority Republican candidates. Looking at congressional races from 1996 and 1998, one study examined white support for both black Democrats and black Republicans. The author found no empirical backing for the hypothesis that white voters discriminate against black candidates of either party.⁸

Two studies examined elections from South Carolina in 2014. The first examined the two U.S. Senate races in South Carolina in 2014, with one race featuring black Republican Tim Scott and the other white Republican Lindsey Graham. The analysis in the article found that “the results of the current research demonstrate that black Republican candidates are not disadvantaged due to anti-black sentiment among white voters.”⁹ The second study, using another data source, examined the two Senate races along with the Governor’s race featuring minority Republican candidate Nikki Haley. The study found high levels of support for Haley and Scott among white Republicans, equal to or greater than white Republican support for Graham. Rather than a candidate’s race, the authors conclude that “the most important litmus test seems to be ideological purity” when it comes to an individual’s calculus for determining how to cast their ballot.¹⁰

In Alabama specifically, Republican State Representative Kenneth Paschal (HD 73) is one example of white voters electing a minority candidate. Paschal is an African American who ran in a Shelby County district that is 84.1% white VAP.¹¹ Given the racial composition of HD 73, no candidate can win elective office without the support of white voters. In order to fill a vacancy for HD 73, a special Republican Primary was held on March 30, 2021 in which five candidates participated. In this contest Paschal came in second to Leigh Hulsey, a white candidate.¹² With no candidate in the primary having received a majority of the vote, Paschal and Hulsey were forced into a runoff. In the April 27th runoff, Paschal defeated Hulsey 51.1% to 48.9%.¹³ Finally, Paschal faced a white Democrat, Sheridan Black, in the Special General Election held on July 13, 2021. In this contest, Paschal won with 74.7% of the vote to 25.1% for Black.¹⁴ In 2022, Representative Paschal was unopposed and reelected to serve as the representative for House District 73.¹⁵

VII. COMPARISONS ACROSS TIME

I was also asked, to the extent possible, to compile some comparison data for black Alabamians at approximately the time that the Voting Rights Act was initially signed into law (1965), the reauthorization of the Voting Rights Act in 1982, and present-day.

Table 18 below details the percentage of black legislators elected to each chamber of the Alabama Legislature for the three time periods of interest.¹⁶ In 1965, there were no black legislators in either chamber. Sixteen years later, 8.6% of State Senate seats and 12.4% of State House seats were held by black legislators. Today (2024), 20.0% of State Senate seats and 24.8% of State House seats are held by black legislators.

Table 18. Black State Legislators in Alabama

Year	Senate	House
1965	0.0% [0]	0.0% [0]
1981	8.6% [3]	12.4% [13]
2024	20.0% [7]	24.8% [26]
Total	35	105

Notes: Entries represent the proportion of total seats in each Chamber held by black legislators. Number of seats in brackets.

⁷M.V. Hood III and Seth C. McKee. 2015. "True Colors: White Conservative Support for Minority Republican Candidates." *Public Opinion Quarterly* 79(1): 28-52.

⁸Benjamin Highton. 2004. "White Voters and African American Candidates for Congress." *Political Behavior* 26(1): 1-25.

⁹Paul White, Jr. and Robert W. Oldendick. 2016. "Can Partisanship Trump Racism? White Support for Black Republican Candidates." *The Journal of Political Science* 44: 135-156. Quoted material from page 148.

¹⁰Scott H. Huffmon, H. Gibbs Knotts, and Seth C. McKee. 2016. "Similarities and Differences in Support of Minority and White Republican Candidates." *Journal of Race, Ethnicity, and Politics* 1(1): 91-116. Quoted material from page 111.

¹¹Howard Koplowitz. "Kenneth Paschal Wins Alabama House Seat." *AL.com*. July 14, 2021. *Alabama Legislative Black Caucus v. Alabama* (2:12-cv-00691). Document 337-1. Page 25.

¹²Source: Alabama Secretary of State (<https://www.sos.alabama.gov/sites/default/files/election-2021/Certification%20of%20Primary%20Results.pdf>).

¹³Source: Alabama Secretary of State (https://www.sos.alabama.gov/sites/default/files/election-2021/HD73_Republican_Party-Certification_of_Results-Special_Primary_Runoff_Election.pdf)

¹⁴Source: Alabama Secretary of State (<https://www.sos.alabama.gov/sites/default/files/election-2021/Canvass%20of%20HD73%20Results.PD>).

¹⁵Source: Alabama Secretary of State. (<https://www.sos.alabama.gov/sites/default/files/election-data/2022-11/Final%20Canvass%20of%20Results%20%28canvassed%20by%20state%20canvassing%20board%2011-28-2022%29.pdf>).

¹⁶Sources: 1965 and 1981: Table 2.2 in Charles S. Bullock III and Ronald Keith Gaddie. 2009. *The Triumph of the Voting Rights Act in the South*. Norman, OK: University of Oklahoma Press; 2024: The Alabama Legislature (<https://alison.legislature.state.al.us>).

Table 19 examines black voter registration rates over time in Alabama. Percent black registered is calculated as the number of blacks registered to vote over the black voting age population.¹⁷ In 1965, black registration was 23.5%. By 1982, black registration had increased 34-points to 57.7%. Today, most blacks (95%) in Alabama are registered to vote.

Table 19. Black Voter Registration

Year	% Black Registered
1965	23.5%
1982	57.7%
2024	95.2%

Obtaining consistent data across a sixty-year timeframe does limit the metrics available for analysis. On at least two measures for which longitudinal data are available, representation in the Legislature and voter registration, there have been significant gains for black Alabamians across the last six decades.

¹⁷Sources: 1965: *VEP [Voter Education Project] News*. Vol. 3, No. 12 (December 1969); 1982: *The Triumph of the Voting Rights Act in the South*. Norman, OK: University of Oklahoma Press. Table B.1; 2024: Alabama Secretary of State (<https://www.sos.alabama.gov/alabama-votes/voter/election-data>) and the U.S. Census Bureau. Note: CVAP is not consistently available across this time series.

IX. DECLARATION

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed on June 28, 2024.

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Appendix A: Data Sources

Voting Data:

National Exit Polls, 2008-2022.

2008: www.cnn.com/ELECTION/2008/results/polls/

2010: www.nytimes.com/elections/2010/results/senate.html

2012: www.cnn.com/election/2012/results/race/president/

2014: www.cnn.com/election/2014/results/exit-polls

2016: www.cnn.com/election/2016/results/exit-polls

2018: www.cnn.com/election/2018/exit-polls

Cooperative Congressional Election Studies, 2008-2018

<https://CES.gov.harvard.edu/>

Socio-Economic Comparisons:

Educational Attainment

U.S. Census Bureau. 2022 American Community Survey (5-yr.). Table C15002.

Food Stamps

U.S. Census Bureau. 2022 American Community Survey (5-yr.). Table B22005.

Median Household Income.

U.S. Census Bureau. 2022 American Community Survey (5-yr.). Table B19013.

Per Capita Income

U.S. Census Bureau. 2022 American Community Survey (5-yr.). Table B19301.

Poverty Rate

U.S. Census Bureau. 2022 American Community Survey (5-yr.). Table B17001.

Home Ownership

U.S. Census Bureau. 2022 American Community Survey (5-yr.). Table B25003.

Unemployment Rates

Bureau of Labor Statistics. 2022. "Table 14. Employment Status of the Civilian Noninstitutional Population, by Gender, Age, Race, Hispanic or Latino Ethnicity, and Marital Status, 2022." (<https://www.bls.gov/opub/geographic-profile/home.htm>).

Infant Mortality

Centers for Disease Control. CDC Wonder Database (<https://wonder.cdc.gov/>).

Vehicle Ownership

U.S. Census Bureau. 2021 American Community Survey (5-yr.). Table B25004.

Health Insurance Coverage

U.S. Census Bureau. 2021 American Community Survey (5-yr.). Table B27011.

Internet Access

U.S. Census Bureau. 2021 American Community Survey (5-yr.). Table B28002.

Incarceration Rates

U.S. Department of Justice. Bureau of Justice Statistics. "Prisoners in 2022-Statistical Tables." Appendix Table 1. (<https://bjs.ojp.gov/document/p22st.pdf>).

Appendix B: Detailed Vote Data

Table A. Black Support for Democratic Candidates, 2008

State	President	Governor	Senate	Senate
Alabama	98%		90%	
Arkansas	95%			
Connecticut	93%			
Delaware	99%	97%	97%	
Florida	96%			
Georgia	98%		93%	
Illinois	96%		95%	
Louisiana	94%		96%	
Maryland	94%			
Michigan	97%		94%	
Mississippi	98%		94%	92% ¹⁸
Missouri	93%	90%		
New Jersey	92%		87%	
New York	100%			
North Carolina	95%	95%	96%	
Ohio	97%			
Pennsylvania	95%			
South Carolina	96%		87%	
Tennessee	94%		72%	
Texas	98%		89%	
Virginia	92%		93%	
Average-All Races	93.9%			

Source: 2008 National Exit Poll

¹⁸Special Election.

Table B. Black Support for Democratic Candidates, 2010

State	Governor	Senate
Alabama		
Arkansas		
Connecticut		
Delaware		93%
Florida	92%	76%
Georgia		
Illinois	90%	94%
Louisiana		
Maryland		
Michigan		
Mississippi		
Missouri		92%
New Jersey		
New York	93%	94%
North Carolina		
Ohio	90%	85%
Pennsylvania	91%	92%
South Carolina		
Tennessee		
Texas		
Virginia		
Average-All Races	90.2%	

Source: 2010 National Exit Poll

Table C. Black Support for Democratic Candidates, 2012

State	President	Governor	Senate
Alabama	95%		
Arkansas			
Connecticut	93%		88%
Delaware			
Florida	95%		90%
Georgia			
Illinois	96%		
Louisiana			
Maryland	97%		
Michigan	97%		87%
Mississippi	96%		88%
Missouri	94%	92%	94%
New Jersey	96%		96%
New York	94%		94%
North Carolina	96%	85%	
Ohio	96%		95%
Pennsylvania	93%		91%
South Carolina			
Tennessee			
Texas			
Virginia	93%		92%
Average-All Races	93.2%		

Source: 2012 National Exit Poll

Table D. Black Support for Democratic Candidates, 2014

State	Governor	Senate
Alabama		
Arkansas	90%	97%
Connecticut		
Delaware		
Florida	85%	
Georgia		92%
Illinois	93%	95%
Louisiana		94%
Maryland		
Michigan	89%	90%
Mississippi		92%
Missouri		
New Jersey		
New York		
North Carolina		96%
Ohio	69%	
Pennsylvania	92%	
South Carolina	92%	89%
Tennessee		
Texas	92%	87%
Virginia		90%
Average-All Races	90.2%	

Source: 2014 National Exit Poll

Table E. Black Support for Democratic Candidates, 2016

State	President	Governor	Senate
Alabama			
Arkansas			
Connecticut			
Delaware			
Florida	84%		80%
Georgia	89%		79%
Illinois	87%		87%
Louisiana			
Maryland			
Michigan	92%		
Mississippi			
Missouri	90%	92%	90%
New Jersey	89%		
New York	92%		91%
North Carolina	89%	88%	90%
Ohio	88%		79%
Pennsylvania	92%		90%
South Carolina	94%		90%
Tennessee			
Texas	84%		
Virginia	88%		
Average-All Races	88.1%		

Source: 2016 National Exit Poll

Table F. Black Support for Democratic Candidates, 2018

State	Governor	Senate	Senate
Alabama			
Arkansas			
Connecticut			
Delaware			
Florida	86%	90%	
Georgia	93%		
Illinois			
Louisiana			
Maryland			
Michigan	90%	90%	
Mississippi		88%	91% ¹⁹
Missouri		91%	
New Jersey		90%	
New York	91%	90%	
North Carolina			
Ohio	84%	89%	
Pennsylvania	91%	91%	
South Carolina			
Tennessee	85%	85%	
Texas	82%	89%	
Virginia		91%	
Average-All Races	88.9%		

Source: 2018 National Exit Poll

¹⁹Special Election.

Table G. Black Support for Democratic Candidates, 2020

State	President	Governor	Senate	Senate	Senate
Alabama	89%		90%		
Arkansas					
Connecticut					
Delaware					
Florida	89%				
Georgia	88%		87%	83% ²⁰	93% ²¹
Illinois					
Louisiana					
Maryland					
Michigan	92%		90%		
Mississippi					
Missouri					
New Jersey					
New York	94%				
North Carolina	92%	92%	88%		
Ohio	91%				
Pennsylvania	92%				
South Carolina	90%		93%		
Tennessee					
Texas	90%		87%		
Virginia	89%		93%		
Average-All Races	90.1%				

Source: 2020 National Exit Poll

²⁰Special Election.²¹Runoff.

Table H. Black Support for Democratic Candidates, 2022

State	Governor	Senate
Alabama		
Arkansas		
Connecticut		
Delaware		
Florida	86%	90%
Georgia	90%	90%
Illinois		
Louisiana		
Maryland		
Michigan	94%	
Mississippi		
Missouri		
New Jersey		
New York		
North Carolina		93%
Ohio	67%	86%
Pennsylvania	92%	91%
South Carolina		
Tennessee		
Texas	84%	
Virginia		
Average-All Races	87.5	

Source: 2022 National Exit Poll

Table I. Black Support for Democratic Candidates, 2008

State	President	Governor	Senate	House
Alabama	98.7%			
Arkansas	97.5%			
Connecticut	99.5%			
Delaware	97.8%			
Florida	92.3%			93.5%
Georgia	96.2%		96.8%	89.4%
Illinois	98.9%		98.8%	97.5%
Louisiana	89.6%			
Maryland	97.2%			98.7%
Michigan	97.7%		96.7%	92.7%
Mississippi	100.0%			
Missouri	94.3%			
New Jersey	98.5%		98.3%	96.2%
New York	97.7%			97.2%
North Carolina	98.3%	96.8%	98.0%	94.3%
Ohio	95.6%			92.2%
Pennsylvania	97.9%			95.8%
South Carolina	96.8%			
Tennessee	99.1%			
Texas	97.8%		94.0%	93.8%
Virginia	94.5%			
Average-All Races	96.3%			

Source: CES.

Table J. Black Support for Democratic Candidates, 2010

State	Governor	Senate	House
Alabama	94.0%	84.5%	74.0%
Arkansas			
Connecticut			
Delaware			
Florida	90.9%	88.9%	84.0%
Georgia	91.5%	90.2%	85.5%
Illinois	96.3%	95.6%	98.4%
Louisiana		90.2%	82.1%
Maryland	90.5%	90.8%	91.8%
Michigan	94.3%	95.4%	96.4%
Mississippi			98.3%
Missouri			94.9%
New Jersey			97.1%
New York	96.5%	95.0%	93.4%
North Carolina		92.9%	93.9%
Ohio	86.8%	85.9%	95.2%
Pennsylvania	88.2%	96.9%	96.1%
South Carolina	84.2%	80.0%	79.7%
Tennessee	87.2%		94.6%
Texas	91.3%		88.5%
Virginia			
Average-All Races	90.8%		

Source: CES.

Table K. Black Support for Democratic Candidates, 2012

State	President	Governor	Senate	House
Alabama	99.8%			96.0%
Arkansas	97.4%			
Connecticut	92.4%			
Delaware	100%			
Florida	93.8%		89.4%	90.2%
Georgia	97.3%			95.3%
Illinois	98.8%			95.5%
Louisiana	93.4%			61.0%
Maryland	96.1%		100%	99.7%
Michigan	96.7%		98.2%	94.2%
Mississippi	90.2%		91.2%	97.4%
Missouri	96.1%	98.3%	99.5%	98.3%
New Jersey	96.9%	92.8%	97.4%	99.0%
New York	96.6%		98.8%	94.9%
North Carolina	93.7%			94.5%
Ohio	92.8%		97.5%	88.5%
Pennsylvania	98.4%		98.4%	97.3%
South Carolina	98.6%			90.3%
Tennessee	98.0%		93.9%	94.4%
Texas	96.4%		86.7%	94.0%
Virginia	94.1%		94.4%	89.7%
Average-All Races	94.8%			

Source: CES.

Table L. Black Support for Democratic Candidates, 2014

State	Governor	Senator	House
Alabama	100%		100%
Arkansas			
Connecticut			
Delaware			
Florida	95.5%		89.0%
Georgia	92.9%	96.4%	97.8%
Illinois	91.9%	97.6%	97.1%
Louisiana		100%	
Maryland	81.4%		90.5%
Michigan	87.2%	97.9%	98.3%
Mississippi			
Missouri			82.7%
New Jersey		96.1%	94.0%
New York	87.9%		97.3%
North Carolina		94.8%	88.6%
Ohio	67.1%		79.4%
Pennsylvania	97.5%		96.2%
South Carolina	90.5%	89.4%	96.9%
Tennessee	81.9%	86.7%	91.1%
Texas	89.5%	80.5%	90.3%
Virginia		90.7%	88.4%
Average-All Races	91.3%		

Source: CES.

Table M. Black Support for Democratic Candidates, 2016

State	President	Governor	Senate	House
Alabama	96.3%		99.3%	97.3%
Arkansas	93.7%			
Connecticut	94.0%			
Delaware	92.3%			
Florida	92.9%		91.8%	94.4%
Georgia	94.0%		91.5%	81.3%
Illinois	93.7%		98.9%	92.7%
Louisiana	93.0%			
Maryland	94.2%		95.0%	84.5%
Michigan	96.6%			93.2%
Mississippi	89.7%			72.4%
Missouri	95.0%	97.0%	98.8%	93.0%
New Jersey	89.4%			94.6%
New York	95.7%		98.6%	91.6%
North Carolina	90.6%	84.8%	87.7%	90.9%
Ohio	90.0%		81.7%	85.1%
Pennsylvania	96.1%		93.0%	96.3%
South Carolina	92.9%		60.0%	64.8%
Tennessee	99.5%			91.8%
Texas	92.1%			85.4%
Virginia	93.8%			90.8%
Average-All Races	91.1%			

Source: CES.

Table N. Black Support for Democratic Candidates, 2018

State	Governor	Senator	House
Alabama	93.4%	94.3%	93.0%
Arkansas			
Connecticut			
Delaware			
Florida	95.1%	93.9%	94.9%
Georgia	92.2%		86.9%
Illinois	97.7%		97.1%
Louisiana			90.6%
Maryland	73.2%	94.7%	98.1%
Michigan	99.4%	96.7%	97.0%
Mississippi		89.3%	89.9%
Missouri		90.6%	96.1%
New Jersey		95.1%	95.1%
New York	95.1%	97.2%	99.2%
North Carolina			89.4%
Ohio	89.4%	93.1%	93.9%
Pennsylvania	98.9%	98.4%	96.9%
South Carolina	98.4%	97.8%	97.2%
Tennessee	73.6%	77.7%	75.6%
Texas	86.0%	92.3%	90.8%
Virginia		93.0%	96.0%
Average-All Races	92.6		

Source: CES.

Table O. Black Support for Democratic Candidates, 2020

State	President	Governor	Senate	House
Alabama	97.9%		95.1%	85.4%
Arkansas				
Connecticut				
Delaware				
Florida	89.8%			90.8%
Georgia	90.3%		82.1%	81.3%
Illinois	95.2%		99.2%	96.0%
Louisiana	96.2%		89.3%	93.1%
Maryland	95.6%			95.1%
Michigan	85.8%		85.6%	82.3%
Mississippi	90.9%		95.2%	76.8%
Missouri	80.4%	80.0%		78.0%
New Jersey	94.4%		96.2%	95.6%
New York	93.5%			95.9%
North Carolina	90.5%	91.2%	84.0%	90.6%
Ohio	93.6%			91.2%
Pennsylvania	97.2%			96.1%
South Carolina	90.7%		89.2%	83.5%
Tennessee	89.9%		89.0%	80.4%
Texas	88.3%		89.0%	89.1%
Virginia	88.8%		94.1%	84.8%
Average-All Races	89.9%			

Source: CES.

Table P. Black Support for Democratic Candidates, 2022

State	Governor	Senator	House
Alabama	90.8%	97.2%	91.1%
Arkansas			
Connecticut			
Delaware			
Florida	66.1%	75.5%	74.7%
Georgia	88.0%	91.9%	91.7%
Illinois	85.0%	93.3%	96.0%
Louisiana		70.6%	74.6%
Maryland	99.1%	99.1%	98.5%
Michigan	91.3%		92.3%
Mississippi			90.9%
Missouri		87.6%	90.8%
New Jersey			84.4%
New York	88.7%	91.9%	89.5%
North Carolina		79.2%	82.0%
Ohio	58.5%	78.8%	76.5%
Pennsylvania	86.1%	84.8%	83.4%
South Carolina	90.0%	91.7%	92.7%
Tennessee	78.7%		87.9%
Texas	76.0%		77.9%
Virginia			86.7%
Average-All Races	85.8		

Source: CES.

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Peer-Reviewed Books:

Rural Republican Realignment in the Modern South: The Untold Story. 2022.

Columbia, SC: The University of South Carolina Press. (Seth C. McKee, co-author).

[Reviewed in *Public Opinion Quarterly* 87(2): 462-465]

The Rational Southerner: Black Mobilization, Republican Growth, and the Partisan Transformation of the American South. 2012. New York: Oxford University Press.

(Quentin Kidd and Irwin L. Morris, co-authors).

[Softcover version in 2014 with new Epilogue]

Peer-Reviewed Publications:

“The Geography of Hispanic Political Behavior in Texas, 2012–2022.” Online 2024.

Social Science Quarterly. (Seth C. McKee, co-author).

“Taking the Pulse of Georgia Local Election Officials after Senate Bill 202.” Forthcoming 2024.

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- "Postal Voting in the 2020 Election." 2022. *Journal of Election Administration, Research, and Practice* 1(1): 19-29. (Lonna Rae Atkeson, Colin Jones, Mason Reece, and Robert M. Stein, co-authors).
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- "Switching Sides but Still Fighting the Civil War in Southern Politics." 2020. *Politics, Groups, and Identities* 10(1): 100-116. (Christopher Cooper, Scott H. Huffmon, Quentin Kidd, Gibbs Knotts, Seth C. McKee, co-authors).
- "The Election of African American State Legislators in the Modern South." 2020. *Legislative Studies Quarterly* 45(4): 581-608. (Charles S. Bullock, III, William Hicks, Seth C. McKee, Adam S. Myers, and Daniel A. Smith, co-authors).
- "What's in a Name? Gauging the Effect of Labels on Third Party Vote Shares." 2022. *Journal of Elections, Public Opinion & Parties* 32(3): 542-555. (Seth C. McKee, co-author).
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- "Palmetto Postmortem: Examining the Effects of the South Carolina Voter Identification Statute." 2019. *Political Research Quarterly* 73(2): 492-505. (Scott E. Buchanan, co-author).
- "Contagious Republicanism in Louisiana, 1966-2008." 2018. *Political Geography* 66(Sept): 1-13. (Jamie Monogan, co-author).
- "The Comeback Kid: Donald Trump on Election Day in 2016." 2019. *PS: Political Science and Politics* 52(2): 239-242. (Seth C. McKee and Daniel A. Smith, co-authors).

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- “Out of Step and Out of Touch: The Matter with Kansas in the 2014 Midterm.” 2017. *The Forum* 15(2): 291-312. (Seth C. McKee and Ian Ostrander, co-authors).
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- “Achieving Validation: Barack Obama and Black Turnout in 2008.” 2012. *State Politics and Policy Quarterly* 12:3-22. (Seth C. McKee and David Hill, co-authors).
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- “An Examination of Efforts to Encourage the Incidence of Early In-Person Voting in Georgia, 2008.” 2011. *Election Law Journal* 10:103-113. (Charles S. Bullock, III, co-author).
- “What Made Carolina Blue? In-migration and the 2008 North Carolina Presidential Vote.” 2010. *American Politics Research* 38:266-302. (Seth C. McKee, co-author).
- “Stranger Danger: Redistricting, Incumbent Recognition, and Vote Choice.” 2010. *Social Science Quarterly* 91:344-358. (Seth C. McKee, co-author).
- “Trying to Thread the Needle: The Effects of Redistricting in a Georgia Congressional District.” 2009. *PS: Political Science and Politics* 42:679-687. (Seth C. McKee, co-author).
- “Citizen, Defend Thyself: An Individual-Level Analysis of Concealed-Weapon Permit Holders.” 2009. *Criminal Justice Studies* 22:73-89. (Grant W. Neeley, co-author).
- “Two Sides of the Same Coin?: Employing Granger Causality Tests in a Time Series Cross-Section Framework.” 2008. *Political Analysis* 16:324-344. (Quentin Kidd and Irwin L. Morris, co-authors).
- “Worth a Thousand Words? : An Analysis of Georgia’s Voter Identification Statute.” 2008. *American Politics Research* 36:555-579. (Charles S. Bullock, III, co-author).
- “Gerrymandering on Georgia’s Mind: The Effects of Redistricting on Vote Choice in the 2006 Midterm Election.” 2008. *Social Science Quarterly* 89:60-77 (Seth C. McKee, co-author).
- “Examining Methods for Identifying Latino Voters.” 2007. *Election Law Journal* 6:202-208. (Charles S. Bullock, III, co-author).
- “A Mile-Wide Gap: The Evolution of Hispanic Political Emergence in the Deep South.” 2006. *Social Science Quarterly* 87:1117-1135. (Charles S. Bullock, III, co-author).

- “Punch Cards, Jim Crow, and Al Gore: Explaining Voter Trust in the Electoral System in Georgia, 2000.” 2005. *State Politics and Policy Quarterly* 5:283-294. (Charles S. Bullock, III and Richard Clark, co-authors).
- “When Southern Symbolism Meets the Pork Barrel: Opportunity for Executive Leadership.” 2005. *Social Science Quarterly* 86:69-86. (Charles S. Bullock, III, co-author).
- “Race and the Ideological Transformation of the Democratic Party: Evidence from the Bayou State.” 2005. *American Review of Politics* 25:67-78.
- “The Reintroduction of the *Elephas maximus* to the Southern United States: The Rise of Republican State Parties, 1960-2000.” 2004. *American Politics Research* 31:68-101. (Quentin Kidd and Irwin Morris, co-authors).
- “One Person, [No Vote; One Vote; Two Votes...]: Voting Methods, Ballot Types, and Undervote Frequency in the 2000 Presidential Election.” 2002. *Social Science Quarterly* 83:981-993. (Charles S. Bullock, III, co-author).
- “On the Prospect of Linking Religious Right Identification with Political Behavior: Panacea or Snipe Hunt?” 2002. *Journal for the Scientific Study of Religion* 41:697-710. (Mark C. Smith, co-author).
- “The Key Issue: Constituency Effects and Southern Senators’ Roll-Call Voting on Civil Rights.” 2001. *Legislative Studies Quarterly* 26: 599-621. (Quentin Kidd and Irwin Morris, co-authors).
- “Packin’ in the Hood?: Examining Assumptions Underlying Concealed-Handgun Research.” 2000. *Social Science Quarterly* 81:523-537. (Grant Neeley, co-author).
- “Brother, Can You Spare a Dime? Racial/Ethnic Context and the Anglo Vote on Proposition 187.” 2000. *Social Science Quarterly* 81:194-206. (Irwin Morris, co-author).
- “Penny Pinching or Politics? The Line-Item Veto and Military Construction Appropriations.” 1999. *Political Research Quarterly* 52:753-766. (Irwin Morris and Grant Neeley, co-authors).
- “Of Byrds[s] and Bumpers: Using Democratic Senators to Analyze Political Change in the South, 1960-1995.” 1999. *American Journal of Political Science* 43:465-487. (Quentin Kidd and Irwin Morris, co-authors).
- “Bugs in the NRC’s Doctoral Program Evaluation Data: From Mites to Hissing Cockroaches.” 1998. *PS* 31:829-835. (Nelson Dometrius, Quentin Kidd, and Kurt Shirkey, co-authors).
- “Boll Weevils and Roll-Call Voting: A Study in Time and Space.” 1998. *Legislative Studies Quarterly* 23:245-269. (Irwin Morris, co-author).

“Give Us Your Tired, Your Poor,...But Make Sure They Have a Green Card: The Effects of Documented and Undocumented Migrant Context on Anglo Opinion Towards Immigration.” 1998. *Political Behavior* 20:1-16. (Irwin Morris, co-author).

“¡Quedate o Vente!: Uncovering the Determinants of Hispanic Public Opinion Towards Immigration.” 1997. *Political Research Quarterly* 50:627-647. (Irwin Morris and Kurt Shirkey, co-authors).

“¿Amigo o Enemigo?: Context, Attitudes, and Anglo Public Opinion toward Immigration.” 1997. *Social Science Quarterly* 78: 309-323. (Irwin Morris, co-author).

Book Chapters:

“The 2020 Presidential Nomination Process.” 2021. In *The 2020 Presidential Election in the South*, eds. Branwell DuBose Kapeluck and Scott E. Buchanan. Lanham, MD: Rowman & Littlefield. (Aaron A. Hitefield, co-author).

“Texas: A Shifting Republican Terrain.” 2021. In *The New Politics of the Old South, 7th ed.*, Charles S. Bullock, III and Mark J. Rozell, editors. New York: Rowman and Littlefield Publishers, Inc. (Seth C. McKee, co-author).

“Texas: Big Red Rides On.” 2018. In *The New Politics of the Old South, 6th ed.*, Charles S. Bullock, III and Mark J. Rozell, editors. New York: Rowman and Littlefield Publishers, Inc. (Seth C. McKee, co-author).

“The Participatory Consequences of Florida Redistricting.” 2015. In *Jigsaw Puzzle Politics in the Sunshine State*, Seth C. McKee, editor. Gainesville, FL: University of Florida Press. (Danny Hayes and Seth C. McKee, co-authors).

“Texas: Political Change by the Numbers.” 2014. In *The New Politics of the Old South, 5th ed.*, Charles S. Bullock, III and Mark J. Rozell, editors. New York: Rowman and Littlefield Publishers, Inc. (Seth C. McKee, co-author).

“The Republican Party in the South.” 2012. In *Oxford Handbook of Southern Politics*, Charles S. Bullock, III and Mark J. Rozell, editors. New York: Oxford University Press. (Quentin Kidd and Irwin Morris, co-authors).

“The Reintroduction of the *Elephas maximus* to the Southern United States: The Rise of Republican State Parties, 1960-2000.” 2010. In *Controversies in Voting Behavior, 5th ed.*, David Kimball, Richard G. Niemi, and Herbert F. Weisberg, editors. Washington, DC: CQ Press. (Quentin Kidd and Irwin Morris, co-authors).
[Reprint of 2004 *APR* article with Epilogue containing updated analysis and other original material.]

“The Texas Governors.” 1997. In *Texas Policy and Politics*, Mark Somma, editor. Needham Heights, MA: Simon & Schuster.

Book Reviews:

The Resilience of Southern Identity: Why the South Still Matters in the Minds of Its People. 2018.
Reviewed for *The Journal of Southern History*.

Other Publications:

“Provisionally Admitted College Students: Do They Belong in a Research University?” 1998. In *Developmental Education: Preparing Successful College Students*, Jeanne Higbee and Patricia L. Dwinell, editors. Columbia, SC: National Resource Center for the First-Year Experience & Students in Transition (Don Garnett, co-author).

NES Technical Report No. 52. 1994. “The Reliability, Validity, and Scalability of the Indicators of Gender Role Beliefs and Feminism in the 1992 American National Election Study: A Report to the ANES Board of Overseers.” (Sue Tolleson-Rinehart, Douglas R. Davenport, Terry L. Gilmour, William R. Moore, Kurt Shirkey, co-authors).

Grant-funded Research (UGA):

Principal Investigator. “Gauging the Effects of SB 202 on Non-Precinct Voting in Georgia.” Budget: \$57,193. 2022. Funded by the MIT Election Data and Science Lab.

Co-Principal Investigator. “Georgia Absentee Ballot Signature Verification Study.” Budget: \$36,950. 2021. (with Audrey Haynes and Charles Stewart III). Funded by the Georgia Secretary of State.

Co-Principal Investigator. “The Integrity of Mail Voting in the 2020 Election.” Budget: \$177,080. (with Lonna Atkeson and Robert Stein). Funded by the National Science Foundation.

Co-Principal Investigator. “Georgia Voter Verification Study.” Budget: \$52,060. 2020. (with Audrey Haynes). Funded by Center for Election Innovation and Research.

Co-Principal Investigator. “An Examination of Non-Precinct Voting in the State of Georgia.” Budget: \$47,000. October 2008-July 2009. (with Charles S. Bullock, III). Funded by the Pew Charitable Trust.

Co-Principal Investigator. “The Best Judges Money Can Buy?: Campaign Contributions and the Texas Supreme Court.” (SES-0615838) Total Budget: \$166,576; UGA Share: \$69,974. September 2006-August 2008. (with Craig F. Emmert). Funded by the National Science Foundation. REU Supplemental Award (2008-2009): \$6,300.

Principal Investigator. “Payola Justice or Just Plain ‘Ole Politics Texas-Style?: Campaign Finance and the Texas Supreme Court.” \$5,175. January 2000-Januray 2001. Funded by the University of Georgia Research Foundation, Inc.

Curriculum Grants (UGA):

Learning Technology Grant: “Converting Ideas Into Effective Action: An Interactive Computer and Classroom Simulation for the Teaching of American Politics.” \$40,000. January-December

2004. (with Loch Johnson). Funded by the Office of Instructional Support and Technology, University of Georgia.

Dissertation:

“Capturing Bubba's Heart and Mind: Group Consciousness and the Political Identification of Southern White Males, 1972-1994.”

Chair: Professor Sue Tolleson-Rinehart

Papers and Activities at Professional Meetings:

Roundtable Participant. Panel: Polling is not Dead: Responses to Modern Day Polling Challenges. 2023. Annual Meeting of the Southern Political Science Association. St. Petersburg, FL.

“Where Do Things Stand Now? Assessing the State of the Georgia Electorate Post-2022.” 2023. (with Seth C. McKee). Annual Meeting of the Southern Political Science Association. St. Petersburg, FL.

“Local-Level Implementation of SB 202 in Georgia.” 2023. (with Seth C. McKee). Presented at the annual meeting of the Election Science, Reform & Administration Conference. Athens, GA.

“The Geography of Hispanic Political Behavior in Texas, 2012-2022.” 2023. (with Seth C. McKee). Presented at the annual meeting of the Florida Political Science Association. Stetson University.

“Voter Registration Choices in a Polarized America.” 2023. (with Seth C. McKee, Enrijeta Shino, and Daniel A. Smith). Presented at the annual meeting of the American Political Science Association.

“The Changing South in Presidential Elections.” 2022. (with M.V. Hood III, Robert N. Lupton, and Daniel A. Smith). Presented at the biennial meeting of the Citadel Symposium on Southern Politics. Charleston, SC.

“Was There a Secret Ballot in the 2020 Election?” 2022. (with Lonna Atkeson, Robert Stein, Braeden McNulty, Colin Jones, Mason Reece, and Eli McKown-Dawson). Presented at the Annual Election Sciences, Reform, and Administration Conference. Charlotte, NC.

“Rural Voters in Southern U.S. House Elections.” 2021. (with Seth C. McKee). Presented at the Virtual American Political History Conference. University of Georgia. Athens, GA.

“Mail It In: An Analysis of the Peach State’s Response to the Coronavirus Pandemic.” 2020. (with Audrey Haynes). Presented at the Election Science, Reform, and Administrative Conference. Gainesville, FL. [Virtually Presented].

- “Presidential Republicanism and Democratic Darn Near Everything Else.” 2020. (with Seth C. McKee). Presented at the Citadel Southern Politics Symposium. Charleston, SC.
- “Why Georgia, Why? Peach State Residents’ Perceptions of Voting-Related Improprieties and their Impact on the 2018 Gubernatorial Election.” 2019. (with Seth C. McKee). Presented at the Election Science, Reform, and Administrative Conference. Philadelphia, PA.
- “The Demise of White Class Polarization and the Newest American Politics.” 2019. (with Seth C. McKee). Presented at the Annual Meeting of the Southern Political Science Association. Austin, TX.
- “The Geography of Latino Growth in the American South.” 2018. (with Seth C. McKee). State Politics and Policy Conference. State College, PA.
- “A History and Analysis of Black Representation in Southern State Legislatures.” 2018. (with Charles S. Bullock, III, William D. Hicks, Seth C. McKee, Adam S. Myers, and Daniel A. Smith). Presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- Discussant. Panel titled “Southern Distinctiveness?” 2018. The Citadel Symposium on Southern Politics. Charleston, SC.
- Roundtable Participant. Panel titled “The 2018 Elections.” 2018. The Citadel Symposium on Southern Politics. Charleston, SC.
- “Still Fighting the Civil War?: Southern Opinions on the Confederate Legacy.” 2018. (with Christopher A. Cooper, Scott H. Huffmon, Quentin Kidd, H. Gibbs Knotts, and Seth C. McKee). The Citadel Symposium on Southern Politics. Charleston, SC.
- “Tracking Hispanic Growth in the American South.” 2018. (with Seth C. McKee). Presented at the Annual Meeting of the Southern Political Science Association. New Orleans, LA.
- “An Assessment of Online Voter Registration in Georgia.” 2017. (with Greg Hawrelak and Colin Phillips). Presented at the Annual Meeting of Election Sciences, Reform, and Administration. Portland, Oregon.
- Moderator. Panel titled “What Happens Next.” 2017. The Annual Meeting of Election Sciences, Reform, and Administration. Portland, Oregon.
- “Election Daze: Time of Vote, Mode of Voting, and Voter Preferences in the 2016 Presidential Election.” 2017. (with Seth C. McKee and Dan Smith). Presented at the Annual Meeting of the State Politics and Policy Conference. St. Louis, MO.
- “Palmetto Postmortem: Examining the Effects of the South Carolina Voter Identification Statute.” 2017. (with Scott E. Buchanan). Presented at the Annual Meeting of the Southern Political Science Association. New Orleans, LA.
- Panel Chair and Presenter. Panel titled “Assessing the 2016 Presidential Election.” 2017. UGA Elections Conference. Athens, GA.

Roundtable Discussant. Panel titled “Author Meets Critics: Robert Mickey's Paths Out of Dixie.” 2017. The Annual Meeting of the Southern Political Science Association. New Orleans, LA.

“Out of Step and Out of Touch: The Matter with Kansas in the 2014 Midterm Election.” (with Seth C. McKee and Ian Ostrander). 2016. Presented at the Annual Meeting of the Southern Political Science Association. San Juan, Puerto Rico.

“Contagious Republicanism in North Carolina and Louisiana, 1966-2008.” (with Jamie Monogan). 2016. Presented at the Citadel Symposium on Southern Politics. Charleston, SC.

“The Behavioral Implications of Racial Resentment in the South: The Intervening Influence of Party.” (with Quentin Kidd and Irwin L. Morris). 2016. Presented at the Citadel Symposium on Southern Politics. Charleston, SC.

Discussant. Panel titled “Partisan Realignment in the South.” 2016. The Citadel Symposium on Southern Politics. Charleston, SC.

“Electoral Implications of Racial Resentment in the South: The Influence of Party.” (with Quentin Kidd and Irwin L. Morris). 2016. Presented at the Annual Meeting of the American Political Science Association. Philadelphia, PA.

“Racial Resentment and the Tea Party: Taking Regional Differences Seriously.” (with Quentin Kidd and Irwin L. Morris). 2015. Poster presented at the Annual Meeting of the American Political Science Association. San Francisco, CA.

“Race and the Tea Party in the Palmetto State: Tim Scott, Nikki Haley, Bakari Sellers and the 2014 Elections in South Carolina.” (with Quentin Kidd and Irwin L. Morris). 2015. Presented at the Annual Meeting of the Southern Political Science Association. New Orleans, LA.

Participant. Roundtable on the 2014 Midterm Elections in the Deep South. Annual Meeting of the Southern Political Science Association. New Orleans, LA.

“Race and the Tea Party in the Old Dominion: Split-Ticket Voting in the 2013 Virginia Elections.” (with Irwin L. Morris and Quentin Kidd). 2014. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.

“Race and the Tea Party in the Old Dominion: Down-Ticket Voting and Roll-Off in the 2013 Virginia Elections.” (with Irwin L. Morris and Quentin Kidd). 2014. Paper presented at the Annual Meeting of the Southern Political Science Association. New Orleans, LA.

“Tea Leaves and Southern Politics: Explaining Tea Party Support Among Southern Republicans.” (with Irwin L. Morris and Quentin Kidd). 2013. Paper presented at the Annual Meeting of the Southern Political Science Association. Orlando, FL.

- “The Tea Party and the Southern GOP.” (with Irwin L. Morris and Quentin Kidd). 2012. Research presented at the Effects of the 2012 Elections Conference. Athens, GA.
- “Black Mobilization in the Modern South: When Does Empowerment Matter?” (with Irwin L. Morris and Quentin Kidd). 2012. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- “The Legislature Chooses a Governor: Georgia’s 1966 Gubernatorial Election.” (with Charles S. Bullock, III). 2012. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- “One-Stop to Victory? North Carolina, Obama, and the 2008 General Election.” (with Justin Bullock, Paul Carlsen, Perry Joiner, and Mark Owens). 2011. Paper presented at the Annual Meeting of the Southern Political Science Association. New Orleans.
- “Redistricting and Turnout in Black and White.” (with Seth C. McKee and Danny Hayes). 2011. Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago, IL.
- “One-Stop to Victory? North Carolina, Obama, and the 2008 General Election.” (with Justin Bullock, Paul Carlsen, Perry Joiner, Jeni McDermott, and Mark Owens). 2011. Paper presented at the Annual Meeting of the Midwest Political Science Association Meeting. Chicago, IL.
- “Strategic Voting in the 2010 Florida Senate Election.” (with Seth C. McKee). 2011. Paper Presented at the Annual Meeting of the Florida Political Science Association. Jupiter, FL.
- “The Republican Bottleneck: Congressional Emergence Patterns in a Changing South.” (with Christian R. Grose and Seth C. McKee). Paper presented at the Annual Meeting of the Southern Political Science Association. New Orleans, LA.
- “Capturing the Obama Effect: Black Turnout in Presidential Elections.” (with David Hill and Seth C. McKee) 2010. Paper presented at the Annual Meeting of the Florida Political Science Association. Jacksonville, FL.
- “The Republican Bottleneck: Congressional Emergence Patterns in a Changing South.” (with Seth C. McKee and Christian R. Grose). 2010. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- “Black Mobilization and Republican Growth in the American South: The More Things Change the More They Stay the Same?” (with Quentin Kidd and Irwin L. Morris). 2010. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- “Unwelcome Constituents: Redistricting and Incumbent Vote Shares.” (with Seth C. McKee). 2010. Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta, GA.

- “Black Mobilization and Republican Growth in the American South: The More Things Change the More They Stay the Same?” (with Quentin Kidd and Irwin L. Morris). 2010. Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta, GA.
- “The Impact of Efforts to Increase Early Voting in Georgia, 2008.” (With Charles S. Bullock, III). 2009. Presentation made at the Annual Meeting of the Georgia Political Science Association. Callaway Gardens, GA.
- “Encouraging Non-Precinct Voting in Georgia, 2008.” (With Charles S. Bullock, III). 2009. Presentation made at the Time-Shifting The Vote Conference. Reed College, Portland, OR.
- “What Made Carolina Blue? In-migration and the 2008 North Carolina Presidential Vote.” (with Seth C. McKee). 2009. Paper presented at the Annual Meeting of the Florida Political Science Association. Orlando, FL.
- “Swimming with the Tide: Redistricting and Voter Choice in the 2006 Midterm.” (with Seth C. McKee). 2009. Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.
- “The Effect of the Partisan Press on U.S. House Elections, 1800-1820.” (with Jamie Carson). 2008. Paper presented at the Annual Meeting of the History of Congress Conference. Washington, D.C.
- “Backward Mapping: Exploring Questions of Representation via Spatial Analysis of Historical Congressional Districts.” (Michael Crespin). 2008. Paper presented at the Annual Meeting of the History of Congress Conference. Washington, D.C.
- “The Effect of the Partisan Press on U.S. House Elections, 1800-1820.” (with Jamie Carson). 2008. Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.
- “The Rational Southerner: The Local Logic of Partisan Transformation in the South.” (with Quentin Kidd and Irwin L. Morris). 2008. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- “Stranger Danger: The Influence of Redistricting on Candidate Recognition and Vote Choice.” (with Seth C. McKee). 2008. Paper presented at the Annual Meeting of the Southern Political Science Association. New Orleans.
- “Backward Mapping: Exploring Questions of Representation via Spatial Analysis of Historical Congressional Districts.” (with Michael Crespin). 2007. Paper presented at the Annual Meeting of the American Political Science Association. Chicago.
- “Worth a Thousand Words? : An Analysis of Georgia’s Voter Identification Statute.” (with Charles S. Bullock, III). 2007. Paper presented at the Annual Meeting of the Southwestern Political Science Association. Albuquerque.

- “Gerrymandering on Georgia’s Mind: The Effects of Redistricting on Vote Choice in the 2006 Midterm Election.” (with Seth C. McKee). 2007. Paper presented at the Annual Meeting of The Southern Political Science Association. New Orleans.
- “Personalismo Politics: Partisanship, Presidential Popularity and 21st Century Southern Politics.” (with Quentin Kidd and Irwin L. Morris). 2006. Paper presented at the Annual Meeting of the American Political Science Association. Philadelphia.
- “Explaining Soft Money Transfers in State Gubernatorial Elections.” (with William Gillespie and Troy Gibson). 2006. Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.
- “Two Sides of the Same Coin?: A Panel Granger Analysis of Black Electoral Mobilization and GOP Growth in the South, 1960-2004.” (with Quentin Kidd and Irwin L. Morris). 2006. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- “Hispanic Political Emergence in the Deep South, 2000-2004.” (With Charles S. Bullock, III). 2006. Paper presented at the Citadel Symposium on Southern Politics. Charleston.
- “Black Mobilization and the Growth of Southern Republicanism: Two Sides of the Same Coin?” (with Quentin Kidd and Irwin L. Morris). 2006. Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta.
- “Exploring the Linkage Between Black Turnout and Down-Ticket Challenges to Black Incumbents.” (With Troy M. Gibson). 2006. Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta.
- “Race and the Ideological Transformation of the Democratic Party: Evidence from the Bayou State.” 2004. Paper presented at the Biennial Meeting of the Citadel Southern Politics Symposium. Charleston.
- “Tracing the Evolution of Hispanic Political Emergence in the Deep South.” 2004. (Charles S. Bullock, III). Paper presented at the Biennial Meeting of the Citadel Southern Politics Symposium. Charleston.
- “Much Ado about Something? Religious Right Status in American Politics.” 2003. (With Mark C. Smith). Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.
- “Tracking the Flow of Non-Federal Dollars in U. S. Senate Campaigns, 1992-2000.” 2003. (With Janna Deitz and William Gillespie). Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.
- “PAC Cash and Votes: Can Money Rent a Vote?” 2002. (With William Gillespie). Paper presented at the Annual Meeting of the Southern Political Science Association. Savannah.

- “What Can Gubernatorial Elections Teach Us About American Politics?: Exploiting and Underutilized Resource.” 2002. (With Quentin Kidd and Irwin L. Morris). Paper presented at the Annual Meeting of the American Political Science Association. Boston.
- “I Know I Voted, But I’m Not Sure It Got Counted.” 2002. (With Charles S. Bullock, III and Richard Clark). Paper presented at the Annual Meeting of the Southwestern Social Science Association. New Orleans.
- “Race and Southern Gubernatorial Elections: A 50-Year Assessment.” 2002. (With Quentin Kidd and Irwin Morris). Paper presented at the Biennial Southern Politics Symposium. Charleston, SC.
- “Top-Down or Bottom-Up?: An Integrated Explanation of Two-Party Development in the South, 1960-2000.” 2001. Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta.
- “Cash, Congress, and Trade: Did Campaign Contributions Influence Congressional Support for Most Favored Nation Status in China?” 2001. (With William Gillespie). Paper presented at the Annual Meeting of the Southwestern Social Science Association. Fort Worth.
- “Key 50 Years Later: Understanding the Racial Dynamics of 21st Century Southern Politics” 2001. (With Quentin Kidd and Irwin Morris). Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta.
- “The VRA and Beyond: The Political Mobilization of African Americans in the Modern South.” 2001. (With Quentin Kidd and Irwin Morris). Paper presented at the Annual Meeting of the American Political Science Association. San Francisco.
- “Payola Justice or Just Plain ‘Ole Politics Texas Style?: Campaign Finance and the Texas Supreme Court.” 2001. (With Craig Emmert). Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.
- “The VRA and Beyond: The Political Mobilization of African Americans in the Modern South.” 2000. (With Irwin Morris and Quentin Kidd). Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta.
- “Where Have All the Republicans Gone? A State-Level Study of Southern Republicanism.” 1999. (With Irwin Morris and Quentin Kidd). Paper presented at the Annual Meeting of the Southern Political Science Association. Savannah.
- “Elephants in Dixie: A State-Level Analysis of the Rise of the Republican Party in the Modern South.” 1999. (With Irwin Morris and Quentin Kidd). Paper presented at the Annual Meeting of the American Political Science Association. Atlanta.
- “Stimulant to Turnout or Merely a Convenience?: Developing an Early Voter Profile.” 1998. (With Quentin Kidd and Grant Neeley). Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta.

- “The Impact of the Texas Concealed Weapons Law on Crime Rates: A Policy Analysis for the City of Dallas, 1992-1997.” 1998. (With Grant W. Neeley). Paper presented to the Annual Meeting of the Midwest Political Science Association. Chicago.
- “Analyzing Anglo Voting on Proposition 187: Does Racial/Ethnic Context Really Matter?” 1997. (With Irwin Morris). Paper presented to the Annual Meeting of the Southern Political Science Association. Norfolk.
- “Capturing Bubba's Heart and Mind: Group Consciousness and the Political Identification of Southern White Males, 1972-1994.” 1997. Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.
- “Of Byrds[s] and Bumpers: A Pooled Cross-Sectional Study of the Roll-Call Voting Behavior of Democratic Senators from the South, 1960-1995.” 1996. (With Quentin Kidd and Irwin Morris). Paper presented to the Annual Meeting of the Southern Political Science Association. Atlanta.
- “Pest Control: Southern Politics and the Eradication of the Boll Weevil.” 1996. (With Irwin Morris). Paper presented to the Annual Meeting of the American Political Science Association. San Francisco.
- “Fit for the Greater Functions of Politics: Gender, Participation, and Political Knowledge.” 1996. (With Terry Gilmour, Kurt Shirkey, and Sue Tolleson-Rinehart). Paper presented to the Annual Meeting of the Midwest Political Science Association. Chicago.
- “¿Amigo o Enemigo?: Racial Context, Attitudes, and White Public Opinion on Immigration.” 1996. (With Irwin Morris). Paper presented to the Annual Meeting of the Midwest Political Science Association. Chicago.
- “¿Quedate o Vente!: Uncovering the Determinants of Hispanic Public Opinion Towards Immigration.” 1996. (With Irwin Morris and Kurt Shirkey). Paper presented to the Annual Meeting of the Southwestern Political Science Association. Houston.
- “Downs Meets the Boll Weevil: When Southern Democrats Turn Left.” 1995. (With Irwin Morris). Paper presented to the Annual Meeting of the Southern Political Science Association. Tampa.
- “¿Amigo o Enemigo?: Ideological Dispositions of Whites Residing in Heavily Hispanic Areas.” 1995. (With Irwin Morris). Paper presented to the Annual Meeting of the Southern Political Science Association. Tampa.
- Chair. Panel titled “Congress and Interest Groups in Institutional Settings.” 1995. Annual Meeting of the Southwestern Political Science Association. Dallas.
- “Death of the Boll Weevil?: The Decline of Conservative Democrats in the House.” 1995. (With Kurt Shirkey). Paper presented to the Annual Meeting of the Southwestern Political Science Association. Dallas.

“Capturing Bubba’s Heart and Mind: The Political Identification of Southern White Males.”
1994. (With Sue Tolleson-Rinehart). Paper presented to the Annual Meeting of the Southern
Political Science Association. Atlanta.

Areas of Teaching Competence:

American Politics: Behavior and Institutions
Public Policy
Scope, Methods, Techniques

Teaching Experience:

University of Georgia, 1999-present.
Graduate Faculty, 2003-present.
Provisional Graduate Faculty, 2000-2003.
Distance Education Faculty, 2000-present.

Texas Tech University, 1993-1999.
Visiting Faculty, 1997-1999.
Graduate Faculty, 1998-1999.
Extended Studies Faculty, 1997-1999.
Teaching Assistant, 1993-1997.

Courses Taught:

Undergraduate:

American Government and Politics, American Government and Politics (Honors),
Legislative Process, Introduction to Political Analysis, American Public Policy, Political
Psychology, Advanced Simulations in American Politics (Honors), Southern Politics,
Southern Politics (Honors), Survey Research Internship

Graduate:

Election Administration and Related Issues (Election Sciences), Political Parties and Interest
Groups, Legislative Process, Seminar in American Politics, Southern Politics; Publishing for
Political Science

Editorial Boards:

Social Science Quarterly. Member. 2011-present.

Election Law Journal. Member. 2013-present.

Other Professional Service:

Listed expert. MIT Election Data and Science Lab.

Keynote Address. 2020 Symposium on Southern Politics. The Citadel. Charleston, SC.

Institutional Service (University-Level):

University Information Technology Committee, 2022-present.

University Promotion and Tenure Committee, 2019-2022.

University Program Review Committee, 2009-2011.

Chair, 2010-2011

Vice-Chair, 2009-2010.

Graduate Council, 2005-2008.

Program Committee, 2005-2008.

Chair, Program Committee, 2007-2008.

University Libraries Committee, 2004-2014.

