

Exhibit A

EXPERT REPORT OF R. VOLNEY RISER

**CONTOURS OF INTERRACIAL POLITICAL COALITION-BUILDING
IN LATE-NINETEENTH CENTURY ALABAMA**

May 17, 2024

INTRODUCTION AND QUALIFICATIONS

1. My name is R. Volney Riser, and my residence is Livingston, Alabama. I appear in this matter in a private expert capacity, and plaintiffs' attorneys have retained me to research and describe historical efforts in Alabama to discourage or inhibit interracial political coalition building through the nineteenth and early twentieth centuries.

2. My methodological approach reflects standard professional norms for qualitative historical research. I derive my conclusions from close analysis and reading of manuscript sources buttressed by my authoritative background in the relevant secondary literature. I am compensated at the rate of \$200 per hour. My fee is not contingent upon either my opinions or the outcome of this matter.

3. I am a historian of U.S. political and constitutional history, and I am a Professor of History at the University of West Alabama ("UWA"). I have taught at UWA since 2005. From 2012–2017, I was Editor-in-Chief of a historical journal, the *Alabama Review*, the official academic outlet of the Alabama Historical Association. I hold bachelor's degrees from Florida State University (1995 and 1998), and I hold an M.A. (2000) and a Ph.D. in American History (2005) from the University of Alabama. My formal historical training concentrated on U.S. Constitutional History and Southern History, and I completed both a master's thesis and doctoral dissertation that examined Alabama's 1901 Constitutional Convention. Regarding the latter, I was selected for the College of Arts & Sciences' "Outstanding Dissertation" award for 2005, and I was subsequently also announced as the university's "Outstanding Dissertation" award winner for that calendar year. At UWA, I teach or have taught courses in U.S. Constitutional History, African American History, the Gilded Age & Progressive Era, the Jazz Age and Great Depression, and the History of the American South.

4. I have published two books: *Defying Disfranchisement: Black Voting Rights Activism in the Jim Crow South, 1890–1908* (Louisiana State University Press, 2010; 2nd ed. 2013) and *A Goodly Heritage: Judges and Historically Significant Decisions of the U.S. District Court for the Middle District of Alabama* (Occasional Papers of the Bounds Law Library, University of Alabama School of Law, 2010). I have also published articles in the *Alabama Law Review*, the *American Journal of Legal History*, and *Southern Historian*.¹ I have additionally contributed numerous entries to reference volumes, including essays on disfranchisement and various landmark episodes in U.S. legal, constitutional, and political history.² The unifying theme of my scholarship is the development and practical operation of political and constitutional systems in the Jim Crow-era South. I am frequently called upon as an expert reviewer, chiefly for work treating southern states’ legal and constitutional histories, and for work assessing broader national legal and constitutional developments as related to the American South.

5. I have provided expert witness services in two other cases within the past five years, *McLemore v. Hosemann*, 3:2019-CV-00383 (S. D. Miss, 2019) and *Thompson v. Merrill*, 2:16-cv-783-ECM-SMD (M. D. Ala., 2020). In 2022, I joined an amicus brief in *Milligan v. Allen*,

¹ R. Volney Riser, “Disfranchisement, the U.S. Constitution, and the Federal Courts: Alabama’s 1901 Constitutional Convention Debates the Grandfather Clause,” *American Journal of Legal History* 48, no. 3, 237–79 (Fall 2006) (evaluating the Alabama Constitution framers’ concerns that their disfranchisement provisions might trigger judicial intervention or punitive congressional responses); Riser, “‘The Milk in the Cocoanut’: Booker T. Washington, Theodore Roosevelt, and the Fear of Conspiracy in Alabama’s 1901 Constitutional Ratification Referendum,” *Southern Historian* 26, 30–54 (Spring 2005) (discussing prominent conspiracy theories that helped drive ratification of Alabama’s “disfranchising” constitution); Riser, “The Burdens of Being White: Empire and Disfranchisement,” *Alabama Law Review* 53, no.1, 243–72 (Fall 2001) (addressing the concurrent public and policy-makers’ debates over the relationship between disfranchisement and territorial expansion).

² Riser, “Disfranchisement,” in *The World of Jim Crow America: A Daily Life Encyclopedia* (ABC–Clio, July 2019); Riser, “NAACP” and “*Powell v. Alabama*,” in the *Encyclopedia of the Supreme Court of the United States* (Gale Group, 2008); Riser, “Convict Leasing” in the *Encyclopedia of Anti-Slavery and Abolition* (Greenwood Press, 2007); Riser, “Joseph Philo Bradley,” “William Rufus Day,” and “Sanford Ballard Dole” in the *Historical Dictionary of the Gilded Age* (M. E. Sharpe Publishers, 2003); Riser, “*Saenz v. Roe*,” “*U.S. v. Butler*,” “*Missouri v. Holland*,” “*Craig v. Boren*,” “Balanced Budget Amendment,” “*American Tobacco Case*,” “*Granger Cases*,” “*Ex parte Garland*,” and “*Collector v. Day*” in the *Dictionary of American History* (Scribner’s, 2002).

