

ADAM M. CARRINGTON, PH.D.  
MILLIGAN V. WES ALLEN

August 19, 2024

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

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EVAN MILLIGAN, et al., :

5

Plaintiffs, :

6

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

7

WES ALLEN, et al., :

8

Defendants. :

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MARCUS CASTER, et al., :

11

Plaintiffs, :

12

vs. : Case No.  
: 2:21-CV-01536-AMM

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WES ALLEN, et al., :

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Defendants. :

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BOBBY SINGLETON, et al., :

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Plaintiffs, :

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

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WES ALLEN, et al., :

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Defendants. :

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VIDEOCONFERENCE VIDEOTAPED DEPOSITION OF  
ADAM M. CARRINGTON, PH.D.

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ADAM M. CARRINGTON, PH.D.  
MILLIGAN V. WES ALLEN

August 19, 2024

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1 Monday, August 19, 2024

2 11:04 a.m.

3 Ashland University

4 401 College Avenue, Room 250

5 Ashland, Ohio 44805

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7 ---

8 ANN FORD

REGISTERED PROFESSIONAL REPORTER

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1 ALSO PRESENT:  
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1 MONDAY MORNING SESSION  
2 August 19, 2024  
3 11:04 a.m.

4 ---

5 STIPULATIONS

6 ---

7 It is stipulated by and between counsel  
8 for the respective parties herein that this  
9 videotaped videoconference deposition of ADAM M.  
10 CARRINGTON, PH.D., a Witness herein, called by the  
11 Plaintiffs, may be taken at this time and reduced to  
12 writing in stenotypy by the Notary, whose notes may  
13 thereafter be transcribed out of the presence of the  
14 witness; and that proof of the official character and  
15 qualifications of the Notary is waived.

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1           P R O C E E D I N G S

2           ---

3           THE VIDEOGRAPHER: Good morning. We  
4 are now on the record. The time is  
5 11:04 a.m. on August 19, 2024.

6           This begins the videotaped  
7 deposition of Adam Carrington, Ph.D.,  
8 taken in the matter of Evan Milligan,  
9 et al., versus Wes Allen, et al., in the  
10 United States District Court, Northern  
11 District of Alabama, Southern Division,  
12 Case Number of which is 2:21-CV-01530-AMM.

13          My name is Larry Moskowitz, and I am  
14 the remote videographer today.

15          The Court Reporter is Ann Ford, and  
16 we are both here representing Esquire  
17 Deposition Solutions.

18          As a courtesy, will everyone who is  
19 not speaking please mute your audio, and  
20 please remember to unmute your audio when  
21 you are ready to speak.

22          All counsel appearances will be  
23 noted on the stenographic record.

24          Will the Reporter please swear in

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1 the witness.

2 ADAM M. CARRINGTON, PH.D.,

3 being by me first duly sworn, as hereinafter

4 certified, testifies and says as follows:

5 EXAMINATION

6 BY MR. ETTINGER:

7 Q. Good morning, Dr. Carrington.

8 A. Good morning.

9 Q. Will you please state and spell your name  
10 for the record.

11 A. Yes. My name is Adam Michael Carrington.  
12 And I apologize. What was the second thing you  
13 wanted me to mention?

14 Q. If you could just -- yeah. If you could  
15 just spell your name for the record.

16 A. Sure. A-D-A-M M-I-C-H-A-E-L  
17 C-A-R-R-I-N-G-T-O-N.

18 Q. Thank you. And I know we spoke not too  
19 long ago in the Stone v. Allen matter.

20 And have you been deposed since that time?

21 A. I have not. No.

22 Q. And just as a refresher, we'll just go  
23 over a couple of ground rules for today. And you  
24 understand that your obligation is to answer the



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1 questions to the best of your ability and accurately  
2 as possible?

3 A. Yes.

4 Q. And you understand that your testimony  
5 here today is being provided under oath and penalties  
6 of perjury just as if you were in a court of law?

7 A. Yes.

8 Q. And if at any point you don't hear my  
9 question or understand it, just please let me know,  
10 and I'm happy to -- to reask that.

11 A. I will. Thank you.

12 Q. And, in particular, given this is a remote  
13 deposition, it will be important for us to pause for  
14 a moment to allow each other to finish our thoughts  
15 and just to make sure that we have a clean record  
16 with the Court Reporter today.

17 A. Yes, I will. The Court Reporter also went  
18 over that with me. So I will try to do that and  
19 recognize that we need some of those spaces for  
20 back-and-forth.

21 Q. And then, finally, your counsel may object  
22 to some of my questions. This is his right to do so  
23 to create a record. But unless he instructs you not  
24 to answer the question, I'll ask that you still

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1 provide your answer.

2 A. Yes.

3 Q. And do you understand that you're here  
4 today as a proposed expert in the case Milligan,  
5 et al., versus Allen, et al.?

6 A. Yes.

7 Q. And when were you returned -- retained in  
8 this case?

9 A. I don't recall the exact day, but it was  
10 earlier this year. I believe in February sometime.

11 Q. Who contacted you to obtain your services  
12 as an expert?

13 A. Soren Geiger in the Alabama Attorney  
14 General's office.

15 Q. And what were you asked to do?

16 A. I was asked to give expert testimony  
17 regarding the history of American political parties,  
18 particularly in the South, and even more particularly  
19 what might be the reasons that the -- the South,  
20 including Alabama, have moved from being mostly  
21 reliably Democratic in their voting patterns to  
22 Republican, both in voting patterns and -- and party  
23 I.D., I should say.

24 Q. And were you given any direction on the

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1 opinions that you were asked to form?

2 A. No, I was not.

3 Q. Do you anticipate testifying at trial in  
4 this matter?

5 A. It won't be my decision, obviously, but I  
6 do anticipate that. Yes.

7 MR. ETTINGER: I'll mark and publish  
8 Exhibit 1, which is the expert report that  
9 you produced in this matter dated June 26,  
10 2024. So I'll just share my screen. One  
11 moment.

12 (Thereupon, Exhibit 1, Dr.  
13 Carrington's Expert Report dated June 26, 2024,  
14 was marked for identification.)

15 BY MR. ETTINGER:

16 Q. Are you able to see that?

17 A. Yes.

18 Q. And is it legible to you?

19 A. Yes, it is.

20 Q. Okay. In the "Qualification" portion of  
21 your report, it notes that you've been compensated  
22 for your work at a rate of \$300 an hour; is that  
23 accurate?

24 A. Yes, for the writing of the report itself.

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1 Q. And do you have a different rate that  
2 you're being compensated for your testimony today?

3 A. Yes.

4 Q. And what is that rate?

5 A. \$250 an hour.

6 Q. And what -- which rate would apply if you  
7 were to testify at trial?

8 A. I am not sure of what the rate would be.  
9 It might be a third rate, and I would have to look at  
10 the contract again. So I am not -- I am not sure of  
11 that. I would have to look.

12 Q. Is your compensation tied in any way to  
13 whether defendants win, lose, or settle this lawsuit?

14 A. No.

15 Q. How many total hours have you worked on  
16 your engagement in this matter?

17 A. I have worked -- and you would -- would  
18 you include both the composition of this report and  
19 preparation for the deposition in that question?

20 Q. Yes.

21 A. Okay. I would say around -- although I  
22 don't have the exact number with me -- probably 30 to  
23 40 hours.

24 Q. And how much of the 30 to 40 hours would

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1 you say was dedicated to drafting your report?

2 A. I would say that around -- oh, no. I'm  
3 sorry. I'm doing the math badly in my head. Could  
4 I -- could I restate that number. As I'm thinking, I  
5 think it's been closer to 50 hours, and I would say  
6 about 25 to 30 of those were on the report and then  
7 another about 20 -- 15 to 20, I would say, in  
8 preparation for this -- for this deposition.

9 Although, again, I don't know those  
10 numbers exactly off the top of my head. That would  
11 be in a ballpark range.

12 Q. Have you had any in-person meetings with  
13 defense counsel in preparation for your deposition  
14 testimony?

15 A. We met briefly just before this -- this  
16 deposition began, and that was the only in-person  
17 meeting that I've had for this case.

18 Q. Have you had any phone calls with defense  
19 counsel about your deposition preparations?

20 A. Yes.

21 Q. How many?

22 A. I believe one that I can remember.

23 Q. And what did you do to prepare for today's  
24 deposition?

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1 A. I reread my own report. I looked at some  
2 of the rebuttal reports that were -- that -- and the  
3 original reports that were given in this case,  
4 although not all of them.

5 And really I believe that would be all  
6 that I can remember that I've done. I've read those  
7 reports. I've read my own report. And -- and I  
8 believe that's it.

9 Q. Did you review any testimony either in  
10 this matter or prior matters in preparation for your  
11 testimony today?

12 A. Oh, yes. I did reread some of my first  
13 deposition.

14 Q. And you're referring to the deposition in  
15 the Stone v. Allen matter?

16 A. I did. I did.

17 Q. Did you conduct any additional research in  
18 preparation for your deposition today?

19 A. No.

20 Q. Have you seen any transcripts from any  
21 other deposition in this matter?

22 A. No, I have not.

23 Q. Have you -- have you reviewed the  
24 operative complaint from the Milligan v. Allen

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1 matter?

2 A. Could you let me know, what is the  
3 operative complaint? I'm asking as a nonlawyer.

4 Q. Sure. Sure. Just the complaint that's at  
5 issue.

6 Have you reviewed, I guess, any complaints  
7 in this case?

8 A. Yes. And I wouldn't know which is which  
9 to remember, but I know three complaints were  
10 shared -- shared with me at an earlier stage in this  
11 process.

12 Q. Have you reviewed any prior court  
13 decisions from this case?

14 A. No. In fact, I'm not sure whether there  
15 has been one. And, if so, then having not known if  
16 there was a previous one, I think that might help  
17 answer that, no, I have not -- I have not looked at  
18 any prior -- any prior decisions at least as I  
19 understand your term on this.

20 Q. And by that question, I also include  
21 related to the preliminary injunction that went up to  
22 the Supreme Court in the Milligan v. Allen matter.

23 Did you review that decision?

24 A. Is that different from the 2023 case that

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1 went up to the Supreme Court?

2 Q. That is the same. Yeah.

3 A. Oh, that is the same. I did not in

4 preparation for this case. I have read it when it

5 came out in 2023, and that's the last time that I've

6 read it in full.

7 Q. Did you review any of the lower court

8 decisions that preceded that Supreme Court decision?

9 A. No.

10 Q. Did you review any of the decisions

11 revolving around the remedies provided following the

12 Supreme Court's finding that there was a likely

13 violation of the Voting Rights Act in the 2021 map?

14 A. No. I have only read the Milligan -- or

15 I'm sorry -- the actual Supreme Court decision in, I

16 believe, it was June of 2023 and nothing else related

17 to that litigation that I can remember.

18 Q. Since your deposition in the Stone v.

19 Allen matter, have you worked on any additional cases

20 as an expert witness?

21 A. No.

22 MR. ETTINGER: I will mark and

23 publish Exhibit 2, which is, I believe,

24 your updated CV that was provided by



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1 counsel.

2 (Thereupon, Exhibit 2, Dr.

3 Carrington's updated CV, was marked for

4 identification.)

5 BY MR. ETTINGER:

6 Q. Are you able to see that, Dr. Carrington?

7 A. Yes.

8 Q. Is this a current version of your CV?

9 A. Yes. It looks to be. As you can see,  
10 there's been some significant institutional change.

11 So I believe this is the -- the most updated one.

12 Q. I'll just note for your convenience, I did  
13 send pdf copies of these exhibits to your counsel.  
14 So if there's any that -- that you want to review, or  
15 it's hard to review on the screen, feel free to take  
16 the time to review it on your own as well.

17 A. All right. My eyes have not gotten that  
18 old yet.

19 Q. Understood. When was this document last  
20 updated?

21 A. I believe it was in last month sometime,  
22 either last month or the beginning of this month.

23 But I don't remember -- or, actually, I believe -- I

24 see the document is dated, which I often try to do

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1 with these. So it looks like I -- that I did it a  
2 couple weeks ago.

3 Q. And it looks like you've moved  
4 institutions to Ashland University; is that correct?

5 A. Yes. In fact, today is officially my  
6 first day under contract with Ashland University.

7 Q. And why did you choose to go to Ashland  
8 University?

9 A. A variety of reasons. It is my -- my and  
10 my wife's alma mater. I was asked to take on some  
11 more administrative roles in the school. And it is  
12 also closer to family, among -- among related things  
13 to those matters. So yes. A return to alma mater,  
14 closer to family, and there were some -- sort of a  
15 jump in my career tasks that I was asked to take on  
16 by coming here.

17 Q. And in your resume, I believe it refers to  
18 the Ashbrook Center.

19 What is the Ashbrook Center?

20 A. Yes. The Ashbrook Center is an institute  
21 on Ashland University's campus. It has been around  
22 since 1983. And it does a variety of things,  
23 including an undergraduate scholar program that  
24 provides a scholarship but also other obligations on

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1 the students towards civic education and a liberal  
2 arts-focused education, as well as doing teacher  
3 training for 7 through 12 social studies teachers,  
4 including providing a place for them to get a  
5 master's degree and other things as well with civic  
6 education.

7 So I do have a joint appointment with  
8 them. I'm also an alum of that program and have been  
9 asked to be a codirector within it going forward.

10 Q. On the Ashbrook Center web page, it notes  
11 that it -- one of its, kind of, purposes or notice --  
12 notes that "America's current crisis is not simply a  
13 crisis of facts and information. It is a crisis of  
14 understanding and devotion. For too long, young  
15 people have not learned why their country deserves  
16 respect and love."

17 What is the crisis of understanding that  
18 Ashbrook -- the Ashbrook Center is attempting to  
19 address?

20 A. Well, one starts with a basic facts. So  
21 that's not being denied, as I understand it, by the  
22 web page.

23 A lot of Americans don't even know how  
24 many branches of government we have or what their

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1 particular functions are. They know only a little  
2 bit about American history. They only know a little  
3 bit about American politics and how it functions and  
4 runs.

5 But what the Ashbrook Center has been  
6 dedicated to is the idea that there are good things  
7 about the United States of America, and that it is  
8 worthwhile to expose students to those things, as  
9 well as America's less savory past as well.

10 So it is trying to give a full -- what it  
11 believes is a fuller picture of American history and  
12 give Americans reasons to want to engage in the  
13 political process and not feel that it is a process  
14 that is -- that excludes them or that they are not  
15 meaningful participants in and to give them reasons  
16 to want to do so.

17 Q. In your CV, you list a number of courses  
18 that you've taught. I'll just scroll down to that.

19 Have you taught any courses specifically  
20 focused on the politics of the American South?

21 A. No. The institutions I've been at do not  
22 offer courses of that specificity.

23 Q. Have you taught any courses specifically  
24 focused on Alabama's history?

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1 A. No. It would be pretty -- it would be  
2 pretty un- -- pretty strange or, I should say, not  
3 the normal course for a state outside of Alabama to  
4 have a course particularly on Alabama history. So  
5 no.

6 Q. Would you say that the institutions that  
7 you've taught at have not had a particular focus on  
8 the history of the American South?

9 A. Well, I will say that Hillsdale, where I  
10 was, was an -- founded as an abolitionist college.  
11 And my current institution, especially the Ashbrook  
12 Center, is very much interested in and has a number  
13 of scholars that study the American Civil War.

14 And so the history of the South, as in its  
15 relation to the rest of the country, has been of  
16 particular interest, given the history of both my  
17 institutions and the scholarship of other scholars as  
18 well as myself, more so than, I think, a number of  
19 other institutions, partly because neither  
20 institution focuses a lot on statistics or  
21 statistical political science.

22 It is very much a historically-grounded  
23 study of politics which makes the South, and  
24 especially the Civil War, an important event.

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1 Q. And has your scholarship had a particular  
2 focus on the American South?

3 A. My -- I would say my biggest focus has  
4 been on American political institutions in historical  
5 context. That has caused me to either, in some of my  
6 work, have the -- for the South to be an important  
7 element or in several articles it has also been a  
8 focus.

9 So I do have an article on an Alabama  
10 Supreme Court Justice, a Chief Justice of the Alabama  
11 Supreme Court. I also have an article looking at the  
12 reception of the Emancipation Proclamation in the  
13 South and nowhere else.

14 And then, yes, some of my other courses,  
15 especially my graduate and undergraduate course that  
16 I've -- courses that I've taught have also had a --  
17 the South has been a prominent element in -- in those  
18 histories and in that discussion.

19 Q. Have you published any new scholarly work  
20 since your deposition in Stone v. Allen?

21 THE STENOGRAPHER: Can you say that  
22 again, please.

23 MR. ETTINGER: Sure.

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1 BY MR. ETTINGER:

2 Q. Have you published any new scholarly work  
3 since your deposition in Stone v. Allen?

4 A. Not that I'm aware of. And the reason I  
5 say "Not that I'm aware of" is I do have a couple  
6 works that are listed in my CV as forthcoming that I  
7 have not received notification that they have been  
8 published.

9 I will say, for example, my article on  
10 Justice -- my book chapter on Justice William Brennan  
11 that is -- has been forthcoming for a long time. And  
12 so I am waiting to receive official notification that  
13 that's been published.

14 But, no, there are no other works that I  
15 know of on the scholarly level that have been  
16 published since then and certainly nothing in that --  
17 in that stage of production that's not mentioned on  
18 my CV.

19 Q. Are there any of your previous works of  
20 scholarship that you relied on in forming your  
21 opinions today in particular?

22 A. Yes. I mean, in addition to my teaching,  
23 which I've been doing for 10-plus years, I  
24 certainly -- one of my early articles that I wrote on



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1 attacks on the Supreme Court that focused especially  
2 on the 1960s and '70s and on, and the database that I  
3 put together for that, which was categorizing every  
4 attack that -- and we can talk about what "attacks"  
5 mean -- but every attack that was made by a Congress  
6 member on the Supreme Court which touched on a lot of  
7 these issues, that's been important to this.

8 And certainly some of my research on -- on  
9 the judiciary and the -- and some of my work --  
10 ongoing work on the presidency has had -- has  
11 certainly helped with this.

12 I'm teaching -- this isn't, I guess,  
13 scholarship. But I'm teaching a class on the  
14 presidency this fall. And that certainly has been --  
15 part of the story is the South's part in political  
16 coalitions and how those have changed over time will  
17 be a prominent part of that as it has been in the  
18 past.

19 Q. Has most of the scholarship you mentioned  
20 there been focused on, kind of, political  
21 institutions at the federal level?

22 A. It has been focused, yes, on the federal  
23 level, with an understanding that Federalism is a  
24 very important part of that story. That's especially



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1 true with the presidency. It's hard to disentangle  
2 the presidency from the Electoral College or from  
3 political parties.

4 So to study the presidency is really to  
5 study how the national sphere interacts with not just  
6 particular states but also regions and the coalitions  
7 that are built around them.

8 Q. What does it mean that you're under  
9 contract with Ashland?

10 A. Could you point to particularly what you  
11 mean in my CV, or is that just your -- or yeah.

12 Q. I believe you said that previously.

13 A. Oh, yes. Well, as a faculty member, you  
14 have, as in most jobs, a contract. And given that I  
15 was already working for another institution, I sign  
16 contracts every year with them. And those had start  
17 and end dates for the year where pay was agreed to,  
18 benefits was agreed to, responsibilities were agreed  
19 to.

20 So I am saying that August 19, today, is  
21 the first day that my contract officially begins with  
22 Ashland University, and, therefore, concludes with  
23 Hillsdale College.

24 Q. And are you tenured tracked at Ashland?

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1 THE STENOGRAPHER: What did you say?

2 Sorry.

3 MR. ETTINGER: Is he on a tenured  
4 track at Ashland University.

5 THE WITNESS: Yes, I am.

6 BY MR. ETTINGER:

7 Q. Are you currently tenured?

8 A. Not -- as of today, no. I was tenured at  
9 Hillsdale College, and I am on tenure track at  
10 Ashland University.

11 Q. And I believe you mentioned earlier that  
12 you had reviewed parts of your prior deposition  
13 testimony; is that accurate?

14 A. Yes.

15 Q. Which parts did you review?

16 A. I couldn't tell you every page, but I read  
17 a significant portion of it. So I would say -- well,  
18 I guess the deposition isn't broken into parts that I  
19 remember or at least parts as far as headings. But I  
20 reviewed, I would say, over half of it. But I  
21 couldn't give you an exact page number.

22 Q. Were there particular topics that you  
23 recall reviewing?

24 A. I recall reviewing the opening regarding

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1 my CV, which I know at that point was not updated,  
2 and on some of the certain parts of my report.

3 Q. And which parts were those?

4 A. I reviewed at least elements of the  
5 discussion of the nature of political parties more  
6 broadly and then some of the discussion of the  
7 history, especially from the 1950s on, and also  
8 certain elements of the issues that my report focused  
9 upon. So some of the discussion about abortion, some  
10 of the discussion about the Nixon administration and  
11 the Reagan administration.

12 Q. Did you conduct any additional research  
13 following your review of your deposition?

14 A. No. At that point, I had already turned  
15 in my second report, and so I did not do additional  
16 research after that, beyond just returning to the  
17 report itself or the deposition itself.

18 Q. Aside from your preparation you undertook  
19 in preparing for your report in this case, have you  
20 conducted any additional research into, kind of, the  
21 post-reconstruction politics in Alabama?

22 A. No.

23 Q. How would you define what your area of  
24 expertise is?

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1 A. Well, I am a political scientist that  
2 takes a historical approach to that question, which  
3 is, I guess, methodology, but that's certainly part  
4 of expertise. And I focus in a historical sense on  
5 especially American political institutions, parties,  
6 the presidency and the courts, and how they develop  
7 and how they develop in relation to American --  
8 American history more generally and to particular  
9 political issues or institutions.

10 Q. How would you describe the expertise  
11 you're providing in this litigation?

12 A. It is institutionally focused. It starts  
13 with a theory about the nature of political parties  
14 as coalitions that include coalitions of -- that are  
15 both issue-based but also regional-based and even --  
16 even at times state-based.

17 And to look at the question of the shift,  
18 statistically -- which is statistically, I know,  
19 undeniable that Southern states more generally,  
20 Alabama in particular, have moved from being  
21 predominantly Democratic states to predominantly  
22 Republican states in who they vote for, although  
23 certainly not unilaterally, and to assess what might  
24 be some of the causes for that historical shift.

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1 Q. Do you consider yourself an expert in the  
2 history of Alabama?

3 A. No. I'm a political scientist who looks  
4 at political parties and other institutions, of which  
5 Alabama is an important part but not -- I do not look  
6 at -- I have not focused on state politics of  
7 particular states.

8 Q. Do you consider yourself an expert in the  
9 political history of the South?

10 A. I believe that institutionally I have  
11 expertise in the development of -- of the  
12 institutions I've talked about already in the South.

13 And the South has had an outsized force.  
14 I would not be claiming expertise in the history of  
15 the Pacific Northwest, for example.

16 But the American South has had an outsized  
17 influence in how I've looked at institutional  
18 development within the United States, including my  
19 own dissertation that became a book, of which was not  
20 about a Southerner -- it was about the Supreme  
21 Court -- but, ultimately, a Southerner who dealt with  
22 the development of Southern politics, both as a  
23 Democrat -- he was a Democrat -- and both as a  
24 Supreme Court Jurist.

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1 Q. I do understand that the South has played  
2 a significant role in your scholarship, but I just  
3 wanted to be clear.

4 Do you consider yourself an expert in the  
5 political history of the American South?

6 MR. GEIGER: Objection to form.

7 THE WITNESS: To the degree that  
8 Southern -- to the degree that Southern  
9 politics is part of party politics, I  
10 would say yes.

11 BY MR. ETTINGER:

12 Q. So only -- an expert to the degree that it  
13 reflects changes in party politics? Is that what I'm  
14 understanding?

15 A. Or American institutions, more broadly.  
16 Parties, the presidency, the judiciary, yes.

17 Q. Do you consider yourself an expert in the  
18 political history of Alabama?

19 MR. GEIGER: Objection to form.

20 THE WITNESS: Could you try that  
21 question one more time if you wouldn't  
22 mind.

23 BY MR. ETTINGER:

24 Q. Sure. Would you say that you have an

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1 expertise in the political history of Alabama?

2 A. I would say that as part of my broader  
3 studies of political institutions in the South, I --  
4 I would say that I -- well, I would say that I -- I  
5 don't have -- that the South has -- that Alabama has  
6 not been a singular focus.

7 But I do have -- but as far as the Deep  
8 South has been part of the story that I've looked at,  
9 and as far as Alabama is a fairly representative  
10 example of that -- it is the only state that I have  
11 written a scholarly article in which that was -- it  
12 was the focus of. It's the only state that I've  
13 written an article that had that focus. No other  
14 state has had a state-centric solo article from me  
15 about.

16 Q. And based on that article, are you  
17 providing -- are you suggesting that you are an  
18 expert in the political history of Alabama?

19 MR. GEIGER: Objection to form.

20 THE WITNESS: Again, I will say that  
21 Alabama has not been a singular focus of  
22 my research, but it has been an important  
23 part of the story that I have been looking  
24 at in America historically.

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1 BY MR. ETTINGER:

2 Q. So is that a no that you're not an expert  
3 in Alabama specifically when it comes to political  
4 history?

5 MR. GEIGER: Same objection.

6 THE WITNESS: I would say that I --  
7 I mean, I can keep trying to answer. I  
8 would say that I have not been -- to the  
9 degree that I am not focused on state  
10 politics, if the question is do I know  
11 state politics as a focused area of  
12 expertise, I'd say no.

13 Alabama, as part of these broader  
14 trends about political parties, I would  
15 say that it would be within my expertise,  
16 yes. So to some degree, you have to ask  
17 what particular -- what you mean by  
18 "expertise."

19 BY MR. ETTINGER:

20 Q. Let's move ahead. We'll go -- turn back  
21 to Exhibit 1, which is your report in this case. And  
22 I'll display that on the screen.

23 Does this report contain a complete  
24 statement of the opinions you formed in this case?



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1 A. I believe so, unless I am asked to form  
2 new ones.

3 Q. Have you formed any other opinions not  
4 exposed in this report that you intend to provide at  
5 this time?

6 A. No.

7 Q. Did anyone assist you in the preparation  
8 of your report?

9 A. I -- I -- let's see. I believe I had two  
10 articles shared with me by counsel on a contemporary  
11 topic, and that was it. The rest of it was done  
12 completely by myself. I had no research assistant,  
13 no one else that helped me with the preparation of  
14 the report.

15 Q. And what was the subject matter of the  
16 articles that were shared with you?

17 A. Contemporary comments on cases like this  
18 one. So particularly the -- an article from former  
19 Attorney General Eric Holder and comments made by now  
20 President Biden about -- about some of these issues.  
21 And that would be all. Nothing else that --  
22 nothing -- nothing else was shared with me that I  
23 recall.

24 Q. Did those articles influence the opinions

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1 that you have reached in this --

2 A. No.

3 Q. -- in this case?

4 A. No. No, they did not.

5 Q. What did President Biden and former

6 Attorney General Holder say in those articles?

7 A. I believe I mention them in my report

8 later on. So I would want to double-check to make

9 sure that I'm accurately stating what I -- what I

10 mention of them.

11 But I remember, from memory, Attorney

12 General Holder accused some of the litigation going

13 on here as being a second Jim Crow or something along

14 those lines.

15 And also I believe I mention where former

16 President -- or now President Biden -- sorry. I was

17 going to say former Vice President. I think that's

18 what he was at the time he made those statements --

19 questioning the authenticity of African Americans who

20 might vote for Donald Trump. I believe that's

21 what -- what -- what I mention -- or I believe those

22 are the two articles that I looked at.

23 Q. Are all of the materials you reviewed

24 listed in your report?

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1 A. Could you rephrase the question. What do  
2 you mean by all that I reviewed? Do you mean any  
3 research I did?

4 Q. Correct, related to your forming of your  
5 opinions in this matter.

6 A. No. Any -- I think anyone, at least in  
7 the academic field, it never uses everything you read  
8 or everything you research. Part of the actual  
9 reading of these sources or looking at these sources  
10 is determining whether they are useful, whether they  
11 are pertinent.

12 And so no. I would not -- I don't know  
13 anything I've ever written in a scholarly sense that  
14 used every single source that I even passingly --  
15 pardon me -- looked at.

16 Q. Did you review the academic work cited in  
17 Dr. Bagley and Dr. Burch's reports?

18 A. I have in the past looked at some of them.  
19 I did not look in detail -- I did not look in detail  
20 at them this time, partly because a number of them  
21 recite scholarship from previous reports in previous  
22 cases.

23 Q. And did you look into the research cited  
24 in those -- the prior reports from the Stone v. Allen

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1 case?

2 A. It would depend. So there are some I  
3 looked at, and I'm not even sure I could recall  
4 exactly which ones because some of them I had seen  
5 before, only some of them had I looked again -- or  
6 looked -- looked for the first time at.

7 So I'm not sure just off the top of my  
8 head I could disentangle what were upon first review  
9 based on the reports versus what were a bringing back  
10 up of something I had seen before.

11 Q. Aside from the two articles that you  
12 mentioned, were you provided any other materials or  
13 research to -- to review and to potentially include  
14 in your report?

15 A. No. None that I recall.

16 Q. What are your opinions in this case?

17 A. My opinions are relegated to just what I  
18 say in my report, which is that the -- that to have a  
19 sole or dominant explanation of race as determining  
20 why the American South, especially the Deep South,  
21 moved from solidly Democrat to solidly Republican is  
22 oversimplified and not the correct interpretation.

23 Q. Are there any other opinions that you hold  
24 in this case?

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1 A. I was not hired to give any legal opinions  
2 as far as what that might mean for this case. So I  
3 have no -- no fully-formed opinion on any of those  
4 other matters. In fact, I am not very familiar  
5 with -- with all of even the facts of this case.

6 Q. Do you have any other opinions related to  
7 your background as a political scientist for this  
8 case?

9 A. Well, again, I was not asked to -- I was  
10 not asked to give those in this case. And a lot of  
11 the -- the history of the particular issue in this  
12 case I don't have deep or long-standing background  
13 knowledge in. So really I don't have fully-formed  
14 opinions on -- on this and nor would I consider in my  
15 expertise to have them or offer them.

16 Q. And what areas would you say go beyond  
17 your area of expertise?

18 A. Well, I mean, do you have a particular  
19 question in mind? Because, obviously, I could  
20 mention a number of things that I was not asked to  
21 talk about and would not because of my lack of  
22 expertise on this matter.

23 Q. You just mentioned that there were  
24 certain, it sounds like, elements related to your

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1 background as a political scientist that you did not  
2 opine on and partly because you did not have that as  
3 an area of expertise or were not asked to opine on  
4 it.

5 A. Yeah.

6 Q. Did you have something particular in mind?

7 A. Well, one, that could be an example among  
8 many, is I don't have expertise in the history of  
9 judicial precedence on redistricting.

10 Another example would be that I have not  
11 looked at the current case that this is an example of  
12 beyond a quick glance at the complaints that were  
13 sent to me.

14 So I don't necessarily know what are the  
15 particular specific questions and facts that are  
16 being debated here. So those would be some --  
17 some -- some of the things that I would not have  
18 expertise on and, therefore, don't have an opinion  
19 that I would feel is fully formed on.

20 Q. The -- your Stone v. Allen expert report  
21 included a similar conclusion; is that correct?

22 A. From what I remember, yes.

23 Q. Has your opinion changed since your report  
24 in Stone v. Allen?

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1 A. My opinion on what in particular?

2 Q. Your ultimate, kind of, thesis about the  
3 sole or dominant explanation of the political change  
4 in the Deep South.

5 A. No, it has not changed.

6 Q. On page 2 you note that your analysis  
7 touches on certain factors put forth by Senate  
8 Judiciary Committee in its 1982 amendment of Section  
9 Two of the Voting Rights Act; is that correct?

10 A. Yes.

11 Q. And if I refer to these as the Senate  
12 Factors, do you understand that I'm referring to the  
13 set of factors set forth by the Senate Judiciary  
14 Committee in its 1982 amendment of Section Two of the  
15 Voting Rights Act?

16 A. Yes.

17 Q. And which Senate Factors does your report  
18 relate to?

19 MR. GEIGER: Objection to form.

20 THE WITNESS: I would -- I would say  
21 that -- and I say this, I believe, in the  
22 report -- that it really is ultimately  
23 about the totality of the circumstances.

24 I do mention three factors in



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1 particular, but I believe the way I worded  
2 it was to not exclude others but to say  
3 that in addition -- in relation to the  
4 totality of the circumstances, here are  
5 three factors that I think, as I  
6 understand them, that this -- that my  
7 report would be useful for the lawyers and  
8 the judges in this case to take into  
9 account.

10 BY MR. ETTINGER:

11 Q. And were there particular factors that you  
12 felt your opinion maybe related to?

13 A. Yes, and I do mention those in my report.  
14 But I also, again, did not say those were the only  
15 ones it could relate to. I think whether it relates  
16 to others would also be a question for the lawyers  
17 involved in this, the attorneys involved in this, and  
18 the judge or judges involved in this.

19 Q. And I believe you note Senate Factor 1,  
20 which is the extent of any history of official  
21 discrimination in the state or political subdivision  
22 that touches on the right of members of the minority  
23 group to register, to vote, or to otherwise  
24 participate in a Democratic process.



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1 Is that one of the factors that your  
2 opinion relates to?

3 A. I believe so in -- so yes. And I do  
4 include that in my report.

5 Q. And I believe you've identified  
6 Senate Factor 2, the extent to which voting in the  
7 elections of the state or political subdivision is  
8 racially polarized.

9 Is that also identified in your report?

10 A. Yes.

11 Q. And then, similarly, with Senate Factor 6,  
12 whether or not political campaigns have been  
13 characterized by overt or subtle racial appeal.

