

EXHIBIT A

Expert Report of Donald T. Critchlow, Ph.D., M.A.***Oral Clarke, Romance Reed, Grace Perez, Peter Ramon, Ernest Tirado, and Dorothy Flournoy v. Town of Newburgh and Town Board of the Town of Newburgh***

I, Donald T. Critchlow, have been retained as a historical consultant by the Town of Newburgh and the Town Board of the Town of Newburgh (the “Town” or “Defendants”) to reply to assertions raised in the expert report of Professor A.K. Sandoval-Strausz concerning the application of the “the totality of the circumstances,” as defined by the New York John R. Lewis Voting Rights Act (“NYVRA”), to the Town. In particular, I was asked to analyze whether the evidence cited in the Sandoval-Strausz Report supports the claim that under the totality of the circumstances, the ability of Hispanics within the Town to elect representatives of their choice to public office or the Town Board is impaired.

I have testified either at trial or in a deposition in *Feldman v. Reagan*, D. Ariz. No. 2:16-cv-01065 (DLR) and served as an expert witness in *Darlene Yazzie, et al. v. Katie Hobbs*, D. Ariz. No. 20-cv-08222-PCT-GMS. Both cases were won by the State of Arizona. I am also serving as an expert witness in *New York Communities for Change et al. v. County of Nassau, Maria Jordan Awalom, Monica Diaz Ortiz, and Guillermo Vanetten v. County of Nassau, the Nassau Legislature, the Nassau County Board of Election, Bruce Blackman, et al.*, Index Nos. 611872/2023 & Index No. 602316/2024, Supreme Court of the State of New York, Nassau County; *Sergio Serratto, Anthony Aquirre, Ida Michael, Kathleen Siguenz, Silvana against the Town of Mount Pleasant and Town Board of the Town of Mount Pleasant and Rodey D. Pierce et al. v. North Carolina State Board of Elections*. My rate of compensation is \$350/hour and my compensation is not based upon reaching any particular conclusions in this case.

I. Qualifications

In addition to the experience and education described in my curriculum vitae (attached as **Appendix A**), I have published nine monographs with major university presses, including Harvard University Press, Oxford University Press, Princeton University Press, Cambridge University Press, University of Pennsylvania Press, as well as other academic and commercial publishers. Most relevant to this report, my most recent academic publications include *Republican Character: From Nixon to Reagan*, published by University of Pennsylvania Press in 2018, which includes two chapters on Nelson Rockefeller, governor of New York from 1959-1973, specifically the Nelson Rockefeller Papers located in Tarrytown, New York. Also relevant to my scholarly work in American political history is the co-edited book, *The Oxford Handbook of Political History* in 2020, which included essays by thirty leading historians and political scientists who examine political and policy history. These books have undergone extensive peer review.

I am also the editor of the *Journal of Policy History*, a quarterly journal published by Cambridge University Press. Published authors include historians, political scientists, and social scientists from the United States, Europe, and Japan. I have earned two fellowships from the Woodrow Wilson International Scholars Center in Washington, D.C., served as a Guest Scholar at the Brookings Institution in Washington, D.C., and a Distinguished Lecturer for the U.S. Department of State. I have lectured throughout Europe, China, and Australia.

II. Summary of Expert Opinions

Professor A. K. Sandoval-Strausz provides an opinion on the “Totality of Circumstances” factors contained in the NYVRA, §17-206(3)(a) through (k), however, Professor Sandoval-Strausz interpretation of New York and the Town of Newburgh’s history, and his description of past and

current racial disparities, is problematic and deficient. Specifically, each of the factors included in “Totality of Circumstances” are challenged as follows:

a. Professor Sandoval-Strauz’s use of history is monochromatic, linear, and exclusionary of facts that do not fit his narrative. The State of New York has a long history, not discussed by Professor Sandoval-Strauz, of anti-slavery activity prior to the Civil War; and a history of civil rights activism in the post-World-War II period. This raises the question: If slavery is to be included in the “Totality of Circumstances,” why is the history of opposition to slavery and post-World War II civil rights activism not included? Indeed, New York was often on the forefront of efforts countering discrimination and unequal treatment of minorities. Professor Sandoval-Strauz likewise examines federal housing policy, but excludes an extensive literature that challenges this narrative. Furthermore, his examination of the suppression of minority rights fails to discuss immense progress in voter protection on federal and state levels. His opinion is thus incomplete.

b. Professor Sandoval-Strauz’s examination of the election of minority members to public office in the Town of Newburgh distorts the history of a small municipality that did not have a large minority population and still does not.

c. Professor Sandoval-Strauz maintains that protected classes were structurally prevented from voting yet presents little evidence for this assertion. In his report, he misinterprets the history and use of literacy tests for voting by failing to note that this test was aimed against machine politics by “good government” forces, including immigrant groups. Furthermore, the enactment of the Voting Rights Act of 1975 that made Spanish speakers a protected class, and outlawed literacy tests, was a result of Hispanic political activism and was overwhelmingly passed by Congress and signed into law by President Gerald Ford.

d. In claiming that eligible voters, in this case Spanish-speaking voters in the Town of Newburgh, were denied access to voting, Professor Sandoval-Strausz fails to consider the expansion of language services.

e. Professor Sandoval-Strausz's examination of turnout rates as an indication of minority voter suppression ignores that nationally, low voter turnout rates are lower for lower income groups, including whites. Turnout rates in Newburgh show relatively high rates in 2020, a presidential election year, and low turnout rates for a local election in 2023. This is not isolated to the Town of Newburgh; it is a typical pattern for municipalities, large and small, nationally.

f. Professor Sandoval-Strausz ignores evidence that the state, Orange County, and town have provided Spanish- language ballots and public services to the protected class.

g. Professor Sandoval-Strausz's examination of disadvantages faced by minorities in education, housing, and land use is often without empirical foundation and often reaches conclusions based on conjecture. For example, he introduces figures for educational attainment in the Town of Newburgh, without citing where these figures are derived. These figures could not be reproduced after thorough searches of U.S. Census Bureau, New York State Department of Education, or the town of Newburgh's website. The town does not have its own school district, and its students attend one of four districts (Wallkill, Newburgh Enlarged, Valley Central, and Marlboro).

h. He finds, contrary to his claim of employment disparity, that the rate of unemployment in the town remains below state or county rates.

i. In housing disparity, he writes "In the category of housing, conditions in Newburgh also differ meaningfully by race, *probably* [italics added] due both to past patterns of

discrimination in homeownership and disparities in employment” (p. 35). This wording, “probably,” is conjecture not analysis.

j. His discussion of land use policy and environmental protection challenges that prevented the development of a power plant concedes that the opposition to development and strengthening the power grid was led by influential environmental organizations (p. 37). His contention that this evidences a disadvantage to Blacks and Latinos is attenuated. It is far from clear that Blacks and Latinos are against the power plant, as the plant could provide more jobs and New York electrical utility prices are in the top ten highest states in the nation, and that high utility prices especially hurt low-income households.

k. Professor Sandoval-Strausz combines sections g/h.

l. Professor Sandoval-Strausz claims there was overt or subtle racial appeals in political campaigns by pointing to a fabrication about immigrants created by an individual citizen. He does not explain why this was a racist campaign message. Indeed, the woman who created the fabrication, Sharon Toney-Finch, was Black. He further finds subtle or outright racial appeals in anti-immigration language, apparently contending that an expression of concern about border security is by itself racist in nature. In doing so, he downplays the widespread concern among all voters, including blacks and Hispanics, about mass immigration.

m. Professor Sandoval-Strausz concludes his report with the claim that voter redistricting in the small Town of Newburgh is called for by this alleged record of racism. His report overlooks residential distribution and differences within the community, especially among Blacks and Hispanics.

Professor Sandoval-Strausz’s claims are explored in detail to show his tendency to cherry pick facts, obscure context, ignore progress, and disregard good intentions of public officials in

national, state, county, and town seeking to address serious and complex social and economic problems.

III. Expert Opinions

A. History of Racial Discrimination Affecting Political Subdivision

Professor Sandoval-Strusz's report begins with a history of discrimination against Blacks and Hispanics nationally, in New York State, and to a much lesser extent, in the Town of Newburgh. The plaintiff's report asserts that "New York has a long and sad history" of suppressing the political power of people of color. This discussion lacks context and ignores significant civil rights legislation.

While slavery, Jim Crow, and discrimination against non-English speakers in voting are certainly part of American history, so are anti-slavery movements, the Black civil rights movement, and increased access to the ballot. Professor Sandoval-Strausz emphasizes part of the history, but entirely ignores the wider history, one which includes active anti-slavery mobilization in the State of New York and the Hudson Valley, as well as Black and minority civic rights activism, and legislative progress, in the 20th century. As a result, his report is one-sided and thus, unreliable.

Recounting our national history of the abolition and civil rights movements at the national level—vast and complex movements—would be overkill and beside the point in a case focused on the Town of Newburgh. This response will largely focus on the State, the Hudson Valley region, and the town.

Historian Richard S. Newman wrote in his history of abolitionism that the movement "was born with the American republic," or perhaps even earlier.¹ New York was an important part of

¹ Richard S. Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic 2* (Univ. of N.C. Press 2002).

that story, both as it developed at the national level and in a state that had deep economic ties to the Southern slave economy, a sizeable population of free Blacks and slaves, and more than its share of virulent racists.

New York, with a relatively large slave population, tried to balance freedom and property rights. Following Pennsylvania, Connecticut, and Rhode Island, New York voted for gradual emancipation in 1799. The law was passed after the New York Manumission Society's steady agitation. Founded in 1783, its membership included slaveowners such as John Jay, who introduced abolition laws in 1777 and 1785.² In addition to trying to change state law, the New York Manumission Society organized a national convention to explore how to persuade Congress to pass anti-slavery legislation and to coordinate efforts to prevent free Blacks from kidnapping by slave traders.³ It also focused on education: removing the "cloud of prejudice" that hung over whites about the capabilities of Blacks for citizenship and providing education to Blacks to equip them for citizenship.⁴

The American Anti-Slavery Society, founded in 1833 and counting women and free Blacks among its members, was active in the Hudson Valley, especially in areas where Quakers settled. Abolitionists in the Hudson Valley "played a significant role in the Underground Railroad."⁵ Calling for immediate abolition, it had an immense presence in New York. By 1836, one-fifth of

² Both Aaron Burr and Alexander Hamilton were members, as were three future governors. David N. Gellman, *Liberty's Chain: Slavery, Abolition, and the Jay Family of New York* (Cornell Univ. Press, Three Hills, 2022) explores the tension in John Jay's advocacy while still owning human beings.

³ Paul Polgar, "To Raise Them to an Equal Participation": *Early National Abolitionism, Gradual Emancipation, and the Promise of African American Citizenship*, 31(2) *J. of the Early Republic* 229, 239–240 (2011).

⁴ *Id.* at 240.

⁵ Amy Jacaruso, *The Mid-Hudson Antislavery Project*, Hudson River Valley Institute, <https://www.hudsonrivervalley.org/mid-hudson-antislavery-history-project>; Rebecca Edwards, Torrie Williams, Kristina Poznan, *Mid-Hudson Antislavery History Project June 2007 Research Report*, Vassar College (2007), available at <http://mhantislaveryhistoryproject.org/documents/2007%20Research%20Report.pdf>; A.J. Williams-Myers, *The Underground Railroad in the Hudson River Valley: A Succinct Historical Composite*, 27(1) *Afro-Americans in New York Life and History* 1–12 (2003).

the chapters in the nation were in New York.⁶ Their activism, often in the face of opposition, kept abolitionism in the consciousness of the state and nation, even amid internal divisions.