Search Committee for University Librarian and Associate Provost, 2014.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
(SOUTHERN DIVISION)**

BOBBY SINGLETON, *et al.*,

Plaintiffs,

v.

WES ALLEN, in his official capacity as
Alabama Secretary of State, *et al.*,

Defendants.

Civil Action No. 2:21-cv-1291-AMM

THREE-JUDGE COURT

EVAN MILLIGAN, *et al.*,

Plaintiffs,

v.

WES ALLEN, in his official capacity as
Alabama Secretary of State, *et al.*,

Defendants.

Civil Action No. 2:21-cv-01530-AMM

THREE-JUDGE COURT

MARCUS CASTER, *et al.*,

Plaintiffs,

v.

WES ALLEN, in his official capacity as
Alabama Secretary of State, *et al.*,

Defendants.

Civil Action No. 2:21-cv-01536-AMM

EXPERT REPORT OF DR. WILFRED REILLY

I. Credentials and Qualifications

I am an Associate Professor of Political Science at Kentucky State University, a historically Black institution. I hold a PhD from Southern Illinois University (awarded 2015) and a law degree from the University of Illinois (2005): my focus fields, per the PhD and in my current teaching, are Public Law, International Relations, and Political Theory. At “KYSU,” I regularly teach in the areas of Constitutional law, criminal law, statistical methodology, and research methodology. I am also, perhaps unsurprisingly, expected to write, and am the author of the books *Hate Crime Hoax* (2019) and *Taboo* (2020) – along with two other books.

A focus of my research, as a statistician, is examining the effect of multivariate regression analyses which incorporate large-N datasets on the outcome gaps between American racial groups which are often used to argue for the continuing or unchanged existence of “systemic racism¹” – or even for the genetic inferiority of certain races by the bizarre alt-right.² I very often find that such gaps are reduced quite significantly, or even are eliminated entirely, when other relevant variables are (1) actually taken into account and (2) properly adjusted for.

I have published fairly extensively, on this topic and others. During the past 365-day year, I have been – in addition to an accepted (popular press) solo book manuscript³ – a contributor to a major article recently published in *The Proceedings of the National Academy of*

¹ See, for example: Kendi, Ibram. 2023 (ed.). *How to Be and Anti-Racist*. New York: One World Press - <https://www.amazon.com/dp/0525509305/>.

² For a good early overview of this movement, see: Swain, Carol. 2004. *The New White Nationalism in America: It's Challenge to Integration*. Cambridge (UK): Cambridge University Press - <https://www.amazon.com/New-White-Nationalism-America-Integration/dp/0521545587>.

³ Reilly, Wilfred. 2024. *Lies My Liberal Teacher Told Me*. New York: Bombardier/Harper Collins - https://www.amazon.com/Lies-My-Liberal-Teacher-Told/dp/0063265974/ref=sr_1_1?crid=4N9X9XDQGD6&keywords=lies+my+liberal+teacher+told+me&qid=1703200620&srefix=lies+my+libe%2Caps%2C126&sr=8-1.

the Sciences (PNAS),⁴ an author on a quantitative piece in *Administration and Society*,⁵ and the author of an article in *Middle West Review*.⁶ More broadly, my writing has appeared during the past several years in *Commentary*, *Quillette*, *Academic Questions*, *Newsweek*, *National Review*, *Tablet*, and a range of other journals and periodicals.

I am being compensated for my work related to this case at the rate of \$500 (U.S.) dollars per hour. This rate is in no way dependent on my findings, which I reserve the full and complete right to adjust. My full curriculum vitae is attached to this report.

II. Introduction

An argument made by the plaintiffs in *Milligan v. Allen*, *Caster v. Allen*, and *Singleton v. Allen* is that a second majority-Black Congressional district is needed in the state of Alabama, and that various commonalities between the city of Mobile and the counties of the Alabama “Black Belt” – generally given as: Barbour, Bullock, Butler, Choctaw, Crenshaw, Dallas, Greene, Hale, Lowndes, Macon, Marengo, Montgomery, Perry, Pickens, Pike, Russell, Sumter, and Wilcox⁷ – create a “community of interest” which makes their combination into a single unified district logical. Several reports by plaintiffs’ experts, most notably the Moorer report, argue specifically that the city of Mobile shares more characteristics with rural Black Belt counties that with Mobile County itself and with closely neighboring and long-aligned Baldwin County.

⁴ Clark, Cory J., Lee Jussim, Komey Frey...(Wilfred Reilly), Von Hippel et al. 2023. “Pro-Social Motives Underlie Scientific Censorship by Scientists: a Perspective and Research Agenda.” *Proceedings of the National Academy of Sciences (PNAS)*. 120 (48): <https://www.pnas.org/doi/10.1073/pnas.2301642120>.

⁵ Maranto, R., Reilly, W., & Wolf, P. J. (2024). Which Police Departments Make Black Lives Matter? *Administration & Society*, 56(3), 282-303. <https://doi.org/10.1177/00953997241226892>.

⁶ Reilly, Wilfred. 2023. “Imagining Supremacy.” *Middle West Review*. 9 (2): 157-163 - <https://muse.jhu.edu/issue/49320>.

⁷ https://www.uaced.ua.edu/uploads/1/9/0/4/19045691/about_the_black_belt.pdf; [https://en.wikipedia.org/wiki/Black_Belt_\(region_of_Alabama\)](https://en.wikipedia.org/wiki/Black_Belt_(region_of_Alabama))

However, this is at very best highly debatable. Comparing recent-year (2021) “work/live” patterns in both directions indicates far more connectivity between Mobile, Mobile County, and Baldwin County than between Mobile County and any of the Black Belt counties.⁸ More sophisticated analysis across the commonly used metrics of population, population density, per capita income, and homicide/serious violent crime also indicates that far more similarities exist between Mobile, Mobile County, and Baldwin County than between Mobile and the Black Belt counties – with the sometime exception of Montgomery County. Further analysis of historical migration patterns and the structure of the current Alabama Workforce Regions continues to support the same point.

A final point to make here is that those disparities in performance or behavior that currently exist between Black and white Alabamians, and which were pointed out by plaintiffs’ experts such as Dr. Burch, cannot simply be attributed to the single variable of unique in-state bias in Alabama, and thus used *res ipsa* to establish the existence of a COI among Black Alabama residents who happen to live somewhat near one another. Racial gaps in, for example, educational attainment and crime rate exist almost literally everywhere in the United States – see, among other authors, (McWhorter 2000; Ogbu 2003; Thernstrom & Thernstrom 2003; Fryer and Levitt 2004; O’Neill 2005; Sowell 2020; Reilly 2020) for a discussion of the Black/white test score gap – and these gaps are often very very difficult to plausibly attribute to racism.

Re the two disparities just noted, Asian Americans and Black Africans often score ahead of whites on standardized board tests like the SAT,⁹ and “B/W” gaps in incarceration are often

⁸ <https://www2.labor.alabama.gov/workforcedev/CountyProfiles/Mobile%20County.pdf>

⁹ <https://reports.collegeboard.org/sat-suite-program-results>, <https://www.bestcolleges.com/research/average-sat-score-full-statistics/>

smallest in poor Southern states with a history of slavery.¹⁰ The mere existence of a performance gap does not suffice to demonstrate contemporary bias, or even a still-lingering effect of past bias, as versus the operation of any of dozens of other factors: a short list of which might include cultural variables such as fatherlessness and family structure, structural-level variables such as Great Society welfare policy,¹¹ and (to “swing left” for a bit) the plain out-sourcing of millions of American jobs in the not-too-distant past.¹²

All in all, while no one denies the troubled history of the state of Alabama or the genuine desire of some Black voters for another majority-minority district, it is difficult to argue that an increasingly sophisticated city of 200,000 has more in common with a series of small agrarian counties hundreds of miles away – which have another city located at their core – than with the large urban/suburban counties immediately adjacent to it. It is also illogical to claim that cultural or historic patterns visible for Black Americans across the entire United States indicate something unique which creates commonality within Alabama or a voting sub-region of Alabama. A cynic might say that the proposed majority-minority district likely to result from re-districting makes little sense in the context of any goal but securing more votes for the Democratic Party.

III. Scope and Outline of Report.

In my expert role, I was asked to examine and respond to the following questions:

¹⁰ Nellis, Ashley. 2021. “The Color of Justice: Racial and Ethnic Disparity in State Prisons.” The Sentencing Project. October release - <https://www.sentencingproject.org/app/uploads/2022/08/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>.

¹¹ <https://www.cato.org/cato-journal/winter-2018/case-targeted-criticism-welfare-state>

¹² William Julius Wilson’s *When Work Disappears* (1997) remains a social science classic and unflinchingly addresses this point - <https://www.amazon.com/When-Work-Disappears-World-Urban/dp/0679724176>.

1) Are there many “shared commonalities” between Mobile (AL) and the Black Belt counties of Alabama, and are these characteristics that Mobile does not share with Mobile County and with neighboring Baldwin County?

2) How strong are historical ties between Mobile and the Black Belt – i.e., are many or most Mobile city residents former residents of the Black Belt?

3) Are disparities in rates of voter registration and voter turnout – and in variables alleged to cause or contribute to differences in voter registration and voter turnout – between black and white Alabamians best explained as a result of past or present racial discrimination, or do other factors and variables better explain such disparities?

My answers appear below.

IV. Comparing and Contrasting the Counties

One of my first observations was that residency and commuting patterns clearly link the city of Mobile, Mobile County, and Baldwin County more closely than they link this area to any other counties in the state of Alabama, including Black Belt counties. According to the 2021 Mobile County Profile issued by the Alabama Department of Labor, 71% of all commuting employees – a total of 115, 929 persons – who work in Mobile County live in the county, significantly including the city of Mobile.¹³ The next-largest bloc of regular workers within Mobile come from Baldwin County, whose residents made up 12.8% (20,888) of all employees in the city. The third largest group of workers in Mobile (2,520: 1.5% of the total) came from Jackson, Mississippi, rather than anywhere in Alabama: no generally recognized Black Belt County other than Montgomery County (903, .6%) even makes the list of the top ten contributors to the Mobile-area workforce.

¹³ <https://www2.labor.alabama.gov/workforcedev/CountyProfiles/Mobile%20County.pdf>

The same is true in several reverse directions. Where do people who LIVE in Mobile city and Mobile County work? Well, mostly in Mobile County. According to the same report, 78.2% of County residents have jobs in their home area code. Again, the next-largest group of sojourners can be found in immediately neighboring Baldwin County: 11,877 Mobile County residents, and 8% of the neighboring county's total labor force, work there. And, again, almost no one from metro Mobile travels to the economically struggling Black Belt to find work: Montgomery County is the only Black Belt county to be found among the top ten labor destinations for Mobile and Mobile County residents. There simply is not, literally speaking, much of a working relationship between the two regions.¹⁴

Figure One: Residence of Mobile County Workers

County of Residence	Number	Percentage
Mobile County, AL	115,929	71.00%
Baldwin County, AL	20,888	12.80%
Jackson County, AL	2,520	1.50%
Jefferson County, AL	2,143	1.30%
Washington County, AL	1,769	1.10%
Clarke County, AL	1,410	0.90%
Escambia County, FL	1,201	0.70%
Escambia County, AL	1,175	0.70%
Montgomery County, AL	903	0.60%
Monroe County, AL	821	0.50%
All Other Locations	14,488	8.90%
Total All Jobs (2021)	163,247	100.00%
Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics		

¹⁴ There certainly exists such a relationship, in the opposite direction, between Baldwin and Mobile Counties. Per the Baldwin County version of the report I have been citing so far, 16.6% of all persons who work in Baldwin County live in Mobile County, and fully 24.8% of all people who LIVE in BALDWIN County work in Mobile County: <https://www2.labor.alabama.gov/workforcedev/CountyProfiles/Baldwin%20County.pdf>.

The city of Mobile, Mobile County, and Baldwin County also differ from the counties of the Black Belt – with the sometime exception of Montgomery County – across a range of metrics commonly used in analysis in the social sciences, including population, “pop-density,” per capita income, and the prevalence of crime.¹⁵ At the most basic level of analysis, the first three regions are all large and densely populated urban – or at least suburban/exurban – areas. Mobile (AL) is a modern city of 183,289,¹⁶ while Mobile County is a still larger entity of 411,640 which comprises the Greater Mobile metropolitan area.¹⁷

Baldwin County is itself a “sizable populated place” of 253,507 people, which comprises the Daphne-Fairhope-Foley metropolitan area: in long-term combination with Mobile County, the two “together make up the Mobile-Daphne-Fairhope combined statistical area, with a population in 2020 of 661,964.” This entire region is densely populated: the population density of Mobile itself is 1,341 persons per square mile, that of Mobile County is 337 persons per square mile, and that of even more rural Baldwin County is 146 persons/square mile.¹⁸

In contrast, the counties of the Black Belt are by and large small and agrarian, often proudly so.¹⁹ Per the most recent data available at the time of my access, Barbour County has a total population of 24,706 and a population density of just 28.5 people per square mile. Bullock County comes in at 10,202 and 16.6, Butler County at 18,650 and 24.5, Choctaw County at 12,439 and 13.9, Crenshaw County a 13,025 and 21.7, Dallas County at 36,767 and 39.3, Greene

¹⁵ All of these metrics are used constantly in social-scientific data analysis, and appear in resources such as the Central Intelligence Agency’s World Fact-Book to facilitate comparisons between quite literally every country on Earth... <https://www.cia.gov/the-world-factbook/countries/>

¹⁶ All data in this and the immediately subsequent paragraphs is broken down in some detail in Figure Three.

¹⁷ https://en.wikipedia.org/wiki/Mobile_metropolitan_area

¹⁸ All data points outlined across the next 3-4 pages and in Figure Three come from the Census data navigator tool – [https://www.census.gov/quickfacts/facts/table\(s\)](https://www.census.gov/quickfacts/facts/table(s)). This tool was accessed between May 22 and June 10, 2024. Content visible there for each county-level and state-level area can and will change, as more 2023 and 2024 data goes up-line.

¹⁹ <https://alabamane.wscenter.com/2021/01/05/feed-your-taste-buds-need-for-adventure-in-the-alabama-black-belt/>

County at 7,422 and 11.9, Hale County at 14,595 and 23.0, Lowndes County at 9,777 and 14.4, Macon County at 18,516 and 32.1, Marengo County at 18,745 and 19.8, Perry County at 8,035 and 11.8, Pickens County at 18,697 and 21.7, Pike County at 33,014 and 49.1, Russell County (a relative giant) at 58,555 and 92.3, Sumter County at 11,853 and 13.7, and Wilcox County at 10,059 and 11.9.

Figure Two: Work Destination of Mobile County Residents

County of Employment	Number	Percentage
Mobile County, AL	115,929	78.20%
Baldwin County, AL	11,877	8.00%
Jefferson County, AL	3,639	2.50%
Montgomery County, AL	2,393	1.60%
Shelby County, AL	1,110	0.70%
Madison County, AL	1,021	0.70%
Tuscaloosa County, AL	990	0.70%
Escambia County, FL	662	0.40%
Washington County, AL	644	0.40%
Houston County, AL	536	0.40%
All Other Locations	9,411	6.30%
Total All Jobs (2021)	148,212	100.00%
Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics		

The one Black Belt county somewhat comparable with Mobile and Baldwin against these metrics is, obviously, Montgomery County (home of Montgomery, Alabama). However, even this county – with a current population of 226,361 persons – is smaller than Baldwin County and much smaller than Mobile County. Further, there is relatively little *apolitical* reason to remove

Mobile from her own metropolitan statistical area (“MSA”) and CSA in an attempt to unify her with the previously unchallenged core city of a very different geographic region. Overall, with Montgomery County removed from the mix, the average population of a Black Belt county is 19,119 and the mean density of population per square mile is 26.25 persons. With Montgomery County fully added in, the same figures are 30,632 and 40.98 – as versus averages of 332,574 and 315 for Mobile and Baldwin Counties. Major differences obviously remain.

Without going line-by-line down a hypothetical spread-sheet of variables, the Alabama Black Belt also differs from Mobile city (\$31,328), Mobile County (\$30,482), and still better-off Baldwin County (\$38,907) in terms of per-capita income. The average of all Black Belt counties against this metric was \$23,954 with Montgomery County left out of the data set and \$24,433 with Montgomery County included: two counties in the region had per capita annual incomes falling under \$20,000 (Perry County at \$16,581, Sumter County at \$19,720).

Urban issues such as crime at scale proved to be another differentiator between the Mobile-centered CSA and most of the Black Belt. While several Black Belt counties “boasted” high overall crime rates on a per capita basis, and some of the figures about to be listed may be due to limited reporting into the FBI’s new UCR/NIBRS system from poor counties,²⁰ homicide totals for 2022 were: 0 for Barbour County, 0 for Bullock County, 0 for Butler County, two for Choctaw County, 0 for Crenshaw County, three for Dallas County, 0 for Greene County, 0 for Hale County, one for Lowndes County, one for Macon County, one for Marengo County, 0 for

²⁰ Data here were obtained by a research associate from <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/crime-trend> for county or city. Issues with “NIBRS” reporting have been discussed widely in academic and ‘highbrow’ popular media, and are tackled here by a police journal - <https://policerecordsmanagement.com/the-problem-with-nibrs/>.

Montgomery County,²¹ 0 for Perry County, 0 for Pickens County, 0 for Pike County, 0 for sizable Russell County, one for Sumter County, 0 for Wilcox County, nine for Mobile County, and 37 for Mobile city.

Figure Three: Mobile/Baldwin CSA Counties vs. Black Belt Counties, Various Metrics

Location	Population	Population Density	Per Capita Income	Homicide
Mobile, AL	183,289	1,341	\$31,328	37
Mobile County	411,640	337	\$30,482	9
Baldwin County	253,507	145.8	\$38,907	20
Barbour County, AL	24,706	28.5	\$23,378	0
Bullock County, AL	10,202	16.6	\$22.12	0
Butler County, AL	18,650	24.5	\$26,334	0
Choctaw County, AL	12,439	13.9	\$26,343	2
Crenshaw County, AL	13,025	21.7	\$32,396	0
Dallas County, AL	36,767	39.3	\$22,798	3
Greene County, AL	7,422	11.9	\$20,862	0
Hale County, AL	14,595	23	\$23,690	0
Lowndes County, AL	9,777	14.4	\$23,415	1
Macon County, AL	18,516	32.1	\$22,449	1
Marengo County, AL	18,745	19.8	\$27,210	1
Montgomery County, AL	226,361	291.5	\$32,769	0
Perry County, AL	8,035	11.8	\$16,581	0
Pickens County, AL	18,697	21.7	\$26,912	0
Pike County, AL	33,014	49.1	\$26,685	0
Russell County, AL	58,555	92.3	\$25,855	0
Sumter County, AL	11,853	13.7	\$19,720	1
Wilcox County, AL	10,059	11.9	\$20,442	0
Clarke County, AL	22,515	18.6	\$29,310	0
Conecuh County, AL	11,206	13.6	\$24,426	0
Escambia County, AL	36,666	38.9	\$21,758	0
Lamar County, AL	13,705	23.1	\$24,794	0
Monroe County, AL	19,404	19.3	\$23,090	2
Washington County, AL	15,122	14.2	\$29,210	0

²¹ This is almost certainly due to non-reporting or mistake, to be fair. There were more than ten homicides in Montgomery proper in the same year.

Baldwin County apparently did not report homicide data to the FBI, but there were at least 20 homicides in that county, as well, during the most recent year on record.²² And, homicide rates are obviously one of the best statistical indicators of the overall rate of most-serious crime – it is rather difficult to ignore or disguise a corpse lying in the road.²³ Simply put, running an urban or even suburban county that is part of a significant combined statistical area brings with it different challenges than steering a rural agrarian region forward.

In addition to there being multiple obvious connections between the city of Mobile, Mobile County, and Baldwin County – for example the CSA shared by all three entities, the MSA shared by the first two, patterns of residency and commuting – and more similarities between these three regions than between Mobile and the Alabama Black Belt in terms of population, density and urban structure, it is also the case that many of the connections drawn between Mobile and the Black Belt in the reports of the plaintiffs’ experts logically seem to be extremely tenuous.

For example, Dr. Moorer opines that “the employment needs and interests of Mobile and...the Black Belt residents are closely aligned,” and that Mobile County has traditionally been included in what is presented as a Black Belt-slanted Alabama Workforce Region Seven by the Alabama Department of Labor – a zone which “includes the southwestern counties of Alabama, such as Mobile, Baldwin, Escambia, Monroe, Clarke, Washington, and Conecuh counties.”²⁴ True enough, but only two of the counties in that Workforce Region – Wilcox and

²² <https://gulfoastmedia.com/stories/homicide-overdose-deaths-rise-in-2023-in-baldwin-county,196139>

²³ <https://link.springer.com/article/10.1007/s43576-023-00086-1>

²⁴ The full Department of Labor State Workforce Regions map can be found here: <https://www2.labor.alabama.gov/Information/WorkforceRegionsMap.pdf>.

Choctaw, which Dr. Moorer for some reason does not mention – are generally considered to be Black Belt counties.

Per an online encyclopedic source,²⁵ which takes nearly its entire list of Black Belt counties from the well-regarded Alabama Black Belt Heritage Area Project,²⁶ counties adjacent to the Black Belt but not part of the core list of 18 provided earlier – like “Clarke, Conecuh, Escambia, Monroe, and Washington” – are rarely included in the region and are more often considered “part of Alabama’s Southern coastal plain.” These counties, along with Mobile County’s true soul-mate of Baldwin County, make up most of AL Workforce Region Seven. By my count, five true Black Belt counties in fact fall in Region Three, seven in Region Five, and four in Region Six. Once again, automatic cross-regional kinship between Mobile or Mobile County and the Belt is here hard to see.

The jobs most prevalent for workers IN Mobile and Mobile County also seem to be very different from those worked in the Black Belt. Dr. Moorer notes very specific connections between the two areas like the shipment of timber from Black-owned farm enterprises – but forestlands in the Black Belt seem to make up just 3-4% of all the Yellowhammer State’s timbering lands.²⁷ More broadly, per the previously discussed Mobile County profile and using unemployment and “Help Wanted” data, the ten most common jobs in metro Mobile currently appear to be: customer service representative, claims adjuster and investigator, cashier, stocker and order filler, truck driver (heavy and tractor trailer), nursing assistant, retail salesperson, laborer and mover, waiter/waitress, and general and operations manager.²⁸

²⁵ [https://en.wikipedia.org/wiki/Black_Belt_\(region_of_Alabama\)](https://en.wikipedia.org/wiki/Black_Belt_(region_of_Alabama))

²⁶ <https://www.alblackbeltheritage.com/>

²⁷ <https://www.scirp.org/reference/referencespapers?referenceid=494246>

²⁸ <https://www2.labor.alabama.gov/workforcedev/CountyProfiles/Mobile%20County.pdf>

As re these positions, overlap was near-total with neighboring Baldwin County, except that the latter unsurprisingly leaned more white-collar: seven of the ten most common jobs (and nine of the top twelve) were identical. The Baldwin out-of-work list ran,²⁹ in order: waiter/waitress, customer service “rep,” general and operations manager, cashier, retail salesperson, claims adjuster, stocker and order filler, sales manager, maids and housekeepers, cooks. In contrast, there was very little overlap between Mobile County jobs and those most typical in the very first Black Belt County selected, Barbour County (population 24,706).³⁰ Just three of the top ten positions held/lost there – helpers and production workers, team assemblers, janitors, customer service reps, production workers (“other”), stockers, packagers and filling machine operators, cashiers, heavy truck drivers, and teaching assistants – over-lapped at all with those in more cosmopolitan Mobile.

²⁹ <https://www2.labor.alabama.gov/workforcedev/CountyProfiles/Baldwin%20County.pdf>

³⁰ <https://www2.labor.alabama.gov/workforcedev/CountyProfiles/Barbour%20County.pdf>

Figure Four: Great Migration Effects on Black Population – Selected Cities

	1910-1940	1940-1970
	Percentage Change in Black Population	Percentage Change in Black Population
Huntsville, AL	-7.4	-24
Mobile, AL	-7.3	-1.5
Montgomery, AL	-6.4	-10.8
Birmingham, AL	1.3	1.3
Chicago, IL	6.2	24.6
Cleveland, OH	8.1	28.7
Detroit, MI	8	34.5
Jackson, MS	-10.6	0.6
Lexington, KY	-5.2	-9.2
New York, NY	4.2	15
Newark, NJ	7.9	43.6
Philadelphia, PA	7.5	20.6
St. Louis, MO	6.9	27.5
Washington, DC	-0.3	42.8
https://www.census.gov/dataviz/visualizations/020/508.php		

Although this is not the focus of this report, even the idea that Mobile has a natural link to the Black Belt region of Alabama because she was populated largely by African American refugees from that region – or, at very least, those fleeing shared abuse historically – seems at least debatable. While some in-state migration obviously took place, a recent project from the U.S. Census looks empirically at the effects of the Great Migration, by tracking changes in the size of the Black population of different American cities between 1910 and 1970. This work finds that Southern cities, likely seen as little better than smaller communities in the same area,

often saw small increases or even decreases in Black population size – as most rural Southern migrants and indeed some few residents of those larger towns moved *North*.³¹

Looking at the hard data, the Black population of Mobile in fact decreased by 1.5 percentage points between 1910 and 1940, and by a remarkable 7.3 points between 1940 and 1970. Similarly, the Black population of Montgomery (AL) shrunk by 10.8 percentage points during the first period and 6.4 points during the second. Huntsville’s Black community declined by an amazing 24 points from ’10 to 1940, and by another 7.4 from 1940-41 until 1970 – as Black Belters and similar migrants almost entirely bypassed the city to strike out North, and more than a few locals followed the same sparkling path to Bigger Thomas’ “promised land.”³² Birmingham did ‘the best’ of any Alabama city, growing her Black population 1.3 points during the first era of analysis and an identical 1.3 points during the second.

The same pattern, in fact, was evident across most of the South during the Great Migration. Jackson, Mississippi, a fairly obvious peer/comparator city for several of the Alabama cities, lost 10.6 percentage points worth of Black population from ’40-70, after growing that community by just .6% during the first wave of Migration. Lexington, Kentucky, near my home, consistently lost Black population – 9.2 percentage points during the first wave of the exodus and 5.2 points during the second. The true “winners” of the Great Migration, in population-gain terms, tended to be almost exclusively large Northern cities perceived as anti-racist: for example, the Black community of Chicago grew (from almost nothing) by 24.6pp. from 1910-40, and by another 6.2 points from then until 1970 – while Detroit’s jumped 34.5 percentage points.

³¹ <https://www.census.gov/dataviz/visualizations/020/508.php>

³² This is obviously a reference to (Brown 1937), the famous *Manchild in the Promised Land* Black male coming of age story.

In context, given that Mobile overall grew from a population of 51,521 in 1910 to a population of 78,720 in 1940, and then to a population of more than 190,000 in the modern era³³ – despite relative and sometimes absolute Black population loss linked TO the Great Migration, and during a period when the South and West were generally the fastest growing regions of the USA –³⁴ it is a bit bizarre to attribute the character of the city primarily to the Alabama Black Belt. Overall, the Black Belt region seems to already have a core city, and to be far less connected to the city of Mobile, across most metrics, than neighboring counties are.

V. Group Gaps, and the “Disparities Equal Discrimination” Myth

Another idea to appear across several of the plaintiffs’ experts’ reports, most notably Dr. Burch’s, is the idea that some unique Alabama-specific vice – presumably that familiar devil, racism – is responsible for a series of group gaps in behavior and performance that we see between Black and white Alabamians. In her report, Dr. Burch notes state-wide gaps in voter turnout and a number of things which correlate with it, including educational attainment and achievement, incarceration, median income, rates of poverty, and unemployment rates.

She attempts to link these, often quite explicitly, to past bias or alleged current bias. For example, following a discussion of NAEP test scoring during which she notes that only 9% of Black Alabama 8th graders are currently proficient in reading, Dr. Burch points out that “Alabama public education remained segregated until the 1960s, even though several years had passed since the decision in *Brown v. Board of Education* in 1954. By 1965, less than 1% of

³³ <https://www.census.gov/population/www/documentation/twps0027/twps0027.html>

³⁴ My latest book discusses some of the reasons for the explosive recent-past growth of the Southern and Western USA (https://www.amazon.com/Lies-My-Liberal-Teacher-Told/dp/0063265974/ref=sr_1_1?crid=4N9X9XDQGD6&keywords=lies+my+liberal+teacher+told+me&qid=1703200620&sprefix=lies+my+libe%2Caps%2C126&sr=8-1), a largely undisputed phenomenon tracked by decade in graphic form by Brookings here: <https://www.brookings.edu/articles/population-growth-in-metro-america-since-1980-putting-the-volatile-2000s-in-perspective/>.

Black Alabama K-12 students were enrolled in integrated schools.” Even today, at least one study claims to find that “lower test scores between Black and White students in Alabama result from a lack of qualified math and science teachers and diminished access to broadband Internet for students in the Black Belt.³⁵” And so on: “segregated proms” are discussed in one lengthy passage, and similar analyses are conducted re several other variables.

There is just one problem with this argument, which I have noted before. The basic patterns which are being attributed to very specific variables in the context of this case – something we often see in the social sciences and the world of consulting – in fact almost certainly have complex cultural and historical causes and *are visible almost everywhere in the country*.

The pattern that Dr. Burch points out re the National Center for Education Statistics’ NAEP test – with all students doing badly (only 30% of *white* kids could read, when I double-checked in Alabama) and Black children doing even worse than their class-mates – is replicated in literally every single state in the USA and does not appear to track with historical racism at all. Per NCES-NAEP’s useful “Annual Report Card,” only 16% of Black students nationally tested as Proficient in 2022, 15% did so in 2019, and 9% did so in the mid-1990s.³⁶ The national Black/white gap in proficiency, 27 points in 2019, is six points larger than the Alabama-specific, reading-specific gap discussed in Dr. Burch’s report.

The awkward reality is that white students perform better educationally than Black students (and worse than East Asian) students in every single state of the USA – i.e., Alabama is in no way an outlier here – and ethnic conflict seems to have very little to do with this. Even

³⁵ <https://ir-api.ua.edu/api/core/bitstreams/f817a3bf-aeca-4c7c-8030-7d20c8dff0c3/content>

³⁶ <https://www.nationsreportcard.gov/reading/nation/achievement/?grade=8>

moving beyond the single NAEP test, the size of contemporary group gaps in SAT scoring and college attendance again correlates only slightly with any sensible measure which might be used to document historical racism.³⁷

Per a nationwide summary of Scholastic Aptitude Test (SAT) scores produced by the U.S. Department of Education after the typical year of 2019, which can be accessed in this report as Figure Five, the mean-average score for whites was 1114, while the averages for bi-racial students, Hispanics, Pacific Islanders, Blacks, and Native Americans were respectively 1095, 978, 964, 933, and 912. Notably, East and South Asians, who experience such significant racism in the United States that we recently saw the launch of a national movement titled Stop Asian Hate,³⁸ outperformed whites by more than 100 points, bringing home average board scores of 1223.

³⁷ An interesting note here is that racial-group SAT and IQ gaps tend to be *smaller* in the Old South, because – for a variety of reasons which this report will engage, including athletic culture and hours of daily study (see Ogbu 2003) white scores in the region are lower. The business-statistics website Zippia currently has the tested Alabama IQ at 95.7 (<https://www.zippia.com/advice/average-iq-by-state/>), and Alabama Caucasians do not score significantly higher than that – last-place Mississippi currently posts just a 94.2.

³⁸ <https://stopaapihate.org/>

Figure Five: SAT Scoring Averages by Race and Section, USA (2019)**SAT Mean Scores of High School Seniors Taking the SAT, by Sex and Race/Ethnicity: 2019**

Sex and Race/Ethnicity	Mean Score (1)		
	Total SAT Score	Evidence-Based Reading and Writing (ERW)	Math
All Students	1059	531	528
Sex			
Male	1066	529	537
Female	1053	534	519
Race/Ethnicity			
White	1114	562	553
Black	933	476	457
Hispanic	978	495	483
Asian	1223	586	637
Pacific Islander	964	487	478
Native American/Alaska Native	912	461	451
Two or More Races	1095	554	540
No Response	959	472	487

(1) Possible scores on each SAT section range from 200 to 800, for a total possible score of 400 to 1600.

SOURCE: U.S. Department of Education, National Center for Education Statistics.
https://nces.ed.gov/programs/digest/d19/tables/dt19_226.10.asp

These score gaps are fairly-to-very consistent across year, region, and the type of school in which learners are enrolled. When I took a look at the same national SAT-means data for the year 2017,³⁹ for my published book *Taboo*,⁴⁰ the large-group averages broke down as: 1181 for

³⁹ “New SAT, Old Gaps on Race” - <https://www.insidehighered.com/news/2017/09/27/scores-new-sat-show-large-gaps-race-and-ethnicity>.

⁴⁰ (Reilly 2020) – available here, with the option to read through the 1st 20 or so pages: https://www.amazon.com/Taboo-Facts-Cant-Talk-About/dp/162157928X/ref=sr_1_2?crd=1HO8YXWV1NHQT&keywords=wilfred+reilly&qid=1700859357&sprefix=wilfred+%2Caps%2C135&sr=8-2.

Asian-Americans, 1118 for whites/Caucasians, 987 for Hispanics of all races, 986 for Pacific Islanders, 963 for Native Americans, and 941 for African Americans.

When I evaluated the performances of public vs charter school students in 2021 for the center-right America's Majority Foundation, I obtained a public school average SAT score of 1,109 for all pupils, a charter school average SAT score of 1,021 for all pupils, a public school SAT score of 966 for Black pupils, and a charter school SAT score of 970 for Black pupils. As a direct result, the public school and charter school graduation rates for all pupils were respectively 85% and 78%, while those for Black pupils alone were 78% and 73%.

The same trends continued on into the college admissions process. 63% of all public school pupils (albeit only 53% of all charter school pupils), vs just 54% of Black public schoolers and 55% of Black charter schoolers, proceeded on to do any collegiate study. These data can all be seen in Figure Six. Alabama's 'unique' problem with Black/white gaps is in fact a major and well-known national issue.⁴¹

⁴¹ It seems fair to say that the Black/white test-scoring and collegiate attendance gap, and its omnipresence across all U.S. states and major municipalities, is one of the best-known American civic issues. In addition to a great deal of serious scholarly work, an online encyclopedia article which prints out to 55 single-spaced sheets of paper tackles the topic (https://en.wikipedia.org/wiki/Racial_achievement_gap_in_the_United_States), and there exist hundred-comment Quora (<https://www.quora.com/Why-is-there-an-achievement-gap-between-black-and-white-students-in-the-U-S>) and Reddit forums devoted to the issue.

Figure Six: Public and Charter School Performance by Six Metrics

School Category	Graduation Rate	Black Graduation Rate	SAT Mean Score	Black SAT Mean Score	College Attendance %	Black College Attendance %
All public schools (State Averages)	85%	78%	1,109	966	63%	54%
All charter schools (State Averages)	78%	73%	1,021	970	53%	55%
Publics: States with Public + Charter data	85%	78%	1,137	964	63%	55%
Charters: States with Public + Charter data	78%	73%	1,020	970	54%	56%

Racial gaps in test scores (and fairly small gaps in high school graduation rates) hardly stand alone as an example of a universal phenomenon frequently attributed to one-variable local causes like “racism” by scholars and attorneys. The same can be said of state-by-state racial gaps in incarceration, something specifically brought up by Dr. Burch and others in the context of Alabama. For a matrix of complex reasons, including more than a dozen other factor variables besides racism, starting with plain crime rate,⁴² Black Americans are over-represented relative to white Americans in every state prison system in the country – as well as within the federal Bureau of Prisons (BOP). Indeed, should we take state-by-state levels of over-representation as a

⁴² According to one of the two most recent Bureau of Justice Statistics National Crime Victimization Survey (BJS-NCVS) reports, Black Americans make up roughly 12% of the national population but commit 25.4% of serious violent crimes – a figure unlikely to be influenced by any police ‘gaming’ of data, as the BJS comes entirely from victim reports made to a Census-style agency: <https://bjs.ojp.gov/document/cv22.pdf>

res ipsa loquitor proxy for oppression, then Alabama is one of the least oppressive places in the country.

This is no exaggeration. Per a well-known 2004 publication from The Sentencing Project, which rests on unchallenged Bureau of Justice Statistics data,⁴³ the per capita ratio of Black incarceration to white incarceration in Alabama – i.e., the ratio representing the number of Black inmates per 100,000 Black state citizens relative to the number of white inmates per 100,000 state citizens – is 4.50. This may, somewhat justifiably, seem high. However, it is in fact the *eighth-lowest ratio on the chart*. The only states to incarcerate fewer African-Americans per capita than Alabama, at least relative to the white population, were the island of Hawaii (1.34), Idaho (2.85), Alaska (4.02), Mississippi (4.12), Georgia (4.14), Nevada (4.29), and Arkansas – with the last of these almost tied with (AL) at a 4.48 B:W ratio.

Figure Seven: Incarceration Rates – By Race, Per 100,000, 2001

STATE	WHITE	BLACK	RATIO
Alabama	417	1,877	4.50
Alaska	464	1,864	4.02
Arizona	544	2,849	5.24
Arkansas	393	1,759	4.48
California	470	2,757	5.87
Colorado	394	2,751	6.98
Connecticut	190	2,427	12.77
Delaware	427	2,799	6.56
Florida	536	2,591	4.83
Georgia	519	2,149	4.14
Hawaii	455	609	1.34
Idaho	551	1,573	2.85
Illinois	251	1,889	7.53
Indiana	391	2,236	5.72
Iowa	284	3,302	11.63
Kansas	345	2,469	7.16
Kentucky	429	2,392	5.58
Louisiana	379	2,251	5.94

⁴³ The Sentencing Project. “State Rates of Incarceration by Race.” Available online here - <https://static.prisonpolicy.org/scans/sp/racialdisparity.pdf>.

Maine	201	926	4.61
Maryland	248	1,686	6.80
Massachusetts	206	1,562	7.58
Michigan	369	2,247	6.09
Minnesota	139	1,755	12.63
Mississippi	399	1,645	4.12
Missouri	430	2,160	5.02
Montana	417	2,118	5.08
Nebraska	229	1,973	8.62
Nevada	646	2,769	4.29
New Hampshire	286	2,649	9.26
New Jersey	161	2,117	13.15
New Mexico	344	2,666	7.75
New York	173	1,638	9.47
North Carolina	265	1,612	6.08
North Dakota	189	1,321	6.99
Ohio	324	2,279	7.03
Oklahoma	644	2,980	4.63
Oregon	458	2,763	6.03
Pennsylvania	244	2,570	10.53
Rhode Island	198	1,672	8.44
South Carolina	349	1,740	4.99
South Dakota	385	2,022	5.25
Tennessee	392	1,991	5.08
Texas	640	3,287	5.14
Utah	372	2,341	6.29
Vermont	218	1,794	8.23
Virginia	361	2,268	6.28
Washington	374	2,141	5.72
West Virginia	294	1,708	5.81
Wisconsin	350	4,058	11.59
Wyoming	443	2,477	5.59
DC	52	1,504	28.92

Data from: <https://static.prisonpolicy.org/scans/sp/racialdisparity.pdf>

Their source: Bureau of Justice Statistics, *Prison and Jail Inmates at Midyear, 2001*, April 2002.

Notably, almost all of the states ‘boasting’ the largest ratios in terms of Black:white incarceration were Northern “blue” or purple states of the kind oft-fond of mocking the Alabamas of the world. Washington, D.C. took pole position with a remarkable ratio of 28.92 to 1, followed by New Jersey (13.15), Connecticut (12.77), Minnesota (12.63), Iowa (11.63),

Wisconsin (11.59), Pennsylvania (10.53), New York (9.47), New Hampshire (9.26), Nebraska (8.62),⁴⁴ Rhode Island (8.44), and Vermont (8.23). In contrast, the bottom/least “oppressive” ten states included Mississippi, Georgia, Arkansas, and Alabama – while Florida came in at 11th (4.83), South Carolina at 12th (4.99), Missouri at 13th (5.02), and Tennessee at 14th (5.08). The average B:W ratio across all U.S. states was 6.63.

Figure Seven: Incarceration Rates – By Race, Per 100,000, Present

STATE	WHITE	BLACK	RATIO
Alabama	421	1,132	2.69
Alaska	417	1,987	4.76
Arizona	428	2,105	4.92
Arkansas	450	1,597	3.55
California	175	1,623	9.27
Colorado	236	1,603	6.79
Connecticut	156	1,512	9.69
Delaware	324	1,654	5.10
Florida	340	1,411	4.15
Georgia	361	1,006	2.79
Hawaii	410	947	2.31
Idaho	502	2,387	4.75
Illinois	156	1,166	7.47
Indiana	320	1,443	4.51
Iowa	225	2,084	9.26
Kansas	265	1,661	6.27
Kentucky	466	1,370	2.94
Louisiana	381	1,411	3.70
Maine	143	1,331	9.31
Maryland	141	746	5.29
Massachusetts	63	466	7.40
Michigan	230	1,479	6.43
Minnesota	105	1,023	9.74
Mississippi	398	1,107	2.78
Missouri	336	1,297	3.86
Montana	371	2,272	6.12
Nebraska	195	1,733	8.89
Nevada	379	1,543	4.07
New Hampshire	269	742	2.76
New Jersey	81	1,009	12.46
New Mexico	216	1,229	5.69

⁴⁴ Admittedly, a bit of an outlier on this list.

New York	96	754	7.85
North Carolina	209	810	3.88
North Dakota	172	848	4.93
Ohio	273	1,530	5.60
Oklahoma	511	2,395	4.69
Oregon	344	1,932	5.62
Pennsylvania	206	1,523	7.39
Rhode Island	131	821	6.27
South Carolina	217	821	3.78
South Dakota	280	1,660	5.93
Tennessee	296	989	3.34
Texas	452	1,547	3.42
Utah	167	1,383	8.28
Vermont	239	1,737	7.27
Virginia	287	1,246	4.34
Washington	222	1,195	5.38
West Virginia	348	1,337	3.84
Wisconsin	230	2,742	11.92
Wyoming	381	1,337	3.51

Data from: <https://www.sentencingproject.org/app/uploads/2022/08/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>

Their source: Carson, E.A. (2021). Prisoners in 2019. Bureau of Justice Statistics; U.S. Census Bureau (n.d.).

At any rate, simply pointing to a B:W disparity in Alabama incarceration rates does not establish the existence of contemporary prejudice or a corrupt system in that specific state: there is no state in which such a disparity could not be found. And, the relatively solid performance of (AL) versus her competitors is almost exactly the same today as it was in the recent past. For this report, I opted to double-check the Project’s 2004 numbers by accessing a 2021 paper (“The Color of Justice: Racial and Ethnic Disparity in State Prisons”) from the same organization.⁴⁵ Little has changed, except that Alabama’s B:W incarceration ratio has actually improved, now standing at 2.69 and ranking as the second lowest ratio observed in the data-set. Virtually the

⁴⁵ Nellis, Ashley. 2021. “The Color of Justice: Racial and Ethnic Disparity in State Prisons.” The Sentencing Project. October release - <https://www.sentencingproject.org/app/uploads/2022/08/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>.

same group of hardly-Dixieland states bring up the national rear and thus presumably “display the most racism:” New Jersey (12.46), Wisconsin (11.92), Minnesota (9.74), Connecticut (9.69), Maine (9.31), California (9.27), Nebraska (8.89), new contender Utah (8.28), and old friend New York (7.85).

Interestingly, racial gaps in voter behavior in Alabama are themselves very small, whether matched up against some external state comparators or any logical definition of what a “large gap” might be. Voter registration in Alabama currently seems to be 89% for non-Hispanic whites, versus 84% for African Americans. In 2020, the equivalent figures were 96.1% (W) and 93.9% (B). In 2018, the registration gap was *less than one percent*, with Blacks at 88% and whites reaching 88.4%.

As Dr. Burch herself points out and Alabama Secretary of State voter data makes clear,⁴⁶ Black Alabamians voted at rates higher than or equal to their white peers in at least six of the <25 counties at issue in this matter: Greene (66% to 55%), Hale (58% to 57%), Mobile (44% to 44%), Perry (66% to 48%!), Russell (37% to 35%), and Sumter (55% to 52%). Overall rates of turnout were 48% for whites (again with Hispanics removed) and 46% for Blacks/African Americans. Remarkably, the very small disparities in voter behavior at issue in Alabama – the smallest recorded gap in turnout, not registration, across the elections analyzed by Dr.s Burch and Liu appears to be ~9 points – persists despite the fact that almost 15% of Black Alabama residents *are duly convicted felons and cannot vote*.⁴⁷

⁴⁶ <https://www.sos.alabama.gov/alabama-votes/voter/election-data>

⁴⁷ Uggen, Christopher, Ryan Larson, Sarah Shannon, and Robert Stewart. 2022. “Locked Out 2022: Estimates of People Denied Voting Rights Due to a Felony Conviction.” Sentencing Project Papers. 25 October - <https://www.sentencingproject.org/reports/locked-out-2022-estimates-of-people-denied-voting-rights/>.

At some point, it becomes remarkably obvious that racism does not singularly, or primarily, explain much of this. There is no logical framework within which “the manner by which white supremacy operates on Asians and Nigerians⁴⁸” explains scholars from those groups destroying white – not ADOS Black – students in the classroom. Looking at any quantitative attempt to map racial prejudice,⁴⁹ it is not a serious claim that California or Utah or Connecticut is simply more conventionally racist than Alabama and thus is more likely per capita to jail Black people.

In reality, many things play into the outcomes we see around us in the world. As re test score gaps, almost literally every scholar to analyze this question empirically from the political center-on-right (e.g. Fordham and Ogbu 1986; McWhorter 2000; Ogbu 2003; Thernstrom and Thernstrom 2003; Sowell 2005; Chua 2011; Reilly 2020; Sowell 2020) has pointed out that American white students tend to study and prep for school more than American Black students – who often see doing this as “acting white⁵⁰” – but less than East Asian and other immigrant students. Standardized test scores follow the same pattern.⁵¹

In the context of crime, the Black “Index” crime rate is predictably and annually about 2.4-2.5x the white crime rate⁵² – a figure which tracks almost exactly with disparities in arrest rates and police shootings.⁵³ It is true that, as Dr. Burch points out, simple racial discrepancy in rates of arrest does not explain all of the racial variance in rates of incarceration. However, this

⁴⁸ <https://www.spiked-online.com/2021/02/25/asians-are-doing-well-lets-re-label-them-as-white/>

⁴⁹ I.e., this one - <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0122963#pone.0122963.ref001>.

⁵⁰ This has been observed for decades, and was likely first stated here -

<https://link.springer.com/article/10.1007/BF01112192>. Forty-two years later, major articles discuss the same allegation, within and beyond the context of academic performance:

<https://www.sciencedirect.com/science/article/abs/pii/S0027968416301377>.

⁵¹ <https://www.insidehighered.com/news/2017/09/27/scores-new-sat-show-large-gaps-race-and-ethnicity>

⁵² The 2018 (<https://bjs.ojp.gov/content/pub/pdf/cv18.pdf>) and 2022 (<https://bjs.ojp.gov/document/cv22.pdf>) BJS-NCVS are both almost totally typical here.

⁵³ <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>.

one variable DOES explain about 60% of it. And, further, people of different races are arrested for different crimes, which carry with them different sentences.

Nationally and in Alabama, more than twice as many whites as Blacks commit crimes every year. However, Black Americans generally commit the actual numerical majority of murders – being responsible for 4,078 known suspect/known victim killings in 2019, per the FBI’s famous Homicide Table 43, as versus “just” 3,650 for Caucasians.⁵⁴ Because the sentence handed down for murder is often life or close, murderers make up the largest single bloc of inmates across the USA’s federal and state prisons,⁵⁵ and realities like this largely explain racial disparities in long-term incarceration rates.

Many more variables impact statistical chances. When it comes to propensity to vote, the average age for a Black American – at least at the mode – is 27. The average age for a white American is 58. When we attempt to explain anything from household income differences to the root causes of that B/W crime gap, it might be relevant that the out-of-wedlock birth rate – what a colder and more forthright society called the “illegitimacy rate” – is currently 69% for Black Americans and 17% for Asian Americans.⁵⁶ All in all, life is complicated and odd, and the simple existence of group gaps does not prove racism – just as the simple existence of shared race or political orientation does not demonstrate genuine shared interest.

⁵⁴ <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/tables/table-43>.

⁵⁵ <https://felonvoting.procon.org/incarcerated-felon-population-by-type-of-crime-committed/> - sourced from: Jennifer Bronson and E. Ann Carson, “Prisoners in 2017,” bjs.ojp.gov, Apr. 2019.

⁵⁶ <https://www.cdc.gov/nchs/data/hus/2017/004.pdf>.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Wilfred Reilly (Approved Electronic Signature)

06/28/2024

Wilfred Reilly 06/28/20/24

Appendix A: Curriculum Vitae

Will Reilly

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Dissertation

Title: *Measuring Up – The Effect of Minority Status and Other Core Characteristics On Collective Self Esteem: a Quantitative Test of Divergent Theories of Identity Valuation*

Abstract: Many scholars have argued that membership in a minority or “low status” group causes individuals to devalue identities like race, class, gender, and orientation (Hacker 1992; Harris 1993; Tatum 1997; McIntyre 2002). For example, Hacker famously contends that African-Americans devalue Black racial identity while Caucasians value white identity highly, and argues for affirmative action as a partial solution to this problem (Hacker 1995). However, this thesis has never actually been tested using contemporary methodological techniques in the modern American context. I use a large-N List Experiment (Sniderman & Carmines 1997) and ordinal survey techniques to determine whether membership in four minority in-groups (racial minorities, women, LGBT Americans, and members of religious minority groups) correlates significantly

with devaluation of minority in-group identities. Results indicate that minority identity, with the sole and significant exception of bi- or homosexual identification, is not significantly and consistently correlated with identity devaluation.

Books

Reilly, Wilfred. 2023. *NEW Lies Your Teacher Tells You: an Empirical Current Look at History and Its Presentation*.⁵⁷
New York: Harper Collins.

Reilly, Wilfred. 2020. *Taboo: Ten Facts You Can't Talk About*.
Boston: Regnery Publishing.

Reilly, Wilfred. 2019. *Hate Crime Hoax: the Selling of a Fake Race War*.
Boston: Regnery Publishing (SMG).

Reilly, Wilfred. 2016. *The \$50,000,000 Question: An Empirical Examination of the Relationship between Privilege and Pride*. New York: Scholar's Press (Scriptum).

Book Chapters

Reilly, Wilfred. 2022. "The Wages of Immigration: (a) Dissenting Point of View."
In *The Black Boom*, by and ed., Jason Riley.
West Conshohocken, PA: Templeton Press.

Reilly, Wilfred. 2021. "A Positive Vision: the Agenda of 1776."
In *Red, White, and Black*, ed., Robert L. Woodson Sr. New York: Emancipation Press, 3-11.

Reilly, Wilfred. 2021. "Slavery Does Not Define the Black American Experience."
In *Red, White, and Black*, ed., Robert L. Woodson Sr.
New York: Emancipation Press, 37-42.

Reilly, Wilfred. 2021. "Rioting Over a Narrative." In *The Year the World Went Mad*, ed., Tom Slater. London (UK): Spiked Press, 97-102.

Academic Research Publications⁵⁸

Maranto, Robert, Wilfred Reilly, and Patrick Wolf. 2024. "Which Police Departments Make Black Lives Matter?" *Administration and Society*.
0 (0)⁵⁹: <https://journals.sagepub.com/doi/10.1177/00953997241226892>.

⁵⁷ This book is fully accepted by the publisher, but final publication is pending.

⁵⁸ "Think tank" publications are included in this section.

⁵⁹ This is a label representing online-first publication.

- Reilly, Wilfred. 2023. "Imagining Supremacy." *Middle West Review*. Volume 9 (2): 157-163.
- Clark, Corey, Lee Jussim, Komey Frey... Wilfred Reilly et al. 2023. "Pro-Social Motives Underlie Scientific Censorship by Scientists: a Perspective and Research Agenda." *Proceedings of the National Academy of Sciences (PNAS)*. 120 (48): <https://www.pnas.org/doi/10.1073/pnas.2301642120>.
- Maranto, Robert, Wilfred Reilly, Patrick Wolf, and Mattie Harris. 2022. "Which Police Departments Make Black Lives Matter, Which Don't...and Why Don't Most Social Scientists Care?" Currently Housed: <https://scholarworks.uark.edu/edrepub/136/>.
- Reilly, Wilfred. 2022. "A Path Out: the Potential Effects of Charter Schooling, And Improved Overall Schooling, on African-American Individual and Household Income." *America's Majority Foundation Occasional Publication*: 1-36.
- Reilly, Wilfred. 2021. "Testing the Tests for Racism: What Do Audit Studies Say about Systemic Racism?" *Academic Questions*: 34 (3): 17-27.
- Reilly, Wilfred. 2020. "An Ignored Cost: Effects of Yes/No Lockdown Strategy and Other Variables on April-August Unemployment Across U.S. States." *America's Majority Foundation Occasional Publication*: 1-15.
- Reilly, Wilfred. 2020. "Reviewing the Data on the Efficacy of Lockdowns via Comparison of Red vs. Blue States Dealing with COVID-19." *America's Majority Foundation Occasional Publication*: 1-21.
- Reilly, Wilfred. 2019. "Are Hate Crime Hoaxers Above the Law?" *Academic Questions*. 32: 553-561.
- Reilly, Wilfred. 2017. "Diversity and Security: The Effect of In-State Tribal and Racial Diversity on Homicide Rate, Civil Conflict, and Chances of International War-Fighting." *International Journal of Contemporary Applied Sciences*. 4 (4): 32-51.
- Reilly, Will. 2016. "Are the Browns Down? A Quantitative Test of the Effect of Racial Minority Status and Other Core Characteristics on Racial Identity Valuation." *American International Journal of Humanities and Social Science*. 2: 38-65.
- Reilly, Wilfred. 2008. "Does Athletic Investment Make Sense? Using NCAA Tournament Results to Test the Logic of Sports Spending among Mid-Major Universities." *Paul Simon Policy Institute Occasional Papers*. Number 10: 2-30.