14 Is that a factor that you believe your  
15 opinion relates to?

16 A. Yes, that it could at least be helpful in  
17 forming this case, yes.

18 Q. And have you been asked to form an opinion  
19 on any of the other specific Senate Factors?

20 A. No. I wasn't asked to form an opinion  
21 beyond the general question that I stated earlier.

22 So, no, I have not been asked to form an opinion on  
23 those factors.

24 And really to even form an opinion beyond

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1 whether my report would be relevant to the  
2 consideration of the case, not even whether it would  
3 be determinative or anything like that, that's --  
4 that's for people giving legal opinions, not  
5 historical assessments, as I understand it.

6 Q. Do you offer any specific opinions about  
7 Senate Factor 1, for instance, the existence or  
8 history of official discrimination?

9 A. Could you repeat the question.

10 Q. Yeah. Does your opinion reach whether you  
11 believe there is a history of official discrimination  
12 as it relates to Senate Factor 1?

13 A. As I mention in the report, I don't spend  
14 as much time looking at, at least, official laws that  
15 were passed, say, in the South. But I look at the  
16 motivations of voting patterns and identities that  
17 are the precursor to those questions.

18 So I wouldn't say that I formed a full or  
19 indefinite argument on what the case outcome should  
20 be on this. Just given information that may be of  
21 use in the broader assessment of that Senate Factor  
22 by lawyers.

23 But I would not claim that what I've said  
24 is everything, from what I understand, that someone

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1 would need to take into account. But, again, I'm not  
2 a Senate Factor expert. More just trying to give  
3 some ways that I would understand the report to be,  
4 at least, useful to counsel in this case.

5 Q. And I understand that -- from what you  
6 described, that you believe your -- the opinion about  
7 the political change might be relevant to some of  
8 these Senate Factors.

9 I guess I'm just trying to determine, do  
10 you specifically reach any conclusion about the  
11 presence of whether there is a history of official  
12 discrimination in Alabama?

13 A. I don't reach a definitive conclusion on  
14 that. It, again, is asking a narrower question that  
15 precedes the implementation of public policy, which  
16 is the -- as best we can understand it, the  
17 motivations or the intentions of why there was the  
18 voting change from Democrat to Republican over the  
19 course of 40, 50 years that I -- that I focus in on  
20 the report.

21 So -- so, no, I would not say my -- what I  
22 say would be the full story. It would just be part  
23 of the story of those questions, at least as I  
24 understand them.

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1 Q. Similarly, with respect to  
2 Senate Factor 2, the extent to which elections are  
3 racially polarized, do you offer any specific  
4 opinions about the presence or lack thereof of  
5 racialized -- racially polarized voting in Alabama?

6 A. I would probably need more specifics on  
7 that -- not so much of the content -- but what do you  
8 mean by offering an opinion specifically on this  
9 matter?

10 Q. Yeah. Are you concluding one way or  
11 another whether there's racially polarized voting in  
12 Alabama?

13 A. I believe that what I argue -- or what I  
14 found and stated is important to asking the question.  
15 And I believe it does give evidence against at least  
16 how I defined racially polarized voting.

17 Q. And how do you define racially polarized  
18 voting?

19 A. As I say in my report, the way I -- the  
20 approach I took was to not ask the merely statistical  
21 question of what is racially polarized voting but to  
22 ask what I called the substantive question, which is,  
23 is the reason why people are voting the way they do  
24 because they are thinking predominantly in terms of

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1 race and wanting to vote and identify themselves in  
2 furtherance of that self-conscious view of race. And  
3 is that what is driving most, if not all, of their  
4 other opinions, their affiliations, et cetera.

5 Q. And where did you get that definition?

6 A. I would say two things. I have looked at  
7 some Court precedent on these questions. But a lot  
8 of it was really intuitive to say that what I thought  
9 was important from an historical perspective is to  
10 not merely ask the factual question or the  
11 statistical question because correlation is not the  
12 same thing as causation.

13 And to say that I thought, for at least  
14 what -- what I wanted to contribute or what I thought  
15 I could contribute, that the causation question is  
16 what mattered for what I was going to say.

17 It's for judges and lawyers to determine  
18 whether that is legally the standard that should be  
19 used or not. But it's the standard that I used in my  
20 report, and whether -- whether lawyers and judges  
21 think it's the right one should obviously be taken  
22 into account when assessing the information I've  
23 provided.

24 Q. And I believe you mentioned that you'd

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1 reviewed some Court precedence in forming that  
2 definition.

3 A. Uh-huh.

4 Q. Could you identify what -- which decisions  
5 helped form that definition?

6 A. The opinion in 2020 of Judge Watkins in  
7 Alabama for -- about -- I believe it was judicial  
8 elections. And I think it's the Alabama NAACV --  
9 NAACP versus maybe Hemmel (phonetic). I mean, it's  
10 been -- it's been a bit since I've looked at that --  
11 at that case. But that was -- that was one.

12 And then the rest really, again, was more  
13 intuitive, asking what would be a helpful contributor  
14 to this case. And I'm not a statistician. I have a  
15 historical emphasis in my work.

16 So asking the statistical question both, I  
17 think, is not -- didn't seem like a helpful  
18 contribution I could make. But asking the  
19 substantive question, I thought I could make a  
20 historical contribution to that -- to that matter.

21 Q. And so in the two decisions that you  
22 mentioned, did the Court employ a substantive  
23 racial -- racial polarization test?

24 A. From what I remember of Watkins' opinion,

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1 I believe there was to some degree. I've got to be  
2 honest, I would need to review what he said for -- to  
3 get into the weeds or the specifics.

4 But from what I remember, that was part of  
5 the conversation. It's been -- it's been a while  
6 since I've looked at that case. And, again, I wasn't  
7 depending solely on judicial precedence for that. It  
8 really just was a case that I thought confirmed what  
9 I thought was the useful approach I should take to  
10 this intuitively.

11 Q. And would you say the definition comes  
12 predominantly from, kind of, your view of what  
13 intuitively would be helpful for interpreting the  
14 reasons why people vote?

15 A. I would say that that was the first and --  
16 that was the first approach I had to this. And,  
17 again, I -- I knew from the start that I'm not here  
18 to give a legal opinion. So I wanted to be clear  
19 about what I was focusing on and what I was doing.

20 And so, yes, I think that would  
21 predominantly be the case.

22 But I also knew that I was not giving a  
23 legal argument. So whether that is relevant or right  
24 or the proper approach is beyond the scope of what I



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1 was trying to do with this case. I was just trying  
2 to be honest about where I was coming from in making  
3 my assessment.

4 Q. And with regards to Senate Factor 6,  
5 whether or not political campaigns have been  
6 characterized by overt or subtle racial appeals in  
7 Alabama, do you reach a definitive conclusion on  
8 whether or not that has been present?

9 A. No, I don't, but partly because I believe  
10 it's not really something a political scientist can  
11 do well, really if at all, to figure out the  
12 subtle -- what subtle racial appeals are.

13 And I did not see a long-standing  
14 pervasive history past, you know -- during the era --  
15 during a lot of the era that I'm looking at where  
16 overt direct racial appeals were going on. And so --  
17 so no.

18 If anything, I found that to be a factor  
19 that is very hard to determine if the subtle part is  
20 the one that's being focused on.

21 Q. Turning briefly back to Senate Factor 1.  
22 Is it your opinion that Alabama does not have a  
23 history of official discrimination impacting minority  
24 group's ability to participate in the Democratic



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1 process?

2 A. Are you asking in its entire history?

3 Q. Let's start with, yeah, the entire history  
4 to begin.

5 A. No. I mean, that was not what my focus in  
6 the report was on. But if you'd like to know my --  
7 my opinion, no.

8 I believe that there certainly, in its  
9 overall history, has been that particular history of  
10 discrimination of -- I mean, we could -- we could go  
11 into the fact of slavery, the fact of segregation, a  
12 whole host of other factors attached to that.

13 So -- so, yes, I would not -- I would not  
14 think that, even though that wasn't my particular --  
15 that wasn't necessarily my direct focus.

16 Q. What about in, kind of, the post 1964 to  
17 present time period?

18 A. Well, I would say that -- well, first, do  
19 you have a particular time period within that in  
20 mind?

21 Q. I guess, just in general, is it your  
22 opinion that between that time period that Alabama  
23 does not have an official history of discrimination  
24 that impacts minority groups' ability to participate

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1 in the Democratic process?

2 A. Well, I wouldn't have an expert opinion on  
3 that as far as my report goes because the focus of my  
4 report was more, again, whether racial attitudes were  
5 the predominant factor in voting and in party  
6 identification as opposed to then what was the result  
7 of those in -- in public policy or public actions.

8 So that was not a focus of my report or  
9 where I was offering my expertise.

10 MR. ETTINGER: I think we may be at  
11 a good pause point. So we'll go off the  
12 record.

13 THE VIDEOGRAPHER: We are going off  
14 the record. The time is 12:07 p.m.

15 (Recess taken.)

16 THE VIDEOGRAPHER: We are back on  
17 the record. The time is 12:14 p.m.

18 MR. ETTINGER: I will mark and  
19 publish Exhibit 3, which is Dr. Joseph  
20 Bagley's December 10, 2021, expert report.  
21 One moment.

22 (Thereupon, Exhibit 3, Dr. Joseph  
23 Bagley's December 10, 2021, Expert Report, was  
24 marked for identification.)

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1 BY MR. ETTINGER:

2 Q. Dr. Carrington, did you review  
3 Dr. Bagley's December 10, 2021, report in preparing  
4 your opinions in this action?

5 A. I don't recall. I remember citing  
6 something from him, but I -- but I don't remember  
7 which of his reports now that I -- that I used at  
8 that point.

9 Q. No problem. Turning to page 3 of this  
10 report, at the very bottom of the page, Dr. Bagley  
11 has a header "Factor 1: History of Discrimination."

12 Do you see that?

13 A. Yes.

14 Q. And he notes that "As this Court found in  
15 2020, black Alabamians have consistently overcome  
16 barriers to exercising their fundamental right to  
17 vote, only to have -- only to later have those rights  
18 curtailed, and the state's history of official  
19 discrimination is replete with facts that this  
20 Court -- the Court described as largely undisputed."

21 Have you reviewed that statement before?

22 A. Not that I -- not that I recall, if you  
23 mean particularly from Dr. Bagley.

24 Q. And have you reviewed the case cited, the

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1 People First of Alabama versus Merrill?

2 A. I don't -- I don't believe that's the same  
3 as -- no. No. Because I believe the next case is  
4 the case that I looked at.

5 So I don't believe I have looked at that  
6 particular case People First of Alabama versus  
7 Merrill. If so, I don't -- I don't recall it.

8 Q. But you have reviewed the Alabama NAACP  
9 versus Alabama case as cited in the following line?

10 A. If that is -- I would have to look and  
11 make sure if that is the same case as the  
12 Judge Watkins case that I reviewed a while ago. If  
13 it is, then, yes. If not, then -- then, no, I have  
14 not -- not read that case.

15 Q. Just up above here, Dr. Bagley states  
16 his -- his summary findings as it relates to the  
17 Senate Factors.

18 And for Factor 1, he notes that "White  
19 legislators of both major political parties have, in  
20 the last 50 years, manipulated the redistricting  
21 process to prevent black citizens from electing  
22 members of Congress or, in the last 30 years, to  
23 limit black voters' ability to elect members of  
24 Congress from more than one district."

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1 Do you see that?

2 A. Yes.

3 Q. Did you address Alabama's history of  
4 redistricting and the related legal challenges in  
5 your report?

6 A. No. I am neither a redistricting expert  
7 nor a Senate Factor expert. And that was not what I  
8 was asked to do or offered to do.

9 Q. Is that history relevant to evaluating  
10 Senate Factor 1 in your view?

11 A. I think that that would be something that  
12 judges and lawyers would need to determine  
13 ultimately.

14 But as I was -- as my report goes to the  
15 totality of the circumstances, I would imagine that  
16 would be important to those circumstances as well.  
17 But, again, that would be a legal opinion, I think,  
18 beyond -- beyond what I was asked to do.

19 Q. And setting aside the legal significance,  
20 just from a political science standpoint, is a  
21 state's history of redistricting relevant to  
22 evaluating whether there's a history of racial  
23 discrimination?

24 A. It certainly could be, yes. Depending

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1 upon the particular facts going on. But, no, it  
2 would not, by definition, I think, be outside the  
3 bounds of those questions.

4 Q. And would it be potentially relevant to  
5 Senate Factor 1's analysis of whether groups --  
6 minority groups have been denied equal opportunity to  
7 participate in the political process?

8 A. Well, I guess, the question there would be  
9 in what way? But if you're asking if in any way  
10 whatsoever; perhaps. But I think that's a pretty  
11 broad question. So it would be -- depend upon in  
12 what way.

13 Q. For instance, if a Federal Court were to  
14 find that Alabama engaged in racial gerrymanders,  
15 would that be relevant to evaluating whether there's  
16 a history of official discrimination that impacts the  
17 ability of minority voters to equally participate in  
18 the political process?

19 A. Could you define, legally speaking --  
20 you're talking to a nonlawyer -- racial gerrymander.

21 Q. Yeah. I'm not speaking necessarily in  
22 legal terms. But it's a court finding that the  
23 district had been divided in a way that -- along  
24 racial lines that impacts the ability of those folks

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1 to elect candidates of their choice.

2 A. When you say that impacts their ability to  
3 elect candidates of their -- of your choice -- of  
4 their choice, could you go a little more into that  
5 just so I'm answering accurately.

6 Q. That's okay. I think we're getting a  
7 little too far into the weeds anyway.

8 Turning ahead to page 8 on this report.  
9 Do you see the header "Reapportionment,  
10 Redistricting, and the Voting Rights Act"?

11 A. Yes, I do.

12 Q. And Dr. Bagley starts this section saying  
13 "Another tool used to deny black citizens equitable  
14 access to the franchise has been the racial  
15 gerrymander."

16 Do you -- are you familiar with what a  
17 racial gerrymander is?

18 A. I -- I just asked for a definition from  
19 you. So if the question is one of what the legal  
20 definition of a racial gerrymander is, I would want  
21 to -- I would want to have more information on -- on  
22 that because there can be common understandings of it  
23 and there can be legal understandings of it. So ...

24 Q. What is your common understanding of that?

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1 A. Well, my -- my -- my nonlegal opinion  
2 would be that a racial gerrymander is where the  
3 district lines are drawn with race as the predominant  
4 factor in why they were drawn, not partisanship, not  
5 any other reason but an attempt to, on racial and  
6 racial grounds, dominantly to draw those districts in  
7 that way.

8 Q. And using that definition, do you agree  
9 that racial gerrymanders have been used in Alabama?

10 MR. GEIGER: I'm going to object to  
11 form.

12 THE WITNESS: Yeah, could you ask  
13 that one more time.

14 BY MR. ETTINGER:

15 Q. Sure. Using your -- the definition you  
16 just stated of a racial gerrymander, do you agree  
17 that racial gerrymanders are a tool that have been  
18 used to deny black citizens equitable access to the  
19 franchise in Alabama?

20 A. I'm not -- I'm not sure if that's been the  
21 case. And the reason why is because there were other  
22 things that were certainly used in Alabama's history  
23 to deny African Americans their ability to vote that,  
24 to some degree, especially in the earlier history,



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1 seemed to make racial gerrymandering beside the  
2 point, including access to the franchise itself.

3           So -- but I -- I would not consider,  
4 again, myself an expert on the redistricting  
5 processes of Alabama over the decades. So I would --  
6 I would not have at least what I consider an expert  
7 opinion on that particular question since  
8 redistricting has not been a focus of my research.

9 Q.           Is it fair to say in drafting your report  
10 that you did not analyze whether racial gerrymanders  
11 have been used in Alabama that negatively impact  
12 black citizens' ability to participate in the  
13 Democratic process?

14 A.           Yeah, I did not look at the redistricting  
15 processes. That was not a focus of my report.

16 Q.           And why didn't you look at those factors?

17 A.           I was asked to look at more the formation  
18 of political party voting patterns and identities and  
19 what might be the causes and reasons for those. So  
20 what -- how that might manifest in the redrawing of  
21 lines for Congress or other things was outside the  
22 purview of what my -- what my focus was in this case.

23 Q.           Are you aware that prior to the Shelby  
24 County decision, that Section 5 of the Voting Rights

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1 Act covered Alabama, meaning that in order to make  
2 changes to election law, including redistricting, the  
3 state needed to seek preclearance from the Attorney  
4 General?

5 A. Yes, I am aware of that.

6 Q. Turning to page 12 of Mr. Bagley's report.  
7 And the last paragraph above section d, Dr. Bagley  
8 notes that "Throughout the 1980s and into the 1990s,  
9 the CRD" -- which I'll represent is defined above as  
10 the Civil Rights Division -- "continued to register  
11 Section 5 objections to numerous proposed changes in  
12 state and local elections in Alabama."

13 Do you disagree with Dr. Bagley's  
14 statement?

15 A. I would not because, again, that has not  
16 been the focus of what -- of my own research. So I  
17 have not independently verified or not verified his  
18 claim.

19 Q. In your view, would objections raised  
20 under Section 5 of the Voting Rights Act be relevant  
21 to -- as examples of official discrimination  
22 impacting minority groups' ability to participate in  
23 the Democratic process?

24 MR. GEIGER: I'm going to object to

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1 form.

2 THE WITNESS: Could you, again,  
3 clarify a little more what opinion you're  
4 actually asking of me as opposed to the  
5 statement parts of that, just for my own  
6 accuracy.

7 BY MR. ETTINGER:

8 Q. Certainly. In Senate Factor 1, it asked  
9 to look for official acts of discrimination impacting  
10 the ability of minority voters to participate in the  
11 Democratic process.

12 In your view, would objections to changes  
13 in Alabama's election laws under Section 5 of the  
14 Voting Rights Act be relevant to that analysis?

15 A. It would -- in my unexpert opinion on the  
16 legal questions, it would seem relevant. It would  
17 seem to be part of the story.

18 Q. But you didn't include that analysis in  
19 your report?

20 A. No, I didn't. Because, again, I didn't  
21 claim to be giving the entire story or -- or every --  
22 every element to determining the Senate Factor that  
23 would need to be determined.

24 I was contributing one part of what I

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1 assume, although I haven't seen everyone's reports,  
2 is the broader and larger story for the use of the  
3 Court. So I did not claim to be giving every factor  
4 or every instance or everything that would need to be  
5 said on this matter -- pardon me -- just one part of  
6 the story.

7 Q. At the bottom of page 12, there's a header  
8 reading "Redistricting since the 1990s Cycle."

9 Do you see that?

10 A. Yes, I do.

11 Q. And on the following page, Dr. Bagley  
12 notes that the plan enacted provided for one majority  
13 black district packed with black voters while the  
14 remaining -- remainder of the black population in  
15 Alabama was fragmented between multiple districts.

16 Take your time if you need to review that.

17 A. Could you highlight that part if you  
18 wouldn't mind. That was helpful before. Or  
19 highlight what you were wanting me to consider in  
20 particular.

21 Yes. I see what you were highlighting.

22 Thank you.

23 Q. Did you analyze the history of the 1990s  
24 Congressional map creation?

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1 A. No, I did not. Again, I am not -- my  
2 research has not focused on redistricting, including  
3 the either statistical or otherwise question of how  
4 particular districts were drawn in the state of  
5 Alabama or elsewhere.

6 Again, my report goes to the totality of  
7 the circumstances. But I never claimed it is the  
8 totality of the circumstances being considered.

9 Q. Is the question of redistricting relevant  
10 to your opinion in terms of the change in voters'  
11 preferences from -- voters' preferences from the  
12 Democratic Party to the Republican Party?

13 A. It could be. But it would certainly not  
14 necessarily be a definitive or, I would even argue,  
15 necessary question to ask to contribute to that -- to  
16 that question.

17 Q. In -- on page 12, in footnote number 39,  
18 which I'll highlight for you, Dr. Bagley describes a  
19 2010 federal investigation which revealed an effort  
20 to keep a gambling reform off the 2010 ballot in  
21 order to limit black voter turnout. I'll give you a  
22 moment. Let me know when you've reviewed that.

23 A. Yes, I've reviewed that.

24 Q. Were you aware of this 2010 investigation?

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1 A. I was not, no.

2 Q. And in that, Legislator Larry Dixon was  
3 recorded saying "Just keep in mind, if the gambling  
4 bill passes and we have a referendum in November,  
5 every black in the state will be bussed to the polls.  
6 And that ain't going to help." And that "Every  
7 black, every illiterate will be bussed on  
8 HUD-financed buses with free food provided."

9 In your view, is this an example of an  
10 official act of discrimination against black  
11 Alabamians?

12 A. I think the question here would be what is  
13 the motivation partly behind the action. And that  
14 would be difficult to assess without more context.  
15 Is it partisan-driven, based on assumptions about  
16 statistical racial polarization, or is it driven by  
17 an actual race is the predominant factor rather than  
18 an attempt to have a particular political and  
19 partisan outcome.

20 Q. So in your view, if -- if Legislator Dixon  
21 was attempting to prevent black voters from reaching  
22 the polls for his political benefit, that that would  
23 be an official act of racial discrimination?

24 MR. GEIGER: Objection to form.

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1 THE WITNESS: Yeah, could you ask  
2 that again, please.

3 BY MR. ETTINGER:

4 Q. Sure. You mentioned that the intent was  
5 what mattered. I believe that's what you said.

6 And so if -- if he were intending to keep  
7 black voters from being able to vote on the gambling  
8 reform bill, but it was for his political benefit  
9 because he believes they may be more likely to vote  
10 for Democratic than Republican, would that be an act  
11 of official discrimination?

12 A. Just one more clarification. What do you  
13 mean by "being able to vote for"? Because this --  
14 yeah. What do you mean by "being able to vote for"?

15 Q. I'm not following. I'm sorry. Say that  
16 again.

17 A. Well, you're saying denying African  
18 Americans the ability -- "being able" is the phrase I  
19 believe you used "to vote for." But this is also not  
20 allowing, as I understand it, white persons or  
21 Hispanic and Latino persons to vote for this bill,  
22 unless I'm misunderstanding the context.

23 Q. Yes.

24 A. So the question about African Americans in



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1 particular not being able to -- I mean, could there  
2 be partisan political motivations or others? Yes.  
3 But this seems to not be denying -- this seems to be  
4 trying to deny everybody the capacity to vote for  
5 this bill.

6 Q. Yes. And if it -- as it appears in the  
7 language that his intention was to keep the gambling  
8 referendum off of the ballot in order to decrease the  
9 percentage of black voters in the election, is that,  
10 to you, an act of official discrimination?

11 A. I think, again, you would have to ask  
12 whether it's for -- what's the primary motivation?  
13 Is it partisan, or is it -- or is the -- or is what  
14 is -- what's really driving it, primarily racial  
15 considerations as opposed to racial considerations as  
16 a proxy for -- a statistical proxy for wanting a  
17 particular partisan outcome, as in electing more  
18 Republicans or less Democrats.

19 Q. And you view the language of him saying  
20 "Every black, every illiterate will be bussed on  
21 HUD-financed buses" as a racially discriminatory  
22 statement?

23 A. I would -- I would say that -- well, one,  
24 it is distinguishing, or seems to be distinguishing,



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1 African Americans from necessarily other groups.  
2 It's not clear that he doesn't mean that too many  
3 poor people or too many people on welfare, which  
4 includes people of all races and all -- various other  
5 factors would be part of this.

6 So I would need to know more of the  
7 context. But, no, it's not -- I mean, just without  
8 looking at it as a political scientist who's trying  
9 to be careful about where exactly or what exactly are  
10 motivations, certainly not the way I would phrase it.

11 But as far as determining as a political  
12 scientist looking at motivations, I think the  
13 question of what was driving it as opposed to other  
14 views he may or may not have is indeterminate given  
15 the context between partisanship and other ways.

16 Q. And towards the bottom of this paragraph,  
17 it notes that "Dixon was also a chief sponsor of the  
18 state's voter I.D. law, which he argued would  
19 undermine the black power structure since the absence  
20 of such a law benefits black leaders."

21 Do you see that?

22 A. Yes.

23 Q. Is this an example of official act of  
24 discrimination against black Alabamians?

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1 A. Well, again, you would have to ask, as I  
2 understand it the Supreme Court has recently asked,  
3 is this different than statistical assumptions about  
4 blacks voting and who African Americans tend to  
5 statistically vote for.

6 So whether -- so -- so, again, whether  
7 it's racial discrimination, at least for the purposes  
8 I've been looking at this history, is focused on is  
9 it because of partisan ends and assumptions about  
10 that, or is race the primary predominant factor?  
11 Race as race. Not race as a shorthand assumption for  
12 a different goal, such as decreasing Democrat vote,  
13 increasing Republican votes.

14 Q. So if I'm understanding that correctly,  
15 if, for instance, they pass this voter I.D. law,  
16 knowing that it would reduce the ability of black  
17 Alabamians to vote, if they had -- if they believe  
18 that would also result in a political benefit, a  
19 partisan political benefit, that that would not be an  
20 official act of discrimination?

21 MR. GEIGER: Objection to form.

22 THE WITNESS: I am saying that I  
23 think you need to separate partisan from  
24 racial considerations when asking -- at

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1 least as far as when I was trying to  
2 understand motivations for political  
3 parties and such, that was what I operated  
4 on the basis of is trying to ask the  
5 question of separating those questions  
6 out.

7 And if -- I would not consider  
8 Democrats trying to do something to  
9 depress the votes of religious voters as  
10 necessarily discrimination in this case if  
11 it was a secondary effect of trying to  
12 achieve partisan goals either, although I  
13 recognize probably First Amendment free  
14 exercise analysis and racial  
15 discrimination analysis don't have the  
16 same precedence, don't have the same  
17 history.

18 So, again, I think I'm speaking  
19 outside of what I was asked to talk about  
20 when I say that or outside of my  
21 expertise. So that would just be my -- my  
22 personal opinion.

23 BY MR. ETTINGER:

24 Q. Turning ahead to page 16 of Dr. Bagley's

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1 report, and I'll highlight the relevant portion.

2 Are you familiar with the case mentioned  
3 in this highlight, the Alabama Legislative Black  
4 Caucus versus Alabama?

5 A. No. I don't believe I'm familiar with  
6 that case. No.

7 Q. Are you aware that in 2017 a Federal Court  
8 found that 12 of Alabama's state legislative  
9 districts were determined to be unconstitutional  
10 racial gerrymanders?

11 A. No, I don't -- I do not -- I do not recall  
12 that.

13 Q. Is such a finding relevant to evaluating  
14 Senate Factor 1 in your view?

15 MR. GEIGER: Objection to form.

16 THE WITNESS: If -- if the question  
17 is what a trial court ultimately  
18 concluded, certainly that would be  
19 something to take -- that could be taken  
20 into account for the totality of the  
21 circumstances when looking at  
22 Senate Factor 1.

23 BY MR. ETtinger:

24 Q. And did you consider the Court's finding

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1 in this case when evaluating Senate Factor 1?

2 A. No. Again, I was not trying to answer  
3 definitively the question of whether Senate Factor 1  
4 was -- or how Senate Factor 1 should be interpreted,  
5 applied, or how it should decide or not this case.  
6 So -- so no. No. I did not -- I did not assess it  
7 as part of that question.

8 Q. And turning now to your opinion regarding  
9 Senate Factor 2, which is the presence of racially  
10 polarized voting, what methodology did you employ to  
11 analyze whether there's racially polarized voting in  
12 Alabama?

13 A. I looked at -- I took -- as a political  
14 scientist, I took a historical approach and looked at  
15 the question of whether other factors that I include  
16 in the report were important and even dominant in how  
17 public documents, including party platforms and  
18 other -- other things, some statements made by  
19 officials and party convention speeches, you know, a  
20 number of other sources, how those might reflect the  
21 priorities of parties and why certain coalitions  
22 moved in the directions that they did. So, yes, a  
23 historical approach as a political scientist.

24 Q. And I believe earlier you mentioned that

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1 you did not provide any statistical analysis of that;  
2 correct?

3 A. No. I am not a trained statistician. I,  
4 again, take a historical approach looking at the  
5 documents and the history as it played out. But, no,  
6 I am not a statistician by training.

7 Q. And -- and just to confirm. Do you form  
8 any opinions as to whether there is racially  
9 polarized voting in Alabama?

10 A. I -- again, the question is -- part --  
11 first, has to be answered statistical or substantive.  
12 And the conclusion I reach is on how I define  
13 substantive, that to make race the sole or dominant  
14 explanation for the move from a dominant Democratic  
15 Party to a dominant Republican Party is not the best  
16 reading of the history.

17 So I do conclude that that would be -- it  
18 would be inaccurate to say that racial polarization  
19 substantively is the dominant or predominant factor  
20 in that story.

21 Q. Do you dispute that racially polarized  
22 voting statistically exists in Alabama?

23 A. No, I do not, and I say as much in my  
24 report, if I recall.

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1 Q. I believe in your report you state that  
2 the evidence suggests that party politics, not race,  
3 explains why Alabama -- Alabama voters vote the way  
4 that they do.

5 Is that an accurate statement?

6 A. Yes. That that is the predominant factor,  
7 or those other factors are predominant in comparison  
8 with race as the explanation.

9 Q. And did you analyze in your report what  
10 factors motivate black Alabamians' voting  
11 preferences?

12 A. My focus was, as I say in the report, on  
13 white voters in the South. So, no, I did not -- that  
14 was not a focus of my report.

15 Q. And do you offer any opinions as to what  
16 factors motivate black Alabamians' voting  
17 preferences?

18 A. I don't recall -- I don't recall saying  
19 that in -- in my report as to what their -- what --  
20 what I understood to be the motivations of African  
21 Americans.

22 Perhaps I imply -- well, I wouldn't even  
23 say imply. I do talk to some degree during the  
24 New Deal, for example, of how they -- how they -- how



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1 African Americans started to vote.

2 But I don't remember offering a definitive  
3 explanation for why, beyond saying what I thought  
4 held the New Deal coalition together, for example.

5 Q. And so in your report, when you said that  
6 the evidence suggests that party politics, not race,  
7 explains why Alabama voters vote the way that they  
8 do, by Alabama voters, you're referring to white  
9 Alabama voters?

10 A. Yes. And in particular, why, therefore,  
11 Alabama went from a majority -- a stable majority  
12 Democrat voting to a stable majority Republican  
13 voting state.

14 Q. On Senate Factor 6, regarding the use of  
15 racial appeals, what methodology did you --  
16 methodology did you use to evaluate that factor?

17 A. I focused mostly on -- on national --  
18 either national party platforms in my research or at  
19 least overt statements made by particular  
20 politicians, including Richard Nixon, among others,  
21 and at least a little bit of legislative history,  
22 although that was not a -- not a focus.

23 So those would be some of the -- some of  
24 the things that I looked at in assessing those



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1 questions.

2 Q. Did you analyze any contemporary  
3 statements made by Alabamian politicians?

4 A. I did not. Partly because I found  
5 methodological problems with many of the attempts to  
6 assess those statements for the purposes that I was  
7 using.

8 Q. I think in your report, on page 22, you  
9 take issue with Dr. Bagley's use of the term color  
10 masking or coded or subtle racial appeals; is that  
11 fair?

12 A. Yes. That would be correct.

13 Q. And what is your issue with the use of  
14 such terminology?

15 A. As a political scientist or historian,  
16 what needs to be figured out when determining a coded  
17 racial appeal or a color masking racial appeal --  
18 however -- whatever term one uses. I think there's  
19 at least broad agreement about what that means. And  
20 I would say that one has to do -- has to first assess  
21 what the speaker said. And to say it's not what they  
22 said overtly. It's not the actual words they used.  
23 It's an implied meaning or a meaning that is not  
24 stated that is racial.

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1           You then have to not only determine that  
2 a -- that the speaker meant something the speaker  
3 didn't actually explicitly say. You then have to  
4 say, I think, that the audience didn't understand it  
5 predominantly in the words that were actually used  
6 but, again, in a -- by implication or by figuring out  
7 something that wasn't said at all.

8           And then I think, third, for some of the  
9 purposes that we're -- that I was talking about,  
10 you'd have to determine that that nonstated, but  
11 somehow still understood, meaning was the dominant  
12 reason, not just maybe a small factor or a partial  
13 factor, but the dominant factor in how people then  
14 went and voted or identified themselves.

15           And as a political scientist, that strikes  
16 me more as amateur psychology than it does actual  
17 history and political science and leaves way too much  
18 room to read in assumptions that either the  
19 researcher is looking for or wanting to find or  
20 assumes will find.

21           And so, therefore, I do question those  
22 methods and the way that they can distinguish them  
23 from, say, other motivations or other factors,  
24 especially, again, when it's a question of subtle or

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1 color masking or other things along those lines.

2 Q. I believe you said that there's a question  
3 of whether, kind of, the dominant factor of the  
4 appeal.

5 Why does it need to be the dominant factor  
6 for it to be a subtle or coded racial appeal?

7 A. Well, again, going back to the totality of  
8 the circumstances, what I'm trying to -- what I was  
9 trying to assess is why people understand themselves  
10 the way they do politically and vote the way they do  
11 politically.

12 So as far as what I was trying to answer  
13 about the Senate Factors and about that particular  
14 Senate Factor, again, was not necessarily everything  
15 that could be taken into account to make a legal  
16 determination.

17 But I was trying to assess what drives  
18 people's votes. And if it's not the dominant factor,  
19 then it doesn't really seem to be driving people's  
20 votes. Or if it's questionable whether it's the  
21 dominant factor, than it's hard to say that that's  
22 what's driving people's votes.

23 So that's why I had those standards in  
24 mind, again, to try to present some historical rigor

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1 to the question because of the problem of telling  
2 people that what they said is not what they actually  
3 meant. Telling people that what they heard is not  
4 what they actually understood. And then telling them  
5 how they reacted to those -- those instances and  
6 issues.

