

CURRICULUM VITAE

Joseph Bagley, PhD Curriculum Vitae



Associate Professor of History
Honors Program Coordinator
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Education

PhD, History, 2013, Georgia State University
"School Desegregation, Law and Order, and Litigating Social Justice in Alabama, 1954-1974"
• Winner of the John M. Matthews Distinguished Dissertation Award, 2013
MA, History, 2007, Auburn University
BA, History, 2004, Auburn University

Major Publications and Grants

The Politics of White Rights: Race, Justice, and Integrating Alabama's Schools (University of Georgia Press, 2018)

Select Reviews

- *History of Education Quarterly* 59, No. 4 (November 2019): 528-530.
- *Alabama Review* 75, No. 3 (Fall, 2022): 267-270.

Held in nearly 1,000 libraries worldwide: [WorldCat](https://www.worldcat.org/)

Georgia Humanities Grant: "Terminus 1974? Atlanta Fifty Years Later" (2022): Awarded \$2500 for a public humanities lecture and town hall at historic Ebenezer Baptist Church discussing the pivotal year 1973 and its implication for voting rights, equal educational opportunity, and more.

Expert Witness in Voting Rights Litigation

Recognized as a "University Gopher" by Georgia State University. Retained by plaintiffs' counsel in the following:

Georgia State Conference of the NAACP v. State of Georgia (U.D. Ga., 2023): challenge to the Georgia General Assembly's state legislative and congressional redistricting plans as violative of Section 2 of the Voting Rights Act and the Constitution. Submitted a report and testified in a deposition.

South Carolina State Conference of the NAACP v. Alexander (U.S.C., 2023): challenge to South Carolina General Assembly's congressional redistricting plan as a racial gerrymander and as intentionally discriminatory. Submitted an expert report and rebuttal report; certified as an expert; testified in deposition and at trial. Unanimous three judge court found in favor of plaintiffs with respect to S.C.'s First Congressional District. Court cited to my report in its [Findings of Facts and Conclusions of Law](#).

South Carolina State Conference of the NAACP v. McMaster (U.S.C., 2023): challenge to South Carolina General Assembly's redistricting plan for state House of Representatives. Submitted an expert report and rebuttal report; certified as an expert; testified in deposition; (Case settled).

Miligan v. Merrill (N.D., Ala. 2021): challenge to Alabama legislature's congressional redistricting plan as a violation of Section 2 of the Voting Rights Act. Submitted an expert report and rebuttal report; certified as an expert; testified in deposition and at hearing for preliminary injunction; findings adopted by the court in ruling granting preliminary injunction; (U.S. Supreme Court ruling on injunction and trial on the merits pending)

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Expert Witness in Voting Rights Litigation Cont.

People First of Alabama v. Merrill (N.D., Ala. 2020): challenge to Covid-related restrictions. Submitted an expert report; certified as expert; testified in deposition/at trial; findings adopted by Court (479 F. Supp. 3d 1200).

Teaching and Administrative Experience

Honors Program Coordinator, Perimeter College, Georgia State University, 2018 – Present

Assistant Professor, Perimeter College, Georgia State University, 2017 – Present (5/4/2 load)
AAS 1142, African American History since 1865; AAS 2010, Introduction to Africana Studies;
HIST 1111, Survey of World History to 1500; HIST 1112, Survey of World History since 1500;
HIST 2110, Survey of United States History; HON 1000, Honors Seminar

Lecturer, Georgia Perimeter College, 2015 – 2017 (5/6/2 load)
HIST 1112, Survey of World History since 1500; HIST 2111, Survey of U.S. History to 1865;
HIST 2112, Survey of U.S. History since 1865; HIST 2110, Survey of U.S. History

Visiting Lecturer, Georgia State University, 2013 – 2015 (4/4/2 load);
HIST 2110, Survey of United States History

Graduate Instructor of Record, Georgia State University, 2009 – 2013 (3/3/1 load)
HIST 1112, Survey of World History since 1500; HIST 2110, Survey of United States History

Graduate Teaching Assistant
Georgia State University, 2008-2009, 2013
HIST 1112, Survey of World History since 1500; HIST 2110, Survey of United States History
HIST 3000, Introduction to Historical Studies; HIST 4950, Historical Research (co-taught)
AUBURN UNIVERSITY, 2004-2008
HIST 3020, Survey of World History to 1789; HIST 1020, Survey of World History since 1789