The Liberty Party emerged from a meeting in upstate New York involving Anti-Slavery Society members who were frustrated with the Whig and Democratic parties for their unwillingness to take a stand on slavery. With two slaveowners running in 1844, the Liberty Party hoped for a breakthrough, but the party won only 2.3% of the vote nationally and 3.25% in New York, which the Democrat Polk carried with 48.9% of the vote.⁷

Nationally, Black suffrage faced headwinds everywhere in the 19th-century North. Only Iowa managed to pass one.⁸ However, the New York state legislature proved to be a more reliable venue for progress on civil rights. In 1873, New York was one of the first states to pass a civil rights statute—a state version of the 14th Amendment. It banned racial discrimination in public accommodations, including public schools. By World War II, “the nation viewed New York courts and legislature as leading agencies in the broader advocacy of civil rights.”⁹

The postwar reputation for progress in civil rights legislation was cemented by the passage of the Ives-Quinn Act in 1945 with broad bipartisan support.¹⁰ It aimed to prevent discrimination in employment, which it declared was a civil right. It created a state commission with broad powers

⁶ John L. Myers, *The Beginning of Anti-Slavery Agencies in New York State, 1835-1836*, 43(2) *New York History* 149, 150 (1962).

⁷ *1844 Presidential General Election Results*, U.S. Election Atlas, available at <https://uselectionatlas.org/RESULTS/national.php?year=1844>.

⁸ Robert R. Dykstra, *Bright Radical Star: Black Freedom and White Supremacy on the Hawkeye Frontier* (Harv. Univ. Press 1993).

⁹ David McBride, *Fourteenth Amendment Idealism: The New York State Civil Rights Law, 1873–1918*, 207–233, 208, *N.Y. History*, April 1990, Vol. 71, No. 2.

¹⁰ Leo Egan, *ANTI-RACIAL BILL PASSED BY SENATE AND SENT TO DEWEY; Ives-Quinn Measure Wins by 49-to-6 Vote in Late Session at Albany A LAST-MINUTE BATTLE Amendment for Referendum Rejected--Governor's Support Commended Dewey Corralled Votes Structure of Law Praised Functions of Commission*, *N.Y. Times* (Mar. 6, 1945), <https://www.nytimes.com/1945/03/06/archives/antiracial-bill-passed-by-senate-and-sent-to-dewey-ivesquinn.html>.

to investigate claims, formulate policy, and create local and regional boards to implement policy. New York was the first state to establish such an agency.¹¹

The state Commission against Discrimination was renamed the Division of Human Rights in 1968 which better reflected its wider and growing scope. New York counties, including Orange County, have replicated this model, creating their own Human Rights Commissions and procedures for filing complaints.¹²

Professor Sandoval-Strausz unsuccessfully attempts to demonstrate a link between his “sad history” of New York and the status of Blacks and Hispanics in New York today. For example, finds a 1992 neo-Nazi picnic/rally held in the town of Newburgh an example of the continued history of racism in the town (pp. 22-23). He writes, “In the most widely-reported incident in the early decades of the town’s and county’s ethnoracial diversification, in September 1992 assorted groups of neo-Nazis and Ku Klux Klan members and supporters gathered for a picnic in the Town of Newburgh. ... About 100 people attended the event....” The event sparked the organization of a much larger counter-march in the neighboring City of Newburgh in which some 3,000 people—including representatives from the NAACP, white and Black Christian ministers, local Jewish congregations, a mayor, and New York’s attorney general—rallied for “racial and religious unity and against demagogy.”

Professor Sandoval-Strausz’s evidence, however, demonstrates that relatively few people attended the neo-Nazi rally. Newspaper reports from The New York Times and the Star-Gazette suggest that many of those who attended the rally were not citizens of the Town of Newburgh, but instead came from New Jersey, Maine, Connecticut, and Delaware. Moreover, the counter protest

¹¹ N.Y. State Div. of Hum. Rts., *Agency History*, N.Y. State Div. of Hum. Rts., <https://dhr.ny.gov/agency-history>.

¹² Orange Cnty. Gov’t, *Human Rights*, Orange Cnty. Gov’t, <https://www.orangecountygov.com/1108/Human-Rights>.

to the KKK rally drew over 30 times more protesters. Although this was held in the adjourning City of Newburgh, reports of the county rally do not reveal how many attendees were residents of the town of Newburgh. Professor Sandoval-Strausz's lengthy report of this incident in 1992 is a small event in a longer history of great progress being made in civil rights legislation protecting minority voters."¹³

Professor Sandoval-Strausz finds that literacy tests were used as instruments of discrimination (p. 9). This history of literacy testing in New York is considerably more complex than portrayed by Professor Sandoval-Strausz. For example, He overlooks that state-funded evening programs, public schools, and community centers undertook an extensive educational campaign to ensure an expanded electorate prepared to pass the literacy tests. From 1923 through 1929, the fail rate for the exam fell from 21.4% to 10.8%. Those taking the test rose from 25,199 to 46,433. The high-water mark for taking the test was 1928, a presidential election year that featured Catholic New Yorker Al Smith as the Democratic candidate, in which 129,000 people took the exam.

More importantly, as Professor Sandoval-Strausz concedes, literacy tests were banned nationally by the 1975 Voting Rights Act, largely due to the efforts of Mexican American and Puerto Rican legal activists. The Voting Rights Act of 1975, and the banning of literacy tests in the nation, provides further evidence of progress in protecting legal rights—progress that Professor Sandoval-Strausz neglects to consider in his analysis. Indeed, today, Orange County has vigorous programs to ensure Spanish speakers' access to voting and educational resources to encourage civic participation and access. On the county's website, orangecountygov.com, when searching

¹³ Robert W. Dalton, "Go Upstate," *Spartanburg Herald-Journal*, Apr. 15, 2007.

“Spanish” over 100 documents come up. This includes early voter registration available in Spanish.¹⁴

Further, Professor Sandoval-Strausz fails to explain how literacy tests from the 1920s impair Hispanics’ ability to elect a candidate to the Town Board 100 years later and nearly 50 years after such tests were abolished. Placed into a larger historical context and the current environment, Professor Sandoval-Strausz’ historical narrative of persistent racism in the Hudson Valley, Orange County, and Newburgh appears cherry-picked and monochromatic. Furthermore, today Newburgh is a stable town, with a generally well-educated population, a town concerned with inclusion and diversity, and a town committed to policy transparency, open public hearings, and elected officials representative of the entire community.

B. The Town of Newburgh Today

The Town of Newburgh, a small municipality, is one of the oldest towns in the state, chartered in 1788. The Village of Newburgh was incorporated in 1800; it gained a city charter in 1865 and was split from the town. The town was largely agricultural, providing produce locally and sent to market in New York City and elsewhere. Dairy farms—Orange County became well-known for its butter, and when that market collapsed, milk—predominated.¹⁵ Orchards and truck farms were also common. Industry, such as the manufacturing of bricks, took advantage of local resources and markets.

Today the Town of Newburgh has been transformed from a once sparsely-settled farming community into more of a “bedroom” community. Many of the Town’s residents, as Les Cornell,

¹⁴ Orange Cnty. Gov’t, Early Vote by Mail (Spanish) Revised Primary Only, Orange Cnty. Gov’t, <https://www.orangecountygov.com/DocumentCenter/View/31201/early-vote-by-mail-spanish-revised-primary-only?bidId=>.

¹⁵ Alex Prizgintas, *Dairy Farming History*, <https://alexprizgintas.com/dairy-farming-history/>.

the town historian observes, “work in more metropolitan areas, but chose to move to this area and to raise their families here because of its affordability and its rural setting.”¹⁶

The current population stands today at 31,987, a slight increase from the 2010 population of 29,801. Of this population, 61% are white, 15.4% are black, 10.7% are mixed race, and 25.2% are Hispanic. Thirteen percent (13%) of the population is foreign born. The population is well educated with 92.2% of persons over the age of 25 with a high school diploma, and 32.8% with a Bachelor’s degree or higher. Ninety-six percent (96%) of households have a computer, and 93% have a broadband internet subscription.¹⁷ This allows greater education access for on-line education, as well as opportunities for political education and political involvement.

The town today operates with an annual budget of \$55.6 million. Town Supervisor Gil Piaquadio announced that the town has received a financial stress score of zero from the State Comptroller’s Office and has a AA2 bond rating. The new budget will be used to maintain roads and provide timely public services, enjoyable recreation areas, and clean water. The town employs 165 full-time employees and 101 part-time and seasonal workers. The budget includes 49 full time public safety officers, as well as 13 budgeted-parttime offices to continue such educational programs as D.A.R.E.¹⁸

In March 2021 the city adopted an extensive plan for police innovation, in response to an executive order by Governor Andrew Cuomo requiring each local government to adopt police reform. Through virtual public meetings open to the entire community, the Town of Newburgh described a program to ensure inclusivity of the police force, further training of police officers in

¹⁶ Town of Newburgh, *History of the Town of Newburgh*, <https://www.townofnewburgh.org/cn/webpage.cfm?tpid=4844>.

¹⁷ U.S. Census Bureau, *QuickFacts: Newburgh town, Orange County, New York*, <https://www.census.gov/quickfacts/fact/table/newburghtownorangecountynewyork/PST045222>.

¹⁸ Alberto Gilman, *Town of Newburgh*, Hudson Valley Times (Oct. 25, 2023), <https://www.timeshudsonvalley.com/stories/town-of-newburgh-adopts-556-million-budget,103819>.

the use of force and defensive tactics, and greater legal awareness. Additional training was initiated for anti-discrimination/anti-racism, procedural justice/implicit bias, and de-escalation. Every officer will undergo “implicit and anti-discrimination training.”

C. Factors B-D Minority Political Participation and Hispanic Attainment

Professor Sandoval-Strausz spends considerable time showing discrimination against Hispanics more generally in the nation and the State. He provides very little about the town of Newburgh, however. He also ignores major advances in education and other areas made by Spanish speaking people nationally and in the state of New York. These advances, which can be empirically shown, are crucial to understanding the status of Hispanics in Newburgh today.

The historical context is important. Puerto Rican migration to New York City rose 50% from 1930 to 1940 and then quadrupled from 1940 to 1950. Political activism paralleled this migration. Between the two world wars, approximately 36 Puerto Rican political and social organizations were formed. Voter registration for Puerto Ricans rose to nearly 5%. Puerto Ricans found a voice in an Italian congressman from East Harlem, Vito Marcantonio, who was recognized as the de facto congressman from Puerto Rico.¹⁹ In 1937, the first Puerto Rican official, Oscar Garcíá Rivera, was elected to the New York State Assembly on a Republican and American Party line ticket. In 1971 Herman Badillo, a Democrat, was elected as the first Puerto Rican to Congress. In 1992 Nydia Valázquez was elected to Congress. By the 1990s Puerto Rican activism solidified in New York as Puerto Ricans won congressional seats from Brooklyn and the Bronx. Puerto Rican activism, active participation in American politics, bipartisan support for legal and legislative protections have opened opportunities for advancement of protected Spanish speaking minorities.

¹⁹ Juan Cartagena, *Latinos and Section 5 of the Voting Rights Act: Beyond Black and White*, https://www.national-consortium.org/__data/assets/pdf_file/0025/8467/latininos.pdf

This progress is misrepresented by Professor Sandoval-Strausz. For example, he submits as evidence of discrimination the fact that Orange County entered a consent agreement to provide bilingual ballots and linguistic support for Spanish speaking minorities in 2013. (He misdates the consent agreement as occurring in 2012). However, the initial suit was brought by Puerto Rican organizations, which demonstrates not only Hispanic political activism and participation in civic life, but also their successes.²⁰ Professor Sandoval-Strausz's failure to consider such meaningful and successful achievements of Hispanic political activism weakens his conclusions.