7 Q. And I believe you mentioned, kind of,  
8 you're grounded here is in, like, what's driving  
9 people's ability -- or voting decisions; is that --  
10 is that fair? Kind of the dominant factor elements  
11 of this?

12 A. Yeah, or their -- or their understanding  
13 of their own just political partisanship, which is  
14 obviously related. People will tend to vote for the  
15 party they identify themselves with.

16 But yes. Yes. That's -- I try -- really,  
17 I was trying to assess can you separate out and show  
18 that race is the dominant or predominant factor, or  
19 are there reasonable, decent explanations for other  
20 factors being what was driving this move -- the  
21 statistical move in the South from Democrat to  
22 Republican.

23 Q. And if the statement -- the, kind of,  
24 color mask statement predominant -- the dominant

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1 appeal to certain voters who hold discriminatory  
2 views -- strike that.

3 If a statement predominantly appeals to  
4 voters, to certain subset of voters who have  
5 discriminatory views, but to other voters, it's not  
6 perceived in racialized terms, can that still be a  
7 subtle racial appeal?

8 A. Sorry. Could you ask that again.

9 Q. Certainly. I said that confusing.

10 I guess, maybe the question I'm trying to  
11 get to is, is what determines a coded racial appeal  
12 the reasoning that the politician privately holds,  
13 their, kind of, private intention, or the  
14 politician's knowledge that an action or statement  
15 would appeal to certain voters based on their  
16 racially discriminatory views?

17 MR. GEIGER: Objection to form.

18 You can answer.

19 THE WITNESS: Yeah. Well, this --  
20 well, really, this just goes back to why I  
21 think assessing these kind of appeals is  
22 pretty hard to do, if not impos- --  
23 really, I would say, close to impossible  
24 to do as a historian or political

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1 scientist.

2 Because figuring out those things  
3 when they're not what was really said  
4 explicitly becomes very, very difficult,  
5 again, if not impossible, as opposed to  
6 just an overt, clear appeal to white  
7 supremacy, for example.

8 You know, I don't think, you know,  
9 George Wallace's "Segregation now,  
10 segregation tomorrow, segregation forever"  
11 is a subtle racial appeal and can be taken  
12 into account when thinking of these  
13 things. But that's not a subtle one.  
14 That is not one that had to be interpreted  
15 under the table by listeners and then  
16 turned around and assessed in their  
17 political partisanship.

18 So I think your question, for me,  
19 just shows the methodological -- or points  
20 out methodological flaws that make, not  
21 overt, but covert or color masking or  
22 other appeals pretty close to impossible  
23 to assess well as a historian or political  
24 scientist, at least.

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1 BY MR. ETTINGER:

2 Q. For example, if a politician makes a  
3 statement that's not on its face a racial appeal but  
4 with the knowledge that the statement would appeal to  
5 those voters who hold white supremacist views, would  
6 that be considered a coded racial appeal in your  
7 view?

8 A. Again, some of the question might be on  
9 the basis of what? Is it to achieve a partisan  
10 outcome? And the other thing is, again, I think it  
11 also matters whether the people hearing it hear it  
12 that way.

13 And if you then had people listening to it  
14 and then turning around and saying, not covertly, but  
15 overtly, "I'm voting for this person because I  
16 believe in segregation or I am pro white supremacy"  
17 or something along those lines. But then, again,  
18 that could -- that would be much more measurable and  
19 important.

20 But then you've lost the -- I think what's  
21 a lot of Dr. Bagley and others -- what -- a lot of  
22 what they say hinges on, which is, no one's actually  
23 saying the quiet part out loud that's allegedly  
24 there.



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1           So, again, I struggle with if that's good  
2 political science or history if there's no, sort of,  
3 again, smoking gun that were very prevalent if you  
4 look at earlier Southern history, at the times in  
5 Southern history that I very much agree race was a  
6 dominant factor.

7 Q.       So what I'm hearing, if a politician  
8 crafted a political message with the knowledge and  
9 intent to attract voters who held white supremacist  
10 views, but framed it in, kind of, coded language, in  
11 your view, would that be a racial -- a coded racial  
12 appeal?

13 A.       Could you -- could you give an example --  
14 that might be helpful -- of what might be something  
15 that we're trying to assess rather than -- I wonder  
16 if the level of abstraction is causing a problem here  
17 as far as the conversation.

18 Q.       Sure. Let's do the example of opposing  
19 school busing as a means of integration. If the  
20 politician made that statement knowing that that  
21 statement would appeal to those who held  
22 segregationist views, and it did, in fact, result in  
23 attracting those -- those voters, would that be a  
24 subtle racial appeal?



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1 A. I think that it would certainly be a  
2 racial -- a race-based vote for the voters  
3 themselves. I think part of this is some of the  
4 definition of what we mean by a subtle racial  
5 appeal -- because if the motivation of the person  
6 making the statement is not itself racial, primarily,  
7 but partisan, I think that would need to be taken  
8 into account. And then you would again have to  
9 clarify and determine that that is honestly what was  
10 heard by the audience.

11 And the reason I say this is, as I point  
12 out in part of my report, could you say that certain  
13 Republican politicians knew that certain positions  
14 they held would make them more attractive to Southern  
15 voters, and even segregationists, than -- than their  
16 political opponents? Yeah. Although, I think we  
17 actually have them saying that. It's not just an  
18 implied understanding.

19 And the other is that it often ends up  
20 being on grounds that force the people that are  
21 allegedly voting because of racial issues to do so on  
22 grounds that undermine themselves and that the  
23 politicians making them knew undermined their  
24 positions and their understandings.

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1           They're really forced, as I argue, and  
2 maybe we'll get to at some point. They're forced  
3 with, say, Goldwater or Nixon or others to basically  
4 pick how they're going to lose, not whether they  
5 could win, which I think is different from how they  
6 interacted with, say, Wallace and other outright  
7 segregationists.

8 Q.           So the politician takes a policy position  
9 or uses language with the express intention to appeal  
10 to voters who held -- who hold white supremacist  
11 views, if they have another, kind of, nonracial  
12 explanation, is that enough for it not to be a racial  
13 appeal in your view?

14           MR. GEIGER: I'm going to object to  
15 form.

16           You may answer.

17           THE WITNESS: I mean, I'm trying to  
18 think how to answer beyond how I've done  
19 up to this point.

20           I would -- I would say that -- that  
21 it would certainly -- depending upon how  
22 you determine what color masking is or  
23 what these other terms are, it would  
24 certainly not -- it would certainly not be

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1 the speaker trying to get people to vote  
2 first and foremost because of that  
3 speaker's racial views. It would be  
4 because of their partisan beliefs.

5 So I think -- so yeah.

6 BY MR. ETTINGER:

7 Q. If their -- sorry. I just cut you off.

8 But if -- if their partisan political  
9 views are to oppose the progress of black Americans,  
10 for instance, and if they make statements to that  
11 effect, or coded to that effect, just because it  
12 happened -- just because it benefits them  
13 politically, is that the difference?

14 A. I think the motivation of the speaker  
15 would -- would make a difference in assessing that  
16 claim.

17 Q. Okay. And just one other example just to  
18 make sure I understand the methodology.

19 If a politician used the Confederate flag  
20 as a political symbol, knowing that it would appeal  
21 to certain voters who held white supremacist views,  
22 in your view, is that a racial appeal?

23 A. Well, can I also ask, how are we knowing  
24 that the -- that it's the racial appeal part that

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1 is -- that is driving the politician? Is it that we  
2 have an e-mail or a private statement or something  
3 saying that's what we --

4 Q. Yeah. This is, I guess, just for  
5 hypothetical terms to understand, kind of,  
6 methodologically how you're thinking about these and  
7 whether, like, that speaker's intent and using that  
8 symbol is enough to make it a racial appeal.

9 A. I would say if it's predominantly done for  
10 a racial -- for a racial reason, then -- then I could  
11 see instances where that -- that could be seen as, at  
12 least, partially a racial appeal.

13 But, again, I think that as far as what I  
14 was answering, whether you can have -- whether it  
15 affects motivations that are subtle, your question  
16 drops the assumption of implicit in the chain of  
17 voter understanding and in the chain of voter  
18 motivation.

19 Q. So I guess, for instance, if they had  
20 internal polling showing that certain kind of voters  
21 who hold white supremacist views -- if they were to  
22 use the Confederate flag as a symbol would help their  
23 ability to --

24 THE STENOGRAPHER: I didn't get it.

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1 Would help their -- would help their --

2 BY MR. ETTINGER:

3 Q. -- help the -- help appeal to those  
4 voters, would the use, then, of that flag be a racial  
5 appeal?

6 A. I think you could say it involves a racial  
7 appeal if you could then also show that that's how it  
8 was understood and that that was how it was intended  
9 to be communicated. I think it's at least possible  
10 that you could -- you could understand it that way.

11 Again, I think I have serious  
12 methodological problems with finding instances where  
13 you could have that kind of precision on this  
14 question.

15 MR. ETTINGER: Okay. I think we're  
16 at another decent pause. We'll just do a  
17 5-minute break.

18 THE VIDEOGRAPHER: We are going off  
19 the record. The time is 1:07 p.m.

20 ---

21 And, thereupon, the deposition was adjourned  
22 until 1:45 p.m. on Monday, August 19, 2024.

23 ---

24

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MONDAY AFTERNOON SESSION

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THE VIDEOGRAPHER: We are back on  
the record. The time is 1:45 p.m.

MR. ETTINGER: Dr. Carrington, I  
will mark and publish Exhibit 4, which is  
Dr. Joseph Bagley's July 31, 2024, expert  
rebuttal report in just one moment.

(Thereupon, Exhibit 4, Dr. Joseph  
Bagley's July 31, 2024, Expert Rebuttal Report,  
was marked for identification.)

MR. ETTINGER: I'm having trouble  
finding it. One second.

BY MR. ETTINGER:

Q. Just to start off, did you review  
Dr. Bagley's rebuttal report in this matter?

A. Yes, I did -- I did read it.

Q. Turning to page 2, Dr. Bagley identified  
the example of the town of Newbern --

THE STENOGRAPHER: The example of  
what?

BY MR. ETTINGER:

Q. -- the town of Newbern as a contemporary  
instance of racial discrimination impacting black

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1 voters' ability to participate in the Democratic  
2 process.

3 Are you familiar with this instance?

4 A. I looked a little bit more into it upon  
5 looking at his report. I had not known of it before  
6 that.

7 Q. And what happened from your review of it?

8 A. Well, from what I -- from what I  
9 understand -- and I'll admit, I didn't look into it  
10 in great detail -- at least the result was a  
11 settlement where neither party admitted wrongdoing.

12 So I, kind -- once I saw that that was the  
13 case, I didn't look at it much more because that  
14 seemed to me not -- not very helpful if there was no  
15 legal conclusion of wrongdoing on the -- on the part.

16 Now, correct me if I'm -- if I'm wrong  
17 about -- about what I saw. But I didn't look into it  
18 much further when I saw that.

19 Q. Were you aware -- did you read that the  
20 town leadership refused to hold elections for  
21 decades, and it had recently failed to recognize the  
22 election of a black candidate for mayor of the town?

23 A. I saw that that -- I saw that accusation.  
24 But, yeah, again, I didn't look into it in great

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1 detail, again, because of what I saw the actual legal  
2 result being.

3 Q. Do you disagree with Dr. Bagley that this  
4 would be an example of an instance of racial  
5 discrimination impacting black voters' ability to  
6 participate in the Democratic process?

7 A. I would disagree that that was the legal  
8 conclusion because nobody admitted wrongdoing, from  
9 what I understand. So --

10 Q. Sorry. Go ahead.

11 A. Yeah. So for legal purposes, that would  
12 be the case. And I -- and, again, given that I saw  
13 that was the result, I -- I did not look into it in  
14 great detail because -- when I saw that that was the  
15 result.

16 So I can't say I have a well-formed  
17 opinion about what it would be beyond what was found  
18 in the settlement.

19 Q. And setting aside the legal significance  
20 of it, but as coming from a political scientist, in  
21 your view, is this an example -- do you disagree that  
22 this is an example of an instance of racial  
23 discrimination impacting black voters' ability to  
24 participate in the Democratic process?



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1 A. I would have to look into it more than I  
2 did. Again, given what I saw of the legal result --  
3 and I know you're not asking about the legal  
4 result -- but I -- I did not give it the attention to  
5 be able to come to a conclusion on that -- on that  
6 question, again, because I did not keep looking at it  
7 once I found what the result was.

8 So, again, I know you're not asking the  
9 legal result, but that did shortchange or  
10 short-circuit my own attention to it.

11 Q. And do you believe this fact is relevant  
12 for analyzing Senate Factor 1?

13 A. In what -- in what way? I mean --

14 Q. Is there --

15 A. Yeah. What particularly would you be  
16 asking on that?

17 Q. Yeah. Would this -- this kind of example  
18 of conduct, in your view, be relevant to the question  
19 of Senate Factor 1?

20 A. If it is true that -- that there was a --  
21 an instance of people discriminating against, you  
22 know, African American candidates, then, yes, if  
23 that's what was proven.

24 I find it strange that Dr. Bagley says --

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1 again, says -- it talks about an admission of  
2 intentional discrimination. Perhaps I didn't look  
3 far enough into it. It seems like he might be asking  
4 more of the case than what was actually resolved.  
5 But it would be relevant to investigate that kind of  
6 accusation, yes.

7 Q. Turning to page 3 of Dr. Bagley's rebuttal  
8 report, at the top of the page, he cites the  
9 historian named Joseph Crespino.

10 Are you familiar with that historian?

11 A. Yes, I do know of him. Yes.

12 Q. And have you read his piece cited here at  
13 the bottom, Strom Thurmond's America, or reviewed  
14 that?

15 A. It has been a long time. I know it was  
16 published, what, in 2012. I think I read it in maybe  
17 2014. And I did not -- I did not reread it in  
18 response to Dr. Bagley's report.

19 Q. And in the section quoted here that I'll  
20 highlight, it reads, "The Southern strategy narrative  
21 is not wrong. Conservative Republicans did pursue  
22 disaffected Southern Democrats who represented a  
23 mother lode of votes that they had to tap in order to  
24 win influence in the GOP and compete on the national

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1 level. Yet by isolating white Southerners as carriers  
2 of the racist gene in the modern GOP, the Southern  
3 strategy narrative actually understates the role of  
4 racial reaction on the right."

5 Do you disagree with Mr. Crespino's  
6 analysis?

7 A. Yes. As far as I understand, the idea of  
8 understating the role of racial reaction, I would  
9 want to ask what racial reaction is.

10 But I was arguing that race was not the  
11 predominant factor that moved the votes ultimately  
12 long-term from majority Democrat to majority  
13 Republican. So I -- it seems like I'd be in  
14 disagreement with how he's arguing.

15 Q. And are you familiar with the concept of  
16 racial reaction among -- within the political science  
17 literature?

18 A. I believe so. I mean, I've run into the  
19 term. I think I know what it means. But if you'd  
20 like to talk about it more, I would want to make sure  
21 we were on the same -- the same terms and grounds on  
22 that. But, yes, I have -- I have heard -- heard the  
23 term and think I know what generally is meant in the  
24 literature.

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1 Q. And just to make sure we are, kind of,  
2 talking about the same concept.

3 What is your conception of that -- that  
4 term?

5 A. I understood racial reaction to be the  
6 idea that in response to race, in some broad way,  
7 shape, or form -- and I think there's several  
8 manifestations the literature has this take -- the  
9 reaction to, say, Civil Rights Movement or the Voting  
10 Rights Act or the Civil Rights Act or, you know,  
11 other things like that has resulted in a reaction by  
12 whites, in particular, against, say, the Democratic  
13 Party or against the Civil Rights Movement. And it  
14 has had various economic, social, and political  
15 manifestations.

16 I know that's very broad. But I've seen  
17 it taken in several directions in what literature I  
18 do recall about it.

19 Q. And have you reviewed literature  
20 evaluating the theory of racial resentment in  
21 politics -- or racial reaction? Sorry.

22 A. Yeah, I was going to ask. That seems like  
23 not an unrelated but not the same term.

24 Yes, I have -- I have looked at some

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1 literature along those lines. I do know of it,  
2 especially as it relates to, say, the Southern  
3 strategy that is mentioned, I believe in -- yes, I  
4 believe in here.

5 So, yes, I do know of some of the  
6 literature broadly about those questions.

7 Q. And how does that body of scholarship  
8 influence -- or to the extent it did influence your  
9 opinions in this case?

10 A. Well, I end up, for lack of a better term,  
11 reacting to the question of reaction. And, again,  
12 found, especially as it crossed over into the  
13 question of the Southern strategy that I spend a good  
14 amount of time on in my report, believed that it  
15 actually overstates, at least what my question was  
16 and the issue I was addressing, which is the degree  
17 to which Southern voters are moving from Democrat to  
18 Republican predominantly on the basis of race.

19 Q. Further down on this page, Dr. Bagley  
20 notes that you cite to the historian Glenn Feldman,  
21 and you cite, in particular, to a book that you wrote  
22 pertaining to the years 1865 to 1944; is that  
23 accurate?

24 A. Yes, I do.

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1 Q. And are you familiar with his more recent  
2 book Painting Dixie Red: When, Where, and Why the  
3 South Became Republican?

4 A. Yes.

5 Q. Do you disagree with Dr. Bagley's  
6 characterization that he's a very important historian  
7 about Alabama's politics and race?

8 A. I don't disagree that he is an influential  
9 one. No.

10 Q. Did you review his work, the Painting  
11 Dixie Red book in preparing your report?

12 A. I believe I reread sections of it,  
13 although it's now been long enough ago in the process  
14 I couldn't give you book and -- I couldn't give you  
15 chapter and verse. But, yes, I do remember relooking  
16 at certain parts of it.

17 Q. And as Dr. Bagley cites here, in that  
18 book, Professor Feldman writes that "It is about  
19 race. There can be no questioning or minimizing of  
20 that basic premise. The South's partisan realignment  
21 from Democratic to Republican is about race."

22 Do you see that?

23 A. Yes.

24 Q. And do you disagree with that statement?

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1 A. I do. In fact, I am sort of baffled a  
2 little bit by -- in the previous paragraph that --  
3 the way even Dr. Bagley mentions about how I  
4 discussed Mr. Feldman.

5 I do quote him positively in his book  
6 about 1865 to 1944 because he actually says something  
7 we don't disagree about. But just because I cite  
8 someone approvingly on one point doesn't mean I have  
9 to accept everything they've said about everything,  
10 which goes for the reports that were made by others  
11 in this case where they'll even admit at times that  
12 they think I got something right and then have stated  
13 disagreement.

14 So, yeah, I cite him that I agree with him  
15 on certain points, but that doesn't mean I agree with  
16 him on every assertion that he's made.

17 Q. Understood. What aspect of Professor  
18 Feldman's analysis of it -- realignment -- do you  
19 agree with?

20 A. I agree -- well, I'm more talking about  
21 the earlier book from -- that followed Alabama  
22 politics in -- from 1865 to 1944 that says that at  
23 that point race was a -- or if not the -- dominant  
24 factor in -- in the politics of the South.



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1 And so that's the -- that's the main  
2 focus -- or that was the main thing that I was noting  
3 that I agreed with and that I included in my report  
4 that I agreed with is that we diverge in the later  
5 history, at least our analysis or conclusions about  
6 the later history, but not, generally speaking, 1865  
7 to 1944.

8 Q. Turning to page 4, Dr. Bagley cites to  
9 Patrick Cotter from the University of Alabama.

10 Are you familiar with Professor Cotter?

11 A. I don't believe I have read his work, no,  
12 not that I remember. I mean, I've read a lot of  
13 literature on these things. But it certainly wasn't  
14 something I -- if I've read it in the past that I  
15 brought back up when I was looking at writing this  
16 report.

17 Q. And in this section, he notes that race  
18 was among the most important of the social issues  
19 that were driving white Alabama voters to the  
20 Republican Party.

21 And according to this view, he wrote  
22 "Republicans, whether they like it or not, have drawn  
23 support from voters who harbor antiblack sentiments  
24 or who view the Democratic Party as too influenced by



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1 black political groups."

2 With respect to that latter statement  
3 about where they've drawn the support, do you  
4 disagree with Professor Cotter?

5 A. What -- a particular part of it? I mean,  
6 if it's the statistical question of whether whites  
7 vote more Republican than Democrat now in the South,  
8 and in America generally, I don't disagree with that.

9 But if the idea is that they are doing so  
10 because the voters clearly are harboring antiblack  
11 sentiments and voting predominantly on those, I would  
12 argue that I have not seen that proven to the degree  
13 needed to be able to make such a -- such a claim in  
14 the literature over the last, as I -- as I say in my  
15 report, last 50 years or so.

16 Q. And specifically with this statement being  
17 that "Republicans, whether they like it or not, have  
18 drawn support from voters who harbor antiblack  
19 sentiment or who view the Democratic Party as too  
20 influenced by black political subgroups [sic]," do  
21 you disagree with that statement?

22 A. Is there -- at least as far as harbor  
23 antiblack sentiments, I haven't seen that proved in  
24 the literature. You're asking about influenced too

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1 much by black political groups. I would need more  
2 context on what they even mean by -- by that  
3 statement -- or what he even means by that statement.

4 But, again, I'll go back to what I've been  
5 saying and I said in my report. I don't think that  
6 racial appeals are the best dominant explainer for  
7 how we moved entirely from dominant Democrat to  
8 dominant Republican. And I get into why I think  
9 there are nonracial answers that don't get the  
10 attention these other -- scholarship like this -- it  
11 seems like others I've read -- give it.

12 Q. And so, I guess, in, like, the post 1964  
13 period, did the Republican Party begin drawing more  
14 support from voters who harbored anti-civil rights  
15 viewpoints?

16 A. I think in 1964, they certainly benefited  
17 from the passage of the Civil Rights Act by -- well,  
18 by a Democratic president, although it never would  
19 have gotten passed without Republican votes.

20 But my argument is that I don't think,  
21 ultimately, those -- those appeals were made on  
22 racial grounds, at least not -- that wasn't the  
23 dominant appeal, nor that they were that stable, nor  
24 that they were part of the longer progression from

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1 Democrat to Republican Party.

2 I think there's too many instances, you  
3 know, of Wallace then running in '68 and Nixon coming  
4 in third behind Humphrey and Wallace. And there's  
5 too many other things -- I mean, I'd be happy to talk  
6 through in my actual report -- to at least make a  
7 racial appeal what the GOP was hanging its hats  
8 long-term on.

9 Because, in the end, the terms that a  
10 Nixon gave them when -- even in a way that a  
11 Goldwater gave them was, again, the pace of their  
12 losing, the pace of them being ostracized from  
13 American politics, at least as a recognized,  
14 cohesive, and respected group.

15 Q. And at this point, I'm not asking for your  
16 opinion on, kind of, the intent of the messaging or  
17 appeal but as just a matter of voting support.

18 In your view, did the Republicans after  
19 '64 and, kind of, over time attract more voters who  
20 had pro segregationist or anti-civil rights  
21 viewpoints?

22 MR. GEIGER: Objection to form.

23 THE WITNESS: That would seem like a  
24 reasonable assertion, again, on the basis

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1 of, they had no natural home after '64  
2 and, therefore, were forced to take what  
3 they thought was the better of two bad  
4 choices.

5 So it seems to me that it's  
6 important to specify, yes, they may have  
7 thought that the GOP was maybe the better  
8 option for some of them. Although, I  
9 would be -- I think the thing that also  
10 has to be kept in mind is how long  
11 Democrats continue to do well in Alabama  
12 after 1964.

13 And so it's not clear to me if -- if  
14 that really was the case, at least below  
15 the presidential level; and even at the  
16 presidential level, it was, I think,  
17 problematic for the reasons that I've  
18 already noted.

19 BY MR. ETTINGER:

20 Q. And when you mentioned, kind of, the  
21 better of two options, is that with respect to  
22 their -- their viewpoints on civil rights  
23 specifically?

24 A. Really on the enforcement of civil rights.

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1 And I specify that in the report, that the -- you  
2 know, Goldwater opposes the '64 Civil Rights Act, but  
3 he opposes it on Federalism grounds.

4         Nixon, for things I mentioned in my  
5 report, is actually very effective. His  
6 administration is relatively effective in integrating  
7 schools and desegregating them. But he was not  
8 wanting to take as aggressive of an approach, which  
9 is, by the way, some of the literature that others --  
10 that were -- Bagley and others cite admits as much,  
11 admits that Nixon was not making direct, overt  
12 appeals to race, and actually affirmed enforcement of  
13 civil rights, even if it wasn't the most stringent or  
14 the most aggressive of the options. But there was no  
15 pro segregation party at that point.

16 Q.         Understood. But voters -- like, let's say  
17 in Alabama -- who held pro segregationist viewpoints  
18 following 1964 would have or likely preferred the  
19 Republican solutions to integration more than  
20 Democratic candidates on a national level?

21 A.         On a national level, I think that would  
22 be -- I think that would be fair -- fair to say,  
23 again, given the bad state that they were in after  
24 that.

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1 Q. But as you note, at the state level,  
2 maybe -- I guess I'll just ask -- did the Democratic  
3 Party within Alabama adopt the same types of  
4 positions when it came to integration as the national  
5 Democratic Party?

6 A. There were definite tensions there and  
7 even outright contradictions there, somewhat  
8 depending candidate to candidate as well. But, yes,  
9 there was a break for a time within the Democratic  
10 Party on that, especially early on.

11 Q. And so during that, kind of, let's say,  
12 the two decades post 1964, those who held pro  
13 segregationist views in Alabama may still have  
14 supported Democrats at the state level in Alabama who  
15 did poll the same integration views as the national  
16 party?

17 A. I think that's -- I mean, I don't know  
18 about your time frame of how many decades. But,  
19 absolutely, I think there is good evidence that they  
20 were not sure exactly where to go below the national  
21 level. And that one of the reasons -- and,  
22 therefore, voted -- continued to vote down-ballot  
23 Democrat in many instances.

24 I mean, one has to ask also as far as

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1 their natural home why the Democratic Party doesn't  
2 lose its majority in the House in Alabama after 1964  
3 until, I believe, it's 1996, or doesn't lose its --  
4 Republicans don't take over the legislature until  
5 2010.

6 And I think what you're saying is a small  
7 part of that story. But my whole point is to say it  
8 doesn't explain those time- -- race doesn't explain  
9 those timelines adequately.

10 Q. And were there other, I guess, critical  
11 policy differences between the Alabama Democratic  
12 Party and the national Democratic Party, aside from  
13 the issues of civil rights, that, in your view,  
14 played a significant role in why white voters in  
15 Alabama continued to vote for Democrat -- within the  
16 Democratic -- within the state level but not at the  
17 federal level?

18 A. Yes. I would say that the Democratic  
19 Party -- I point out the tensions within the  
20 Democratic Party that arose really in the '60s,  
21 although there were precursors to it before about the  
22 New Left.

23 And I think one reason you can see a  
24 discrepancy between national voting patterns and more



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1 local voting patterns is the Democratic Party looks  
2 on economic and other social issues a little less  
3 like the New Left in the -- in the broader Democratic  
4 coalition and a little more like the old New Deal  
5 coalition on some of those questions.

6 And that -- that being behind, you could  
7 say, on the trends of the national party certainly  
8 helps keep Democrats in. And some of it's just, you  
9 could say, lineage. The long-standing tradition of  
10 voting Democrat can sometimes cause people to vote  
11 that as well.

12 But, yes, I would say that there are  
13 differences between the national and the state  
14 Democrats that that would matter with, and that's  
15 part of the broader history regionally in the South  
16 and elsewhere.

17 Q. And on the point of the New Left,  
18 Dr. Bagley on, kind of, your view of the impact of  
19 the New Left says that "In his view, the New Left  
20 continues to focus on economic issues of the working  
21 class in America but also refused to continue to look  
22 the other way in the politics of white supremacy."

23 Do you disagree with that statement?

24 A. Could you highlight that, please, just to



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1 make sure I'm --

2 Q. Yeah. Let me see if I can find that.

3 While I look for that, I guess, I just  
4 want to understand. What is your view of how the  
5 New Left economic positions negatively impacted their  
6 ability to persuade white voters in Alabama?

7 A. Well, the New Left economic policies  
8 tended to go -- and maybe this is where I might  
9 disagree with Bagley, if you were characterizing what  
10 he -- what he -- if I understood that accurately --  
11 go from the New Deal economic program of a, kind of,  
12 regulated economy to the perception, I think -- and  
13 certainly the accusations made against them by their  
14 political opponents was that they took an extra step  
15 toward what they were accused of, of being Socialist  
16 or Communist.

17 And, again, I'm not assessing whether that  
18 was an accurate characterization. But I do know it  
19 was a characterization that their policies became  
20 much more redistributionist, much more government  
21 command and control of the economy, and that that was  
22 seen by a number of people as going beyond what the  
23 New Deal was -- was doing.

24 I mean, this is an argument that Reagan

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1 makes. When Ronald Reagan says, "I was a New Deal  
2 Democrat. The Democratic -- I didn't leave the  
3 Democratic Party. It left -- it left me." So I  
4 think that is an important change.

5 And then the other change I say that is  
6 important is that argument economically got  
7 increasing salience as the -- as the South changed  
8 economically. As I note, in the 1940s, only about  
9 30 percent of the South is middle class. At that  
10 point, the Republican Party's backbone is seen to be  
11 the middle class. By the 1980s, it's 60 percent.

12 So it's also that the South changed and  
13 became even less receptive to the economic arguments  
14 of the time.

15 So I don't think it's accurate to say that  
16 the New Left didn't make adjustments that mattered to  
17 the economic policies of the New Deal. And I can  
18 talk about more of those if we want.

19 But I think it's also true that you -- I  
20 say you have to keep in consideration the South  
21 changing economically as well that made them more  
22 amenable to those kind of arguments where they might  
23 not have been before.

24 Q. And did the -- did the New Left advocate

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1 for more interventionist policies to achieve  
2 integration?

3 A. Than -- than who?

4 Q. Than Republicans at that time.

5 A. I would say they -- more aggressive. They  
6 didn't -- they didn't disagree on whether integration  
7 was a good thing, but they did argue for a more  
8 aggressive approach.

9 But I'd also say they also argued for  
10 approaches that certain Republicans opposed based on  
11 the principle of racial equality. That they  
12 disagreed on how to accomplish the goal of racial  
13 equality, not just a question of the aggressiveness  
14 or less aggressiveness of integration.

15 Q. And when would you say the New Left was --  
16 kind of became the predominant force within the  
17 Democratic Party?

18 A. That -- that is a -- a good question that  
19 I don't know if I could give a definite answer to. I  
20 can tell you when it started to become a major  
21 political force, and that is at least no earlier  
22 than -- at least no later, I would say, than 1972  
23 because they get George McGovern as their candidate.

24 But they were a major force even before

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1 that. And so, in some ways, I think, that hurts the  
2 Alabama Democratic Party because it's not necessarily  
3 that the New Left takes over the Alabama Democratic  
4 Party at that point, but the Alabama Democratic Party  
5 gets painted with a broader brush of those larger  
6 trends.

7 And I think it accelerates after '76. And  
8 I note this, the scholarship has said that the way  
9 that the primary system changed after the  
10 Fraser-McGovern Commission accentuates and privileges  
11 both what are called Neoliberal and New Leftist  
12 elements of the party.

13 So -- so dominant? I'd say it's certainly  
14 dominant by the 2000s. But a major force that was  
15 able to get its own candidates nominated to the  
16 Democratic national ticket as early as the early  
17 '70s. And -- yeah -- at least the early '70s.

18 Q. And were any of the Democratic members of  
19 Alabama's Congressional delegation within, kind of,  
20 the New Left in the 1960s?

21 A. I would not characterize the ones that  
22 I've looked at and studied as so.

23 Q. How about any in the 1970s?

24 A. I would have to look again a little closer

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1 to determine when -- when that started to happen in  
2 any -- in any sort of detail.

3 But I do -- I would say that from what I  
4 understand, its power and influence was noticeably  
5 lesser than on the national level.

6 Again, I think that's part of why the  
7 national Democratic Party -- the Alabama Democratic  
8 Party at times got painted with a national brush.  
9 And I think it's also partly why it didn't move as  
10 quickly over as maybe some other states.

11 Q. And do you know when Alabama's  
12 Congressional delegation became a majority  
13 Republicans?

14 A. Well, it did in 1964 for one election,  
15 lost it, and didn't get it again until over  
16 three decades later. I believe it was 1996.

17 Q. If the New Left, kind of, rose to  
18 prominence starting in 1972 --

19 THE STENOGRAPHER: Can you say that  
20 again. Sorry.

21 MR. ETTINGER: Sure.

22 BY MR. ETTINGER:

23 Q. If the New Left, in your view, rose to  
24 become a dominant force, or the language you used is

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1 not dominant, but the Congressional delegation did  
2 not flip to Republican until 1996, how does that time  
3 delay impact your analysis?

4 A. I think it shows that, to some degree,  
5 Alabama was -- the party itself was not as taken over  
6 as quickly by the New Left. I think it shows that --  
7 what I think it most shows is that there were some  
8 distinctions made between the national and the state  
9 party that explained some of the split there.

10 And I do think it's very important for  
11 understanding on what grounds the Republican Party  
12 was gaining traction and power because it wasn't  
13 immediately in reaction long term to the -- to the  
14 Civil Rights Movement or other things. It seemed to  
15 be by other factors, as I -- as I note.

16 Q. Turning ahead in Dr. Bagley's report to  
17 page 8. Sorry. Page 7. He discusses -- you  
18 mentioned William F. Buckley in your report; is that  
19 correct?

20 A. Yes, as the founder of National Review.

21 Q. And his, kind of, prominence in the role  
22 of contributing to the rise of the modern  
23 conservative movement; is that right?