599 U.S. ____ (2023). Though I am a scholar of constitutional and legal matters, I am not an attorney.

SUMMARY

6. Various tropes occur within late-nineteenth century southern political culture, and some of the most durable are ones concerning various manipulations of African Americans' votes. Theft, fraud, steal, destroy—these terms are casually cast about in debates about disfranchisement, as are discussions about “qualification” and “intelligence.” The root of all this, however, the impulse behind statutory suffrage restriction and later disfranchisement, was white men's voting behavior. Disfranchisement happened when and how it did because white men were leaving the Democratic fold. When white men broke away from the party, even in relatively small numbers, that effectively put African American voters back in play.

7. Examples are sadly rare where with respect to African American voting Alabama political leaders expanded their vocabulary beyond crude anecdotes about ballot box stuffing and alleged vote fraud schemes. From Emancipation forward, Whites struggled to either believe or accept that African Americans could make political decisions for themselves, denigrating them as a “bloc” to be manipulated rather than as a class of voters qualified to act in their own interest in partnerships or coalitions of their own design or choosing. White men were said to selflessly and bravely “stand together” to support the Democratic ticket out of patriotic devotion; Black men were described as thoughtless and venal, consumed by avarice and ignorance. As for white men who broke with the Democratic party, they were either scalawag Republicans or they were

alleged to have voted the Populist ticket because they were duped by charlatans.³ Conservative Democratic leaders denounced those white dissidents who tolerated any degree of interracial cooperation as “race traitors.” Interracial coalitions thus were discussed as fears or threats and never as mere political arrangements of mutual agreement entered into freely.

8. Democrats were not alone in their hostility toward African Americans. A significant faction within the Republican party was just as committed to limiting African Americans’ political opportunities, both on the ballot and at the ballot box. This manifested first in the Liberal Republican movement of the early 1870s and then was reenergized at the turn of the century. The “Lily White” initiative of the early twentieth century sought to capitalize upon Democrats’ successful disfranchisement campaign, and its leaders moved to purge African Americans from their ranks, presenting a new white man’s party to Alabama voters.

RECONSTRUCTION AS AN EXPERIMENT IN INTERRACIAL COALITION BUILDING

9. The first important political coalition in U.S. history was the antebellum abolition movement, and, after the Civil War and Emancipation, Congressional Reconstruction was the United States government’s first attempt to support and encourage interracial democracy by official means.

Alabama’s experience in Reconstruction confirmed the broader regional pattern.⁴ Emancipation

³ “Scalawag” is a term peculiar to the Reconstruction era South, and it refers to southern-born whites who joined the Republican Party or otherwise cooperated with the occupation governments during Congressional Reconstruction. Scalawags are usually lumped together with “carpetbaggers,” who were northerners (whether Black or White) who came to the South in search of state or federal office and who participated in or otherwise supported the Reconstruction governments. Though in the political context carpetbaggers are officeholders, the term applied to all northerners who moved South and participated in the Republican Party. These are not terms partisans would take for themselves—they were always epithets, in this case epithets applied by Democrats to their opponents.

⁴ The two longstanding authoritative histories of the Reconstruction era are Eric Foner’s *Reconstruction: America’s Unfinished Revolution, 1863-1877* (Harper’s, 1988) and W. E. B. DuBois’s *Black Reconstruction in America, 1860-1880* (Harcourt, 1935).

of itself was not enough to bring African Americans into the political system. The Freedmen required protection and needed encouragement, and they found both in the Republican Party-affiliated Union Leagues.⁵ With the implementation of Congressional Reconstruction, Freedmen's gains were sustained with federal civil and military authorities ensuring (or attempting to do so) their physical safety and the fair conduct of voter registration and elections.⁶ White Democrats, meanwhile, initially boycotted state politics, participation in which required swearing loyalty oaths to the United States as well as accepting the fact that African American men now could register and vote. This boycott gave rise to two of the more durable lies told of Reconstruction, that white southerners had been "disfranchised," and that Reconstruction-era politics were forcefully dominated and controlled by Black voters and Black officeholders.

REPUBLICAN HOSTILITY TOWARD AFRICAN AMERICANS

10. Republicans were often just as hostile as Democrats toward African American political participation. Republicans agreed with maintaining the Union, and beyond that, their attitudes sharply diverged. For present purposes, it is enough to understand they were divided on the question of whether Blacks should have a voice in the party and in affairs of state. That may at first glance seem surprising, which reflects southern Democrats' success in flattening Republicans' image into a two-dimensional caricature. It obscured any appreciation of internal

⁵The Union Leagues originated in border states and large cities during the Civil War as secret men's clubs of Union supporters who worked semi-covertly to combat Copperhead (pro-Southern) Democrats' activities. These were effectively Republican Party auxiliaries and after the War, northern interests sponsored their activities in the occupied South, encouraging and supporting the Freedmen's entry into the political process. Regarding both the Union League, see Michael W. Fitzgerald, *The Union League Movement in the Deep South: Politics and Agricultural Change During Reconstruction* (LSU Press, 1989).

⁶ For up-to-date studies of Alabama more generally in the Reconstruction Era, see, e.g.: William Warren Rogers Jr., *Reconstruction Politics in a Deep South State: Alabama, 1865-1874* (Alabama, 2021); Michael W. Fitzgerald, *Reconstruction in Alabama: From Civil War to Redemption in the Cotton South* (LSU Press, 2017); Margaret Storey, *Loyalty and Loss: Alabama's Unionists in the Civil War and Reconstruction* (LSU Press, 2004).