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Full-Length Edited Articles⁶⁰

Reilly, Wilfred. 2024. “What ‘Free Palestine’ and ‘Black Lives Matter’ Have in Common.” *Commentary*. January Issue.

Reilly, Wilfred, 2023. “The Politics of Tribal Nonsense.” *Tablet Magazine*. 14 November.

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⁶⁰ This is an edited list. To save space, primarily-print and primarily online “public intellectual” journals are cited in the same fashion, and hyper-links are not provided.

⁶¹ Online, some print copies.

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⁶² This essay also appeared on the 1776 Unites website (1776unites.com), and when expanded will constitute a chapter in an upcoming 2021 release from Bombardier Books.

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Steinmetz, Peter, and Wilfred Reilly. "State Behavior or Personal Choice (?): an Empirical Analysis of the Effects of COVID-19 Lockdowns with Google Mobility Data Taken Into Account." To be submitted to *The Journal of the American Medical Association*.⁶⁴

Reilly, Wilfred. "One Privilege, or Many Privileges? Testing the Effect of Whiteness and Other Social Variables on a 100-Point Metric." To be submitted to *The Journal of Behavioral and Social Sciences*.⁶⁵

Reilly, Will. "Winning at the First Stage: An Empirical Examination of Defendant Success in Five Midwestern Trial Courts." To be submitted to *Law and Society Review*.

Reilly, Will, and Erica Battle. "Altered Perceptions? A Test of whether the American Beauty Standard Is Changing to Reflect Increased National Diversity." Submitted to *Journal of Black Studies*.

Reilly, Will. "Upper-Class Kids; Lower-Class Jobs: Using a Set of Quantifiable Economic Variables to Predict Identification with the 'Hipster' and Post-Occupy Movements." Currently being written and edited.

Reilly, Will. "Word on the Street: The Effect of Race, Gender, Political Identification, and Other Factors on the Performance of Paid Canvassers." Currently being written and edited.

Conference Presentations and Other Presented Work

"Predictors of Plague: a Quantitative Analysis of Determinants of National Success vs. COVID-19." Paper presented at Kentucky Political Science Association Conference. Owensboro, KY (March 2024).

⁶³ For website and print publication release, as I understand.

⁶⁴ And, after rejection there, who knows?!

⁶⁵ Official data gathering for this project has not yet begun, however all introductory portions of the article (i.e. Literature) have been written and the methodological model designed.

“Charter Cities Ideology: An Alternative Narrative to Africa’s Migration Conundrum.” Paper co-presented at Kentucky Political Science Association Conference. Owensboro, KY (March 2024).

“The De-Transition Time Bomb: an Empirical Analysis.” Paper presented at Genspect: the Bigger Picture Annual Conference. Denver, CO (December 2023).

“Black Conservatism – the Past, Present, and Future.” Paper/data presented at University of Wisconsin-Madison Free Speech Week. Madison, WI (October 2023).

“Foundation against Intolerance and Racism Speaks: Data as the Corrective to Irrational Fear.” Paper presented/long-form speech given at Pancakes for Providence elite prep school event. Plymouth, MN (February 2023).

“The Numbers Keep Changing: How Information Manipulation Contributes to the Culture of Fear.” Paper presented at Politics, Policy and Panic: Governing In Times of Crisis Conference. Latrobe, PA (April 2022).

“Why the Narrative Always Collapses.” Paper presented/long-form speech given at bi-partisan Center for the American Experiment Annual Meeting. Minneapolis, MN (February 2022).

“Data, Hard Facts, and the Business of Leadership.” Presentation/Requested Speech given at Key-Note Session: Leadership Program of the Rockies. Denver, CO (July 2020).

“Diversity, Security, and Conflict: a Specifically African Analysis.” Paper Accepted for presentation at Midwest Political Science Association Conference. Chicago, IL (April 2020).⁶⁶

“Boundaries of Terrorism: Who Is a Terror Fighter, and Who Is Not?” Presentation/Requested Speech given at KYSU Bluegrass Intelligence Consortium Event. Frankfort, KY (March 2018).

“Can Diverse States Be Secure? The Effect of Tribal and Racial Diversity on Homicide Rate, Civil Conflict, and Chances of International War-Fighting.” Paper presented at Midwest Political Science Association Conference. Chicago, IL (April 2017).

⁶⁶ I list an “accepted” paper here because the conference was canceled – like virtually all big-city events during April of 2020.

“An App for the Culture of Fear? An Empirical Examination of the Effect of Social Media Content on Racial and Political Distrust.” Paper presented at Midwest Political Science Association Conference. Chicago, IL (April 2016). Paper accepted for presentation at American Association of Behavioral and Social Sciences Conference. Las Vegas, NV (February 2016).

“Are The Browns Down? The Effect of Racial Status and Other Core Characteristics on Racial Identity Valuation: Revised Following a Randomized Research Re-test.” Paper presented at Midwest Political Science Association Conference. Chicago, IL (April 2016).

“Are The Browns Down? The Effect of Racial Status and Other Core Characteristics on Racial Identity Valuation.” Paper presented at Midwest Political Science Association Conference. Chicago, IL (April 2010).

“Fare Ball: An Analysis of Why Some University Athletic Departments Make Money (While Others Do Not).” Paper presented at Midwest Political Science Association Conference. Chicago, IL (April 2010).

“Predictors of Criminal Court Victory: A Five County Analysis of Defendant Success Rates.” Paper presented at Midwest Political Science Association Conference. Chicago, IL (April 2009).

“Altered Perceptions: A Quantitative Test of Whether the American Beauty Standard Is Changing to reflect Increased National Diversity.” Paper presented at Midwest Political Science Association Conference. Chicago, IL (April 2009).

“The Coefficients of Victory: Variables Predicting Trial Wins among Criminal Defendants.” Paper presented at Midwest Political Science Association Conference. Chicago, IL (April 2008).

“Variance in Court: An Analysis of Courtroom Success among Distinct Groups of Criminal Defendants.” Poster presented at Department of Political Science Graduate Student Exposition. Carbondale, IL (December 2007).

“The Coefficients of Victory: Variables Predicting Trial Wins among Criminal Defendants.” Paper presented at DFI All Fellows Conference. Chicago, IL (November 2007).

“Ball Fair? Using the NCAA Tournament to Test the Actual Frequency of Fair Play Games.” Paper presented at DFI All Fellows Conference. Chicago, IL (November 2007).

“Justice or Just-Us: A Quantitative Examination of Prosecutorial Victory Rates Across Groups.” Paper presented at Black Graduate Students Association Conference. Evanston, IL (April 2007).

“Legal Style or Legal System Structure: Why Prosecuting Attorneys Win the Large Majority of Contested Cases.” Paper presented at DFI-KCP National Conference. Chicago, IL (November 2006).

Major Podcasts and Long-Form Media Appearances

Reilly, Wilfred. Guest/Speaker. “The Dumbing Down of American Elites.” *The Ben Boyce Podcast*. 5 September 2022. <https://www.youtube.com/watch?v=MIGyfaQ7qY8>.

Reilly, Wilfred. Guest/Speaker. “Theory of Racelessness and the Data.” *Dr. Sheena Mason’s Theory of Racelessness*. 12 July 2022. https://www.youtube.com/watch?v=tM_JkRUqAmc.

Reilly, Wilfred. Guest/Speaker. “The Whiteness of Wokeness.” *Prager U*. 11 April 2022. <https://www.prageru.com/video/the-whiteness-of-wokeness>.

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Reilly, Wilfred. Guest. “The ATLAS Society Asks Wilfred Reilly.” *The Atlas Society Podcast*. 29 September 2021. <https://www.youtube.com/watch?v=FVGb0gllLPI>.

Reilly, Wilfred. Guest. “Straight Talk on Racism with Wilfred Reilly.” *Conversations with Coleman Hughes*. 4 June 2021. <https://www.youtube.com/watch?v=m5WsPWvF7vE>.

Reilly, Wilfred. Guest/Speaker. “Rescuing American History from Revisionists AND Race Hustlers.” American Enterprise Institute. 20 May 2021. <https://www.youtube.com/watch?v=LeKumFOj6fs>.

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Reilly, Wilfred. Guest/Speaker. “On Challenging Ideological Uniformity in Academia.” *The Invisible Men Black Excellence Podcast*. 20 January 2021. <https://www.youtube.com/watch?v=EoxFPxRduDk>

- Reilly, Wilfred. Guest/Speaker. "What's Wrong with the 1619 Project?" *Prager U*. 30 November 2020. <https://www.youtube.com/watch?v=OrqFbyTABmQ>.
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- Reilly, Wilfred. Featured Guest. "American Thought Leaders." *American Thought Leaders – The Epoch Times*. 6 October 2020. <https://www.youtube.com/watch?v=JlhHVI7JVX0>.
- Reilly, Wilfred. Guest. "The African American Journey." *The Carvaka Podcast*. 31 July 2020. <https://www.youtube.com/watch?v=aE7sfbpNeh8>.
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- Reilly, Wilfred. Guest. "Unregistered 122: Wilfred Reilly." *The Unregistered University Podcast*. 13 July 2020. <https://www.youtube.com/watch?v=MHG-lwLKpXg>.
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- Reilly, Wilfred. Guest. "Black Lives Matter: Are the Stats Accurate?" *The E2 Review Podcast*. 4 June 2020. <https://www.youtube.com/watch?v=4bt88SbZWmY>.
- Reilly, Wilfred. Panel Participant. "Public Safety in an Era of Criminal Justice Reform." *The Manhattan Institute Podcast*. 27 May 2020. <https://www.youtube.com/watch?v=J8KvHbWSypA>.
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Reilly, Wilfred. Guest. "Episode 139: Hate Crime Hoax – Wilfred Reilly." *Godless Spellchecker*. 8 May 2019. <https://www.youtube.com/watch?v=sH0Ghk8UHu0>.

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National and Major Regional Television Appearances

Reilly, Wilfred. 2022. Interview/Panel w Greg Gutfeld. *Gutfeld*. Fox News Channel. 27 October.

https://archive.org/details/FOXNEWSW_20221028_030000_Gutfeld.

Reilly, Wilfred. 2020. Interview by Paul Rudy. *Good Morning San Diego*. KUSI TV California. 28 August.
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Reilly, Wilfred. 2020. Interview by Eric Bolling. *America This Week*. ABC St. Louis (SBG). <https://abcstlouis.com/news/america-this-week-w-eric-bolling/america-this-week-w-eric-bolling-06-23-2020>.⁶⁷

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Reilly, Wilfred. 2020. Interview by Tucker Carlson. *Tucker Carlson Tonight*. Fox News Channel. 6 June.
<https://www.air.tv/watch?v=a9ge4ohqTQOzy19ChT2aow>.

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<https://www.msn.com/en-us/health/fitness/push-to-dismantle-us-police-based-on-lies-and-false-data/vi-BB156cEB>.

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<https://twitter.com/skynewsaustr/status/1150235309105270785?lang=en>.

Reilly, Wilfred. 2019. Interview by Tucker Carlson. *Tucker Carlson Tonight*. Fox News Channel. 20 February.
<https://video.foxnews.com/v/6004289765001#sp=show-clips>.

Teaching Experience⁶⁸

⁶⁷ I shared this interview with Raz Simone, alleged “warlord” of CHAZ in Seattle. We weren’t on at the exact same time, but apparently fielded similar questions.

⁶⁸ As a note: from late 2009 through 2014, I worked primarily in non-academic positions focused on affecting real-world political discourse, with the Fund for the Public Interest/Human Rights Campaign and M. Evans Global, before returning to the classroom as my PhD completion date approached. References from these positions are excellent and available.

Political Science, Kentucky State University (Fall 2018-Present)
Associate Professor
Political Science, Kentucky State University (Fall 2015-Fall 2018)
Assistant Professor
Political Science, City Colleges of Chicago (2013)
Adjunct Professor
Activist Instruction, Fund for the Public Interest (2009-2012)
Community Organizer
United States Government, Aurora University (Spring 2009)
Adjunct Professor
Law and Society, Southern Illinois University (Fall 2008)
Instructor
Criminal Justice/Court Management, Southern Illinois University (Spring 2008)
Instructor
Law and Society, Southern Illinois University (Fall 2007)
Instructor
Civil Rights and Liberties, Southern Illinois University (Spring 2007)
Teaching Assistant
Civil Rights and Liberties, Southern Illinois University (Fall 2006)
Teaching Assistant
Law and Society, Southern Illinois University (Fall 2006)
Teaching Assistant

Job Relevant Curriculum

University of Illinois

- ◆ Law 609: Legal Writing and Research
- ◆ Law 656: International Law and Governance
- ◆ Law 657: International Human Rights
- ◆ Law 689: Law and Economics
- ◆ Law 697: Competitive Moot Court

Southern Illinois University

- ◆ POLS 500A-C: Quantitative Methods in Research
- ◆ POLS 504: Pro-Seminar in Classical Theory
- ◆ POLS 505: Pro-Seminar in Post-Modern Theory
- ◆ POLS 538: Pro-Seminar in Public Law
- ◆ POLS 575: Pro-Seminar in International Relations

Kentucky State University

- ◆ POS 101: American Government
- ◆ POS 211: Introduction to Political Science
- ◆ POS 301: Research Methodology
- ◆ POS 431: Constitutional Law
- ◆ POS 499: Senior Capstone/Writing & Research
- ◆ PSY 522: Law and Social Science

Service to the Campus Community

Member: Kentucky State Coronavirus Task Force, Fall 2020-Fall 2021

Faculty Ombudsman: Kentucky State University, Spring 2018-Fall 2021

Parliamentarian: KYSU Faculty Senate, Fall 2017-Fall 2019

Chair (Professional Concerns Committee): Faculty Senate, Fall 2017-Fall 2019

Member: KYSU International Studies Committee, Fall 2016-Present

Advisor: KYSU LGBT Center, Fall 2015-Spring 2018

Sitting Member: KYSU All-University Court, Fall 2015-Present⁶⁹

Honors and Awards

Finalist: Woodrow Wilson National Fellowship (2017)

Top Paper Award, Northwestern B.G.S.A. Conference (2007)

Diversifying the Faculty of Illinois (D.F.I.) Fellowship Recipient (2005-Present)

John Marshall (C.L.E.O.) Legal Fellowship Recipient (2002-2005)

Illinois Lincoln Scholar, Southern Illinois University (2002)

Professional Associations

American Political Science Association, 2019-Present

Midwest Political Science Association, 2007-Present

American Bar Association, 2004-2012

American Association of Trial Lawyers, 2004-2008

⁶⁹ So far as I know, re this one. Some of these dates may be approximate.

Appendix B – More Tables: Diverse Group Gaps Across Multiple States, from Research

		AL	CA	MI	MN	NJ	NY	WA
White alone	Total Population	3,229,609	14,896,256	7,293,902	4,330,763	4,920,179	10,604,385	5,045,523
	Below Poverty	374,176	1,461,810	784,809	317,577	329,814	1,083,094	438,750
	Percentage Below Poverty	11.6	9.8	10.8	7.3	6.7	10.2	8.7
Black alone	Total Population	1,243,592	2,033,498	1,278,921	386,438	1,132,709	2,730,828	298,945
	Below Poverty	332,711	391,403	346,648	95,573	184,569	609,101	50,744
	Percentage Below Poverty	26.8	19.2	27.1	24.7	16.3	22.3	17
American Indian/Native American alone	Total Population	23,864	494,381	43,903	50,898	43,157	121,142	95,563
	Below Poverty	4,331	76,130	9,663	15,316	7,134	25,292	16,077
	Percentage Below Poverty	18.1	15.4	22	30.1	16.5	20.9	16.8
Asian alone	Total Population	75,575	5,955,412	328,543	288,343	922,728	1,738,256	751,665
	Below Poverty	7,394	586,299	32,202	34,044	57,117	245,252	58,300
	Percentage Below Poverty	9.8	9.8	9.8	11.8	6.2	14.1	7.8
Native Hawaiian & Other Pacific Islander alone	Total Population	NA	156,558	NA	NA	NA	7,652	53,393
	Below Poverty	NA	20,577	NA	NA	NA	2,133	9,019
	Percentage Below Poverty	NA	13.1	NA	NA	NA	27.9	16.9
Some other race alone	Total Population	100,371	7,467,785	183,131	165,783	968,132	2,035,773	444,280
	Below Poverty	27,144	1,210,896	31,105	29,546	168,152	442,258	79,887
	Percentage Below Poverty	27	16.2	17	17.8	17.4	21.7	18
Two or more races	Total Population	252,186	7,303,828	697,664	375,085	1,114,494	1,947,053	962,602
	Below Poverty	52,925	923,209	110,993	47,838	134,977	327,689	110,692
	Percentage Below Poverty	21	12.6	15.9	12.8	12.1	16.8	11.5
Hispanic or Latino origin (of any race)	Total Population	238,512	15,468,911	558,250	327,079	2,000,038	3,784,698	1,070,519
	Below Poverty	65,787	2,300,778	101,908	54,862	307,968	788,943	158,876
	Percentage Below Poverty	27.6	14.9	18.3	16.8	15.4	20.8	14.8
White alone, not Hispanic or Latino	Total Population	3,180,344	12,927,328	7,165,227	4,273,862	4,685,603	10,160,602	4,864,419
	Below Poverty	360,294	1,183,941	756,468	309,255	301,937	996,627	415,896
	Percentage Below Poverty	11.3	9.2	10.6	7.2	6.4	9.8	8.5

		AL	CA	MI	MN	NJ	NY	WA
White alone	Total Population	1,348,083	6,425,859	3,170,077	1,921,272	2,096,860	4,718,882	2,235,768
	Percent Distribution	66.9	47.4	77.5	82.7	59.6	60.7	72.6
	Median Income (Dollars)	68,168	100,917	71,609	85,697	105,428	89,408	91,916
Black alone	Total Population	529,221	814,524	520,437	133,989	439,953	1,071,357	110,968
	Percent Distribution	26.2	6	12.7	5.8	12.5	13.8	3.6
	Median Income (Dollars)	40,774	63,268	42,056	51,320	65,850	57,898	68,202
American Indian/Native American alone	Total Population	7,826	157,658	16,920	17,598	14,252	41,365	30,164
	Percent Distribution	0.4	1.2	0.4	0.8	0.4	0.5	1
	Median Income (Dollars)	62,000	76,752	54,651	45,227	74,433	63,208	71,255
Asian alone	Total Population	27,422	2,064,774	116,531	92,892	325,863	614,981	284,950
	Percent Distribution	1.4	15.2	2.8	4	9.3	7.9	9.3
	Median Income (Dollars)	83,281	119,861	101,652	93,773	144,878	89,947	125,692
Native Hawaiian & Other Pacific Islander alone	Total Population	NA	46,769	NA	NA	NA	NA	16,973
	Percent Distribution	NA	0.3	NA	NA	NA	NA	0.6
	Median Income (Dollars)	NA	95,670	NA	NA	NA	NA	81,623
Some other race alone	Total Population	26,597	2,010,558	59,665	48,983	296,000	672,681	123,569
	Percent Distribution	1.3	14.8	1.5	2.1	8.4	8.7	4
	Median Income (Dollars)	49,889	71,383	61,183	65,473	67,237	56,210	69,545
Two or more races	Total Population	76,071	2,030,444	205,529	106,425	343,094	652,151	277,561
	Percent Distribution	3.8	15	5	4.6	9.8	8.4	9
	Median Income (Dollars)	62,694	83,153	63,251	74,586	84,272	73,557	84,303
Hispanic or Latino origin (of any race)	Total Population	64,508	4,220,481	168,471	96,376	633,191	1,278,925	293,836
	Percent Distribution	3.2	31.1	4.1	4.2	18	16.5	9.5
	Median Income (Dollars)	54,891	75,698	62,497	63,399	72,170	60,468	74,770
White alone, not Hispanic or Latino	Total Population	1,333,728	5,840,157	3,124,790	1,901,531	2,016,031	4,550,566	2,179,808
	Percent Distribution	66.1	43.1	76.4	81.9	57.3	58.5	70.8
	Median Income (Dollars)	68,212	103,065	71,829	85,844	106,209	90,104	92,277

		AL	CA	MI	MN	NJ	NY	WA
White alone								
Population	Total	2,362,687	11,402,797	5,372,861	3,202,951	3,704,829	8,005,145	3,813,713
Population	Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Population	Male	1,143,616	5,676,097	2,648,509	1,590,349	1,801,051	3,901,984	1,912,446
Population	Male Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Population	Female	1,219,071	5,726,700	2,724,352	1,612,602	1,903,778	4,103,161	1,919,267
Population	Female Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
High school graduate or higher	Total	2,137,696	10,710,883	5,021,447	3,095,368	3,528,940	7,520,693	3,650,370
High school graduate or higher	Percent	90.5	93.9	93.5	96.6	95.3	93.9	95.3
High school graduate or higher	Male	1,020,398	5,308,597	2,459,760	1,527,305	1,710,888	3,642,649	1,809,252
High school graduate or higher	Male Percent	89.2	93.5	92.9	96	95	93.4	94.6
High school graduate or higher	Female	1,117,298	5,402,286	2,561,687	1,568,063	1,818,052	3,878,044	1,841,118
High school graduate or higher	Female Percent	91.7	94.3	94	97.2	95.5	94.5	95.9
Bachelor's degree or higher	Total	746,519	5,180,337	1,798,748	1,300,134	1,776,468	3,699,093	1,547,697
Bachelor's degree or higher	Percent	31.6	45.4	33.5	40.6	48	46.2	40.4
Bachelor's degree or higher	Male	358,126	2,579,210	865,686	612,635	861,763	1,748,215	761,436
Bachelor's degree or higher	Male Percent	31.3	45.4	32.7	38.5	47.8	44.8	39.8
Bachelor's degree or higher	Female	388,393	2,601,127	933,062	687,499	914,705	1,950,878	786,261
Bachelor's degree or higher	Female Percent	31.9	45.4	34.2	42.6	48	47.5	41
Black alone								
Population	Total	858,405	1,486,377	863,795	220,608	793,807	19,539,156	207,097
Population	Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Population	Male	382,782	740,315	398,035	113,243	364,395	890,694	118,467
Population	Male Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Population	Female	475,623	746,062	465,760	107,365	429,412	1,063,221	88,630
Population	Female Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
High school graduate or higher	Total	745,172	1,352,400	754,824	183,029	716,043	1,658,912	183,527
High school graduate or higher	Percent	86.8	91	87.4	83	90.2	84.9	88.6
High school graduate or higher	Male	323,090	666,493	340,116	98,581	328,648	744,472	104,879
High school graduate or higher	Male Percent	84.4	90	85.4	87.1	90.2	83.6	88.5
High school graduate or higher	Female	422,082	685,907	414,708	84,448	387,395	914,440	78,648
High school graduate or higher	Female Percent	88.7	91.9	89	78.7	90.2	86	88.7
Bachelor's degree or higher	Total	179,862	449,911	161,307	58,151	229,642	535,540	57,122
Bachelor's degree or higher	Percent	21	30.3	18.7	26.4	28.9	27.4	27.6
Bachelor's degree or higher	Male	63,147	203,734	60,460	31,831	93,869	212,080	31,749
Bachelor's degree or higher	Male Percent	16.5	27.5	15.2	28.1	25.8	23.8	26.8
Bachelor's degree or higher	Female	116,715	246,177	100,847	26,320	135,773	323,460	25,373
Bachelor's degree or higher	Female Percent	24.5	33	21.7	24.5	31.6	30.4	28.6
American Indian/Native American alone								
Population	Total	15,599	335,623	31,622	31,867	29,170	81,470	61,648
Population	Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Population	Male	7,222	172,577	15,658	16,520	15,245	42,266	30,516
Population	Male Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Population	Female	8,377	163,046	15,964	15,347	13,925	39,204	31,132
Population	Female Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)

High school graduate or higher	Total	11,678	245,437	25,357	25,758	19,849	57,706	50,815
High school graduate or higher	Percent	74.9	73.1	80.2	80.8	68	70.8	82.4
High school graduate or higher	Male	5,564	125,153	11,770	13,758	10,084	27,961	24,782
High school graduate or higher	Male Percent	77	72.5	75.2	83.3	66.1	66.2	81.2
High school graduate or higher	Female	6,114	120,284	13,587	12,000	9,765	29,745	26,033
High school graduate or higher	Female Percent	73	73.8	85.1	78.2	70.1	75.9	83.6
Bachelor's degree or higher	Total	3,018	60,350	4,144	4,494	6,444	16,952	9,918
Bachelor's degree or higher	Percent	19.3	18	13.1	14.1	22.1	20.8	16.1
Bachelor's degree or higher	Male	1,165	26,628	1,266	2,041	3,031	7,579	3,958
Bachelor's degree or higher	Male Percent	16.1	15.4	8.1	12.4	19.9	17.9	13
Bachelor's degree or higher	Female	1,853	33,722	2,878	2,453	3,413	9,373	5,960
Bachelor's degree or higher	Female Percent	22.1	20.7	18	16	24.5	23.9	19.1
Asian alone								
Population	Total	55,304	4,492,618	229,618	188,143	668,162	1,288,318	566,954
Population	Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Population	Male	23,720	2,095,241	111,246	91,548	325,039	604,196	262,328
Population	Male Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Population	Female	31,584	2,397,377	118,372	96,595	343,123	684,122	304,626
Population	Female Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
High school graduate or higher	Total	48,383	3,998,178	205,452	153,814	617,177	1,033,899	513,845
High school graduate or higher	Percent	87.5	89	89.5	81.8	92.4	80.3	90.6
High school graduate or higher	Male	20,736	1,895,950	102,023	77,825	303,022	491,963	243,597
High school graduate or higher	Male Percent	87.4	90.5	91.7	85	93.2	81.4	92.9
High school graduate or higher	Female	27,647	2,102,228	103,429	75,989	314,155	541,936	270,248
High school graduate or higher	Female Percent	87.5	87.7	87.4	78.7	91.6	79.2	88.7
Bachelor's degree or higher	Total	29,403	2,526,242	146,363	87,052	482,162	627,831	338,081
Bachelor's degree or higher	Percent	53.2	56.2	63.7	46.3	72.2	48.7	59.6
Bachelor's degree or higher	Male	13,835	1,195,699	76,555	42,119	241,059	297,292	164,370
Bachelor's degree or higher	Male Percent	58.3	57.1	68.8	46	74.2	49.2	62.7
Bachelor's degree or higher	Female	15,568	1,330,543	69,808	44,933	241,103	330,539	173,711
Bachelor's degree or higher	Female Percent	49.3	55.5	59	46.5	70.3	48.3	57
Native Hawaiian & Other Pacific Islander alone								
Population	Total	NA	109,670	NA	2,170	NA	4,578	57
Population	Percent	NA	(X)	NA	(X)	NA	(X)	(X)
Population	Male	NA	54,588	NA	1,384	NA	2,652	16,800
Population	Male Percent	NA	(X)	NA	(X)	NA	(X)	(X)
Population	Female	NA	55,082	NA	786	NA	1,926	18,617
Population	Female Percent	NA	(X)	NA	(X)	NA	(X)	(X)
High school graduate or higher	Total	NA	96,600	NA	1,989	NA	3,870	30,786
High school graduate or higher	Percent	NA	88.1	NA	91.7	NA	84.5	86.9
High school graduate or higher	Male	NA	48,404	NA	1,350	NA	2,056	14,753
High school graduate or higher	Male Percent	NA	88.7	NA	97.5	NA	77.5	87.8
High school graduate or higher	Female	NA	48,196	NA	639	NA	1,814	16,033
High school graduate or higher	Female Percent	NA	87.5	NA	81.3	NA	94.2	86.1
Bachelor's degree or higher	Total	NA	25,885	NA	294	NA	1,317	4,776
Bachelor's degree or higher	Percent	NA	23.6	NA	13.5	NA	28.8	13.5

Bachelor's degree or higher	Male	NA	12,467	NA	47	NA	561	3,341
Bachelor's degree or higher	Male Percent	NA	22.8	NA	3.4	NA	21.2	19.9
Bachelor's degree or higher	Female	NA	13,418	NA	247	NA	756	1,435
Bachelor's degree or higher	Female Percent	NA	24.4	NA	31.4	NA	39.3	7.7
Some other race alone								
Population	Total	51,099	4,735,909	113,722	92,962	608,360	1,348,607	255,114
Population	Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Population	Male	28,396	2,411,740	60,128	49,854	307,032	659,567	135,209
Population	Male Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Population	Female	22,703	2,324,169	53,594	43,108	301,328	689,040	119,905
Population	Female Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
High school graduate or higher	Total	33,966	3,056,617	84,788	64,335	428,733	938,349	163,474
High school graduate or higher	Percent	66.5	64.5	74.6	69.2	70.5	69.6	64.1
High school graduate or higher	Male	18,018	1,525,530	44,740	33,921	209,835	446,966	84,180
High school graduate or higher	Male Percent	63.5	63.3	74.4	68	68.3	67.8	62.3
High school graduate or higher	Female	15,948	1,531,087	40,048	30,414	218,898	491,383	79,294
High school graduate or higher	Female Percent	70.2	65.9	74.7	70.6	72.6	71.3	66.1
Bachelor's degree or higher	Total	8,108	612,213	26,953	18,060	112,337	253,987	41,207
Bachelor's degree or higher	Percent	15.9	12.9	23.7	19.4	18.5	18.8	16.2
Bachelor's degree or higher	Male	3,655	275,384	14,294	8,932	50,960	108,833	20,983
Bachelor's degree or higher	Male Percent	12.9	11.4	23.8	17.9	16.6	16.5	15.5
Bachelor's degree or higher	Female	4,453	336,829	12,659	9,128	61,377	145,154	20,224
Bachelor's degree or higher	Female Percent	19.6	14.5	23.6	21.2	20.4	21.1	16.9
Two or more races								
Population	Total	129,510	4,303,779	365,585	179,864	676,276	1,210,208	512,266
Population	Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Population	Male	61,936	2,152,213	179,924	87,102	331,015	580,156	258,612
Population	Male Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Population	Female	67,574	2,151,566	185,661	92,762	345,261	630,052	253,654
Population	Female Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
High school graduate or higher	Total	107,384	3,290,975	315,656	160,391	568,458	997,599	448,897
High school graduate or higher	Percent	82.9	76.5	86.3	89.2	84.1	82.4	87.6
High school graduate or higher	Male	50,444	1,624,295	153,663	77,464	275,686	475,340	221,422
High school graduate or higher	Male Percent	81.4	75.5	85.4	88.9	83.3	81.9	85.6
High school graduate or higher	Female	56,940	1,666,680	161,993	82,927	292,772	522,259	227,475
High school graduate or higher	Female Percent	84.3	77.5	87.3	89.4	84.4	92.9	89.7
Bachelor's degree or higher	Total	33,444	1,081,003	103,591	65,526	214,042	421,841	160,882
Bachelor's degree or higher	Percent	25.8	25.1	28.3	36.4	31.7	34.9	31.4
Bachelor's degree or higher	Male	16,101	506,772	45,792	28,172	97,622	186,803	74,070
Bachelor's degree or higher	Male Percent	26	23.5	25.5	32.3	29.5	32.2	28.6
Bachelor's degree or higher	Female	17,343	574,231	57,799	37,354	116,420	235,038	86,812
Bachelor's degree or higher	Female Percent	25.7	26.7	31.1	40.3	33.7	37.3	34.2
Hispanic or Latino origin (of any race)								
Population	Total	119,827	9,476,755	308,705	171,826	1,247,833	2,459,638	572,985
Population	Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Population	Male	60,757	4,765,324	158,492	89,338	622,272	1,197,570	298,954

Population	Male Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Population	Female	59,070	4,711,431	150,213	82,488	625,561	1,262,068	274,031
Population	Female Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
High school graduate or higher	Total	82,613	6,517,423	238,816	125,873	945,030	1,800,287	412,642
High school graduate or higher	Percent	68.9	68.8	77.4	73.3	75.7	73.2	72
High school graduate or higher	Male	40,456	3,212,204	120,757	63,485	460,751	858,809	207,592
High school graduate or higher	Male Percent	66.6	67.4	76.2	71.1	74	71.7	69.4
High school graduate or higher	Female	42,157	3,305,219	118,059	62,388	484,279	941,478	205,050
High school graduate or higher	Female Percent	71.4	70.2	78.6	75.6	77.4	74.6	74.8
Bachelor's degree or higher	Total	22,829	1,562,020	72,376	39,836	288,241	574,606	113,154
Bachelor's degree or higher	Percent	19.1	16.5	23.4	23.2	23.1	23.4	19.7
Bachelor's degree or higher	Male	11,146	700,030	34,107	18,442	128,765	246,448	54,545
Bachelor's degree or higher	Male Percent	18.3	14.7	21.5	20.6	20.7	20.6	18.2
Bachelor's degree or higher	Female	11,683	861,990	38,269	21,394	159,476	328,158	58,609
Bachelor's degree or higher	Female Percent	19.8	18.3	25.5	25.9	25.5	26	21.4
White alone, not Hispanic or Latino								
Population	Total	2,337,965	10,260,717	5,307,355	3,175,365	3,566,363	7,730,437	3,738,215
Population	Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Population	Male	1,131,744	5,129,230	2,616,925	1,576,513	1,734,071	3,770,108	1,865,723
Population	Male Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Population	Female	1,206,221	5,131,487	2,690,430	1,598,852	1,832,292	3,960,329	1,872,492
Population	Female Percent	(X)	(X)	(X)	(X)	(X)	(X)	(X)
High school graduate or higher	Total	2,118,843	9,809,588	4,966,652	3,073,157	3,411,190	7,294,881	3,573,047
High school graduate or higher	Percent	90.6	95.6	93.6	96.8	95.6	94.4	95.6
High school graduate or higher	Male	1,011,376	4,887,099	2,433,796	1,516,585	1,655,412	3,535,421	1,771,606
High school graduate or higher	Male Percent	89.4	95.3	93	96.2	95.5	93.8	95
High school graduate or higher	Female	1,107,467	4,922,489	2,532,856	1,556,572	1,755,778	3,759,460	1,801,441
High school graduate or higher	Female Percent	91.8	95.9	94.1	97.4	95.8	94.9	96.2
Bachelor's degree or higher	Total	740,940	4,915,611	1,782,286	1,291,584	1,731,196	3,610,304	1,524,116
Bachelor's degree or higher	Percent	31.7	47.9	33.6	40.7	48.5	46.7	40.8
Bachelor's degree or higher	Male	355,147	2,464,970	858,278	609,125	840,925	1,708,254	750,020
Bachelor's degree or higher	Male Percent	31.4	48.1	32.8	38.6	48.5	45.3	40.2
Bachelor's degree or higher	Female	385,793	2,450,641	924,008	682,459	890,271	1,902,050	774,096
Bachelor's degree or higher	Female Percent	32	47.8	34.3	42.7	48.6	48	41.3

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BOBBY SINGLETON, et al.,

Plaintiffs,

v.

**WES ALLEN, in his official capacity
as Alabama Secretary of State,**

Defendants.

Case No.: 2:21-cv-1291-AMM

THREE JUDGE COURT

EDWARD GALMON, SR., et al.,

Plaintiffs,

v.

**WES ALLEN, in his official capac-
ity as Alabama Secretary of State,**

Defendants.

Case No.: 2:21-cv-01530-AMM

THREE JUDGE COURT

MARCUS CASTER, et al.,

Plaintiffs,

v.

**WES ALLEN, in his official capacity
as Alabama Secretary of State,**

Defendants.

Case No.: 2:21-cv-01536-AMM

EXPERT REPORT OF SEAN P. TRENDE, Ph.D.

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1 Expert Qualifications

1.1 Career

I serve as Senior Elections Analyst for Real Clear Politics. I joined Real Clear Politics in January of 2009 and assumed a fulltime position in March of 2010. Real Clear Politics is a company of approximately 50 employees, with its main offices in Washington D.C. It produces one of the most heavily trafficked political websites in the world, which serves as a one-stop shop for political analysis from all sides of the political spectrum and is recognized as a pioneer in the field of poll aggregation. Real Clear Politics produces original content, including both data analysis and traditional reporting.

My main responsibilities with Real Clear Politics consist of tracking, analyzing, and writing about elections. I collaborate in rating the competitiveness of Presidential, Senate, House, and gubernatorial races. As a part of carrying out these responsibilities, I have studied and written extensively about demographic trends in the country, exit poll data at the state and federal level, public opinion polling, and voter turnout and voting behavior. In particular, understanding the way that districts are drawn and how geography and demographics interact is crucial to predicting United States House of Representatives races, so much of my time is dedicated to that task.

I am currently a Visiting Scholar at the American Enterprise Institute, where my publications focus on the demographic and coalitional aspects of American Politics.

I am also a Lecturer at The Ohio State University. My courseload is detailed below.

1.2 Publications and Speaking Engagements

I am the author of the 2012 book *The Lost Majority: Why the Future of Government is up For Grabs and Who Will Take It*. In this book, I explore realignment theory. It argues that realignments are a poor concept that should be abandoned. As part of this analysis, I conducted a thorough analysis of demographic and political trends beginning

in the 1920s and continuing through modern times, noting the fluidity and fragility of the coalitions built by the major political parties and their candidates.

I also co-authored the 2014 Almanac of American Politics. The Almanac is considered the foundational text for understanding congressional districts and the representatives of those districts, as well as the dynamics in play behind the elections. My focus was researching the history of and writing descriptions for many of the 2012 districts, including tracing the history of how and why they were drawn the way that they were drawn. Because the 2014 Almanac covers the 2012 elections, analyzing how redistricting was done was crucial to my work. I have also authored a chapter in Dr. Larry Sabato's post-election compendium after every election dating back to 2012.

I have spoken on these subjects before audiences from across the political spectrum, including at the Heritage Foundation, the American Enterprise Institute, the CATO Institute, the Bipartisan Policy Center, and the Brookings Institution. In 2012, I was invited to Brussels to speak about American elections to the European External Action Service, which is the European Union's diplomatic corps. I was selected by the United States Embassy in Sweden to discuss the 2016 elections to a series of audiences there and was selected by the United States Embassy in Spain to fulfill a similar mission in 2018. I was invited to present by the United States Embassy in Italy, but was unable to do so because of my teaching schedule.

1.3 Education

I received my Ph.D. in political science at The Ohio State University in 2023. I passed comprehensive examinations in both Methodology and American Politics. The first chapter of my dissertation involves voting patterns on the Supreme Court from 1900 to 1945; the second chapter involves the application of integrated nested LaPlace approximations to enable the incorporation of spatial statistical analysis in the study of United States elections. The third chapter of the dissertation involves the use of communities of interest in redistricting simulations. In pursuit of this degree, I also earned a Mas-

ter's Degree in Applied Statistics. My coursework for my Ph.D. and M.A.S. included, among other things, classes on G.I.S. systems, spatial statistics, issues in contemporary redistricting, machine learning, non-parametric hypothesis tests and probability theory. I also earned a B.A. from Yale University in history and political science in 1995, a Juris Doctor from Duke University in 2001, and a Master's Degree in political science from Duke University in 2001.

In the winter of 2018, I taught American Politics and the Mass Media at Ohio Wesleyan University. I taught Introduction to American Politics at The Ohio State University for three semesters from Fall of 2018 to Fall of 2019, and again in Fall of 2021. In the Springs of 2020, 2021, 2022 and 2023, I taught Political Participation and Voting Behavior at The Ohio State University. This course spent several weeks covering all facets of redistricting: how maps are drawn, debates over what constitutes a fair map, measures of redistricting quality, and similar topics. It also covers the Voting Rights Act and racial gerrymandering claims. I also taught survey methodology in Fall of 2022 and Spring of 2024.

1.4 Prior Engagements as an Expert

A full copy of all cases in which I have testified or been deposed is included on my C.V., attached as Exhibit 1. In 2021, I served as one of two special masters appointed by the Supreme Court of Virginia to redraw the districts that will elect the Commonwealth's representatives to the House of Delegates, state Senate, and U.S. Congress in the following decade. The Supreme Court of Virginia accepted those maps, which were praised by observers from across the political spectrum.¹

In 2019, I was appointed as the court's expert by the Supreme Court of Belize.

¹See, e.g., *New Voting Maps, and a New Day, for Virginia*, The Washington Post (Jan. 2, 2022), available at <https://www.washingtonpost.com/opinions/2022/01/02/virginia-redistricting-voting-maps-gerrymander/>; Henry Olsen, *Maryland Shows How to do Redistricting Wrong. Virginia Shows How to Do it Right*, The Washington Post (Dec. 9, 2021), available at <https://www.washingtonpost.com/opinions/2021/12/09/maryland-virginia-redistricting/>; Richard Pildes, *Has VA Created a New Model for a Reasonably Non-Partisan Redistricting Process*, Election Law Blog (Dec. 9, 2021), available at <https://electionlawblog.org/?p=126216>.

In that case I was asked to identify international standards of democracy as they relate to malapportionment claims, to determine whether Belize’s electoral divisions (similar to our congressional districts) conformed with those standards, and to draw alternative maps that would remedy any existing malapportionment.

I served as a Voting Rights Act expert to counsel for the Arizona Independent Redistricting Commission in 2021 and 2022.

2 Scope of Engagement

I was hired by the Attorney General of Alabama to analyze Illustrative Congressional Districts drawn by Mr. William Cooper and Dr. Moon Duchin in the above-captioned matter. I have also been asked to review two plans enacted by the Alabama legislature in 2021 and 2023 (“2021 Map” and “Enacted Map”, respectively), as well as the map drawn by a Special Master and adopted by this Court (“Special Master’s Map”). In particular, I was asked to compare the compactness of these districts to that of the Enacted Map. I am being compensated for my time at a rate of \$450/hr. My compensation in no way depends on the conclusions that I reach. All opinions are offered with a reasonable degree of scientific certainty typical of my field.

3 Data Utilized

For this report I relied upon:

- The Expert Reports of various plaintiffs’ experts offered at the Preliminary Injunction phase, as well as those recently produced. The supporting materials for those reports, including block assignment files.
- Computer code written in the widely used statistical programming language R, which was used to process the data.
- Other documents referenced in this report or the computer code.

4 Map Compendium

To assist the analysis of these districts, I have created a compendium of every Congressional map used in Alabama dating back to the Civil War. (“Alabama District Set”). The redistricting years are sourced from Kenneth Martis’ seminal work on United States districts. See Kenneth C. Martis, *Historical Atlas of United States Congressional Districts* 234-235 (1982). I did not include years where districts were unchanged but at-large districts were added. Nor did I include years where only at-large districts were used. These maps are printed separately in an Appendix, for easier reference. Data were downloaded from a complete repository of shapefiles for congressional districts maintained by the political science department at the University of California, Los Angeles. See Jeffrey B. Lewis, Brandon DeVine, Lincoln Pitcher, & Kenneth C. Martis. (2013) *Digital Boundary Definitions of United States Congressional Districts, 1789-2012*. [Data file and code book]. Retrieved from <https://cdmaps.polisci.ucla.edu> on January 31, 2022.

I also created a compendium of all maps utilized in the first year of redistricting dating back to 1972, as well as the immediate post-Baker maps used in 1966 (though some of these maps are coterminous with the maps used in the 1962 redistricting). (“National District Set”). These are taken from the above sources as well.

One issue that arises is that the UCLA maps do not use blocks for oceans, the Great Lakes, or the Gulf of Mexico. To understand this issue better, census blocks are typically clipped at the shorelines of rivers, oceans, and lakes. The maps then uses additional blocks to fill in these bodies of water out to the territorial boundaries of the state. Precincts will often include these blocks in their shapes. Thus, in most of the expert shapefiles, Mobile Bay, Bons Secour Bay, and the Gulf of Mexico are filled in, creating a smooth boundary for the state. The UCLA maps, however, adhere to the shoreline in this area.

To enable an apples-to-apples comparison, I’ve appended the UCLA districts with the relevant water blocks to the UCLA maps for the 113th, 108th, 103rd, 98th, and 93rd

Congresses. This enables us to make more direct compactness comparisons to every redistricting map since Alabama lost its 8th seat in the 1972 redistricting; This also roughly corresponds with redistricting being performed under the constraint of one-person-one-vote. While it would have been more straightforward to clip the experts' maps, and would have enabled a robust comparison to national maps, I suspect that this would have brought charges of unfairness since it would have lowered the compactness of the maps, particularly with respect to Polsby-Popper scores (it would have done this for both the UCLA maps and the expert maps). Note too that choice of shapefile, the projection used, and other issues may affect the scores modestly.

5 Overview of Compactness Metrics

5.1 District Compactness Metrics

Although the parties have briefed the various compactness metrics, a brief reminder may be in order as to what exactly these various numbers mean. To my understanding, the experts in this matter have utilized four unique compactness measures in this case: Reock, Polsby-Popper, Convex Hull and edges removed.² The first three are probably the most commonly used redistricting methods; the fourth is relatively new. They are but a sample of dozens of metrics that have been proposed over the years. *See* <https://alarm-redist.org/redistmetrics/articles/compactness.html>.

There is no agreed-upon “best metric,” and the search for such a metric is likely fruitless. This is because compactness is a multi-faceted concept, and each of these metrics explores a different aspect of compactness. *See* Aaron Kaufman, Gary King, and Mayya Komisarchik, “How to Measure Legislative District Compactness if you Only Know it When you See it,” 65 *Am. J. Poli. Sci.* 553 (2021). Which facet is most important is a normative question, to which different experts may (and have) give different answers.

²Dr. Duchin has explained that a fifth metric, Inverse Schwartzberg, is simply the square root of the Polsby-Popper score. I therefore do not include it, as it adds little to the discussion.

I know of no scientific survey of redistricting experts inquiring as to which compactness metric is the best. Given Reock scores' ubiquitous use in political science literature and in redistricting matters I would be surprised if "most" or "all" redistricting experts find it to be weakly justified. Of course, even if such a consensus exists, courts aren't required to bend the knee to social scientists or mathematicians, least of all on normative questions, so a court may decide that an entirely different metric is the most important for legal purposes. *See* Kaufman, King & Komisarchik (describing disconnect between academic and "real world" views of compactness).

To give a few examples of how this might be the case, the "edges removed" metric does have some nice properties. However, it is generally used as a map-wide metric, rather than a district-specific metric, which might lead a court to disfavor it in the context of a VRA matter regardless of these properties. As discussed *infra*, *Gingles* analysis typically requires a district-specific analysis, which this metric does not generally provide (to the extent it might, it would favor those districts which adhere to a state boundary, since those cut no edges. On a statewide level, this would seem to cancel out across districts). Moreover, although Dr. Duchin makes an interesting theoretical point when she criticizes Reock scores as having "a much weaker justification, since the primacy of circles is the goal rather than the consequence of the definition," Duchin First Report at 6, it is unclear why this would matter from a redistricting or legal perspective. After all, whether or not a district is distended or not is a feature of compactness that most people consider; a court may wish to acknowledge this real-world concern over theoretical objections. Kaufman, King & Komisarchik, at 544. Additionally, dictionary definitions of compactness contemporary with the 1982 Amendments to the Voting Rights Act emphasize a district's concentration around a single point or small area. A court might consider contemporary understandings of the term to a greater degree than a mathematician might, and use a score like Reock that does help explore such facets to a greater degree than Polsby-Popper or cut edges. *E.g.*, *Webster's New Twentieth Century Dictionary, Unabridged* 368 (2d ed. 1980) (defining the adjective version of compact as "1.

Closely and firmly united, as the particles of solid bodies; solid; dense; as a compact mass of people; a compact body or substance. . . . 5. taking little space; arranged neatly in a small space. 6. Designating or of a relatively small, light, economical model of automobile. Syn. – close, condensed, hard, solid) (including also other less relevant definitions such as 2. Composed of, 3. Held together, 4. Brief, as in “compact discourse”).

Instead, it I use the beginning of this report to provide some additional analysis as to what these metrics really describe, and to give some insight as to their pros and cons to assist the court in its decisions. *Cf.* Fed. R. Evid. 702 (describing the role of the expert as to “help the trier of fact to understand the evidence or to determine a fact in issue”).

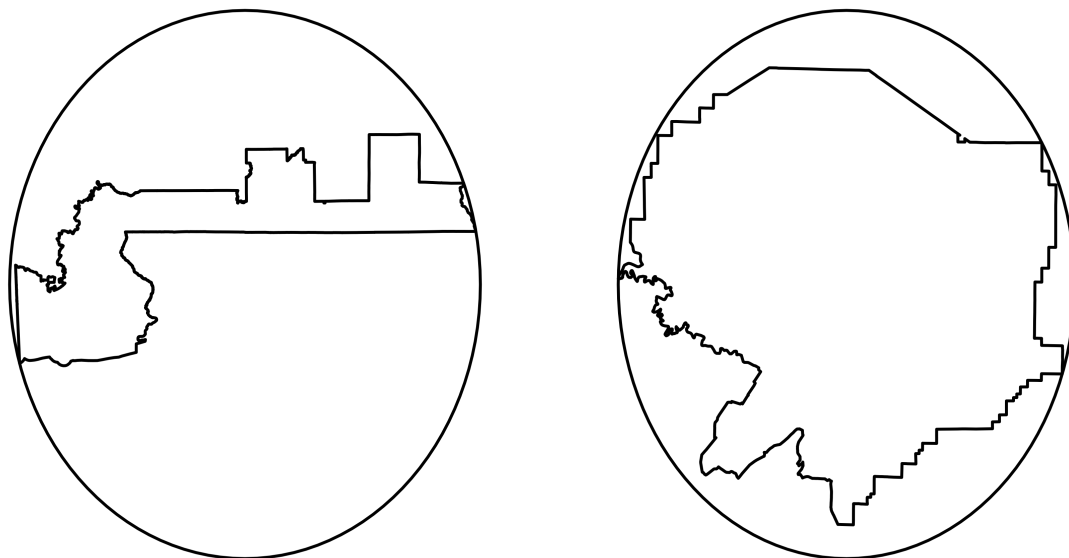
The first metric is the Reock score. It is the first metric discussed here, but it was also arguably the first numeric measure of compactness developed. It is defined as the ratio between the area of the district and the area of smallest possible circumscribing circle. *See* Ernest Reock, “A Note: Measuring Compactness as a Requirement of Legislative Apportionment,” 5 *Midwest J. Poli. Sci.* 70 (1961). In lay terms, we might imagine the smallest circle that wholly encloses the district without cutting it, called the “minimum bounding circle.” The Reock score is the percentage of that circle that the district would fill, expressed as a decimal. Were a district perfectly circular, it would fill 100% of that minimum bounding circle, and the Reock score would be 1. Were a district somehow a line segment or a point, it would fill 0% of that district, and the Reock score would be 0.

In practical terms, Reock scores measure how distended a district is. Elongated districts have low Reock scores, while districts with high Reock scores tend to be, for lack of a better word, “stocky.” To help illustrate this, compare the *least* compact district in our dataset of post-1972 enacted Alabama plans and illustrative districts according to Reock scores – District 1 from Cooper’s 5th map, with a Reock Score of 0.171³ – with the most compact district according to Reock scores among the various demonstration

³To put this in perspective, the district that the Supreme Court struck down in *Miller v. Johnson*, 15 U.S. 900 (1995) and described as a “monstrosity”, *id.* at 909 (quoting the Almanac of American Politics), had a Reock score of 0.157, even without adding the ocean blocks to smooth the shoreline.

and enacted plans – District 6 from Alabama’s 1982 map, with a Reock Score of 0.66.⁴

Figure 1: Illustration of Reock Scores



(a) Reock=0.171 (Cooper Illus. 5, Dist. 1) (b) Reock=0.66 (AL 98th Cong.(1983), Dist. 6)

Regardless, one can readily see that the district on the right “fills” a higher percentage of its minimum bounding circle than the district on the left. This is what a Reock score measures; an opinion that relies upon a Reock score is relying upon the percentage of a particular circle that a district would fill.

Reock scores do have real limitations for redistricting purposes. One can imagine a circular district, which would have a Reock score of 1. Now imagine a map maker carves out a narrow, serpentine channel running into the center of the district. The district would still fill a large portion of the Minimum Bounding Circle, and thus would score well on the compactness score. Likewise, a district covered with small protrusions, like potato eyes, could nevertheless score well on Reock scores, even though such inlets and protrusions might signify a gerrymander or be identified by laypeople as not compact.

⁴Note that the circles appear somewhat as ovals here; this is a difficulty springing from depicting a curved Earth in two-dimensional space.

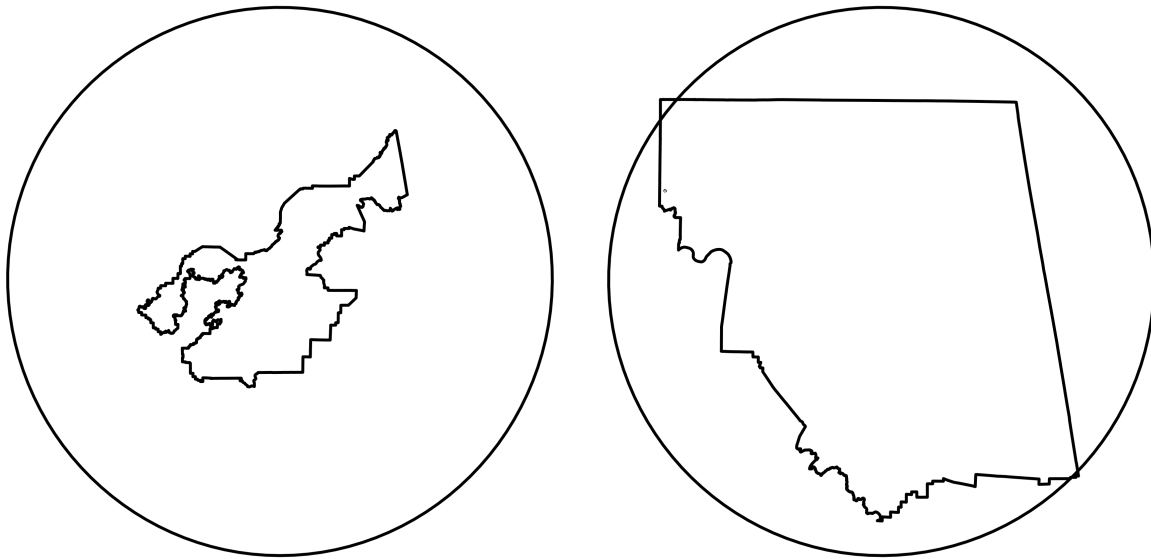
Polsby-Popper scores help to address this. Daniel D. Polsby & Robert D. Popper, “The Third Criterion: Compactness as a procedural safeguard against partisan gerrymandering.” 9 *Yale L. & Pol. Rev.* 301 (1991). In lay terms, imagine taking a district and then stretching it until it is shaped into a circle. That circle would have the same perimeter as the district. The Polsby-Popper score is the percentage of such a circle (i.e. a circle with the same perimeter as the district) that such a district would fill.