As mentioned above, Professor Sandoval-Strausz also fails to consider Orange County's efforts to ensure Spanish speakers have access to voting and educational resources and to encourage civic participation and access. The county's website, orangecountygov.com, has over 100 "Spanish" documents, including early voter registration, available in Spanish.²¹

Orange County similarly ensures proper resources for and participation from Spanish speakers in other areas. The Orange County Citizen Participation Plan relating to the administration of grant programs provided to Orange County by federal Housing and Urban Development states, "The county will take reasonable steps to provide language assistance to ensure meaningful access to participation by non-English-speaking residents of the community." According to American Community Survey data, 3.9% of County residents are native Spanish speakers. To accommodate these individuals, "[t]he County will provide a Spanish version of meeting agendas, handouts and surveys at meetings and stakeholder interviews conducted for each planning process upon request and provide written translation to Spanish of all vital documents

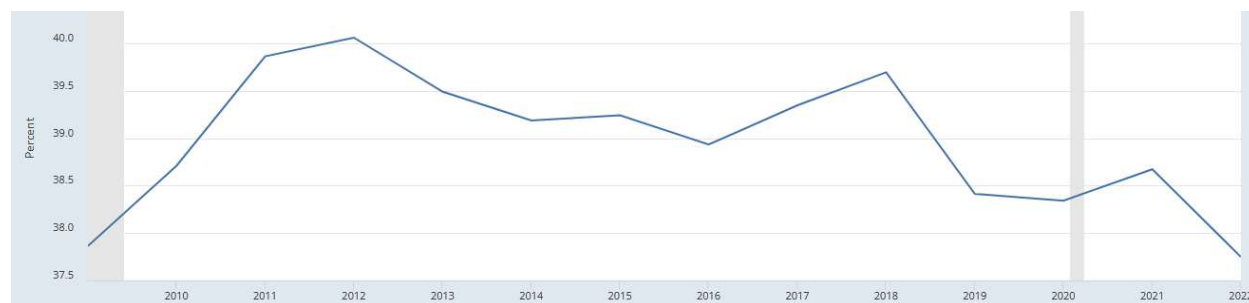
²⁰ Press Release, U.S. Dep't of Justice, *Justice Department Announces Agreement with Orange County, New York, to Protect the Rights of Spanish-speaking Puerto Rican Voters* (Apr. 19, 2012), <https://www.justice.gov/opa/pr/justice-department-announces-agreement-orange-county-new-york-protect-rights-spanish-speaking>.

²¹ Orange Cnty. Gov't, *Solicitud de boleta anticipada por correo del estado de N.Y.*, <https://www.orangecountygov.com/DocumentCenter/View/31201/early-vote-by-mail-spanish-revised-primary-only?bidId=>.

identified in the County’s Language Access Plan, including all public notices related to the development of the documents.”²² The county also provides oral interpretation at public hearings upon request and ensures web content will be available in Spanish.

Orange County likewise has a Human Rights Commission, which handles complaints and publicizes the applicable laws. In 2022, it also ran a conference featuring topics including “Intentional Inclusion” and turning anti-bias views into action.²³

As for housing and segregation, Professor Sandoval-Strausz claims “[a]cross the Town of Newburgh there are large ethnoracial gaps in income and housing.” (p. 34.) His evidence is unconvincing. This assertion is belied by a U.S. Census Bureau measure through an “Index of Racial Dissimilarity.” This index measures racial diversity, specifically measuring black and white residences. The higher the score the more one racial group dominates a city, county, or state; the lower the score reveals greater ethnic diversity. The 2022 Index for Orange County shows over 5% decline from a high in 2012 to today. Racial dissimilarity has fallen and serious progress on racial relations between non-whites and whites has been made. This five-year index included whites and non-whites including Hispanics.²⁴ While the index does not separate Hispanics in the category of “non-whites,” the index reveals general racial progress in terms of racial distribution.



²² Orange Cnty. Gov’t, *Citizen Participation Plan 6* (Dec. 15, 2022), [https://www.orangecountygov.com/DocumentCenter/View/29427/Orange-County-Citizen-Participation-Plan-?bidId=.](https://www.orangecountygov.com/DocumentCenter/View/29427/Orange-County-Citizen-Participation-Plan-?bidId=)

²³ Orange Cnty. Gov’t, *Human Rights, Orange Cnty. Gov’t*, <https://www.orangecountygov.com/1108/Human-Rights>.

²⁴ Fed. Rsrv. Bank of St. Louis, *White to Non-White Racial Dissimilarity (5-year estimate) Index for Orange County, NY* (Dec. 7, 2023), <https://fred.stlouisfed.org/series/RACEDISPARIITY036071>.

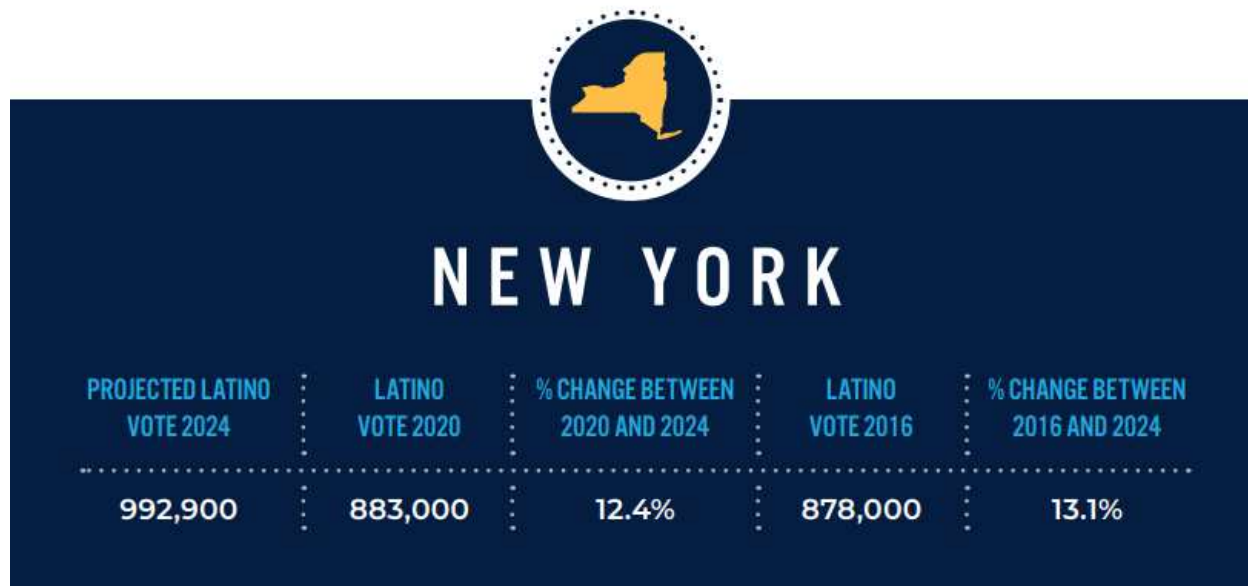
Professor Sandoval-Strausz posits that there are dramatic disparities between Latinos and non-Hispanic whites in campaign contributions and voting rates. But he cites no data or evidence regarding Hispanic campaign contributions or voting rates in the Town of Newburgh. And he generally ignores the increased political participation by Spanish speaking voters in recent years in the State.

Professor Sandoval-Strausz does not cite any evidence regarding Hispanic voter turnout in the town or county, because such data has been collected. Therefore, his claim cannot be substantiated empirically.

Data that is available is on a state level in fact shows increased Hispanic participation in voting. The National Association of Latino Elected and Appointed Officials (NALEO) fund estimates just shy of 1 million Latinos (992,900) will be voting in November of 2024 in New York.²⁵ According to Table 3, vote change between 2016 and 2020 along with 2016 and 2024 shows the *increasing* participation of Latinos in the electoral process. Furthermore, as Tables 4 and 5 show, based on surveys from City University of New York, Spanish speaking voters are increasingly involved in politics.

²⁵ Nat'l Ass'n of Latino Elected Offs. Educ. Fund, *2024 Primary Election Profile: New York 2*, https://naleo.org/COMMS/PRA/2024/New_York_Primary_Pofile_FINAL.pdf.

Table 3



NALEO’s data shows the Presidential turnout change. Tables 4 and 5 display the registration and turnout discrepancies within all communities, particularly the Hispanic community. According to the Center for Latin American, Caribbean and Latino Studies (CLALS), in 2018, there was about a 13% difference in Hispanic voter registration and turnout. In 2022, Hispanic voter registration had increased by 4%. It is worth noting that voter participation of Hispanics declined nationally by 2% compared to 2018, with an approximately 20% difference in Hispanic voter registration and turnout in 2022.

Table 4

Percentage of Electorate Registered and Voted by Race/Ethnicity
Mid-Term Elections 2018

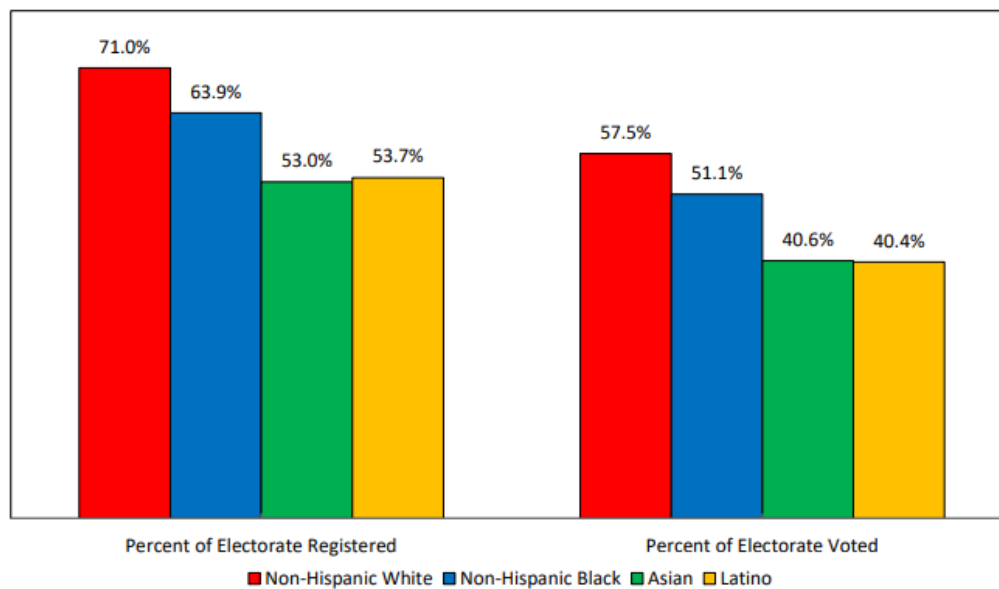
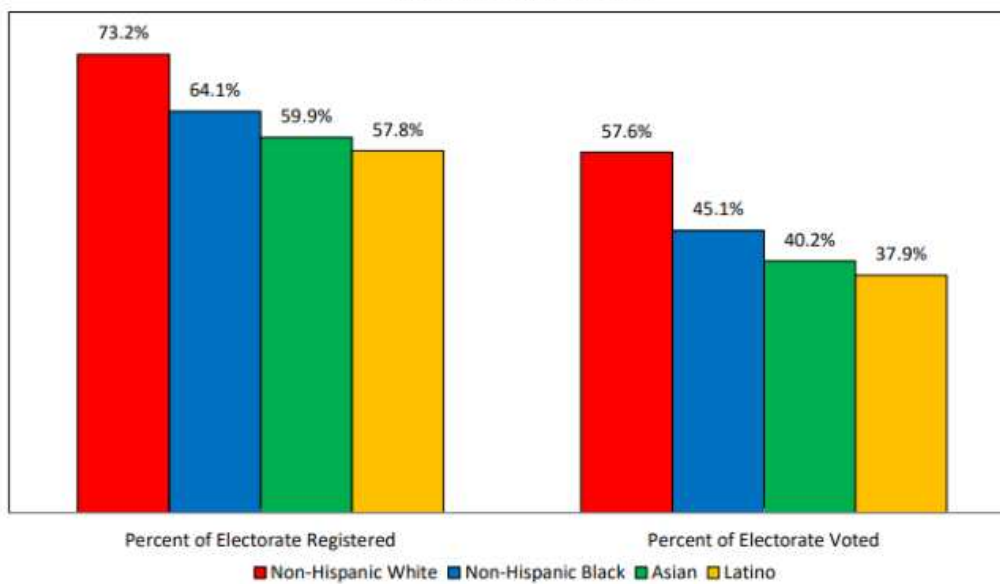