Republican Party debates and internecine public squabbles about both (1) whether African Americans should be encouraged to participate fully in the political process and (2) the particular aims of Reconstruction, especially regarding the Grant Administration's aggressive pursuit of an Emancipationist vision for the postbellum U.S., one focused on racial justice and federal support for the same.⁷

11. The contours of Republicans' internal debates about the direction of Reconstruction are well-documented, and they are every bit as complex and tortured as was the broader national experience of the War and its aftermath. Even a trained specialist can get lost in its thicket of characters and conflicts. It is helpful, then, to follow particular biographical examples, in this case the prominent Mobile attorney, politician, and commentator Frederick G. Bromberg.

Bromberg's career and recollections offer a useful window into the true state of Reconstruction era Alabama politics, and the arc of his political career bears out Alabama's development of (or failure to do so) a healthy, durable interracial democracy.⁸

12. Frederick Bromberg was by the early twentieth century recognized as a prominent Mobile attorney, and in his spare time published historical reminiscences in the *Papers of the Iberville Historical Society* and dabbled in editorial commentary for the *Mobile Unionist*, a progressive Republican newspaper. Bromberg was conspicuous, and for some suspicious, because of that latter distinction, but he was no mere curiosity. He was one of the last survivors of Alabama's

⁷ See, e.g.: Loren Schweninger, Black Citizenship and the Republican Party in Reconstruction Alabama. *Alabama Review* 19, no. 2 (April 1976): 83-103; Schweninger, *James T. Rapier and Reconstruction* (Chicago, 1978); Richard Bailey, *Neither Carpetbaggers nor Scalawags: Black Officeholders During the Reconstruction of Alabama, 1867-1878* (NewSouth Books, 2010); Michael W. Fitzgerald, *Urban Emancipation: Popular Politics in Reconstruction Mobile, 1860-1890* (LSU Press, 2002); William Warren Rogers, Jr., *Reconstruction Politics in a Deep South State: Alabama, 1865-1974* (Alabama, 2021); Peter Kolchin, *First Freedom: The Responses of Alabama's Blacks to Emancipation and Reconstruction* (Praeger, 1972); Sarah Woolfolk Wiggins, *The Scalawag in Alabama Politics, 1865-1881* (Alabama, 1977).

⁸ Margaret Davidson Sizemore published the only lengthy biography of Bromberg. See, "Frederick G. Bromberg of Mobile: An Illustrious Character, 1837-1928." *Alabama Review* 19, no 2 (April 1976): 104-112.

Reconstruction governments. Bromberg was a Harvard undergraduate when Alabama seceded, and he remained in Cambridge for the duration of the War working as Prof. Charles Eliot's laboratory assistant and as a mathematics instructor. He returned home after the war to begin a teaching career, and he immediately allied himself with the Republican party, thus becoming a scalawag. Bromberg held a number of municipal offices in the early years of Reconstruction before being elected to the state senate in 1868 and to the U.S. House of Representatives in 1872.⁹

13. Offended by the then-current “Lost Cause” myths of Reconstruction, Bromberg took it as his duty to try and correct Democratic lies, starting with the claim of carpetbag rule—“...a most gross error, which an honest inquiry would easily have demonstrated..”¹⁰ Working through the details of his political career, Bromberg showed that at all levels and at all times, native white southerners held the upper hand. African Americans and mixed-race “creoles” participated in government, but, again, only as part of a broader, white-dominated coalition. In the legislature, he recollected that two of Mobile county's Representatives were of African American descent. In the thirty-two member Senate, he knew “one white Democrat...and one negro.”¹¹ Among the other thirty members, only nine were carpetbaggers. The governor, Winston Smith, was an Alabamian, though the lieutenant governor was a carpetbagger. And, regarding the 100-member

⁹ See, generally: Sizemore, “Frederick Bromberg of Mobile.”

¹⁰ Frederick Bromberg, “Reconstruction Period in Alabama, part I.” *Papers of the Iberville Historical Society*, no. 3 (1911): 2. The work that immediately prompted Bromberg's essays was William Garrot Brown's *A History of Alabama, for Use in Schools* (University Publishing Company, 1900), and Brown reflected the developing historiographic trends that originated in the work and teaching of William Archibald Dunning, chiefly his *The Constitution of the United States in Civil War and Reconstruction: 1860-1867* (1897), *Essays on the Civil War and Reconstruction and Related Topics* (1897), and *Reconstruction: Political and Economic, 1865-1877* (1905). Dunning trained directly scores of historians attending Columbia University, and through his broader professional influence shaped an entire generation of American scholars and commentators. Among those was Walter Lynwood Fleming, whose *Civil War and Reconstruction in Alabama* (MacMillan, 1905) dominated scholarship on the state until the mid-twentieth century. For a broad overview of the entire Dunning School and its legacy see John David Smith and J. Vincent Lowery, eds., *The Dunning School: Historians, Race, and the Meaning of Reconstruction* (Kentucky, 2013).

¹¹ Bromberg, “Reconstruction, pt I,” 4.