Practically speaking, a “smoother” district will have a higher Polsby-Popper score, while a district with many “arms and inlets” will have lower Polsby-Popper scores. Once again, a perfectly circular district would have no arms and inlets, so its area would be the same as that of a circle with the same perimeter; it would fill 100% of the circle and would receive a Polsby-Popper score of one. As more and more “bends” are added to the district, its perimeter will increase, and it will fill less and less of the circle with the same perimeter as the district.

To help illustrate this, compare the least compact district in our dataset of enacted Alabama plans and illustrative districts according to Polsby-Popper scores – District 6 from Cooper’s 6th map, with a Polsby-Popper score of 0.985⁵ – with the most compact district according to Polsby-Popper scores among the various demonstration and enacted plans – this time, District 5 from Dr. Duchin’s Map B, with a Polsby-Popper score of 0.531.

⁵The district in *Miller* described above had a Polsby-Popper score of 0.0985

Figure 2: Illustration of Polsby-Popper Scores



(a) P-P=0.0985 (Cooper Illus. 6, Dist. 6)

(b) P-P=0.531 (Duchin Illus. B, Dist. 5)

This approach has limitations as well. Polsby-Popper scores can be sensitive to features that mapmakers are directed to follow. For example, river boundaries tend to meander, which can increase the perimeter of a district if they are followed. At the same time, mapmakers are often instructed to follow natural features, such as river boundaries. Thus, a mapmaker who forms a district boundary out of precincts drawn by straight lines and who avoids precincts that follow river boundaries would be rewarded with a higher Polsby-Popper score.

Likewise, some states have very regular edges – think Colorado – while other states have irregular coastlines – think Maine. Districts that respect those shorelines will have more “arms and inlets” and therefore higher perimeters simply by virtue of state geography, and their Polsby-Popper scores will suffer. This can be somewhat avoided by including “water blocks” (explored above), although that could equally advantage a district by giving it a smoother edge than typically found in terrestrial precincts.

Finally, we examine Convex Hull scores. To understand the motivation for this

test, imagine a district that is a perfect square. That square will, by definition, fill $2/\pi$ percent of the minimum bounding circle, or approximately 63.7% of the circle.⁶ Its Reock score would therefore be 0.637. That is still relatively high as far as Reock scores go, but many would consider a perfectly square district to be quite compact.

Convex Hull scores therefore seek to dispense with circles altogether, and instead look at the area of a convex polygon that would enclose a district. A more straightforward way to think of this is to imagine a rubber band snapped around a district. The Convex Hull score would ask what percentage of that rubber band the district would fill.

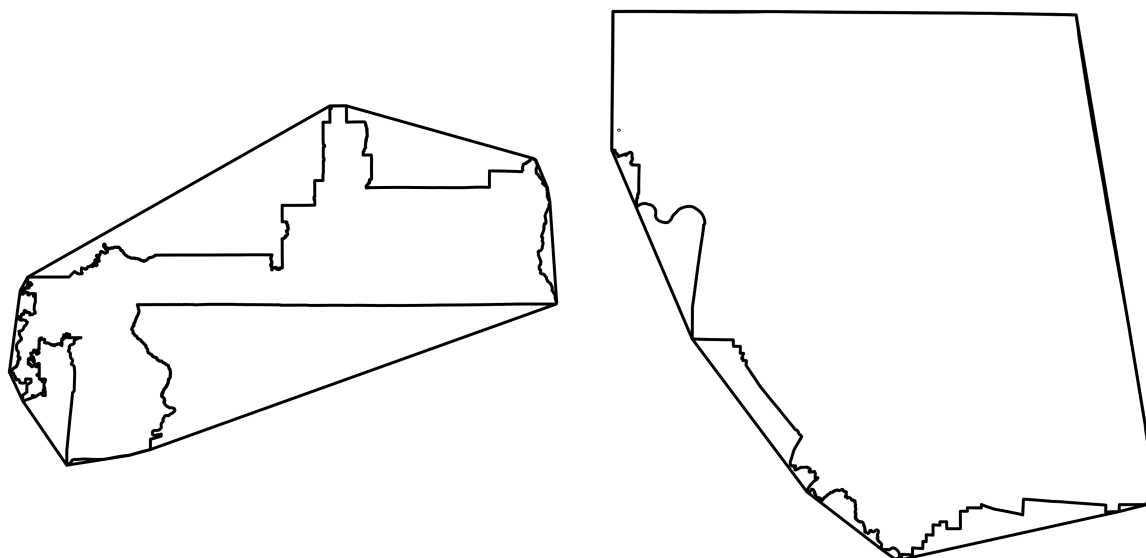
We once again illustrate this by comparing the least compact district in our dataset of enacted Alabama plans and illustrative districts according to Convex Hull scores – District 1 from Cooper’s 6th map, with a score of 0.506⁷ – with the most compact district according to Convex Hull scores among the various demonstration and enacted plans – also, District 5 from Dr. Duchin’s Map B with a Convex Hull score of 0.932.⁸

⁶If S is the length of one of the sides of the square, the area of the square would be S^2 . The radius of the minimum bounding circle would be the quantity (square root of $2S^2$) divided by 2. Since the area of the circle is πr^2 , the area of the circle will be $2\pi S^2/4$. For the Reock score we take the area of the district and then divide by the area of the circle, which simplifies to $2/\pi$, or approximately 0.637.

⁷The district at issue in *Miller* described above had a Convex Hull score of 0.472.

⁸It’s unsurprising that the answers from Polsby-Popper and Convex Hull scores are similar, as they are highly correlated ($\rho = 0.89$, for Alabama). This stands in contrast to Reock scores, which has weaker correlations with Polsby-Popper ($\rho = 0.363$, for Alabama) and Convex Hull ($\rho = 0.471$).

Figure 3: Illustration of Convex Hull Scores

(a) $C-H=0.506$ (Cooper Illus. 6, Dist. 1)(b) $C-H=0.932$ (Duchin Illus. B, Dist. 5)

Once again we can see how the more compact district fills a much larger percentage of the shape “rubber-banded” around the district, when compared to the percentage of the less-compact district using Convex Hull.

As with all of these attempts to quantify the notion of “compactness,” the Convex Hull score has its plusses and minuses. As a plus, it is likely impossible to ever draw a perfectly circular district (although circular cities do exist throughout the South), but square counties, townships and precincts do exist. It is therefore at least possible to draw a district with a Convex Hull score of 1 while adhering to traditional redistricting principles. At the same time, as is the case with Polsby-Popper scores, a badly distended district can score well on Convex Hull scores; imagine a largely rectangular district that spanned the entire Colorado/Wyoming border. There are no clear solutions here, only tradeoffs.

5.2 It is frequently difficult to opine with a reasonable degree of scientific certainty whether a district is “reasonably” compact or whether one map receives “unreasonably lower scores” or “unreasonable” scores.

In the interest of full disclosure, in a previous order this Court has criticized me for failing to address “what is reasonable or what is not reasonable in terms of compactness.” Injunction, Opinion, and Order, Sept. 5, 2023, at 151. I have reviewed the Court’s order, as well as the Court’s previous Preliminary Injunction, Memorandum Opinion and Order (Jan. 24, 2022), with attention paid to pages 157-165. I have also reviewed the reports of Dr. Duchin and Mr. Cooper, and have reviewed their opinions that their plans are “reasonably compact,” “within the normal range if you look at districts around the country,” or “significantly” more or less compact than a set of districts.

With the above definitions in mind, it should be more straightforward to understand why I’m reluctant to offer such an opinion: It’s unclear what the standard is to support that opinion. While there may be extreme cases where no reasonable expert would dispute that a district is compact (e.g. a district with a Reock score of 0.8) or that a district is substantially similar to another district (e.g., a difference in Convex Hull scores of 0.00001), there’s ultimately no clear way, at least from an expert perspective, to decide what percentage of a bounding circle a district must fill before it becomes reasonably compact. *See also* Cooper Report at 4 (“To be clear, there is no bright line rule as to what constitutes a sufficiently compact redistricting plan or district. There are many factors that a map drawer must take into account, such as odd-shaped precincts and jurisdictional lines, that can impact compactness.”). There isn’t a clear-cut way to say that a district that fills, say, 5% less of a circle with a similar perimeter is “unreasonably” less compact. I say this as someone who has drawn both *Gingles* demonstration districts and Court-ordered plans, who uses these tools routinely in work, and as someone who has testified in redistricting cases for almost a decade.

Dr. Duchin and Mr. Cooper offer a number of ways to try to do this, but they have problems and limitations as well. For example, Mr. Cooper compares the districts in Alabama to other districts in the country. I have performed similar, if more far-ranging, comparisons in my own expert work. The problem is that it must be done carefully. The reason is two-fold. First, as all experts seem to agree, state boundaries can constrain what is possible in terms of compactness. If we look at the collection of districts in the post-Baker world, we can pull out the 25 least compact districts and immediately identify problems unique to almost all of them (note that none of these have blocks for oceans inserted).

Many of these districts are drawn under severe geographic limitations. First, Hawaii dominates this list. This is unsurprising, as it has a relatively unique “ocean problem” that demands its districts have poor Reock scores. We also note California 5’s maps from the 88th (1963) and 93rd (1973) and 98th (1983) Congresses. This district was anchored in San Francisco, but includes the Farallon Islands, about 20 miles off the coast, as well as various islands in the San Francisco Bay. Florida’s 1st District contains the panhandle of Florida. Florida’s 22nd District from the 103rd Congress (1993) contains the Florida Keys. The other California districts on the list either include the Farallon Islands or part of the Channel Islands.

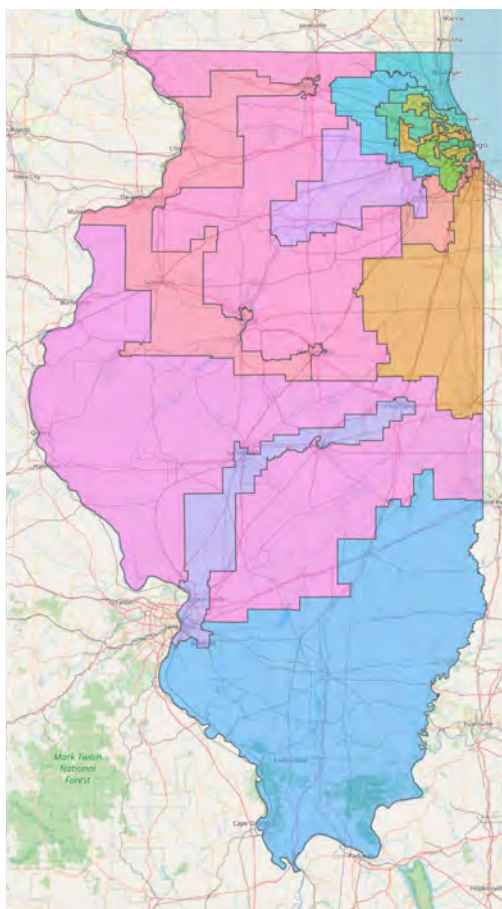
Additionally, using “all maps” passed in America as the benchmark ignores the fact that many maps that are purposely not reasonably configured, as they reflect political or racial gerrymanders, or the byproducts of such. North Carolina’s 12th District from the 103rd Congress, for example, was struck down as a racial gerrymander in *Shaw v. Reno*, 509 U.S. 630 (1993). Ohio’s 9th District from the 113th Congress (2013), nicknamed the “snake on the lake,” was a meandering district that was struck down by a federal court as being part of a political gerrymander that packed Democratic voters and, as described by Mr. Cooper, severed communities of interest. *Ohio A. Philip Randolph Inst. v. Householder* 367 F.Supp.3d 697 (S.D. Ohio 2019).

Mr. Cooper, of course, utilizes a more limited dataset of nationwide maps for

Figure 4: 25 Least Compact Districts Using Reock, 1972-2020.

State	District	Congress	Reock
Hawaii	1	92	0.000
Hawaii	1	98	0.000
Hawaii	2	108	0.003
Hawaii	2	103	0.003
Hawaii	2	113	0.003
Hawaii	0	86	0.003
California	5	88	0.009
California	5	93	0.015
Florida	1	98	0.015
Florida	18	108	0.016
California	5	98	0.021
Florida	22	103	0.031
North Carolina	12	103	0.040
Ohio	9	113	0.042
California	23	108	0.045
Hawaii	2	98	0.048
Hawaii	2	92	0.048
California	36	103	0.050
California	35	93	0.051
California	47	113	0.055
California	12	103	0.056
California	12	108	0.060
Florida	17	98	0.061
New York	20	93	0.067
North Carolina	12	113	0.070

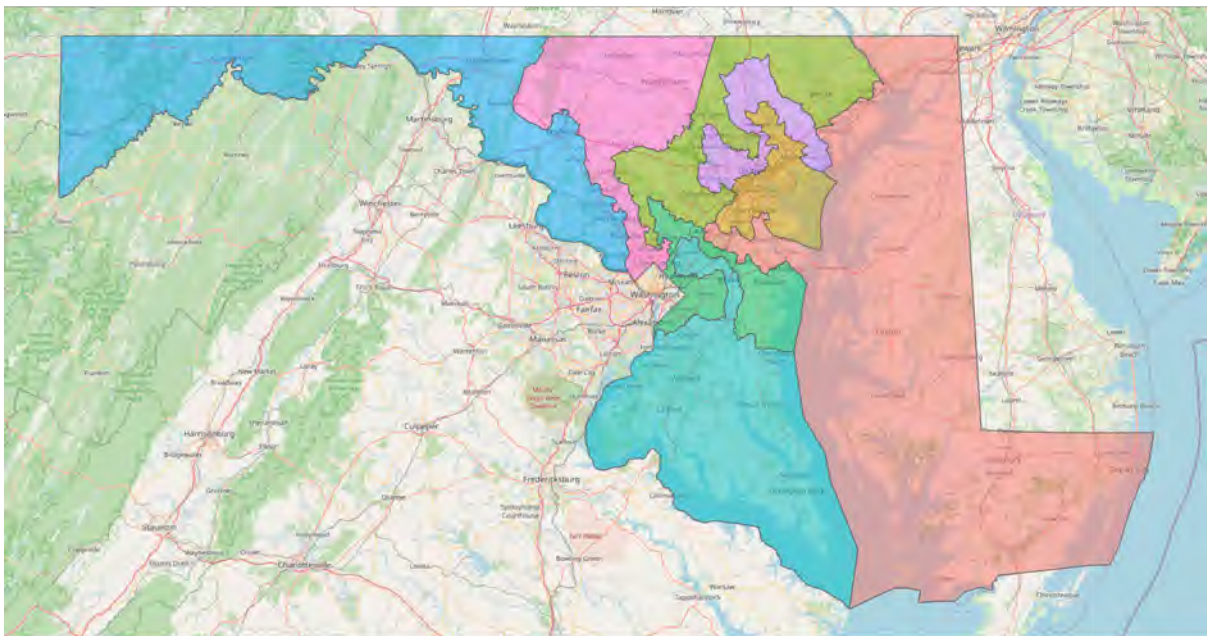
Figure 5: Illinois Congressional Districts, 2021-present



the 118th Congress (2023). This wouldn't avoid the above problems, as Hawaii is still an island. Moreover, when Mr. Cooper initially declared that his maps were within reasonable bounds for districts used in the United States, districts in places like Illinois and Maryland, which looked (and in the case of Illinois, still look) like the maps below, were used to help set the outer boundaries of reasonability.

In other words, by comparing maps to all maps enacted nationally, we inherently compare the maps drawn to maps that are either beset by geographic features not present in Alabama (New Hampshire's districts always score poorly on Reock scores, something constrained by the state's geography) or by districts that aren't reasonably configured/are gerrymanders. To be sure, if a district is more extreme than almost all of these districts, as Maryland's were in 2022 using the Polsby-Popper metric, it would likely be a useful

Figure 6: Maryland Congressional Districts, 2021-2022



insight that a court might use to inform its decision. But to prove that a map is reasonable using nationwide metrics is a fraught endeavor.

We might also compare the maps to maps passed within the state. This has always struck me as a bit odd, since these maps are often challenged as racial or political gerrymanders. Indeed, it is my understanding that the 2021 map at issue in the preliminary injunction phase of this map was challenged as a racial gerrymander. The Enacted Map here may have been drawn in part as a political effort to protect Republican officeholders in the state. Why would such a map be used to define “reasonably compact” for purposes of a federal law?

Regardless, this is a more promising approach, since it neutralizes the “geography issue.” The problem is that it often gives rise to the intractable problem of distinguishing whether an Illustrative Map that is less compact than the Enacted Map is “significantly” so. This runs into the Sorites Paradox⁹ argument that makes expert analysis here difficult: If a district that fills 1% less of its Minimum Bounding Circle than does the Enacted Map’s version is not “significantly” less compact, then why not 2%? Or 3%? And so forth. Again, we might have cases where no reasonable person would dispute that a difference is small.

To illustrate this problem further, using Mr. Cooper’s calculations, the Enacted Map has an average Polsby-Popper score of .28 and an average Reock score of .41. District 2’s Polsby-Popper is 0.37 and its Reock is .61.

Mr. Cooper’s Illustrative Plan 6, by contrast, has an average Polsby-Popper score of 0.16 and a Reock of 0.31, while his District 2 has a Polsby-Popper of 0.11 and a Reock of 0.29. See Cooper Report at 48.

⁹The Sorites Paradox is an ancient philosophical problem that runs something like this: 1,000,000 grains of sand is clearly a heap of sand. Removing one grain of sand does not alter that. Therefore, 999,999 grains of sand is also clearly a heap. The paradox is that if you repeat this reasoning over and over again, you’ll eventually conclude that a single grain of sand is a heap. Put differently, my hair may be thinning, but few would call me bald. Losing a single hair won’t change that. Extending that logic means that I can never be bald. We might definitionally claim that a person with no hair is by definition bald, but what if they have one hair? Most would still call that person bald. We can then work the paradox out in reverse as well, such that a full head of hair is bald. E.g., J.C. Beall & Mark Colyvan, “Heaps of Gluts and Hyde-ing the Sorites,” 110 *Mind* 401 (2001).

In other words, his districts, on average, fill up their minimum bounding circles about half as well as the Enacted Map does, and fill up circles with the same perimeters about 75% as well as the Enacted Map. His District 2 fills up its minimum bounding circle about 30% as well as Enacted District 2 and fills up its circle of the same perimeter about 47.5% as well as Enacted District 2. These strike me as obviously significant differences. But Mr. Cooper asserts that “the illustrative plans are generally in the same range of compactness” as the Enacted Map is without citation or authority. This seems absurd, and there’s nothing offered to rebut here except for his *ipse dixit*. But since gerrymandering is an inherently vague concept (as shown above), and because these mathematical measures ultimately just push the problem back a step, it’s difficult, to make that opinion under the strictures that Federal Courts have set up for expert testimony.

5.3 Population Compactness

Instead of focusing on the population of the district itself, we might also inquire as to the compactness of the population of the individuals in the district. Some courts have distinguished between the two for purposes of the Voting Rights Act. *E.g., Robinson v. Ardoin*, 37 F.4th 208, 218 (2022) (concluding that a district court erred – but did not commit clear error – by not focusing on district compactness, and also stating that “before explaining why, we should first relate the law governing *Gingles*’s compactness requirement. Importantly, that requirement relates to the compactness of the minority population in the proposed district, not the proposed district itself.”). *But see id.* at n.4 (calling the district’s compactness a “reasonable proxy” for the compactness of a minority group within the district but observing that this would be but one factor in the compactness inquiry). *Cf. Sensley v. Albritton*, 385 F.3d 591 (2004) (concluding that a district court’s finding that a map joining together distinct clusters of Black voters was not compact was not clearly erroneous).

I cite these cases not to direct the Court as to how it should rule – that is for

the lawyers to fight about and judges to decide – but rather to explain why I view this distinction as at least worth exploring as something that might “help the trier of fact to understand the evidence or to determine a fact in issue,” depending on how it rules on the legal matter.

To understand why population compactness can be different from district compactness, imagine a courtroom. These are often rectangular, and so will perform well on Convex Hull scoring. At the same time, the distribution of people within a courtroom can vary widely. You might have everyone clustered around a central table. This population would seem to be more compact than were everyone spread evenly throughout the courtroom, or perhaps clustered around the bench, table for counsel, and the audience gallery. We could even imagine people sorted into the four corners of the courtroom. In all of these circumstances, the compactness of the courtroom would be the same, but the compactness of the populations within would change.¹⁰

While Reock scores were the first compactness metric seriously explored in academic literature, the second compactness metric focused on the compactness of the population. The “moment of inertia measure” or MOI was introduced by in the 1960s. *See* James B. Weaver & Sidney W. Hess, “A Procedure for Nonpartisan Districting: Development of Computer Techniques,” 73 *The Yale Law Journal* 228, 297-300 (Dec. 1963) (describing the moment of inertia metric and its use in redistricting); Henry F. Kaiser, “An Objective Method for Establishing Legislative Districts,” 10 *Midwest Jrnl. Pol. Sci.* 200 (1966) (providing a lengthy mathematical description of the moment of inertia as applied to redistricting); S.W. Hess, et al, “Nonpartisan Political Redistricting by Computer,” 13 *Op. Rsrch.* 998, 999 (1965). It borrows from physics to define population compactness as the average squared distance of the individuals in the district from their center of mass. Put differently, if everyone is clustered around the table, everyone would

¹⁰In terms of spatial statistics, district compactness is an areal unit problem, while population compactness deals with a point process. *See* Noel Cressie, *Statistics for Spatial Data* 577 (1993) (describing point processes). Because people in a room are discrete, unconnected dots, they don’t really have an area or perimeter. They therefore require different units of measurement. *See also* Besag et al., “Bayesian Image Restoration, with Two Applications in Spatial Statistics,” 43 *Brit. J. of Pol. Sci.* 1 (1991) (developing a model specific for areal units).

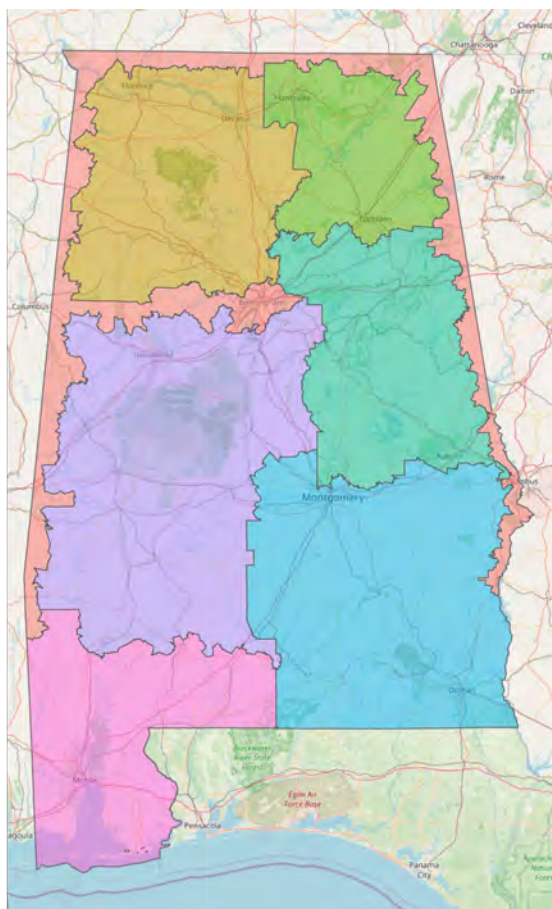
be very close to the center of the group, and the MOI score would be relatively small. On the other hand, if people all take three equal steps back in opposing directions, the center of mass would stay the same, but the individuals' distances from that center would all increase. The MOI would then increase. This is consistent with a notion that people clustered around a single point are a compact mass, but people who are more dispersed are less so.

The MOI was the more widely used technique in the early days of peer-reviewed studies of gerrymandering and redistricting but began to fall by the wayside as other district compactness metrics were proposed and as computing them became more attainable with computers.

This leaves population compactness metrics under-developed. I have used the MOI in previous litigation for a narrow purpose: To determine, within an Illustrative Plan with districts with higher BVAPs, which of the thousands of possible combinations of Black residents that might give rise to a majority Black population within the Illustrative District is the *most* compact combination. That subsection would then be analyzed, rather than the population of the district as a whole.

Here, there's little reason for such analysis, since the BVAPs in the proposed district 2s are pretty close to 50% BVAP; any such minimal grouping will traverse most of the district. The problem, though, is that there's even less way to evaluate or interpret the MOIs than for the district compactness metrics. We can't compare to Enacted Maps, because the whole point of VRA litigation is that Enacted Maps lack a sufficient number of districts with high BVAPs. Moreover, unlike district compactness, I'm unaware of any state constitution that requires population compactness as a metric. State districts might have grotesquely dispersed populations because state lawmakers aren't required to pay attention to this metric, except insofar as they are following the VRA. There is much work that has to be done in this area if courts are serious about population compactness and the VRA, but for now an eyeball test has to suffice. Fortunately, such tests are performed with a fair amount of regularity in redistricting and VRA litigation.

Figure 7: Maryland Congressional Districts, 2021-2022



5.4 The Problem with Plan-Wide Averages.

Finally, before diving deeper into the analysis, a word on plan-wide averages is in order. Both Mr. Cooper and Dr. Duchin rely on these averages. I have relied on them as well in my own analysis; they are not inherently untrustworthy. At the same time, in the context of Gingles Prong 1, there are two interrelated problems. The first is that Gingles calls for district-specific analyses rather than plan-wide analyses. Second, an average can be gamed. By this I mean that one can draw a badly non-compact district and make up for it by drawing compact districts elsewhere. Consider the following “toy” example:

Obviously, this is using an extreme example to illustrate a broader point; we will explore more concrete examples of this technique later on. But this map features a district that skirts the perimeter of the state on three sides, with an arm jutting into

Birmingham. Needless to say, it is not terribly compact, although somewhat surprisingly, it would not fall among the 25 least compact districts in recent U.S. history using Reock scores (Reock = 0.082). The rest of the districts, however, are extremely compact, leaving an average compactness for the map of 0.47. This is higher than the average compactness of any of the demonstration districts or enacted plans. The mean Polsby-Popper score of 0.198 is higher than that of Mr. Cooper's maps 1-3 and 6, and is equal to Map 5. The mean Convex Hull score of 0.715 is higher than the mean score produced by any of Mr. Cooper's maps except for map 4.

Again, the point is not to suggest that Mr. Cooper or Dr. Duchin drew districts comparable to the example here; they did not. It simply demonstrates the dangers of relying upon averages. The scores of the individual districts aren't afterthoughts, they are a key portion of the inquiry.

6 Analysis of District Compactness

6.1 Alabama's Congressional maps have never connected Mobile with Montgomery, Dothan or Phenix City.

As discussed above, the Appendix to this report contains maps of every Alabama redistricting plan dating back to the state's readmission post-Civil War. The districts have been drawn by Republicans, Democrats, and Republicans again. They've been drawn during the pre-Jim Crow years, during Jim Crow, and in post-Jim Crow years. One thing that they have not done during this time is to connect Mobile with Montgomery, Dothan or Phenix City. Indeed, the last time Montgomery and Mobile were in a district together was 1830, when the state had just three Congressional Districts. See Martis at 71-93. The same is true for Mobile and what is now Dothan.¹¹ The area where Phenix City now stands was not in any congressional map at that point, as this was still

¹¹Dothan itself was not yet incorporated in 1830, although there was a fort with a small town nearby. <https://www.dothan.org/474/About-Dothan>.

considered territory held by indigenous populations. See Martis at 71.

6.2 The districts in the Illustrative Maps are less compact than those in the Enacted Map.

As a threshold matter, the Illustrative Maps are all less compact than the Enacted Map. This is true both of Dr. Duchin’s maps and Mr. Cooper’s maps. Since these map sets raise somewhat different issues, I will address them separately. This section will focus mostly on aggregate measures of compactness. The remaining sections will focus on individual districts.

6.2.1 Mr. Cooper’s maps.

Mr. Cooper proffers, to date, eight illustrative maps that purport to demonstrate that two reasonably compact 50%+1 districts can be drawn. These districts employ a variety of configurations, particularly for District 7. But Districts 1 and 2 are all variations on a theme. District 1 is laid flat, and runs the length of the state’s southern border, connecting Mobile with Dothan. District 2 is layered on top of this district, connecting Mobile with Montgomery. In some iterations (1, 2, 4 and 8), District 2 traverses the state completely, with the first two maps pulling Phenix City into the district.

Two maps in particular deserve attention. While many of the other maps do have relatively smooth boundaries, District 2 in Cooper Map 2 plainly contains “arms” and “inlets,” reaching over to grab Montgomery, Dothan and Mobile. As we’ll see in Part VII, these arms and inlets serve to pull in the Black populations in these dispersed cities at the expense of traditional criteria.

Likewise, Cooper Map 6 includes an ungainly tail that hooks through a string of heavily white precincts, oftentimes only a single precinct wide, before turning back and scooping up the heavily Black portion of Mobile. This “tail” is unlike anything ever included in an Alabama map before.

Figure 8: Cooper Illustrative Map 2

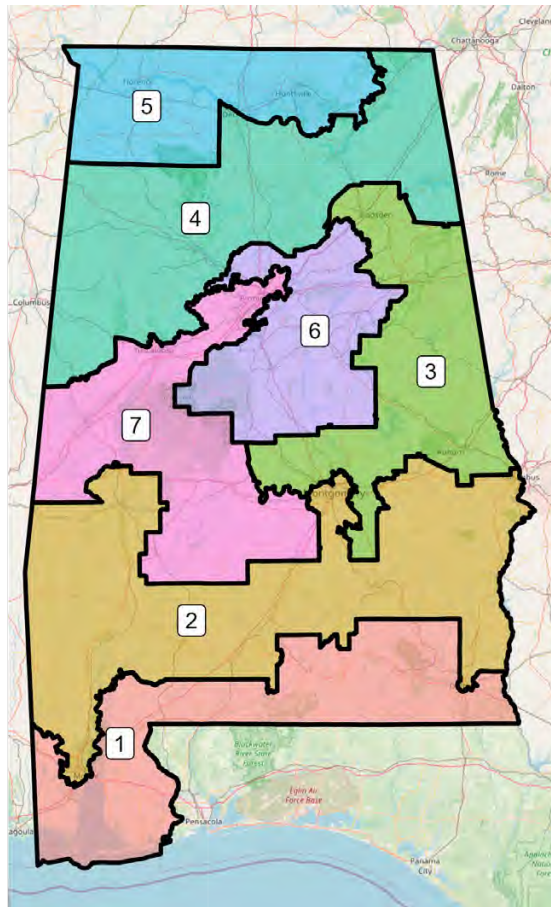


Figure 9: Cooper Illustrative Map 6

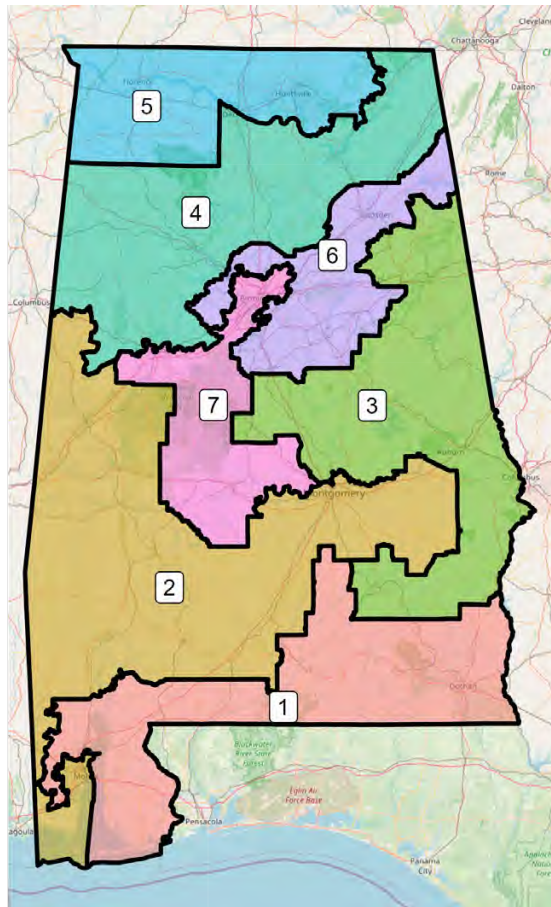


Figure 10: Average Reock Scores, Cooper Illustrative Districts and other 2020s maps

Author	Map	Reock
Alabama	2023	0.4112
Cooper	7	0.4001
Alabama	2021	0.3888
Special Master	2023	0.3468
Cooper	8	0.3334
Cooper	2	0.3274
Cooper	4	0.3246
Cooper	3	0.3236
Cooper	1	0.3204
Cooper	6	0.3061
Cooper	5	0.2826

Regardless, the following table depicts the average Reock score for the various Cooper maps, the Enacted Map, the 2021 map, and the Special Master's map.

Subject to the caveats in Part V.B., Cooper 7 has a Reock score that appears similar to that of the Enacted Map; more on that later. The remaining Cooper maps, however, fill between 18 to 30% less of their Minimum Bounding Circles, on average, than the Enacted Map. That is a substantial difference in my experience, one that the eye can readily detect comparing the Enacted Map with, say, Cooper 5, using Appendix B

Likewise, the Enacted Map is more compact than all of Mr. Cooper's proposed maps using Polsby-Popper. The differences here are more stark, with the districts in Mr. Cooper's most compact map filling, on average, 24% less of their respective circles with the same perimeters than the Enacted Map. For the least compact version of Mr. Cooper's plans, the districts fill about 44% less of the circles. Again, there are no magic cutoff points to enable someone to state that the differences are meaningful, but filling

Figure 11: Average Polsby-Popper Scores, Cooper Illustrative Districts and other 2020s maps

Author	Map	Polsby-Popper
Alabama	2023	0.2817
Special Master	2023	0.2352
Alabama	2021	0.2221
Cooper	4	0.2142
Cooper	7	0.2113
Cooper	8	0.2001
Cooper	5	0.1829
Cooper	3	0.1827
Cooper	1	0.1800
Cooper	2	0.1755
Cooper	6	0.1585

nearly twice as much of the relevant circle seems like an obviously significant difference.

Finally, using the Convex Hull scores, all of Mr. Cooper's maps are again less compact than the Enacted Map. Convex Hull scores are typically higher than Reock scores and much higher than Polsby-Popper scores, in part because squarish or rectangular building blocks are more common than are portions of circles. Regardless, Maps 4 and 7 seem similar on this metric, while the others fall around 10% or more behind the Enacted Map.

To provide context, the map struck down in *Miller v. Georgia* had mean Reock scores of 0.347, mean Polsby-Popper scores of 0.158, and mean Convex Hull scores of 0.689.

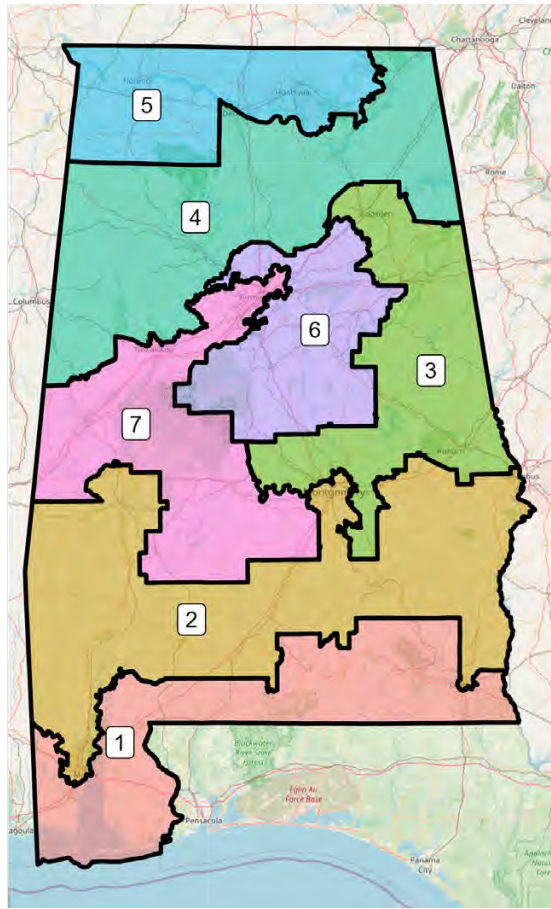
Cooper's Map 7 seems the closest to the 2023 map overall. How does it score well? It isn't by drawing more compact majority-minority districts or handling the inevitable consequences of that map particularly well. As we'll see below, Districts 1 and 2 are still low-compactness districts by Alabama standards. Instead, it achieves a relatively high

Figure 12: Average Convex Hull Scores, Cooper Illustrative Districts and other 2020s maps

Author	Map	Convex Hull
Alabama	2023	0.7514
Cooper	4	0.7240
Alabama	2021	0.7159
Cooper	7	0.7122
Special Master	2023	0.7055
Cooper	3	0.6828
Cooper	8	0.6780
Cooper	5	0.6699
Cooper	1	0.6639
Cooper	2	0.6515
Cooper	6	0.6375

level of compactness overall by drawing two box-like districts in northern Alabama, far from where any concerns about the Voting Rights Act are triggered at the Congressional level.

Figure 13: Cooper Illustrative Map 7



The following table shows the Reock, Polsby-Popper, and Convex Hull scores for Map 7.

Figure 14: Scores for Individual Districts in Cooper Map 7

District	Reock	Polsby-Popper	Convex Hull
1	0.1864	0.1329	0.5760
2	0.3746	0.1925	0.7241
3	0.3804	0.1704	0.6770
4	0.5976	0.3231	0.8175
5	0.4258	0.3864	0.8231
6	0.4762	0.1444	0.7745
7	0.3596	0.1292	0.5934

As you can see, the scores for districts 4 and 5 are consistently higher than those for districts 1 and 2. In the case of Polsby-Popper, the Polsby-Popper score for District 5 is over 3 times the score for District 1. In short, the higher overall compactness score for the map derives from clever map-drawing unrelated to the alleged VRA violation. This illustrates the issue with relying upon averages, albeit certainly to a lesser degree than the extreme example above.

As an additional note, Alabama has drawn a district along the Northern border of the state in every map since the 45th Congress (1877) and has had two districts running roughly parallel across the north in every map since the 89th Congress (1964). These roughly cover the Cumberland Plateau and Highland Rim portions of the state. In other words, Cooper's Map 7 improves its average scores by breaking up longstanding districts in the northern portion of the state, creating a districting arrangement here not seen since shortly after the Civil War.

These maps are less compact on average than the Enacted Map, in many cases substantially so, to the extent that such factors are quantifiable.

6.2.2 Dr. Duchin's Maps

Dr. Duchin's maps fare better. The following three tables present the average Reock, Polsby-Popper and Convex Hull scores for Dr. Duchin's maps.

Figure 15: Average Reock Scores, Duchin Illustrative Districts and other 2020s maps

Author	Map	Reock
Alabama	2023	0.4112
Alabama	2021	0.3888
Duchin	d	0.3841
Duchin	a	0.3629
Duchin	b	0.3581
Duchin	e	0.3476
Special Master	2023	0.3468
Duchin	c	0.3347

Figure 16: Average Polsby-Popper Scores, Duchin Illustrative Districts and other 2020s maps

Author	Map	Polsby-Popper
Duchin	b	0.2824
Alabama	2023	0.2817
Duchin	e	0.2728
Duchin	a	0.2564
Duchin	c	0.2553
Duchin	d	0.2492
Special Master	2023	0.2352
Alabama	2021	0.2221

Figure 17: Average Convex Hull Scores, Duchin Illustrative Districts and other 2020s maps

Author	Map	Convex Hull
Duchin	b	0.7563
Duchin	c	0.7524
Duchin	a	0.7515
Alabama	2023	0.7514
Duchin	d	0.7422
Alabama	2021	0.7159
Duchin	e	0.7097
Special Master	2023	0.7055

In terms of Reock scores, Dr. Duchin's maps are less compact than the Enacted Map. Using Polsby-Popper, Map B is more compact than the Enacted Map, while using Convex Hull maps A, B and C are more compact than the Enacted Map.

Once again, however, these maps achieve their relatively strong scores through careful line drawing in the northern portion of the state. Maps A, B, C and D all offset the decline in compactness created by the actual VRA line-drawing in the south by creating box-like districts in Northern Alabama. As noted above, such a configuration last occurred 150 years ago in the state. More importantly, this is utterly detached from any need to draw actual VRA-compliant districts and seem to function solely as a compactness offset. Consider Map B:

Figure 18: Duchin Map B Summary

District	Reock	Polsby-Popper	Convex Hull
1	0.1848	0.1559	0.5789
2	0.3107	0.1857	0.6662
3	0.3064	0.2271	0.6709
4	0.4513	0.3956	0.8689
5	0.4831	0.5313	0.9321
6	0.4483	0.2483	0.8039
7	0.3220	0.2326	0.7729

The Polsby-Popper score in District 5 is almost five times higher than that of District 1 – a district created as a by-product of the VRA-drawn District 2. District 5 is almost a perfect polygon, with one of the highest Convex Hull scores I believe I’ve seen. District 4 is not far behind. These approach being twice as high as the Convex Hull score for District 1 – and remember, Convex Hull scores skew toward the higher end of the possible distribution. The effect of this is to boost the average score of the map overall, while still drawing historically non-compact districts in the southern portion of the state.

Map E is something of a different story. It produces versions of Districts 4 and 5 that are almost identical to the versions contained within the Special Master Map and Enacted 2023 Map, and versions of District 1 and 2 that are largely the same as the Special Master Map; some minor adjustments to District 2 push it back over 50% BVAP. The largest changes come to Districts 6 and 7, which are smoothed out and made more compact. The Polsby-Popper scores in particular are improved as a result of this movement vis-a-vis the Special Master’s Map.

In addition, Dr. Duchin splits almost every precinct on the boundary of Districts 6 and 7 in Jefferson County in an apparent effort to smooth out the district boundary here. The Special Master Map upon which her map is based splits two precincts here; she splits 21 (including a 3-way split of one precinct). In the following map the dotted line

reflects the boundary between Districts 6 and 7 in southeastern Jefferson County (where the map splits the county). Since it is a light dotted line, when the boundary follows precinct borders it blends into those solid borders and disappears. The fact that you can trace the district boundary almost entirely across Jefferson County shows the large number of split precincts here. To put this in perspective, the Enacted Map splits 11 precincts total while the Special Master Map also splits 11. Dr. Duchin Map E exceeds this in Jefferson County alone; overall it splits 73 precincts.

6.2.3 National Comparison

Finally, I have collected the Reock, Polsby-Popper and Convex Hull scores for all current states with at least three Congressional Districts, and excluding Louisiana (which has a district that has been declared a racial gerrymander).

It does not appear that these districts are within normal ranges for this cycle, particularly not Mr. Cooper's. The 25 least compact maps by Reock, Polsby-Popper and Convex Hull are reported below

As to Reock scores, Mr. Cooper's maps are in poor company. The only map that is more extreme than his maps 1, 5 or 6 is Illinois, an obvious gerrymander. The only other map more extreme than 3 or 4 is Texas, which I maintain is a political gerrymander and Dr. Duchin maintains is a racial gerrymander. A court declared Kentucky's map to be a gerrymander before declaring the matter non-justiciable. There are also a host of maps with poor geography for Reock scores such as Maryland (panhandle), Massachusetts, and Tennessee (which is presently being challenged as a racial gerrymander). California is probably the only reasonable map less compact than Duchin E. Duchin A, B and D fare better, but they have problems described above and below.

Polsby-Popper scores produce a similar cast of characters with similar problems. The Supreme Court recently noted that South Carolina is a political gerrymander; Georgia has not yet been challenged, but most political analysts would likely argue its convoluted boundaries are not the result of detached map drawing. North Carolina is currently

Figure 19: District 6/7 Boundary in Jefferson County, Laid Over Precinct Boundaries

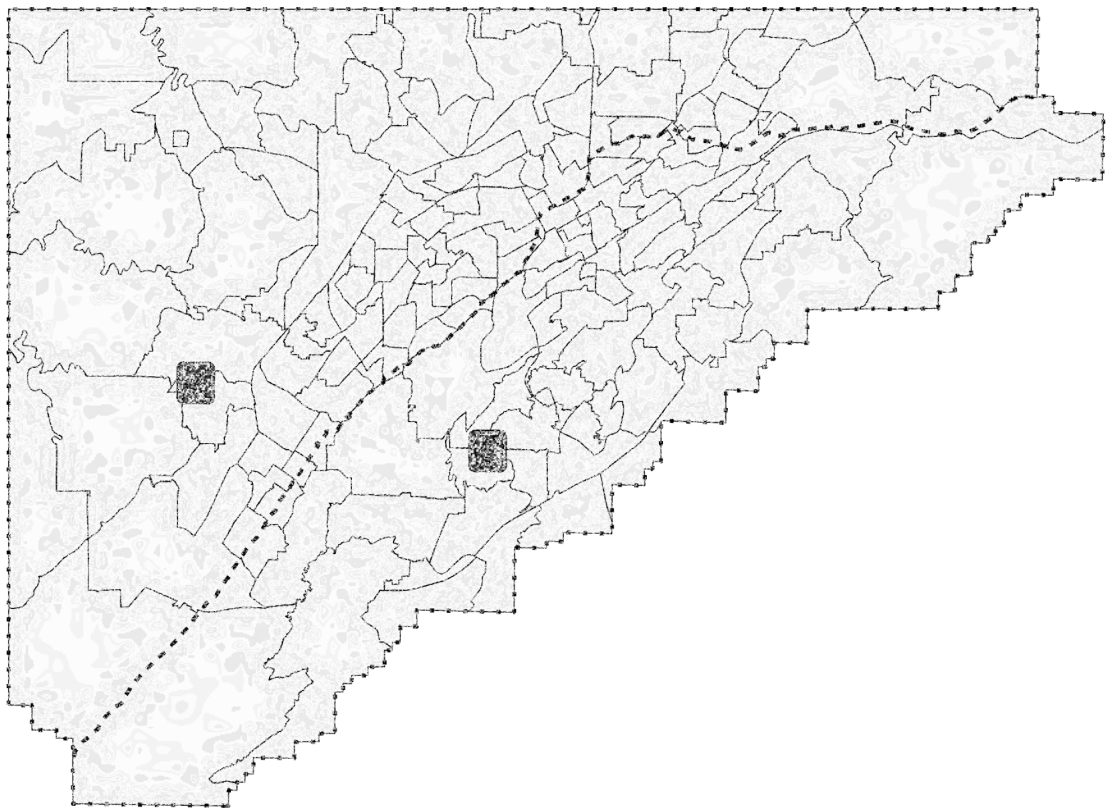


Figure 20: Reock Scores, Current National Maps and Illustrative Maps

State	Reock
IL	0.2712
Cooper-5	0.2826
Cooper-6	0.3061
Cooper-1	0.3204
TX	0.3215
Cooper-3	0.3236
Cooper-4	0.3246
MD	0.3249
Cooper-2	0.3274
Cooper-8	0.3334
Duchin-c	0.3347
KY	0.3376
MA	0.3383
TN	0.3419
CA	0.3443
Special Master-2023	0.3468
Duchin-e	0.3476
NE	0.3498
Duchin-b	0.3581
NJ	0.3584
SC	0.3614
Duchin-a	0.3629
Alabama-108	0.3660
NM	0.3683
MI	0.3758

Figure 21: Polsby-Popper Scores, Current National Maps and Illustrative Maps

State	Polsby-Popper
IL	0.1489
Cooper-6	0.1585
Cooper-2	0.1755
Alabama-108	0.1792
Cooper-1	0.1800
Cooper-3	0.1827
Cooper-5	0.1829
TX	0.1911
Alabama-113	0.1924
Alabama-103	0.1989
Cooper-8	0.2001
TN	0.2072
Cooper-7	0.2113
CA	0.2125
NJ	0.2137
Cooper-4	0.2142
SC	0.2188
MA	0.2189
Alabama-2021	0.2221
Special Master-2023	0.2352
KY	0.2436
GA	0.2445
Duchin-d	0.2492
NC	0.2505
Duchin-c	0.2553

being challenged as both a political and a racial gerrymander, and was adopted in response to a court ruling that political gerrymandering claims were non-justiciable.

Figure 22: Convex Hull Scores, Current National Maps and Illustrative Maps

State	Convex Hull
IL	0.5679
Cooper-6	0.6375
Cooper-2	0.6515
TX	0.6575
Cooper-1	0.6639
NJ	0.6654
MA	0.6692
Cooper-5	0.6699
Cooper-8	0.6780
Cooper-3	0.6828
CA	0.6909
KY	0.6938
MD	0.6965
Alabama-113	0.6998
Alabama-103	0.7052
Special Master-2023	0.7055
Duchin-e	0.7097
TN	0.7105
Cooper-7	0.7122
NC	0.7154
Alabama-2021	0.7159
Alabama-108	0.7178
Cooper-4	0.7240
NM	0.7298
CT	0.7377

Convex Hull scores are more of the same. The New Mexico map was found by a

court to have been drawn with partisan intent (but not with partisan effect).

Again, I believe these types of comparisons have their limitations. But it is difficult to see how these maps could be considered within the normal range of maps in the United States. At best, they fall into the range of maps that have been found to be, or almost unanimously considered to be, political and/or racial gerrymanders.

6.3 The Illustrative Maps include districts that are among the least compact drawn in recent Alabama History.

Focusing on the individual districts further illustrates how non-compact these districts are. We can again break our analysis down between Dr. Duchin's districts and Mr. Cooper's.

6.3.1 Mr. Cooper's Districts

As discussed above, Mr. Cooper asserts that his districts are "clearly within the normal range for compactness as compared to congressional plans nationwide." This at least has some support, even if he is comparing his districts to those found in maps with radically different geometries and to those found in maps that are aggressively gerrymandered.

To account for these differences, I've narrowed the focus to districts drawn in Alabama, using the post-1972 Alabama District Set described above. We can compute Reock, Polsby-Popper and Convex Hull scores for all of these districts and see how Mr. Cooper's districts compare. Thus, all of these maps will at the very least have the same geographic hurdles to overcome and will have the same amount of coastline to contend with.

Using Reock scores, Mr. Cooper's districts do not fare well, particularly among the districts most heavily influenced by the attempt to draw two majority-minority districts. Because District 2 in all of these configurations stretches down almost to the southern

boundary of the map (but not quite), it largely forces the configuration of District 1. In cases where it traverses the map entirely, it completely forces the configuration of District One.

The following table shows the 25 least-compact districts using Reock score. As you can see, these “left-over” districts comprised of the areas left over in an attempt to draw a second majority-minority district are grotesquely configured by Alabama standards. All Mr. Cooper’s eight District 1’s are among the least compact districts drawn recently in the state, with the Map 5 version being the least compact district drawn (using Reock to measure compactness). Only District 5 from the 113th Congress (2013), which stretched across the top of the state as it has for over a hundred years, is in competition. Only eight districts drawn by the Alabama legislature in the past 50 years make the list.

All of Cooper’s versions of District 2 itself are likewise less compact than any version of District 2 (which has been the number of the Montgomery-based district since at least the Civil War) since the state went to seven districts in 1972.

Pivoting to Polsby-Popper scores, Cooper’s districts continue to dominate the list of least-compact districts in the past 50 years. This includes several of his actual VRA Illustrative districts (2 and 7).

His District 2 variations are likewise the least compact Montgomery-based districts in the past 50 years. In some cases, the scores are half those of the least compact District 2 Alabama’s legislature drew (in 2013) in the past 50 years.

Using Convex Hull is more of the same. Cooper Map 6, District 1 is non-compact, with Map 5, District 1 not far behind. Map 5, District 1 appears on all three lists; there is a decent argument that it is the least compact district drawn in Alabama at least since the state went to 7 districts. Only three districts drawn by the Alabama legislature in the past 50 years appear on this list.

Cooper’s version of District 2 is likewise less compact using Convex Hull than any version of District 2 since the state went to seven districts in 1972. Map 3’s variant is probably comparable to those drawn for 1992, 2012 and 2022, and 2002.