Invited Talks

Kiwanis Club of Covington, Georgia, March 16, 2023, "The Voting Rights Act – Then and Now,"
Rotary Club of Covington, Georgia, April 25, 2023, "The Voting Rights Act – Then and Now"
Symposium on the Struggle for Black Freedom, Georgia State University, Perimeter College, Keynote Address,
February 11, 2020, "The Struggle for Black Voting Rights: from Reconstruction to Right Now,"
Georgia State University Constitution Day Event, September 18, 2019, "To Abridge and Deny": Vote Dilution,
Section 5 Preclearance, and Undermining the 14th Amendment,"
Auburn University Critical Studies Working Group, College of Education, April 12, 2019, "Teach Us All: The Little Black
Nine, and Contemporary School Segregation,"
League of Women Voters of Greater Jefferson County, February 21, 2019, "School Desegregation in Alabama,"
Auburn University Caroline Marshall Draughon Center for the Arts and Humanities, January 29, 2019, Book Talk,
Alabama Department of Archives and History, *Alabama in the Age of Aquarius* Symposium, August 19, 2016,
"Desegregating Alabama's Schools: the Montgomery Experience" With Federal Magistrate Judge Dolores
Boyd and Peggy Wallace (daughter of George Wallace)
Alabama Department of Archives and History, Monthly Lecture Series, May 15, 2014, "Now a Single Shot Can Do
It: Lee v. Macon County Board of Education and School Desegregation in Alabama."

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Notable Citations

- Nicole Hannah-Jones, "The Resegregation of Jefferson County," *The New York Times Magazine*, Sept. 6, 2017.
 Wendy Parker, "Why Alabama School Desegregation Succeeded (And Failed)," *G7 Case Western Law Review*, 1091 (2017).
 Rebecca Rothblatt, "Desegregating City Parks and the Civil Rights Movement: The Case of Oak Park in Montgomery, Alabama," *Journal of Urban History* 47.4, 715 (2019).
 Erika Frankenberg, "The Impact and Limits of Implementing Brown: Reflections From Sixty-Five Years of School Segregation and Desegregation in Alabama's Largest School District," 11 *Alabama Civil Rights and Civil Liberties Law Review*, 33 (2019).
 Bryan Mann, "Segregation Now, Segregation Tomorrow, Segregation Forever? Racial and Economic Isolation and Dissimilarity in Rural Black Belt Schools in Alabama," *Rural Sociology* 86.3, 523 (2021).

Service

- Search Committee, Two Tenure-track Positions in History, 2024
 Scholarship Review Committee, 2023
 Faculty Advisor for Phi Theta Kappa, Beta Eta Chapter-present
 Faculty Advisor for Newton Honors Society Club, 2023-present
 Newton Campus Honors Program Coordinator, 2019-present
 History and Political Science Honors and Awards Committee, 2023
 Newton Campus Marie Benneklin Symposium Committee, 2019-present
 Presented at Faculty Development Day, "Building a Research Community," Spring 2022
 Newton Academic Community Engagement (ACE) Committee, 2019-23
 Chair, Search Committee, Lecturer in History, Fall 2019
 Perimeter College Scholarship Selection Committee, 2019
 Search Committee, Adjunct Faculty in African American Studies, Summer 2019
 Search Committee, Faculty Associates to Center for Excellence in Teaching and Learning, Summer 2018
 Search Committee, Lecturers in History, Spring 2018
 Panthers Vote Presidential Election Panel, Fall 2016
 History 1110 Assessment Committee for the Georgia State-Georgia Perimeter Consolidation, 2016-2017

Conference Presentations

- "We Have Haria Dream, Too! School Desegregation, Litigation, Racial Injustice, and Politics in Alabama," Organization of American Historians Annual Conference, St. Louis, Missouri, April 16, 2015.
 "Life, Liberty, and the Pursuit of Alabama's Happiness: School Desegregation, the 'Law and Order' Narrative, and Litigating Social Change in Alabama, 1954-76," Midwest Political Science Association Annual Conference, Chicago, Illinois, April 12, 2013.
 "Black Alabamians' Efforts to Desegregate Schools, 1954-1968: Civil Rights, Litigation, and the Road to *Lee v. Weaver*," presented at the University of Alabama History Department's Graduate Conference on Power and Struggle, March 3, 2012.