24 A. Yes.

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1 Q. And he extolled the virtues of, in part,  
2 free market and states' rights?

3 A. Yes.

4 Q. In Dr. Bagley's opinion, he notes that  
5 both states' rights and free market economies have  
6 been used as coded racial appeals for plainly racist  
7 policies.

8 Do you disagree with that statement?

9 A. I guess I would -- I'd have to ask what  
10 are the particular instances he's -- he's looking at  
11 to make that claim. So free market economics I find  
12 particularly hard to figure out how we're supposed to  
13 understand that to have been coded racial appeals.

14 I certainly could see that states' rights  
15 could be seen as a -- as more palpable to someone who  
16 is a segregationist because the idea might be that  
17 the issue is being left to the states.

18 But as far as the people, Buckley himself  
19 and the people of that area, I find the hypothetical  
20 to not really check out as well as Dr. Bagley seems  
21 to think it does in the actual application to the  
22 history of the time.

23 Q. And why would, kind of, an appeal to  
24 states' rights may -- why would that appeal to those



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1 who may have pro segregationist views?

2 A. I mean, it could if the idea was that it  
3 would lessen governmental intervention into  
4 desegregation and other things.

5 But, again, I think this plays into the  
6 narrative or the point I was making that, at this  
7 point, segregationists can't make an overt argument  
8 and get by with the Republican Party. They're stuck,  
9 for example, with Barry Goldwater who desegregates  
10 his own business, desegregates the Armed -- the  
11 National Guard, I think it was, or the National  
12 Air Force in Arizona, votes for the 1957 Civil Rights  
13 Act, votes for the 1960 Civil Rights Act, and you're  
14 reduced to him thinking it is a moral good but  
15 disagreeing with the -- with the 1964 Civil Rights  
16 Act on how to achieve that good.

17 So yeah, again, it's a question of what  
18 are these voters, to the degree they exist after '64,  
19 left with? What do they actually have to go on? And  
20 it seems like not much.

21 Q. And in your view, has discussions of  
22 states' rights at times been used as coded racial  
23 appeals?

24 A. How would you understand in this case



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1 coded racial appeals?

2 Q. I'm sorry. A political message that is  
3 intended to appeal to a particular audience who holds  
4 discriminatory racial views.

5 A. I mean, I think that the Republican Party  
6 did early on recognize that if it took a more  
7 moderate position on civil rights, it could probably  
8 do -- it could do better in the South.

9 But I think that that was coming  
10 predominantly out of its own commitment to Federalism  
11 as a good principle in and of itself, not to  
12 racial -- segregation as being a good, right, or a  
13 condoned opinion.

14 Q. And I think you mentioned that a moderate  
15 view might help Republicans do better in the South --  
16 I'm sorry -- a moderate view on integration.

17 THE STENOGRAPHER: Can you repeat  
18 that.

19 MR. ETTINGER: Yeah.

20 BY MR. ETTINGER:

21 Q. You mentioned that a more moderate  
22 review -- view on integration may help Republicans do  
23 better in the South.

24 Why would that be?

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1 A. It can come from, I think, several  
2 factors, and I think, if you look at how people spoke  
3 at the time, I think you could see this. And one  
4 factor could be that localism and agrarianism were  
5 very strong and really in some ways continue to be  
6 very strong in the South. And so a more active  
7 interventionist national government is not seen as a  
8 positive or a good in and of itself.

9 And -- and, yes, if there were people who  
10 before believed in segregation, that could be one  
11 reason where, if they don't have a good option, they  
12 go with the option, again, for them to lose slower.

13 So I think there can be a variety of ways.  
14 I think not -- not just segregated -- remaining  
15 segregationists wherever they were, however many  
16 there were, but, again, the agrarianism, the  
17 localism, and other things along those lines would be  
18 attractive as well.

19 And the other is, I think, the idea that  
20 the growing conservative message against regulation  
21 in general could have -- could have been positive. I  
22 mean, if you read -- or watch Barry Goldwater's 1964  
23 acceptance speech at the -- in San Francisco, this  
24 sort of, you could say, more Libertarian strain was

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1 certainly already a part of that rugged individualism  
2 that has often been sociologically attributed to  
3 parts of the South.

4 Q. And I guess to take a specific example,  
5 would you say that Barry Goldwater's decision not to  
6 support the 1964 Civil Rights Act increased his  
7 ability to persuade pro segregationist voters in  
8 Alabama to vote for him?

9 A. Yeah. Yes. I would say it -- the  
10 segregationists as a protest vote voted for -- tended  
11 to vote for Goldwater overwhelmingly, I would even  
12 say, probably voted for Goldwater based on the  
13 evidence we have before reverting back to the  
14 Democratic Party or George Wallace after that.

15 Q. And do you think that -- in your view,  
16 does -- did George Wallace's, kind of,  
17 anti-integration viewpoint help attract support among  
18 white voters in Alabama when he ran for president?

19 A. Yes. I do think that was -- that was part  
20 of his appeal and why the Republicans go from  
21 71 percent of the vote in '64 as getting a protest  
22 vote to those voters voting more for who they really  
23 wanted in '68, and then Nixon dropping to, I believe  
24 it was, 13 or 14 percent in the state of Alabama and

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1 some similarly bad numbers in other parts of the  
2 South.

3 Q. And in your -- some of the factors that  
4 you've identified in terms of economics and other  
5 issues, if those were the strongest motivating  
6 factors, why did voters in Alabama leave the  
7 Republican candidates to vote for George Wallace in  
8 the elections that he ran for president before coming  
9 back to the Republican Party?

10 A. I think it is several factors. One, that  
11 the distance between the Alabama Democratic Party and  
12 the national party allowed a number of Democrats to  
13 believe they could stay in the Democratic Party.

14 Also, I would say that some of the  
15 messaging for the Republican Party took time to grow  
16 in popularity. I mean, that's why the average  
17 Republican in the 1980s, I believe it is, is 10 years  
18 younger in some of the statistical polling that has  
19 been used than the average Democratic.

20 The migration from the North to the South  
21 of a lot of middle class, white collar, white voters  
22 that tended to be the stronghold of the Democrat --  
23 of the Republican Party -- pardon me -- elsewhere.

24 Generational replacement, as far as all

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1 those factors, I think, you know, said that you're  
2 not going to have those kind of changes happen in a  
3 flash. We were seeing the slow-motion convincing and  
4 replacement and adjustment.

5 And also, the last thing I'll say is, not  
6 all of these issues came up at once. Roe v. Wade  
7 isn't decided until 1973. LGBTQ issues don't come to  
8 any kind of real attention until the 1990s or even  
9 later. The South economically booms later than this.

10 So some of those issues weren't even in  
11 play in any significant way as a point of  
12 disagreement. The school prayer cases. Right?  
13 Those come in the '60s. But as they work themselves  
14 out.

15 So this is part of the broader problem I  
16 was having with some of the other literature in that  
17 you have to know when things happened. You have to  
18 know when issues achieve a certain salience. You  
19 have to know when important events take place. And  
20 it's not all at the same time.

21 It is a -- even as Republicans are making  
22 a certain argument in the '50s and '60s, conditions  
23 and the state of the Democratic Party are affecting  
24 how much that gets people to be rethinking their

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1 partisan outlook.

2 Q. Turning back to Dr. Bagley's report, he  
3 cites Carl T. Bogus, and it states that it was the  
4 presidential campaign of Barry Goldwater in 1964, and  
5 most especially Richard Nixon in 1972, that exploited  
6 resentment over civil rights and caused the South to  
7 shift from the Democratic to the Republican Party.  
8 But it was the National Review's position on race in  
9 the late 1950s that made this possible by placing  
10 conservatives in opposition to civil rights.

11 Do you disagree with that statement?

12 A. Yes, a number of parts of it. So I am  
13 willing to go through all of my disagreements if  
14 you'd like.

15 Q. We'll start with, do you disagree with  
16 that it was that the National Review advocated for  
17 less aggressive intervention efforts when it came to  
18 integrating?

19 A. Well, some of this would depend upon when.  
20 So often the National Review's position is attributed  
21 to an article written in 1957 -- the author's name is  
22 escaping me right now -- that was pro segregation.

23 But what's interesting is that Buckley  
24 himself -- and the 2017 book on Buckley that I cite

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1 is not the only source, but helpful on this. Buckley  
2 admittedly has a change of heart. But that change of  
3 heart isn't in 2008. It's at least -- no later than  
4 1963 where he argues with his own mother about  
5 whether their Roman Catholicism is compatible with  
6 denying the equality of human beings.

7         So by 1965, I think it is, Goldwater -- or  
8 not Goldwater -- pardon me. By 1965 Buckley's  
9 running for governor -- or pardon me -- mayor of  
10 New York, and part of his policy -- or part of his  
11 statements are actually pro affirmative action.

12         So if he and National Review were supposed  
13 to be the enablers of a long-term pro white  
14 supremacist or pro -- or a pro segregation, then they  
15 jumped off the train way too quickly just as it was  
16 supposed to start to get fruitful for votes. They  
17 largely abandoned that train, Buckley in particular.

18 Q.         And in this part of the article -- or his  
19 report, he notes that Buckley himself penned an  
20 editorial in which he argued that the white community  
21 in the South was entitled to maintain segregation and  
22 disenfranchisement because it was the advanced race.

23         Are you familiar with this work?

24 A.         Yes. And that's partly why I brought up



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1 what I -- what I just said. Buckley himself says he  
2 had a conversion, so to speak, on this question. And  
3 it was a conversion that predates even the 1964  
4 election, at least according to the biographies and  
5 other historical reports.

6         So, no, I'm not denying. I'm saying he is  
7 actually an instance of showing that those with  
8 Southern sympathies were having their minds changed  
9 by the Civil Rights Movement. And that conservatism  
10 long term by a man like Buckley was not being defined  
11 by racial entitlement or having an advanced race.

12         So yeah. Yeah. I don't deny that he said  
13 that, and it's part of the story that he reversed  
14 himself, and reversed himself early, on those  
15 questions when it was supposed to be a time when it  
16 was supposed to be -- having those views, according  
17 to some of these other reports, was supposed to be  
18 the time where saying those things was going to get  
19 you votes and subscriptions, I assume. And he did  
20 not follow that course that long.

21 Q.         And did he advocate for proactive  
22 integration efforts involving the government?

23 A.         I -- I'm trying to remember what his exact  
24 policies were after he had his change of heart on



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1 integration itself. Like I said, I know he advocated  
2 for, as mayor of New York, for a kind of affirmative  
3 action.

4 I do know he maintained for a while  
5 opposition to the 1964 Civil Rights Act on -- on  
6 Federalism grounds.

7 But if you're going to say that on one  
8 hand he didn't want the Civil Rights Act enforced on  
9 Federalism grounds, and he's running for New York  
10 mayor arguing for at least the principle of  
11 affirmative action, that strikes me as someone who is  
12 making those decisions less based on an opposition to  
13 racial equality and more a question of what is the  
14 best and constitutional way to bring that about.

15 Q. Towards the bottom of the page, Dr. Bagley  
16 notes that for Barry Goldwater, in his view, he  
17 embraced the use of language around law and order as  
18 a racially coded phrase.

19 Do you disagree with that statement?

20 A. Yes. I think that figuring out why law  
21 and order, what was meant and what was understood to  
22 be racial, doesn't take seriously, one, the  
23 significant crime rates that started to rise in the  
24 '60s and then into the '70s and downplays that

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1 protection by the law against crime is a pretty  
2 fundamental purpose of government historically for  
3 Americans and I'd say even beyond that.

4 So to argue that that's the case, I think,  
5 misunder- -- is searching for a certain intent when  
6 the idea that one wants basic law and order is a  
7 pretty standard idea that has more to do with  
8 protecting all people, not picking out a particular  
9 race for mistreatment or anything else.

10 I think people of all races, the argument  
11 goes, should have their rights protected, should  
12 have -- be protected against crime, et cetera.

13 Q. Okay. And did Barry Goldwater use law and  
14 order language in discussion of opposition to civil  
15 rights activism?

16 A. I believe that he did at certain points  
17 argue about what would be the proper way to show  
18 dissent. But, again, I don't think that that  
19 necessarily means race is the intent or purpose.

20 There were disagreements within the Civil  
21 Rights Movement about what civil disobedience should  
22 look like or whether it should be done or the extent  
23 to which it should be done without questioning the  
24 motivations or intents of the people that were within

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1 that movement.

2 Q. And in your view, did Goldwater's language  
3 surrounding law and order -- would that have appealed  
4 to white voters in Alabama who had held pro  
5 segregationist views?

6 A. If they -- certainly, if they believed  
7 independently in law and order as a fundamental  
8 building block of society. But whether that would  
9 really be seen as a wink in favor of stopping  
10 segregation or in relation to segregation, I would  
11 have to see more of the particular comments and the  
12 particular accusations to really make that -- to make  
13 any kind of call on that.

14 Q. Moving ahead to page 8 of Dr. Bagley's  
15 report. He notes that the culmination of shift of  
16 white voters in Alabama from the Democratic to  
17 Republican Party accelerated significantly as a  
18 backlash to president elections -- President Obama's  
19 election fueled by an increase of racially polarized  
20 voting and Republican strategists targeting white  
21 Democrats, culminating in the 2010 state legislative  
22 takeover.

23 Do you see that?

24 A. Yes, I do.

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1 Q. Do you disagree that there was an  
2 increased racially polarized voting following  
3 President Obama's 2008 election in Alabama?

4 A. No. I believe statistically that was --  
5 that was the case. In fact, I think 2012 might have  
6 been a high watermark nationally for that.

7 Q. And did you analyze why that was?

8 A. I did not discuss in detail that in my  
9 report. But if I was going to expand on it, I would  
10 say that -- two things.

11 One, that one has to also think about what  
12 else is happening in 2010. Republicans nationally  
13 gained 63 seats in the House, seven in the Senate.  
14 They gained more state legislative chambers and seats  
15 than they had since the 1920s after the 2010  
16 election.

17 But what happened? I don't think it was  
18 just that President Obama was an African American in  
19 office. A lot of it was attributed to and the  
20 campaign rhetoric was dominated by the passage of the  
21 Affordable Care Act.

22 And, again, I should note, I'm not  
23 pontificating on whether the Affordable Care Act was  
24 a good or bad piece of legislation. But that was the

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1 focus of the attacks. That was the focus of the  
2 opposition.

3 I think there's another story here in  
4 relation to the New Left. A number of New Left  
5 candidates had run for president but had tended to  
6 fail in their running in the Democratic Party. I  
7 think President Obama is, by far, the closest to --  
8 really is a kind of New Left candidate who's the  
9 first to actually win and, therefore, the first to  
10 actually really get to implement policies and things  
11 like that.

12 So to see him merely as an African  
13 American, I think, is not taking him seriously as an  
14 actual political actor and the people reacting to him  
15 as a political actor.

16 We don't know what would happen if he had  
17 governed in a much more, let's say, moderate to  
18 conservative way. That's certainly not the way he  
19 was perceived to have governed by the -- by the  
20 voters, it seems, in 2010.

21 Q. And why would you characterize  
22 President Obama as part of the New Left?

23 A. Several things. His -- he ends up by  
24 2012 -- although he was moving towards this in

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1 2010 -- to be in favor of same-sex marriage, which no  
2 presidential candidate had come out for before. You  
3 had had -- pro civil unions had been the farthest any  
4 Democrat had gone.

5 He casts a vote while in -- I believe it  
6 was -- the state legislature against partial birth  
7 abortion bans, which was seen as part of the  
8 New Left. I know President Clinton also vetoed a  
9 bill to that effect, but he takes a fairly strong  
10 view there.

11 And I think if you look at his -- the  
12 Obama care -- Affordable Care Act was painted as a  
13 step toward the government takeover of healthcare,  
14 which the nationalization of healthcare was a step  
15 beyond what previous attempts at healthcare reform  
16 were. And so he was painted as New Left in that way.

17 So yeah. And the last thing I'll say, I  
18 mean, there's so much on this that I think is  
19 interesting. If one reads the Audacity of Hope and  
20 reads how then Senator but future President Obama  
21 criticizes the Clinton administration as a kind of  
22 missed opportunity because it was too moderate,  
23 because it was too, if anything, to the right, one  
24 sees that he is distinguishing himself from more

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1 moderate elements within -- within the party.

2 Q. Turning ahead to page 10, Dr. Bagley notes  
3 that you, in your report, argued that rural areas in  
4 Alabama stayed loyal to the Democratic Party while  
5 metropolitan areas were slowly becoming more  
6 Republican.

7 Is that an accurate statement?

8 A. Yes. The metropolitan areas, broadly  
9 speaking, and then suburbs as a category comes in  
10 later in the literature, are where Republicans were  
11 getting the most votes really from the 1920s until  
12 into the -- at least into the 1990s or 20th Century,  
13 depending upon how you pars out metropolitan.

14 Q. And was that change because -- I think in  
15 your report you mentioned that some of these other  
16 factors you identified started to rise in  
17 significance, such as economic issues?

18 A. Yes. Economic, other social issues, yes.  
19 Yes. That is, I think, an important part of the  
20 story.

21 Q. Is it your view that white people in  
22 Alabama cities were more racially progressive and  
23 opposed to the right, period --

24 MR. GEIGER: Object.



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1 BY MR. ETTINGER:

2 Q. -- in rural areas?

3 MR. GEIGER: Pardon me. Object to  
4 form.

5 THE WITNESS: I guess it depends  
6 upon how you understand more racially  
7 progressive.

8 If race was a dominant factor in how  
9 they voted, or if race is supposed to be a  
10 dominant factor in voting, they were not  
11 voting for the -- the validly pro  
12 segregation party.

13 So at least more progressive in the  
14 sense of that was not driving their vote.  
15 They were willing to vote for the  
16 historical party of Lincoln and civil  
17 rights and only started -- and, therefore,  
18 at least more progressive and not -- that  
19 being not a dominant factor in their  
20 votes.

21 Does that mean that, you know, a  
22 majority of Republican whites in -- in  
23 those areas were actively pushing for  
24 integration and other forms of racial



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1 equality? That -- that might be taking it  
2 too far, I think.

3 But I think it would be considered  
4 racially progressive, or however you want  
5 to use the phrase, in relation to the  
6 rural -- you know, the pro segregation  
7 elements, if anything, because it wasn't  
8 dominating their voting interests.

9 BY MR. ETTINGER:

10 Q. Are you aware of the racially motivated  
11 Bombing- -- called Bombingham?

12 A. Yes.

13 Q. Did that influence your analysis of the  
14 degree to which race remained a highly motivating  
15 factor in metropolitan white voters' preferences?

16 A. Well, I think some of this would be a bit  
17 of speculation without going into a lot more context.

18 But if you're winning, there is less  
19 reason to have to -- if you're winning dominantly,  
20 there's less reason to have to engage in those kinds  
21 of acts of violence and those very public and  
22 intimidating acts of violence. Not that those don't  
23 occur throughout other parts of Southern history.

24 But the idea that Republicans were growing

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1 in the region -- in those parts doesn't say that  
2 nobody in those areas still were angry at the Civil  
3 Rights Movement, still opposed to the Civil Rights  
4 Movement.

5 But the fact that there was violence  
6 doesn't necessarily -- I don't think means -- doesn't  
7 at all necessarily mean that that was the -- you  
8 know, that that means there were Republicans there  
9 that held those kind of racial views.

10 If anything, it means those were areas  
11 where civil rights were being contested and, by being  
12 contested, were eliciting strong, and in this case,  
13 really awful and disgusting reactions.

14 Q. And in your study of the history in the  
15 post civil rights period, would the majority of white  
16 metropolitan voters have supported the Civil Rights  
17 Act?

18 A. I think that is hard based on the data we  
19 have to say with any definitiveness, especially as  
20 that was a very different era for polling and other  
21 things. I don't know that we can determine that  
22 question for sure one way or another based on the  
23 data that we have with us.

24 Q. Do you have any opinion as to whether

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1 metropolitan white voters would have viewed the Civil  
2 Rights Act in a positive or negative manner in  
3 Alabama?

4 A. In Alabama. I would hesitate, based on  
5 the data we have, to say that. I would say if  
6 they're already voting Republican before this, or if  
7 a significant portion are, they weren't -- race was  
8 not at least as prevalent or dominant of a factor for  
9 them already upon its passage.

10 So my guess is -- it would be, I think --  
11 it would be worth saying that there's a good chance  
12 they were more -- at least more indifferent. But  
13 supportive, I think, is beyond the social science  
14 data we have to say with definitiveness.

15 Q. Are you aware of the organization of  
16 Citizens Councils in all of Alabama's major cities?

17 A. Yes, I do know -- I do know a little bit  
18 about -- about those councils.

19 Q. Are you aware of the existence of white  
20 flight to suburbs of the majority -- or the white  
21 population leaving the metropolitan areas in Alabama?

22 A. I know that that is a broader trend in the  
23 broader American -- American landscape, and I would  
24 assume the same for Alabama.

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1 Q. Were you aware of the city and county of  
2 Mobile's resistance to complying with the Voting  
3 Rights Act in the 1970s and '80s?

4 A. Yes. Yes. I do know -- I do know broadly  
5 of that story. I have not looked at those instances  
6 in detail, but I do know there was resistance at  
7 various points to it.

8 Q. Did you analyze any of these instances  
9 when evaluating whether white voters in Alabama's  
10 metropolitan areas were more racially progressive or  
11 open to race not being a predominant factor in their  
12 election?

13 A. I did not focus on those in my report. I  
14 noted the changes in voting. I focused more on the  
15 hard data we had of the changes in voting trends and  
16 in how the literature has interpreted and  
17 understood -- understood that.

18 Q. Turning to page 11 of Dr. Bagley's report,  
19 he cites to professor Wayne Flynt.

20 Are you familiar with Professor Wayne  
21 Flynt?

22 A. He would be another that I have heard of  
23 but have not looked at for a while. Yes, I do know  
24 of him.

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1 Q. And he quotes him as saying, "The most  
2 fundamental thing about Alabama is race, and they  
3 know that. And in a day when you can no longer talk  
4 like George Wallace because 70 to 80 percent of  
5 African Americans are registered to vote, and it  
6 hurts the state and it hurts you with people like the  
7 Business Council of Alabama and corporate types.  
8 What you can do is use Obama as a metaphor and  
9 everybody understands what that's about."

10 Do you see that statement?

11 A. I do.

12 Q. Do you disagree with that statement?

13 A. Yeah. Because, again, I think it's  
14 amateur psychology more than rigorous political  
15 science and history for the reasons that I said  
16 before, that it is really playing, I think, too fast  
17 and loose with not what is stated but what is  
18 supposed to be understood rather than what's directly  
19 said, what's then understood, even though it wasn't  
20 directly said, and then what's driving people's votes  
21 based on what wasn't said but understood and  
22 et cetera.

23 So, again, I just -- I just think it's --

24 I mean, this is a methodological parting of the ways

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1 where I think those things are bad political science  
2 and, again, strike me more as amateur psychology.  
3 And I don't feel equipped to do that any more than to  
4 be a professional -- less even so than to be a  
5 professional statistician.

6 Q. And just below that, Dr. Bagley points out  
7 in your opinion that you argue that Southern  
8 segregationists were in a weak position in the late  
9 1960s and '70s because the Civil Rights Movement had  
10 won out.

11 Is that a fair description of your  
12 opinion?

13 A. Yes. Yes. That it essentially had won  
14 the argument. Anything that remained was a rearguard  
15 action.

16 Q. Are you aware that Alabama did not see its  
17 first black state legislators elected until a decade  
18 after the Civil Rights Act?

19 A. Yes.

20 Q. Did this fact impact your analysis to the  
21 role race played in Alabama's politics?

22 A. I don't think that it -- that it  
23 ultimately contradicts the question of how -- how  
24 white voters are understanding and voting at the

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1 time. No. I didn't see it as something that  
2 contradicted -- well, I should say that undermined in  
3 any serious way what I was -- the conclusions I was  
4 coming to.

5 Q. Dr. Bagley also notes that Alabama  
6 wouldn't see its first black representative in  
7 Congress until the 1990s.

8 Are you -- were you aware of that fact?

9 A. Yes. In fact, I believe that was 1996.

10 Q. And the ability to select a black  
11 representative was accomplished through Court  
12 intervention in the redistricting process.

13 Do you agree with that?

14 A. I certainly think it was part of --  
15 certainly litigation was part of the story. And I  
16 think this also is part of the broader national story  
17 whereby leaders of minority organizations, racial  
18 minority organizations, working with Republicans and  
19 state legislators to carve out districts that were  
20 more amenable to electing minority candidates but  
21 also electing more Republicans, which I think was  
22 done -- Republicans were agreeing to do that largely  
23 on partisan grounds because it was gaining them  
24 seats.



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1 I know that is a broader national story of  
2 the 1990 redistricting and others that has, at least,  
3 come into the literature that I've seen and what I've  
4 looked at.

5 Q. Just to make sure I understand. Were you  
6 saying that Republicans were advocating for  
7 additional districts in which black voters could  
8 elect the candidate of their choice?

9 A. Well, I understand "candidate of their  
10 choice" to have some legal meanings in litigations.  
11 So I would be careful about the exact term I'd use.

12 But it is an argument made in political  
13 parties literature, of which I'm more familiar with  
14 than, say, specific redistricting or other  
15 literature, that says that the -- that one of the  
16 things that happened was agreements to have more  
17 majority/minority districts and that that was also  
18 meant as a way to -- because of the statistical  
19 differences of the racial polarization statistically,  
20 to give the possibility of more Republican candidates  
21 getting elected.

22 So for partisan reasons but often with the  
23 agreement of African American leaders and Hispanic  
24 and Latino leaders who themselves wanted

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1 majority/minority districts.

2 I'll admit that was not a focus of what I  
3 was looking at. But I will say that that argument is  
4 made in the political science literature and is, by  
5 many, attributed to partisan preferences and trying  
6 to accentuate partisan outcomes.

7 Q. Are you aware of whether Republicans in  
8 Alabama advocated for creating additional  
9 minority/majority districts in Alabama?

10 A. I would have -- I would have to look at  
11 that particular history of that state more. So, no,  
12 I would not -- I would not -- I would not claim to  
13 know for sure if that was the particular story to  
14 Alabama. I do know that it was a larger national  
15 story.

16 MR. ETTINGER: I think we're at a  
17 good pausing point. So we'll go off the  
18 record.

19 THE VIDEOGRAPHER: We are going off  
20 the record. The time is 3:03 p.m.

21 (Recess taken.)

22 THE VIDEOGRAPHER: We are back on  
23 the record. The time is 3:09 p.m.

24

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1 BY MR. ETTINGER:

2 Q. Turning ahead to page 14 of Dr. Bagley's  
3 report. He argues in response to your discussion of  
4 Communism or anti-Communism that "Crucially,  
5 anti-Communism in Alabama has long been closely tied  
6 to anti-Civil Rights views, with many politicians  
7 accusing Martin Luther King Jr. and other activists  
8 of being Communist."

9 Do you see that statement?

10 A. Yes.

11 Q. Do you agree with this statement?

12 A. Certainly, King was accused by others of  
13 having Communist sympathies or Communist beliefs,  
14 yes.

15 Q. And in Alabama has anti-Communist views  
16 often been closely tied to anti-civil rights views?

17 A. Civil rights -- certain civil rights  
18 leaders, again, as with King, were accused of being  
19 Communists. But to -- I think to reduce  
20 anti-Communist views in America, or the South, in  
21 particular, to merely being cloaked anti-civil rights  
22 or racial, I think, is -- would be inaccurate.

23 Q. And Dr. Bagley provides the example of  
24 George Wallace's rhetoric about Communist domination

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1 of the Civil Rights Movement and its ultimate aim of  
2 intermarriage and miscegenation.

3 Are you familiar with that -- that  
4 language?

5 A. I am -- I am familiar with that statement  
6 by Wallace, yes.

7 Q. And is that an example of anti-Communism  
8 being used in close association with anti-civil  
9 rights?

10 A. Yeah. And it's used by an avowed  
11 segregationist who was arguing for segregation and,  
12 if anything, I think, wanting to tie his -- his  
13 segregationist views to an issue that had broader  
14 appeal beyond segregationists with anti-Communism.

15 Q. On the bottom of this page, Dr. Bagley  
16 responds to your opinions about the impact of  
17 religious identity on political alignment.

18 Did your analysis account for the  
19 political views and affiliations of black Christians?

20 A. I focus -- I do focus, as I said, on the  
21 opinions mostly of white voters. So I did not look  
22 closely into the religious views of African American  
23 voters.

24 Certainly, in doing the research I did,

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1 some of these statistics and other things included  
2 voters regardless of race in its projections and  
3 things like that. But, no, as with other things,  
4 African American voters were not the focus of my --  
5 of my research and my report.

6 Q. And did you -- in your view, did black  
7 Christians experience the same or similar type of  
8 political realignment based on the parties'  
9 respective stances on religious issues?

10 A. No. I don't think that that's -- that  
11 that's the case. And, statistically, I think that's  
12 fairly -- fairly standard that there was not a  
13 comparable realignment as there was with white  
14 voters -- white religious voters, I should say.

15 Q. And why do you think that is?

16 A. Well, it's beyond the scope of what I was  
17 addressing in my report. But I can at least  
18 speculate that part of it is -- well, would be  
19 answerable by something I do say.

20 I note early in my report that parties are  
21 coalitional. And that it's not merely whether people  
22 have the same views, but it's prioritization of  
23 certain issues, lower prioritization of certain  
24 issues.

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1 And so one -- one possibility -- again,  
2 this is beyond what I was researching and writing  
3 about -- is that -- that African American religious  
4 voters didn't necessarily have the exact same  
5 priority given to things like abortion or LGBTQ  
6 rights or other things.

7 But, again, that would be speculation  
8 since that wasn't something my report focused on.

9 Q. And in particular, on page 15, Dr. Bagley  
10 cites to Pew Research that found that 48 percent of  
11 black Alabamians believe that abortion should be  
12 illegal in all or most cases and only 47 believe that  
13 it should be legal in all or most cases.

14 Do you have any reason to dispute that  
15 data?

16 A. No. No. No, I do not.

17 Q. Do you know how that -- those views differ  
18 from white Alabamians or white Christian Alabamians?

19 A. They -- at least as far as the  
20 conclusions, they don't substantively part ways with,  
21 at least, religious -- white religious Alabamians.

22 Q. And the research also found that  
23 94 percent of black Alabamians identify as Christians  
24 and 88 percent see religion as very important.

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1 Do you see that?

2 A. Yes.

3 Q. Any reason to dispute those numbers?

4 A. No.

5 Q. It goes on that black Alabamians identify  
6 as either conservatives, 41 percent, or moderate at  
7 38 percent and only 19 percent identify as liberal.

8 Do you see that?

9 A. Yes.

10 Q. And concludes with yet 80 percent of black  
11 Alabamians are Democrats, with 71 percent supporting  
12 bigger government and 67 percent believing that it  
13 does more good than harm.

14 How does this -- kind of, these  
15 combination of statistics impact your thesis?

16 MR. GEIGER: Object to form.

17 You may answer.

18 THE WITNESS: It doesn't really, I  
19 think, affect necessarily my argument.  
20 And the reason I would say that is people  
21 can identify as conservative or liberal.  
22 But, if anything, Dr. Bagley -- the  
23 research says there that 71 percent  
24 support what's called -- of African



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1 Americans support what's called bigger  
2 government and believe it does more harm  
3 than good.

4 Well, even if they consider  
5 themselves conservative, a long-time  
6 tenet -- tenet -- pardon me -- of  
7 conservatism that I, at length, point out  
8 is that, as Reagan said in his 1981  
9 inaugural address, at least in this  
10 instance, government is the problem, not  
11 the solution.

12 So a more limited government is  
13 considered a tenet of conservatism. And  
14 since Republicans and conservatives have,  
15 for most of its history -- some of that  
16 might be changing now, but that would be a  
17 very recent shift -- are proponents of  
18 smaller government, more limited  
19 government economically and in certain  
20 ways socially, but especially  
21 economically, then that could just be  
22 arguing that they don't agree with that  
23 principle of conservatism.

24 That they do want a more active

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1 government. They do want a government  
2 that is economically more regulative, more  
3 involved in the economy, more involved in  
4 other ways, potentially, too.

5 But often the idea of big government  
6 tends to be focused on economic issues.

7 And what if -- if I could add one  
8 thing.

9 If -- you may be pro life or pro  
10 choice, but it may not be the most  
11 important issue to you. You may say, "I  
12 don't care that much what a candidate  
13 believes about abortion. I care about  
14 what he or she believes about taxes or  
15 immigration or other things."

16 So that's where, even though I  
17 didn't do research into African American  
18 religious voters, you know, all of those  
19 would be very plausible explanations that  
20 would not contradict what I was saying  
21 about -- about white voters.

22 BY MR. ETTINGER:

23 Q. And have you seen evidence that indicates  
24 that, for instance, abortion is not an important

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1 issue for black Alabamians who identify as Christian?

2 MR. GEIGER: Object to form.

3 THE WITNESS: Well, they -- African

4 Americans identify overwhelmingly as

5 Democrat as that -- that -- the statistic

6 said. And some of the research I cite

7 says that by the late '90s, the Republican

8 Party is seen as the party of being

9 anti-abortion, or pro life, and that the

10 Democratic Party is known or understood to

11 be the party of -- where it is more at

12 home for pro choice or pro abortion

13 elements.

14 So I would say, again, without

15 looking into the research about African

16 Americans, that that would say that if

17 they're not voting for the pro life

18 candidates, then other issues they

19 consider more important and more driving

20 of their interests are at least more

21 important to what they do and say in the

22 ballot box.

23 But, again, this is speculation that

24 is moving, I think, consistently with, but

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1 beyond, what I was focusing on in my  
2 report.