Table 5

Percentage of Electorate Registered and Voted by Race/Ethnicity
Mid-Term Elections, 2022



A report by CUNY Center of for Latin American, Caribbean and Latino Studies concludes that Hispanic voters are registering and voting more nationally and in the state of New York more than ever before.²⁶

Prior to the 1992 election, Latino registration rates rarely surpassed 58% and the voting rate was never greater than half of eligible Latino voters. Both rates after 1992 have increased steadily through the 2020 presidential election and the 2022 midterm election and are projected to rise even further in the 2024 presidential election. The conclusion is one of immense progress, not racial suppression.

D. Examination of turnout rates in Newburgh

Particular attention should be given to Dr. Sandoval-Stausz's claim that voter suppression of minority voters is taking place due to discrimination and the member-at-large system of voting. In 2020, 15,955 Newburgh voters cast their ballot, comprising a 70.8% voter turnout for the Presidential election.²⁷ At the local level, 1,092 voters left their town councilman vote blank, resulting in a roughly 67% turnout for that election.²⁸ While these official figures do not include racial or ethnic characteristics, such turnout numbers display that democratic participation is alive and well in the town of Newburgh. What can be ascertained is how Newburgh's voter turnout was above the national average in 2020 by 1%.

Turnout rates in the city, however, were considerably lower in 2023 local elections. In looking at the most recent 2023 town council election, 4,156 votes were cast in comparison to

²⁶ Laird W. Bergad, Latino Data Project, Center for Latin American, Caribbean, and Latino Studies, City University of New York, *Latino Voter Participation in the 2018 and 2022 Midterm Elections* (Sept. 2023), https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1121&context=clacls_pubs.

²⁷ Orange Cnty. Gov't, *Orange County General Election November 3, 2020: Presidential Electors for President, Vote Once, Official Results 7* (Mar. 9, 2021), <https://www.orangecountygov.com/DocumentCenter/View/20657/GE20-Presidential-PDF>.

²⁸ Orange Cnty. Gov't, *Orange County General Election November 3, 2020: Newburgh Town Councilman (TFV) Vote for One, Official Results 7* (Mar. 9, 2021), <https://www.orangecountygov.com/DocumentCenter/View/20655/GE20-Newburgh-Town-Councilman-TFV-PDF>.

22,380 active voters in Newburgh.²⁹ A turnout rate of 20.8% is indicative of trends seen in non-Presidential elections: voter turnout is low in any race not held in a presidential election year.

Furthermore, the school board elections in June of 2024 had even lower turnout; as it pertains to the NECSD school budget, only 2,118 voters engaged in Proposition 1 for the Newburgh Enlarged City School District. Christine Bello received 1,161 votes, the highest of any school board candidate in the 2024 election.³⁰ Importantly, the school board ballot presented the budget question in both English and Spanish, in line with expanding voter accessibility to non-English speakers.³¹

E. Disadvantages in Housing, Education, and Environmental Protection

Professor Sandoval-Strauss claims that “there are large ethnoracial gaps in income and housing” and that “these conditions are relevant to political participation because nearly every aspect of socioeconomic status ... [is] correlated with voting.” The expert further posits that housing differences exist “*probably* due both to past patterns of discrimination in homeownership and disparities in employment” (p. 34, emphasis added). He finds that non-Hispanic whites are less likely to rent their homes and do not live in overcrowded conditions.

In concluding this, Professor Sandoval-Strauss ignores programs intended to improve housing accessibility. In 2022, for example, Councilman Ruggiero presented and passed an affirmation of Title VIII of the Civil Rights Act of 1968 (the Federal Fair Housing Law) and New York State Human Rights Law, which led to the resolution “that within available resources, the

²⁹ Orange Cnty. Gov’t, *Orange County 2023 General Election November 07, 2023: Town of Newburgh Council Member / Miembro del Concejo Vote For 2 2*, <https://www.orangecountygov.com/DocumentCenter/View/29653/Town-of-Newburgh-Council-Member---November-2023-General-Election-Results>.

³⁰ Newburgh Enlarged City Sch. Dist., *District Budget Information*, <https://www.newburghschools.org/page.php?page=32>.

³¹ Newburgh Enlarged City Sch. Dist., *Sample Ballot: Proposition 1 – The School Budget*, <https://www.newburghschools.org/files/Sample%20June%2018%202024%20Ballot%20Newburgh%20Enlarged%20City%20School%20District.pdf>.

Town of Newburgh will assist all persons who feel they have been discriminated against under one of the aforementioned categories [including race, color, ancestry, national origin, nationality and more], to seek equity under federal and state laws by filing a complaint with the New York State Human Rights Law and the U.S. Department of Housing and Urban Development, as appropriate.

The resolution further states “that the Town of Newburgh shall publicize this resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights.”³² The resolution passed unanimously by those present. As shown in this resolution, the Town of Newburgh is following the law and taking the requisite steps needed to protect their minority populations from housing discrimination.

Professor Sandoval-Strausz finds a remarkable figure on computers found in minority households: 99.1% of Latino families had a computer, while 98.1% of Black families has a computer in their household. Near parity, but still lower, 97. 1% of white households had a computer. Moreover, 94.7% of Latino families had broadband service, as did 95.7% of whites and 87.9% of Blacks” (p. 36). Accordingly, Hispanic and Black households actually have a higher percentage of access to computers than do whites. Yet in his discussing of education, he fails to draw the importance of household access to opportunities for on-line education. Computer access allows minority groups to extend educational attainment through on-line courses, as well as gain employment credentials for many professions in which certification is needed. Black students are no stranger to on-line education. Currently Black students make up 23.3% of students at primarily online colleges, versus just 12.5% of all college students and about 10 million college students

³² The Town Board of The Town of Newburgh, *Resolution In Support Of Title VIII Of The Civil Rights Act of 1968 (Federal Fair Housing Law) And The New York State Human Rights Law 1–2* (May. 23, 2022), [https://www.townofnewburgh.org/documents/Title%20VIII%20of%20The%20Civil%20Rights%20ACT%20of%201968%20\(Federal%20Fair%20Housing%20Law\)%20and%20the%20New%20York%20State%20Human%20Rights%20Law%20%20%200.pdf](https://www.townofnewburgh.org/documents/Title%20VIII%20of%20The%20Civil%20Rights%20ACT%20of%201968%20(Federal%20Fair%20Housing%20Law)%20and%20the%20New%20York%20State%20Human%20Rights%20Law%20%20%200.pdf).

take distance education courses. Approximately 54% of college students took distance education courses in fall 2022.

With respect to education, Professor Sandoval-Strausz claims that educational disparities are evident in the Town of Newburgh (p. 35). He finds that educational discrepancies are most notable among men: non-Hispanic whites have the lowest high-school non-completion rates (2.1%) as compared with Blacks (3.4%) and especially Hispanics, whose rate is more than five times higher (10.6%). Similarly, the rate of college completion among white Anglos (15.8%) is higher than for Hispanic men (13.5%) or Black men (10.7%).

He finds that Latinas have the highest rate of high school noncompletion at 3%, however, this is barely different from white girls at 3.2% and lower than for Black girls at 5.6%. In terms of completing college, Latinas show the highest rate of any ethnoracial group or sex: 19.2% have bachelor's degrees, again little different from non-Hispanic white women at 18.7% and only slightly higher than Black women at 16.7%.

Professor Sandoval-Strausz does not provide a citation for these statistics. A thorough search of the U.S. Census Bureau, Community Survey does not provide such data. Students from the Town of Newburgh are divided among four districts, as it does not have its own school district. Yet accepting his figures as accurate, females of all races have higher drop out rates compared to male students. This fact alone, high drop out rates for female students of all races and ethnicities might suggest a more complex problem than only racial disparities..

Professor Sandoval-Strausz does not acknowledge that the Newburgh Expanded School District, one of the districts Town of Newburgh students attend, is distinct from the City of Newburgh. The graduation rate for this district is 92.2% and the district does not give a racial breakdown. In any case this is an extraordinarily high graduation rate. As noted earlier in this

report, the Town of Newburgh has a high percentage of its residents with higher education degrees (32.8%), about one third of the population.

His uncited statistics show that there is a higher dropout rate for all females (white, black, and Hispanic) than among males of all races. Using his uncited statistics, the most salient conclusion is that Latinos have a significantly higher drop out percentage than Latinas. In general, the difference between Hispanic, black, and white drop-out rates does not display a radical disparity among ethnic/racial groups.

Professor Sandoval-Strausz overlooks great progress in incorporating Spanish speaking students into Newburgh schools. For example, Professor Sandoval-Strausz's examination of disadvantages faced by minorities in Orange County ignores the expenditures for students by Newburgh school boards. For instance, in October of 1976, a series of budget cuts resulted in significant downsizing by the Newburgh School Board of education programs. For the Chestnut Street School of the City of Newburgh, this meant losing a full-time principal. However, a "bilingual education program for Spanish-speaking students," was preserved.³³ The fact that an \$88,000 federal grant kept language programs open for minority students in the midst of a major budgetary crisis that cost one school a principal contradicts Professor Sandoval-Strausz's assertion that such minority students are marginalized by the Newburgh education system.

Further complicating his claims is the fact that a local political leader and spokesman for Puerto Ricans living in City of Newburgh, Oscar Nieves, was a major force behind the bilingual education programs. An earlier article also from The Times Herald writes that Nieves "was a prime mover in a bilingual education program that exists in Middletown, Newburgh, and New Paltz

³³ *Principal Lost in Budget Cut, The Times Herald*, Oct. 13, 1976.

schools with federal funds.”³⁴ The article also describes Nieves’ immediate plunge into politics as a representative of the Hispanic community, Nieves’ efforts in a lawsuit that resulted in a court order mandating the hiring of six minority police officers, and his service on the Orange County Board of Health. Based on Oscar Nieves’ active and rigorous presence as a political figure and the language education services he promoted and preserved, Professor Sandoval-Strausz’s analysis of minority students plainly overlooks key historical events and actors.

In addition, according to the Newburgh Expanded School District (NESD) 2023 accomplishments report, there is a great deal of attention paid to Black History in the school district. The report notes “The [Newburgh Free Academy] Black History Club celebrates 50 years! This club was founded in 1972 and continues strong to this present time. The club’s focus is to encourage academic achievement, increase cultural awareness, and foster personal growth. Many of our members, both young and old, have made major impacts on our community.”