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Solicited Manuscript and Book Reviews

- Outside Reader for Book Manuscript, Brian K. Landsberg, *Revolution by Law: The Federal Government and the Desegregation of Alabama Schools*, University of Kansas Press (Spring 2021), blurbon jacket.
 Camille Welsh, *Racial Taxation: Schools, Segregation, and Taxpayer Citizenship, 1869-1973* (UNC Press, 2018), *The Alabama Review* (Pending, Spring 2021).
 Outside Reader for Essay Manuscript for *Urban History* (Fall, 2019), Anonymous.
 Stephanie R. Ralph, *Resisting Equality: The Citizens' Council, 1954-1969* (LSU Press, 2019), in *The Journal of Mississippi History* (Fall, 2019).
 Wayne A. Weigand and Shirley A. Weigand, *The Desegregation of Public Libraries in Jim Crow South: Civil Rights and Local Activism* (LSU Press, 2018), in *Georgia Historical Quarterly* (Summer, 2019).
 Lecann G. Reynolds, *Maintaining Segregation: Children and Racial Instruction in the South, 1920-1955* (LSU Press, 2018), in *The Alabama Review* (Summer, 2019).
 Outside Reader for Essay Manuscript for *History of Education Quarterly* (Fall, 2018), Anonymous.
 James Turner, *Sumner and the Lizzie Murders: The First Modern Civil Rights Commission* (University of Michigan Press, 2018), in *Law and History Review, The Dossier*, Vol. 1, Issue 2 (August, 2018).
 Tracy E. K. Meyer, *From Brown to Meredith: The Long Struggle for School Desegregation in Louisville, Kentucky, 1955-2007* (University of North Carolina Press, 2013), in *The Journal of Southern History* 80, No. 4 (Nov. 2014): pp. 1019-20.
 Frank Sikora, *The Judge: The Life and Opinions of Alabama's Frank M. Johnson, Jr.* (New South Books, 2007), in *The Alabama Review* 61, No. 2 (April, 2008): 153-4.

Examination Fields

- 19th-20th Century United States History
- History of South Africa
- United States Legal/Constitutional Hist.

Professional Organizations

- Organization of American Historians
- Southern Historical Association
- American Historical Association
- Alabama Historical Association
- American Society for Legal History

Languages

- Spanish: Reading, Good
- French: Reading, Good

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PURPOSE, METHODOLOGY, SUMMARY FINDINGS

I have been asked by plaintiffs' counsel in this case to examine any relevant historical and contemporary evidence and to provide my opinion relevant to whether Alabama Senate Bill 1, the 2021 Alabama State Senate Redistricting law ("S.B. 1"), establishing the map redrawing the state's Senate districts following the release of the 2020 Census data, may result in an impairment of Black voters' ability to participate fully and equitably in the political process and to elect candidates of their choice, based on the "totality of the circumstances" test, as applied using the factors set forth by the U.S. Senate Judiciary Committee during the amendment of §2 of the Voting Rights Act in 1982 and subsequently referenced by the Supreme Court in *Thornburg v. Gingles*, 478 U.S. 30 (1986, "*Gingles I*") (the "Senate Factors").

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PURPOSE, METHODOLOGY, SUMMARY FINDINGS

My analysis adheres to the common standards of historiography. This report thus draws upon existing, relevant, and well-regarded historiographical works, that is, valuable secondary sources, including peer-reviewed academic journal articles and scholarly books. It relies as well upon primary sources in the form of historical and contemporaneous press coverage, U.S. Justice Department documents, Census data, campaign literature, and relevant caselaw. These represent common sources for scholars in the humanities and the social sciences to reference, and I weigh all of these against one another, objectively, as is common in the field.

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- The “extent of any history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process” [Factor 1]
- The “extent to which voting in the elections of the state or political subdivision is racially polarized” [Factor 2]
- The “extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group” [Factor 3]
- If “there is a candidate slating process, whether the members of the minority group have been denied access to that group” [Factor 4]
- The “extent to which members of the minority group in the state or political subdivision bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process” [Factor 5]
- Whether “political campaigns have been characterized by overt or subtle racial appeals” [Factor 6]
- The “extent to which members of the minority group have been elected to public office in the jurisdiction” [Factor 7]
- Whether “there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the minority group” [Factor 8, Additional Factor]
- And “Whether the policy underlying the state or political subdivision’s use of such voting qualification, prerequisite to voting, or standard, practice or procedure is tenuous” [Factor 9, Additional Factor].

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SENATE FACTOR 1:

Factor 1: Alabama's recent history of discrimination against Black citizens continues to the present day, including in the challenged areas. In recent decades, for example, the Alabama Legislature – under the control of white Democrats and Republicans – has sought to limit the ability of Black voters to elect candidates of their choice, to limit Black voters' ability to elect more than a token number of candidates of choice, to use redistricting as a vehicle for manipulating Black voters to the benefit of one white-controlled party or the other, and to engage in racial gerrymandering in pursuit of one or more of these goals.