3 BY MR. ETTINGER:

4 Q. Towards the bottom of page 15, Dr. Bagley  
5 notes that polling has also shown that black people  
6 in Alabama oppose same-sex marriage. According to  
7 Pew, 47 percent oppose same-sex marriage and only  
8 45 percent are in favor. And, again, he notes that  
9 they continue to vote overwhelmingly for Democratic  
10 candidates.

11 Do you have any reason to doubt those  
12 statistics?

13 A. No, I do not.

14 Q. And, again, does this impact your thesis  
15 in any way?

16 A. I would need to look at -- I believe,  
17 from -- that that's from 2015. I would need to look  
18 again. But it might be that, if I remember, white  
19 voters oppose same-sex marriage by even higher  
20 percentages. I mean, that's basically a -- an almost  
21 even split.

22 So if that is the case -- and I would need  
23 to look again at the research. I can't remember the  
24 exact numbers from -- I thought it was in 2014, at

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1 least, the polls showed higher percentages of  
2 Alabamians being against same-sex marriage. Maybe  
3 that's a different poll.

4 But, if anything, a greater divide there  
5 would be evidence that it is -- you know, that more  
6 whites are voting for their party, whereas here it  
7 would be, sort of, a 50/50 split. But, again, it  
8 could also be a question of what's prioritized by  
9 particular voters and subsets of voters.

10 MR. ETTINGER: Let's turn to -- I'll  
11 mark and publish Exhibit 5, which is  
12 Dr. Traci Burch's July 31, 2024, Rebuttal  
13 Report.

14 (Thereupon, Exhibit 5, Dr. Traci  
15 Burch's July 31, 2024, Rebuttal Expert Report,  
16 was marked for identification.)

17 BY MR. ETTINGER:

18 Q. Dr. Carrington, did you review Dr. Burch's  
19 rebuttal report in this matter?

20 A. Not the entire report. But I -- well,  
21 this is the same with Dr. Bagley's. I did look at  
22 where -- where she responded to -- to my report.

23 Q. And so I'll turn to that section, which  
24 begins on page 9. And she argues on the top there

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1 that "The literature is clear: Racial identity and  
2 racial attitudes shape partisanship and party  
3 cohesion, and these two phenomena have been  
4 increasingly linked since 2008."

5 Do you agree with that statement?

6 A. No.

7 Q. Have you reviewed any recent quantitative  
8 and qualitative political science literature  
9 analyzing how racial identities and racial attitudes  
10 shape partisanship and political party cohesion since  
11 2008?

12 A. I have looked at some of the research,  
13 including some that she cites. And I do have some,  
14 again, methodological problems with it. But I also  
15 actually have some statistical problems with it, not  
16 internally because, as I said, I'm not a  
17 statistician.

18 But I think that certain voting patterns  
19 that have been showing themselves over the last  
20 several election cycles would also point against the  
21 way she words that statement. That it's becoming  
22 increasingly polarized, or I forget what the other --  
23 the other phrase is she used. I would be happy to  
24 talk about those.

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1 Q. Do you disagree with her characterization  
2 of the literature in the field?

3 A. I would -- the literature she cites does  
4 agree with her. And I'm saying that I disagree with  
5 a number of the studies and other things that she  
6 cites. And the general --

7 Q. Have you done any research that's  
8 critiquing or disagreeing with -- with this theory in  
9 your report?

10 A. I'm sorry. Could you say that again.

11 Q. Sure. Do you cite to any literature or  
12 research in your report that critiques or disagrees  
13 with the position put forward here about the  
14 increased link of partisanship and racial identities  
15 and attitudes?

16 A. Yes. I cite at least one critique that I  
17 can think of off the top of my head. I would need to  
18 look at the report again. But there was one that was  
19 cited in -- I believe it was 2017 or 2016 that -- or  
20 maybe it was before that -- but that argued -- that  
21 did not find that difference.

22 And then, again, I think methodologically,  
23 there's some serious problems with some of the  
24 research, including some of the examples and other



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1 things of how -- how some of these political  
2 scientists or historians found or quote, unquote,  
3 smoked out alleged racial attitudes.

4 Q. And what is your issue with that  
5 methodology at a high level?

6 A. Would you mind scrolling down just a  
7 little bit more. This was in -- it might have been a  
8 later footnote where she cites the 2020 article and  
9 then gives examples of questions that were asked to  
10 see the connection between race and -- I apologize.  
11 I don't mean to send you on a wild goose chase  
12 through the footnotes.

13 But how does one determine beyond  
14 statistics that racial determinations were why  
15 something was being said or done. And so I remember  
16 that footnote citing, again, a 2020 study that I  
17 looked at that -- saying that you live in a country  
18 that you don't recognize. You don't recognize your  
19 country anymore. That that was a sign of racial  
20 attitudes or racism.

21 Certain positions in opposition to  
22 affirmative action or believing that -- saying yes to  
23 the statement that white -- discrimination against  
24 whites is as bad as against blacks.

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1           Regardless of what I think of the answers  
2 to those questions, I find it, again, to be more  
3 amateur psychology to claim that you know that people  
4 are saying that predominantly or exclusively for  
5 racial reasons.

6 Q.       Towards the bottom of the page, she --  
7 Dr. Burch cites Eric Schickler.

8           Are you familiar with Eric Schickler?

9 A.       Yes.

10 Q.       And he notes that the post New Deal party  
11 system in which Democrats were identified with  
12 African Americans and radical liberalism, while  
13 Republicans were associated with racial conservatism.

14       Do you agree with that characterization?

15 A.       How do you mean do I agree with that  
16 characterization? That's what he said. Yes.

17 Q.       Yes. With his characterization of the  
18 post New Deal party system in that statement.

19 A.       No. No. I would not -- I would not say  
20 that Republicans were -- well, what does he -- what  
21 does he mean by racial conservatism would be part of  
22 my question.

23       Again, I've not read -- I did not reread  
24 his book in preparation for this -- this deposition.

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1 But what does racial conservatism mean in this  
2 context?

3 Q. I can't say for sure what he means by  
4 that, but how would you understand that term?

5 A. Well, if he means that Republicans were  
6 perpetuating segregation and a consciously white  
7 party for the sake of whites as whites, I would -- I  
8 would say that's -- that's not true. And I also  
9 would disagree with the idea that that was -- is  
10 something that is shown by -- well, certainly,  
11 asserted by some of the literature, but that's shown  
12 in the things I discuss.

13 Q. At the bottom of page 9, Dr. Burch  
14 notes -- or argues that "With respect to partisan  
15 sorting of masses, research shows that the exodus of  
16 Southern white voters from the Democratic Party from  
17 1958 to 1980 was a reflection of racial attitudes  
18 rather than income or non- -- other nonrace-related  
19 policy preferences."

20 And she cites an article "Why did the  
21 Democrats lose the South? Bringing new data to an  
22 old debate."

23 Are you familiar with this research?

24 A. I -- I have -- I have not read that

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1 particular article from American Economic Review.

2 No.

3 Q. Further on page 11, Dr. Burch argues that  
4 "Political science research shows that race-related  
5 attitudes were an important predictor of support for  
6 President Obama, and the relationship between vote  
7 choice and racial attitudes was stronger in the 2008  
8 presidential election than in those prior."

9 And in that, she cites to research from  
10 Tesler -- Michael Tesler and "The return to  
11 old-fashioned racism to white Americans partisan  
12 preferences in the early Obama era."

13 Have you reviewed that article?

14 A. I did for a prior -- prior case. But yes.

15 Q. And which case was that?

16 A. The Stone v. Allen.

17 Q. Do you disagree with this conclusion?

18 A. I would -- I would agree with the  
19 statistical point. I have problems with, at least,  
20 as far as white voters, the way that white voters are  
21 discussed and how racial attitudes are determined in  
22 that -- in that -- in that literature.

23 But the idea that the 2008 presidential  
24 election was very, very statistically racially

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1 polarized, certainly more than the 2004 or 2000  
2 races, I think, is -- is true.

3 And that's part of my disagreement with  
4 the characterization of trajectory. A lot of this  
5 research stops -- some of the research being cited  
6 stops -- cites 2008, 2012, and then acts as if that's  
7 been the trajectory going out.

8 Whereas just hard voting numbers in, say,  
9 2020 and 2022 has shown that those were high  
10 watermarks of statistical racial -- racial  
11 polarization. And that working class Hispanics,  
12 Latinos, and even African American men are voting in  
13 numbers for Republicans not seen either ever or at  
14 least since 2004.

15 So I think the idea that things ossified  
16 in 2008 or 2012, the actual election data -- not  
17 asking people questions that aren't related to race  
18 and then smoking out whether racism was underneath  
19 it. I think just the voting patterns -- that I'd be  
20 happy to talk about -- don't show that. Show that,  
21 if anything, working class minority voters are  
22 becoming more Republican.

23 Q. And you mentioned that there was an  
24 increase in racially polarized voting from 2004 to

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1 2008.

2 What do you attribute that increase in  
3 racial polarized voting to?

4 A. Well, I think it seems -- I mean, this is,  
5 again, outside what I was studying. But especially  
6 for African American voters having the first ever  
7 African American president on the ticket, I think,  
8 would be part of that.

9 I think also the fact that President Obama  
10 was -- then Candidate Obama was not considered a  
11 moderate and was painted as far left certainly  
12 continued to accentuate already growing divides in  
13 the electorate.

14 But, yes, having -- having the first ever  
15 African American national candidate running on the  
16 national ticket, I think, did matter, especially for  
17 African American voters.

18 Q. Down below, Dr. Burch cites Abramowitz and  
19 McCoy who found that with respect to candidate choice  
20 and racial resentment, Donald Trump's heavy emphasis  
21 on racial issues led to a further increase in the  
22 strength of the relationship between racial attitudes  
23 and voting patterns, especially among white voters  
24 without college degrees.

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1 Did you review the research cited by

2 Abramowitz and McCoy?

3 A. Yes. Yes. And I have a similar objection

4 to some of the ways that those -- that information

5 was reached or the way that conclusion was made.

6 Because if I'm remembering -- I might be mixing it up

7 with one other -- some other of the research -- but

8 this was attributed to, for example, having certain

9 views about immigration, wanting a more restrictive

10 immigration policy, or having certain views about

11 cultural and social change were seen as coded as

12 increasing racial animosity.

13 Where, again, I think that's asking to

14 smoke out what political scientists aren't

15 necessarily equipped to know about people's internal

16 psychology.

17 Q. And understanding your concerns with their

18 methodological approach, below, she notes that "The

19 correlation between evaluations of the two major

20 party presidential candidates and racial resentment

21 was 0.636 among white respondents."

22 Aside from your concerns with their

23 methodological approach, do you have any reason to

24 doubt that finding?



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1 A. I mean, if their method is flawed, then I  
2 don't know what else there is to find -- find the  
3 report substantial.

4 I mean, if your question is, does the --  
5 the 0.636 figure, is that statistically significant?  
6 Yes. But it's only useful if the methodology is  
7 really smoking out racial resentment.

8 If they're flawed -- if they're -- if  
9 they're unintentionally capturing people who have the  
10 beliefs they do about immigration or law and order or  
11 things for other reasons, then it's hard to measure  
12 whether that statistically significant isn't just  
13 cherry picking.

14 Q. Understood. On page 12, Dr. Burch notes  
15 that "Research has shown alternative explanations for  
16 polarization also became tied more strongly to racial  
17 attitudes in recent years."

18 And several of the items that you've  
19 identified as being not -- not being race-based  
20 issues are increasingly tied to race.

21 Have you reviewed any of the research -- I  
22 guess, do you disagree with that statement?

23 A. Yes. Yes. I understand that the research  
24 she's citing to disagrees with me. But, again, it

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1 goes back to my methodological -- you know, I think a  
2 lot of white working class voters that voted for  
3 Obama and then voted for Trump -- and that's by some  
4 of the statistical analyses seem to be anywhere from,  
5 I think, 22 to maybe 26 percent of white working  
6 class voters that voted for Obama -- seems to be that  
7 the Republican policy -- economic policies are  
8 changing.

9         Why did they not vote for Mitt Romney?  
10 They voted for him because Mike Huckabee had a good  
11 point, that Mitt Romney looks like the guy that fired  
12 you from your job.

13         And eventually President Trump was making  
14 an argument that at least was salient for, I think, a  
15 large portion of voters, that was actually looking  
16 more like a New Deal economic policy, that white  
17 working class voters thought, you know, the previous  
18 Republican Party had been too economically  
19 conservative, which is why, also, I think, you're  
20 seeing more minority voters willing to vote  
21 Republican as they have shed some of their economic  
22 Libertarianism over the last six to eight years.

23         I think, is that the only explanation?  
24 No. I think that's an important one given what has

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1 changed in the Republican Party. Well, certainly,  
2 its economic policy is a big part of that story.

3 Q. And towards the bottom, Dr. Burch notes  
4 the "Negative partisan affect, economic anxiety, and  
5 anti-Democratic sentiments are themselves  
6 increasingly explained by racial attitudes and  
7 anxieties."

8 Have you reviewed the research she cites  
9 in support of that statement?

10 A. Yes. And I am still especially  
11 unconvinced that anti-Democratic sentiments and  
12 economic anxiety and a number of these things are  
13 explainable in those terms.

14 In fact, the anti-Democratic I find  
15 especially hard to square given how pervasive the  
16 argument among the current Republican Party is, that  
17 we're being run by -- and, again, I'm not saying  
18 whether this is true or not or right or not -- being  
19 run by bureaucracy, being run by elites.

20 It is a populaced argument, which is  
21 really an appeal to more democracy, whether one  
22 thinks that's the right anecdote to the problem or  
23 even the right diagnosis of the problem.

24 Q. Dr. Burch notes that recent studies have

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1 shown that party and race are increasingly linked in  
2 the American mind.

3 Do you disagree with that statement?

4 A. I'm not sure -- did you say "increasingly  
5 linked"?

6 Q. Apologies. Are linked in the American  
7 mind.

8 A. I think it's true that voters are very  
9 aware -- or Americans tend to be aware that pay  
10 attention to politics that -- of the -- generally the  
11 statistical racial polarization that exists.

12 Q. And do you believe that that is  
13 increasingly -- or that people's awareness of that  
14 has been increasing since 2008?

15 A. I don't -- I don't think in a continuous  
16 way, no. And, if anything, that's starting to be  
17 undermined. And, again, I'm not commenting on  
18 whether for good or ill.

19 But I noted a number of articles in my  
20 report where -- articles in the Washington Post and  
21 major news outlets where there are Democrats and  
22 people in the African American community worried  
23 about the number of Hispanic, Latino, and African  
24 Americans, especially men, who are voting Republican

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1 or considering voting Republican.

2           So, if anything, I think those kind of  
3 characterizations are, you know, if anything, not  
4 taking into account the most recent voting patterns  
5 that we have seen happening.

6           You know, Donald Trump going from losing  
7 Miami-Dade County -- I mean, this is about Hispanic  
8 and Latino voters -- losing Miami-Dade County by  
9 29 points in 2016; losing it by seven in 2020.

10           So -- and there's other statistics out  
11 there that we could talk about. But the -- America  
12 has become -- is becoming less and less racially  
13 polarized according to the voting patterns of the  
14 last couple election cycles, not more.

15           MR. ETTINGER: We'll mark and  
16 publish Exhibit 6, which I'll represent  
17 was the -- the Court in this matter's  
18 preliminary injunction order granted on  
19 January 24, 2022.

20           (Thereupon, Exhibit 6, Preliminary  
21 Injunction Memorandum Opinion and Order granted  
22 on January 24, 2022, was marked for  
23 identification.)  
24

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1 BY MR. ETtinger:

2 Q. Have you reviewed this order in  
3 preparation of your report?

4 A. I don't recall seeing this. No.

5 Q. Jumping down to page 195, the Court notes  
6 that "Ultimately, we find that every Senate Factor we  
7 are able to make a finding on, along with the  
8 proportionality, weighs in favor of the Milligan  
9 plaintiffs and the Caster plaintiffs, and that no  
10 Senate Factors or circumstances we consider at this  
11 stage weigh in favor of defendants. As the foregoing  
12 analysis makes clear, we do not regard the question  
13 of whether the Milligan plaintiffs are substantially  
14 likely to prevail on the merits of the Section Two  
15 claim as a close one."

16 Are you aware that the Court found that  
17 the plaintiffs were substantially likely to prevail  
18 on the merits of their Section Two claim against  
19 Alabama and enacted a preliminary injunction in this  
20 case?

21 A. No, I did not -- I did not know that.

22 Q. And here, on page 5, the Court noted that  
23 "Because the Milligan plaintiffs are substantially  
24 likely to prevail on their claim under the Voting

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1 Rights Act, under the statutory framework, Supreme  
2 Court precedent, and Eleventh Circuit precedent, the  
3 appropriate remedy is a Congressional redistricting  
4 plan that includes either an additional majority  
5 black Congressional district or an additional  
6 district in which black voters otherwise have an  
7 opportunity to elect the representative of their  
8 choice."

9 Do you see that?

10 A. Yes.

11 Q. Are you aware of whether Alabama enacted a  
12 map that satisfied the Court's order?

13 MR. GEIGER: Objection to the extent  
14 you're asking for a legal conclusion.

15 THE WITNESS: Well, one thing --  
16 because I'll say that I have not been  
17 following this litigation closely at  
18 all -- is whether -- is this in relation  
19 to the present redistricting plan, or was  
20 this in reaction to the 2023 case in the  
21 Supreme Court?

22 BY MR. ETTINGER:

23 Q. This was in reaction to the 2021 plan, and  
24 there was another plan enacted in 2023 --



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1 A. Right.

2 Q. -- in response to the Supreme Court

3 decision.

4 A. Yeah. So, I mean, I know that Alabama has

5 redrawn their Congressional districts after the 2023

6 plan, and that that's, as I understand it, the source

7 of the litigation now.

8 I couldn't tell you what those changes

9 have been, much less come to any legal conclusion

10 about them. So -- so no. This is -- I did know what

11 the US Supreme Court generally concluded when I read

12 that case last summer.

13 But as far as what that means for this new

14 case, I have not looked at what the differences are

15 or claim to be legally speaking or even factually

16 speaking.

17 Q. As an historical matter, is a

18 jurisdiction's resistance to implementing laws

19 relating to integration, for instance, an example of

20 official acts of discrimination that affect black

21 voters' ability to participate in the political

22 process in your view?

23 MR. GEIGER: Objection to the extent

24 you're asking for a legal opinion or

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1 conclusion.

2 THE WITNESS: My question there  
3 would be, for clarifying, what would be  
4 the -- their resistance? If it is an  
5 example where, as we've seen historically,  
6 you know, African Americans are being  
7 intimidated at the polls or not being  
8 allowed to register to vote on racial  
9 grounds and other things, then, yes.

10 And if there's a history of that,  
11 that should be taken into account when  
12 assessing these kind of -- I would assume  
13 historically these kind of claims.

14 How far they go toward the legal  
15 discussion is, again, beyond what I would  
16 be able to comment on.

17 But, no, you shouldn't deny the  
18 history of discrimination or other things  
19 along those lines, even as we would need  
20 to discuss what particular accusations of  
21 that we're talking about.

22 BY MR. ETTINGER:

23 Q. Do you agree that Alabama has a history of  
24 resisting implementing changes with respect to civil

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1 rights imposed by courts?

2 MR. GEIGER: Objection to form.

3 THE WITNESS: Does it have --

4 have -- has Alabama resisted such things?

5 Yes. Yes. In its history, there is a

6 history of resisting integration and other

7 things at points in its history and in

8 perpetuating segregation and slavery in

9 parts of its history.

10 BY MR. ETTINGER:

11 Q. And do you view examples of those, kind  
12 of, resistance to implementing court-mandated  
13 remedies as evidence of discriminatory purpose or  
14 intent?

15 MR. GEIGER: Objection to form.

16 THE WITNESS: Yeah, the question  
17 would be, what particular instances and  
18 for what reason -- for what reasons they  
19 were being opposed.

20 So I wouldn't want to make a blanket  
21 answer but -- I wouldn't want to make a  
22 blanket answer either way.

23 Because, you know, to cite another  
24 state's example that's much more famous,

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1 the governor of Arkansas refusing to  
2 integrate schools, and then the National  
3 Guard being called in in the 1950s, yes,  
4 that would be evidence of that kind of  
5 situation.

6 And accusations about that would be  
7 relevant to, I think, the totality of the  
8 circumstances. But then you would have to  
9 actually ask the specific question, what  
10 was going on and what were the reasons  
11 given and other things in whatever  
12 particular instance we're talking about.

13 MR. ETTINGER: I will mark and  
14 publish Exhibit 7, which is Dr. Bagley's  
15 May 17, 2024, expert report.

16 (Thereupon, Exhibit 7, Dr. Bagley's  
17 May 17, 2024, Expert Report, was marked for  
18 identification.)

19 BY MR. ETTINGER:

20 Q. Did you review this report,  
21 Dr. Carrington?

22 A. I reviewed parts of it, and I'm trying to  
23 remember what exact parts. But I have seen --  
24 seen -- seen parts. Yeah. I've seen portions of

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1 this, but I did not go through it line by line.

2 Q. Starting on page 22, Dr. Bagley describes  
3 the sequence of events from 2022 to 2023 related to  
4 this matter.

5 Do you recall reviewing that -- this  
6 section?

7 A. Yes. I remember reading -- reading  
8 this -- reading this part.

9 Q. And he notes that the -- that Alabama was  
10 ordered to enact a Congressional map that included a  
11 second majority black Congressional district or  
12 something quite close to it.

13 Does that align with the language we just  
14 reviewed in the preliminary injunction document?

15 A. Yeah, I believe so. I certainly remember  
16 him mentioning that as being the conclusion of the  
17 Supreme Court from the Milligan case.

18 Q. And do you know whether Alabama enacted a  
19 remedial map that provided for two majority/minority  
20 districts?

21 MR. GEIGER: Objection to form.

22 THE WITNESS: I believe that it did  
23 not in the new map, from what I've -- what  
24 I've understood. Again, I've not looked

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1 at the specific legal arguments but just  
2 from newspaper reports, things like that.  
3 So, no, it did not create a second  
4 majority African American district, as I  
5 understand it.

6 I've not looked at the map. I've  
7 not look at the percentages of the map.  
8 But I understand there to not have been a  
9 second district of that nature made.

10 BY MR. ETTINGER:

11 Q. And do you know whether the Court rejected  
12 the map adopted by the Alabama legislature in 2023?

13 A. My understanding from that case was  
14 that -- that that map -- that that original map was  
15 rejected.

16 Q. Do you know why it was rejected?

17 A. Well, again, I read -- I read that case in  
18 June of last year and have not -- and have not  
19 revisited the majority opinion since.

20 So this is relying on a longer memory.  
21 That there were questions about whether it conformed  
22 to the 1982 amendment to the civil rights -- or the  
23 Voting Rights Act, the questions of vote dilution.  
24 Although, I will admit, based on my own research and

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1 understanding, I am not familiar with the ins and  
2 outs of the definitions of vote dilution and such.

3 But that's what I -- those are the -- some  
4 of the things I remember as being important parts of  
5 the majority opinion, which I believe was written by  
6 Chief Justice Roberts, if I recall.

7 Q. And after the Supreme Court's decision,  
8 are you aware of whether the three-judge panel  
9 overseeing the remedial map accepted Alabama's  
10 proposed 2023 Congressional map?

11 A. No, I'm actually not -- not aware of that.  
12 I have not been -- since I was not asked to come up  
13 with legal conclusions about this case, and since  
14 exactly how the map is drawn is not directly  
15 pertinent to what I was asked to talk about, I've --  
16 I've not -- I have not been following those  
17 particular questions up to this point.

18 MR. ETTINGER: I'll mark and publish  
19 Exhibit 8, which I'll represent is the  
20 Court's September 5, 2023, order granting  
21 a preliminary injunction on Alabama's 2023  
22 remedial map.

23 (Thereupon, Exhibit 8, Injunction,  
24 Opinion, and Order dated September 5, 2023, was



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1 marked for identification.)

2 BY MR. ETTINGER:

3 Q. Have you seen this document before?

4 A. No, not that I -- not that I recall.

5 Q. Turning to page 8 of this order, the Court  
6 concludes "But we have now said twice that this  
7 Voting Rights Acts case is not close. And we are  
8 deeply troubled that the state enacted a map that the  
9 state readily admits does not provide the remedy we  
10 said federal law requires."

11 Do you see that?

12 A. I do.

13 Q. Is the state's failure to implement the  
14 Court order's remedy to Voting Rights Act violation  
15 an example under Senate Factor 1 of official actions  
16 that impacted the right of members of a minority  
17 group to register, to vote, or otherwise participate  
18 in the Democratic process?

19 MR. GEIGER: Objection to form.

20 THE WITNESS: I would say that that  
21 is -- that involves too much of a legal  
22 conclusion that I'm not in a position to  
23 make. That why the state disagrees with  
24 what this panel understands, I think, is

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1 something that, if I understand it, is  
2 being worked -- is being worked out in  
3 this case and by -- by those with legal  
4 credentials and training and by judges.

5 So whatever my report has to do with  
6 that larger picture is not really up to  
7 me. It's up to the lawyers and the judges  
8 involved as to whether that's the case or  
9 not.

10 BY MR. ETTINGER:

11 Q. Did Alabama's failure to remedy their  
12 likely Voting Rights Act violation influence your  
13 Senate Factor 1 analysis?

14 MR. GEIGER: Objection to form.

15 THE WITNESS: No, partly because I  
16 did not read what their different -- what  
17 the different reasons they gave for it  
18 were and whether those were clearly  
19 racially motivated or not, and, therefore,  
20 whether it would be any counterevidence to  
21 how I understand the development of  
22 partisan affiliations.

23 Again, I think it would be -- partly  
24 due to the disputed nature of those

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1 arguments, it would be beyond what I was  
2 looking at.

3 BY MR. ETTINGER:

4 Q. So is that a no that it did not impact  
5 your analysis?

6 A. No, it did not impact my analysis.

7 Q. On page 184 of the order, the Court notes  
8 that "We infer from the legislature's decision not to  
9 create an additional opportunity district that the  
10 legislature was unwilling to respond to the  
11 well-documented needs of black Alabamians in that  
12 way."

13 Does this finding by the Court -- is this  
14 relevant to Senate Factor 1 in your view?

15 MR. GEIGER: Objection to the extent  
16 you're asking for a legal opinion or  
17 conclusion.

18 THE WITNESS: Again, this -- this  
19 would be beyond the -- I believe beyond  
20 the scope of what I was focusing on and  
21 looking at and would be something that  
22 lawyers would have to determine as far as  
23 those questions.

24 And, yeah, I would -- I would leave

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1 it at that. I was not looking at  
2 redistricting plans or the legal arguments  
3 in relation to redistricting plans or what  
4 they would mean for the broader analysis.

5 BY MR. ETTINGER:

6 Q. Do political scientists in their research  
7 rely on court decisions to influence their  
8 understanding of the context and history?

9 A. Yes. Yes. Those can be -- those can be  
10 used, depending upon what is trying to be  
11 accomplished or done or what the purpose of the  
12 inquiry is.

13 Q. And from a political science standpoint,  
14 would language such as this finding impact your  
15 analysis of whether there are instances of official  
16 discrimination impacting black Alabamians' ability to  
17 participate in the political process?

18 MR. GEIGER: Objection to form.

19 THE WITNESS: Yeah, again, my -- my  
20 analysis was the shift in partisan voting  
21 patterns and why that would be the case  
22 and certain tools that I would use to try  
23 to figure that out.

24 So I think that as far as what I was

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1 looking at, this would be either outside  
2 or pretty tangential to what I was looking  
3 at.

4 Could it be important to the  
5 totality of the circumstances for Factor 1  
6 analysis? Perhaps. But I was not  
7 claiming to be a definitive description of  
8 what should be included in Factor 1  
9 analysis, just a particular part of it.

10 So -- so yes.

11 MR. ETTINGER: Okay. I think we can  
12 pause there. We can go off the record.

13 THE VIDEOGRAPHER: The time is  
14 4:01 p.m. We're going off the record.

15 (Recess taken.)

16 THE VIDEOGRAPHER: We are back on  
17 the record. The time is 4:08 p.m.

18 BY MR. ETTINGER:

19 Q. Dr. Carrington, earlier today you  
20 mentioned that you had reviewed some of your prior  
21 deposition testimony; is that correct?

22 A. Yes.

23 Q. Was there anything in what you reviewed  
24 that you don't think accurately captures your

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1 opinion?

2 A. I would have to think about -- I would  
3 have to think about that as far as whether that was  
4 the case. Also, I didn't read -- reread all of it.  
5 So not that I'm recalling, but I could be  
6 misremembering about -- I believe it was, what, 200  
7 pages of testimony or deposition.

8 Q. And has anything that you testified to in  
9 that deposition that you recall -- has your opinion  
10 changed on any of those -- those opinions that you  
11 had testified about?

12 A. The only thing I can think of off the top  
13 of my head is I believe that our discussions helped  
14 me to clarify at least how possible subtle or  
15 subconscious or other racial appeals are.

16 I don't know that what I've said here is  
17 in a significant way different.

18 But I feel it's certainly been more clear  
19 and better -- I hope better articulated and a little  
20 more definitive on where I come down on those  
21 questions.

22 MR. ETtinger: That's all the  
23 questions I have for you. So thank you.  
24 I will pass it now to Jim Blacksher.

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1 EXAMINATION

2 BY MR. BLACKSHER:

3 Q. Good afternoon, Dr. Carrington. I'm Jim  
4 Blacksher, one of the lawyers for the Singleton  
5 plaintiffs, one of the three cases that are before  
6 the three-judge court right now. I just have a few  
7 questions.

8 I understood you to say that -- in your  
9 testimony that it's important to separate partisan  
10 from racial motivations.

11 A. Yes, sir.

12 MR. BLACKSHER: Okay. Let me go to  
13 Exhibit 1. I guess I need to ask for help  
14 from -- from the video crew.

15 MR. ETTINGER: I can help you. One  
16 second.

17 MR. BLACKSHER: Okay. I would like  
18 to share the screen. I have it on -- on  
19 my screen. Is that possible?

20 MR. ETTINGER: Yeah. I think you  
21 should have the ability to do that.

22 MR. BLACKSHER: Okay. Let me try  
23 this -- sharing the screen and see if that  
24 works.



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1 Did that work?

2 THE WITNESS: Yes, sir. At least I

3 see it.

4 BY MR. BLACKSHER:

5 Q. Can you see it, Dr. Carrington?

6 A. Yes, sir. Yes. I do -- I do see the

7 screen. Thank you.

8 Q. I apologize for all the highlighting, but

9 that's -- you know, that's the way I read stuff.

10 This is not the actual exhibit that's

11 going to be attached to the deposition.

12 I wanted to point you to this part of your

13 report where you say, on page 18, "Goldwater had

14 opposed the Civil Rights Act of 1964 and campaigned

15 vigorously in the South in the fall of 1964,

16 downplaying the civil rights issue there for the sake

17 of getting votes. But he was far from a model

18 segregationist."

19 Do I understand your opinion to be that

20 it's okay for a political party to target voters on

21 the basis of race -- in this case white voters -- for

22 the sake of partisan advantage as long as they're not

23 doing it with a discriminatory intent?

24 A. Well, I don't think it's up to me to

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1 decide -- decide whether it's okay in this case

2 morally or whether it's okay legally.

3 My argument was that as far as looking at  
4 the question of substantive racial polarization, that  
5 it was important to distinguish whether the arguments  
6 Goldwater was making were on the grounds of being pro  
7 segregationist or not.

8 Q. Okay. So -- so there is a difference, in  
9 your opinion, between discriminating against racial  
10 minorities in classifying voters by race?

11 A. Well, could you -- could you give a little  
12 more elaboration to that just to make sure I'm  
13 tracking. So the difference -- a difference between,  
14 you said, discrimination against racial minorities  
15 and -- and what? One more time, sir.

16 Q. Yeah. I'm sorry. Let me ask it this way.

17 We've had all this testimony about racial  
18 polarization and the linkage between race and party  
19 identification.

20 And my question is, in your opinion, is  
21 there any -- anything illegitimate about political  
22 parties seeking to gain and maintain political power  
23 by appealing to one race in particular or to one or  
24 more races in particular to the exclusion of others?

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1 MR. GEIGER: Objection to form.

2 You may answer.

3 THE WITNESS: Yeah, I -- I would say  
4 that that question could matter to me as a  
5 human being and as a voter myself.

6 But my main point was to ask the  
7 cause/affect question of what are the  
8 motivations of speakers, of voters, and  
9 how do we define the leanings of one -- or  
10 the shift, as I said, in Southern Alabama  
11 history.

12 So I think that your question is an  
13 important one, but I don't know that it is  
14 something that I can or should answer in  
15 the role that I was taking as a witness in  
16 this litigation.

17 BY MR. BLACKSHER:

18 Q. I'm going to skip down to your conclusion  
19 on the bottom of page 37. And let me just read this  
20 so that I can ask questions as we go.

21 You say, "In conclusion, I should make  
22 clear that these observations do not give a moral  
23 approval or disapproval of the views held and actions  
24 taken on the above matters. I neither defend nor

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1 critique Alabama voters on their views about  
2 economics, government, Communism, religion, abortion,  
3 and gay rights."

4 Let me just pause right there. Is that --  
5 is that a complete listing of the other factors that  
6 you've identified other than race that are on  
7 operation here?

8 A. I would -- I would need to look at -- I  
9 would need to think a little bit more about the  
10 report. That is certainly most, if not all, of them,  
11 or some of the other issues might be able to be  
12 categorized underneath.

13 Although, I mean, I should say, I have not  
14 denied that race doesn't continue to play some part.  
15 So I could say that, you know, one of the other  
16 things that is certainly at play throughout my report  
17 is -- is race itself.