House, he was “certain the number of negroes did not exceed thirteen.”¹² Bromberg felt unable to state exactly how many Representatives were carpetbaggers, but “I think...it is safe to say that all of the representatives who came from the counties which had a majority of white registered voters...sent natives, or old ante-bellum citizens.”¹³

14. Bromberg was writing in 1910-1911, some forty years after the fact, by which time Democratic mythmaking had firmly cemented in the broader public’s mind the notion of Black domination and heavy-handed carpetbag rule. Disputing that myth was Bromberg’s purpose. What he devoted less attention to, or, rather, what your average conservative white Democrat would perhaps not apprehend, was a broader truth about Republican-ruled Alabama: white Democrats were not Black Alabamians only enemy, for even within Republican ranks, they were attacked and undermined not because of policy, but because of their color. Bromberg cared about correcting the record because he took offense at being classed himself as party to any Black domination or carpetbag rule. Carpetbaggers, Bromberg explained, were Northerners who followed or participated in the U.S. Army’s occupation of the South “whose chief purpose was to secure the offices required to be filled under the reconstruction measures, and who generally allied themselves with the negroes, as an ignorant, pliable class of voter, in opposition to the better element of the Republican party.”¹⁴

15. Republicans, nationally and at the state-level, split into “Regular” and “Liberal” factions, with the former championing interracial democracy and an Emancipationist vision of the Civil War and Reconstruction. Liberal Republicans, on the other hand, emerged as critics of the Grant Administration’s many corruption scandals but also and more significantly as opponents of

¹² Bromberg, “Reconstruction, pt I,” 5.

¹³ Bromberg, “Reconstruction, pt I,” 6.

¹⁴ Bromberg, “Reconstruction, pt I,” 1.

Grant's efforts at a wholesale reconstruction of southern society. They fiercely objected, for example, to the Ku Klux Klan Acts and Grant's enforcement of the same. Frederick Bromberg was a Liberal, and his 1872 election reflected that faction's national strategy of seeking alliances with Democrats. Indeed, the Republican Bromberg was elected as the Democratic Party nominee, running against the "Regular" Republican nominee, Jeremiah Haralson, a well-known African American political activist. Rejected in 1874 by both Democrats and Republicans, Bromberg sought reelection as a fringe party nominee, but this time Jeremiah Haralson handily won the seat. Thus Bromberg's electoral career came to an end, and he devoted himself professionally to the law.

16. As a private citizen, as a civic leader and political commentator, and as a committed Republican, Bromberg also was a lifelong critic of African American political involvement and a champion of the disfranchisement movement. Bromberg's personal papers contain relatively few documents pertaining to his personal or political affairs, but what does survive is telling. Washington, D.C., attorney Luther Smith wrote in 1896 concerning a legal matter and added commentary on Bromberg's prior suggestion "that the colored electors ought to be taken off of the republican [sic] ticket and white men put in their stead."¹⁵ Bromberg wanted Blacks out of the political arena. Writing in 1901 to Harvard President Charles Eliot, under whom Bromberg had worked as a research assistant, he noted with satisfaction that "with the removal of the negro out of politics in the south [sic], as a voting and office-holding factor, the prevailing threa[t] of social equality between whites and blacks will be removed."¹⁶ And Bromberg was no mere spectator to the disfranchisement campaign in Alabama, recalling proudly in a 1925 *Alabama*

¹⁵ Luther Smith to Frederick Bromberg, August 3, 1896. Frederick Bromberg Papers, Southern Historical Collection, UNC-Chapel Hill.

¹⁶ Frederic Bromberg to Charles Eliot, December 27, 1901, Bromberg Papers.

Law Journal article that he had suggested to the President of Alabama's 1901 constitutional convention a prohibition on Black office-holding, and that he continued to press the suggestion to state officials well into the new century.¹⁷

17. Bromberg's recollections are the late-in-life reminiscences of a single retired politician, but his example bears out the well-documented if broadly underappreciated truth that even during Reconstruction, that one brief attempt at interracial democracy, white partisans sought to undermine, exclude, and isolate Black voters and prospective office-holders. Bromberg recognized that Blacks could have no influence or voice in elections absent interracial coalition building, and he resented that they had been able to do so. This only underscores the fact that for Blacks to hold any ground in the political arena required that they fight a two-front battle against white Democrats and hostile Republicans, one that carried on well into the twentieth century.

REDEMPTION AND BOURBON CONTROL

18. The Reconstruction Era never saw any effective threat to white control, but white men divided between the Republican and Democratic parties, and the former cemented their majorities with Black men's support and votes. Though Democrats gained significant electoral purchase through their condemnation of white Republicans who "demeaned" themselves by their association with African American voters, Democrats ultimately regained control of state politics through threats, intimidation and violence. While Republicans had *sought* African American

¹⁷ Frederick Bromberg, "The Right to Vote—The Right to Hold Office." *Alabama Law Journal*, 1925, reprinted in "Frederick George Bromberg," in *History of Alabama and Her People*, vol. II (Chicago: American Historical Society, Inc., 1927). 682-84; 683.

votes, Democrats *took* them. Having thus “redeemed” the state, Democrats governed more or less unchallenged through the so-called Bourbon Era.¹⁸

19. Though Alabama’s conservative white majority definitely (and, again, openly) manipulated, threatened, and cajoled African American voters, they did not through either registration or apportionment devote significant energies to addressing white division. This is not because Whites never divided politically, but because there was for decades no chance of any meaningful inter-racial cooperation, which would have been the only means to threaten Democratic control. Alabama Democrats thus saw no need to refresh their toolbox until the early 1890s, when various agrarian-based protest movements peeled away significant numbers of previously reliable Democratic votes. White men were leaving the conservative Democrat fold in significant enough numbers to give Black voters new relevance, and thus began a decade of furious efforts to first control and then disfranchise both Blacks *and* those Whites who displayed any willingness to form or participate in inter-racial political coalitions.

