

Exhibit 2

MILLIGAN V. MERRILL
Case No.: 2:21-cv-012921
SUPPLEMENTARY DECLARATION OF JOSEPH BAGLEY, PHD
REBUTTAL OF REPORT OF THOMAS M. BRYAN

Thomas M. Bryan asserts in his report for the defendants that Mobile and Baldwin Counties constitute an inseparable community of interest (“COI”) and that splitting these counties, as in the *Milligan* plaintiffs’ proposed plan, would “cause the most harm” among county splits in said plan. Mr. Bryan also alludes to the Black Belt region of the state but does not explain the historical, demographic, or socioeconomic characteristics of the region. In my opinion, the Bryan report fails to describe the Black community and the Black Belt and its close relationship to the Black people of Mobile.

The Black Belt is a region that stretches across America’s Deep South, from South Carolina to Texas. It is named for its rich black soil. Though the majority of the American Black Belt’s inhabitants are also Black people, the descendants of the enslaved who were forced to work that land before and during the Civil War.

The Alabama Black Belt extends, roughly, from Russell and Barbour Counties in East Alabama, through Montgomery County, to an expanding area covering Pickens County to Washington County on the Mississippi line.

As Native Americans were gradually and forcibly removed from the lands west of the Ocmulgee River in the late 18th and early 19th centuries, white settlers realized that the Black Belt’s soil, and the Deep South’s climate, were perfect for growing long-staple cotton. At the same time, the invention of the cotton gin and the beginnings of industrialization increased demand for that crop, and a decline in the tobacco market created a “surplus” of enslaved Black people in the older plantation areas of the Tidewater of Virginia and North Carolina.

White settlers began to flood into the state of Alabama when most of the remaining Creek Indians were forced out via the Indian Removal Act of 1830. By then, the United States government had banned the importation of slaves from abroad, so many settlers brought enslaved Black people with them from the older plantation areas of the Upper South. Others purchased them from slave markets in Montgomery, Mobile, Jackson, and other cities. American chattel slavery expanded dramatically between that time and the Civil War, giving rise to the “Cotton Kingdom” of the antebellum era when cotton was America’s most valuable export and enslaved Black people were its most valuable commodity. The Black Belt of Alabama became home to not only the wealthiest white plantation owners in the state, but to some of the wealthiest individuals in the young nation, some of whom held hundreds of people in bondage.

When the 13th Amendment brought an end to chattel slavery, land was never systematically redistributed from white landowners and given to newly freed Black people. Formerly enslaved Black people became landless tenant farmers, beholden to their former

masters. And when Alabama replaced its constitution in 1875 and again in 1901, it was the “Bourbon redeemers” of the Black Belt region, hyper-wealthy white landowners, who pushed hardest for a document that would protect white supremacy. Black people were the overwhelming majority in most areas. The Black Belt’s white landowners feared that allowing Black people to vote freely would lead to land reform and their political and financial ruin. Thus, they lobbied for protections against white property tax dollars for Black education and for the total disenfranchisement of Black citizens.

When the nonviolent movement for civil rights reached its peak in the mid-1950s, it was the Black Belt where Black activists faced the most formidable reprisals – violent and economic. The Black Belt was also the seedbed of both the Ku Klux Klan and the Citizens’ Council in the state. The Citizens’ Councils ensured that any Black people engaged in civil rights activism received “the pressure,” meaning they would be fired by white employers, evicted by white landowners, denied credit by white bankers, etc.¹ “Bloody Sunday” occurred in the Black Belt city of Selma, and the related murder of Viola Liuzzo occurred in nearby Lowndes County, dubbed “Bloody Lowndes” for the violence meted out against voting rights protestors.² White people fled public schools in the Black Belt rather than integrate and even fled some cities entirely rather than share local governmental power.³

The Black Belt was also the site of Black citizens’ efforts to organize and to seek access to the franchise and to equal educational opportunity. When the National Association for the Advancement of Colored People encouraged local branches to petition school boards to address the Supreme Court’s *Brown v. Board of Education* decision in 1955, Black people in Butler, Russell, Bullock, and Dallas Counties were among those to answer the call (Black activists in Mobile did the same). The Lowndes County Freedom Association was founded in 1965 and the National Democratic Party of Alabama was formed soon thereafter with both independent focused on running Black candidates in elections in the Black Belt.⁴

White backlash to Black activism took the form of violence and economic reprisals, which contributed to Black Alabamians’ migration from the Black Belt to Mobile and elsewhere as early as the end of the Civil War. This migration of Black people from the Black Belt to Mobile continued through the end of the Nineteenth Century and into the Twentieth Century.

The historian Wayne Flynt has described a “massive hemorrhaging of people,” mostly Black people, from the Black Belt, in the early Twentieth Century. As Flynt explains, “These internal migrants generally headed for cities.” This would include Black people who left the Black Belt for Mobile in significant numbers during the Great Depression, when white

¹ Joseph Bagley, *The Politics of White Rights: Race, Justice, and Integrating Alabama’s Schools* (Athens: University of Georgia Press, 2018).