Figure 23: Twenty-Five Least Compact Districts in Alabama Since 1972, Reock

Author	Map	District	Reock
Cooper	5	1	0.1709
Alabama	113	5	0.1823
Cooper	3	1	0.1847
Cooper	4	1	0.1847
Cooper	7	1	0.1864
Cooper	2	1	0.1875
Cooper	1	1	0.1875
Cooper	8	1	0.1896
Special Master	2023	1	0.1915
Special Master	2023	2	0.2047
Cooper	6	1	0.2119
Alabama	103	5	0.2181
Alabama	108	5	0.2217
Cooper	5	7	0.2268
Alabama	98	5	0.2461
Alabama	93	5	0.2461
Alabama	2021	5	0.2484
Alabama	98	4	0.2705
Cooper	1	4	0.2706
Cooper	2	4	0.2706
Cooper	4	4	0.2739
Cooper	5	4	0.2744
Cooper	6	6	0.2754
Alabama	93	4	0.2780
Cooper	1	5	0.2802

Figure 24: Cooper's District 2, compared to other District 2 variants, Reock

Author	Map	District	Reock
Special Master	2023	2	0.2047
Cooper	2	2	0.2826
Cooper	6	2	0.2939
Cooper	8	2	0.3003
Cooper	1	2	0.3023
Cooper	4	2	0.3260
Cooper	5	2	0.3641
Cooper	3	2	0.3651
Cooper	7	2	0.3746
Alabama	93	2	0.4513
Alabama	98	2	0.4513
Alabama	103	2	0.4698
Alabama	113	2	0.4713
Alabama	2021	2	0.4834
Alabama	108	2	0.4873
Alabama	2023	2	0.5830

Figure 25: Twenty-Five Least Compact Districts in Alabama Since 1972, Reock

Author	Map	District	Polsby-Popper
Cooper	6	6	0.0985
Cooper	6	7	0.1052
Alabama	108	7	0.1087
Cooper	6	2	0.1101
Cooper	5	7	0.1124
Alabama	108	6	0.1132
Alabama	103	7	0.1133
Cooper	2	2	0.1151
Cooper	6	1	0.1174
Cooper	8	2	0.1237
Cooper	3	4	0.1237
Cooper	2	7	0.1263
Cooper	5	1	0.1269
Cooper	8	7	0.1270
Cooper	7	7	0.1292
Cooper	3	6	0.1299
Alabama	113	7	0.1313
Cooper	4	6	0.1315
Cooper	5	6	0.1321
Cooper	7	1	0.1329
Cooper	1	7	0.1339
Cooper	2	1	0.1359
Alabama	103	6	0.1374
Alabama	113	6	0.1376
Alabama	108	1	0.1386

Figure 26: Cooper's District 2, compared to other District 2 variants, Polsby-Popper

Author	Map	District	Polsby Popper
Cooper	6	2	0.1101
Cooper	2	2	0.1151
Cooper	8	2	0.1237
Cooper	1	2	0.1387
Special Master	2023	2	0.1411
Cooper	4	2	0.1794
Cooper	7	2	0.1925
Cooper	5	2	0.1941
Cooper	3	2	0.2167
Alabama	113	2	0.2237
Alabama	103	2	0.2309
Alabama	2021	2	0.2566
Alabama	108	2	0.2689
Alabama	2023	2	0.3682
Alabama	98	2	0.3913
Alabama	93	2	0.3913

Figure 27: Twenty-Five Least Compact Districts in Alabama Since 1972, Convex Hull

Author	Map	District	Convex Hull
Cooper	6	1	0.5061
Cooper	5	1	0.5287
Cooper	2	3	0.5567
Cooper	6	7	0.5575
Cooper	2	2	0.5629
Cooper	2	1	0.5644
Cooper	1	1	0.5645
Cooper	1	3	0.5686
Cooper	6	2	0.5745
Cooper	7	1	0.5760
Cooper	3	4	0.5793
Cooper	3	1	0.5827
Cooper	4	1	0.5827
Alabama	103	7	0.5840
Cooper	7	7	0.5934
Cooper	8	1	0.5939
Special Master	2023	1	0.5948
Cooper	8	2	0.5994
Special Master	2023	2	0.6047
Cooper	2	7	0.6055
Cooper	8	4	0.6106
Special Master	2023	4	0.6106
Alabama	2023	4	0.6106
Cooper	1	2	0.6111
Alabama	2021	4	0.6125

Figure 28: Cooper's District 2, compared to other District 2 variants, Convex Hull

Author	Map	District	Conv. Hull
Cooper	2	2	0.5629
Cooper	6	2	0.5745
Cooper	8	2	0.5994
Special Master	2023	2	0.6047
Cooper	1	2	0.6111
Cooper	5	2	0.6994
Cooper	4	2	0.7018
Cooper	7	2	0.7241
Cooper	3	2	0.7402
Alabama	103	2	0.7408
Alabama	113	2	0.7425
Alabama	2021	2	0.7580
Alabama	108	2	0.7683
Alabama	2023	2	0.8467
Alabama	98	2	0.8590
Alabama	93	2	0.8590

6.3.2 Dr. Duchin's Districts

Dr. Duchin's Districts suffer from similar problems. As with Mr. Cooper's maps, her version of District 2 are the least compact versions of that district using Reock, Polsby-Popper, or Convex Hull scoring since Alabama went to seven districts in 1972.

Using Reock scores, her versions of District 1 are among the least compact districts drawn in the state. Her versions of District 2 in maps c and e are likewise among the least compact districts drawn in the state. Only one and three districts drawn by the state are less compact; all of those are variants of the District 5 that has run across the top of the state since the 1800s.

Using Polsby-Popper scores her districts look a bit better, though they still dominate the list.

Finally, using Convex Hull scores her District 1 variants are less compact than anything drawn in Alabama in recent years. Map E District 2 is the least compact district in recent times using the Convex Hull score. Only nine districts drawn by the Alabama legislature for the seven maps it enacted during this time period appear on this list.

7 The Illustrative Districts are not compact overall.

Mr. Cooper stated that “there is no bright line rule as to what constitutes a sufficiently compact redistricting plan or district.” ¶4. This is true, and it makes it difficult to give the Court the answer it wants: that the districts are or are not reasonably compact overall. The substantial wiggle room is what allows Mr. Cooper to declare a map whose average Polsby-Popper score is half that of the Enacted Map is “generally in the same range of compactness.” Cooper Report ¶112.

But no matter how these maps are looked at, the districts that are drawn are not compact, at least by Alabama standards. If we use the map compactness means – which are problematic measures since they look at the maps as a whole rather than

The Illustrative Districts are not compact overall. — 50

Figure 29: Twenty-Five Least Compact Districts in Alabama Since 1972, Reock

Author	Map	District	Reock
Alabama	113	5	0.1823
Duchin	b	1	0.1848
Duchin	c	1	0.1848
Duchin	e	1	0.1885
Duchin	d	1	0.1897
Special Master	2023	1	0.1915
Duchin	a	1	0.1916
Special Master	2023	2	0.2047
Duchin	c	2	0.2128
Alabama	103	5	0.2181
Alabama	108	5	0.2217
Duchin	e	2	0.2232
Alabama	98	5	0.2461
Alabama	93	5	0.2461
Alabama	2021	5	0.2484
Alabama	98	4	0.2705
Duchin	a	6	0.2764
Alabama	93	4	0.2780
Alabama	2023	1	0.2852
Alabama	103	4	0.2898
Alabama	108	4	0.2903
Duchin	d	6	0.2962
Duchin	c	7	0.3029
Duchin	a	2	0.3039
Duchin	d	2	0.3052

The Illustrative Districts are not compact overall. — 51

Figure 30: Twenty-Five Least Compact Districts in Alabama Since 1972, Polsby-Popper

Author	Map	District	Polsby-Popper
Alabama	108	7	0.1087
Alabama	108	6	0.1132
Alabama	103	7	0.1133
Duchin	a	1	0.1289
Alabama	113	7	0.1313
Duchin	d	1	0.1316
Alabama	103	6	0.1374
Alabama	113	6	0.1376
Alabama	108	1	0.1386
Special Master	2023	2	0.1411
Duchin	c	2	0.1489
Special Master	2023	1	0.1523
Duchin	d	2	0.1524
Duchin	e	2	0.1534
Alabama	2021	6	0.1542
Duchin	b	1	0.1559
Duchin	c	1	0.1559
Duchin	e	1	0.1561
Duchin	a	2	0.1606
Alabama	113	i	0.1622
Duchin	c	6	0.1737
Alabama	108	4	0.1751
Alabama	113	4	0.1829
Duchin	c	7	0.1835
Alabama	2023	6	0.1848

The Illustrative Districts are not compact overall. — 52

Figure 31: Twenty-Five Least Compact Districts in Alabama Since 1972, Convex Hull

Author	Map	District	Convex Hull
Duchin	e	2	0.5496
Duchin	d	1	0.5667
Duchin	a	1	0.5725
Duchin	e	1	0.5779
Duchin	b	1	0.5789
Duchin	c	1	0.5789
Alabama	103	7	0.5840
Special Master	2023	1	0.5948
Special Master	2023	2	0.6047
Special Master	2023	4	0.6106
Alabama	2023	4	0.6106
Alabama	2021	4	0.6125
Alabama	113	7	0.6215
Duchin	d	2	0.6217
Alabama	113	4	0.6226
Duchin	e	4	0.6265
Alabama	93	4	0.6343
Duchin	a	2	0.6400
Alabama	108	7	0.6472
Alabama	2023	1	0.6488
Alabama	103	4	0.6591
Alabama	98	4	0.6637
Duchin	b	2	0.6662
Duchin	d	6	0.6670
Duchin	b	3	0.6709

The State Board of Education Districts are not to the contrary. — 53

individual districts – the maps are generally less compact than the Enacted Map, at times significantly so. Yet those times when they are more compact on average than the Enacted Map are usually due to careful line drawing in the Northern portion of the state, far from where the alleged VRA violation occurs. At times it is because of a decision to smooth out district lines by splitting VTDs at high rates (as we shall see, doing so along racial lines in the process). In other words, all of those instances come with asterisks.

More importantly, when we focus on the districts that are reconfigured to create the second majority-minority district – 1 and 2 – we consistently see districts with unusually low compactness. Using Reock scoring, the resulting District 1s are typically the least compact districts drawn in Alabama in recent years, and often ever. Polsby-Popper and Convex Hull are a bit of a mixed bag, but even then, the districts along the Alabama/Florida boundary are among the least compact in Alabama history. The actual VRA district offered – District 2 – is typically the least compact Montgomery-based district drawn in the last 50 years, often by substantial margins.

When we add in the fact that these maps utilize combinations of metropolitan areas that haven't been used in Alabama in 190 years, to the extent we can draw any conclusion about relative compactness, it would have to be that these districts are not reasonably compact.

8 The State Board of Education Districts are not to the contrary.

I have also been asked to review the history of the State Board of Education districts that Plaintiffs point to as evidence that Montgomery and Mobile can be linked in the same district. First, as noted above, this configuration does not appear to have occurred in congressional districts since the 1830s. It appears to be a one-off configuration in Alabama.

Second, this district appears to have a unique history that is not necessarily based

The State Board of Education Districts are not to the contrary. — 54

upon any expression of a common interest between Montgomery and Mobile. Instead, its history appears to be based upon the existence and understanding of what section 5 of the VRA required pre-*Shelby County* and *Alabama Black Legislative Caucus*, and inertia. I have reviewed the pre-clearance submissions for 2000 and 2010 (obviously there is no 2020 pre-clearance submission), and relevant attachments here.

These maps grew out of the 1996 *Sahag v. Mitchell* case. See 2002 Preclearance Submission. The initial *Sahag* maps created two Black majority districts out of the 8 SBOE districts in effect at the time. *Id.* The boundaries were as follows (county boundaries are depicted with blue dashed lines):

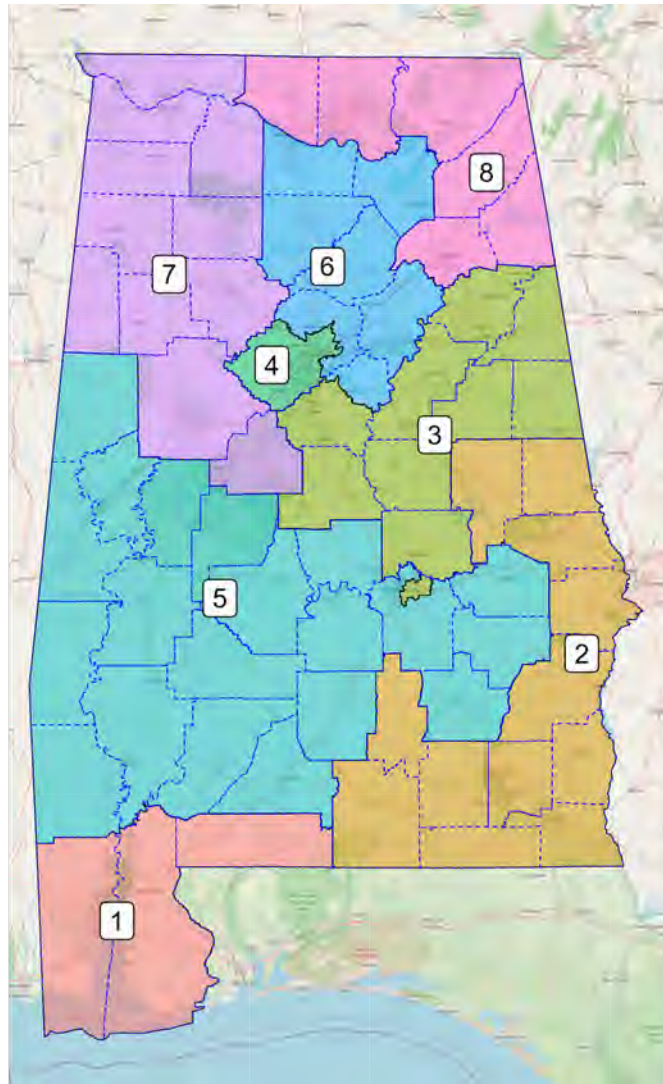
In 2002, the maps were updated to slightly increase the Black population and the BVAPs. The eventual submission to DOJ expressed concerns about avoiding retrogression under section 5 of the Voting Rights Act, which applied to the state of Alabama vis-à-vis section 4 of that Act. This map did not extend into Mobile, but rather connected Montgomery with other Black Belt counties. The Fourth District's presence in Jefferson County was reduced, and the district was pushed into Bibb and Hale Counties. The Fifth was mostly otherwise unchanged, but took on a bit more of Montgomery County.

By 2011, these districts had become underpopulated once again. The population of Alabama after the 2010 census was 4,779,736. See <https://www2.census.gov/library/publications/2012/dec/cph-1-2.pdf>. The ideal district population for an eight-member delegation was therefore 597,467. The two Black majority districts – 4 and 5 – were underpopulated by around 87,000 and 82,000 individuals, respectively. At the time, Section 5's anti-retrogression provisions were still in effect. Alabama (wrongly) believed that section 5 required districts be maintained at roughly the same BVAP to avoid a retrogression claim. Alabama Black Legislative Caucus, and in any event, these districts were only marginally majority BVAP (unlike the districts at issue in Alabama Black Legislative Caucus). District 4 was 51.7% BVAP, while District 5 was 54.7% BVAP (note that the legislature was using Black Alone as their measure of BVAP).

This left the legislature with few options. As you can see from the accompanying

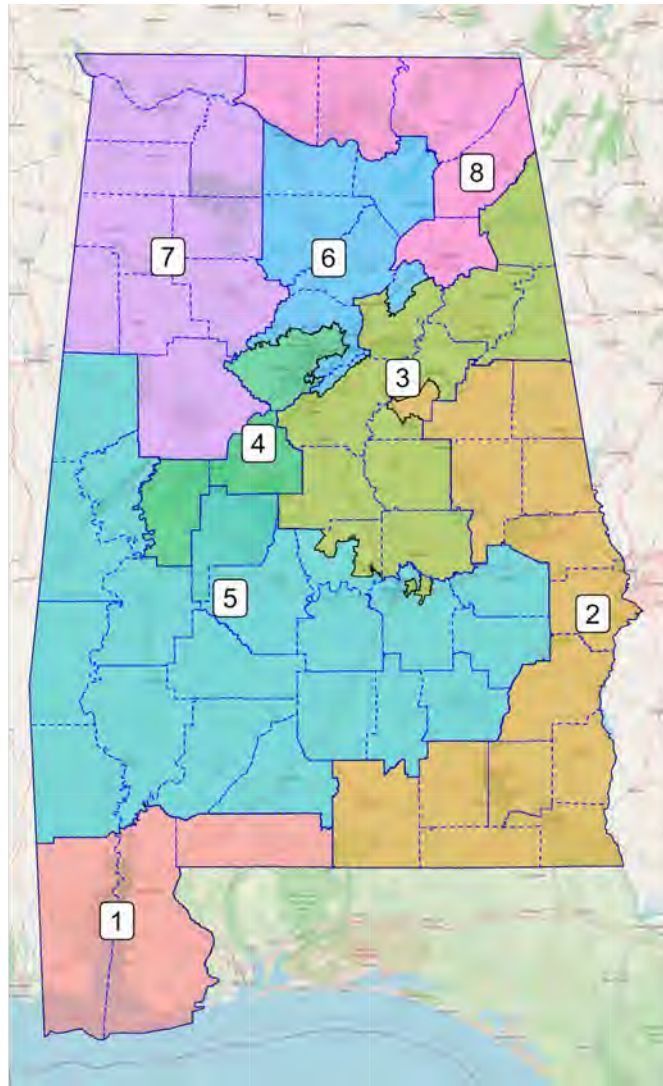
The State Board of Education Districts are not to the contrary. — 55

Figure 32: *Sahag* SBOE Map



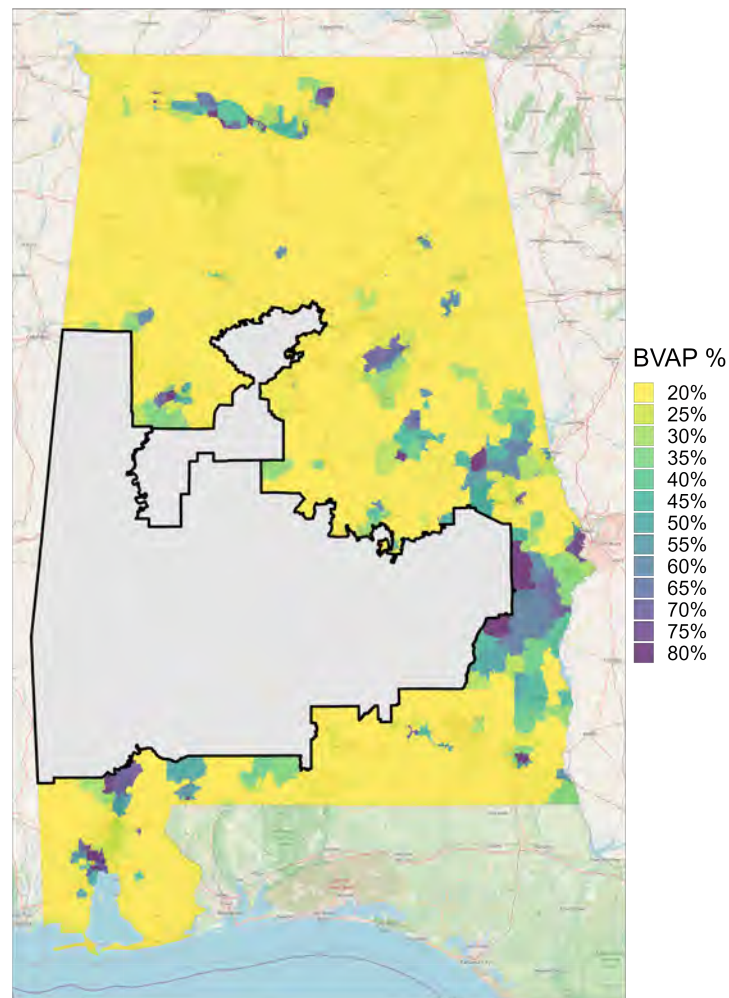
The State Board of Education Districts are not to the contrary. — 56

Figure 33: 2000s SBOE Map



The State Board of Education Districts are not to the contrary. — 57

Figure 34: Precincts in AL, by 2010 BVAP, with 2000-era SBOE Districts 4 (top) and 5 (bottom) shaded out.



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map, there were very few areas of Black voting strength left near District 4, which meant it would have to push further into District 5 to maintain Black voting strength. Here, SBOE Districts 4 (top) and 5 (bottom) are shaded, to illustrate what the BVAPs in neighboring areas not already included in the districts were.

This is exactly what happened. District 5 took Tuscaloosa County from District 7 and Greene County (80.5% BVAP according to the 2010 census) from District 4. It also gained Pickens County (38.4% BVAP in 2010) from District 4. These changes, along with changes in the Jefferson County area, raised the population of District 5 while keeping

The State Board of Education Districts are not to the contrary. — 58

the BVAP above 50%, but it left District 4 even more underpopulated. Once the changes to District 4 were implemented, its population would have been reduced to 486,052. Its BVAP was fairly robust, at 54.9%, but it needed to gain 111,415 residents to achieve ideal population; it needed to gain 81,542 residents to achieve the extreme lower bound for population compliance. If these residents were pulled from heavily White areas, the BVAPs would plummet.

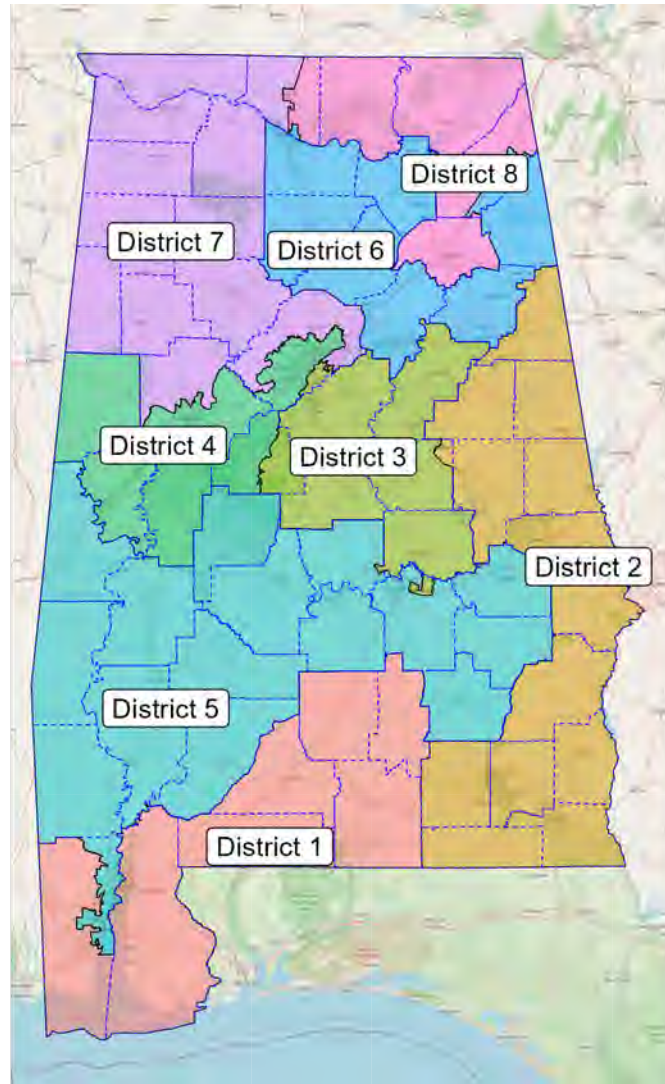
Here, the district was hemmed in by geographic *and* racial constraints. There were very few concentrations of Black Americans to the north. There were heavy concentrations to the East, but pushing in that direction would mean cutting District 2 in half, and there was not enough population to support two full districts in what remained. That left the legislature with one option: Pushing south. This is what the legislature did by adding the Black population in Mobile. There isn't any evidence in the submissions or contemporary news accounts that people thought this made sense; in fact, contemporary news accounts suggest that this move was controversial in Mobile. *See* 2012 Preclearance Submission, Exhibit I. It was done because the district had nowhere else to go under contemporary understandings of the VRA. The result was this:

The resulting maps carved out Black majority areas in and around District 4 and 5:

By 2020, the districts were malapportioned once again, though not to the same degree as after the 2010 census. District 8 was 6.6% over the ideal population, District 1 was 4.2% above, and Districts 2 and 3 were between 2 and 3% above. District 4 was 3% below the ideal and District 5 was 10.2% below the ideal. Ultimately, fewer than a million residents were moved around, which given the movement of whole counties, is reasonable. The lines were smoothed out a bit. The result is that Districts 1, 2, 4 and 8 retained over 90% of their previous cores, while 3 retained more than 80% of its core. The remaining districts retained over 70% of their cores. The resulting map looked like this, once again carefully carving out Black precincts in the Montgomery, Mobile and Birmingham areas:

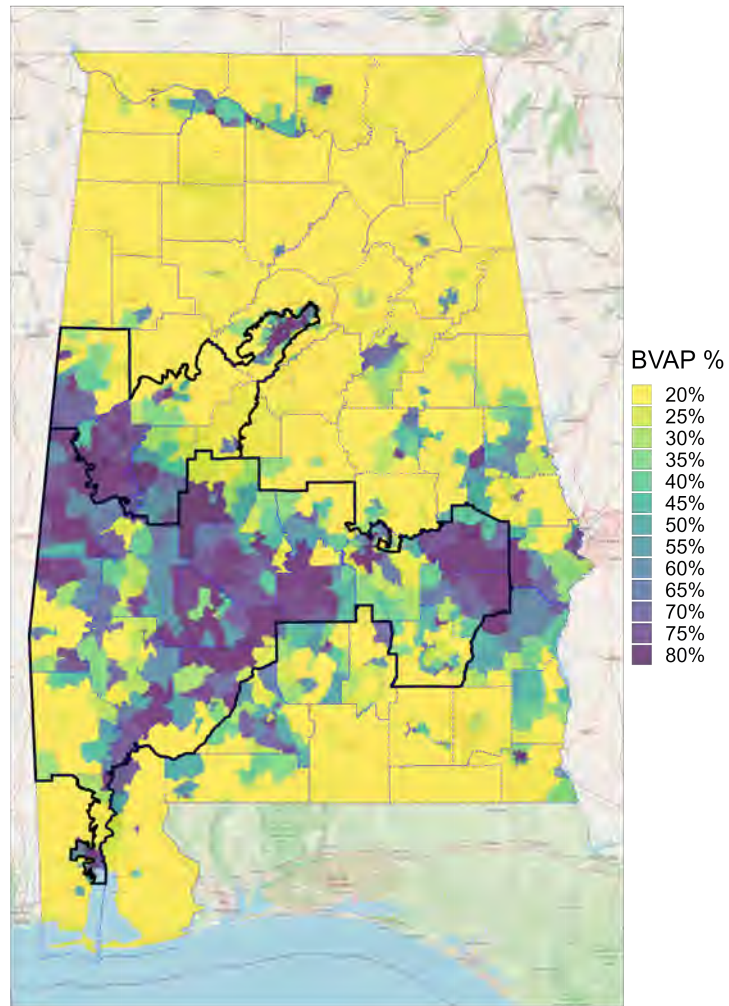
The State Board of Education Districts are not to the contrary. — 59

Figure 35: 2010s SBOE Map



The State Board of Education Districts are not to the contrary. — 60

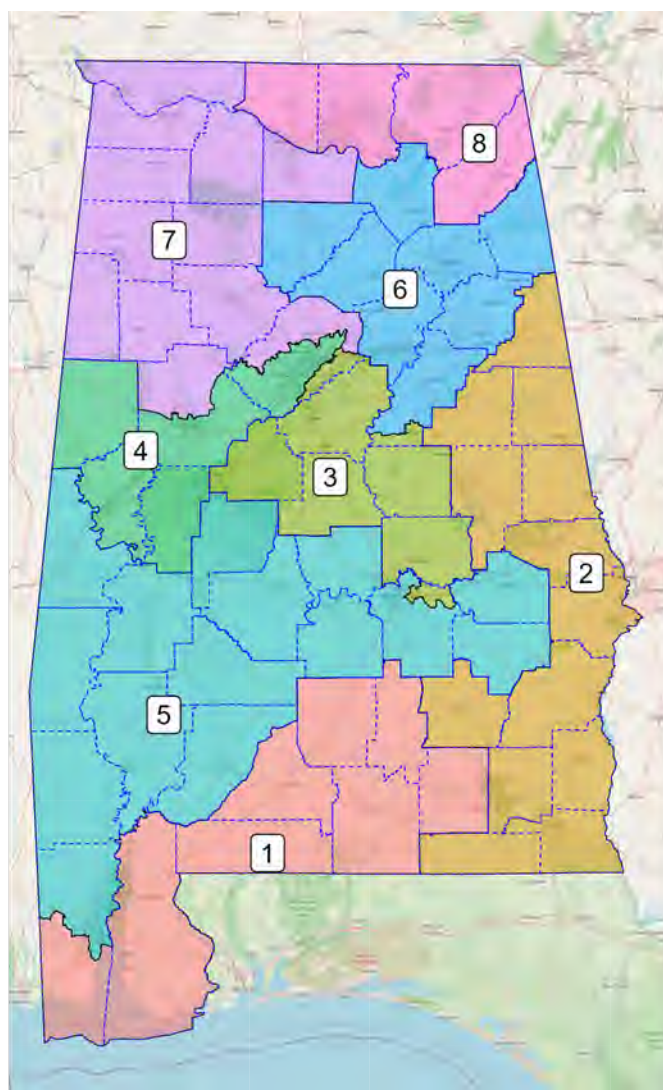
Figure 36: SBOE District 4 (Top) and 5 (Bottom), overlaid on 2010s BVAPs



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The Illustrative Maps carefully carve out Black populations when splitting counties. — 61

Figure 37: 2020s SBOE Map



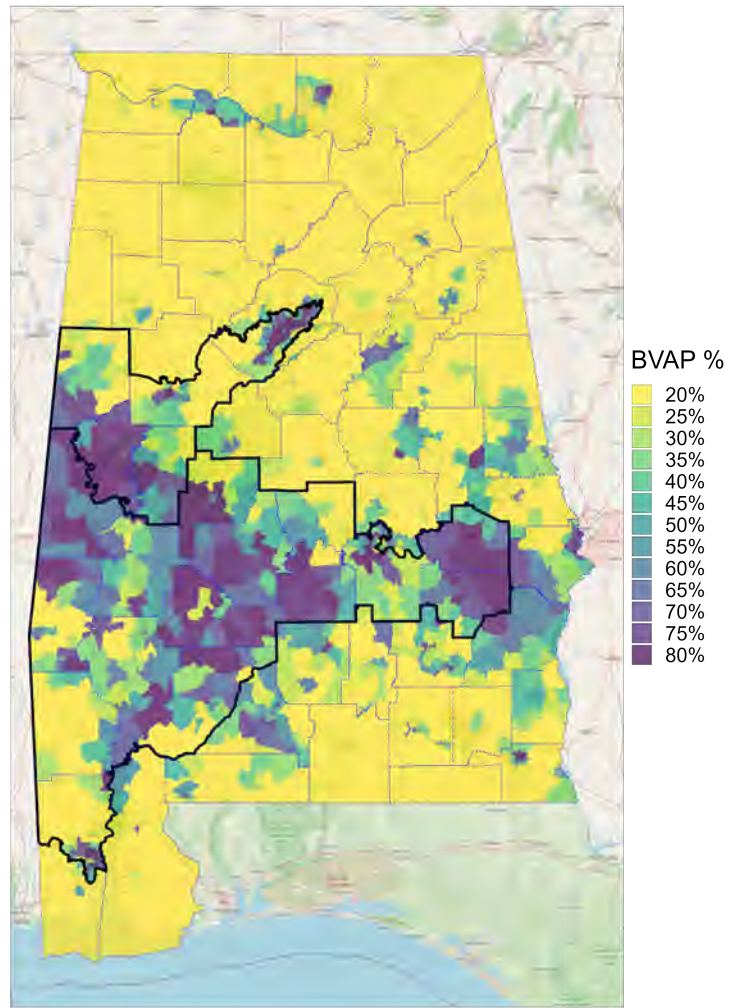
9 The Illustrative Maps carefully carve out Black populations when splitting counties.

Returning to the Illustrative Maps, when the maps *do* split counties between an Illustrative majority-minority district and a non-VRA district¹², they typically do so on racial lines. For example, consider the ways in which Mr. Cooper's maps split up Jefferson

¹²as between two majority-minority districts, these splits are typically occurring in heavily Black areas

The Illustrative Maps carefully carve out Black populations when splitting counties. — 62

Figure 38: SBOE District 4 (Top) and 5 (Bottom), overlaid on 2020s BVAPs

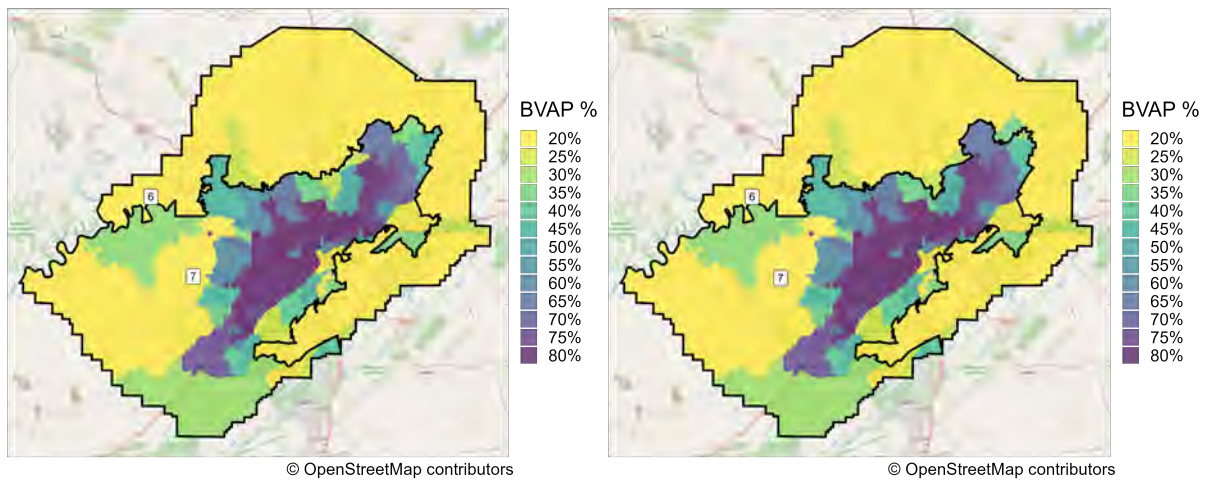


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The Illustrative Maps carefully carve out Black populations when splitting counties. — 63

County. The following group of four maps represents Cooper Maps 1 – 4. As you can see, regardless of the district configuration, the district is carefully drawn to cut through Jefferson County and sort precincts by race. Occasionally a precinct with a BVAP in excess of 20% is allowed to slip out of District 7 and into 6, but those occasions are rare.

Figure 39: Cooper Splits of Jefferson County, AL

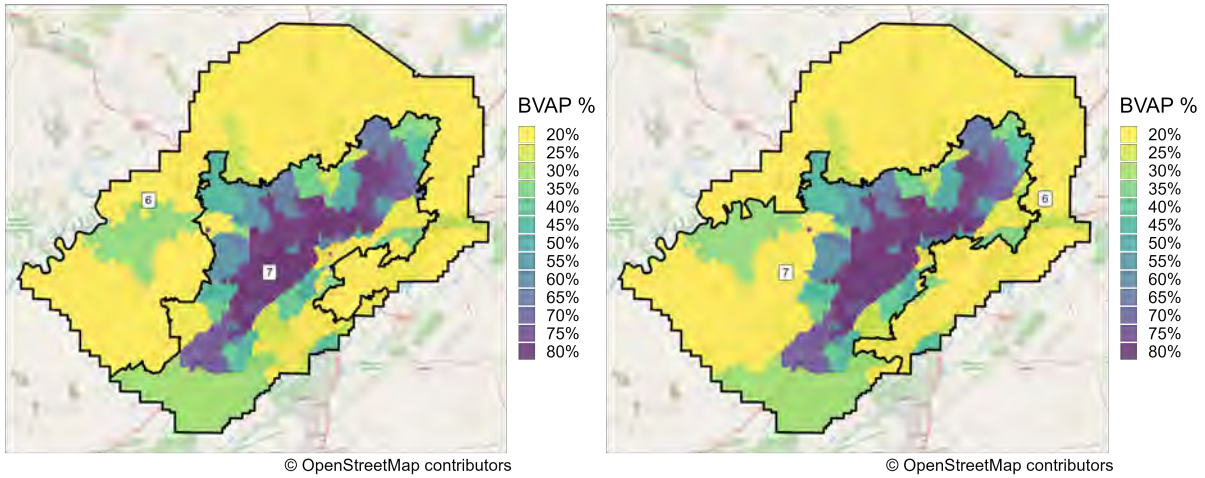


(a) Cooper Map 1, Jefferson County

(b) Cooper Map 2, Jefferson County

The Illustrative Maps carefully carve out Black populations when splitting counties. — 64

Figure 40: Cooper Splits of Jefferson County, AL

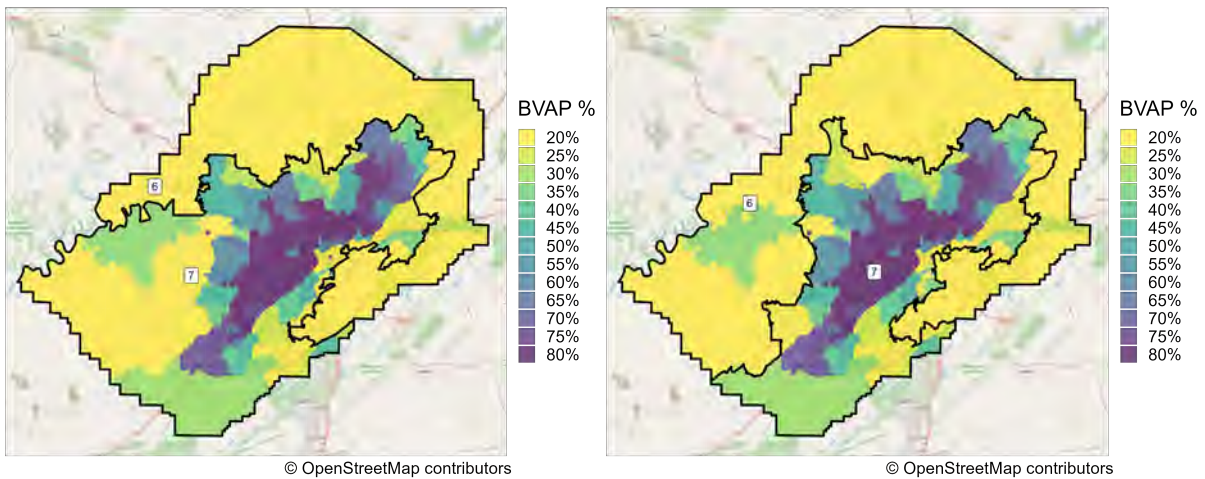


(a) Cooper Map 3, Jefferson County

(b) Cooper Map 4, Jefferson County

The same holds true for Maps 5 – 8.

Figure 41: Cooper Splits of Jefferson County, AL

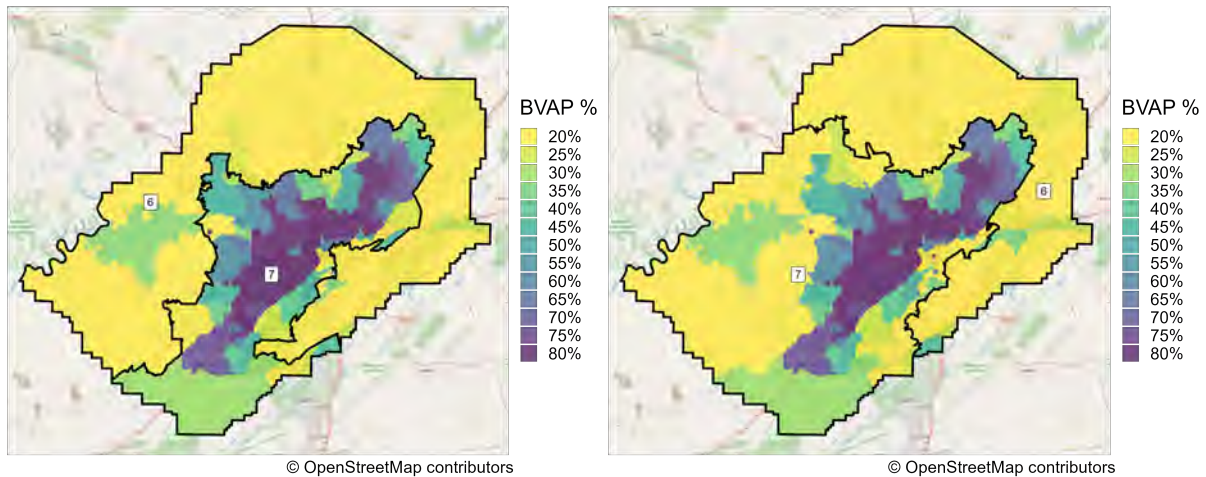


(a) Cooper Map 5, Jefferson County

(b) Cooper Map 6, Jefferson County

The Illustrative Maps carefully carve out Black populations when splitting counties. — 65

Figure 42: Cooper Splits of Jefferson County, AL



(a) Cooper Map 7, Jefferson County

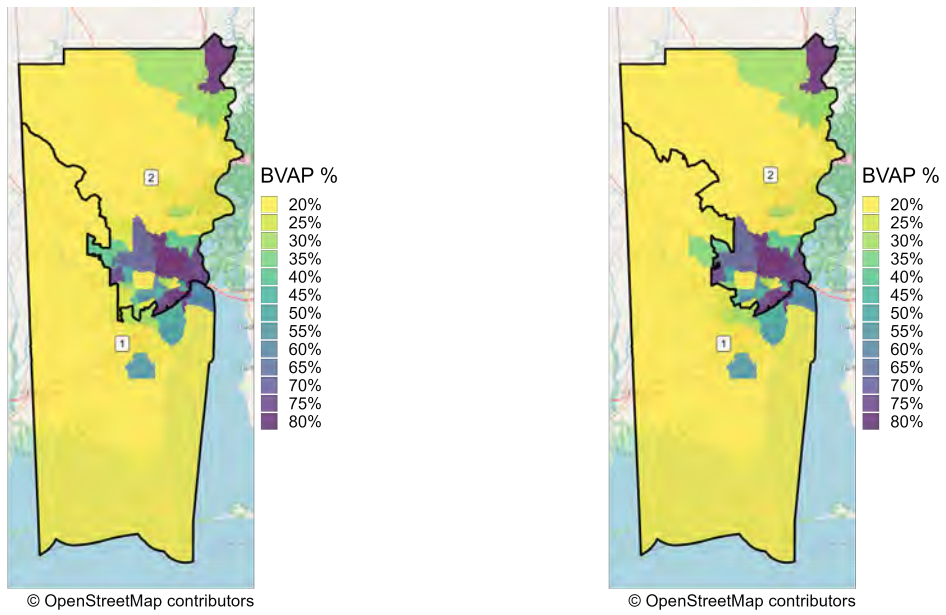
(b) Cooper Map 8, Jefferson County

Regardless of the district configuration, the boundary between District 6 and 7 in Jefferson County hews closely to racial boundaries in Jefferson County in all of Mr. Cooper's maps.

The same is true in Mobile County for Map 1-4, which splits the county carefully along racial lines:

The Illustrative Maps carefully carve out Black populations when splitting counties. — 66

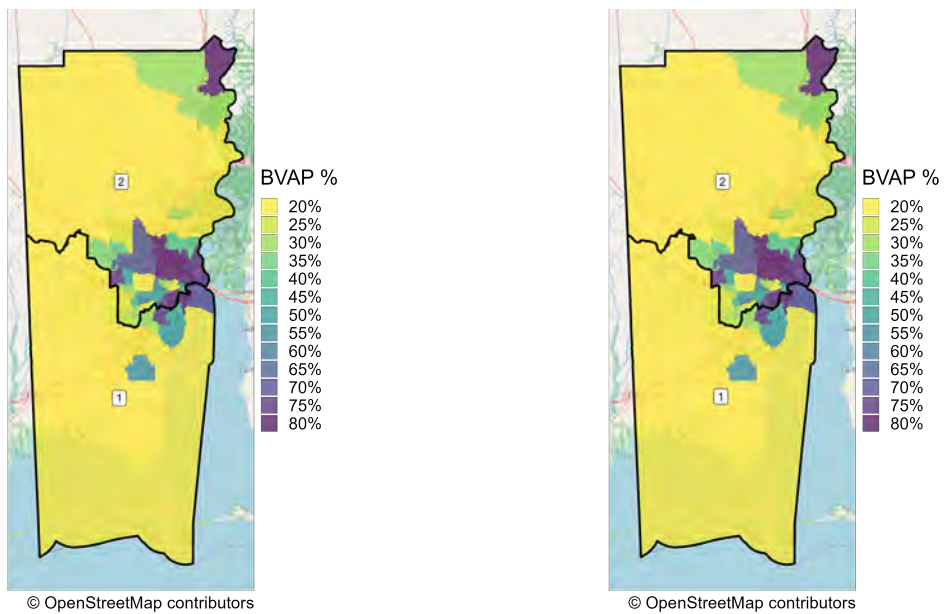
Figure 43: Cooper Splits of Mobile County, AL



(a) Cooper Map 1, Mobile County

(b) Cooper Map 2, Mobile County

Figure 44: Cooper Splits of Mobile County, AL



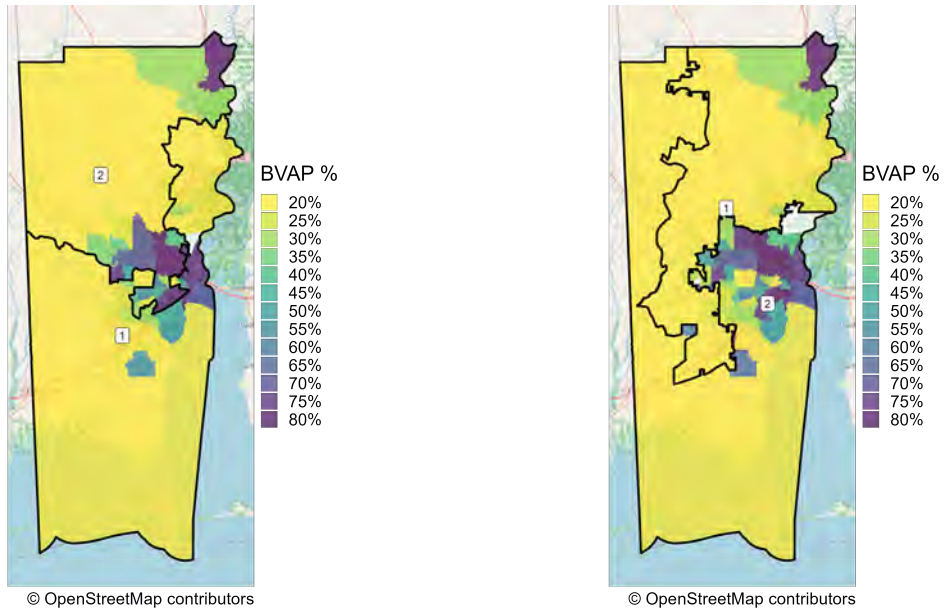
(a) Cooper Map 3, Mobile County

(b) Cooper Map 4, Mobile County

The Illustrative Maps carefully carve out Black populations when splitting counties. — 67

As is also the case for Maps 5-8. Maps 6 and 7 are particularly aggressive along these lines:

Figure 45: Cooper Splits of Mobile County, AL

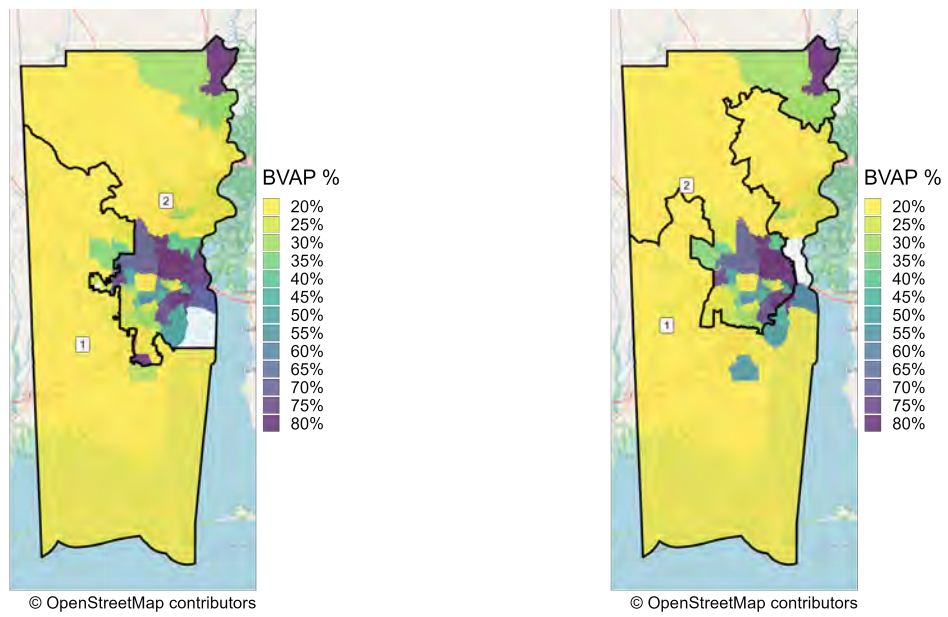


(a) Cooper Map 5, Mobile County

(b) Cooper Map 6, Mobile County

The Illustrative Maps carefully carve out Black populations when splitting counties. — 68

Figure 46: Cooper Splits of Mobile County, AL



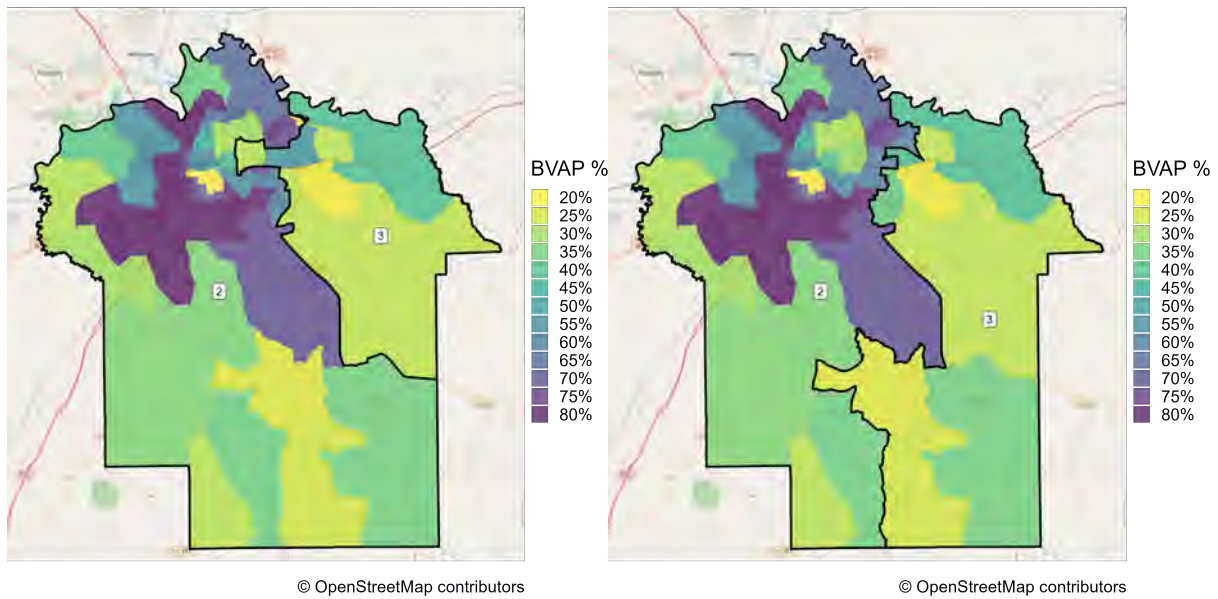
(a) Cooper Map 7, Mobile County

(b) Cooper Map 8, Mobile County

Finally, Cooper's maps occasionally split Montgomery County, Houston County, and Pickens County. When they do so, they do so along racial lines.