Additionally, the report highlights how “Meadow Hill School celebrated their Annual Culture Fair with over 120 student participants, the highest number since its inception. Students present to our faculty, staff, students and families about their family culture, typically while dressing in customary clothing and sharing food from their native country.” Students in the NESD regularly take the lead to create a more inclusive environment. One student, Allison Shaprio, shared her submission for the NFA North Campus’ motto: “Upward and Together because it is a reflection of our entire district working together to achieve the best possible outcome for students.”³⁵

³⁴ Robert Perry, *Nieves Vows to Stay on as Puerto Rican Envoy*, *The Times Herald*, Sept. 8, 1976.

³⁵ Newburgh Enlarged City Sch. Dist., *2022-2023 Accomplishments Report 5*, <https://newburghschools.org/files/departments/communications/accomplishmentreport2223-FinalDigital.pdf>.

Staff and faculty are also contributing to inclusion and excellence in NESD. School social workers presented at the 28th Annual Multicultural Education Conference. Members of the school district led a workshop entitled, “‘Self Compassion for Educators,’ which explored the impacts of unprocessed trauma in the context of cultural, environmental, and societal factors, and discussed ways of nurturing resiliency factors within the educational community.” The NESD further touted a Diversity Recruitment Fair, new National Board-Certified teachers, and their Dr. Manning Campbell being named the first African American Female to the Montefiore St. Luke’s Cornwall Hospital to represent children related to health and wellness. Dr. Campbell also joined the Section 9 Diversity, Equity, and Inclusion committee as the Section 9 representative.

Turning to housing considerations, Professor Sandoval-Strausz finds racial and ethnic disparities in housing. Specifically, he finds a small percentage of Black families (4%) and Hispanic families (2.9%) live in overcrowded housing, defined by more than one person living in a bedroom. Similarly, he finds racial disparities in income and types of employment for whites, Blacks, and Hispanics in Orange County and the Town of Newburgh. He pronounces that these disparities reflect historical racism and then, without analysis, reaches a conclusion that these racial disparities affect voter turnout and participation.

Professor Sandoval-Strausz maintains that racial disparities are found in opposition to rebuilding the Danskammer power plant, which generates electricity using natural gas. How this controversy relates to racial discrimination remains unclear. While he contends that “the disproportionate impact of pollution on communities of color was a recurrent theme” of the opposition to the plant, he fails to explain why rebuilding a power plant is inherently racist. Indeed, Professor Sandoval-Strausz frames the debate as one of “racial justice” without noting that proponents of the Danskammer project are concerned about affordable energy costs for low-

income households. The costs of electricity are only projected to increase, which will disproportionately hike home heating and cooling costs for low-income households and apartment complexes for low-income renters.

This is an especially urgent issue since state policy seeks to move away from fossil fuels for household heating and cooking and the generation of electricity. The Climate Leadership and Community Protection Act, signed by then Governor Andrew Cuomo in 2019, set goals for 70% electricity from renewables and 40% economic wide reduction in emissions by 2030, with an electric grid that uses only “zero emission” technology by 2040 and an economy that has effectively zero emissions by 2050.³⁶ Opponents of the Danskammer project who support renewable energy sources realize that cost will fall on low-income households. They propose raising business taxes, which include small businesses, as well as providing federal and state subsidies for converting households from natural gas and propane to electricity and subsidies for home renovation and heat pumps.

Newburgh’s then state senator James Skoufis, then a senator representing the 39th District, remained mostly silent on the controversy. But at a town hall meeting in 2019 concerning the closing the plant, he said closing might spell “financial calamity” for the Marlboro Central School District in which part of the town of Newburgh falls. School taxes paid by the plant would be wiped out. Later, Skoufis voted against a Senate bill proposed by Senator Jabari Brisport, a Democrat from Brooklyn, that would have halted permitting “peaker plants” like Danskammer until these plants submitted plans to switch to battery storage and renewables on within five years. Skoufis warned that the bill could “cause a domino effect with the loss of property tax.”³⁷

³⁶ Lee Harris, N.Y. Focus, *Gas plant in Newburgh tests limits of NY’s landmark climate law* (Apr. 22, 2021), <https://nysfocus.com/2021/04/22/fracked-gas-plant-tests-climate-law>.

³⁷ *Id.*

In addition, Jen Metzger, the former Democratic state senator from Ulster and Orange counties, who helped draft the Climate Leadership and Community Protection Act, warned that “We going to have to make sure that as these fossil fuel plants start to close, we have to address the local tax issue, because otherwise, potentially school taxes going to take a real hit.”³⁸ In June 2023, the appeal prohibiting the conversion of the Danskammer power plant was withdrawn.

Simply to maintain that progressive environmental and social justice groups oppose the Danskammer power plant conversion, as Professor Sandoval-Strausz does, is to overlook other potential damages including higher household energy costs and higher taxes that would fall disproportionately on low- and middle-income groups, and small businesses, including minority owned businesses.³⁹

Professor Sandoval-Strausz’s claims that environmental injustice is synonymous with racial injustice simply because social and racial justice groups opposed the project provides another example of cherry-picked, simplified evidence presented in a circular argument, “Racial justice groups oppose the rebuilding of a utility plant and therefore it is racial injustice.”

F. Disadvantaged Minority Voters

The jump from alleged historical and structural racism in employment, housing, and education is critical to Professor Sandoval-Strausz’s opinion on district voting. His opinion ignores a substantial and extensive literature on American political behavior that shows that

³⁸ *Id.*

³⁹ For current and projected energy costs, see U.S. Bureau of Lab. Stat., *Average Energy Prices, New York-Newark-Jersey City – June 2024* (July 19, 2024), https://www.bls.gov/regions/northeast/news-release/averageenergyprices_newyork.htm; Energysage, *Cost of Electricity in NY*, <https://www.energysage.com/local-data/electricity-cost/ny/>; James E. Hanley, Empire Ctr., *Cold and Dark? New York’s Risky Energy Future* (May 3, 2022) <https://www.empirecenter.org/publications/cold-and-dark/>; Ken Girardin, Empire Ctr., *Green Guardrails: Guiding New York’s Drive to Lower Emissions* (Feb. 27, 2024), <https://www.empirecenter.org/publications/green-guardrails/>; James E. Hanley, Empire Ctr., *Propane and Gas Heating in Crosshairs of Climate Council’s Scoping Plan* (Dec. 20, 2022) <https://www.empirecenter.org/publications/propane-and-gas-heating-in-crosshairs-of-climate-councils-scoping-plan/>.

income/educational attainment determines voter registration, voter turnout, financial contributions, and campaign involvement.

American voting behavior is a complex topic—a entire field in the Political Science discipline—but there is universal agreement that voter turnout is determined by economic status and educational attainment, not ethnicity or race. More affluent and better educated eligible citizens vote at a higher rate than less affluent and less well educated. This pattern affects white, Black, Hispanic and Asian American voters.

Voter turnout in the United States compared to other democratic nations remains low. There are many reasons why people do not vote. The U.S. Census Bureau asked eligible voters why they did not vote in the 2020 presidential election. Contrary to a narrative that voter rights are restricted, most voters explained that they simply were not interested in voting, did not like the candidates, were too busy, were ill, simply forgot, had transportation problems, or experienced weather problems.⁴⁰

⁴⁰ Steph W. Kight, Axios, *The top reasons people didn't vote* (Nov. 15, 2021), <https://www.axios.com/2021/11/16/el-lection-voting-rights-congress>; Lynne M. Casper & Loretta E. Bass, U.S. Census Bureau, *Voting and Registration in the Election of November 1996* (July 1998), <https://www.census.gov/content/dam/Census/library/publications/1998/demo/p20-504.pdf>.

Reasons given for not voting by registered voters

2020

	Percentage	Estimated Americans affected
Not interested	17.6%	2.3m
Did not like candidates or campaign issues	14.5%	1.9m
Too busy, conflicting schedule	13.1%	1.7m
Illness or disability	13%	1.7m
Out of town	5.1%	781.4k
Registration problems	4.9%	627.7k
COVID-19 concerns	4.3%	550.8k
Forgot to vote	3.7%	474k
Inconvenient polling place	2.6%	333.1k
Transportation problems	2.4%	307.4k
Bad weather conditions	0.1%	12.8k
Other or don't know	17.7%	2.7m

The U.S. Census Bureau revisited turnout in the 2022 congressional elections. Voter turnout in this nonpresidential election year was the highest since 2002, with 52.2% of eligible voters casting ballots, a third of them by mail. Yet many did not vote. The most common explanation for not voting was “Too busy, conflicting work or school schedule.”⁴¹ This survey presents contrary evidence to the theory that lower minority voter turnout is a result of systemic suppression of minority voters.

Professor Sandoval-Strausz implies that at-large voting systems are inherently racist. Yet, he provides no support for this accusation. Indeed, his opinion exposes a lack of knowledge about such systems. In New York, “state law makes at-large election the prescribed process for choosing

⁴¹ Press Release, U.S. Census Bureau, *2022 Voting and Registration Data Now Available* (Apr. 19, 2022), <https://www.census.gov/newsroom/press-releases/2023/2022-voting-registration.html>.

board members in towns, villages, and school districts.”⁴² The system has roots back to 1676 and as far back as 1875, candidates were selected by town-wide elections.⁴³ While State law allows towns to adopt a ward system, most have not. In 2012, only 13 of 932 towns had elected a ward system.⁴⁴ The Legal Defense Fund, which organizes against at-large voting systems, admits that 99% of New York school boards employ an at-large voting system.⁴⁵ Indeed, “[a]t-large elections continue to be valued for their presumed tendency to encourage elected officials to act in accord with the general interest of the entire community.”⁴⁶

Professor Sandoval-Strausz’s claims that “[t]he people who created most at-large voting systems in American cities and towns did so in order to reduce the influence of voters whom they saw as inferior, whether socially, racially, or culturally” (pp. 23-24). Yet there is no citation for this wild assumption. He then concedes he does not know whether the Town of Newburgh enacted the at-large system for racist reasons (p. 25), acknowledging the dearth of any evidence to support such a theory. (Indeed, as explained above, *New York state law* enacted the at-large system of voting, at a time when the Town of Newburgh, according to Professor Sandoval-Strausz, was “a virtually all-white town.” (p.13).) He further cites two scholars to support his argument that many cities adopted at large voting districts that affected minority turnout. However, these scholars show that most of these at-large voting systems were seen as progressive measures at the time designed to break up corrupt city machines that relied on ethnic district voting to win election.

⁴² Benjamin, Gerald, *At-Large Elections in N.Y.S. Cities, Towns, Villages, and School Districts and the Challenge of Growing Population Diversity*, 5(3) Albany Government Law Review 735 (2012).

⁴³ *Id.* at 734.

⁴⁴ *Id.*

⁴⁵ *How The NYVRA Takes Action About At-Large Elections*, <https://www.naacpldf.org/wp-content/uploads/NYVRA-Fact-Sheet-At-Large-Elections.pdf>.

⁴⁶ Benjamin, Gerald, *At-Large Elections in N.Y.S. Cities, Towns, Villages, and School Districts and the Challenge of Growing Population Diversity*, 5(3) Albany Government Law Review 744 (2012).

G. Use of Overt or Subtle Racial Appeals

Professor Sandoval-Strausz spends four pages (pp. 40-44) describing a June 2024 event in which a Black woman fabricated a story about immigrants who were bussed from New York City to the Town of Newburgh and displaced veterans in a hotel. He perplexingly finds this as an example of the “subtle or overt racial appeals in a political campaign.” He supports this theory with evidence that certain politicians commented on the story before anyone knew it was false. He calls this an example of “Latino Threat.” He accuses Brian Maher, Assemblyman for a neighboring State Assembly District, Steven Neuhaus, County Executive of Orange County, and New York State Senator Rob Rolison as being “key players in the 2023 hoax.”