18 But as far as the other factors I bring  
19 in, I think that's either all of them or even the  
20 other ones might be able to be reduced beneath one of  
21 those.

22 Q. Right. So that's what I'm trying to  
23 understand here is what opinion you're going to  
24 express if you're called to testify at trial.

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1 And as you say, "Nor do I deny that race  
2 plays any factor whatsoever in the minds of any  
3 voters in Alabama in 2024. As noted in the  
4 introduction, these other elements do not eliminate  
5 race entirely as a factor in how voters, including  
6 white voters, cast their ballots. Still" -- you go  
7 on, and you say, "the above history and scholarship  
8 gives solid evidence that other factors beyond race  
9 have an important consequential effect on partisan  
10 realignment in the South, including the state of  
11 Alabama. That fuller narrative matters for  
12 considering the role in redistricting. And I believe  
13 this evidence should be taken into account by any  
14 judicial body considering redistricting plans,  
15 including the current one under consideration by this  
16 Court."

17 Now, having read all of that, I do not  
18 understand you to be taking the position that race  
19 was not the predominant factor for explaining the  
20 switch for white voters in Alabama to the Republican  
21 Party.

22 A. I say, I think, differently, I think,  
23 throughout my report. I'm merely saying that race  
24 was not eliminated as a factor. It has not become no

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1 factor at all. And I say that a number of times  
2 throughout.

3 And I would not claim that race has  
4 dropped out from any consideration. It's that  
5 insufficient attention and weight has been given to  
6 these other factors. You know, so I take  
7 Dr. Bagley's report where, at the end of his  
8 critiques of mine, he quotes another scholar saying  
9 "Race explains everything in Alabama politics."

10 I don't agree with that and wrote this to  
11 say how important I think some of those other factors  
12 are to the story as well.

13 Q. Right. I didn't understand Dr. Bagley to  
14 be that categorical about the power of race or  
15 anybody else in this case, for that matter.

16 History and political and social society  
17 here in Alabama and elsewhere is too complicated to  
18 be reduced to one factor.

19 But what I'm trying to narrow in on is  
20 you're not taking a categorical position that there  
21 were other factors that predominated over race.

22 A. I think over the long term, these other  
23 factors were more explanatory for the long-term shift  
24 from Democrat to Republican in the South and in

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1 Alabama long term. I do say that I believe that's  
2 the case.

3 Q. And by long term, you're talking about  
4 what period of time?

5 A. The focus of my report, from the 1950s  
6 through especially, I'd say, 2010, but even up to the  
7 current day.

8 Q. Okay. Let me see. That's not it. I have  
9 up on the screen now a book called The Rational  
10 Southerner that was written by M.V. Hood III -- we  
11 call him Trey -- Trey Hood -- Quentin Kidd, and  
12 Irwin L. Morris in 2012.

13 Are you familiar with this book?

14 A. I have read it in the past, yes.

15 MR. BLACKSHER: Okay. Can I mark  
16 this as an Exhibit 9, Court Reporter, and  
17 send it to you as a pdf after we're  
18 through? Would that be all right?

19 THE STENOGRAPHER: Yes.

20 MR. BLACKSHER: Okay. Well, let me  
21 just see if I can figure out how to do  
22 this.

23 I'm going to call this -- cap  
24 locks -- Exhibit 9.



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1 (Thereupon, Exhibit 9, The Rational  
2 Southerner by M.V. Hood III, et al., 2012, was  
3 marked for identification.)

4 BY MR. BLACKSHER:

5 Q. I'm going to scan down. I have  
6 highlighted what I wanted to ask you out of this  
7 book. Here it is on page 9. Let me just read the  
8 highlight, if you will, please. I'm sorry to take so  
9 long.

10 "We will argue that conservative Southern  
11 whites responded to black mobilization by moving into  
12 the Republican Party. As blacks moved into the  
13 electorate and the Democratic Party, conservative  
14 whites faced increased challenges to their control of  
15 the party."

16 And by the way, let me stop right there.

17 In -- isn't white control the political --  
18 what white supremacy constitutes in political terms,  
19 white control?

20 MR. GEIGER: Objection to form.

21 You can answer.

22 THE WITNESS: Are you asking if that  
23 is the definition of white supremacy?

24

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1 BY MR. BLACKSHER:

2 Q. White supremacy in the political process  
3 is white control of the political process.

4 Am I correct?

5 A. I -- when I discussed white supremacy, I  
6 intended and understood it as an ideological view  
7 enacted politically that declares that white  
8 self-identity as white and white belief in white  
9 superiority as a race to other races and acting on  
10 those in a conscious way is -- is what white  
11 supremacy is.

12 I mean, what would be decided by a judge  
13 or lawyers as to that definition, I would leave up to  
14 others. But that's how I understood it as. First  
15 and foremost, a racially-based ideology that was then  
16 enacted upon.

17 Q. But if white voters wanted to maintain  
18 white control over the government of their state, and  
19 they -- would it matter -- in other words, for this  
20 to be white supremacy, would it be required to prove  
21 that white voters were racist or wanted to  
22 discriminate against blacks, or are there other  
23 reasons that would justify them wanting to maintain  
24 control over government?

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1 A. If I understand your question -- please  
2 clarify if not -- I would say that in my distinction  
3 between statistical and substantive racial  
4 polarization that would apply to this, that I would  
5 be looking for conscious racial superiority as an  
6 intent or conscious racial identity as an intent  
7 among white voters, not merely statistical outcomes  
8 or numerical outcomes within or -- within parties or  
9 within broader election results.

10 Q. So there could be nonracist or nonwhite  
11 supremacist reasons that would justify white voters  
12 trying to keep control of the party?

13 MR. GEIGER: Objection to form.

14 BY MR. BLACKSHER:

15 Q. Is that what you're saying?

16 A. If they were consciously seeing themselves  
17 as whites trying to preserve power for the sake of  
18 whites against other races, and it was on a racial  
19 basis, I think that would be -- that would be a  
20 problem for -- for these questions.

21 But if it's actually explained  
22 predominantly by other factors consciously --  
23 abortion, school prayer, economics, things like  
24 that -- then I would say no.

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1 Q. We'll go on with the paragraph. It says  
2 "As the GOP in the South gathered momentum, largely  
3 due to efforts of Republicans outside the region,  
4 local Republican Party organizations became  
5 increasingly viable mechanisms for exercising  
6 political influence and control. So, we argue, the  
7 attractiveness of the Republican Party for  
8 conservative whites on the dual dimensions of control  
9 and viability was enhanced during this time period.  
10 Thus, conservative white Southerners took advantage  
11 of these strategic opportunities by becoming  
12 Republicans."

13 Do you disagree with any of that?

14 A. If the argument is that we know for sure  
15 that they were -- that -- at least a significant  
16 portion are long term doing this because they are  
17 white and wanting to maintain white interest and  
18 white supremacy as I was defining it earlier, I don't  
19 think that's the best long-term solution.

20 If they saw a Democratic Party that on a  
21 host of issues was moving to the political left  
22 beyond what they remembered the Democratic Party as  
23 being and what they agreed with, I think that would  
24 be the case.

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1 In fact, I remember in Dr. Burch's  
2 argument, she admits that in addition to African  
3 Americans becoming an increasingly large segment of  
4 the Democratic Party, there was a leftward move in  
5 the Democratic Party.

6 I think that leftward move has significant  
7 explanatory affect that is not first and foremost  
8 primarily racial in its understanding.

9 Q. Okay. By the way, you understand that  
10 Dr. Trey Hood is one of the experts that the  
11 defendants have called in this action?

12 A. Yes. I have heard that. I have not read  
13 his report. But, yes, I understand that he has  
14 contributed a report of his own.

15 Q. Let me go down. Excuse me. You have to  
16 go back and push the arrow before you can go down  
17 again. Okay. This is the last part. This is on  
18 page 181 of the Rational Southerner.

19 It says "We also found that the  
20 mobilization of the African American electorate had a  
21 substantial effect on GOP growth in the face of  
22 controls for other traditional explanations, such as,  
23 income growth, in-migration, and evangelicalism.  
24 Simply put, we found, as the theory of relative

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1 advantage predicted, that the growth of Southern  
2 Republicanism was primarily driven by racial  
3 dynamics, not class, demographic factors, or  
4 religions as others have suggested. Though we are  
5 suggesting a distinctive dynamic in this important  
6 respect, our work mirrors Key's, Theo Key's, seminal  
7 text in 1949 on Southern politics. At the midpoint  
8 of the last century, according to Key, Southern  
9 politics revolved around the issue of race. Southern  
10 politics in the early 21st century still revolves  
11 around the issue of race."

12 Now, oh, I see. Yeah. He mentions some  
13 authorities that you rely on in the next paragraph.

14 "Much of the recent research on Southern  
15 politics -- Lublin" -- that's one of your  
16 citations -- "and Shafer and Johnston" -- I think  
17 they were cited in your report -- "are prominent  
18 examples. They argue that the role of race in modern  
19 Southern politics has been overemphasized and that  
20 the key to understanding the postwar partisan  
21 transformation in the South is class conflict driven  
22 by economic growth. We are not arguing that the  
23 economic transformation of the South did not play a  
24 role in the development of the Republican Party in

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1 the region, but it is not the key aspect of or the  
2 primary mover behind the growth of the Southern wing  
3 of the GOP. To understand the temporal and spatial  
4 dynamics of GOP growth in the region, we would argue  
5 that one must understand the politics of race.  
6 Stated succinctly, partisan and political  
7 transformation of the South over the past half  
8 century has most centrally revolved around the issue  
9 of race."

10 Now, that -- that is in direct opposition  
11 to the -- to the opinion you have expressed today; is  
12 that correct?

13 A. If, again -- and I would want to relook at  
14 the book a little closer. But if it is not merely a  
15 statistical claim but a claim that racial identity  
16 was the driving force up to 2012 when that book was  
17 written, if that is the case for the book -- and I  
18 would want to revisit the thesis -- yes, I would -- I  
19 would disagree with that assessment and have in my  
20 report.

21 Q. Well, yeah, that Southern -- The Rational  
22 Southerner was written in 2012.

23 A. Yes. That's why I mentioned 2012. Yep.

24 MR. BLACKSHER: Let me -- let me



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1 mark as exhibit -- what am I doing now?

2 10?

3 THE STENOGRAPHER: Yes.

4 MR. BLACKSHER: Okay. See if I can

5 figure out how to do this again. Home.

6 Typewriter. Exhibit 12.

7 THE STENOGRAPHER: 10.

8 MR. BLACKSHER: Oh, I'm sorry.

9 Thank you.

10 (Thereupon, Exhibit 10, Rural

11 Republican Realignment in the Modern South by

12 Mr. Hood, was marked for identification.)

13 BY MR. BLACKSHER:

14 Q. All right. This is Trey Hood again and

15 Seth McKee, two Texans, and they're writing something

16 called Rural Republican Realignment in the Modern

17 South, and it's published in 2022 by University of

18 South Carolina Press.

19 Are you familiar with this book?

20 A. Yes. I have read significant sections of

21 it. I actually cite it at one point in my report, at

22 least at one point.

23 Q. Started talking over you. Sorry.

24 A. No problem. I said, at least at one

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1 point. I can't remember if it was more than once  
2 now. But, yes, I did -- I did use it for a -- for  
3 one of the points that I was making. So, yes, I do  
4 have some familiarity with it.

5 Q. Can you summarize, if you can recall, the  
6 major thesis of Hood and McKee's book?

7 A. I do recall that it does continue to argue  
8 for a substantial place for race in Southern  
9 politics. And what I -- what I particularly used it  
10 for was the statistical claim that Republicans --  
11 that rural voters only became self-identified as  
12 Republicans much, much later than some of the history  
13 believes, well -- a good bit into this century is  
14 what I remember using -- using it for.

15 Q. Okay. I won't go through the highlights  
16 here because we've taken up too much time.

17 But as you say, they stand by their 2012  
18 thesis that raises the predominant explanation; is  
19 that correct?

20 A. Yes. I understand that they continue to  
21 make the claim that it is significant in the way they  
22 define significance. So ...

23 Q. Okay. Let me go back to your report  
24 again, and I wanted to go to what is 224,

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1 footnote 224. Here we go.

2           You testified about this in your direct  
3 examination just a minute ago.

4           "While very preliminary, polling for the  
5 2024 election has consistently shown significant  
6 shifts within minority voters toward the GOP."

7           And you drop a footnote here with -- one,  
8 two, three -- four news articles.

9 A.       Yeah.

10          MR. BLACKSHER: And I just wanted  
11 to -- hold on. Let me stop sharing here  
12 for a minute. I'm going to try to get  
13 those news articles up here so that I can  
14 get them put into evidence. Is that all  
15 right?

16          Okay. Just a second. Okay. I  
17 think I've got them up here. Let me see  
18 if I can share again.

19               (Thereupon, Exhibit 11, Article  
20 "Another lens into the rightward shift of black  
21 and Hispanic Americans", was marked for  
22 identification.)

23 BY MR. BLACKSHER:

24 Q.       Here's one. This is from the Washington

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1 Post; is that correct? "Another lens into the  
2 rightward shift of black and Hispanic Americans."

3 A. Yes.

4 (Thereupon, Exhibit 12, Article  
5 "Behind the Republican Effort to Win Over Black  
6 Men", was marked for identification.)

7 BY MR. BLACKSHER:

8 Q. Okay. And then from the New York Times,  
9 "Behind the Republican Effort to Win Over Black Men."

10 A. Yes.

11 (Thereupon, Exhibit 13, Article  
12 "Democrats Lose Ground With Black and Hispanic  
13 Adults", was marked for identification.)

14 BY MR. BLACKSHER:

15 Q. Then from gallup.com, "Democrats Lose  
16 Ground with Black and Hispanic Adults."

17 A. Yes.

18 (Thereupon, Exhibit 14, Article  
19 "Democrats' big vulnerability: Why they're  
20 losing Black, Hispanic voters", was marked for  
21 identification.)

22 MR. BLACKSHER: And, finally, from  
23 Axios, "Democrats' big vulnerability: Why  
24 they're losing Black, Hispanic voters."

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1           These are all 2024 articles. And  
2           I'm going to mark -- I'm going to mark  
3           them as -- but not now. I'm not going to  
4           take the time to do it now because I'm so  
5           slow.

6           What did I have? 11 would be next,  
7           Court Reporter?

8           THE STENOGRAPHER: Yes.

9           MR. BLACKSHER: 11, 12, 13, and 14  
10          would be the news articles.

11       BY MR. BLACKSHER:

12       Q.          Now, without going through these, can I  
13       get you to agree quickly that there is absolutely no  
14       mention of Alabama in any of these articles.

15       A.          These articles do not focus on those --  
16       the state of Alabama or those state level dynamics,  
17       no.

18               MR. BLACKSHER: Okay. Let me stop  
19       sharing and put some other articles up.  
20       Okay. I'm going to go back to sharing.

21               Now, this will be three 2024  
22       articles from Alabama press. Let's see.  
23       This will be 15, 16, and 17.

24               (Thereupon, Exhibit 15, Article

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1 "History; lack of competition, lack of access

2 keep Alabama's voter turnout rate low", was

3 marked for identification.)

4 BY MR. BLACKSHER:

5 Q. The first one is from Alabama Reflector.

6 This is August 6, 2024. And in it, it says

7 "Alabama's overall voter turnout consistently trails

8 national averages and is often near the bottom in the

9 South, which generally has the lowest turnout numbers

10 in the nation."

11 That's true, isn't it?

12 MR. GEIGER: Object to form.

13 BY MR. BLACKSHER:

14 Q. Or are you aware of that?

15 A. I would have to double-check those

16 numbers, but I would -- I would not assume that this

17 was an error.

18 Q. And it says "The Alabama Secretary of

19 State's office says that it is focused less on

20 turnout than on voter registration."

21 Now, do you agree with this statement,

22 that "Political scientists largely agree that the

23 regions in the upper Midwest, the Northeastern states

24 and those in the Pacific Northwest have had very

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1 different experiences than the states in the South"?

2 A. Yes. Yes. In fact, I'm not sure if I --  
3 I might actually disagree with Dr. Bagley on that  
4 because at one point he makes the claim -- close to  
5 makes the claim that on issues of race, we -- there  
6 isn't a massive difference between the South and the  
7 rest of the country.

8 But that's -- you know, that'll probably  
9 need to be for another time.

10 But, yes, I do agree that the legacy of --  
11 economically, geographically on slavery and other  
12 things, there are differences in the experiences,  
13 yes.

14 Q. Have you seen any evidence that Republican  
15 leadership in Alabama are attempting to enact  
16 policies or reach out to attract black voters like  
17 the other four articles that you put in your  
18 footnote?

19 A. I have not looked into whether those  
20 particular appeals have been made. You know, I  
21 focused on those articles, in part, because they are  
22 preliminary. We don't know for sure what will happen  
23 in 2024. But there certainly is the rumblings that  
24 that is happening.



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1 And then the other is the fact that our  
2 politics has become, as there are, a number of  
3 political scientists have noted, more and more  
4 nationalized and parties more and more homogenized.  
5 So that articulations about national history or  
6 national trends, while not having any -- while not --  
7 they're not -- while there isn't no difference  
8 between regions and all of that, the parties  
9 themselves are much more homogeneous than they used  
10 to be.

11 Q. It refers to Alabama's 1901 Constitution  
12 in this article.

13 Are you aware of the case of Hunter versus  
14 Underwood 1985?

15 A. I have heard of it. I have not -- not  
16 read it. And I do know something about Alabama's  
17 1901 Constitution.

18 Q. Right. And it was -- 1901 Constitution,  
19 the Supreme Court found in Hunter versus Underwood,  
20 was established to maintain white supremacy in this  
21 state; is that correct?

22 A. I believe that was the conclusion. And I  
23 think there's plenty of evidence in that constitution  
24 that that was the purpose -- that was a very

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1 important purpose and intent of it.

2 Q. Do you know of any other state, including  
3 any other Southern state, who are still operating  
4 under a constitution that was established to maintain  
5 white supremacy?

6 MR. GEIGER: Objection to form.

7 THE WITNESS: I would have to look  
8 again at the various constitutions of the  
9 states as -- as to their origins to answer  
10 that question.

11 BY MR. BLACKSHER:

12 Q. Well, Mississippi is still operating under  
13 the 1890 Constitution, and that was the first  
14 disenfranchising constitution, wasn't it?

15 A. I believe so, if I'm remembering  
16 correctly. Yeah. These are --

17 Q. Let me ask this -- let me ask this.

18 Has -- are you aware of any or have you  
19 seen any evidence the state of Alabama has ever  
20 officially renounced white supremacy as the state's  
21 policy?

22 MR. GEIGER: Objection to form.

23 THE WITNESS: I am not aware of any  
24 official resolution, although I think that

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1 would be not an official policy but merely

2 a declaration that that's the case.

3 I don't -- and my report doesn't

4 dispute that around 1890, 1900 that these

5 were -- that race was a dominant factor

6 in -- in these questions. I would not

7 dispute that in the report. I wouldn't

8 dispute that now.

9 My question is, do things ever

10 develop? Do things ever evolve? And just

11 as my study of party coalitions, the

12 answer has been, yes, at the national and

13 regional level. My argument is I see

14 evidence for that in these questions as

15 well.

16 MR. BLACKSHER: Here's an article --

17 this will be, what, 16, Court Reporter?

18 THE STENOGRAPHER: Yes. But I'd

19 rather you mark them as you go because

20 we're going to get confused.

21 MR. BLACKSHER: Yeah. We are.

22 You're right. I'm sorry. I hate to stop

23 and do this because I'm so slow. Let's

24 see.

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1 THE STENOGRAPHER: Just mark this  
2 one, and I think the others ones will be  
3 okay going forward.

4 MR. BLACKSHER: Okay. This is  
5 Exhibit 16?

6 THE STENOGRAPHER: Yes.

7 MR. BLACKSHER: All right.  
8 (Thereupon, Exhibit 16, Article  
9 "Alabama Republicans Pass Expansive Legislation  
10 Targeting D.E.I.", was marked for  
11 identification.)

12 BY MR. BLACKSHER:

13 Q. Now, here's a newspaper article from the  
14 New York Times dated March 19, 2024, "Alabama  
15 Republicans Pass Expansive Legislation Targeting  
16 D.E.I."

17 And my question is, if the Republican  
18 leadership of the legislature were attempting to  
19 appeal to black voters, do you think this is a  
20 message that would appeal to black voters?

21 A. I didn't look into the voting patterns and  
22 movements of African Americans, but I would say that  
23 it is consistent with Republican articulations of a  
24 color-blind constitution, of their arguments for

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1 equality before the law. And, again, I'm not  
2 assessing how perfectly or imperfectly those concepts  
3 are.

4 But, you know, I think with something like  
5 this, it's not clear that this doesn't fall -- and  
6 this is beyond what I've studied -- but similar to  
7 the political left talking about Latinx as a phrase  
8 and then finding out that that's not necessarily even  
9 how Latinos understand themselves.

10 So I think that -- again, I think this  
11 would be beyond the scope of some of the things I was  
12 talking about. But I don't think an appeal that  
13 there is a better way to talk about race and other  
14 factors is necessarily meant to repel or not appeal  
15 to African Americans.

16 Equality before the law or color-blind  
17 constitution, whether those are perfectly effective  
18 or not, it's not an unreasonable -- even if you  
19 disagree with it -- mode of trying to make that  
20 appeal.

21 Q. But you would have to agree that  
22 politically it's an appeal by Republicans to the  
23 white electorate in Alabama.

24 MR. GEIGER: Objection to form.

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1 THE WITNESS: Not necessarily, no.

2 BY MR. BLACKSHER:

3 Q. Why not? Why not necessarily?

4 A. Because -- because the -- the argument  
5 about -- D.E.I. programs don't necessarily represent  
6 the views of all African Americans about the  
7 United States of America or Hispanic and Latino  
8 voters about the United States of America.

9 And it is reasonable, given the level of  
10 criticism that those programs level at the  
11 United States, that calling upon the -- a more pro  
12 American tradition that has African American  
13 supporters, and historically has, would not be an  
14 unreasonable pitch to make.

15 And it's not clear, even if they are, that  
16 they're not -- that they're arguing it as an appeal  
17 to white voters. The assumption of the question is  
18 that race is always the question and always the  
19 motivation.

20 It could be more about what is a fair way  
21 of teaching American history. Again, whether they're  
22 right or not is a distinct question. But the idea  
23 that that would -- it would be purely racial  
24 motivations going into it, I think, begs the question

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1 for the purposes of what I've been writing and  
2 arguing.

3 Q. But you're not willing to concede that  
4 this is a political appeal to the white elect?

5 A. Not -- it's certainly not in the sense  
6 that I discussed racial appeals throughout my report.  
7 No. I'm not willing to concede that.

8 MR. BLACKSHER: All right. Here's  
9 another article which I'm going to mark, I  
10 think, Court Reporter.

11 THE STENOGRAPHER: 17.

12 MR. BLACKSHER: Okay. This will be  
13 Exhibit 17.

14 (Thereupon, Exhibit 17, Article  
15 "Jefferson Davis birthday holiday in Alabama is  
16 today: What that means to you; will mail  
17 run?", was marked for identification.)

18 BY MR. BLACKSHER:

19 Q. This is "Jefferson Davis birthday holiday  
20 in Alabama is today." This is June 5, 2023. "What  
21 that means to you; will the mail run?"

22 And it says in this article that "Monday,  
23 June 5, is a state holiday, one of three in Alabama  
24 that honor Confederate leaders: Robert E Lee's



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1 birthday, which is marked in January on the same day  
2 as Martin Luther King Day, Confederate Memorial Day  
3 in April; and Davis' birthday in June."

4 And further in the article, it says  
5 "Alabama is the last state to have a legal holiday  
6 set aside solely to commemorate the birth of Davis."

7 Would you agree that this is a political  
8 appeal to the white electorate?

9 MR. GEIGER: Objection to form.

10 THE WITNESS: I would say that --  
11 and I can even say personally, I would not  
12 want to celebrate Jefferson Davis'  
13 birthday because of him being president of  
14 the Confederacy, and I do that, not just  
15 on slavery grounds, but on union grounds.

16 But, I mean, I think, even though I  
17 don't agree with them, that there are  
18 plenty of people that believe the Civil  
19 War was not fought over slavery but over  
20 issues of state sovereignty, issues of  
21 internal improvements. Personally, I  
22 disagree with that.

23 But the degree to which maintaining  
24 that holiday is based in racial appeals to

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1 whites, I think, with the debate that  
2 often happens over the Civil War, could it  
3 appeal to some whites? Maybe.

4 But I think the preponderance of the  
5 evidence of what I've looked at doesn't  
6 really change what I think are the basic  
7 dynamics in Alabama.

8 BY MR. BLACKSHER:

9 Q. Are you aware of the so-called Monuments  
10 Law that the Republican legislature passed three or  
11 four years ago here in Alabama that prohibit any  
12 local government from removing a monument or plaque  
13 devoted to the Confederacy -- to any that was -- that  
14 was installed before the Civil Rights Movement? It's  
15 time limited. You can't remove a monument if it was  
16 established before the Civil Rights Movement.

17 Are you aware of that Monuments Law?

18 A. Yes.

19 Q. And are you aware of the litigation that  
20 ensued when the black -- majority black government of  
21 Birmingham tried to place some sort of a cover over  
22 their Confederate monument in Linn Park, I believe it  
23 was, and got -- got challenged by the -- I'm sorry --  
24 state government?

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1 A. No. I am not -- I am not aware of that  
2 particular litigation.

3 Q. Well, in any event, would you say that the  
4 Monuments Law was an appeal -- wouldn't you agree  
5 that the Monuments Law was an appeal by the  
6 Republican leadership of the legislature to white --  
7 the white electorate?

8 A. I don't think it was necessarily. I mean,  
9 I would have to look at some of the arguments that  
10 were particularly made in favor of it and what the  
11 arguments were defending it because sometimes bad  
12 arguments can be made in good faith. And, I mean,  
13 bad in the sense of poorly articulated, poorly  
14 constructed ones.

15 So -- so -- and I'm sure that the timing  
16 was meant as a reaction to the takedown of other  
17 Confederate statutes or other Southern statutes  
18 across the country. And I think that that debate got  
19 pretty muddled as to the reasons why different people  
20 were in favor or opposed to those moves, partly  
21 because of the broader political trends that it --  
22 that it took part in that, I think, connect with  
23 things beyond race to the question of is it  
24 appropriate, who's the appropriate decision-maker on

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1 these kinds of questions and other -- and other  
2 factors about what people understand the South to  
3 represent.

4 And, again, I'm not saying I agree with  
5 what everyone's opinions were regarding that. But I  
6 think it participates in something bigger and  
7 broader, therefore, making it reducible, again, to  
8 race being the ultimate explainer, not a definitive  
9 one.

10 Q. Okay. I'm about to close this out,  
11 Professor Carrington, but I have one more document I  
12 want to ask you if you've seen.

13 In your testimony, you talked about the  
14 Republicans achieving a governing majority, in fact,  
15 it's a super majority, after the 2010 -- in the 2010  
16 election; is that correct?

17 A. Yes. And that's the first time they had  
18 taken it -- taken the legislature over in -- well, in  
19 a very, very, very long time.

20 MR. BLACKSHER: Just a second. Let  
21 me mark this as --

22 THE STENOGRAPHER: 18.

23 MR. BLACKSHER: -- Exhibit 18 -- and  
24 control S it -- and share it.

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1 (Thereupon, Exhibit 18, Book  
2 Storming the Statehouse, was marked for  
3 identification.)

4 BY MR. BLACKSHER:

5 Q. There. Okay. This a book Storming the  
6 Statehouse The Campaign that Librated Alabama from  
7 136 Years of Democrat Rule by Mike Hubbard, with  
8 David Azbell, with a foreward by US Representative  
9 Mike Rogers. It's published in 2012.

10 And I will tell you that Mike Hubbard --  
11 do you know who Mike Hubbard is? I think you  
12 mentioned him -- or someone mentioned it in one of  
13 the reports.

14 A. Yes. Not myself, but it was mentioned, I  
15 believe, in Bagley's report, he was.

16 Q. Yeah. So he became the -- our Republican  
17 Speaker of the House after the 2010 election; is that  
18 correct? Or do you not know?

19 A. I do not recall who was Speaker of the  
20 House after that election at the state level.

21 Q. Are you aware of his book explaining how  
22 he did it, Storming the Statehouse?

23 A. No. I have actually never heard of  
24 this -- of this book before.

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1 Q. Well, in this book, it explains how --  
2 where is my -- explains how Hubbard and other  
3 Republicans in the legislature developed a strategy  
4 of challenging Democrats, white Democrats, who were  
5 elected in majority white districts. And it went  
6 through and described -- the book describes each of  
7 these contests and how they approached it.

8 But they didn't go after any black elected  
9 officials who were elected in a majority black  
10 district. Of course, there were no black officials  
11 elected in majority white districts.

12 And in the book -- I'll just point to one  
13 example here -- he says, "Another important item  
14 gleaned from The Thumpin'" -- which is a book he had  
15 read about an earlier election -- "as well as our  
16 2006 experience was a need to prioritize and  
17 carefully target districts. To begin ranking  
18 districts and determining which districts to target,  
19 the party hired consultant Scott Stone to conduct an  
20 infinitely more in-depth analysis than the one  
21 produced four years earlier. Stone developed a  
22 formula based on historical election results,  
23 district demographics, and numerous other factors and  
24 ranked each House and Senate district."

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1 Now, when Hubbard is talking about

2 district demographics, he's talking about racial

3 data, isn't he?

4 A. I don't know that because I haven't read  
5 the book.

6 Q. And you wouldn't know in Alabama whether,  
7 when we refer to demographics, we're referring to  
8 something other than race?

9 A. Well, it could be. And, again, I'd be  
10 happy to read the book. It could be talking about  
11 socioeconomic class, as many known suburbs were a  
12 predominant strength for Republicans until recently.

13 So those other factors could certainly be  
14 a part of the story and a part of the story that I  
15 tell up to -- in my report.

16 Demographics isn't always and only race,  
17 as the diploma divide or the city suburb versus rural  
18 divide in our current politics, I think, shows as  
19 well.

20 Q. Okay. Well, one last question.

21 Do you have -- have you seen any evidence  
22 of Alabama Republicans having enacted laws, announced  
23 policies, at either the legislative or the executive  
24 levels, that appealed to the electorate -- to the



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1 black electorate at all?

2 MR. GEIGER: Objection to form.

3 THE WITNESS: That was not my focus.

4 But I will say, in agreement with  
5 Dr. Bagley's report, that supporting  
6 amendments effectively banning abortion  
7 and defining marriage heterosexually and  
8 in no other way, regardless of what one  
9 thinks of those policies, at least  
10 statistically would be policies that many  
11 African Americans would support and did  
12 support when they went to the polls and  
13 voted.

14 So do I have evidence about whether  
15 they were consciously thinking about  
16 appeals to African Americans or not? No.  
17 But at least, as far as even with what  
18 Dr. Bagley said, consistency with issues  
19 that those voters at least hold certain  
20 positions on, that wouldn't be out of the  
21 realm of possibility.

22 MR. BLACKSHER: I think I'm going to  
23 stop there. We've done enough for one  
24 day. So I'll pass it back to you,

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1 Mr. Ettinger.

2 MR. ETTINGER: No further questions

3 for me.

4 MR. BLACKSHER: Okay. And, Madam

5 Court Reporter, if you can send me an

6 e-mail since you have my e-mail, I can

7 reply to you with these -- with these

8 exhibits.

9 THE STENOGRAPHER: Yes, sir.

10 MR. BLACKSHER: Thank you.

11 MR. ETTINGER: I'll note for the

12 record that we'll request a transcript and

13 a video of the deposition.

14 THE VIDEOGRAPHER: Who was that

15 speaking, please?

16 MR. ETTINGER: That was Jay Ettinger

17 from the plaintiffs -- Milligan

18 plaintiffs.

19 THE VIDEOGRAPHER: Do you want the

20 video synchronized with the transcript?

21 MR. ETTINGER: Sorry. Say again.

22 THE VIDEOGRAPHER: Yeah. Do you

23 want the video synced with the transcript

24 or just an MP4 file?

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1 MR. ETTINGER: Let me get back to  
2 you. I think just an MP4 file.

3 THE VIDEOGRAPHER: All right. I'll  
4 put MP4 and to contact you for -- to make  
5 sure.

6 Anyone else need to order the  
7 transcript and/or video today?

8 MR. BLACKSHER: Singleton plaintiffs  
9 would like pdf only, please. Is that the  
10 way to put it? I don't need a video. I  
11 don't need a hard copy. But I would like  
12 to have a pdf.

13 THE STENOGRAPHER: Yes.

14 MS. RUTAHINDURWA: And the Caster  
15 plaintiffs would also like an electronic  
16 copy. Thank you.

17 THE STENOGRAPHER: Who was that?  
18 Sorry.

19 MS. RUTAHINDURWA: This is Makeba  
20 Rutahindurwa on behalf of Caster  
21 plaintiffs.

22 MR. GEIGER: Soren Geiger here, and  
23 I have no further questions of the  
24 witness.

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1 And we would request a video  
2 recording. It doesn't have to be synced,  
3 but video recording, and a transcript.  
4 And I apologize for the request, but if  
5 you could rush it to one week from today,  
6 just for the transcript, that would be  
7 wonderful.

8 THE STENOGRAPHER: Does anyone else  
9 want it rushed?

10 MR. BLACKSHER: No, thank you.

11 MR. ETTINGER: Not at this time.

12 THE VIDEOGRAPHER: Okay. We are  
13 going off the record. The time is  
14 5:04 p.m.

15 THE STENOGRAPHER: What about  
16 signature. I forget that.

17 MR. GEIGER: Yes, if could we have a  
18 read and sign, please.

19 (Signature not waived.)