The Illustrative Maps carefully carve out Black populations when splitting counties. — 69

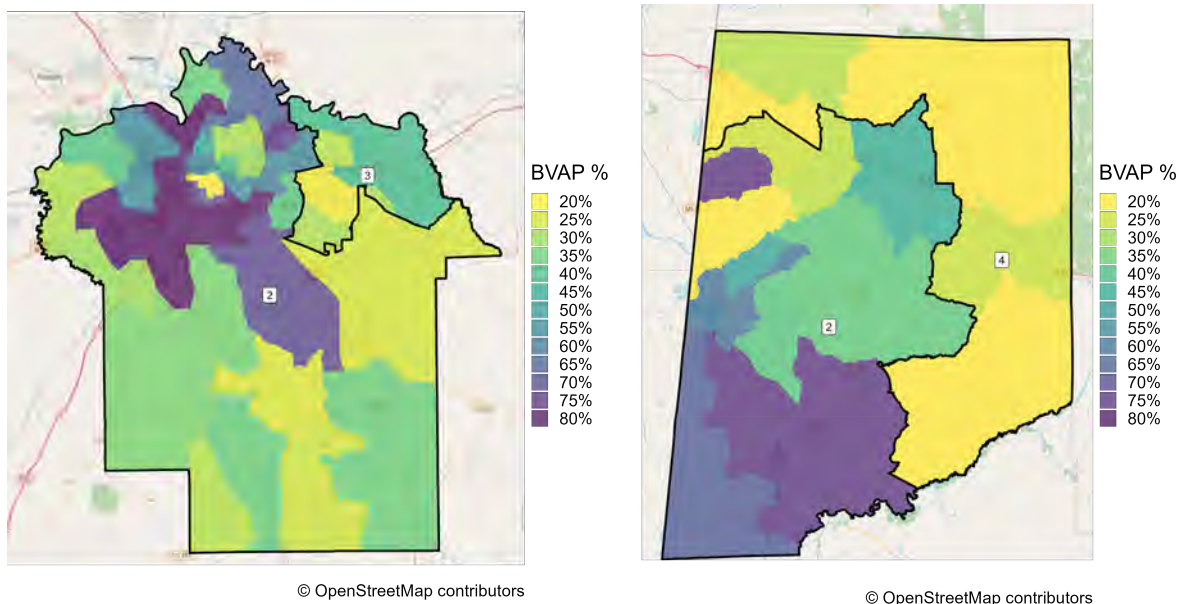
Figure 47: Cooper Splits of Montgomery County, AL



(a) Cooper Map 1, Montgomery County

(b) Cooper Map 2, Montgomery County

Figure 48: Cooper Splits of Montgomery and Pickens counties, AL

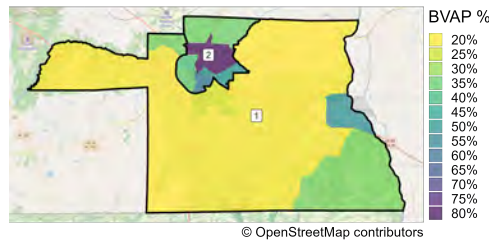


(a) Cooper Map 4, Montgomery County

(b) Cooper Map 8, Pickens County

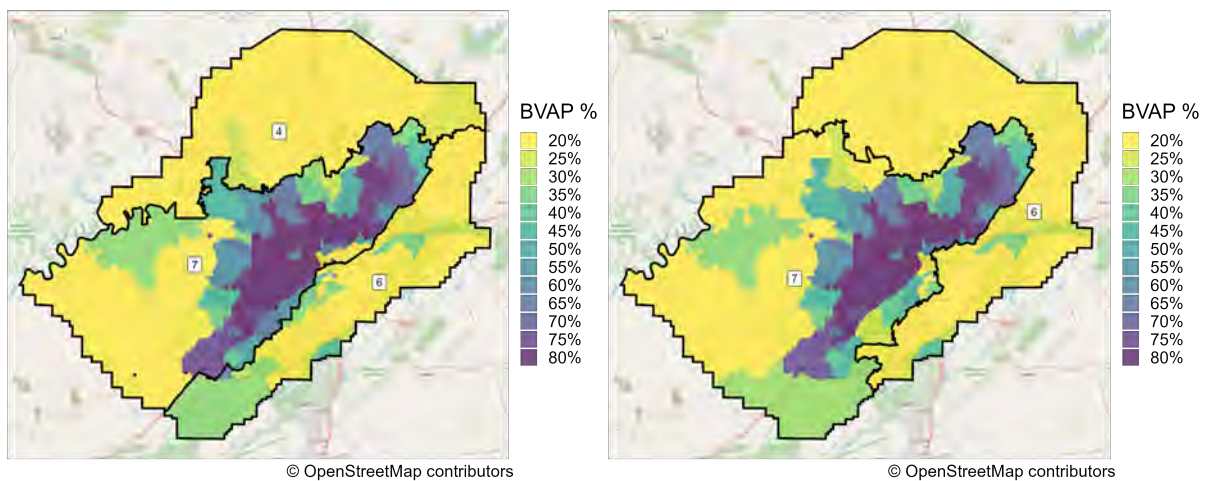
The Illustrative Maps carefully carve out Black populations when splitting counties. — 70

Figure 49: Cooper Split of Houston County, Alabama



Dr. Duchin’s districts are much the same, if not more so. Here, for example, are her divisions of Jefferson County VTDs. Again, there are outlying precincts here-and-there, but overall the district boundaries do a nice job separating heavily Black precincts from heavily White precincts.

Figure 50: Duchin Splits of Jefferson County, AL

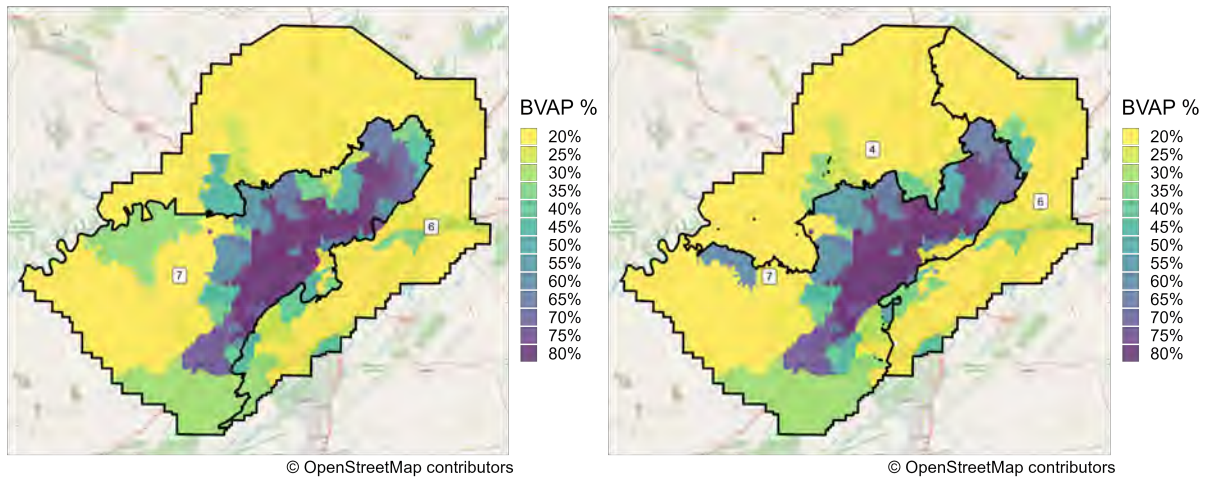


(a) Duchin Map A, Jefferson County

(b) Duchin Map B, Jefferson County

The Illustrative Maps carefully carve out Black populations when splitting counties. — 71

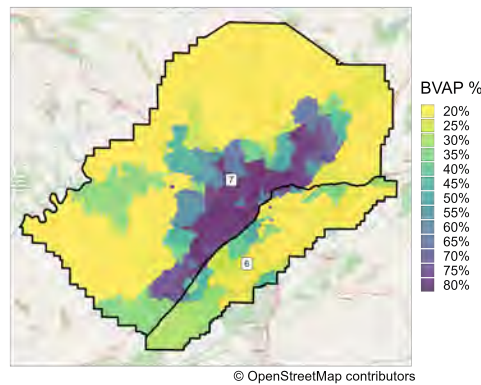
Figure 51: Duchin Splits of Jefferson County, AL



(a) Duchin Map C, Jefferson County

(b) Duchin Map D, Jefferson County

Figure 52: Duchin Map E, Jefferson County



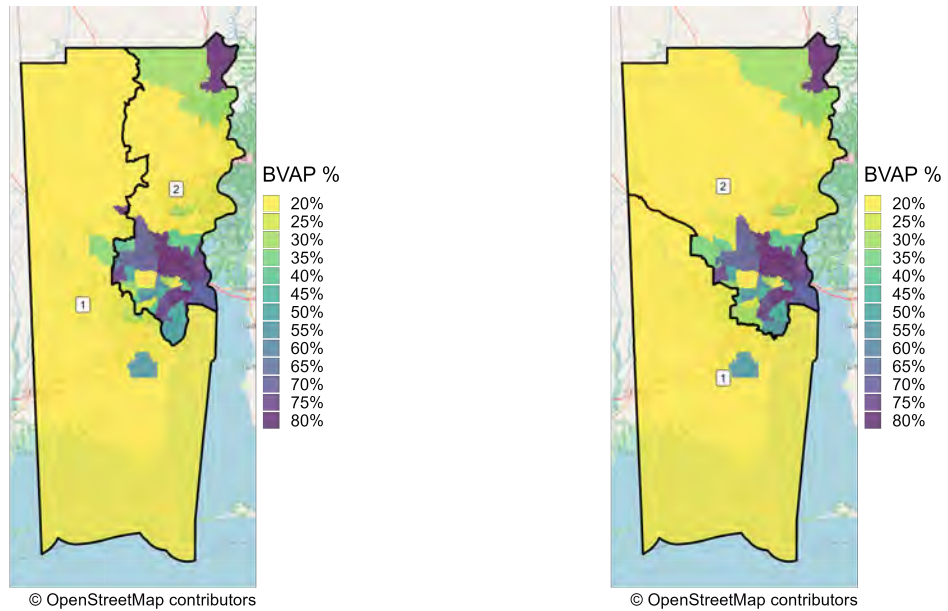
The last map, in particular, is telling. Recall that the boundary between the districts here is comprised largely of split precincts. The fact that you can still make out a racial boundary along the district lines means that she has not only divvied up the

The Illustrative Maps carefully carve out Black populations when splitting counties. — 72

districts by BVAP, but has also split precincts by BVAP.

In Mobile County, we see much the same thing.

Figure 53: Duchin Splits of Mobile County, AL

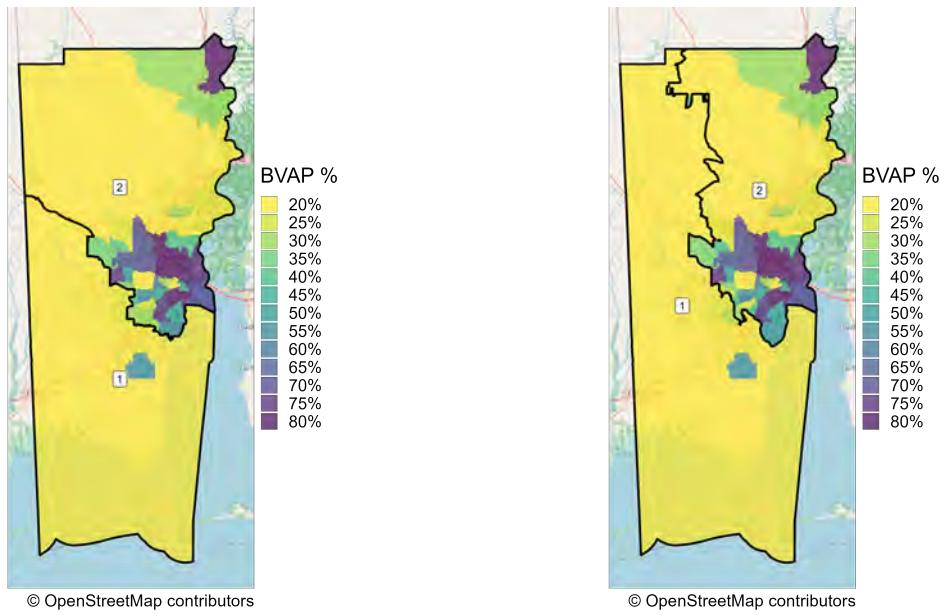


(a) Duchin Map A, Mobile County

(b) Duchin Map B, Mobile County

The Illustrative Maps carefully carve out Black populations when splitting counties. — 73

Figure 54: Duchin Splits of Mobile County, AL



(a) Duchin Map C, Mobile County

(b) Duchin Map D, Mobile County

Figure 55: Duchin Map E, Mobile County

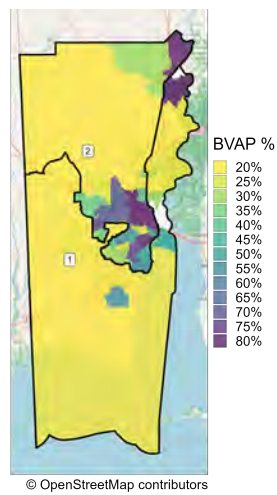
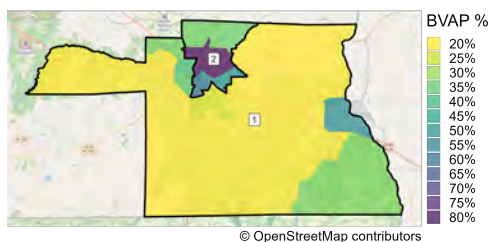


Figure 56: Duchin Map A, Mobile County



10 Analysis of Population Compactness

10.1 Examining the population dotplots reveals that the Black Population in the districts are spread across significant geographic spaces, with clusters at each end of the district.

Finally, we should re-examine the compactness of the population. In its initial Order, this Court reviewed choropleth maps, such as the ones above, of the distribution of BVAPs by precincts. In my experience, this is not the way to explore population compactness. Choropleth maps are useful for seeing when maps carve out areas of highly concentrated BVAPs at the expense of maps with lower BVAPs. But the problem with Choropleth maps is that they give us the distribution of percentages, not of the population itself. A precinct with 1 Black resident and no white residents is treated the same under a choropleth map as a precinct with 1,000 Black residents and no white residents. Obviously, these are not equivalent when talking about the distribution of the population.

To discuss the distribution of population, it is much better to utilize dot density maps. These place a single dot to reflect a person or collection of people. Here, I utilize

one dot to represent every 10 Black residents of voting age in a precinct. This allows us to see what the overall population distribution is. It's important to note that just as choropleth maps don't reflect population compactness well, dot density maps don't reflect redistricting decisions well. 1,000 Black residents will show up as 100 dots in a precinct where there are no White residents, and they will show up as a 100 dots in a precinct where there are 10,000 White residents. A cluster of Black residents will appear either way, but the decision to exclude that precinct obviously has different racialized implications depending on the circumstance.

What we see is that many of the areas that show high concentrations of BVAP are, in fact, lightly populated and have no appreciable concentration of Black residents of voting age. Consider District 2 in Cooper's Map 1. It has 280,226 Black residents of voting age. Of those, 190,247, or 68%, live in either Mobile County, Russell County, or Montgomery County. In fact, 31% live in Mobile and 30% live in Montgomery. Obviously, these clusters are spread across an already-sprawling district. The remainder of the district may have areas of high BVAP, but they are lightly populated areas overall that serve to stitch together the main clusters.

Cooper Map 2 is much the same. Its District 2 has 284,132 Black residents of voting age. 199,877 of these, or 70%, are located in one of the four counties listed above. 31% of those residents reside in Montgomery County, while 28% of those residents reside in Mobile County.

Cooper Map 3's 281,155 Black residents of voting age in District 2 are similarly distributed. 36% reside in Montgomery County, while 30% reside in Mobile County.

Cooper Map 4's District 2 likewise has 281,106 Black residents of voting age. 33% live in Montgomery County and 30% live in Mobile County.

Cooper Map 5's District 2 has 280,044 Black residents of voting age. 26% live in Mobile County, while 36% live in Montgomery County.

Cooper Map 6's District 2 has 287,511 Black residents of voting age. 33% reside in Mobile County while 35% reside in Montgomery.

Figure 57: 1 Blue Dot = 10 Black Alabama Residents of Voting Age. Cooper Map 1 Overlaid

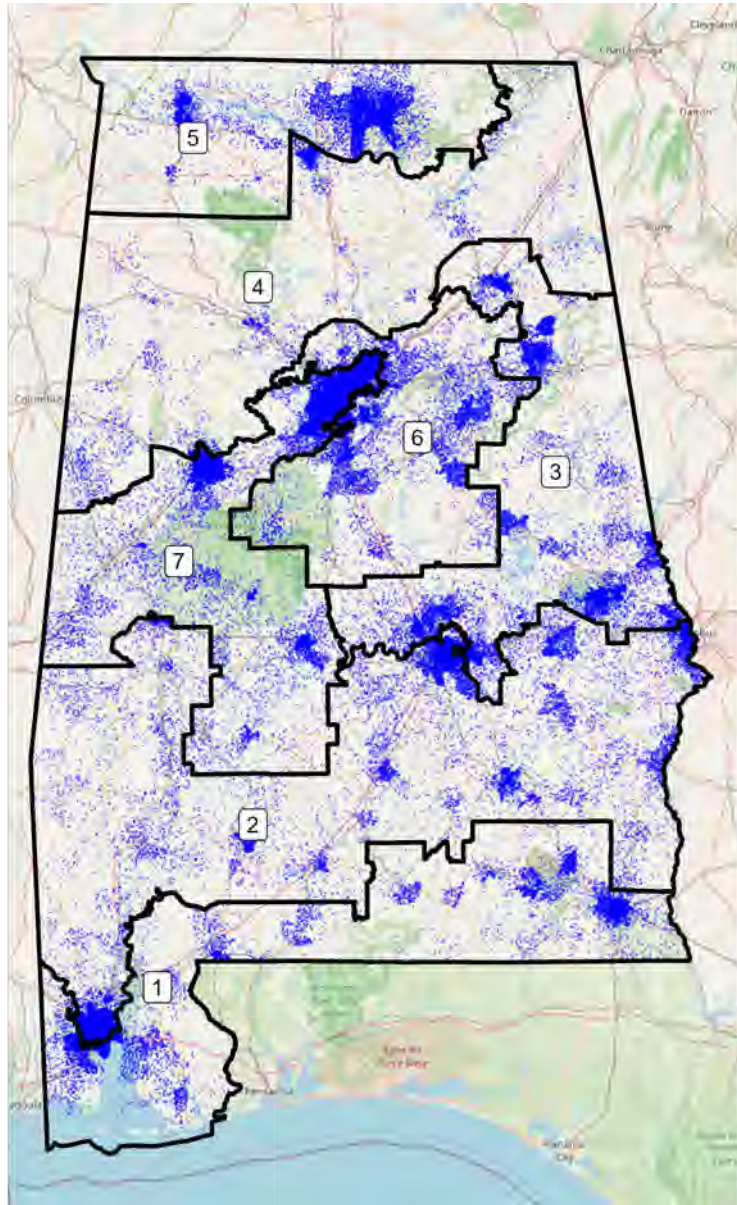


Figure 58: 1 Blue Dot = 10 Black Alabama Residents of Voting Age. Cooper Map 2 Overlaid

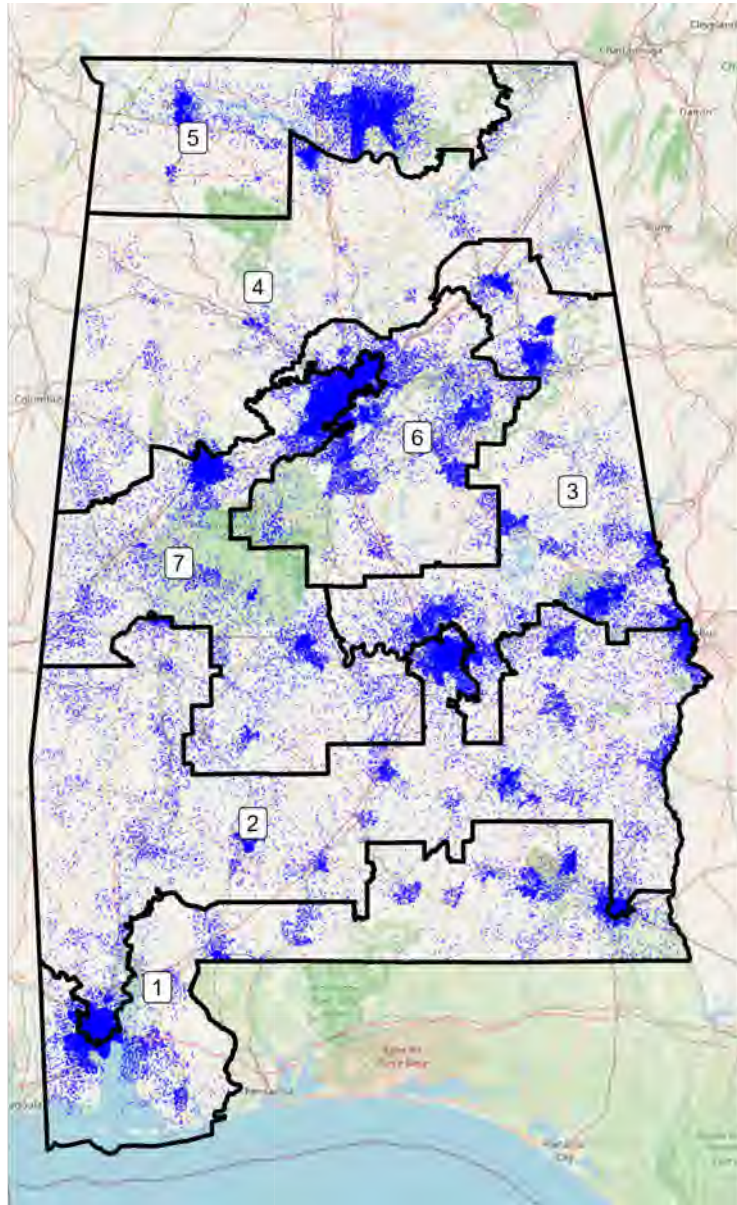


Figure 59: 1 Blue Dot = 10 Black Alabama Residents of Voting Age. Cooper Map 3 Overlaid

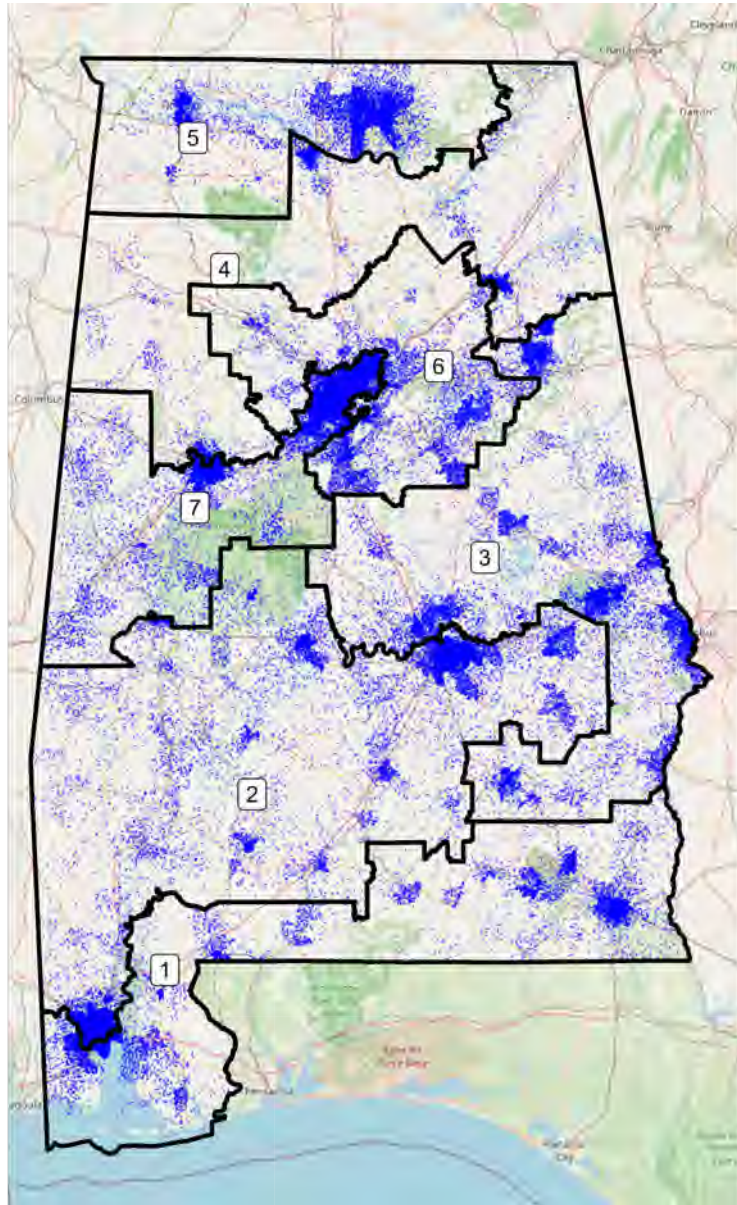


Figure 60: 1 Blue Dot = 10 Black Alabama Residents of Voting Age. Cooper Map 4 Overlaid

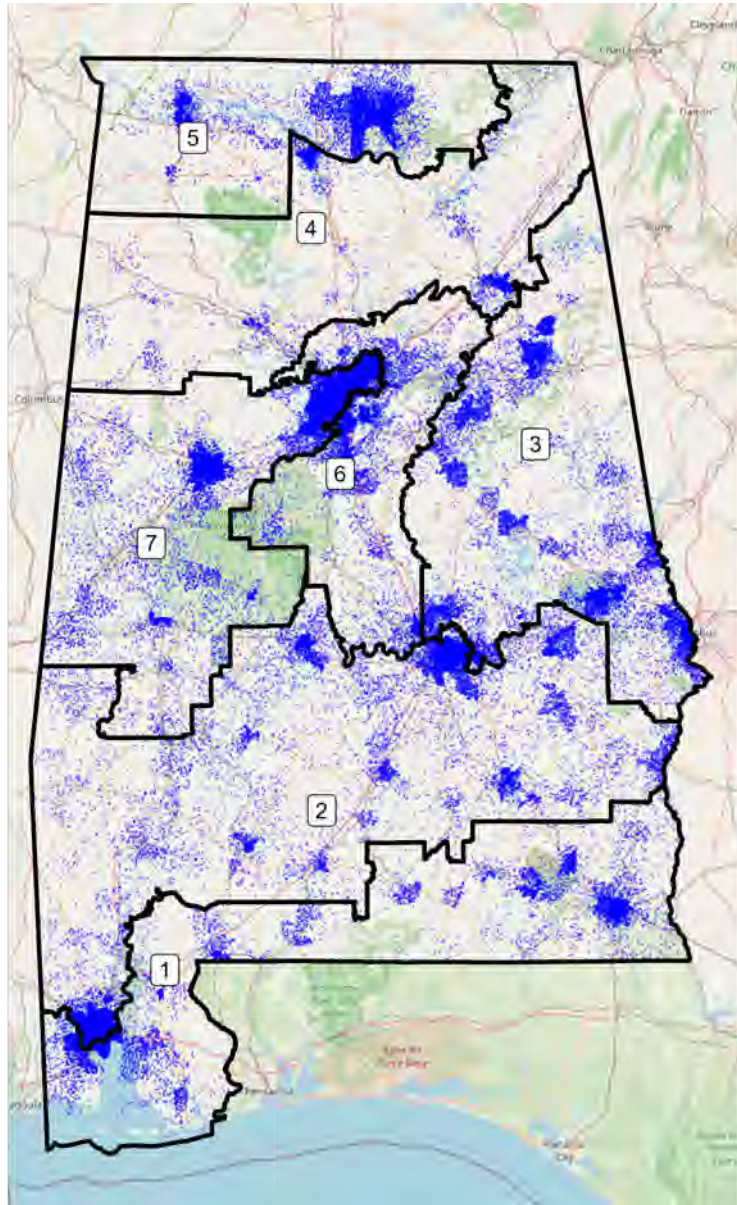


Figure 61: 1 Blue Dot = 10 Black Alabama Residents of Voting Age. Cooper Map 5 Overlaid

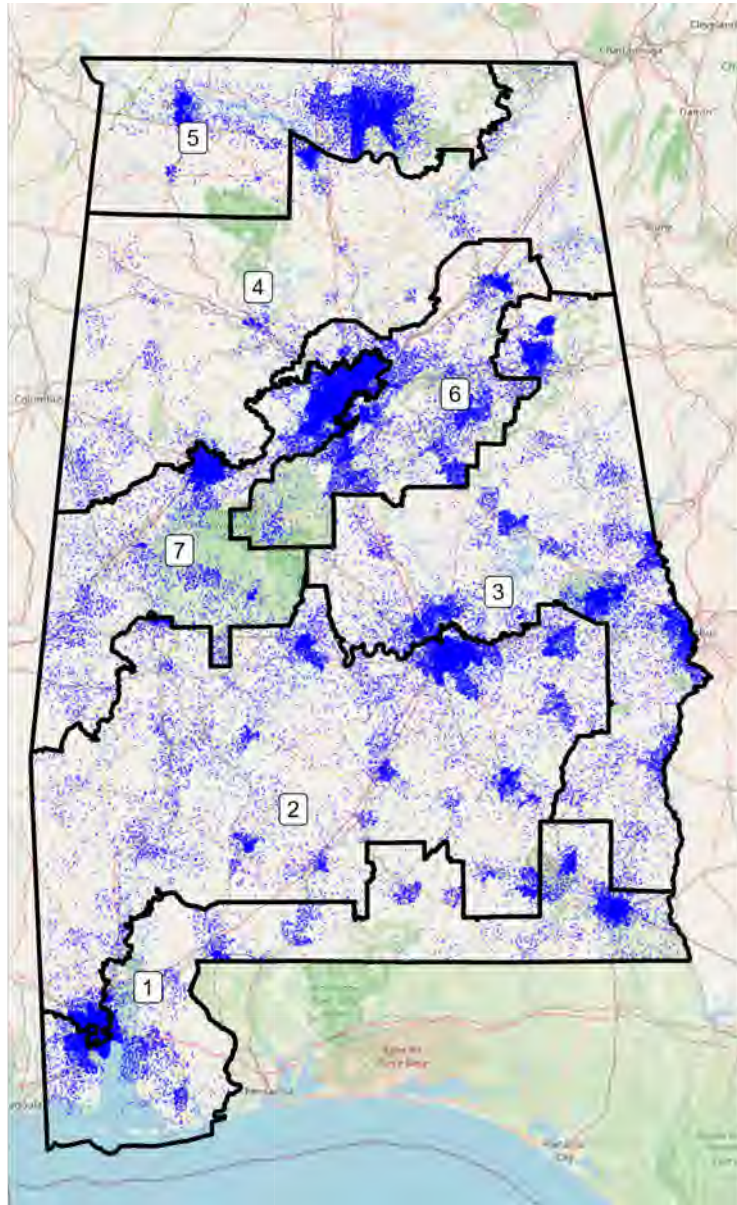
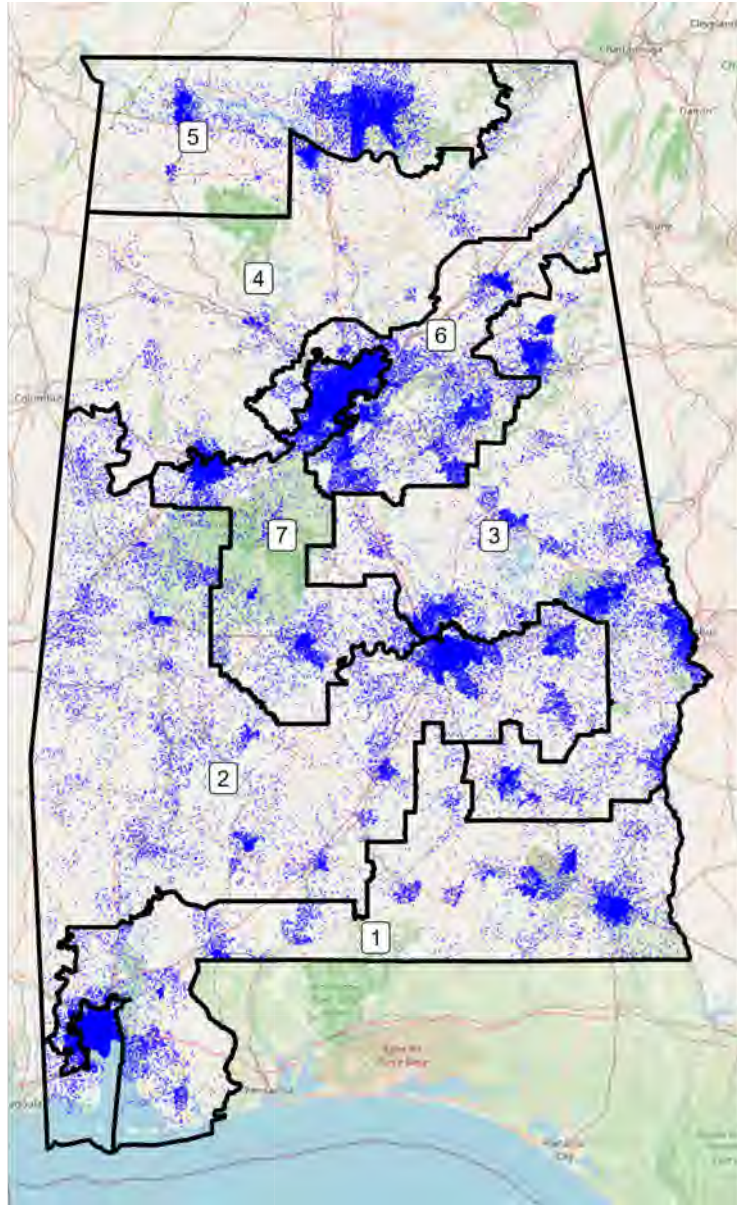


Figure 62: 1 Blue Dot = 10 Black Alabama Residents of Voting Age. Cooper Map 6 Overlaid



nter-label

Cooper Map 7's District 2 has 290,359 Black residents of voting age. 32% of these residents live in Mobile County, while 34% reside in Montgomery County.

Finally, Cooper Map 8's District 2 has 280,577 Black residents of voting age. Of these, 32.5% live in Mobile County, while 35.6% live in Montgomery County.

In short, Mr. Cooper's maps consist of districts where supermajorities of Black residents are concentrated in two geographically distant cities that have never been in a Congressional district together before in the state's history. The remainder of the Black population is scattered across multiple counties and small towns that dot the countryside.

Dr. Duchin's maps are built in the same way. District 2 in her Map A consists of 287,750 Black residents of voting age, 31% of whom reside in Mobile, 36% of whom resident in Montgomery. No other County has more than 5% of the district's Black population.

Map B is much the same. Its District 2 has 285,761 Black residents of voting age. 35% of these residents live in Montgomery County, 33% live in Mobile County, and 7% live in Dallas County. No other county has more than 5% of the district's Black population.

Map C follows suit. For District 2, 279,466 Black residents of voting age, 36% live in Montgomery County, 33% live in Mobile County, and 7% live in Russell County. None of the remaining 11 counties contains more than 5% of the district's population.

In Map D, the BVAP for District 2 is 280,534. 36% of these residents live in Montgomery County, and 32% live in Mobile County. None of the remaining 15 counties holds more than 5% of the districts BVAP.

Finally, in Map E, the District 2 BVAP is 279,053. 36% live in Montgomery County, and 33% live in Mobile County. Russell County is home to another 7%. The remaining 14% of the district's BVAP is spread across the other 12 counties, none of which is home to more than 5% of the district's Black population.

In other words, there is a large, compact Black population in Mobile, and a large, compact Black population in Montgomery. Both of these populations are roughly suffi-

Figure 63: 1 Blue Dot = 10 Black Alabama Residents of Voting Age. Cooper Map 7 Overlaid

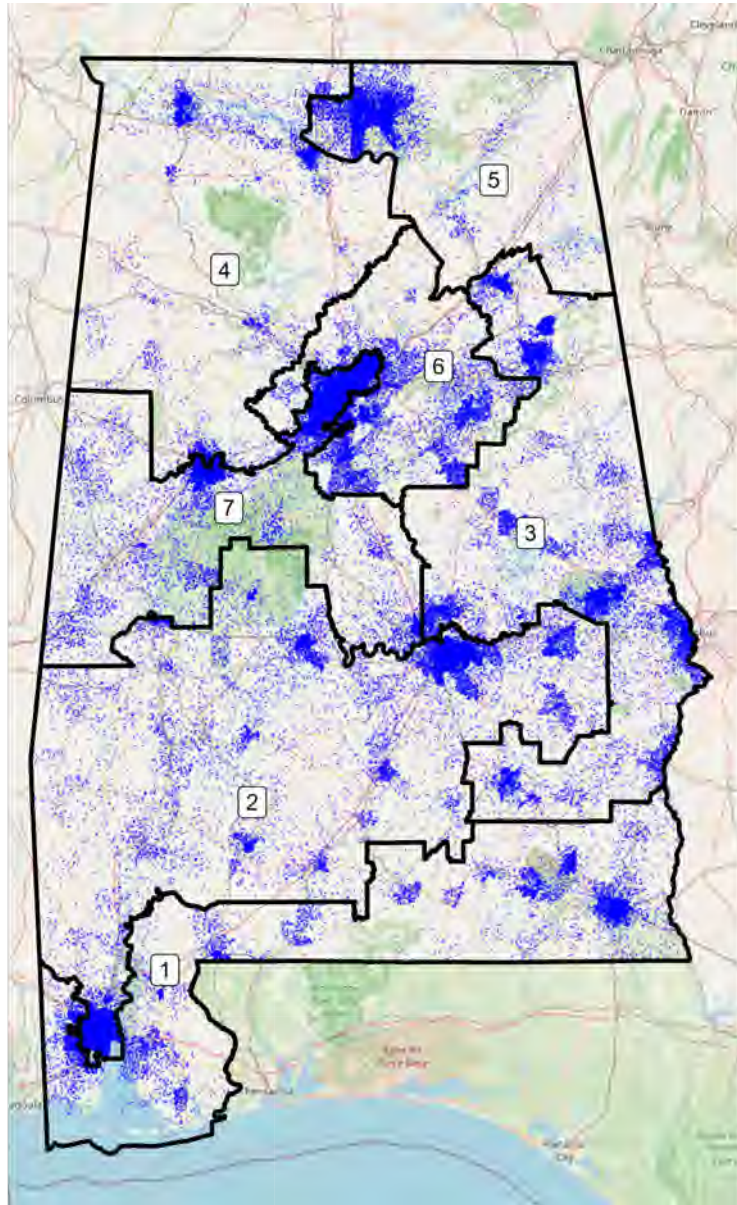


Figure 64: 1 Blue Dot = 10 Black Alabama Residents of Voting Age. Cooper Map 8 Overlaid

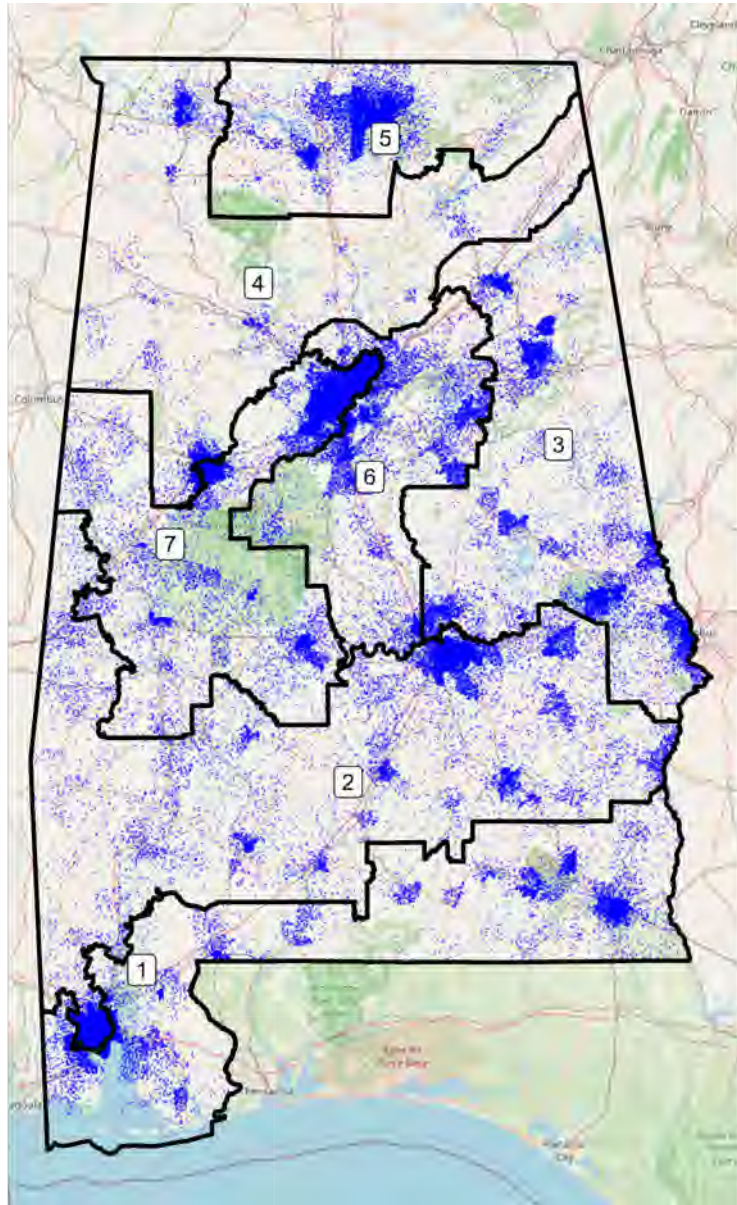


Figure 65: 1 Blue Dot = 10 Black Alabama Residents of Voting Age. Duchin Map A Overlaid

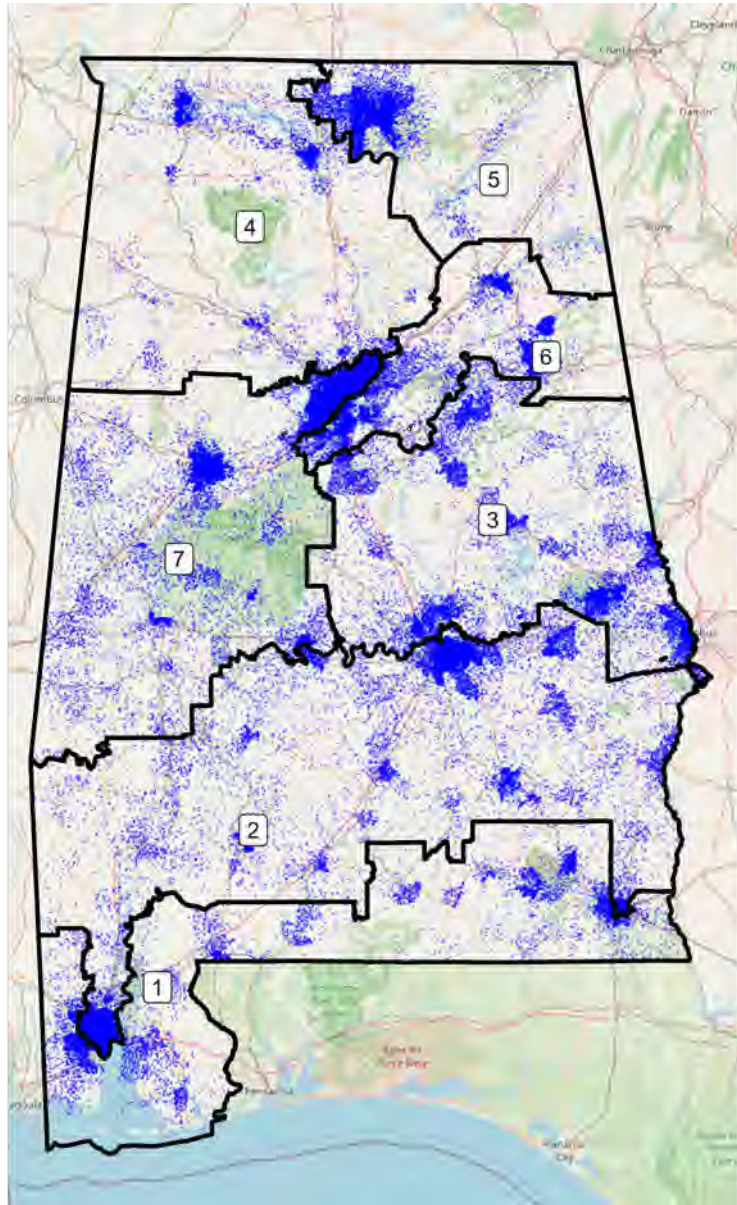


Figure 66: 1 Blue Dot = 10 Black Alabama Residents of Voting Age. Duchin Map B Overlaid

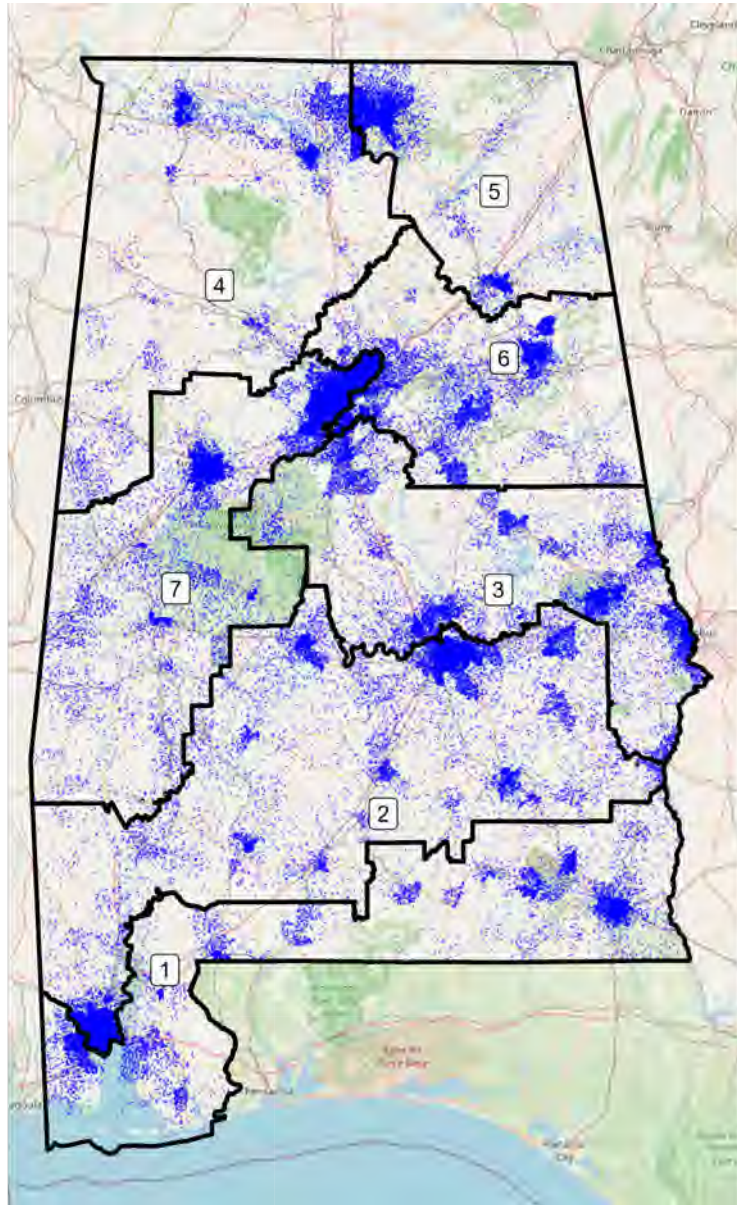


Figure 67: 1 Blue Dot = 10 Black Alabama Residents of Voting Age. Duchin Map C Overlaid

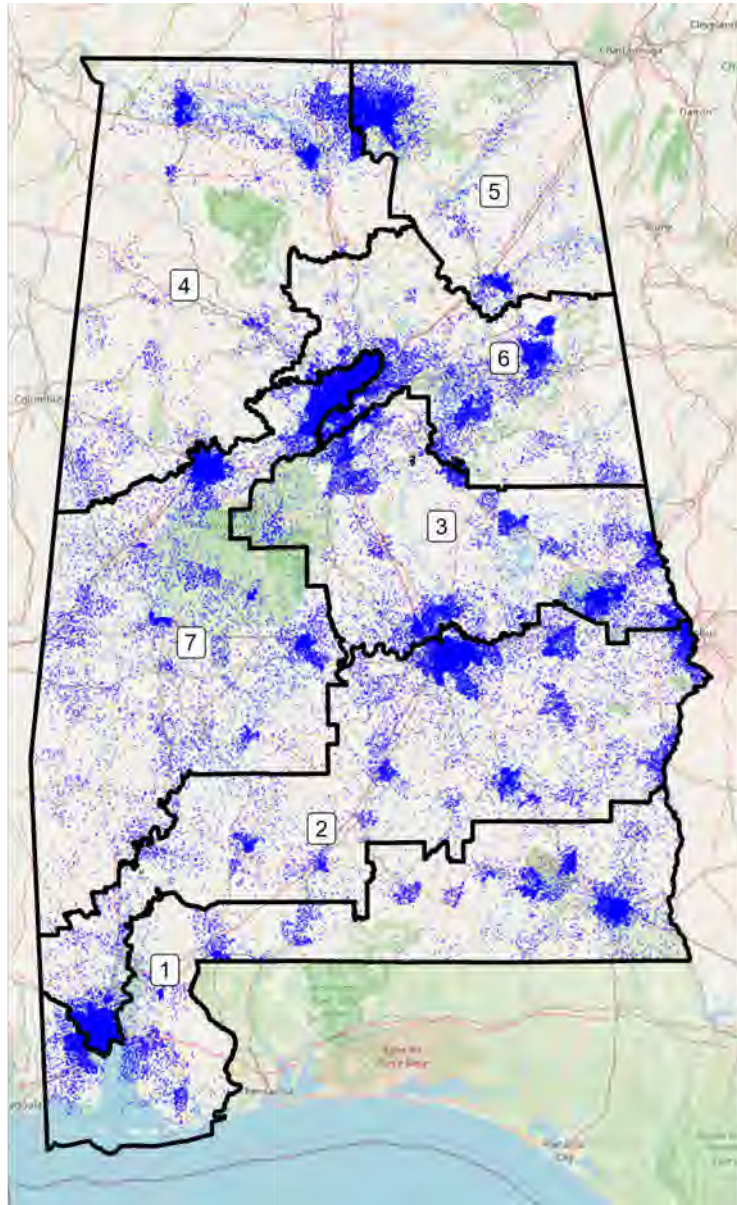


Figure 68: 1 Blue Dot = 10 Black Alabama Residents of Voting Age. Duchin Map D Overlaid

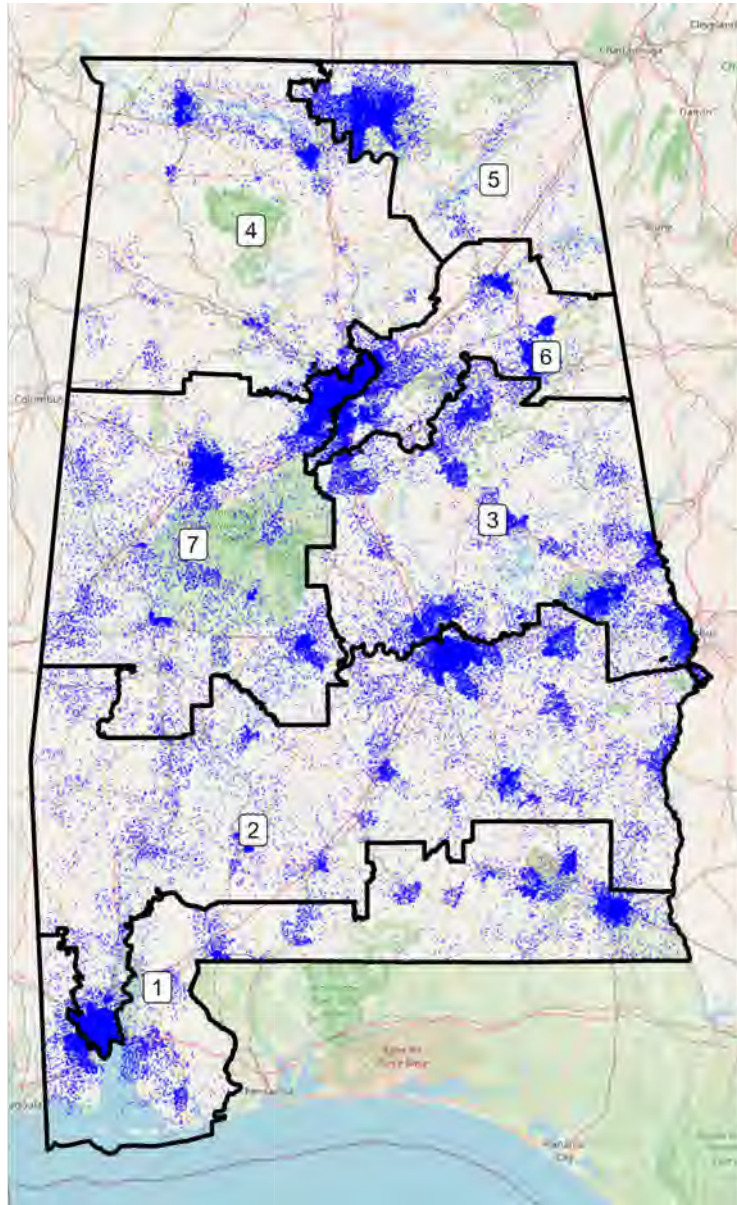
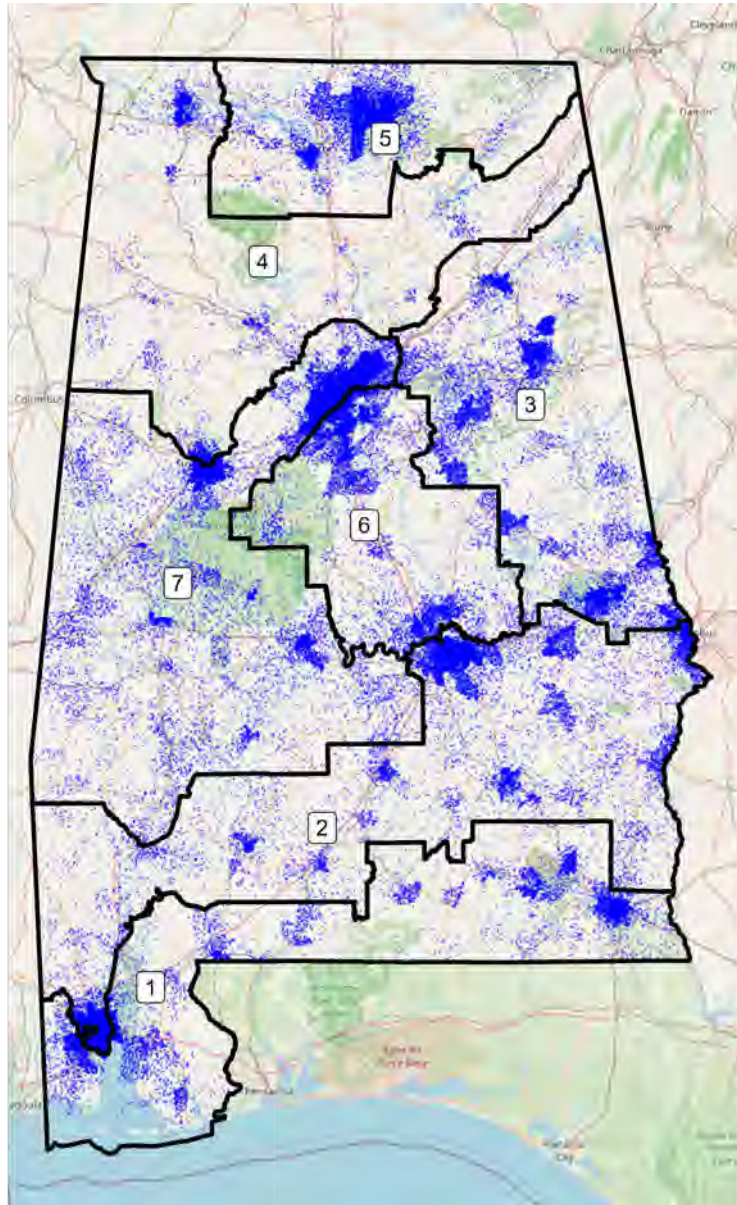


Figure 69: 1 Blue Dot = 10 Black Alabama Residents of Voting Age. Duchin Map E Overlaid



cient by themselves to supply 1/3 of the BVAP needed to satisfy Gingles I. The various maps stitch these two groups together, and then seek out the remaining 20% or so of the population from lightly populated counties in the surrounding countryside. Regardless, these maps don't contain a single compact population sufficient to constitute 50% + 1 of the population in a district.