¹⁸ “Bourbon” was an epithet applied by opponents and critics of the Democrats who “redeemed” their states from Republican rule. The term itself derived from critics of the French royal house, of whom it had been said that the Bourbons “learned nothing and forgot nothing.” In the early- to mid-nineteenth century, “Bourbon” was an epithet any political faction might apply to their opponents, but by the 1880s, it settled upon the conservative Democratic redeemers. Democrats never would have called themselves “Bourbons.” Instead, southern party regulars called their organization “the Democracy,” and disaffected agrarians in different settings called themselves “Jeffersonians” or, once silver emerged as a political issue, “Silver Democrats.” The father of Southern history, C. Vann Woodward, wished historians would abandon the term, but his proposal proved unpersuasive. (C. Vann Woodward, *Origins of the New South, 1877-1913* [LSU Press, 1951] 75 n. 1). William Allen Going’s *Bourbon Democracy in Alabama, 1874-1890* (Alabama, 1951) remains the best standalone study of Alabama from Redemption through the Bourbon era. The best-known treatment of Redemption at present is Nicholas Lemann’s *Redemption: The Last Battle of the Civil War* (Farrar, Straus and Giroux, 2006). Lemann’s study focuses on Mississippi, but it is applicable to the whole of the Deep South. George Rable’s *But There Was No Peace: The Role of Violence in the Politics of Reconstruction* (Georgia, 1984), Michael Perman’s *The Road to Redemption: Southern Politics, 1869-1879* (North Carolina, 1984), and Dan Carter’s *When the War Was Over: The Failure of Self-Reconstruction in the South, 1865-1867* (LSU Press, 1985) are useful as well.

GROWING THREAT OF INTERRACIAL COOPERATION

20. There has for generations in academic circles been a battle of French phrases concerning whether disfranchisement amounted to a *fait accompli* or a Bourbon *coup d'état*. With respect strictly to African American ballot access, the difference is effectively null. Their votes were routinely miscounted and manipulated in the two decades before disfranchisement; afterward, they had no votes that could be manipulated. Likewise, before disfranchisement came to Alabama, Bourbon Democrats ran the state, and Democrats ran it afterwards. So why do it all? The answer is white division, or, rather, to deny any other white-dominated faction the ability to either benefit from African American votes or to form any effective interracial electoral coalition.¹⁹

21. Disfranchisement came to Alabama following the tumultuous 1890s, when conservative, “Bourbon” Democrats and agrarians warred for control of the state’s government. White men had since Emancipation overwhelmingly voted Democratic, but 1880s agrarian discontent and an early 1890s national economic depression attracted wage laborers and small farmers into a new “People’s Party” (a.k.a. the Populist Party), portending doom for the state’s conservative Democratic rulers. Eighteen-ninety was the year agrarianism blossomed fully across Alabama’s political landscape, but agrarians were not conservatives’ only worry that year. It was also the year of Blair’s Education Bill and Lodge’s Elections Bill, the latter of which proposed to

¹⁹ For an overview of the disfranchisement movement, see, e.g., R. Volney Riser, *Defying Disfranchisement: Black Voting Rights Activism in the Jim Crow South, 1890–1908* (Baton Rouge: Louisiana State University Press, 2010); Michael Perman, *Struggle for Mastery: Disfranchisement in the South, 1888–1908* (Chapel Hill: University of North Carolina Press, 2001); J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880–1910* (New Haven: Yale University Press, 1972); Sheldon Hackney, *Populism to Progressivism in Alabama* (Princeton: Princeton University Press, 1969); C. Vann Woodward, *Origins of the New South, 1877–1913* (Baton Rouge: Louisiana State University Press, 1951); V. O. Key, *Southern Politics in State and Nation* (New York: Vintage, 1949).

establish broad federal statutory authority over state elections, which would have guaranteed African Americans could act freely in the political arena.²⁰

22. With the political and social order they had nurtured since Reconstruction seeming to crumble, besieged conservatives maintained their grip on government through brazen frauds. This was not new. Political hacks had bought, sold, stolen, and destroyed Black men's votes ever since Black men first had votes for them to buy, sell, steal, and destroy. From Redemption through the 1890s, Alabama's conservative Democrats used these practices to settle intra-party disputes. But in the 1890s, interracial coalitions of Populists and Republicans threatened to unseat Democrats.

23. Alabama's Democratic leaders recognized that their actions were their own greatest problem. Yet they stopped short of blaming themselves. Instead, the Democracy laid blame for the 1890's political turmoil at its *white* opponents' feet. Interracial political coalitions were illegitimate factions; Populists and white Republicans thus were social deviants. If not for Black voters, they reasoned, those factions could gain no purchase. The threat was not actually that Black men would vote and attain office, rather that with white men's votes divided, Black men's votes could be sought, won (or just taken) by rival white parties. The Democratic party had lost its monopoly over white voters, and uncertain of their ability to manipulate and control the count of Black ballots, they acted to eliminate any threat of interracial electoral cooperation.