20 ---

21 And, thereupon, the videoconference  
22 videotaped deposition was concluded at  
23 approximately 5:04 p.m.

24 ---

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DEPOSITION ERRATA SHEET

Evan Milligan, et al., etc.

vs. Wes Allen, et al.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have  
read the entire transcript of my Deposition taken in  
the captioned matter or the same has been read to me,  
and the same is true and accurate, save and except  
for changes and/or corrections, if any, as indicated  
by me on the DEPOSITION ERRATA SHEET hereof, with the  
understanding that I offer these changes as if still  
under oath.

Signed on the \_\_\_\_\_ day of

\_\_\_\_\_, 20 \_\_\_\_.

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DEPOSITION ERRATA SHEET

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ADAM M. CARRINGTON, PH.D.

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1 CERTIFICATE  
2 State of Ohio :  
3 SS:  
4 County of Knox :  
5 I, Ann Ford, Notary Public in and for the  
6 State of Ohio, duly commissioned and qualified,  
7 certify that the within named witness was by me duly  
8 sworn to testify to the whole truth in the cause  
9 aforesaid; that the testimony was taken down by me in  
10 stenotypy in the presence of said witness, afterwards  
11 transcribed upon a computer; that the foregoing is a  
12 true and correct transcript of the testimony given by  
13 said witness taken at the time and place in the  
14 foregoing caption specified.  
15 I certify that I am not a relative,  
16 employee, or attorney of any of the parties hereto,  
17 or of any attorney or counsel employed by the  
18 parties, or financially interested in the action.  
19 IN WITNESS WHEREOF, I have set my hand and  
20 affixed my seal of office at Mount Vernon, Ohio, on  
21 this 26th day of August, 2024.  
22  
23 ANN FORD, Notary Public  
24 in and for the State of Ohio  
and Registered Professional  
Reporter  
My Commission expires: April 18, 2026.



**EXHIBIT****1***Milligan v. Allen**Caster v. Allen**Singleton v. Allen*

N.D. Alabama

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

June 27, 2024

**Qualifications**

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

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

**Findings and Conclusions**

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

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

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

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

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

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

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

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

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

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

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

### Methodology

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

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

### The Nature of American Political Parties

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

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

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

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

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

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

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

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

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

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

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

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

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*, 42.

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



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

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

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

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

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

<sup>13</sup> *Ibid.*, 571.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **1) *The Rise of the New Left***

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

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

<sup>23</sup> *Ibid.*

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

<sup>25</sup> Earl Black and Merle Black, *The Rise of Southern Republicans* (Cambridge, MA: Harvard University Press, 2002), 4.

<sup>26</sup> Lublin, 28.

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

<sup>28</sup> Aldrich, 107-119.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

<sup>36</sup> *Ibid.*, 262.

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

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

<sup>39</sup> Mills, 264.

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

<sup>41</sup> “Port Huron Statement,” 3.

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

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

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

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<sup>42</sup> *Ibid.*, 4.

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

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

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

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

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

<sup>48</sup> *Ibid.*, 1.

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

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

## 2) *The Rise of Modern Conservatism*

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

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

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

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

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

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

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

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

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

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

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

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

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

<sup>56</sup> *Ibid.*

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

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

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

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

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



Agency,<sup>62</sup> and signed both the National Environmental Policy Act<sup>63</sup> and the Clean Water Act.<sup>64</sup> In fact, a conservative Ohio Congressman, John Ashbrook, primaried the sitting president with the campaign slogan, “No Left Turns.”<sup>65</sup> However, with Ronald Reagan’s election in 1980, a Buckley-Goldwater kind of conservatism had gone mainstream, becoming the driving force within the Republican Party. Reagan had been a Goldwater supporter, giving one of the 1964 campaign’s most famous speeches in his favor, “A Time for Choosing.”<sup>66</sup> Then and in the 1980 campaign, Reagan spoke of limited government, private enterprise, deep opposition to communism, and traditional moral values. While some of these views continued to keep a significant portion of white-collar, highly educated voters in the GOP, working-class voters began to see elements of the GOP’s conservative positions as attractive, too. The decisive shift in the GOP thus had ramifications for partisan alignments around the country, including the South.

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

### Civil Rights and voting patterns within the South

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

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

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

<sup>63</sup> National Environmental Policy Act of 1969, 83 Stat. 852 (1970).

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

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

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

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

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

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

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

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

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

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

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<sup>69</sup> See Stephen Skowronek, *The Politics Presidents Make*

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

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

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

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

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

<sup>75</sup> Key, 328.

throughout the 1920s.<sup>76</sup> In the 1950s, Dwight D. Eisenhower's victories in the Peripheral South as well as his improved percentages in the Deep South came overwhelmingly from urban or metropolitan areas. For example, Donald Strong pointed out that, in the 1950 census, Mountain Brook, Alabama had the highest median income of any city in the state. In 1952, it voted for Republican Eisenhower over Democrat Adlai Stevens by a margin of nearly 4-1.<sup>77</sup> The three counties that contained Birmingham, Mobile, and Montgomery all voted by margins notably above the state average of 35% for Eisenhower. Strong would find a similar urban, upper-class strength in the Deep South, including Alabama, for Eisenhower in his 1956 re-election. Bernard Cosman then continued the examination in 1960, finding Richard Nixon, though in a losing national effort, garnered strong margins in the urban South comparable to Ike.<sup>78</sup>

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

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

<sup>76</sup> Phillips, *Emerging Republican Majority*, 161.

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

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

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

<sup>80</sup> Sundquist, 279.

<sup>81</sup> Micklethwait and Wooldridge, 52-53.

<sup>82</sup> Sundquist, 275.

<sup>83</sup> Black and Black, *Rise of Southern Republicanism*, 208.

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



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

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

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

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

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

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

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

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

<sup>89</sup> Key, 321.

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

It was not until 1994 that Republicans won a majority of House districts in the South—thirty years after the passage of the Civil Rights Act of 1964 and twenty-nine after the enactment of the Voting Rights Act of 1965. Republicans also won a majority in the North in that election, a double-feat not accomplished since 1872.<sup>93</sup> Even crossing this threshold did not result in the immediate collapse of the Democratic Party in the South, which gained some seats in Congress, governorships, and state legislatures back in subsequent elections during the rest of the 1990s and ceded the ground it did in the South only begrudgingly.<sup>94</sup> It took till the 2000 presidential election for a Republican to win the entire South in a non-blowout contest.

The slowness of this change matters considering the actual voters involved. By 1994, a significant generational shift in voting population from 1964 had taken place. This shift only becomes more pronounced in the 2020s. The most recent census data showed that only 18% of Alabama residents are over the age of 65.<sup>95</sup> The voters that revolted against the Democrats in 1948 and 1964, then generally returned, comprise a small and shrinking portion of the electorate. The rise of Republican strength in the region in the post-Civil Rights era coincided with not only migration from other parts of the country but also new generations accounting for an increasing segment of the voting public. In fact, research has pointed to “replacement” of older, native voters as one notable contributor to the GOP’s ascendancy in the late 20<sup>th</sup> and early 21<sup>st</sup> centuries. From the 1980s till 2000, for instance, the average rural Southerner who identified as a Republican was ten years younger than his Democratic-affiliated counterpart.<sup>96</sup> Green, Palmquist, and Schickler claim that as much as half of white Southern voters’ migration to the GOP was generational replacement.<sup>97</sup>

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

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

<sup>91</sup> *Ibid.*

<sup>92</sup> Black & Black, 13.

<sup>93</sup> Black & Black, 2.

<sup>94</sup> Lublin, 2.

<sup>95</sup> “Quick Facts: Alabama,” United States Census Bureau.

<https://www.census.gov/quickfacts/fact/table/AL/PST045223>. Accessed 3/27/2024.

<sup>96</sup> Hood, McKee, *Rural Republican Realignment*, 28.

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

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

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

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

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

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

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

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

<sup>99</sup> Hood, McKee, *Rural Republican Realignment*, 24.

<sup>100</sup> Black & Black, *Rise of Southern Republicans*, 216, 277.

<sup>101</sup> Frederickson, 4.

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

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

<sup>104</sup> Frederickson, 24.

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

Statements of this kind were not atypical for Nixon nor new in his political career. In fact, Richard Nixon hardly fit the bill for the person to morph the GOP into the party of white supremacy. He held a long record of support for civil rights, including *Brown v. Board of Education* and the civil rights acts of 1957 and 1960. Unlike Barry Goldwater, Nixon also had endorsed the Civil Rights Act of 1964 and efforts leading to the Voting Rights Act of 1965.<sup>106</sup> In 1967, Nixon granted an interview with the *New York Times* where he said, “people in the ghetto have to have more than an equal chance. They should be given a dividend” in response to the history they had experienced of discrimination.<sup>107</sup>

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

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

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

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

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

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

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

<sup>109</sup> Black & Black, *Rise of Southern Republicans*, 210.

<sup>110</sup> Kotlowski, 24.

<sup>111</sup> *New York Times*, October 5, 1975, pg. 59. A Washington Post poll in 1978 found that only 25% of Americans agreed with the statement that “racial integration of the schools should be achieved even if it requires busing.” See Laura Meckler, “Effective But Never Popular, Court-Ordered Busing is a Relic Few Would Revive” *Washington Post*, July 7, 2019. [https://www.washingtonpost.com/national/effective-but-never-popular-court-ordered-busing-is-a-relic-few-would-revive/2019/07/07/dce439c8-9d40-11e9-b27f-ed2942f73d70\\_story.html](https://www.washingtonpost.com/national/effective-but-never-popular-court-ordered-busing-is-a-relic-few-would-revive/2019/07/07/dce439c8-9d40-11e9-b27f-ed2942f73d70_story.html). Retrieved 6/3/2024.



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

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

In addition, Nixon compiled a number of other concrete policy accomplishments on civil rights. His budget proposals to Congress asked to increase funding for enforcing civil rights from \$75 million to \$2.6 billion between 1969 and 1972.<sup>113</sup> In 1970, he approved a new IRS policy denying tax exempt status to all-white private schools, a move that especially went after institutions in the South trying to avoid public school integration.<sup>114</sup> Nixon privately declared the move would not help him politically but made the call regardless.<sup>115</sup> Nixon also played a significant part in the development of affirmative action programs. His “Revised Philadelphia Plan” built upon existing policies requiring those receiving federal funds to show some kind of affirmative action in their procedures. Rather than gut this program, he revived and enhanced it. In particular, the Revised Philadelphia Plan” focused on government contracts for construction jobs. Nixon did not take this route for political ease. He faced significant pressure from Congress to end all affirmative action requirements within the bureaucracy with Elmer P. Staats, the Comptroller General, declaring such plans illegal in November of 1968, the same month Nixon was elected president.<sup>116</sup> This opposition included Southern politicians, among them Democratic Senators John McClellan of Arkansas and Sam Earvin of North Carolina.<sup>117</sup> But Nixon forged ahead, doing something the Johnson Administration had not on this issue: establishing numerical requirements for minority hiring among those entities eligible for government contracts with concrete timetables attached.<sup>118</sup> This policy, far from a new attempt to woo Southern segregationists, went beyond Nixon’s former position in favor of persuasion over coercion when he was Vice-President under Eisenhower.<sup>119</sup>

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

<sup>113</sup> Graham, 95.

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

<sup>115</sup> Kotlowski, 25.

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

<sup>117</sup> *Ibid.*, 150.

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

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

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

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

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

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

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

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

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

<sup>122</sup> Phillips, 233.

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

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

<sup>125</sup> Frederickson, 29.

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

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

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

Moreover, a related issue is the problem of deciphering the masked motivation undergirding a particular view or policy as dominated by race. As noted above, it is not clear that opposition to busing was due primarily to racist attitudes, since some did oppose these policies while still supporting integration. Affirmative action is another example. Does the evidence show that Republicans by and large oppose affirmative action and other race-conscious policies because they desire to discriminate against blacks or because they believe in a “color-blind” Constitution, the very argument raised by Justice John Marshall Harlan in his dissent against legalized segregation in *Plessy v. Ferguson*?<sup>129</sup> Similarly, some, like Dr. Bagley, interpret advocacy for “school choice” along with opposition to the teaching of critical race theory in primary schools as racially motivated rather than coming from a commitment to bettering education for all children.<sup>130</sup> But that cannot be reconciled with the fact that school choice, for example, continues to garner significant and increasing backing from members of all races.<sup>131</sup> Non-racial reasons certainly can explain policy preferences on these issues. Likewise, a belief in greater border security regarding immigration is seen by Dr. Bagley and others as signaling racial

<sup>126</sup> Frederickson, 29.

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

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

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

<sup>130</sup> Bagley, Third Expert Report, at 30-31

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



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

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

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

### Economics and Role of Government

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

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

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

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

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

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

<sup>137</sup> Miller and Schofield, 433-436.

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

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

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

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

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

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

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

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

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

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

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

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

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

Since that time, the growth in the South has continued to be urban and suburban, with nearly 90% of job growth coming in those portions of the South between 1987 and 2007.<sup>149</sup> Those changes continued to benefit the GOP. Thus, in the 1990s, the base of the Republican Party in Congress had not only moved to the South, with Georgia's Newt Gingrich as Speaker of the House and Texans Dick Armey and Tom Delay serving as majority leader and majority whip, but its base came to a great degree from the region's growing suburbs.<sup>150</sup> Gingrich's 1995 book, *To Renew America*, preached an economic gospel of free trade, low regulation, restored federalism, and a market economy dynamic in wealth creation

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

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

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

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

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

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

<sup>149</sup> Guillory, 13.

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

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

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

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

### **Foreign Policy: Communism and the Cold War**

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

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

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

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

<sup>152</sup> See Bagley, *Third Expert Report*, 30.

<sup>153</sup> Lublin, 30.

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

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

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



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

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

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

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

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

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

<sup>159</sup> Sundquist, 338-339.

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

<sup>161</sup> *Ibid.*, 255-261.

<sup>162</sup> Sundquist, 339.

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

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

<sup>165</sup> Stephen Skowronek, 340.

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

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

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

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

### Social issues

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

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

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

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

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

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

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

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

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

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

### 1) *Religious Identity*

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

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

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

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

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

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

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

<sup>177</sup> *Ibid.*

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

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



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

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

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

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

<sup>181</sup> Williams, *God’s Own Party*, 171-179.

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

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

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

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

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

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

## 2) Abortion

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

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

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

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

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

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

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

<sup>189</sup> 410 U.S. 113 (1973).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<sup>197</sup> 505 U.S. 833 (1992).

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

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

<sup>200</sup> Alabama Constitution of 1901, Art. I, § 36.06.

<sup>201</sup> See "Human Life Protection Act" or HB 314.

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

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



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

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

### 3) LGBTQ Rights

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

Though neither party officially supported same-sex marriage until the 21<sup>st</sup> century, the Democratic Party always showed greater openness to and support for the legal and cultural claims of gay persons. As early as 1972, Madeline Davis argued for inclusion of gay rights in the Democratic Party Platform.<sup>210</sup> Harvey Milk, the first openly gay man elected to office in California, joined the Democratic Party in 1972 before being elected San Francisco Board of Supervisors in 1977.<sup>211</sup> One of the first openly gay members of Congress, Barney Frank from Massachusetts, was a prominent Democrat as well.

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

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

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

<sup>206</sup> 517 U.S. 620 (1996).

<sup>207</sup> 539 U.S. 558 (2003).

<sup>208</sup> 570 U.S. 744 (2013).

<sup>209</sup> 576 U.S. 644 (2015).

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

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

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

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

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

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

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

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

<sup>213</sup> 110 Stat. 2419 (1996).

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

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

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

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

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

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

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

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

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

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

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

## Conclusion

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

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

<sup>221</sup> *Ibid.*

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Book Reviews**

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

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

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

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

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

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

### **Conferences and Talks**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Other Professional Experience**

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

### **Awards and Honors**

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

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

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

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

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

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

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

### **Teaching Experience**

Assistant Professor, Hillsdale College, 2014-Present

POL 101: *U.S. Constitution*

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POL 412/504: *Politics and Literature*

POL 416: *Montesquieu*

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

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POL 744: *Constitutional Law II: Constitutional Rights*  
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- "Energy's Scaffold: Edward Bates on Separation of Powers in the Lincoln Administration" in collected volume (under review Kansas University Press).
- "Power Struggle: Locke and Montesquieu on Separation of Powers" in collected volume honoring Dr. David Nichols (under contract with Lexington Books).
- "Ship as State: the Political Philosophy of Master and Commander" in *The Politics of Contemporary Hollywood Films* (forthcoming from Lexington Books).
- "Self-Defined, Self-Expressed, Societally-Approved: Justice William J. Brennan's Jurisprudence of Human Dignity" in *The Catholic Supreme Court Justices* (forthcoming Catholic University of America Press).
- "Story Time With Whittington: Judicial Review in *Repugnant Laws and Commentaries on the Constitution*" in *The Georgetown Journal of Law & Public Policy* 19(Summer 2021).
- "No 'Piece of Cake': Applying Liberty and Equality in *Masterpiece Cakeshop*" in an edited volume *Society, Law and Ethics*, Edited by David Mackey (Jones & Bartlett 2021).
- "Alexander Hamilton and Popular Government: Friendly Defender and Friendly Critic" in *Democracy and the History of Political Thought*. Edited by Patrick Cain, Steve Block, and Stephen Sims (Published 2021 with Lexington Books).
- "The Statesmanship of Job: Puritan Joseph Caryl on Job as the Model Magistrate" in

*Evangelical Quarterly* 90(3)(2019).

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

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

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

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

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

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

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

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

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

## **Book Reviews**

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

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

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

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

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

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

#### **Conferences and Talks**

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

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

“Upcoming Supreme Court Cases You Should Know About” Webinar for the Ashbrook Center 9/27/2022.

“Songs in the King’s Key: The Political Thought of the Psalms” given at the Ashbrook Center 10/22/20

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

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

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

“ ‘Full of Fears and Full of Hopes’: Conversations with Tocqueville on the Problems of

Democracy in America” at Baylor University (panelist) (6/30-7/1/2019).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Other Professional Experience**

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

#### **Awards and Honors**

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

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

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

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

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

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

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

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

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

#### **Positions Held**

Ashland University, 2024-Present (Associate Professor, Co-Director, Ashbrook Center)

Hillsdale College, 2014-2024 (Assistant then Associate Professor)

POL 101: *U.S. Constitution*

POL 301: *American Government*

POL 303: *The American Presidency*

POL 305: *Civil Rights*  
POL 306: *Political Parties and Elections*  
POL 407: *The Federalist*  
POL 412/504: *Politics and Literature*  
POL 416: *Montesquieu*  
POL 597: *Richard Nixon* (Independent Study)  
POL 597: *Political Theory Survey* (Independent Study)  
POL 597: *Statesmanship of Lincoln* (Independent Study)  
POL 742: *The American Presidency*  
POL 743: *Constitutional Law I: Constitutional Powers*  
POL 744: *Constitutional Law II: Constitutional Rights*  
POL 832: *Teaching Apprenticeship*  
Collegiate Scholars 259: *Hamilton: The Man; the Musical*  
Collegiate Scholars 259: *Politics in the Bible*  
Collegiate Scholars 259: *Fate and the Individual in European Literature* (w/Dr. Eric Hutchinson)  
IDS 597.01: *Law and Society*

Teacher of Record, Baylor University, Waco, TX, 2012-2013  
*American Constitutional Development* (2 sections)

### **Languages**

English: Native Language  
New Testament Greek: Reading Knowledge  
Biblical Hebrew: Reading Knowledge

### **Associations**

American Political Science Association  
Southern Political Science Association



# 6HXE

# The Rational Southerner

## *Black Mobilization, Republican Growth, and the Partisan Transformation of the American South*

M.V. HOOD III, QUENTIN KIDD, AND  
IRWIN L. MORRIS

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## CHAPTER 1 | Introduction

SOME YEARS AGO, A friend of one of the authors took a job at a small state school in Oklahoma. Having spent little time in Oklahoma, the author asked the friend whether he thought Oklahoma was in the Midwest, the South, or the Southwest. The friend simply replied "Yes."

Obviously, some states have a regional identity that is far easier to determine (and agree upon). There is little question that New Hampshire is in New England or that Arizona is in the Southwest. But is Pennsylvania a Midwestern state? And where does Kentucky fit? And just how many regions does the United States include? The U.S. Census Bureau divides the fifty states into four regions—the Northeast, the South, the Midwest, and the West—and nine subregions. The Federal Reserve System is divided into a dozen regions. Some would argue that certain states fit into more than one region. Although Philadelphia clearly seems to be a Mid-Atlantic city, Pittsburgh is much more like Midwestern cities such as Chicago. Nacogdoches, Texas, is almost certainly a Southern town, but how could El Paso not be in the Southwest?

Despite all the arguments and discussion over the number of regions, the placement of states in the regions, and the substantive significance of both, there is one American region that has a very clear historical identity—the South, defined as the eleven states of the former Confederacy. For most of the century and a half following the Civil War, the uniqueness of Southern politics was taken for granted. The long Democratic domination of what was known as the "Solid South" simply had no analogue anywhere else in the United States.

From the late 1940s to the present day, the South has undergone the most dramatic political transformation of any region in the country. The most important structural change during this time period was the passage of the 1965 Voting Rights Act (VRA), and there is little doubt that the VRA made

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the subsequent mobilization of African Americans possible. With this mobilization came a unique partisan transformation as well. An area that was once solidly Democratic (i.e., with very few Republican officeholders of any type and no state-level GOP officials) is now largely dominated by the Republican Party. In a region where it was once all but impossible to win public office of any type—local to statewide—running as a Republican, the GOP now controls far more Senate seats, House seats, gubernatorial mansions, and state legislatures than the Democrats.<sup>1</sup>

One of the most interesting aspects of this transformation is the wide variation in the pace and extent of change across and within various geographic units. Some Southern states have held substantial numbers of Republican supporters since the publication of Key's seminal *Southern Politics in State and Nation* (1949). For example, Republicans were particularly prominent in the more mountainous areas of North Carolina, Tennessee, and Virginia—thus Key's apt descriptor "mountain Republicans." The absence of a long history of limited Republicanism did not, however, prevent a dramatic shift of partisan power among conservative whites once the GOP gained a toehold in other states (i.e., Mississippi and South Carolina). As we seek to understand the transformation of the Southern party system, we must remain cognizant of these significant variations. A compelling explanation must not only tell us why the South became more Republican, it must also explain why some Southern states (and areas within states) became more Republican at varying rates.

Scholars have suggested numerous explanations for the regionwide partisan shift. It is difficult to imagine the growth and development of the GOP in the South without the leftward shift of the national Democratic Party, particularly on the issue of civil rights, begun during the Roosevelt administration and extended during the Truman, Kennedy, and Johnson administrations. Roosevelt cultivated support among African Americans, and they comprised a significant segment of his electoral constituency. Truman integrated the U.S. military, created the Federal Employment Board to promote fair hiring practices in the federal government, and created the Committee on Government Contract Compliance to fight employment discrimination by private military contractors. Although Kennedy was not personally responsible for any significant civil rights legislation, his legacy of support for civil rights paved the way for the passage of the Civil Rights Act, the Voting Rights Act, and the Fair Housing Act during the Johnson administration.

The frustration of conservative Southern Democrats with increasing support for civil rights by the national Democratic Party was in evidence by 1948 when Strom Thurmond ran for the presidency on the Dixiecrat ticket, and

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this frustration clearly grew over the next two decades. But this "top-down" explanation—dissatisfaction with the national party leading first to the repudiation of national Democrats (presidential candidates) and then over time leading to the rejection of state and local Democrats, and then the party itself—obviously provides no rationale for the wide variation in Republican growth across the region. If national-level dynamics are the central cause of Southern Republican growth, why did the GOP grow so much more quickly in some states (e.g., Virginia) than it did in others (e.g., Mississippi)? And why have the lagging states now surpassed the early-growth states? National level, top-down theories provide no answer.

To explain regional and subregional variations in Republican growth, we must find causal factors that also vary across these levels. Scholars searching for these causal factors have tended to focus on the demographic characteristics of the Southern population—particularly the white Southern population during the time period of the partisan transformation.

In the recent literature on Southern politics, the role of class has attracted a great deal of attention. During the post-war era, the Southern economy underwent a dramatic transformation from a rural economy dominated by agriculture to a more industrialized economy driven increasingly by urban areas (Cobb 1999 and Sosna 1987). This economic transformation dramatically increased the standard of living of a large group of Southerners, particularly white Southerners. According to class-based explanations of Republican growth, as significant numbers of white Southerners moved from the working class to the middle class or from the middle class to the upper-middle or upper class, their policy preferences became more consistent with those of the national Republican Party.

More than half a century ago, Key (1949) suggested the possibility for this type of economic and political transformation when he discussed what he referred to as the *dilution* of the South's agriculturally dominated rural economy. For Key, an obvious implication of the shift away from an agricultural economy to an industrial economy would be an increased attachment to the Republican Party. A significant segment of the most recent research on the growth of the Republican Party in the South identifies economic development as the driving engine behind partisan change (see, for example, Lublin 2004 and Shafer and Johnston 2001, 2006). Although there is no question that both Southern Republicanism and the Southern economy have grown since the early 1950s, it has been difficult to demonstrate a relationship between the variation in economic growth across the states and counties of the South and the growth of the GOP in these same areas. For example, according to census data, the Southern states with the largest per-

capita income growth from 1960 to 1980 were (in order) Virginia, Florida, and Texas. The states with the largest GOP growth during the same time period were (in order) Mississippi, South Carolina, and Georgia. Ironically, Mississippi realized the smallest increase in per capita income during this time period. At the most basic level, there are obvious problems with a class-based explanation.

Another prominent explanation for Southern partisan change is *migration* patterns—both white in-migration and African American out-migration. A significant body of research suggests that the growth of Southern Republicanism is primarily a result of the influx of Republican-minded migrants from other regions of the country (Bass and De Vries 1976). This research contends that the bulk of Southern in-migrants during much of the past sixty years were white and middle class and that these migrants have become integral components of the Southern GOP (Scher 1997). We might reasonably infer that in-migration (specifically *white* in-migration) has had some impact on the relative strength of the two major political parties in the South, but the significance of this effect—and whether or not it remains a significant source of GOP growth—is controversial.

Some opponents argue that the impact of in-migration on Southern partisanship has waned recently, particularly since the mid-1980s, a time period in which the party loyalties of Southerners differed little (and were actually somewhat more Republican) than the party loyalties of Americans in other regions of the country (Stanley and Castle 1988). Others contend that cohort replacement and conversion of existing voters, as opposed to in-migration, explains the growing tendency among Southerners to identify as Republicans (Petrocik 1987). Note that the in-migration thesis is based on the presumption that in-migrants were more Republican than the native population. In the context of recent migratory trends—particularly the dramatic influx of Hispanics into the South—this presumption is questionable. The mechanism by which recent *white* in-migration—at a time during which such in-migrants were not necessarily more Republican than native white Southerners—may have led to Republican Party growth remains unexplained.<sup>2</sup>

Students of religion and politics propose an additional demographic explanation for the growth of Southern Republicanism among conservative whites. They note that evangelicalism has grown dramatically over the past fifty years, and *white* evangelical Protestants have become increasingly more likely to identify with, and vote for, the Republican Party (see Kellstedt 1989; Green et al. 1996; and Green et al. 1998). White evangelicals are more likely than those of other religious traditions to hold conservative views, especially in regard to social issues (Wilcox 2000). During the time period

of Republican growth in the South, evangelicals have become increasingly drawn to a Republican Party identified as the standard-bearer for social conservatism. The increase in Republican support among evangelicals is striking. Although white evangelicals comprised only half (50 percent) of the combined vote for presidential contests in the 1990s (Green et al. 1998), nearly three-quarters of white evangelicals voted Republican during the 1994 Congressional elections. In the same year, white evangelicals comprised a plurality of the GOP, making up 30 percent of Republican Party identifiers nationwide (Green et al. 1996).

We cannot ignore the obvious attachment of white evangelicals to the Republican Party; however, Southern religious culture has always included a prominent strain of evangelicalism—think of the *Playboy* issue in which presidential candidate Jimmy Carter discussed his status as a “born again” Christian. Explaining just how evangelicalism among Southern whites has driven the surge in Southern Republicanism is difficult, and the empirical connection between evangelicalism and the growth of Republicanism, at either the regional level or the subregional level, remains unestablished. Although one can make a plausible case for the role of evangelical attachment in the growth of the Republican Party in the South, hard evidence of this relationship is surprisingly limited.

In the face of these varied explanations for the growth of Southern Republicanism, we argue that a complete understanding of Southern party politics requires a full appreciation for the role that race has played and continues to play in the region. Scholars have long contended that white conservatism was directly related to the size of the black population, arguing that as proximity to a large population of African Americans increased, the *racial threat* perceived by whites also increased. What Key (1949) referred to as the “black-belt hypothesis” resulted in greater support for conservative candidates in areas with proportionately more blacks. Subsequent research in this vein uncovered support for Key’s hypothesis (see Aistrup 1996; Black 1976; Black 1978; Giles 1977; Giles and Buckner 1993, 1996; Giles and Evans 1986; Giles and Hertz 1994; Glaser 1994; Matthews and Prothro 1966; and Wright 1977). As the Republican Party was increasingly viewed as the party of conservatism—especially *racial* conservatism—it became an increasingly desirable alternative to the Democratic Party. Some limited evidence indicates that black context is directly related to growth in Republican partisanship (see, for example, Giles and Hertz 1994).

Support for Key’s hypothesis (that black context is directly associated with white conservatism) and its extension to partisan politics (that black context is associated with Republicanism), while strong, is not unequivocal



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(see Coombs, Hibbing, and Welch 1984; Bullock 1985; Voss 1996; and Whitby 1985). From a theoretical standpoint, it is important to remember that Key's hypothesis of a black-context effect was not based solely on an electoral threat. At the time Key was writing (mid-to-late 1940s), African Americans were nearly two decades away from the *beginning* of effective enfranchisement in the South. Key's characterization of the relationship between black context and white conservatism during the time period about which he was writing—the late nineteenth and early twentieth centuries—depends, at least in part, on the presumption (by conservative whites) of a cultural or physical threat not fully captured by a potential electoral threat decades from materialization.

But in the six decades since Key wrote, the VRA (and subsequent judicial and legislative actions) led to the end of de jure disenfranchisement, and significantly curtailed de facto disenfranchisement, of Southern blacks. This mobilization of the African American electorate effectively transformed Southern political dynamics. In the new Southern polity, conservative whites might still view African Americans as a threat, but, as we argue below, that threat is far more likely to be viewed as one of an electoral nature than one of a physical nature. To the extent that this is the case, we err by maintaining our preoccupation with racial context in our efforts to explain increasing white support for the Republican Party.

Some practical issues make the attribution of Republican growth to black racial context problematic. Although conservative white voters may have changed their allegiances and shifted from the Democratic to the Republican Party, blacks are still overwhelmingly strong supporters of the Democratic Party. So, in those areas where white "flight" to the Republican Party is most likely, the potential black Democratic base will be most numerous. In areas with large black populations, there is both a nearly tangible ceiling placed on potential Republican support and a very real floor placed on the loss of Democratic support. Similarly, the recent period of dramatic Republican growth has come during a time when the size of the black population in the South has decreased. How is it possible to attribute substantial Republican growth to black context when the relative size of the black population has not grown at all, and in some areas has experienced a relative decline?

For us, the political significance of the slight decline in the relative size of the black population in the South pales in comparison to the dramatic increase in the size of the mobilized black electorate in the region. Though the relative size of the black population in the South has not grown over the past half-century, the African American portion of the electorate (i.e., "red voters") has grown dramatically. It is the concomitance of black

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mobilization and Republican growth that is so striking; yet the region-level focus of so much of the existing research on Southern politics has tended to obscure the interrelationship of these two trends and to preclude the examination of these phenomena. Just as studies of the growth of Southern Republicanism have ignored the potential influence of the political mobilization of the black population, more traditional explanations for black mobilization—for example, the decrease in formal and informal electoral discrimination and the rise of overt black political empowerment (as manifest in the increasing prevalence of black elected officials and viable black presidential candidates)—have yet to examine the potential effects of the political opportunities resulting from the exodus of conservative whites from the Democratic Party.

Our working assumption is that the character of specific political opportunities—local strategic dynamics—played a decisive (and unexplored) role in the development of the Southern Republican Party and the mobilization of the black electorate. We will argue that conservative Southern whites responded to black mobilization by moving into the Republican Party. As blacks moved into the electorate—and the Democratic Party—conservative whites faced increased challenges to their control of the party. As the GOP in the South gathered momentum—largely due to efforts of Republicans outside the region—local Republican Party organizations became increasingly viable mechanisms for exercising political influence and control. So, we argue, the attractiveness of the Republican Party for conservative whites—on the dual dimensions of control and viability—was enhanced during this time period. Thus, conservative white Southerners took advantage of these strategic opportunities by becoming Republicans.

Blacks also faced new political opportunities, particularly in the Deep South states where their relative size was greatest. As conservative whites migrated to the Republican Party, blacks found new opportunities within the Democratic Party. Although party viability was not a problem for the Democrats, blacks were now in a position to play a prominent role in party leadership. In the Deep South, blacks were in a position to be the controlling interest in the state Democratic Party. So, as conservative whites left the Democratic Party, the incentives for blacks to mobilize and join the Democratic Party increased, especially in those areas where the relative size of the black population could produce the greatest effects.

In this book, we describe the political transformation of the modern South and present our own perspective on this party system transformation. We begin by providing a broad overview of the transformation of the Southern political landscape—focusing specifically on the transformation of the

Democratic and Republican parties and the growth of the black electorate over the past sixty years. We then move beyond this qualitative and largely descriptive depiction of political transformation to the presentation of our own theoretical explanation for the primary dynamics of this partisan change—the theory of *relative advantage*.