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SENATE FACTOR 3:

Alabama's ongoing history of racial discrimination in voting rights is chock-a-block with the use of vote dilution schemes aided by the kinds of enhancing devices targeted under Senate Factor Three. For example, the state has a majority vote requirement in primary elections.⁵¹ Vote dilution became unnecessary after the enactment of the disenfranchising constitution in 1901 but made a comeback as Black citizens began to make gains in voter registration after World War II. White backlash against those gains, or the mere threat thereof, moved the Justice Department to file the lawsuits that formed the basis for the Voting Rights Act. The state's adoption of vote dilution systems accelerated rapidly with the passage of the VRA. Administrative action and litigation under the VRA, over decades, eventually led to the striking of many of these schemes. Some of that litigation has come very recently. Within the last five years, for example, at-large voting systems were twice struck in Jefferson County.

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SENATE FACTOR 5:

As this Court found in *People First v. Merrill* in 2020, Black people in Alabama “are more likely to hold jobs that do not provide paid leave, cannot be performed remotely, and require more exposure to the public and, therefore, to COVID-19.” 491 F. Supp. 3d 1076 (N.D. Ala.) at 1096. This Court acknowledged that the roots of those disparities were related to the state’s history of racial discrimination. Other socioeconomic indicators underscore that connection. This Court more recently, in *Milligan v. Merrill*, found that, “[B]ecause white Alabamians tend to have more education and therefore higher income than Black Alabamians, they tend to be better able than Black Alabamians to afford a car, internet service, a personal computer, or a smart phone; . . . take time off from work; . . . afford to contribute to political campaigns; . . . afford to run for office; . . . [and to] have access to better healthcare, and (2) that [e]ducation has repeatedly been found to correlate with income [and] independently affects citizens’ ability to engage politically.” 582 F. Supp. 3d 924 (N.D. Ala., 2022), 975, internal quotation marks omitted.

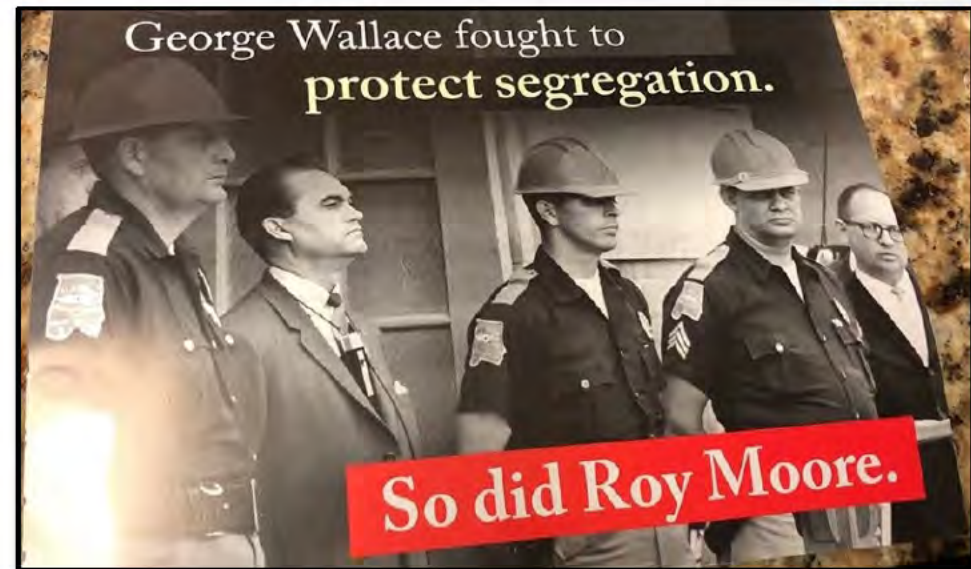
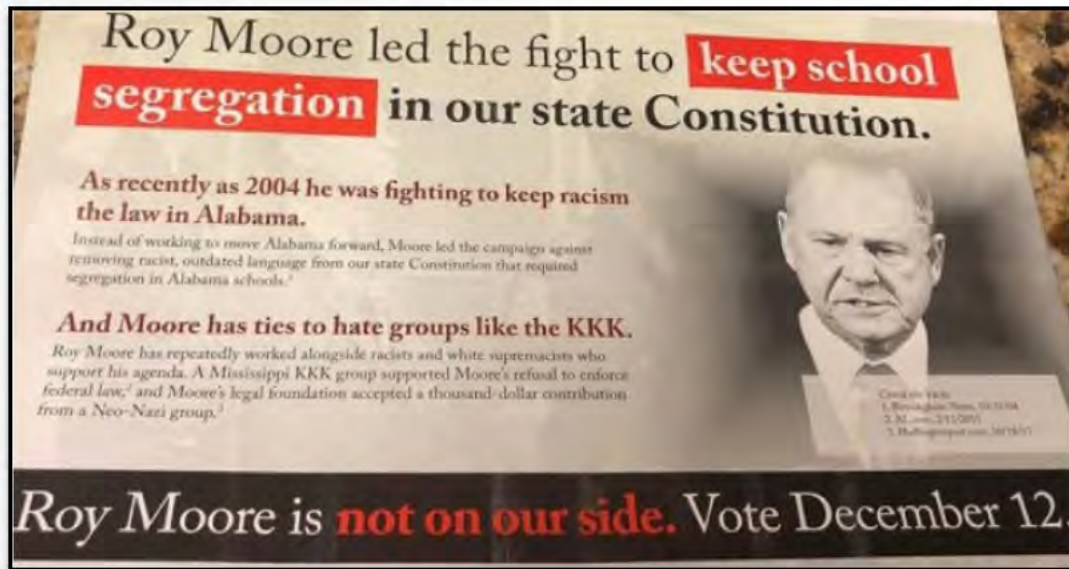
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RACIAL APPEALS IN 2017 SENATE CAMPAIGN