²⁰ The authoritative treatment of this period in Alabama remains William Warren Rogers, Sr.'s *One-Gallused Rebellion: Agrarianism in Alabama, 1865-1896* (LSU, 1970).

**ALABAMA'S 1899 CONSTITUTIONAL CONVENTION
AND THE 1900 DEMOCRATIC PARTY PRIMARY**

24. Treatments of the disfranchisement movement in Alabama typically began with a discussion of the Sayre Bill and then continue on to the 1901 Constitutional Convention.²¹ Relatively little attention, though, has been paid to the 1898 legislative session and its consideration of the 1898 constitutional convention enabling act, and what treatments do exist imbue that legislation with an air of inevitability. Securing its passage had not been easy or simple, and a significant campaign had been launched through the state press pushing for its adoption.²²

25. Anniston attorney Sidney J. Bowie was a leader in the public campaign supporting the legislation, and would be elected to the U.S. House of Representatives in 1900. A circular authored by Bowie appeared around the state in February 1898. In an ocean of comment, Bowie's stood out for its precise dissection of the threat facing conservative Democrats and for its detailed accounting of how that attack might unfold. Conversations about disfranchisement tend to focus on what happened to Black voters in Black-majority counties, but White counties were Bowie's real concern. Using Talladega County as his example, "it is a matter of arithmetic merely to demonstrate that if the solid negro vote be added to 251 whites they can elect whomever they please, though the 251 whites be opposed by 2,945 of their own race, or more than thirteen to one."

26. For Bowie and his fellow Democrats, African American voters could only be presumed to act as an unthinking bloc, and, unless they agreed with the mass of White voters, an illegitimate one.

²¹ The Sayre Bill is discussed in all histories of Alabama published in the last half-century or so, but the only standalone work on the subject is David Ashley Bagwell's article "The 'Magical Process': The Sayre Election Law of 1893." *Alabama Review* 25, no 2 (April 1972): 83-104.

²² The most accessible and well-known published study on Alabama politics specifically in this period is Sheldon Hackney's *Populism to Progressivism in Alabama* (Princeton, 1969).

And, the potential for this African American “bloc” to win the day was an unparalleled danger. Bowie denounced men who emphasized voting frauds from the Black Belt counties and who denied their contra-Democratic stance was at odds with white supremacy. White dissent coupled with African American votes, i.e. interracial coalition-building, was intolerable. “We are opposed,” he continued, “to the rule of a minority of white men...as odious to every principle of free government, and of the whole essence of democracy, which is not in the least mitigated by the fact that minority is supplemented by a sufficient number of blacks to turn the scales.” White politicians’ appeals for African American votes meant that “the negro...is the arbitrator and his vote changes the result... *Negro arbitration in principle is not distinguishable from Negro rule...*”(emphasis added).²³

27. Bowie would not consider anything less than the wholesale disfranchisement of African Americans. Anything else was a waster of time and an effort to “keep obscure the purpose to cut this running sore from the body politic of the state for fear the time has not yet arrived for speaking plain words about unquestioned evils.” Bowie cast his call as a cry for salvation: “Under existing conditions white division is fraught with great perils,” and “where all things are subordinate to one party,” by which he meant African American voters, “white men themselves are only half free.” Bowie likened interracial coalitions and the influence Blacks derived from them to something demonic, insisting it must be exorcised to secure white men’s futures: “*Relief from the incubus of negro suffrage is essential to the full freedom of the white man*” (emphasis added).²⁴

²³ “Proposed Constitutional Convention,” *Birmingham Age-Herald*, 20 February 1898, p 10. The *Age-Herald* did not attach Bowie’s name to this in the February 20 edition, but it did so when it re-ran it the next day.

²⁴ Ibid.

28. The 1898 legislature approved the enabling legislation and Governor Joseph Forney Johnston signed the “Constitutional Convention Act” into law. However, the progressive wing of the Alabama Democratic party that Governor Johnston represented, and intended to court in his upcoming senatorial campaign, was less than enthusiastic about the convention. With the opposite “Bourbon” wing of the party looking to dominate that assembly, Governor Johnston feared the direction a Bourbon-led constitutional convention would take. Less than a year after he signed the convention bill, Johnston brought the legislature into a special session and asked them to repeal the enabling act.²⁵ The legislature gave the governor what he wanted. Johnston explained to Mobile’s *Daily Register* that had he failed to intervene, Alabama’s 1899 constitutional convention would have “been in the hands of the representatives of the corporations, the gold standard men, and the Palmer and Buckner bolters,” by which he meant Bourbon Democrats committed equally to disfranchisement and the destruction of the Progressive and agrarian reform-minded movements whose support he hoped to enjoy in his 1900 campaign for the U.S. Senate.²⁶

29. Joseph Johnston never opposed disfranchisement, and he was no champion of African American voting rights, but he understood just how unpopular the initiative was, and knew it would disproportionately affect renegade white voters who had broken with the party.²⁷ Race was the cornerstone issue in the 1900 Democratic senatorial preference primary.²⁸ Johnston and Morgan each advocated disfranchisement, but the Governor warned that the Bourbons intended to disfranchise lower and working-class whites along with Blacks. Morgan, for his part,

²⁵ Hackney, *Populism to Progressivism in Alabama*, 148-151; 163-167.

²⁶ *Mobile Daily Register*, 19 November 1899.