11 Conclusion

Opining as to compactness is difficult, but by the standards of Alabama's recent history, these are some of the least compact districts drawn, that combine population centers together that have never been combined, and then altering map configurations that have stood for over 100 years to try to make up for the lack of compactness in the redrawn southern districts. The SBOE map appears to be a one-off configuration that was a result of litigation and the state's understanding of Section 5, rather than an admission that Mobile and Montgomery belong together in the same district. The illustrative districts carve up major population centers by race, and mostly function by stitching together two populations of Black residents in distinct metropolitan areas, with lightly populated, rural areas in between. All told, these districts are not reasonably configured.


I declare under penalty of perjury under the laws of the State of Ohio that the foregoing is true and correct to the best of my knowledge and belief. Executed on 28 June, 2024 in Delaware, Ohio.

Sean Trende

Sean P. Trende

12 Exhibit 1 – Sean Trende C.V.

SEAN P. TRENDE


Delaware, OH 43015
strende@realclearpolitics.com

EDUCATION

Ph.D., The Ohio State University, Political Science, 2023. Dissertation titled *Application of Spatial Analysis to Contemporary Problems in Political Science*, September 2023.

M.A.S. (Master of Applied Statistics), The Ohio State University, 2019.

J.D., Duke University School of Law, *cum laude*, 2001; Duke Law Journal, Research Editor.

M.A., Duke University, *cum laude*, Political Science, 2001. Thesis titled *The Making of an Ideological Court: Application of Non-parametric Scaling Techniques to Explain Supreme Court Voting Patterns from 1900-1941*, June 2001.

B.A., Yale University, with distinction, History and Political Science, 1995.

PROFESSIONAL EXPERIENCE

Law Clerk, Hon. Deanell R. Tacha, U.S. Court of Appeals for the Tenth Circuit, 2001-02.

Associate, Kirkland & Ellis, LLP, Washington, DC, 2002-05.

Associate, Hunton & Williams, LLP, Richmond, Virginia, 2005-09.

Associate, David, Kamp & Frank, P.C., Newport News, Virginia, 2009-10.

Senior Elections Analyst, RealClearPolitics, 2010-present.

Columnist, Center for Politics Crystal Ball, 2014-17.

Visiting Scholar, American Enterprise Institute, 2018-present.

BOOKS AND BOOK CHAPTERS

Larry J. Sabato, ed., *The Red Ripple*, Ch. 15 (2023).

Larry J. Sabato, ed., *A Return to Normalcy?: The 2020 Election that (Almost) Broke America* Ch. 13 (2021).

Larry J. Sabato, ed., *The Blue Wave*, Ch. 14 (2019).

Larry J. Sabato, ed., *Trumped: The 2016 Election that Broke all the Rules* (2017).

Larry J. Sabato, ed., *The Surge: 2014's Big GOP Win and What It Means for the Next Presidential Election*, Ch. 12 (2015).

Larry J. Sabato, ed., *Barack Obama and the New America*, Ch. 12 (2013).

Barone, Kraushaar, McCutcheon & Trende, *The Almanac of American Politics* 2014 (2013).

The Lost Majority: Why the Future of Government is up for Grabs – And Who Will Take It (2012).

PREVIOUS EXPERT TESTIMONY AND/OR DEPOSITIONS

Dickson v. Rucho, No. 11-CVS-16896 (N.C. Super. Ct., Wake County) (racial gerrymandering).

Covington v. North Carolina, No. 1:15-CV-00399 (M.D.N.C.) (racial gerrymandering).

NAACP v. McCrory, No. 1:13CV658 (M.D.N.C.) (early voting).

NAACP v. Husted, No. 2:14-cv-404 (S.D. Ohio) (early voting).

Ohio Democratic Party v. Husted, Case 15-cv-01802 (S.D. Ohio) (early voting).

Lee v. Virginia Bd. of Elections, No. 3:15-cv-357 (E.D. Va.) (early voting).

Feldman v. Arizona, No. CV-16-1065-PHX-DLR (D. Ariz.) (absentee voting).

A. Philip Randolph Institute v. Smith, No. 1:18-cv-00357-TSB (S.D. Ohio) (political gerrymandering).

Whitford v. Nichol, No. 15-cv-421-bbc (W.D. Wisc.) (political gerrymandering).

Common Cause v. Rucho, No. 1:16-CV-1026-WO-JEP (M.D.N.C.) (political gerrymandering).

Mecinas v. Hobbs, No. CV-19-05547-PHX-DJH (D. Ariz.) (ballot order effect).

Fair Fight Action v. Raffensperger, No. 1:18-cv-05391-SCJ (N.D. Ga.) (statistical analysis).

Pascua Yaqui Tribe v. Rodriguez, No. 4:20-CV-00432-TUC-JAS (D. Ariz.) (early voting).

Ohio Organizing Collaborative, et al v. Ohio Redistricting Commission, et al, No. 2021-1210 (Ohio) (political gerrymandering).

NCLCV v. Hall, No. 21-CVS-15426 (N.C. Sup. Ct.) (political gerrymandering).

Szeliga v. Lamone, Case No. C-02-CV-21-001816 (Md. Cir. Ct.) (political gerrymandering).

Montana Democratic Party v. Jacobsen, DV-56-2021-451 (Mont. Dist. Ct.) (early voting; ballot collection).

Carter v. Chapman, No. 464 M.D. 2021 (Pa.) (map drawing; amicus).

NAACP v. McMaster, No. 3:21-cv-03302 (D.S.C.) (racial gerrymandering).

Graham v. Adams, No. 22-CI-00047 (Ky. Cir. Ct.) (political gerrymandering).

Harkenrider v. Hochul, No. E2022-0116CV (N.Y. Sup. Ct.) (political gerrymandering).

LULAC v. Abbott, Case No. 3:21-cv-00259 (W.D. Tex.) (racial/political gerrymandering/VRA).

Moore et al., v. Lee, et al., (Tenn. 20th Dist.) (state constitutional compliance).

Agee et al. v. Benson, et al., (W.D. Mich.) (racial gerrymandering/VRA).

Faatz, et al. v. Ashcroft, et al., (Cir. Ct. Mo.) (state constitutional compliance).

Coca, et al. v. City of Dodge City, et al., Case No. 6:22-cv-01274-EFM-RES (D. Kan.) (VRA).

Milligan v. Allen, Case No. 2:21-cv-01530-AMM (N.D. Ala.) (VRA).

Nairne v. Ardoin, NO. 22-178-SDD-SDJ (M.D. La.) (VRA).

Robinson v. Ardoin, NO. 22-211-SDD-SDJ (M.D. La.) (VRA).

Republican Party v. Oliver, No. D-506-CV-2022-00041 (N.M. Cir. Ct. (Lea County)) (political gerrymandering).

Palmer v. Hobbs, Case No. 3:22-CV-5035-RSL (W.D. Wash) (VRA; remedial phase only).

Clarke v. Evers, No. 2023AP001399-OA (Wisc.) (Political gerrymandering; remedial phase only).

Stone v. Allen, No. 2:21-cv-1531-AMM (N.D. Ala.) (VRA).

COURT APPOINTMENTS

Appointed as Voting Rights Act expert by Arizona Independent Redistricting Commission (2020)

Appointed Special Master by the Supreme Court of Virginia to redraw maps for the Virginia House of Delegates, the Senate of Virginia, and for Virginia's delegation to the United States Congress for the 2022 election cycle.

Appointed redistricting expert by the Supreme Court of Belize in *Smith v. Perrera*, No. 55 of 2019 (one-person-one-vote).

INTERNATIONAL PRESENTATIONS AND EXPERIENCE

Panel Discussion, European External Action Service, Brussels, Belgium, Likely Outcomes of 2012 American Elections.

Selected by U.S. Embassies in Sweden, Spain, and Italy to discuss 2016 and 2018 elections to think tanks and universities in area (declined Italy due to teaching responsibilities).

Selected by EEAS to discuss 2018 elections in private session with European Ambassadors.

TEACHING

American Democracy and Mass Media, Ohio Wesleyan University, Spring 2018.

Introduction to American Politics, The Ohio State University, Autumns 2018, 2019, 2020, Spring 2018.

Political Participation and Voting Behavior, Springs 2020, 2021, 2022, 2023.

Survey Methodology, Fall 2022, Spring 2024.

PUBLICATIONS

James G. Gimpel, Andrew Reeves, & Sean Trende, “Reconsidering Bellwether Locations in U.S. Presidential Elections,” *Pres. Stud. Q.* (2022) (forthcoming, available online at <http://doi.org/10.1111/psq.12793>).

REAL CLEAR POLITICS COLUMNS

Full archives available at http://www.realclearpolitics.com/authors/sean_trende/

13 Exhibit 2 – Illustrative and Historical Maps

Figure 70: Alabama Congressional Districts for the 40th Congress (1867)

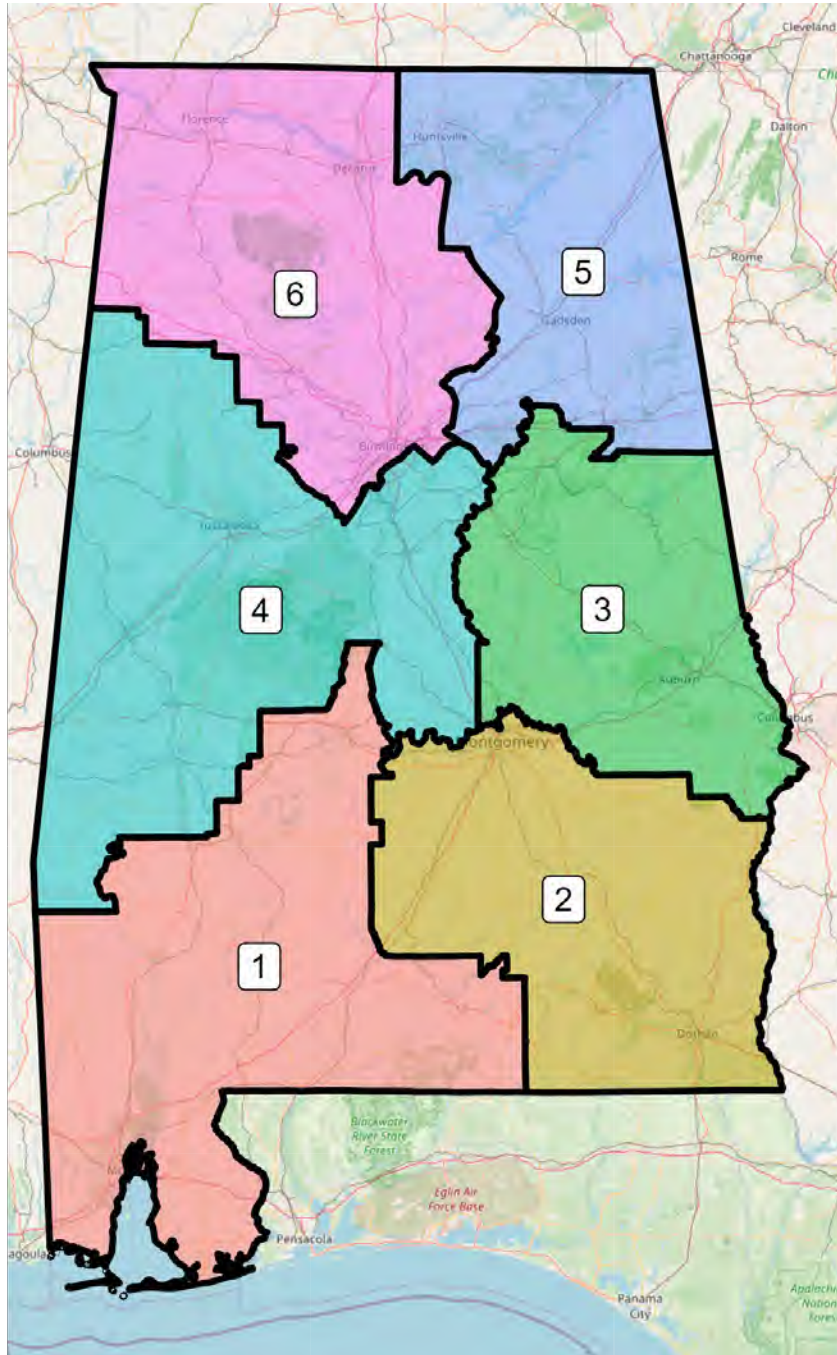


Figure 71: Alabama Congressional Districts for the 45th Congress (1875)

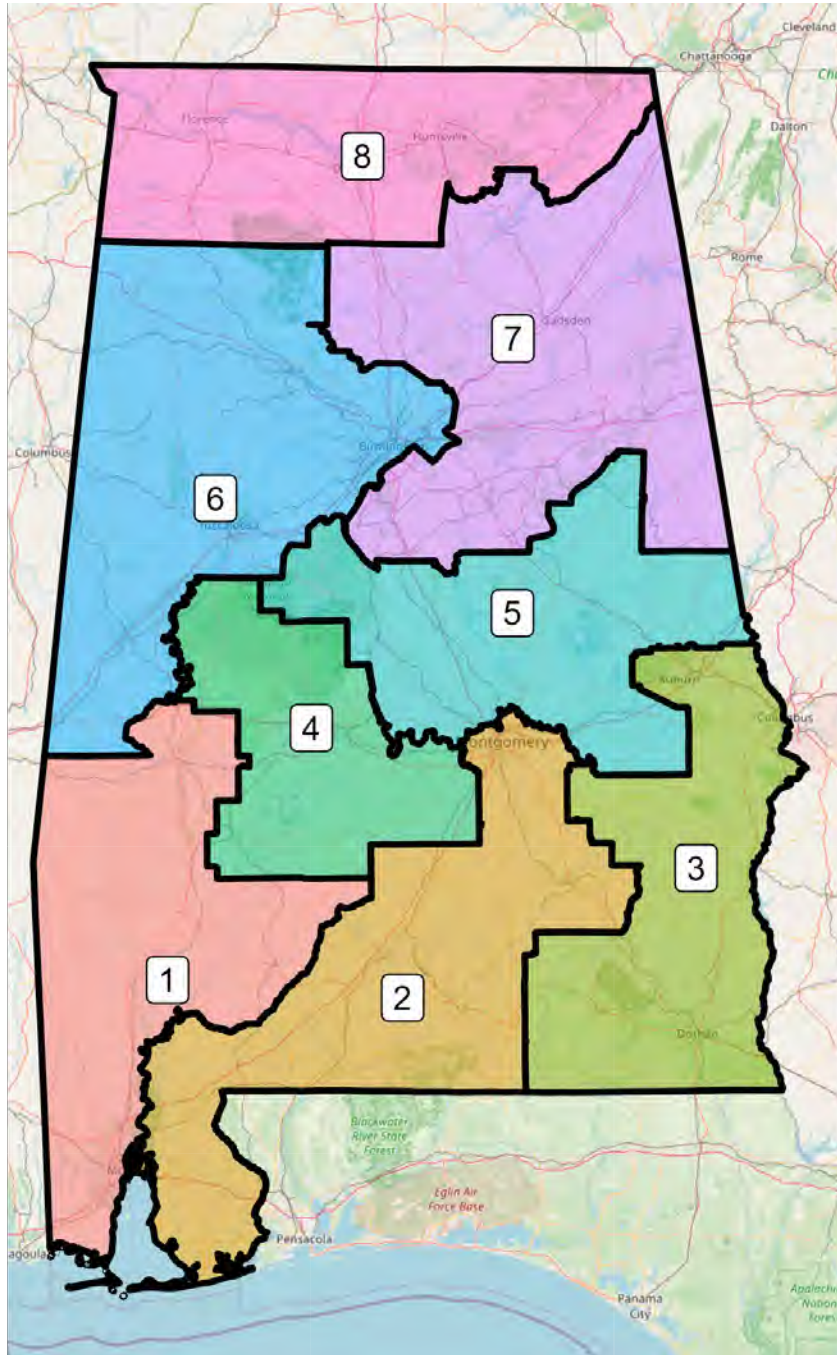


Figure 72: Alabama Congressional Districts for the 49th Congress (1885)

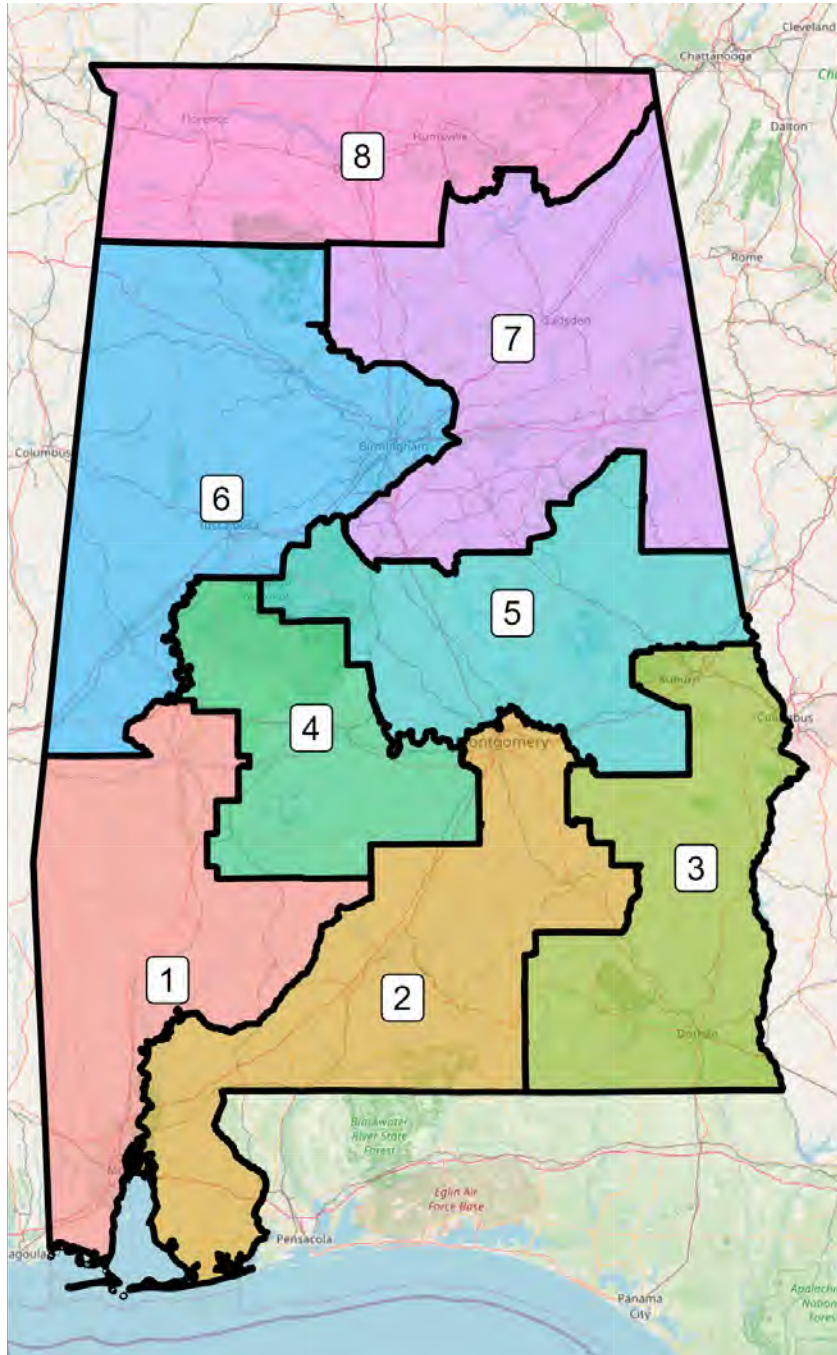


Figure 73: Alabama Congressional Districts for the 58th Congress (1903)

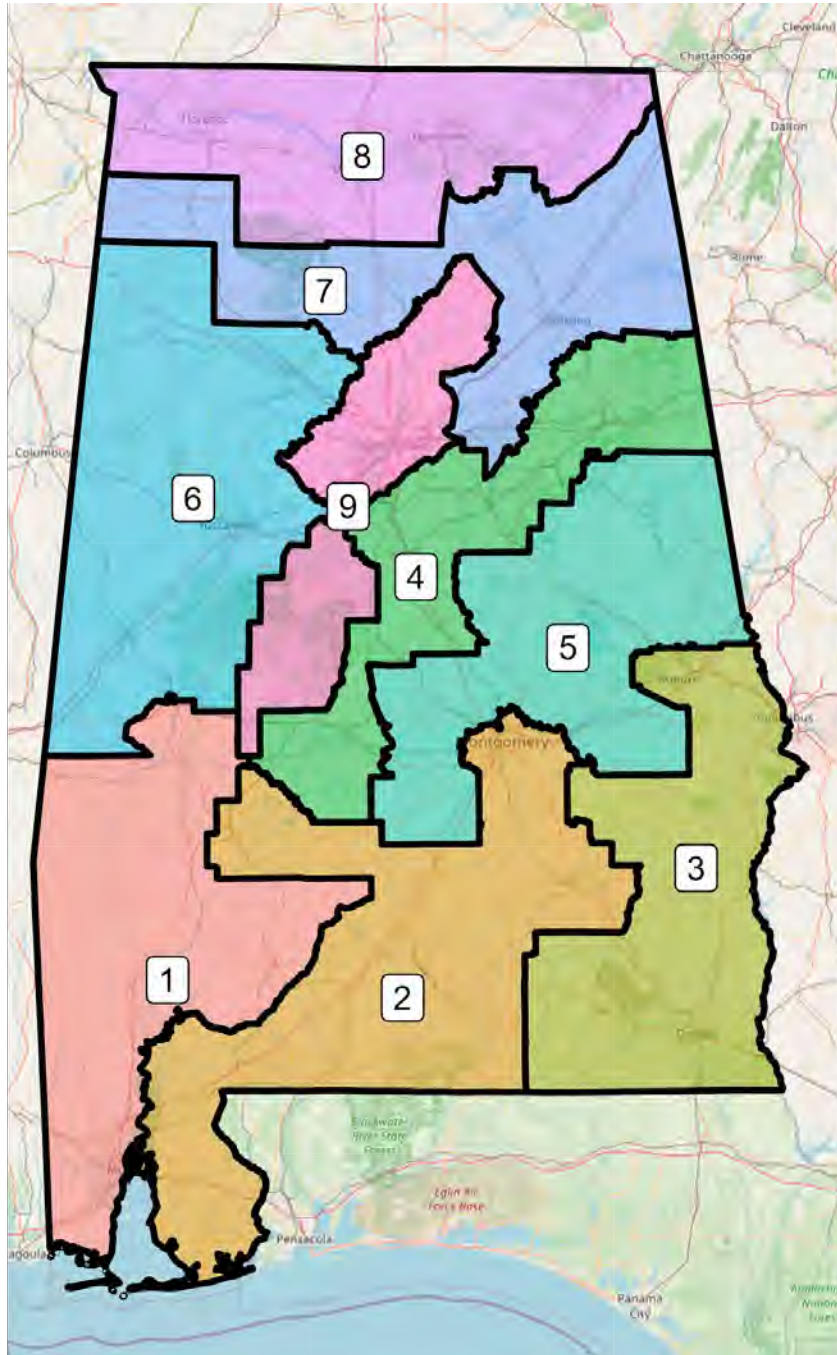


Figure 74: Alabama Congressional Districts for the 65th Congress (1917)

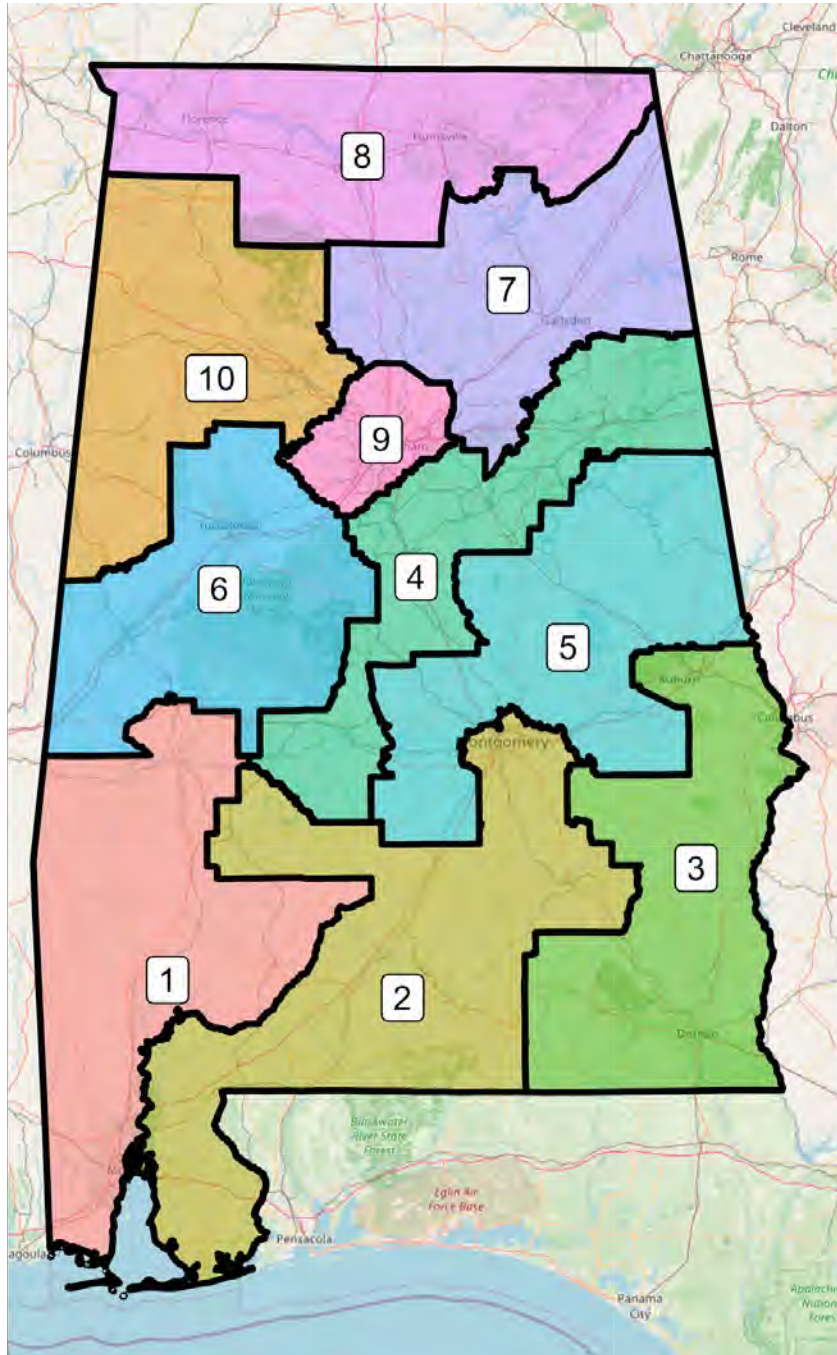


Figure 75: Alabama Congressional Districts for the 73rd Congress (1933)

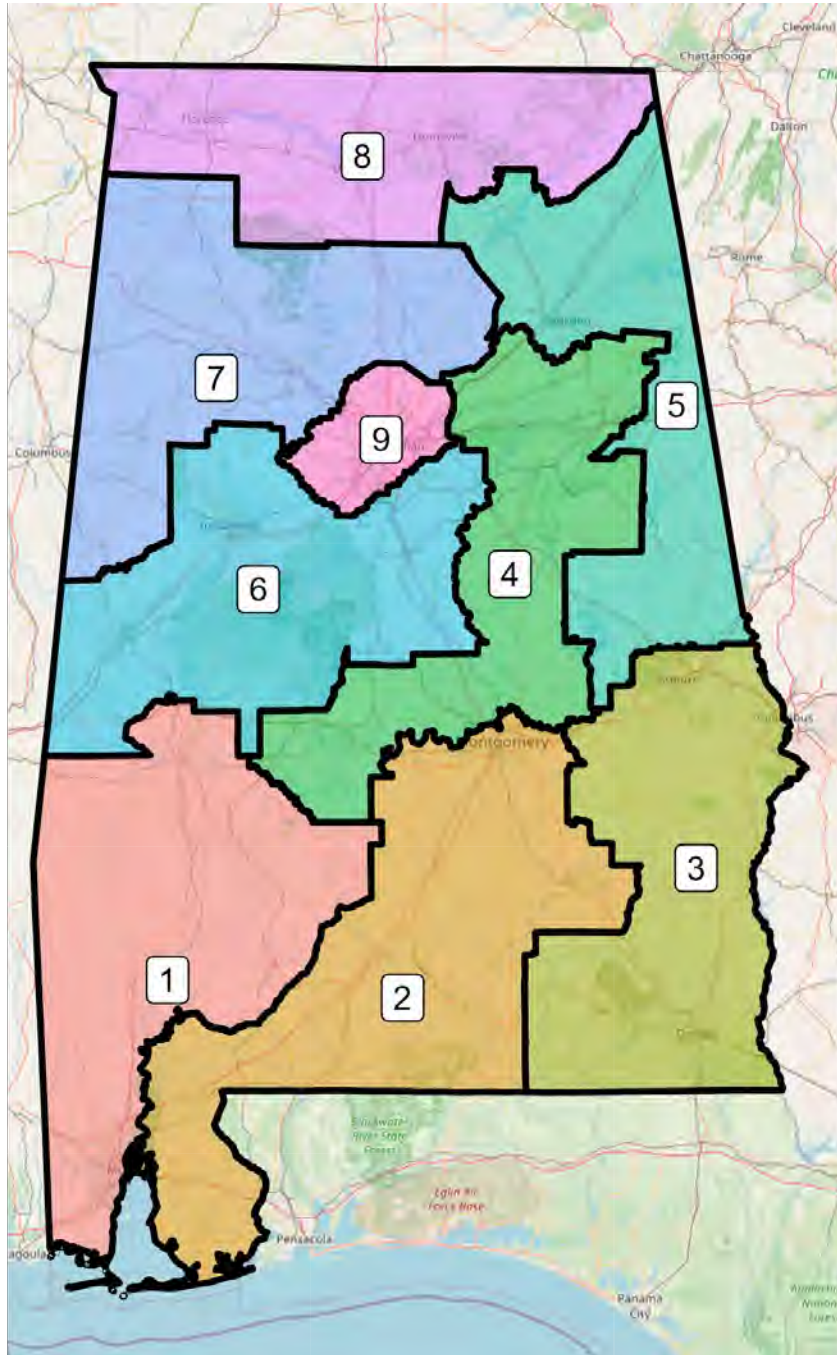


Figure 76: Alabama Congressional Districts for the 89th Congress (1965)

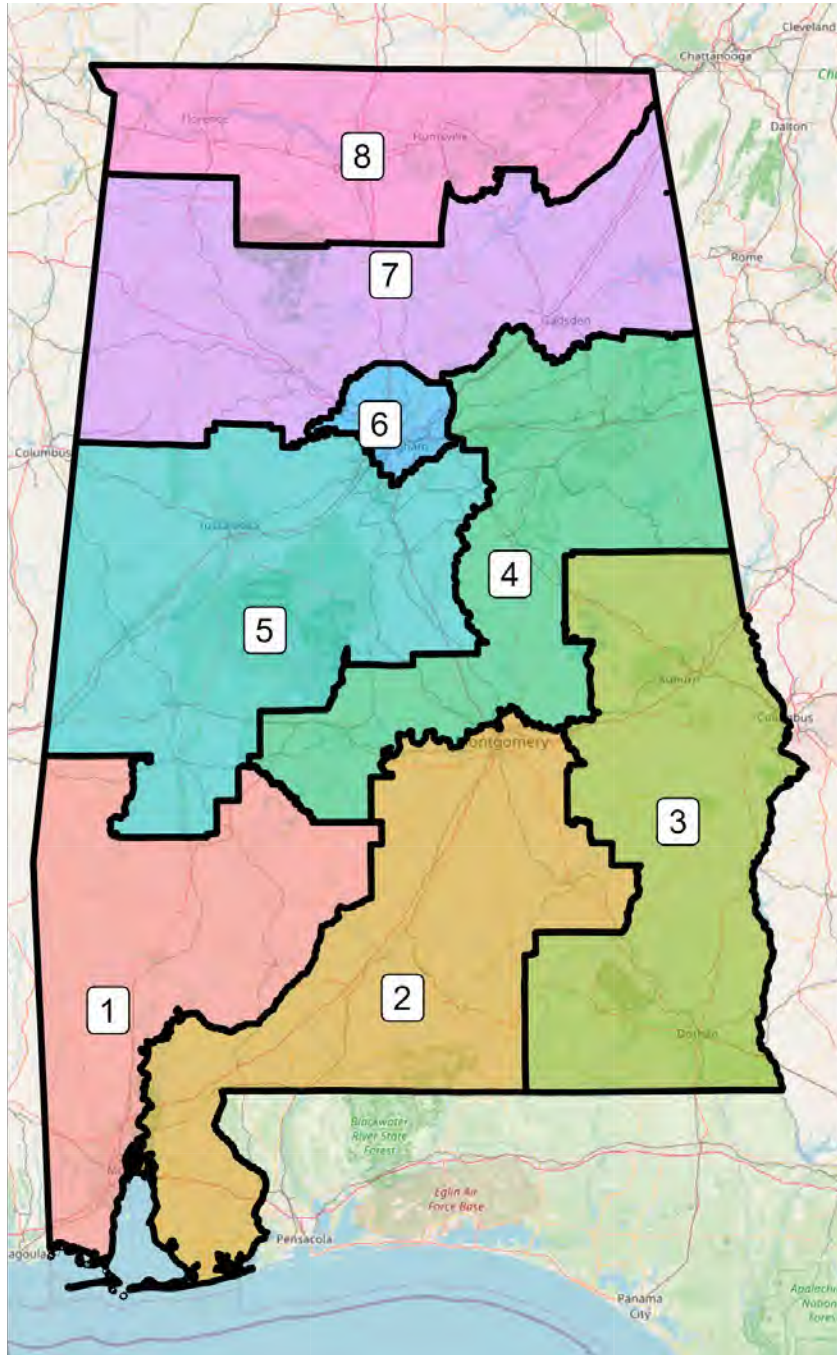


Figure 77: Alabama Congressional Districts for the 90th Congress (1967)

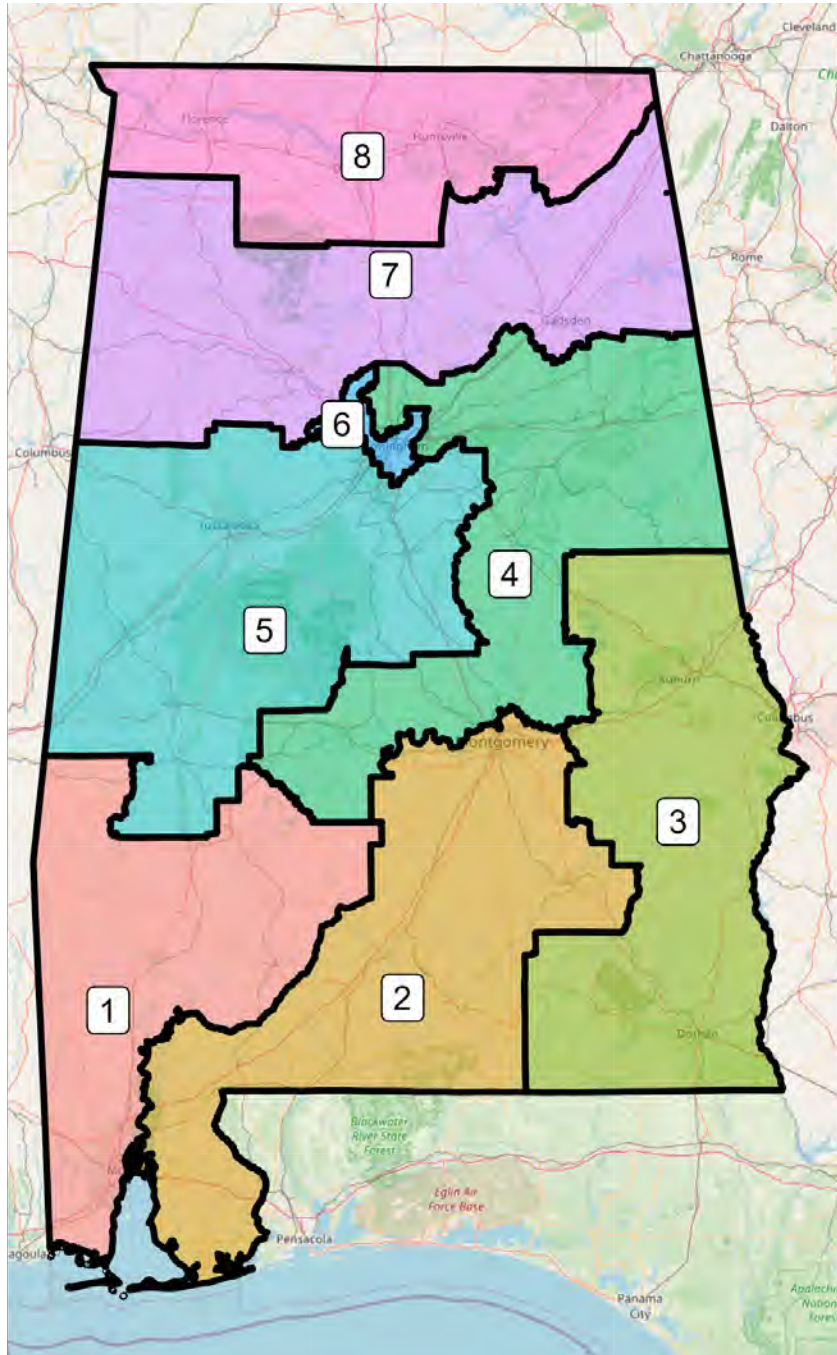


Figure 78: Alabama Congressional Districts for the 93rd Congress (1973)

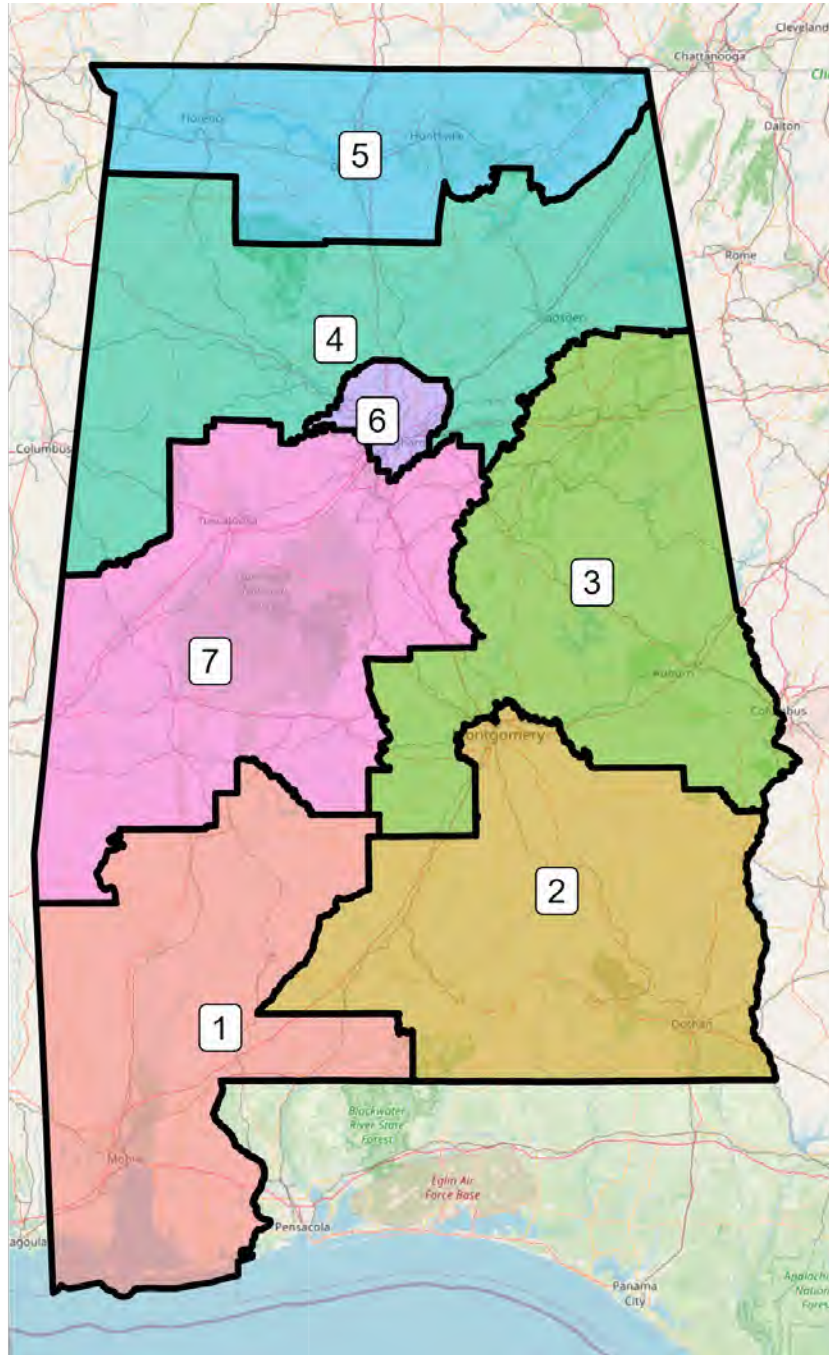


Figure 79: Alabama Congressional Districts for the 98th Congress (1983)

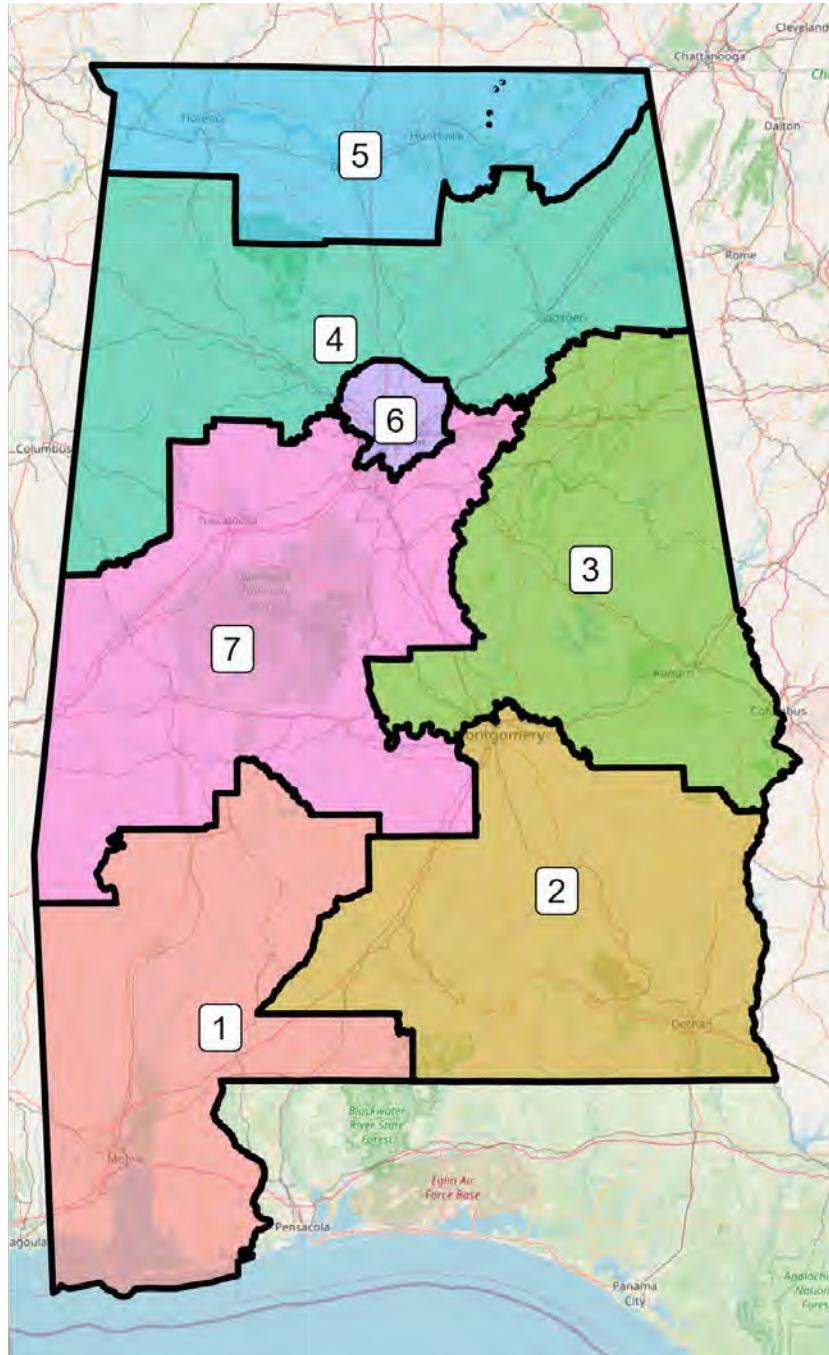


Figure 80: Alabama Congressional Districts for the 103rd Congress (1993)

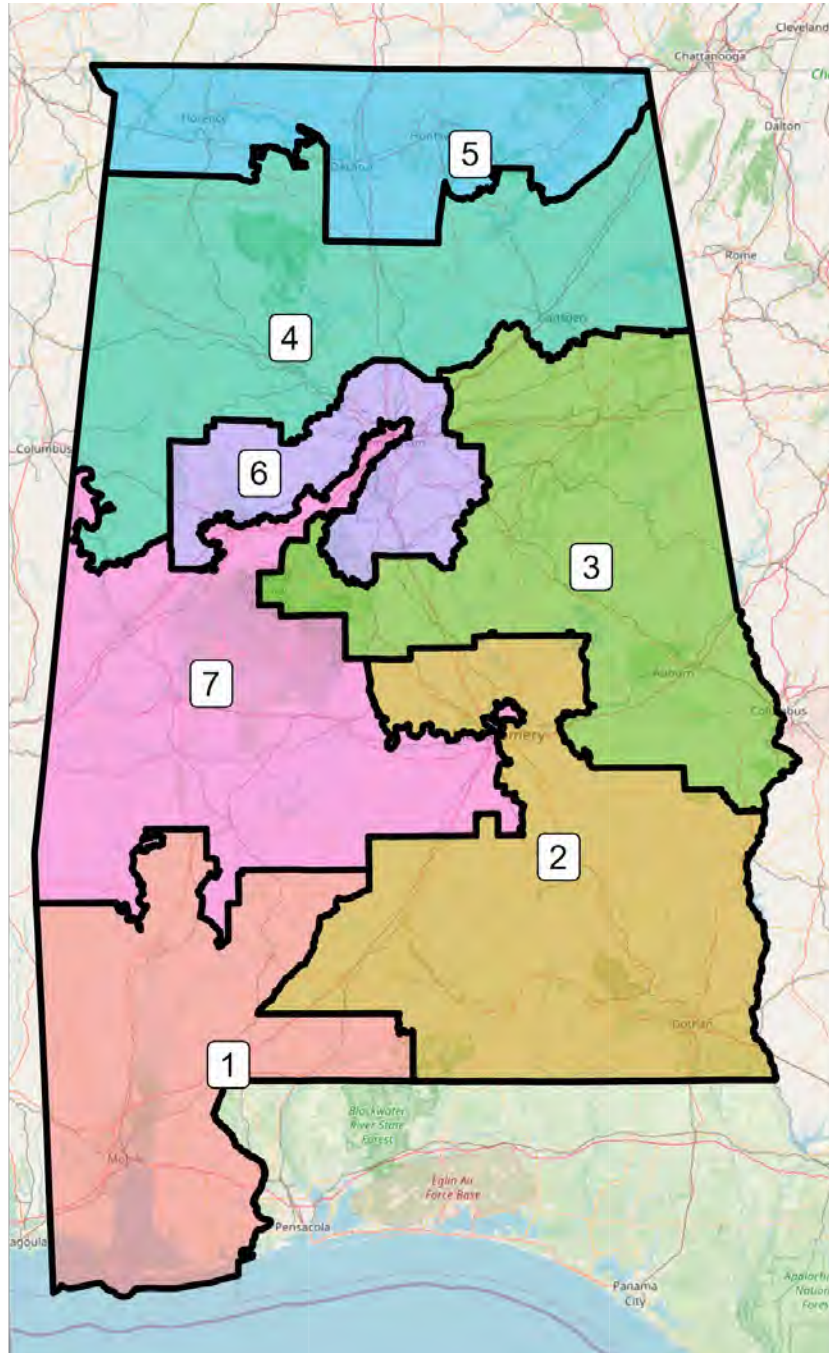


Figure 81: Alabama Congressional Districts for the 108th Congress (2003)

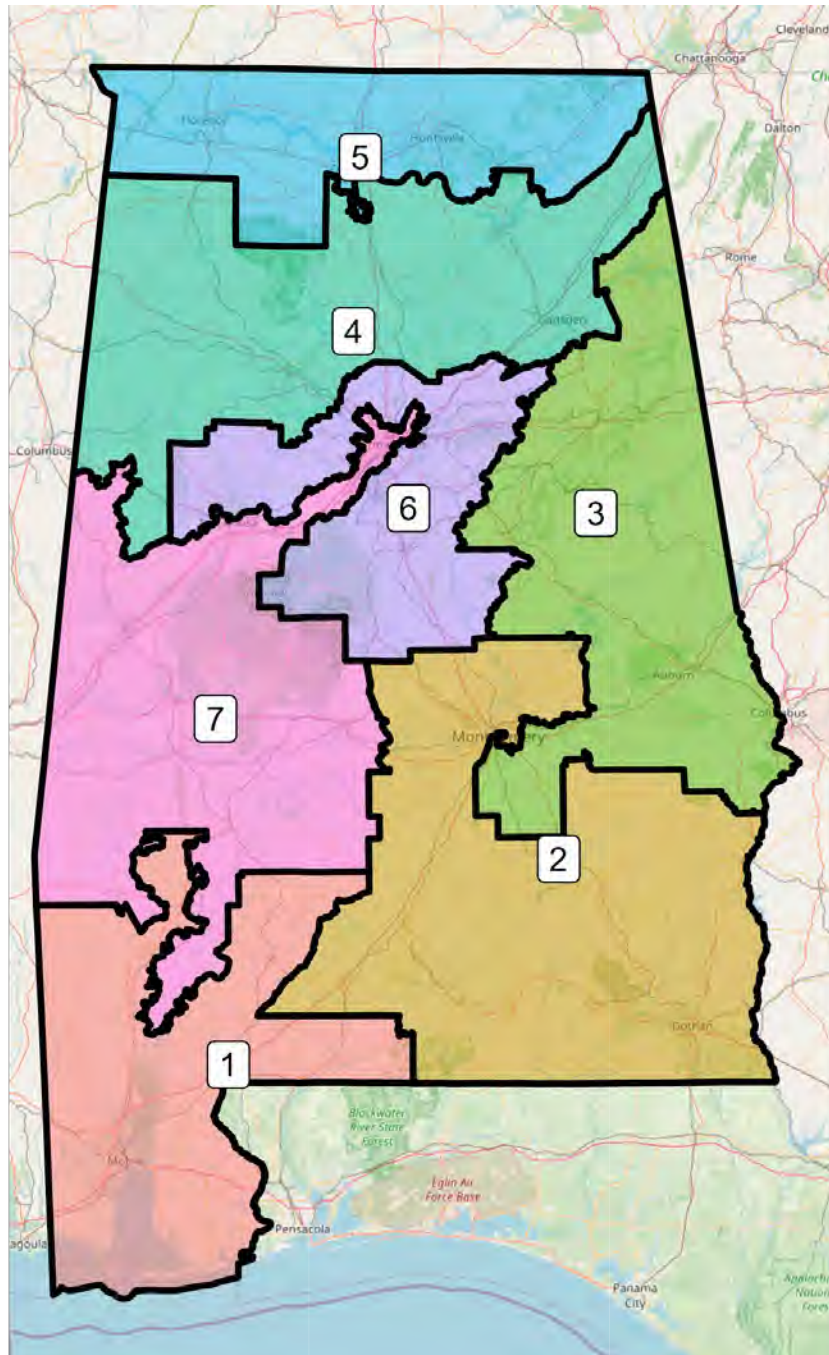


Figure 82: Alabama Congressional Districts for the 113th Congress (2013)