Yet, Professor Sandoval-Strausz’s recounting of the story excludes key salient facts: 1) the story of displaced veterans was part of a scam by Sharon Toney-Finch, a 43-year-old-Black woman, to raise funds for a fraudulent foundation; 2) she carefully crafted a newsworthy event, in which she told the New York Post that two dozen struggling veterans were kicked out of upstate hotels to make way for migrants being bused from New York by the Eric Adams administration; 3) the story was as much about veterans as immigrants; 4) Steven Neuhaus went on “Varney and Company” and in the brief interview he called for the immigrants to be housed....” He did not call for deporting the immigrants who had allegedly displaced these veterans; 5) Brian Maher and Steven Neuhaus are military veterans who have made veteran issues one of their major concerns; 6) all three politicians Professor Sandoval-Strausz derided are on record as supporting diversity in Orange County and the Town of Newburgh.

The story was plausible at the time, but within days the story was debunked, leaving many who believed it embarrassed. Attacking everyone as racist because they expressed concern for veterans who they thought were kicked out of hotel rooms and now homeless has no place in an

expert report. Indeed, Professor Sandoval-Strausz falsely claimed Assemblyman Maher was a “source” for the story (p. 41), but he was not. He simply commented on the story (before learning it was false), explaining that “[s]hining a light on this is important because we need to make sure these hotels know how important it is to respect the service of our veterans before they kick [them] out of hotels to make room.”⁴⁷

The other men simply commented on the story, as well (before they knew it was false). In an interview with Fox Business, Neuhaus discussed the migrant bussing situation and stated, “I had two conversations with the Governor today; her proposal is to activate the old military site of Floyd Bennett Field. I’m a military commander in the reserves, I was a lieutenant during Hurricane Sandy on that site where we ran operations. It’s a great site to run refugee operations.”⁴⁸ As this quote indicates, Neuhaus was not perpetuating a Latino threat narrative, but rather discussing the situation from his perspective as County Executive and *agreeing* with a *Democratic* governor that housing immigrants at the Floyd Bennett site would be a humane solution.

Furthermore, a story eight months earlier showed footage of migrants being moved from a private flight into Orange County airport to buses. Neuhaus’ primary concern was not with a “Latino Threat,” but rather concern with 17 young immigrant children on the bus and whether they were being trafficked or receiving the care they needed. He declared on Fox Business News that “I looked at these young kids. I went on the bus, and they went from El Paso, stopped somewhere in Missouri ... and they are going to different locations. I handed all these kids Happy Meals. The United States is a compassionate place. If [Immigration and Customs Enforcement] were just more

⁴⁷ Bernadette Hogan and Kate Sheehy, *Homeless Vets Are Being Booted From NY Hotels To Make Room For Migrants: Advocates*, New York Post (May 12, 2023), <https://nypost.com/2023/05/12/homeless-vets-are-being-booted-from-ny-hotels-to-make-room-for-migrants-advocates/>

⁴⁸ Fox Bus., *This proves we ‘cannot trust’ Mayor Eric Adams: NY county leader* (May 12, 2023), <https://www.foxbusiness.com/video/6327331883112>.

transparent about this is what's being done, this isn't what we've seen."⁴⁹ Contrary to Dr. Sandoval-Strausz's claim of fearmongering a Latino Threat Narrative, many officials approach the spike in migrants from a place of compassion and concern, both for their own citizens and the migrants themselves. Dr. Sandoval-Strausz has no evidence otherwise.

Professor Sandoval-Strausz fails to mention that Neuhaus, a son of immigrants, is a Commander in the U.S. Navy Reserves, and as an Orange County Executive, he has focused on economic development, enhancing public health and safety, improving infrastructure, lowering the tax rate, and stabilizing the budget. On his official government website, he does *not* mention solving the migrant issue in the county.⁵⁰

Professor Sandoval-Strausz also disingenuously mischaracterizes New York State Senator Rob Rolison as promulgating the "Latino Threat." After describing the hoax by Ms. Toney-Finch, Professor Sandoval-Strausz states "[f]or his part, State Senator Rolison nominated Ms. Toney-Finch for the State Senate's Women of Distinction award." (p. 42.) This statement is meant to read as though Senator Rolison had "a part" in the hoax and gave Ms. Toney-Finch the "Woman of Distinction" award *after* the hoax was perpetrated. That is false. Senator Rolison nominated Ms. Toney-Finch for this award *before* the hoax and the honor was stripped after it came to light.⁵¹ What irony: Senator Rolison nominated a prominent black woman for an award (thinking she was a distinguished Army veteran, running a nonprofit to raise funds for veterans) and that action is

⁴⁹ Fox Bus., *New York community burdened by Biden's secret migrant flights* (Oct. 6, 2022), <https://www.foxbusiness.com/video/6313346869112>.

⁵⁰ Orange Cnty. Gov't, *Steven M. Neuhaus – Biography*, <https://orangecountygov.com/1560/Steven-M-Neuhaus---Biography>.

⁵¹ Matt Young, *Army Vet Who Told Fake Migrant Story Stripped of Honor*, Daily Beast (May 24, 2023), <https://www.thedailybeast.com/army-vet-who-told-fake-migrant-story-sharon-tony-finch-stripped-of-women-of-distinction-honor>

now being criticized—and he is accused of being racist—because Ms. Toney-Finch turned out to be a fraud.

Professor Sandoval-Strausz similarly fails to note that Rolison, as mayor of Poughkeepsie, was elected to two terms after successfully saving a city on the brink of economic disaster. He serves in the state as a ranking member of the Committee on Children and Families, a member of the Committee on Alcoholism and Substance Use Disorders, on the Committee on Drug Overdose Prevention, and the Committee on Crime Victims, Crime, and Correction. These committees are noted for their concerns with justice. The personal attack on these men as promulgating “Latino Threat” simply because of their concerns for veterans and without any other evidence is unwarranted.

At bottom, Professor Sandoval-Strausz inaccurately portrays any concern with undocumented migrant crossings at our Southern border, or the financial costs and of housing and educating migrants, as proof of a “Latino Threat.” Such concerns are also not limited to non-Hispanic whites or conservative voters. Concerns with border security and undocumented immigration encompass a broad range of voters, including Blacks and Hispanics.

Indeed, a June 2024 CBC/YouGov survey found that most of the Hispanics in the United States support the mass deportation of undocumented immigrants.⁵² The survey found that 53% of Hispanics said they favored a program of mass deportation, while 47% said they would oppose it. White people were more supportive of mass deportations, with 67% saying they would back the program, and 33% saying they would oppose it. The report’s inclusion of Professor Sandoval-

⁵² Khaleda Rahman, Newsweek, *Majority of Hispanics Now Favor Mass Deportation* (June 17, 2024), <https://www.newsweek.com/majority-hispanics-favor-mass-deportation-1913510>.

Strausz's unsupported assumptions about what Blacks and Latino voters care about renders his report unreliable.

IV. Conclusions

In making his argument for "Totality of Circumstances" as a foundation for redistricting in the town of Newburgh, Professor Sandoval-Strausz tends to cherry-pick facts; often fails to provide full context for events and data he cites; is inclined to exaggerate certain events; and cites evidence that does not support his argument.

The history of racism in New York State and Orange County, while not inaccurate, fails to discuss the other side of the story: antebellum anti-slavery movements and agitation in the state of New York and the Hudson Valley. While the anti-slavery, abolitionist movements, were not always successful in their goal of abolishing slavery before the Civil War, they show that opinion in the state and Hudson Valley was not uniform.

He similarly neglects the history of post-Civil War attempts to secure voting rights for blacks in the State. While black suffrage met headwinds in the state in the late 19th century, New York made considerable progress as one of the first states to enact a civil rights statute in 1873. Moreover, in the post-World War II period the state enacted the Ives-Quinn Act (1945) to prevent discrimination in the workplace. The state established state, regional, and state boards to implement policy.

Similarly, in presenting a monochromatic history of the state literacy test, Professor Sandoval-Strausz ignores the context for the origins of the legislation, the implementation of statewide literacy education efforts, the ascendent pass-rate of the test, the mobilization of Hispanic activists to ban the test and minority group and organizational involvement in the enactment of the Voting Rights Act of 1975.

He likewise neglects the development in Orange County to ensure and protect Spanish speakers in housing, social services, and voting. Furthermore, the Index for Dissimilarity, a major U.S. Census instrument for measuring residential segregation, shows steady improvement for the County.

In addition, Hispanic voters are increasingly involved in voting and political participation. Turnout rates for Hispanic voters are little different for white low-income voters. Turnout rates in voting in Newburgh specifically are relatively high for presidential elections, and low for local elections and school board elections for all voters.

Professor Sandoval-Strausz finds “large ethnoracial” gaps in housing and education for protected classes. Yet he ignores the town’s efforts to ensure fair housing. He similarly overlooks the great efforts by school and town officials to promote Spanish speaking classes and programs in primary, middle, and high schools. While he does show the combined/expanded Newburgh school district has a serious problem with many young women (Hispanics, blacks, and whites) failing to complete high-school, fails to tie it to racism or discrimination.

Professor Sandoval-Strausz cites figures that show Hispanic and black households have parity (actually slightly above) with access to computers. Yet he fails to observe that computer access allows for educational attainment through on-line courses.

Professor Sandoval-Strausz spends considerable time on an attempt to convert the local power plant to a natural gas facility. Opposition to this conversion came primarily from environmentalist groups, often led by whites. New York State is facing higher utility rates, among the highest in the country. However laudable the goals of green energy, the fact remains that high utility rates affect low-income uses. He provides no evidence that the majority of Hispanics or Blacks opposed the power plant.

Professor Sandoval-Strausz claims that appeals to racial prejudice are pervasive among county and local officials. He zeros in on a hoax perpetrated by a scammer trying to raise money for her veteran's charity. The hoax was repeated by a few county officials on national television, but when the hoax was revealed to be fabricated, public officials immediately reputed the claim. In asserting that these officials were using what Professor Sandoval-Strausz calls the "Latino Threat," he neglects to mention 1) the humanitarian sentiments and real concerns expressions and concerns of these officials expressed by these officials; 2) their public campaigns for office that showed no indication of anti-immigration or racial appeals; and 3) border security in itself is not nativist or racist. Surveys show that the Hispanics voters support greater border security and a near majority call for stricter measures to address what many see as a crisis at our southern border.

Professor Sandoval-Strausz's opinions on the "Totality of Circumstances" factors contained in the NYVRA are one-sided and incomplete. He ignores much accessible data and makes assumptions that are unsupported. His opinions and the report that contains them are therefore unreliable.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

ORAL CLARKE, ROMANCE REED, GRACE
PEREZ, PETER RAMON, ERNEST TIRADO,
and DOROTHY FLOURNOY,

Index No.: EF002460-2024

Plaintiffs,

v.

TOWN OF NEWBURGH and TOWN BOARD
OF THE TOWN OF NEWBURGH,

Defendants.