²⁷ Joseph F. Johnston, “Negro Suffrage in Alabama,” *The Independent* 51 (8 June 1899): 1535-1537.

²⁸ Official party nominations came from local and state Democratic conventions, but there was an open primary where voters could express a preference.

subordinated every real issue to white supremacy. He and his supporters advocated wholesale Black disfranchisement at every turn and alleged that Johnston opposed the same. Morgan's campaign strategy had not been the least bit creative, but it was effective. Sydney Bowie rode Morgan's coattails to a Democratic congressional nomination, and now, as the effective U.S. Representative-elect, he wrote to salute Morgan, declaring that "political morality and decency have been signally vindicated."²⁹

1901: AFRICAN AMERICANS ARE DISFRANCHISED

30. The pro-disfranchisement legislature swept into office by the 1900 primary in short order approved an enabling act, setting the stage for the 1901 constitutional convention. The story of the 1901 convention is well-known at this point, and, dominated as it was by the Democratic Party, there is little use here in recounting its internal deliberations. It is the subsequent ratification referendum that matters for present purposes. Joseph Johnston, now the former governor, led the Anti-Ratification campaign. In this, as was true when he successfully fought to call off the 1899 constitutional convention, Johnston was driven primarily by his senatorial ambitions, calculating that leading the Anti effort would (1) make sure his Populist-leaning voting base would not lose their right to vote and (2) have no ill effect upon his political future. Johnston and his allies operated separately from African American leaders, though Pro-Constitution forces of course attempted to link Johnston with the cause of Black voters, and the charge seemed to gain little ground. In the end, the 1901 Constitution was ratified only through

²⁹ Sydney Bowie to John Tyler Morgan, 17 April 1900, John Tyler Morgan Papers, Manuscript Division, Library of Congress (microfilm copy, Auburn University) reel 3; Andrew L. Williams to John Tyler Morgan, 1 May 1900, Morgan Papers, reel 4.

the curious “support” of the state’s African American population, who provided the final 108,613 to 81,734 victory.³⁰

31. In the immediate aftermath of ratification, rumors and whispers swirled that various combinations of Populists, Republicans, and otherwise disaffected Democrats would secret themselves onto county Boards of Registrars to sabotage the 1902 registration. The seriousness of those is hard to judge.³¹ While all this unfolded, and while conservatives basked in victory, following the referendum the Anti-Ratificationists launched a push for control of the Alabama Democratic Party. This movement was the natural result, a *Washington Post* editorial observed, of an “intestinal quarrel” in Alabama, the manifestation of “the long-pending clash between the Bourbon and the progressive elements of the white population.”³² Bourbons had controlled the Democratic party (and the state) via the voting apparatuses of the Black majority counties. That is how through theft and intimidation they could “count in” Black votes as they saw fit. But, with upwards of ninety-eight percent of the state’s Black men disfranchised, power shifted toward white population centers where a majority of voters had opposed ratification. From this shift was born the direct “White” primary movement in Alabama. After a failed 1902 attempt to regain the governorship, in 1906, with conservatives unable to “count in” Black votes against him, Joseph Johnston emerged as one of two victors (U.S. Representative John Hollis Bankhead Sr. was the other) in the Alabama Democratic Party’s peculiar “Dead Shoe” U.S. senatorial primary of that same year.³³

³⁰ Riser, *Defying Disfranchisement*, 134-37.

³¹ See, e.g. regarding the implementation of the 1901 Constitution’s suffrage provisions, Riser, *Defying Disfranchisement*, 138-53.

³² *Washington Post*, 18 November 1901.

³³ Johnston claimed that incumbent governor William Dorsey Jelks had benefitted from misconduct in the 1902 Democratic primary, though this is debatable. The 1906 “Dead Shoe” primary was staged to designate “alternate” U.S. Senators in the event of the death or resignation of either of the elderly incumbents, John Tyler Morgan and Edmund Winston Pettus. The intention was to direct the legislature when it voted to appoint a new Senator (Congress submitted the Seventeenth Amendment to the U.S. Constitution to the states six years later). Seven

THE LILY WHITES

32. Even as Democrats maneuvered to inoculate themselves from the threat of interracial coalition-building, they maneuvered as well to exploit Republicans' own well-documented internal hostility toward African Americans, flirting and teasing them with the idea that in an all-white game, Republicans would attain a new measure of respectability among white voters generally. U.S. Representative John Hollis Bankhead Sr. told a *Washington Star* reporter in late May that "many men of wealth and social and business prominence" voted Democratic "under protest." Alabama's industrial leaders were among them and were Republicans at heart and "if conditions were such as to admit of it would vote with the Republican party. As long as the negro is in politics, however, they cannot do so. They have to ignore every other consideration in politics when confronted with the danger of negro domination."³⁴

33. Bankhead's comment could be dismissed as a mere gambit if not for the fact that a sizeable faction of Alabama Republicans was as keen as Democrats to cast out Blacks from state politics, eager to reassure white voters there was nothing interracial about the GOP. Forty years earlier, these would have been Liberal Republicans such as Frederick Bromberg. Now, though, they were "Lily Whites," and as soon as Alabama ratified the 1901 constitution, they moved aggressively to seize control of the Republican party apparatus.