² Hasan Kwame Jeffries, *Bloody Lowndes: Civil Rights and Black Power in Alabama’s Black Belt* (New York: New York University Press, 2010); James P. Turner, *Selma and the Liuzzo Murder Trials: The First Modern Civil Rights Convictions* (Ann Arbor: University of Michigan Press, 2018).

³ Bagley, *The Politics of White Rights*.

⁴ Bagley, *The Politics of White Rights*; Jeffries, *Bloody Lowndes*.

landowners refused to pass down federal aid to their sharecropping tenant farmers. In the second half of the Twentieth Century, consolidation of land, mechanization, and the rise of the Sunbelt generated, in Flynt's words, "a hemorrhaging of people [from the Black Belt] even more severe" than the previous one. Again, Black people left the Black Belt for Mobile. By the end of the century, more Black people in Alabama lived in cities than in rural areas. Many Black families in Mobile are Black Belt migrants or the descendants thereof.⁵

As the political scientist Richard Pride writes of Mobile, "Its roots followed the rivers north into the heart of the black belt . . . where cotton and timber grew abundantly, and planters, rednecks, and blacks marked all the society that people acknowledged." Pride continues, "The city had its face turned toward the world, but it nevertheless grew out of the Old South."⁶

White flight accelerated significantly in Mobile when the city's long-running school desegregation case finally yielded positive results for Black plaintiffs in the early 1970s, at the same time that Black Belt public school systems were experiencing similar backlash and flight.⁷ As in the Black Belt, white flight has left most public schools east of I-65 in Mobile overwhelmingly Black. The Black communities of Mobile and the Black Belt share significant historic, demographic, and socioeconomic interests.

I am aware that the State Board of Education ("SBOE") elects eight-members from single-member districts, including two majority Black districts. I am also aware that the parties in this case have agreed that, "[i]n each election since 2011, a Black Democrat won a majority of Black voters and the election in Districts 4 and 5 of the SBOE" and that "District 5 of the SBOE Plan connects the City of Mobile to the Black Belt Counties."⁸ The fact that most Black voters in SBOE District 5 vote for the same candidates and the State Legislature's decision to place the Black communities in the City of Mobile and the Black Belt in the same SBOE district are consistent with my conclusions here.

In his analysis of Mobile and Baldwin Counties, Mr. Bryan relies exclusively upon the previous testimony of U.S. Congressional Representative Bradley Byrne and former Representative Jo Bonner, two white men elected from the overwhelmingly white 1st District who have asserted that Mobile and Baldwin form a sensible COI. But the population of the Mobile County east of Interstate 65 is overwhelming Black and shares little today with the rest of the metropolitan area, which is predominately white. And to the extent that western Baldwin County shares economic interest with the city, it is because safely white communities

⁵ Wayne Flynt, *Alabama in the Twentieth Century* (Tuscaloosa: University of Alabama Press, 2004), pp. 115, 143, 177.

⁶ Richard Pride, *The Political Use of Racial Narratives: School Desegregation in Mobile, Alabama, 1954-1997* (Champaign: University of Illinois Press, 2002); Scotty E. Kirkland, "Pink Sheets and Black Ballots: Politics and Civil Rights in Mobile, Alabama, 1945-1985," M.A. Thesis (University of South Alabama, 2009).

⁷ *Davis v. Mobile Board of School Commissioners*, 430 F.2d 883, 889 (5th CCA, 1970), reversed, 402 U.S. 33 (1971).

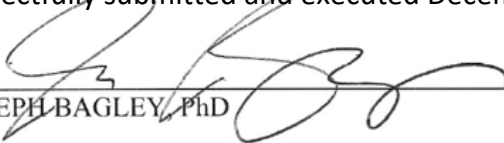
⁸ Joint Stipulated Facts for Preliminary Injunction Proceedings, *Milligan v. Merrill*, Dec. 7, 2021.

like Fairhope, Spanish Fort, and Daphne became white flight destinations when courts called for compulsory school desegregation and white residents fled from the possibility of their kids attending majority Black Williamson High and Vigor High or a substantially Black Murphy High.⁹ The remaining areas of Baldwin County are either sparsely populated or are Gulf Coast beach tourist destinations that have little meaningful connection to the city of Mobile save for waterfront access.¹⁰

In conclusion, it is my opinion that the Black communities in the Black Belt and Mobile County have longstanding, organic, and meaningful connections.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge.

Respectfully submitted and executed December 20, 2021.


JOSEPH BAGLEY, PhD

⁹ Bagley, *The Politics of White Rights*; Brian Duke, "The Strange Career of Birdie Mae Davis: A History of a School Desegregation Lawsuit in Mobile, Alabama, 1963 – 1997," M.A. Thesis, Auburn University (2009).

¹⁰ Allen Tullos, *Alabama Getaway: The Political Imaginary and the Heart of Dixie* (Athens: University of Georgia Press, 2011); Harvey Jackson, *The Rise and Decline of the Redneck Riviera: An Insider's History of the Florida-Alabama Coast* (Athens: University of Georgia Press, 2013).