VERIFICATION

Donald T. Critchlow, being duly sworn, deposes and says:

1. I over 18 years of age and am not a party to this case.
2. I swear under penalty of perjury to the faithfulness of the opinions expressed in the foregoing Expert Report of Donald T. Critchlow, and, to the best of my knowledge, to the truth and accuracy of the factual statements made therein.
3. If asked to testify on these matters, I could and would testify to under oath to their contents, under penalty of perjury.
4. I affirm this 26th day of July, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



Name: Dr. Donald T. Critchlow

Appendix A

Donald T. Critchlow

Business Address: Faculty of History, Arizona State University, Coor Hall, 4th Floor, 975 S. Myrtle Avenue, Tempe, AZ 85287-4302

Telephone: cell: 369-8455; Email Address: Donald.Critchlow@asu.edu

Present Position: Director, Center for American Institutions;

Katzin Family Professor, Faculty of History; Director, Program in Political History and Leadership, Arizona State University; Founding editor, *Journal of Policy History*; General editor, "Cambridge Essential Histories," (Cambridge University Press).

EDUCATION

Ph.D. University of California, Berkeley, 1978 (History)

M.A. University of California, Berkeley, 1972 (History)

B.A. San Francisco State University, 1970 Magna Cum Laude

TEACHING FIELDS

United States History

20th Century American History

History of Public Policy

American Political History

HONORS/FELLOWSHIPS/APPOINTMENTS

Zebulon Pearce Distinguished Teacher in Humanities Award (2021)

Founding President, Institute for Political History, (Endowed Public Non-Profit Foundation to promote the study of American history and graduate education, (501C) (2001-present)

Panelist, NEH Public Scholars Fellowship, (2020)

External Reviewer, NEH Teaching History Program, Stillman College History Academy for Hale County (2008)

Panelist, National Humanities Endowment, Year-Fellowship Program (2004)

Fellow, Fulbright Scholars Program, University of Hong Kong (1997-98)

Fellow, Woodrow Wilson International Center for Scholars (1996-97)

USIA grant for a five volume history of the U. S. published in Polish (1995)

University Faculty Exchange Program, University of Warsaw (1988-1989)

USIA, AmParts Distinguished Lecturer (1988-1989)

Panel, Employment and Technology, National Academy of Sciences (1986)

Guest Scholar, Woodrow Wilson International Center for Scholars (1984)

Rockefeller Summer Fellow (1983) (1994)

NEH Summer Fellow (1980)

Guest Scholar, The Brookings Institution (1976-1977)

Administrative and Leadership Positions

Director, Center for Political Thought and Leadership, 2014-present

Chair, Department of History Saint Louis University, 1991-96

Director of Graduate Studies in History, University of Notre Dame, 1989-91

PUBLICATIONS

Books (Monographs).

Revolutionary Monsters: Five Men Who Turned Liberation into Tyranny (Regnery Press, 2021).

In Defense of Populism: Protest and Democratic Change (Philadelphia: University of Penn Press, 2020).

Republican Character: From Nixon to Reagan (Philadelphia: University of Pennsylvania Press, 2017).

Future Right: Forging a New Republican Majority (New York: St Martins, 2016).

A Very Short Introduction to American Political History (New York: Oxford University Press January 2015).

When Hollywood Was Right: How Movie Moguls, Celebrities, and Big Business Remade American Politics (New York: Cambridge University Press, 2013) 224 pp.

The Conservative Ascendancy: How the GOP Right Made Political History

(Harvard University Press, 2007; University Press of Kansas, 2011 pap.) 315 pp.

Phyllis Schlafly and the Republican Right: A Woman's Crusade

(Princeton University Press, 2005) 422 pp.

Intended Consequences: Birth Control, Abortion and the Federal Government in Modern America

(Oxford University Press, 1999; paperback edition, 2001).

Studebaker: The Life and Death of an American Corporation, 1852-1963

(Indiana University Press, 1997) 272 pp. 304 pp.

The Brookings Institution, 1916-1952 Expertise and the Public Interest in a Democratic Society

(Northern Illinois University Press, 1985) 242 pp.

Books (Textbooks and Edited):

Co-editor with Paula Baker, *Oxford Handbook of American Political History*, (New York: Oxford University Press, 2020).

Co-editor, "The Election of 1964," *Journal of Arizona History*, (special issue, Spring 2020).

Co-editor-in-chief with Philip VanderMeer *Oxford Encyclopedia of American Political and Legal History* (New York, Oxford University Press, 2012), part of a five volume project Encyclopedia of American History, Paul Boyer, general editor.

Co-authored/edited with Nancy MacLean, *Debating the Conservative Movement* (Washington, D.C. Rowman and Littlefield, 2009).

Co-edited with Emilie Raymond, *Hollywood and Politics: A Documentary History* (New York: Routledge, 2009).

Co-edited, *American Conspiracy Revealed: From the Founding to Today* (Indiana University Press, 2007).

Co-authored with Paula Baker and William Rorabaugh, *America's Promise* (Revised and expanded edition) (Rowman and Littlefield Press, 2003); initially published as *America!: A Concise History* with William Rorabaugh, (Belmont, CA: Wadsworth Publishing, 1993).

Co-edited with Agnieszka Critchlow, *Enemies of the State: Personal Stories of Survival in the Gulag* (Chicago: Ivan Dee Publishers, 2002; paper 2003).

Encyclopedia of American History, Volume X, 1968 to the Present, Volume editor, Donald T. Critchlow, Gary Nash, general editor, (New York: Facts on File, 2002).

Co-edited with Charles Parker, *With Us Always: Private Charity and Public Welfare in Historical Perspective* (Lanham, MD: Rowman & Littlefield, 1998).

Edited, *The Politics of Abortion and Birth Control in Historical Perspective* (University Park, PA: Pennsylvania State University Press, 1996).

Edited, *A History of the United States, I-V*, a five volume history including with essays contributed by thirty Polish and American scholars (Warsaw, Poland: Polish Academic Press, 1995).

Co-edited with Ellis Hawley, *Poverty and Public Policy in Modern America* (Belmont, CA: Wadsworth Publishing, 1989).

Co-edited with Ellis Hawley, *Federal Social Policy: The Historical Dimension* (University Park, PA: Penn State University Press 1989).

Edited, *Socialism in the Heartland: The Midwestern Experience, 1890-1920* An anthology of eight original essays (Notre Dame, Indiana: University of Notre Dame Press, 1986).

Articles/Chapters/Essays:

In Print:

“A Somewhat Reassuring Defense of Populism,” *Athenaeum Review*, (October, 2019), 84-91.

“Nationalism, Populism, and Fear,” *Journal of World Complexity and Science* (Spring, 2020)

“Ronald Reagan,” *Conservative Moments*, edited Mark Garnet (Bloomsbury 2018), 219-226.

“Humanae Vitae in Historical Perspective,” in *Humanae Vita: 50 Years Later*, edited, Therese Notare, (Catholic University Press, 2019), 3-29.

“Silent Majority: Richard Nixon and Law and Order,” in Britta Walddschmidt and Anna Vandergoltz, *Inventing the Silent Majority in Western Europe and the United States* (New York: Cambridge University Press, 2017).

“Understanding American Conservatism,” *Cairo Review of Global Affairs* (Autumn, 2016).

“The Rise of Conservative Republicans: A History of Fits and Starts,” in Iwan Morgan and Robert Mason, *Seeking a New Majority: The Republican Party and American Politics, 1960-1980 Revival*, (Nashville, TN., Vanderbilt University Press).

“On a Darkling Plain,” *Historically Speaking* (Spring, 2001)

“Rethinking American Conservatism: Towards a New Narrative,” *Journal of American History* (December 2011).

“Reconsidering ERA: Social Mobilization, Public Opinion, and State Ratification,” *Journal of Policy History*, Special Issue, Julian Zelizer and Bruce Schulman, (Fall 2008)

“Mobilizing Women: The Social Issues and the Reagan Presidency,” *The Reagan Presidency*, edited Hugh Graham and Elliot Brownlee, (Lawrence: University of Kansas Press, 2003).

“Phyllis Schlafly and Reconsidering Postwar American Conservatism,” *Conservatism in the 1960s*, edited David Farber, (London: Peter Lang, 2003).

“Conservatives in Congress,” *Congress: An Historical Perspective*, edited Julian Zelzer, (New York: Houghton Mifflin, 2004).

“Innovation in the Classroom: Teaching Policy History,” *The History Teacher*, 31, (August, 1999), 469-476.

“Implementing Family Planning Policy in Postwar America,” in Charles Parker and Donald T. Critchlow, eds., *With Us Always: Private Charity and Public Welfare in Historical Perspective* (Lanham, Md., 1998), 211-241.

“Birth Control, Population Control, and Family Planning: An Overview,” *Journal of Policy History*, 7, (March 1995), 1-21.

“Think Tanks, Antistatistism, and American Democracy,” in Michael Lacey and Mary Furner, eds., *Knowledge and Social Science Research* (Cambridge University Press, 1993), 279-322.

“A Prognosis of Policy History: Stunted--Or Deceivingly Vital?” *The Public Historian*, 15, (Fall 1993), 51-61.

“The Presidential Commission on Employment and Technology, 1966: An Historical Perspective,” in National Academy of Sciences Panel on *Employment and Technology Employment and Technology in the United States* (N. Y. Ballinger, December 1988). Reprints of essay on file at the National Academy of Sciences.

“Robert S. Brookings: The Man and His Vision,” *Review of Politics*, 46 (October, 1984), 561-580.

“Wheels of Fortune: Studebaker in the Early Years,” *Timeline*, 4 (March/April 1987), 16-30.

“Industrial Relations at Studebaker, 1905-1935, Paternalism and Corporate Identity Within An Auto Company,” *American Studies*, 11 (1991), 83-95.

“Communist Unions and Racism: A Comparative Study of Responses of the United Electrical Radio and Machine Workers and the National Maritime Union to the Black Question During World War II,”

Labor History 17, (Spring 1976), 230-244; also see August Meier and Elliot Rudwick, "Communist Unions and the Black Community," *Labor History* (Spring 1982).

"Lewis Meriam, Expertise, and Indian Reform," *The Historian*, 23, (Spring, 1981), 325-344.

"The Political Control of the Economy: Deficit Spending as Political Belief, 1932-1952," *The Public Historian*, 3, (Fall, 1981), 5-22.

Selected Review Essays/Encyclopedia Articles

"Policy Knowledge: Non-Profit Institutions," *International Encyclopedia of the Social and Behavioral Sciences*, Neil J. Smelser and Paul B. Balters, editors, (Oxford, England: Elsevier Science, 2002) 5000 word essay.

"Government," *Encyclopedia of American and Intellectual History*, edited Mary Kupiec Cayton and Peter W. Williams, (N.Y.: Charles Scribner's Sons, 2001) 5000 word essay.

"Galling Wasp: Sexual Misbehavior in the Human Scientist," *Reviews in American History* (October, 1999).

"What's In and What's Out," *Reviews in American History* (September 1997).

"*Liberty and Sexuality: The Right to Privacy and the Making of Roe v. Wade* by David Garrow," extended review essay *Journal of American History* (March, 1995).

"Keeping the Life Stream Pure," *Reviews in American History* (1992).

"Knowledge for What? Private Philanthropy in American History," *Reviews in American History* (1991).