34. What happened inside Alabama's Republican Party reflected a broader regional trend. The new constitutions "which made it impossible for a negro to vote," Henry Litchfield West wrote

candidates entered the race, including John Barnett Knox, President of the 1901 Constitutional Convention, and former governor William C. Oates. U.S. Representative John Hollis Bankhead Sr. finished first and Johnston second. The legislature confirmed Bankhead's appointment in July 1907 following Morgan's death in June. Pettus died in July 1907, just days after Bankhead entered the Senate, and Johnston succeeded him in short order. See, e.g.: Grace Hooten Gates, "The Dead Shoe Primary," *Huntsville Historical Review* 2, no 1 (January 1972): 3-17 and Kari Frederickson, *Deep South Dynasty: The Bankheads of Alabama* (Alabama, 2021).

³⁴ "The Negro Question," *Washington (D.C.) Evening Star*, 2 May 1901, p 1.

in the October 1902 *Forum*, “have resulted in the creation of a White Republican party.” The Democracy’s dominance over southern politics would not soon abate, but “the seed of disintegration has been sown in the disfranchisement of the negro and the consequent possibility of a Republican party without a black attachment.”³⁵ West’s assertion is questionable. Simply eliminating Blacks from the party could not really help southern Republicans. First, disfranchisement did not (and nor was it ever likely to) weaken “the Democracy.” Democratic party machines dictated the southern states’ disfranchisement campaigns, and Democrats dominated every state afterward. Second, even if white Democrats *had* been tempted to switch their party affiliation, President Roosevelt, like President Grant before, was doing his best to preserve Blacks’ standing within the Republican Party, and that was something that no self-respecting southern Democrat could or would abide.

35. Black Republicans and the interracial “Black-and-Tan” faction they belonged to did not take the Lily White movement lightly or passively.³⁶ They refused to go without a fight and announced a campaign against their G.O.P. assailants. “They will raise \$10,000,” the *Daily Ledger* reported, “to wage a war on the lily whites.”³⁷ It helped that they had Booker T. Washington on their side, and Washington wasted no time in alerting the President as to what was afoot. But Roosevelt required no coaxing. He responded quickly and harshly to Alabama’s Lily White movement and started to remove Republican appointees who had cast their lot with it.³⁸ Alabama’s Lily Whites remained publicly defiant, convinced that purging Blacks was a necessary step towards building a “respectable” white man’s Republican Party.

³⁵ Henry Litchfield West, “American Politics,” *Forum* 34, no. 2 (October 1902): 173-176, 174-175.

³⁶ Southern Republicans were divided into Lily White and Black-and-Tan factions until the Lily Whites’ final triumph in the 1960s, which coincided with a broader realignment of southern party politics in the 1960s and 1970s.

³⁷ *Birmingham Daily Ledger*, 19 September 1902.

³⁸ Louis R. Harlan, *Booker T. Washington: The Wizard of Tuskegee, 1901-1915* (Oxford, 1983) 7-10. This began in September 1902, when he fired Birmingham U.S. Attorney William Vaughan, a former state party chairman who had aided the Lily Whites. Roosevelt replaced Vaughan (who had obtained his position by the grace of Mark Hanna)

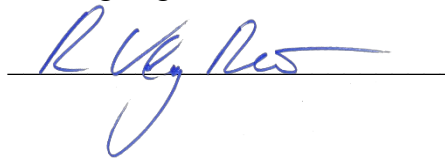
36. While Republicans argued through late 1902 and early 1903, concerns began to emerge that the debate was encouraging Blacks to feel that they mattered. Joseph Johnston, anticipating another future senatorial run, complained to an interviewer that Roosevelt's approach had caused "unrest . . . among the Negroes, who are being led to believe that they are a factor in the politics of the country and must insist upon their rights."³⁹

CONCLUSION

37. From Emancipation onward, the overwhelming majority of Alabama's white political class, irrespective of party affiliation, rejected the premise of interracial democracy and fought to obstruct and undermine any interracial political coalitions. From a remove of more than 150 years, this has in the popular mind flattened into a simple White/Black dichotomy, where Democrats are the former and Republicans are the latter. That, however, only proves how successfully Democrats had twisted Alabama's political vocabulary, for it carefully elides away Alabama Republicans' own pronounced unease toward African American voters.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16th day of

May 2024, at Livingston, Alabama.



with a Democrat---Judge Thomas R. Roulhac. (*New York Times*, 8 October 1902, 20 October 1902, 25 October 1902, and 26 October 1902; *Birmingham Daily Ledger*, 12 September 1902) In November 1902, Roosevelt struck again, firing Lily White collaborationist Julian Bingham from the post of Collector of Internal Revenue for Alabama. Bingham was also succeeded by a Democrat---Tuskegee Postmaster Joseph Thompson, brother of Alabama U.S. Representative Charles Thompson, whose district included Booker T. Washington's Tuskegee Institute. (*Baltimore (Md.) Afro-American Ledger*, 15 November 1902; *New York Times*, 11 November 1902; *Washington Post*, 11 November 1902). Three more Alabama Lily White officeholders were "marked for decapitation by rumor," the *New York Times* reported. Birmingham Postmaster J. W. Hughes, Montgomery U.S. Attorney W. S. Reese, and Mobile U.S. Marshall Frank Simmons expected to be Roosevelt's next victims. (*New York Times*, 13 November 1902).

³⁹ *Chicago Broad Ax*, 11 July 1903.