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RACIAL APPEALS IN 2017 SENATE CAMPAIGN



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RACIAL APPEALS IN 2017 SENATE CAMPAIGN



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SENATE FACTOR 7:

Factor 7 asks us to consider the “extent to which members of the minority group have been elected to public office in the jurisdiction.” Black citizens of Alabama currently hold no statewide offices. Only three Black candidates have held statewide office, and one of those was appointed. No Black person has served in statewide office in the state in the twenty-first century. Black candidates have been elected to the state legislature since the 1970s, though only through ongoing enforcement of federal voting rights litigation. *As the Court observed in Milligan*

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SENATE FACTOR 7

As recently as 2018, the state was found to have engaged in racial gerrymandering of its state legislative districts. This included Senate District 26 and House District 77 in Montgomery County and House District 53 in Madison County.¹¹² Black people constitute roughly 27 percent of the state of Alabama's population but currently hold only 7 of 35 state Senate seats (20 percent), either in terms of Black candidates or Black candidates of choice. Put another way, white people constitute roughly 60 percent of the state's population, but white legislators occupy 80 percent of the state Senate seats.¹¹³

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SENATE FACTOR 8:

LACK OF RESPONSIVENESS BY ELECTED OFFICIALS

REFUSAL TO CREATE MAJORITY BLACK CONGRESSIONAL DISTRICT

Factor 8 asks us to consider whether “there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the minority group.” The Alabama legislature’s lack of responsiveness to Black citizens is demonstrated, *inter alia*, by lawmakers’ failure, prior to recent litigation, to create a second majority-Black Congressional District and by the legislature’s refusal to expand Medicaid under the Affordable Care Act. Senator Jim McClendon dismissed the possibility of drawing a second majority-minority district, saying, “There is probably a way to maneuver around [and create two majority-minority districts], but it would be gerrymandering at its best [and] doesn’t make sense at all.”¹¹⁵ This Court, in 2023, held that the legislature’s refusal to abide by a trial court and the U.S. Supreme Court’s mandate to create a second majority-Black district was a clear example of lack of responsiveness.¹¹⁶

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SENATE FACTOR 8:

LACK OF RESPONSIVENESS BY ELECTED OFFICIALS

REFUSAL TO EXPAND MEDICAID

Black leaders in the legislature have insisted, “It is high time that we expand Medicaid to provide vital coverage to the more than 340,000 uninsured Alabamians,” and have pleaded, “There’s a reason this virus [Covid-19] is killing African Americans and those in poorer communities at a much higher rate. ... outcomes are undoubtedly worse for those without coverage.”¹¹⁷

Representative Terri Sewell, the state’s only Black member of Congress, has said, “Because of the State of Alabama’s refusal to expand Medicaid, more than 200,000 low-income Alabamians who would otherwise qualify for health insurance coverage are being forced to go without care, putting their health and their lives at risk. If the State of Alabama won’t expand access to health care for our underserved communities, local governments should have the power to do it themselves.”¹¹⁸

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