INVITED ADDRESSES AND LECTURES/CONFERENCE PAPERS

Invited Lecture: "Intended Consequences: Abortion and Family Planning Policy in the United States," Rio de Janeiro, Brazil, November 2019

Invited Lecture: Keynote Panel, “Preserving Women of the Right,” Radcliffe College/Harvard University (2017)

Invited Lecture *The Conservative Ascendancy*: George McGovern Center, South Dakota; North Carolina History Forum, Raleigh, North Carolina, public lectures in Washington, D.C., New York City, Portland, Oregon, and Gainesville, Florida,

Invited Lectures for *Phyllis Schlafly and Grassroots Conservatism* book tour: Seattle Town Hall Lecture Series; University of Washington, Seattle; George Washington University; Fordham University; Henry Salvatori Distinguished Lecture Series, Claremont College; Public Lecture, La Jolla, California

Selected Invited University Lecture: University of London (2009); University of Missouri Public Lecture (2007); Iowa State University College Distinguished Lecture Series, (2004); University of Arkansas College Lecture Series (2003); Oxford University and Cambridge University, June, 2001; Keynote Address, “Family Planning Policy: Successes and Failures,” Title X Federal Family Planning Regional Conference, Lake Geneva, WI, 2000; Beijing Foreign Language University (2000); University of Oregon (2000); University of Virginia (2000); Vanderbilt University (2000); Dartmouth College (1999).

USIA Am Parts Program, “Think Tanks and the Washington Establishment in Historical Perspective,” Lectures at United States Embassies in Barcelona, Madrid, Rome, Bonn, Frankfurt, Helsinki, and Luxemburg, 1988-1989.

“American Conspiracy Revealed,” State of the Field panel, Organization of American Historians Meeting, April 2008.

“What’s Wrong with the New Conservative History?” State of the Field panel, Organization of American Historians Meeting, March 2007

“The New History of Conservatism,” American Historical Association Meeting, January 2007

“Reconsidering the History of Postwar Conservatism: Phyllis Schlafly and the Grassroots,”

American Historical Association Meeting, January 2001

“Integrating Social History and Policy History in the Classroom,” Organization of American Historians Meeting, April 1996

“The Quiet Revolution: Family Planning Policy in the 1960s,” Organization of American Historians Meeting, April 1995

“The Current State of Political History,” Western Political Science Meeting, March 1995

“The Work Ethic and Welfare Reform in Modern America,” American Historical Meeting, December 1987

“Social Policy as History,” Organization of American Historians Annual Meeting, April 1986.

“The Emergence of Think Tanks in Modern America: Antistatistism and Expertise in a Democratic Society, 1916-present,” American Historians Association Annual Meeting, December 1985.

“The Evolution of the Studebaker Company, 1900-1920 from a Wagon Company to an Automobile Corporation,” the Organization of American Historians Annual Meeting, April 1985,

“Think Tanks, Anti-Statism, and American Public Policy,” Evening Dialogue, Woodrow Wilson Center for International Scholars, December 17, 1984.

“Robert S. Brookings: The Man, His Vision and His Institution,” American Historical Association Annual Meeting, 1983.

“American Businessmen, Class-Consciousness, and the State, 1941-1976,” Organization of American Historians Annual Meeting, April, 1983.

“Fear of the Leviathan: Anti-Statist Thought in Corporate Political Consciousness,” Pacific Historical Conference, August, 1982.

“Harold G. Moulton, Keynes, and the Public Interest,” Missouri Valley Historical Conference, March, 1982.

“Science, Morality, and Prostitution: Public Policy During World War II,” Brown Conference, University of Alabama, December, 1981.

“Economic Public Policy Formulation: The Political Control of the Economy, 1932-Present,” the Organization of American Historians Annual Meeting, Detroit, April, 1981

“Leo Pasvolsky, Bureaucracy, and the Founding of the United Nations,” Society of American Historians of Foreign Relations Annual Meeting, Lawrence, Kansas, August, 1979.

PROFESSIONAL ACTIVITIES

Founding President, Institute for Political History (501c educational foundation), 2004-

Editor, *Journal of Policy History*.

Organizer, Policy History Conference for St. Louis 2002-2020; Conferences have been held in St. Louis, MO; Columbus, Ohio; Charlottesville, VA.; Nashville, TN; and Tempe, AZ. (This conference draws approximately 200-350 participants from History, Political Science, Sociology, and Law.

Member of Board of Directors, Truman Library Institute, 1991-1996.

Series Editor, “Critical Issues in European and American History,” Rowman & Littlefield Press.

Reader for Cambridge University Press; Columbia University Press; Johns Hopkins University Press; Cornell University Press; Kansas University Press; Princeton University Press; Northern Illinois University Press; Temple University Press; Bedford-St. Martins Press; Pennsylvania State University Press; and Houghton-Mifflin, *Journal of American History* and *Review of Politics*.

Member of Planning Committee, National Public Policy Conference, Bowling Green State University, Bowling Green, Ohio, August, 1997.

Program Co-Director, Conference on Private Charity and Public Welfare, Saint Louis University,

St. Louis, Missouri, June, 1996.

Program Co-Director, Conference on the Evolution of Federal Social Policy, University of Notre Dame, South Bend, Indiana, October, 1985.

Program Chairman, Conference on the History of the Small Town, North Central College, Naperville, Illinois, April 1981.

Member of Illinois Steering Committee, OAH Conference on the Promotion of History held at Wesleyan University, Bloomington, Illinois, April, 1980.

Faculty Advisor, Phi Alpha Theta, University of Dayton, Dayton, Ohio.

Faculty Advisor, Phi Alpha Theta, University of Notre Dame, Notre Dame, Indiana.

DIRECTED DISSERTATIONS

Mariann Scholte, "The Political Economy of Banking Reform: The Monetary and Banking Acts of 1980 and 1982," University of Notre Dame, Department of Economics (1988).

David Hay, "The Military-Intellectual Complex: The U.S. Army Air Forces and the Ascendancy of Quantitative Management Control, 1940-1946" University of Notre Dame, Department of History (1993).

Thomas F. Curran, "The Weapons of our Warfare are not Carnal: The Ideological Origins of Pacifism in the Civil War Era," University of Notre Dame, Department of History (1993).

John Korasick, "Imaging Africa: The Collection of African Art in America and the Failure of Postcolonial Theory," Saint Louis University, Department of History, (2004).

Aharon Zorea, "RICO: From Organized Crime to Terrorism," Saint Louis University, Department of History, (2004).

Stephen Randall, "Public Health, Epidemics, and Civil Liberties in Chicago, 1950-1920," (2009).

Matthew Sherman, "Protecting the President: From Abraham Lincoln through Theodore Roosevelt," (2009).

Cindy Stachecki, "ERA Ratification in Illinois," (2008).

Amy Wallhermfecht, "Cecile B. DeMille and the Right-to-Work Campaign," (2015).

DISSERTATION

"The Brookings Institution: The Early Years, 1916-1952: Expertise and Influence in a Democratic Society" (University of California 1978).

Professor Samuel Haber, Chairman

Professor Charles G. Sellers, Reader

Dr. Clark Kerr, Reader

Ph.D. EXAMINATION FIELDS

United States History

History of Science

Political Science

TEACHING AND RESEARCH EXPERIENCE

2013-2020 Professor of History, Arizona State University

1992-2012 Professor of History, Saint Louis University

1992-96 Chair, Department of History, Saint Louis University

1983-91 Assistant/Associate Professor (1987), Department of History, Director of Graduate Studies (1980-92) University of Notre Dame

1981-83 Assistant Professor, Department of History, Grants Office, Social Sciences, Research Institute University of Dayton

1978-81 Assistant Professor, Department of History, North Central College, Naperville, Illinois

1977 Acting Instructor, Environmental Studies, University of California, Berkeley

1976 Acting Instructor, Department of History, San Francisco State University

1975 Research Assistant, Institute of Industrial Relations, University of California

1974 Teaching Assistant, Department of History, University of California, Berkeley

*For additional biographical information see *Who's Who in America; Who's Who in the World*

APPENDIX

Selected Book Reviews:

The American Religious Debate over Birth Control, 1907-1937 by Kathleen Tobin, *Journal of American History*. (June, 2003).

More Than They Promised: The Studebaker Story by Thomas E. Bonsall, (Stanford University Press, 1999), *Business History Review* (Summer, 2002).

Sexual Chemistry: A History of the Contraceptive Pill by Lara V. Marks, (Yale University Press, 2001), *American Historical Review*, (December 2002).

Coping with Sickness, Medicine, Law, and Human Rights--Historical Perspectives, edited by John Woodward and Robert Jutte, (Association of European History of Medicine, 2001), *Isis*, (June, 2002).

Bold Relief: Institutional Politics and the Origins of American Social Policy by Edwin Amenta, *American Historical Review*, (February, 2001)

“*Socializing Security: Progressive-Era Economists and the Origins of American Social Policy*” by David A. Moss,” *Business History Review* (Autumn, 1998).

“*Minneapolis Teamsters Strike of 1934* by Philip Korth,” *Journal of American History* (September 1996).

“*Losing Time* by Otis Graham,” *Business History* (February 1994).

“*The Transformation of American Politics* by David Ricci,” *American Historical Review* (October 1994).

“*The Politics of Immigrant Workers: Labor Activism and Migration in the World Economy since 1830* by Camille Guerin-Gonzales and Carl Strikwerda,” *Journal of American History* (September 1994).

“*Red or Rackets? The Making of Radical and Conservative Unions on the Waterfront* by Howard Kimeldorf,” *Labor History* (Fall, 1994).

“*American Automobile Workers, 1900-1933* by Joyce Shaw Peterson,” *Journal of American History* (November 1988).

“*Auto Slavery: The Labor Process in the American Automobile Industry, 1897-1950* by David Gartman,” *Journal of American History* (March, 1985).

“*Union Power and American Democracy: The UAW and the Democratic Party, 1935-72* by Dudley W. Buffa,” *Journal of American History* (March, 1985).

“*Corporate Liberalism: The Origins of Modern American Political Theory, 1890-1920* by R. Jeffrey Lustig,” *Public Historian* (Spring, 1985).

“*Model Research: The National Advisory Committee for Aeronautics Vol. I and II* by Alex Roland,” *Science* (November 29, 1985).

“*Workingmen’s Democracy: The Knights of Labor and American Policies* by Leon Fink,” *The Journal of Economic History* (September, 1984).

“*Unrepentant Radical: An American Activist’s Account of His Five Turbulent Decades* by Sidney Lens,” *Labor History* (Summer, 1984).

“*The Business Response to Keynes* by Robert M. Collins,” *The Public Historian* (Summer, 1983).

“*The Dynamics of Business--Government Relations, 1893-1921* by William H. Becker,” *Journal of Economic History* (September, 1982).

“*Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* by Henry Shue,” *Annals of the Academy of American Political and Social Science* (March, 1983).

“*The Office of Management and Budget and the Presidency, 1921-1979* by Larry Berman,” *Business History Review* (Autumn, 1982).

“*Political Control of the Economy* by Edward Tufte,” *Labor History* (Winter, 1982).

“*The Speculator: Bernard M. Baruch in Washington, 1917-1965* by Jordan M. Schwarz,” *The Journal of Economic History* (December, 1981).

“*The American Establishment* by Leonard and Mark Silk,” *Annals of the Academy of American Political and Social Science* (Fall, 1981).

“*Friend and Foe in the U.S. Senate* by Ross K. Baker,” *Annals of American Political and Social Science* (November, 1980).

“*James M. Landis: Dean of Regulators* by Donald A. Ritchie,” *American Historical Review* (October, 1981).

“*Henry Cabot Lodge and the Search for An American Foreign Policy* by William C. Widenor,” *Annals of the Academy of American Political and Social Science* (June 1981).

“*Herbert Hoover, The Great War and its Aftermath, 1914-1923* by Lawrence E. Gelfand,” *Business History* (Winter, 1980).

“*Edwin G. Nourse: Economist for the People* by Joseph G. Knapp,” *American Historical Review* (December, 1980).

“*Mexican Workers in the United States: Historical and Political Perspective*, edited by George C. Kiser,” *The Journal of Economic History* (December 9, 1979).