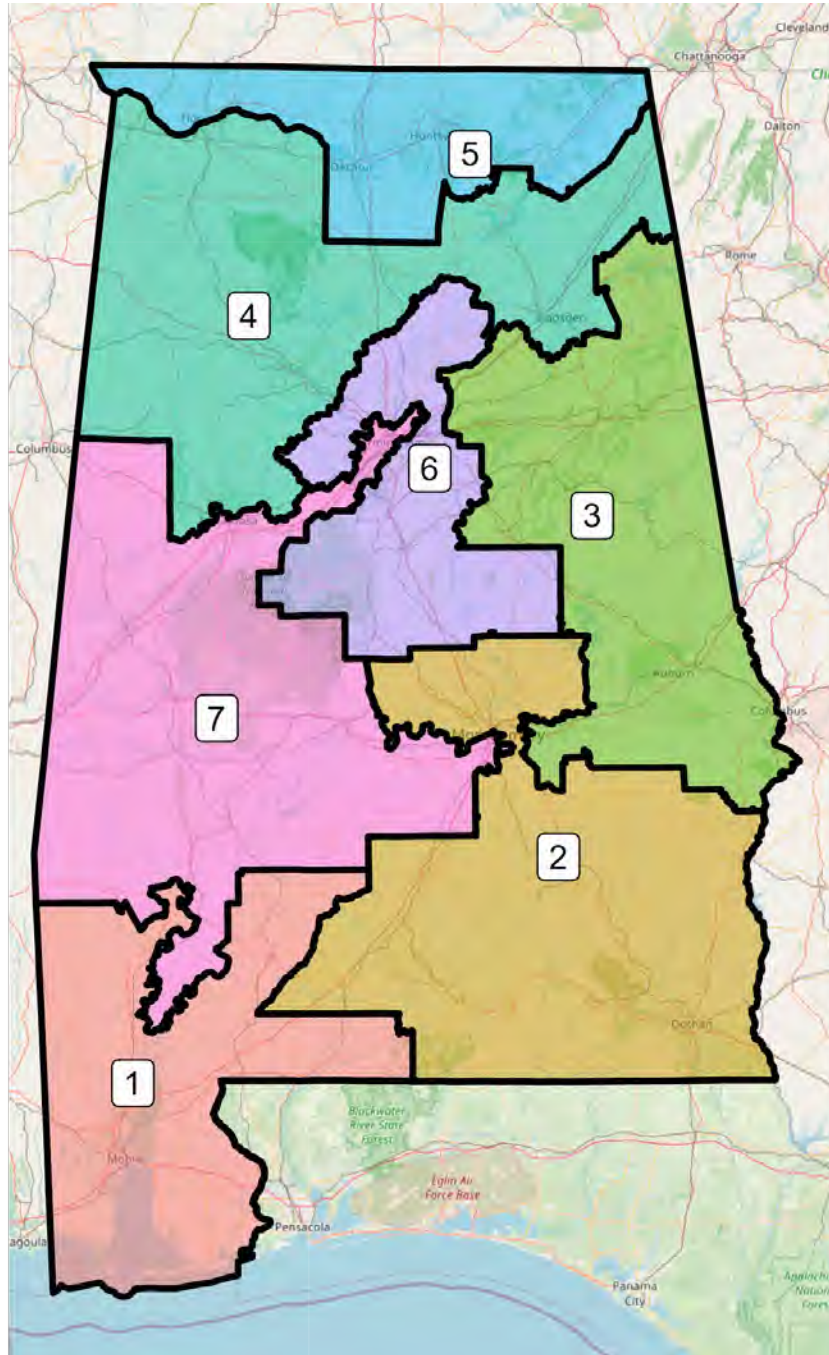


Figure 83: Alabama Congressional Districts for the 118th Congress (2023)

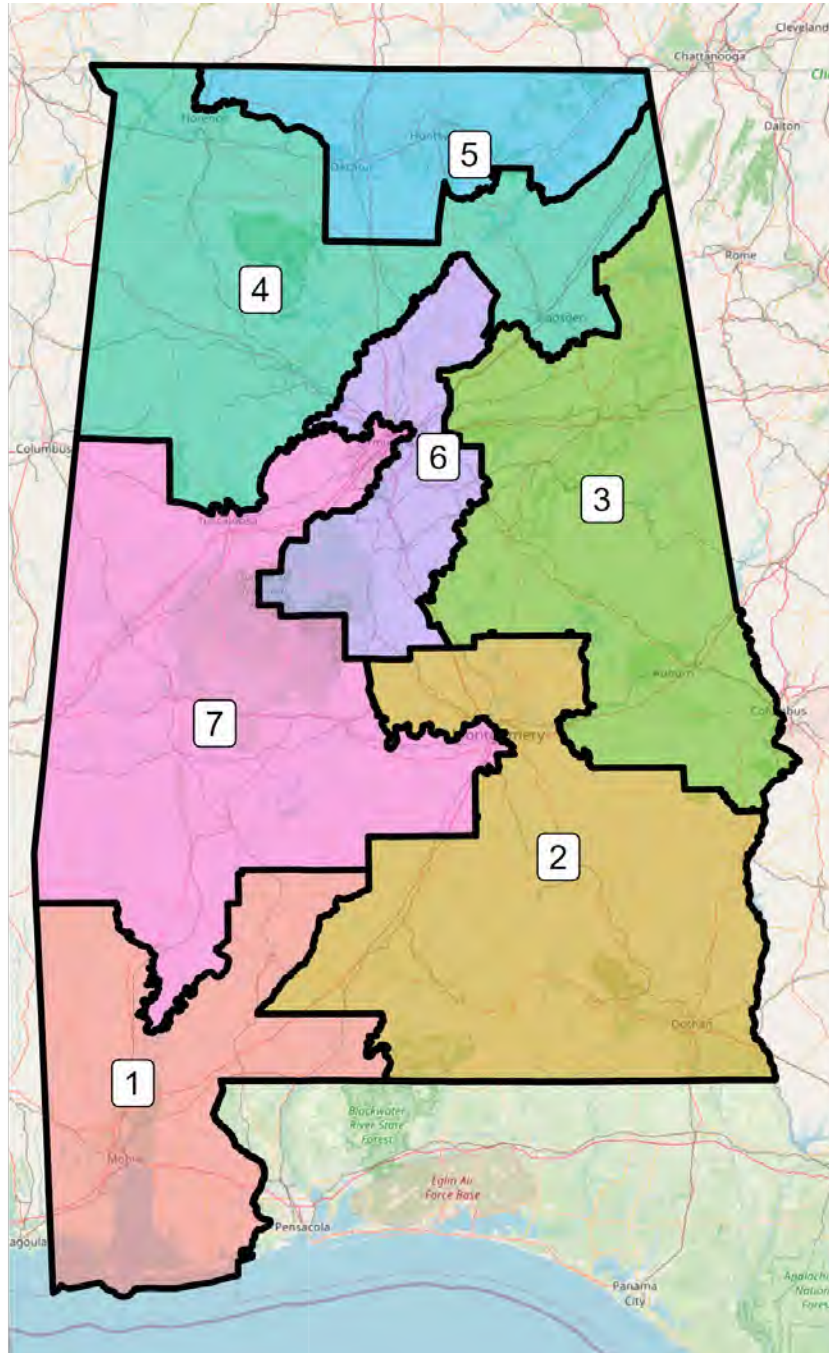


Figure 84: Alabama Enacted Map

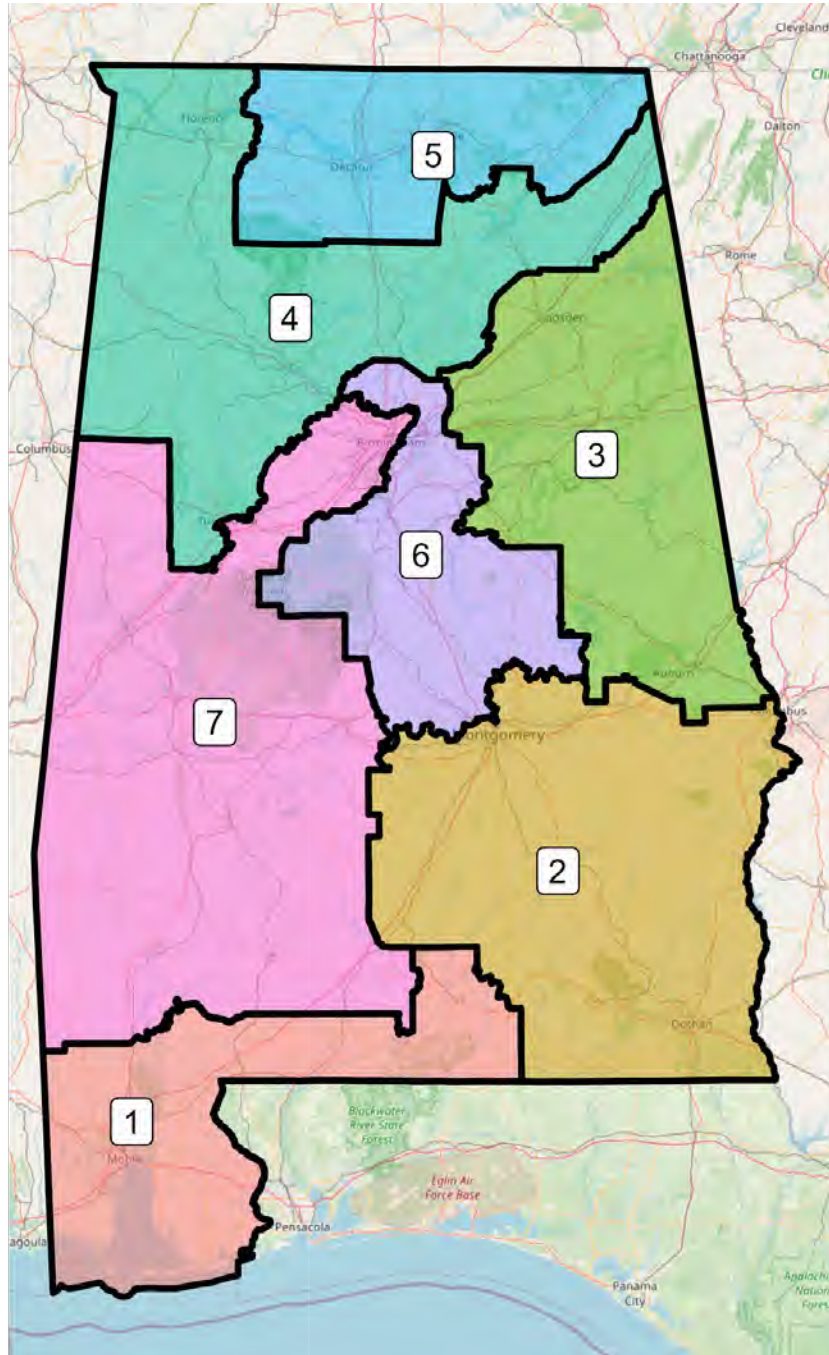


Figure 85: Alabama Special Master Map

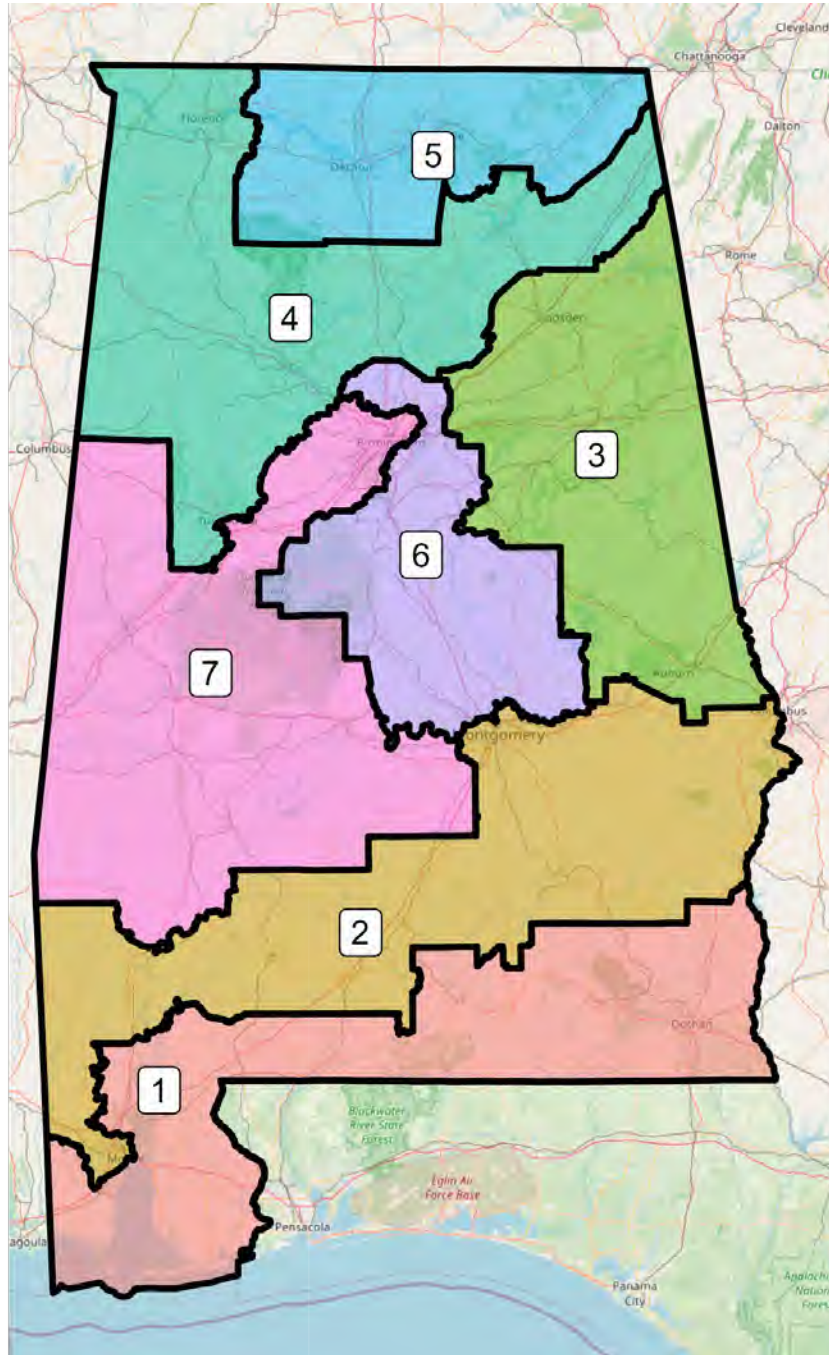


Figure 86: Cooper Illustrative Map 1

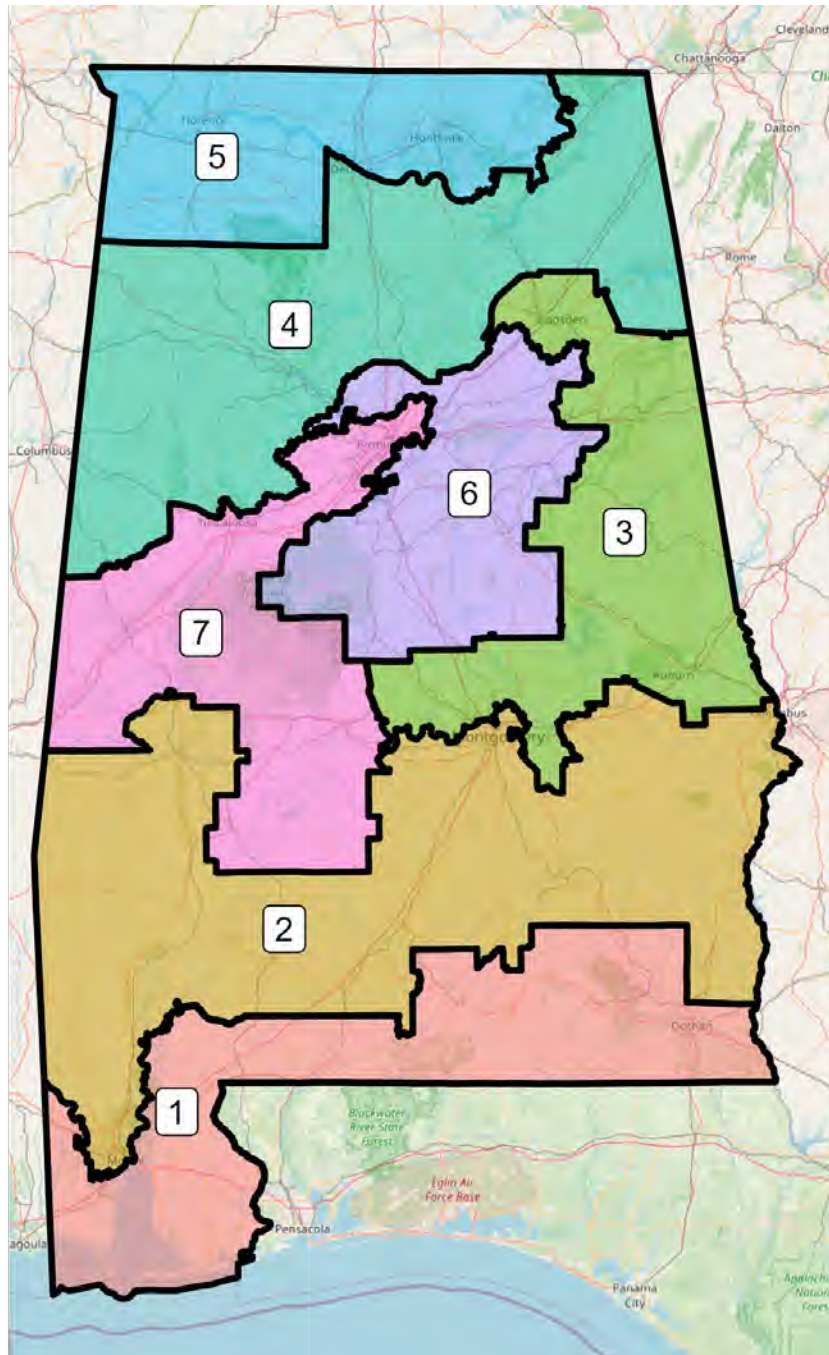


Figure 87: Cooper Illustrative Map 2

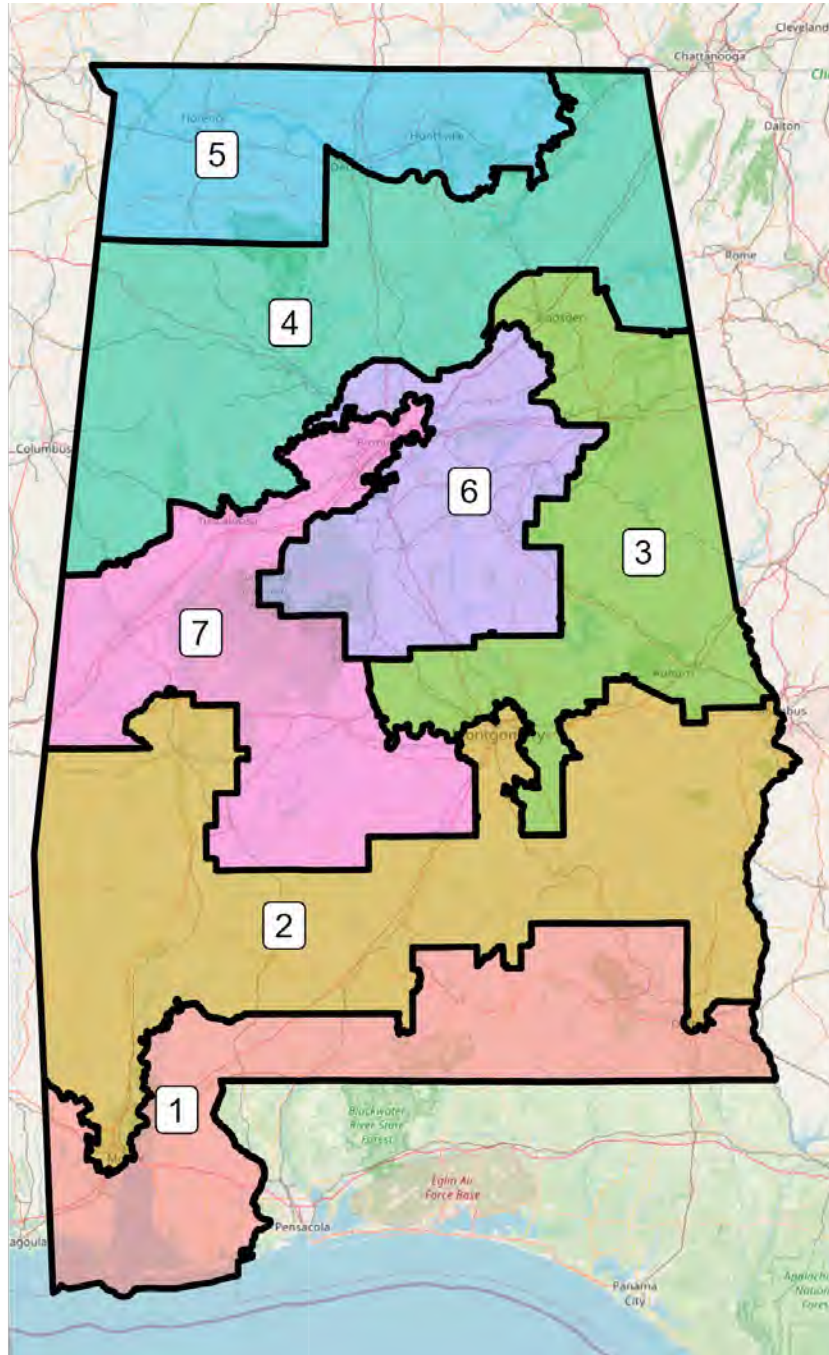


Figure 88: Cooper Illustrative Map 3

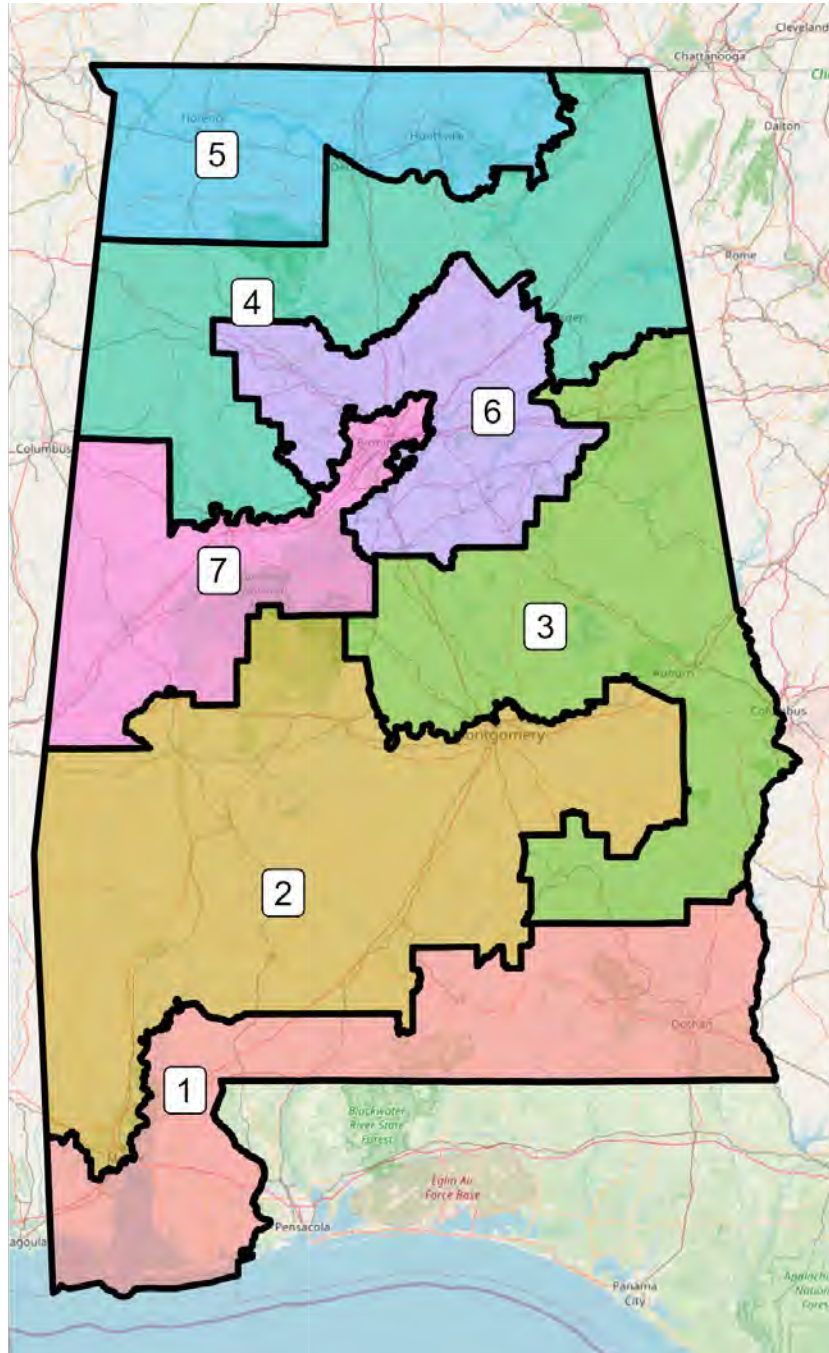


Figure 89: Cooper Illustrative Map 4

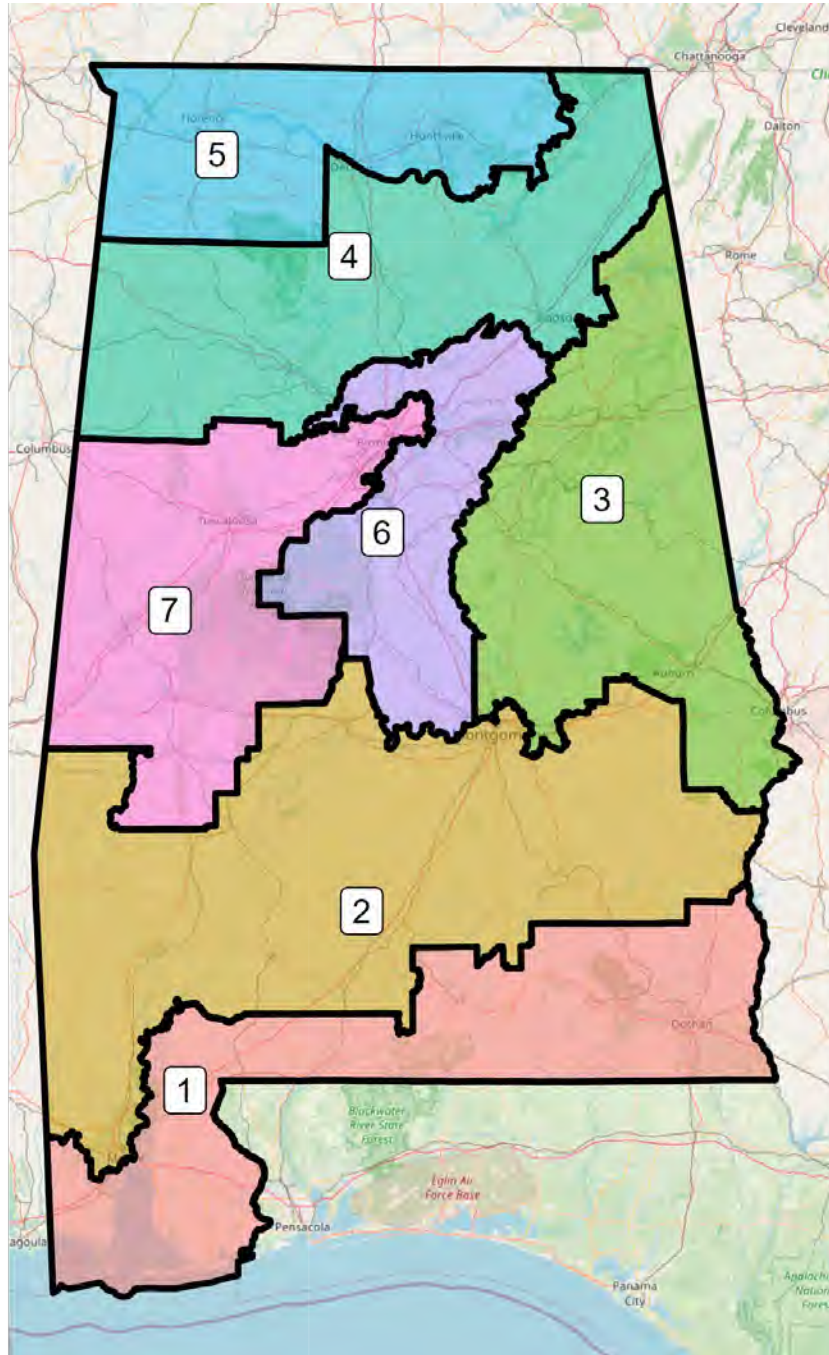


Figure 90: Cooper Illustrative Map 5

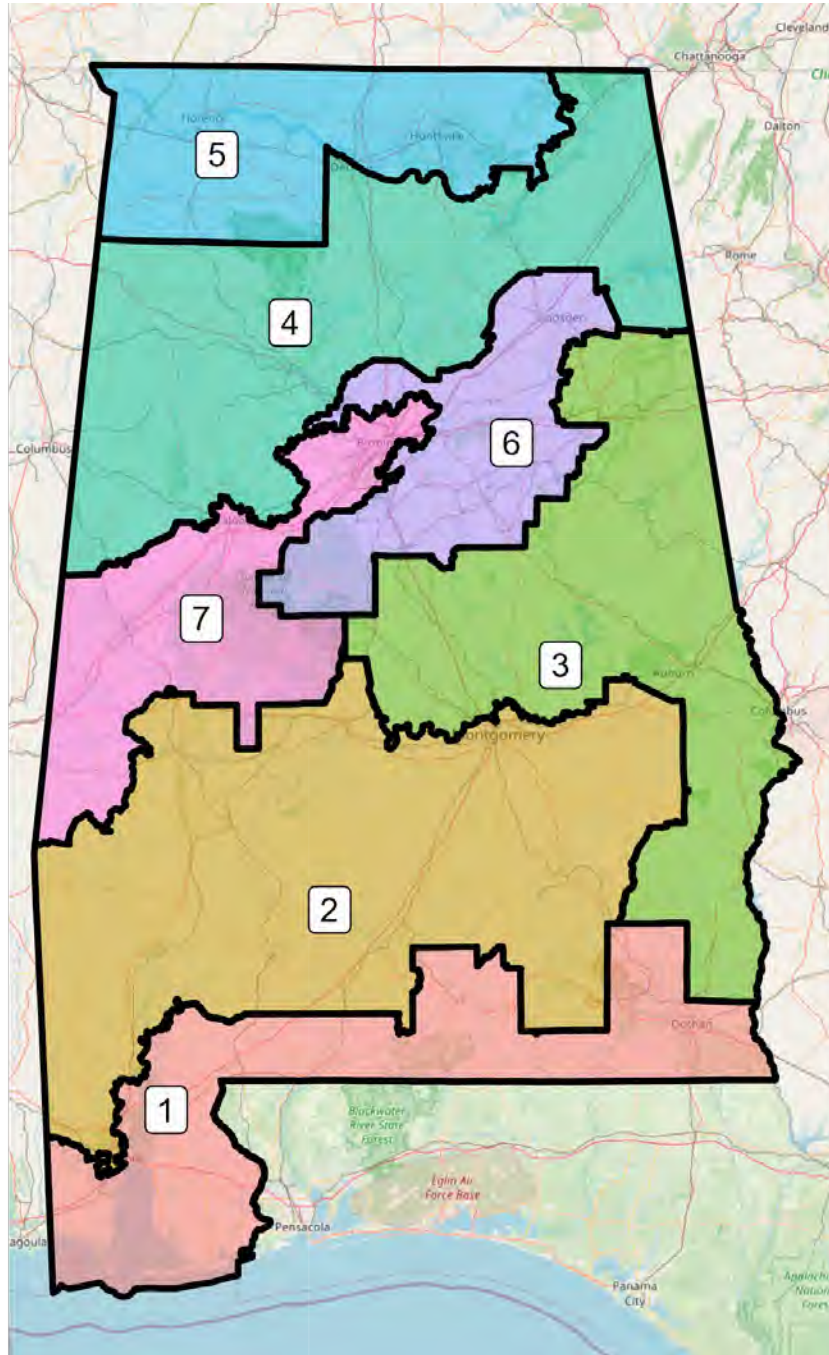


Figure 91: Cooper Illustrative Map 6

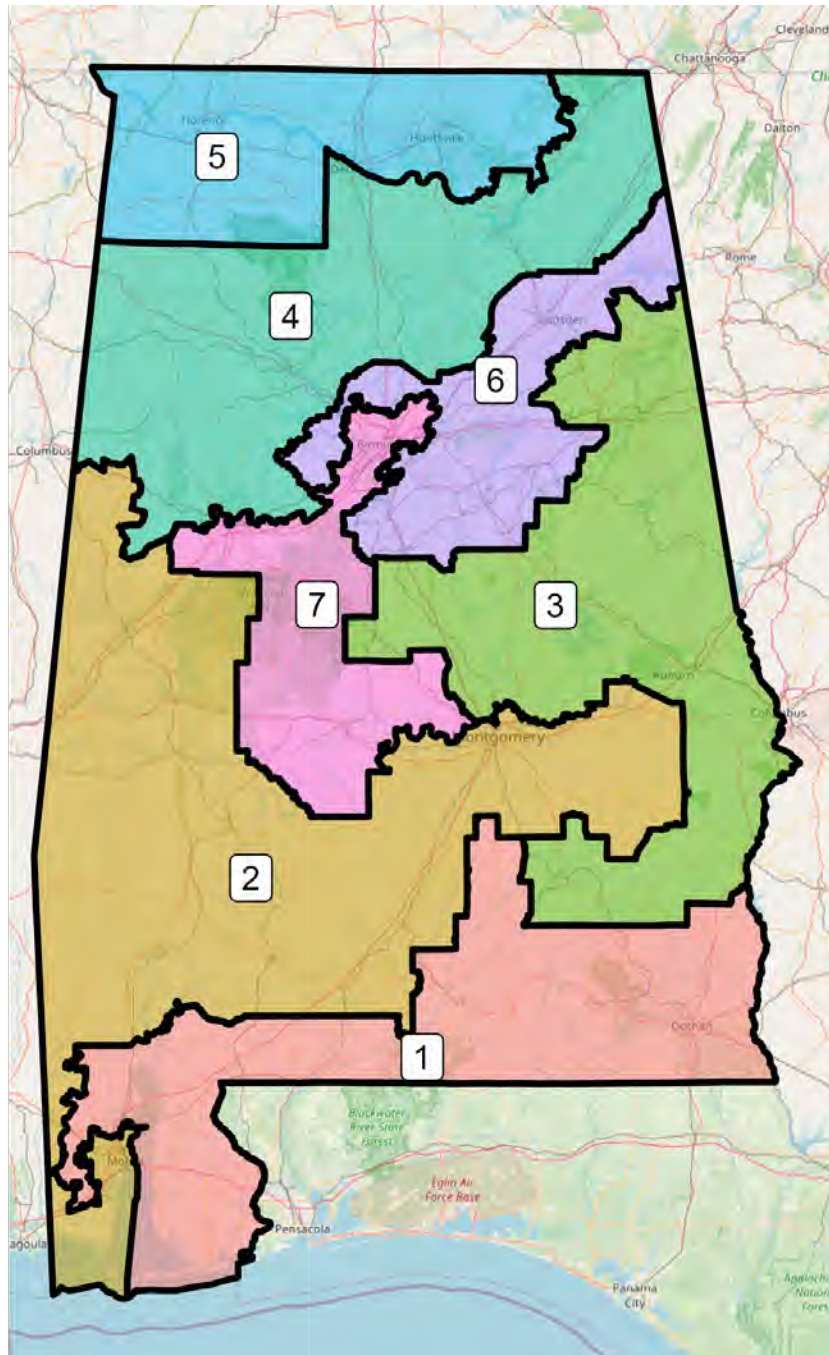


Figure 92: Cooper Illustrative Map 7

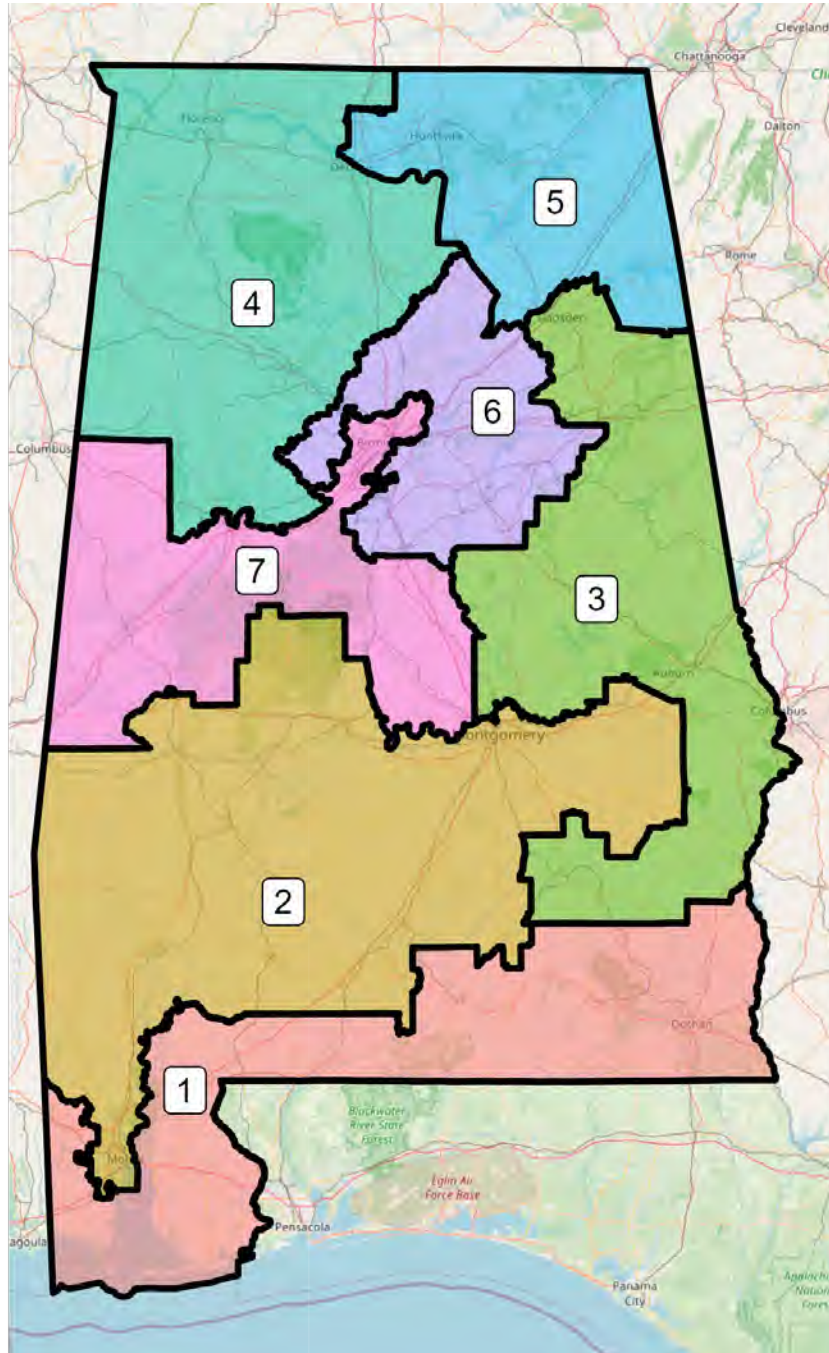


Figure 93: Cooper Illustrative Map 8

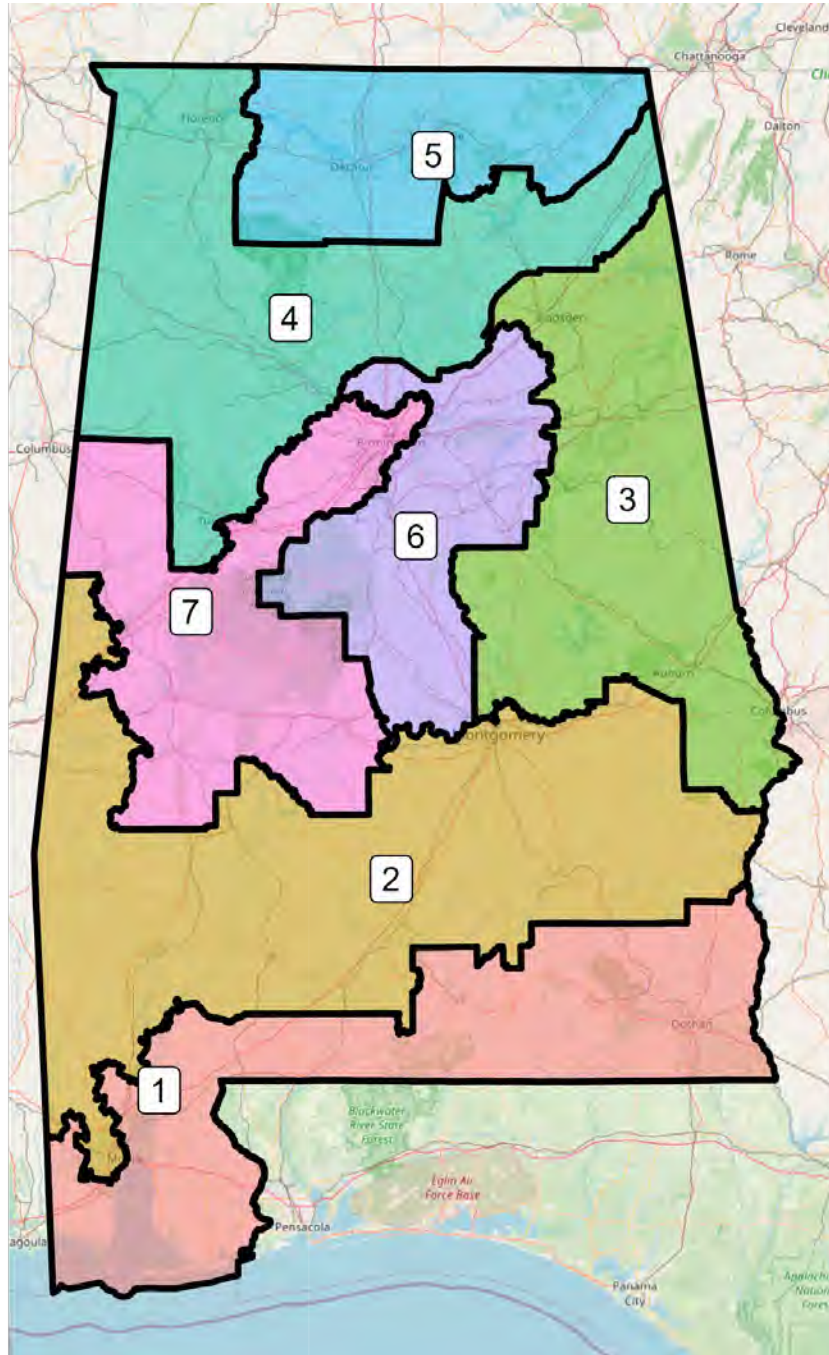


Figure 95: Duchin Illustrative Map B

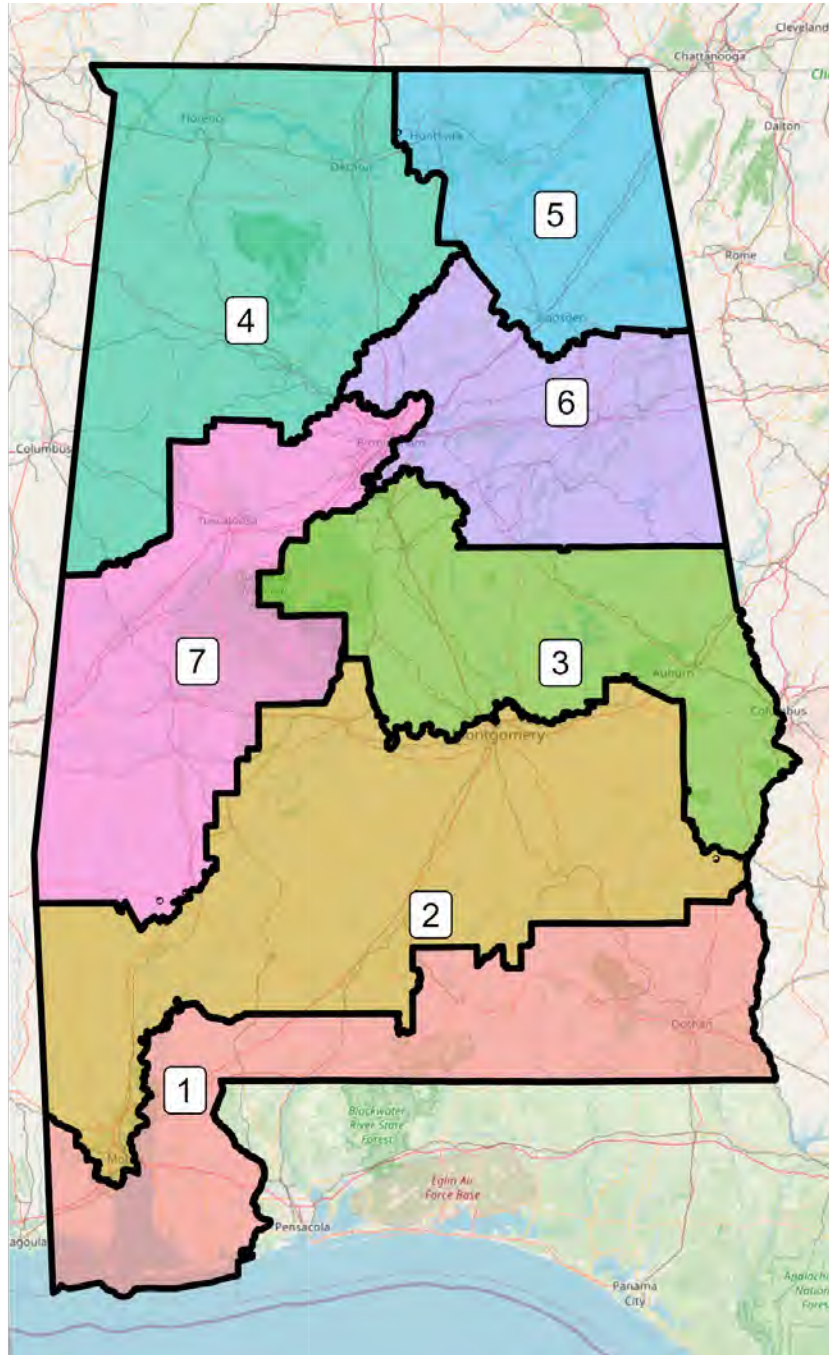


Figure 96: Duchin Illustrative Map C

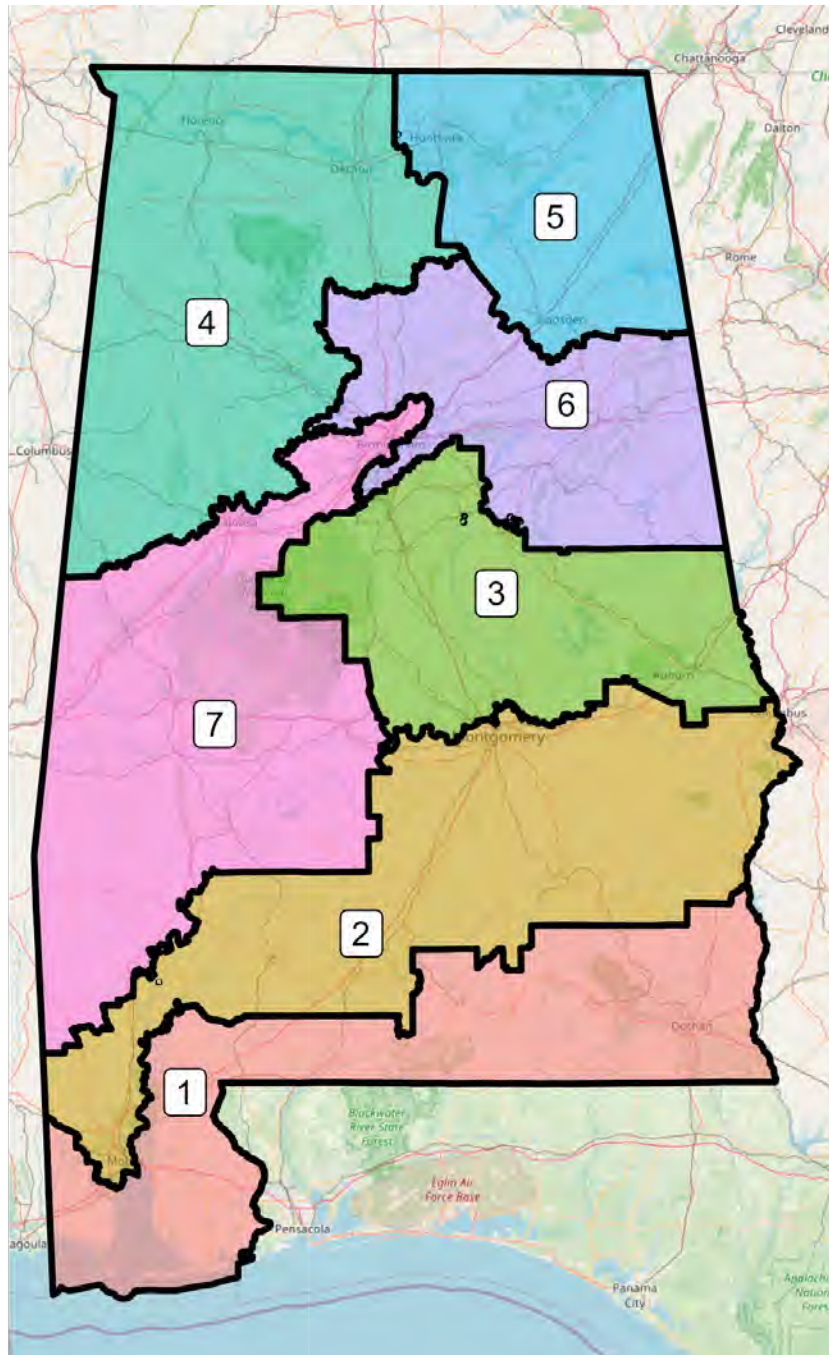


Figure 97: Duchin Illustrative Map D

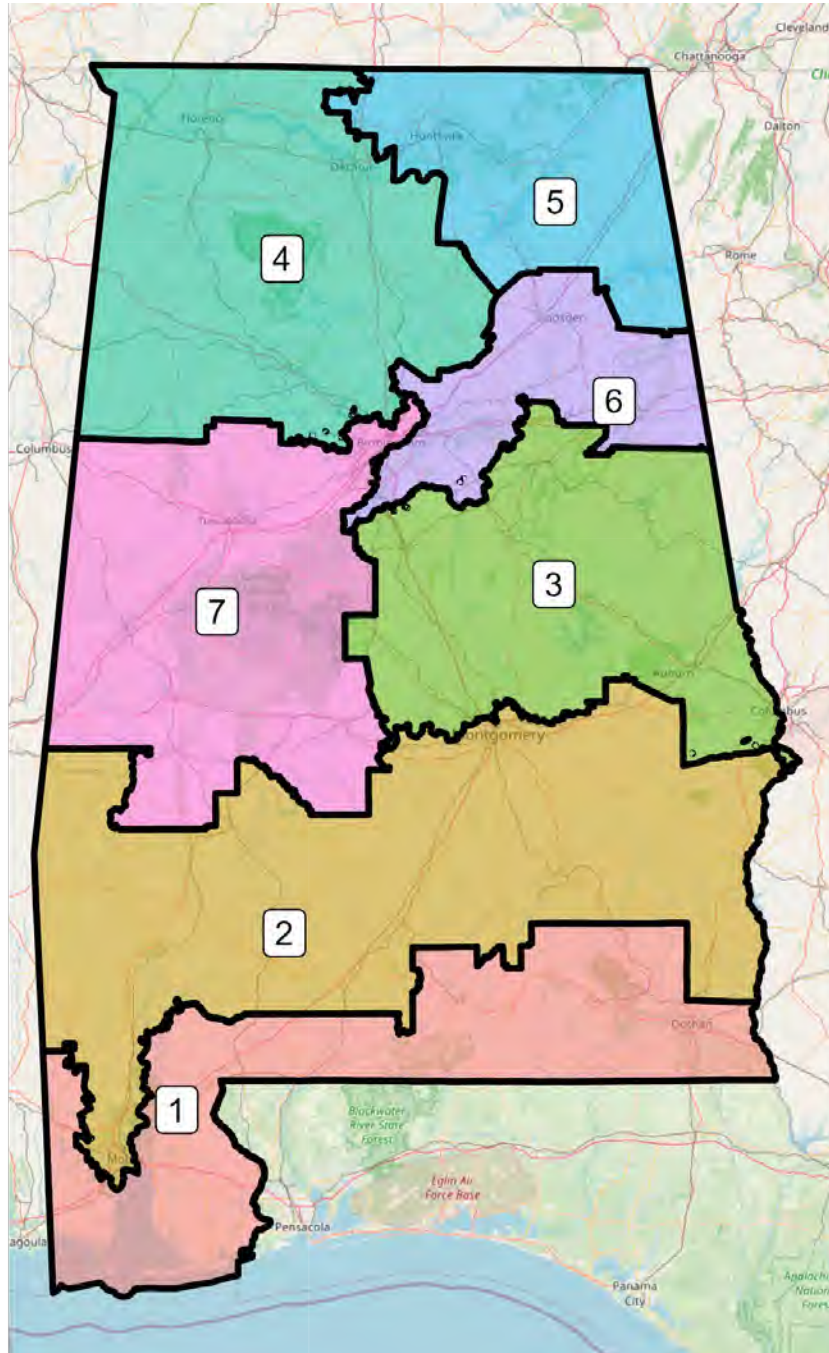


Figure 98: Duchin Illustrative Map E