The next chapter provides a detailed description of the Southern political transformation from the 1950s through the present day. We first look at the increasing success of the Republican Party in the region by tracking the success of GOP candidates at the national, state, and substate levels and by charting individual-level growth in identification with the Republican Party using longitudinal survey data. As has been noted by a number of existing studies, Southern whites were drawn to Republican Party candidates—particularly at the presidential level—before they viewed themselves (or identified) as Republicans.

We also describe the growth in black mobilization from the 1960s until the present. It is difficult to overestimate the enabling significance of the VRA for black electoral mobilization; however, post-1965 black mobilization followed a variety of trajectories within various geographies (i.e., states, counties, and parishes). In some areas, black mobilization rivaled or exceeded white mobilization quickly; in other areas, black mobilization continues to lag behind white mobilization to this day. Previous explanations for this growth (and somewhat less commonly, the variation in growth) have focused on factors relating to socioeconomic and demographic characteristics of blacks in the region, largely ignoring the political dynamics that have shaped these trends.

Finally, we combine individual-level survey data on race, party identification, and ideology with aggregate-level data on political party registration in the region to create an ideological profile of the Republican and Democratic Parties over time. We use these data to construct a series of graphical snapshots that reveal the racial composition, ideological position, and relative size of the parties in comparison to one another beginning in the late 1960s. Examination of these figures reveals an increasingly liberal and shrinking (in terms of total registrants) Democratic Party over time, contrasted with a starkly conservative and growing GOP. Over the last half-century, one can also note an increased reliance on black registrants to fill Democratic Party ranks in the South.

The political transformation of the modern South has been the focal point of a large and growing body of literature. What has been missing—and what has been needed for some time—is an examination of the strategic aspects of this transformation. Traditional explanations for Republican growth have

focused on demographic change (in-migration or generational replacement) and/or the slow and apparently inexorable movement of conservative (and increasingly wealthy) white Southerners into the party they “should” have supported long ago.

In chapter 3, we argue that both GOP growth and black mobilization manifested significant strategic components that are largely ignored—or at the least, underemphasized—in the existing literature. We contend that GOP growth is a direct function of black mobilization, as conservative whites responded to a relative shift in the potential political benefits of Democratic Party versus Republican Party membership. From a political standpoint, the relative advantage of the Republican Party (compared to the Democratic Party) increased over this time period, but the extent of this relative advantage for the GOP varied considerably across, and within, the Southern states.

Although often spawned by the formation of societal cleavages, the idea of relative advantage encompasses more than the demographic fuel necessary for the fire. Some catalyst must also present itself, and such a spark often takes the form of policy orientations and/or ideological positions held by existing politicians and attributed to existing political orientations. Citizens identify with, and vote for, candidates of political parties for a variety of reasons. Among the factors that influence peoples’ decisions to support one party or the other are (1) the relative competitiveness of the party in a wide variety of political arenas (viability) and (2) the relative consistency of each party’s political objectives with a citizen’s own objectives (control). Evidence of viability could come in numerous forms, from the increasing competitiveness of Republican candidates to the increasing frequency of party-switching on the part of prominent elected officials. The mobilization of the black population—an almost uniformly Democratic electorate—made it increasingly difficult for conservative whites to maintain control of the local Democratic Party machinery. As control of the local Democratic Party became tenuous, the party apparatus became less valuable to white conservatives.

This chapter also includes a discussion of the new strategic opportunities that African Americans enjoyed at this time. Viewed from the perspective of blacks in the region, the Democratic Party offered the best hope for exerting political influence. In the Deep South, which contained larger numbers of blacks, opportunities to exert leverage within the party were even greater than in the rest of the South. This result—that GOP growth spurs black mobilization in those states with relatively large black populations, but not in states with smaller numbers of blacks—is predicted by the theory of relative advantage.



Chapter 4 includes detailed case studies of the transformation of the party system in two Southern states, Georgia and Virginia, one representative of the Deep South and the other the Rim South. Using a variety of secondary sources (histories of the state and biographies of prominent state politicians and political leaders) and primary sources (newspapers, documents available from archives and libraries, and in-person interviews), we are able to show the theory of relative advantage “in action” and how it provides important insights into the political change in these two states from the pre-Civil Rights era to the present.

Following the case studies presented in chapter 4, we subject our explanation of Republican growth to a rigorous battery of quantitative tests in chapter 5. We begin by employing a panel Granger framework that indicates black mobilization causes GOP growth in a consistent manner across the eleven former states of the Confederacy. We expand upon this analysis by specifying a pooled-time series model covering the 1960–2008 period. In short, we find clear evidence that GOP substate party competition and black mobilization are positively related to state-level Republican growth.

In chapter 6, we examine the implications of the theory of relative advantage in the context of substate political dynamics. Using parishes in Louisiana and counties in North Carolina as the units of analysis, we analyze the relationship between partisanship (voter registration) and race (voter registration) in a pooled-time series framework from 1966 through 2008. Chapter 7 includes individual-level analyses designed to probe the effects of black mobilization at both the mass and elite levels. Using survey data of GOP party activists from 1991 and 2001, we examine the propensity of these individuals to have switched parties based on the degree of black mobilization at the county level. We then make use of the two longitudinal datasets (the American National Election Studies, 1972–2008 and the Southern Focus Polls, 1992–2001) to draw inferences about mass partisan identification in relation to black political mobilization. The prevalence of support for the theory of relative advantage at each of the three levels of analysis—the state, substate, and individual levels—is striking.

In chapter 8, we assess the extent to which the implications of relative advantage theory for black mobilization are supported by the empirical record. Again, using a panel Granger framework, we are able to demonstrate that Republican growth causes black mobilization in the five Southern states with the largest black populations, or those located in the Deep South. We incorporate this information into a pooled-time series model (1960–2008), where we find clear evidence that GOP growth is positively related to black mobilization in the Deep South (though not in the Rim South), even after

taking into account a variety of other potential explanations. This chapter includes analysis similar to that undertaken in chapter 6 at the substate level. Again using parishes in Louisiana and counties in North Carolina, we analyze the relationship between partisanship (voter registration) and race (voter registration) in a pooled-time series framework from 1966 through 2008. Just as in the case of GOP growth, we find strong evidence in support of the implications of relative advantage theory for understanding the dynamics of black mobilization during the last half-century in the South.

We conclude with a discussion of the broader implications of the theory of relative advantage for the future of Southern Republicanism and the mobilization of Southern blacks. We re-emphasize the significance of race in Southern (and national) politics. We caution that those who ignore these racial dynamics do so at their own risk. We also offer some conjectures about the future role of Hispanics in Southern politics and discuss the role of these Southern political dynamics in the future of national politics.



CHAPTER 9 | Summary and Concluding Thoughts  
*Disintegration of the Solid South*

IN THE MIDDLE OF the last century, during the congressional elections of 1950, not a single Southern Republican won a Senate race, and only two Southern Republicans won seats in the House of Representatives. The two Southern Republican victors were both from Tennessee, a Rim South state. B. Carroll Reece won the election from the first congressional district with considerably less than 50 percent of the vote in a three-person race in which the Independent came in second. Reece's district was in upper east Tennessee and included the tri-cities area, a traditional stronghold of what Key referred to as "mountain Republicans." The other Tennessean was Howard Baker. The father of the future senator and Ronald Reagan's chief of staff won a close election for the House seat in the second congressional district by less than 3,300 votes. Baker also served a district in east Tennessee. In an era of mass black disenfranchisement in the region, there were no African American members of Congress from the South during this period of time.

Some sixty years later, there are not only far more Republicans in the congressional delegations from the South, there are also far more African Americans. Following the 2010 elections, Democrats held fewer than 30 percent of the congressional seats in the Southern states. Of the twenty-two Senate seats in the South, only six are held by Democrats. A majority of Southern Democratic House members are African American or Hispanic, and only one House seat in the Deep South is held by a white Democrat (John Barrow-GA).

In chapter 2, we provided an extensive depiction of this transformation, showing, in particular, that GOP growth was both temporally and spatially not uniform across the region. In certain regions in some states, bands of Southern Republicans were politically active before 1950. Other areas had,

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in the strength of other factors. In chapter 4, we illustrated the dynamics of relative advantage with detailed case studies and a wealth of archival data.

We saw this dynamic in patterns of GOP growth clearly and consistently at the state level (in chapter 5) and at the county/parish level (in chapter 6). Somewhat surprisingly given the limitations of the data, we also found evidence of this dynamic at the individual level (although this effect was mediated). We also found that the mobilization of the African American electorate had a substantial effect on GOP growth in the face of controls for other traditional explanations, such as income growth, in-migration, and evangelicalism. Simply put, we found, as the theory of relative advantage predicted, that the growth of Southern Republicanism was *primarily* driven by racial dynamics, not class, demographic factors, or religion, as others have suggested. Though we are suggesting a distinctive dynamic, in this important respect our work mirrors Key's (1949) seminal text on Southern politics. At the midpoint of the last century, according to Key, Southern politics revolved around the issue of race. Southern politics in the early twenty-first century still revolves around the issue of race.

Much of the recent research on Southern politics—Lublin (2004) and Shafer and Johnston (2001, 2006) are prominent examples—argues that the role of race in modern Southern politics has been overemphasized and that the key to understanding the postwar partisan transformation in the South is class conflict driven by economic growth. We are not arguing that the economic transformation of the South did not play a role in the development of the Republican Party in the region, but it is not the key aspect of—or the primary mover behind—the growth of the Southern wing of the GOP. To understand the temporal and spatial dynamics of GOP growth in the region, we would argue that one must understand the politics of race. Stated succinctly, the partisan and political transformation of the South over the past half-century has, most centrally, revolved around the issue of race.

But is it possible that this racial dynamic has played itself out? If we are correct about the political dynamics that have gotten us to this point, then we may be very near the high-water mark of Southern Republicanism. Based on our analysis, the primary impetus for the growth of the Southern wing of the GOP was the increasing electoral strength of the African American population. A significant increase in black electoral strength would require one of the following: (1) a sizeable jump in the mobilization rate of the existing African American population, (2) a large increase in the relative size of the African American population among African Americans.

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for all intents and purposes, no Republican Party at all until the 1970s. We also showed that by the beginning of the twenty-first century, Southern Republicanism was ubiquitous in every state in both the Rim South and the Deep South.

The growth in Southern Republicanism was matched by a similar growth in the mobilization of the black population. In 1960, fewer than 30 percent of voting age African Americans in the South had registered to vote. By 2008, nearly three-quarters of all voting-age African American Southerners had registered to vote. Although there is evidence that black mobilization was growing before the passage of the VRA in 1965 (see Timpone 1995), there is little question that the VRA provided the impetus for this broad and dramatic increase in voter registration.

The mobilization of the African American population was a regionwide phenomenon in the South over the past half-century, but as we showed in chapter 8, the extent of black mobilization was not uniform across states and counties. The data clearly indicate that some areas experienced significantly greater mobilization than others. It is also apparent that mobilization occurred more rapidly in some areas than in others. The areas with the largest increase in mobilization, however, were not often the same areas in which mobilization increased most rapidly.

As the existing literature would suggest, we see that black mobilization spiked with significant political events, such as the Jackson campaign in 1984 and the Obama campaign and election in 2008. But other patterns in black mobilization are not easily explained by existing research. In chapter 8, we highlighted the fact that we find no evidence of a positive relationship between income and black mobilization at either the state or the substate level. There is little reason to think that the particular type of political participation on which we focus—registering to vote—is likely to be primarily a function of black empowerment, another important aspect of the research on black political participation.

The theory of *relative advantage* outlined in chapter 3 helps us understand this dramatic Southern transformation. It also provides a logic that highlights the intersection of the two pillars of the disintegration of the "Solid South"—the mobilization of African Americans and the growth of the GOP. As African Americans flowed into the electorate (and overwhelmingly the Democratic Party), white conservatives bolted for the Republican Party. Although the competitiveness of the Southern Republicans and the organizational strength of the Republican Party in the South had an independent impact on subsequent GOP growth, we saw a strong relationship between black electoral strength and GOP growth even when accounting for variation

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With the release of the 2010 census data, demographers have highlighted a number of important trends related to the black population. The first of these involves black migration patterns within the United States. Increasingly, blacks born outside the South are moving to the region, reversing a longtime trend begun with the *Great Migration*.<sup>1</sup> This pattern, in part, has also resulted in an increasing share of the nation's black population residing in the region. By 2010, half of the black population (49.8 percent) was again living in the eleven-state South, up from a low of 45.1 percent in 1970.<sup>2</sup> Neither of these trends, however, has significantly altered the share of the black population within the region relative to other racial/ethnic groups. Table 9.1 displays the racial/ethnic composition of the South by decade beginning in 1950. Since 1970, blacks have comprised between 20.3 percent (1970) and 19.3 percent (2010) of the total population of the region—a remarkably stable pattern. The larger demographic trend to note from Table 9.1 is the sizeable drop in the non-Hispanic white population in the region, from 72.6 percent in 1980 to 58.3 percent in 2010, and the concomitant rise in the share of the Hispanic population, up nearly 11 percent over the same period of time.

Based on current demographic patterns then, we are likely to see neither a significant increase in black mobilization rates (which, according to census data are slightly higher than white mobilization rates) nor an increase in the relative size of the African American population in the South. The dynamic that has driven the growth of the Southern GOP to this point is unlikely to produce substantial further growth—at least among whites.

This prediction of a high-water mark for GOP growth among Southern whites is an important distinguishing characteristic of the theory of relative advantage. If, as others have recently argued, Southern Republicanism is primarily driven by class dynamics, then, as income rises among whites, we

TABLE 9.1 Racial/Ethnic Composition of the American South, 1950–2010

DECADE	WHITE	BLACK	HISPANIC
1950	75.1%	24.9%	—
1960	77.1%	22.7%	—
1970	79.3%	20.3%	—
1980	72.6%	19.4%	7.0%
1990	70.2%	19.0%	9.2%
2000	64.1%	19.2%	13.1%
2010	58.3%	19.3%	17.6%

NOTES: Entries are the percentage of total population in the eleven-state South comprised of each group. The Census Bureau did not collect population data on Hispanic ethnicity until 1980. Source: Decennial U.S. Census data.

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should expect to see further Republican growth within this population segment. Which factors will drive future party system change obviously remains to be seen.

But even granting that racial dynamics, more specifically the relationship between black and white Southerners, have driven Republican growth to this point, the future of the Southern Republican Party is unlikely to unfold solely in terms of black and white. At the time of the passage of the VRA, the census did not even keep track of the size of the Hispanic population. Until 1970, the demographic distinctions were “white” and “nonwhite.” Today, the future of the Southern party system may well depend on the attitudes and mobilization of Southern Hispanics. We provide a brief discussion of some of the possibilities associated with the growing political significance of the Hispanic population in the next section.

The Growing Political Significance of Southern Hispanics

If the growth of Southern Republicanism and the mobilization of African Americans in the South are the two most significant political phenomena of the past half-century, then the most significant demographic phenomenon of the last twenty years is the widespread growth of the Hispanic population. In the early portion of the twenty-first century, the growth of the Southern Hispanic population is also shaping up to be one of the most important political dynamics as well (see again Table 9.1 for regional comparisons over time). While the South has had a small number of large, localized Hispanic communities for over a century (in Texas, for example), the dramatic region-wide growth of the Hispanic population is a late twentieth-century phenomenon. As Hispanics transform Southern demography, they have the potential to also transform Southern politics. To provide an idea of the potential for demographic and political change, consider the following: Texas is currently one of only four states where Anglos (non-Hispanic whites) do not represent the majority racial/ethnic group. By 2015, it is predicted that Hispanics will become a majority in Texas.<sup>3</sup>

Although Hispanics are not a monolithic group, in political or other terms, Hispanics not of Cuban origin tend to identify and vote Democratic more than a majority of the time.<sup>4</sup> Given the growth in this segment of the population, this trend should be troubling to the Republican Party in the region. Hispanics tend to be relatively conservative on social issues, but they are fairly liberal on economic matters. The former should benefit Republicans and the latter Democrats. So, unlike the black electorate, there does appear to be some maneuvering room for Republicans with this particular

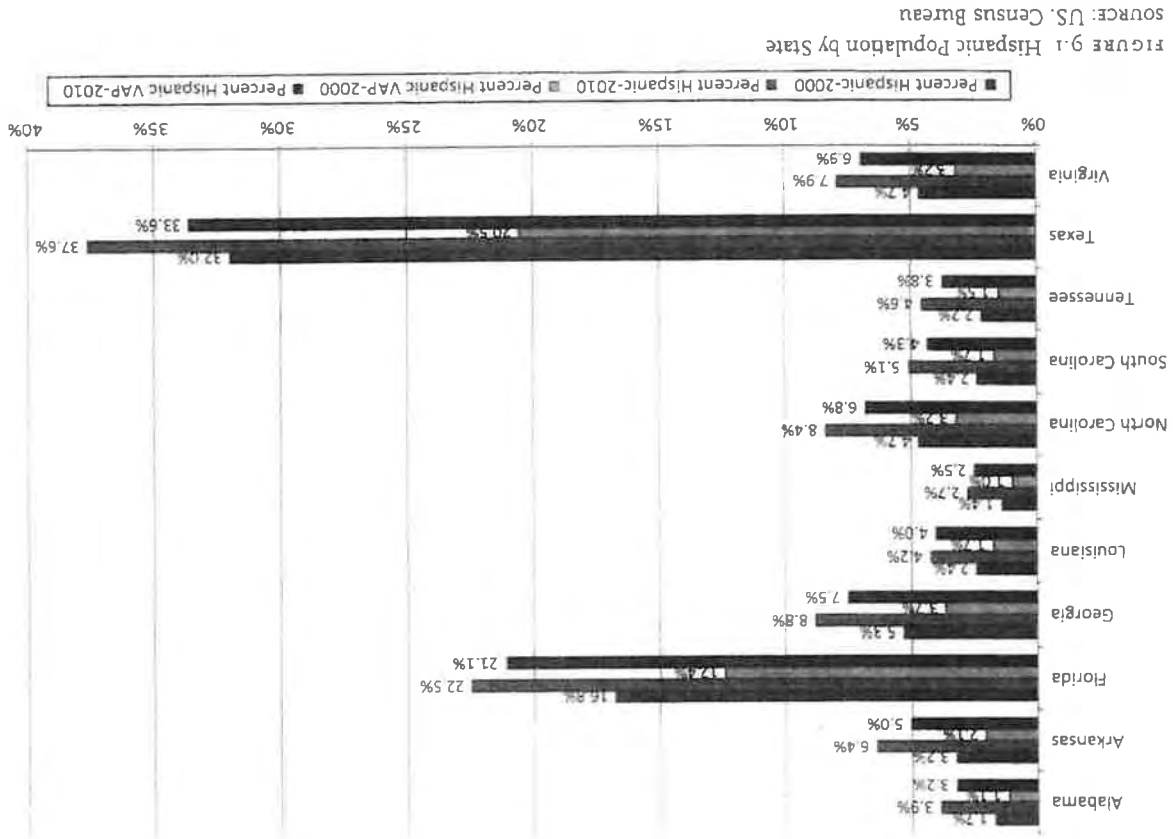


184 group. However, the party's current stance on the immigration issue has proven to be a stumbling block in the GOP's effort to court Hispanics. For a population segment with comparatively higher degrees of poverty and lower levels of educational attainment, the draw from economic issues would also seem to benefit the Democratic Party. Party registration figures from North Carolina indicate that approximately 40 percent of Hispanics identify as Democrats, compared to 28 percent Republicans, and 32 percent with no party affiliation (Bullock and Hood 2006). In short, existing research provides little guidance on the issue of which camp a majority of Hispanics may choose in terms of partisan affiliation.

A number of factors will work to mute the influence of Hispanics in the region for several decades into the future, even in Texas and Florida. Figure 9.1 presents the Hispanic share of the population for each Southern state along with the Hispanic voting-age population (VAP), using data from the 2000 and 2010 U.S. censuses. For every state except Texas, Florida, and Georgia, Hispanics comprised less than 5 percent of the total population in 2000. Note that even these small percentages represent substantial growth in a region where Hispanics were a negligible presence in many states before 1990. Total population estimates for 2010 show an increase in the number of states with a Hispanic population over 5 percent to six, all of which are located in the Rim South with the exception of Deep South Georgia. These 2010 estimates place the Hispanic population in Florida and Texas at 22.5 percent and 37.6 percent respectively.

Despite a growing presence throughout the region, recent research indicates that Hispanics will be slow to reshape the politics of the South. One recent study estimates that it could be the 2030s before growth in the Hispanic population alone would help Democrats reach parity with the GOP in Texas (Stanley 2008). A number of factors currently work to constrain the political influence of Hispanics in the region. One of these is the fact that the Hispanic population is, on average, currently younger than the non-Hispanic population. In Texas where Hispanics make up more than a third of the state's total population, this group comprises only about one-fifth of the VAP. Again, see Figure 9.1 for comparisons of the Hispanic VAP by state.

A second limiting factor relates to the issue of citizenship. A large percentage of Hispanics who have migrated to the South (with the exception of Florida and Texas) are not citizens and therefore cannot vote. Census estimates from the 2008 election cycle indicate that Hispanics comprised only 16 percent of the citizen VAP in Florida, compared to a 20.7 percent share of the VAP.



The potential for Hispanic political influence is also limited by the fact that Hispanic citizens in the South register and vote at lower levels than do blacks or whites. For the 2008 election, the Census Bureau put Hispanic registration among citizens to be to be 54.3 percent in Texas, compared to 73.7 percent for blacks and 73.6 percent for whites. The same source indicates that 37.8 percent of Hispanic citizens voted in the 2008 general election, far below 64.9 percent and 64.7 percent for blacks and whites respectively.<sup>5</sup> In Georgia, where we do not have to rely on estimates, Hispanic turnout in the 2008 general election was 59.6 percent. Again, this figure is far below turnout rates for blacks at 75.8 percent and whites at 77.4 percent.<sup>6</sup> The bottom line is that until such disparities dissipate, Hispanics will not reach their full political potential in any Southern state, despite their growing population base.

Still, the potentially transforming effects of a substantial increase in Hispanic voters should not be ignored. As in the case of African Americans, standard models of mobilization (primarily designed for whites) do not fully capture the political activity of Hispanics (see Leighley and Vedlitz 1999 and Leighley 2001). As Jang notes:

The central finding of the literature is that the traditional models of political participation, based on individuals' socio-economic status and accompanying political resources (e.g., Verba and Nie 1972; Verba et al. 1978, 1995; and Wolfinger and Rosenstone 1980), alone do not adequately explain the patterns in political participation among Latinos . . . (2009, 512).

The most recent work on Hispanic mobilization has tended to focus on the role of racial context in spurring or constraining Hispanic political activity. However, it has been difficult to establish (find evidence of) a relationship between Hispanic context and Hispanic mobilization or black/white context and Hispanic mobilization (see Jang 2009 and Matsubayashi 2009). The most compelling recent evidence suggests that Hispanic mobilization is positively associated with the size of the Hispanic population and with the racial/ethnic heterogeneity of the geographic context (Jang 2009). There is also evidence of an income effect on mobilization (an increase in Hispanic income leads to an increase in mobilization) and interactive effects between group size and income or racial/ethnic heterogeneity (Jang 2009).

The extent to which these factors may influence mobilization in the Southern context remains to be seen. We also wonder if there are explicit political dynamics involved in the mobilization of Hispanics in the South. That the Hispanic population lacks a strong partisan vector—a clear preference for

one party or the other—would suggest little change in the trend of Hispanic mobilization. However, if a strong partisan preference develops—that is, a large majority of mobilized Hispanics consistently demonstrates a preference for one party—then relative advantage suggests that Hispanic mobilization will increase accordingly. If Hispanic support coalesces around a single party, then we should see a significant increase in Hispanic mobilization. Why? Because the power of a cohesive Hispanic voting bloc coupled with an increase in mobilization is significantly greater than the value of mobilization for a bifurcated constituency. So, if the Hispanic population becomes more politically cohesive, we should also expect to see a concomitant increase in Hispanic mobilization.

Our earlier prediction that we are at (or very near) the high-water mark of Southern Republicanism is based on our understanding of black/white political dynamics. The future political development of the Hispanic population in the South could obviously have a significant impact on the subsequent trajectory of partisan politics. In fact, if the Hispanic population in the South coalesces around the Republican Party, we may be nowhere near the high-water mark of Southern Republicanism. If Hispanics coalesce within the Democratic Party, then we may have seen the zenith of the GOP in the American South.

### *Race, Class, and the Engine of American Party Politics*

As students of Southern politics, we would argue that regional politics should be studied for its own sake. But Southern politics is not isolated from the broader arena of American politics. Certainly no other region has undergone the dramatic partisan transformation experienced by Southerners during the past half-century, but the political implications of this transformation go well beyond Southern borders.

First, the level of ideological polarization in the American party system is simply inconceivable in the absence of the disintegration of the Solid South and the partisan transformation of Southern politics. Although scholars will certainly argue about the extent of ideological polarization (see, for example, Abramowitz 2011; Fiorina et al. 2010; Levendusky 2009; and Poole and Rosenthal 2007), Southern political dynamics enabled the development of whatever ideological polarization exists in the modern party system. We believe that this distinctive Southern contribution to our national party system is not fully appreciated.

But beyond this, we find the misinterpretation of the Southern partisan transformation problematic because of what it then mistakenly implies

about the national party system. It is now commonplace to assume that the disintegration of the Solid South was the long overdue demise of a distinctive Southern politics. Basically, "the party system of the contemporary South has gradually come to resemble that of the country as a whole" (Bartels 2008, 94). From this perspective, the end of Democratic dominance resulted from (1) the waning significance of race, (2) the economic transformation of the South, and (3) the rise of a class-based politics. What is unclear, then, is why working- and middle-class Southern whites have shifted from their "natural" class home—the Democratic Party—to the Republican Party. Bartels also notes that the "decline in support for Democratic presidential candidates among white voters over the past half-century is *entirely* attributable to partisan change in the South" (2008, 78), a partisan change inconsistent with class-based explanations, at least for working- and middle-class whites.

Our theoretical and empirical focus here has been the South, and so we have no basis on which to decide whether the South is, in terms of partisan dynamics, indistinguishable from the rest of the United States. What we can say is that the Southern party system over the past half-century revolved around issues of race—not class. Much of the recent work on the American party system has clearly then underemphasized the crucial and distinctive role that race and racial dynamics have played.

Which leads us to what we consider the crucial question for the future of Southern politics (and possibly national politics): Whither Hispanics? The social dynamics that produced the party system in the modern South are not likely to produce drastic changes any time soon. We do not expect a dramatic increase in the mobilization or the electoral strength of the African American population, and we should thus not expect a substantial increase in Republicanism among Southern whites. But if Hispanic Americans in the South coalesce around a single party—Democrat or Republican—the shift in the balance of power between the parties could well result in the development of a new party system. And if conjectures based on relative advantage theory are correct, once the transformation begins (when Hispanics begin a more-or-less permanent and consistent attachment to a single party), it could happen far more quickly than expected.

Although our focus is on the South and its politics, if the support of Southern Hispanics goes overwhelmingly to one party or the other, then spillover effects at the national level are all but unavoidable. Imagine the national-level ramifications of a Southern party system in which the Hispanic voting bloc could consistently deliver Florida, Georgia, North Carolina, and Texas—the four Southern states with the largest Hispanic populations—to their party's presidential candidate. How would the opposing candidate

effectively combat such an Electoral College windfall? Needless to say, it would be difficult.

We are not there yet, and it is unclear when (or if) we ever will be. Race has left an indelible imprint on the region, and it would certainly be a mistake to ignore the potential future role of racial dynamics in Southern politics and, by implication, national politics. Just as the Southern novelist William Faulkner wrote, "The past is never dead. It's not even past."

## EPILOGUE

Since publication of *The Rational Southerner* we have seen an additional two federal election cycles. The publication of the paperback edition of this book gives us an opportunity to provide a brief update on the landscape of Southern politics and, more specifically, additional data for the assessment of our theory of relative advantage.

We organize this epilogue as follows:

1. Discussion of the 2010 and 2012 election cycles.
2. The future of Southern politics (at least from where we sit).

### *The 2010 and 2012 Election Cycles*

The first mid-term election of the Obama administration brought a host of new Republicans to the U.S. House and Senate, and a number of these new legislators represent Southern constituencies. Much of the Republican success in 2010 has been attributed to the advent of the Tea Party movement. In effect, the 2010 midterm was the “coming out” party for this grassroots political movement. We did not address the Tea Party in our book, but there is little question that it was, and probably still is as of this writing, an important national political movement. Dating from a February 19, 2009 on-air “rant” by CNBC reporter Rick Santelli (who also introduced the tea bag as the symbol of the movement), the first Tea Party rally occurred less than 10 days later in Washington, D.C. (Pilkington 2010). The Tea Party movement had a surprisingly large effect on Republican primary elections in 2010, and nationally over 50 candidates attached to the Tea Party—all Republicans—won seats in the House of Representatives or the U.S. Senate.



Clearly, a set of Tea Party candidates was successful in Southern races, but there is a tendency to overstate the role of the Tea Party movement in the general success of Republican candidates in 2010, particularly Republicans in the South. We view the growth in Southern Republicanism manifest during the 2010 and 2012 elections as primarily a product of the relative advantage dynamic, and thus related to black mobilization. Black mobilization was historically high in 2008, it has continued to grow in nearly every Southern state since then. In Figure E.1, we present the relative size of the mobilized black population for each of the Southern states from 2008 to 2012.<sup>1</sup> While the magnitude of this measure varies considerably, we only see a decline in two Southern states, and in one of those, the decline is only a tenth of a percentage point.

In the context of the growth in black mobilization, the theory of relative advantage predicts that we will see an increase in Republicanism (as manifest in the increasing success of Republican candidates for state-wide and sub-state political office). The results of the 2010 and 2012 election cycles show evidence of this pattern. At the sub-state level, the proportion of seats held by Republicans in the lower house of the state legislature grew in nine of the eleven Southern states, and the same is true of the proportion of seats held by Republicans in the upper house of the state legislature (see Figures E2 and E3). We also see that the percentage increase in seats in both lower and upper state houses was greater in the Rim South than in the Deep South, just as the increase in the relative size of the mobilized black population was greater in the Rim South than the Deep South.

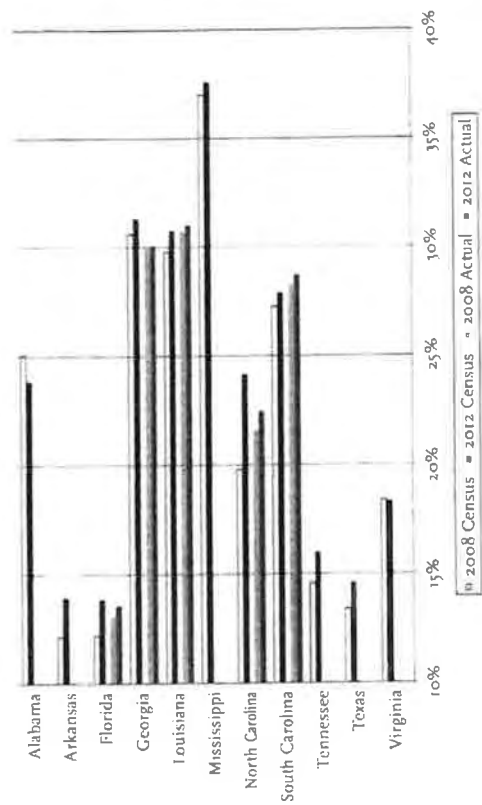


FIGURE E.1. Black Mobilization Rates in the South, 2008-2012

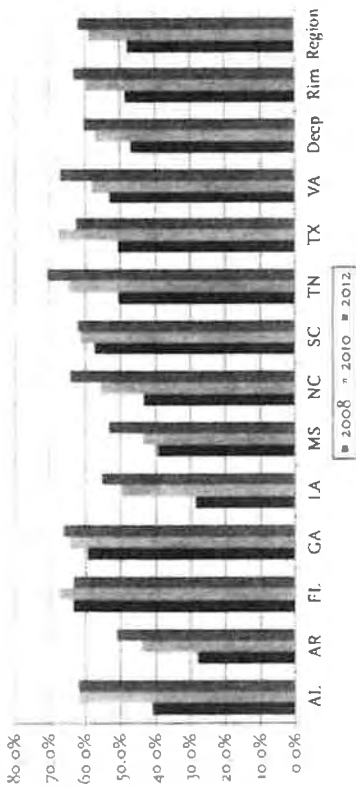


FIGURE E.2. Percentage of State House Seats Held by the GOP, 2008-2012

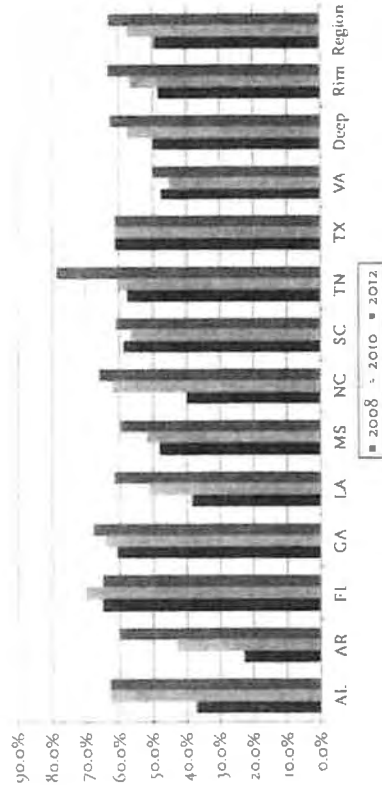


FIGURE E.3. Percentage of State Senate Seats Held by the GOP, 2008-2012

At the federal level, we see a similar pattern in the growth of the Republican seats in the House of Representatives. Except for Louisiana, which lost a seat due to reapportionment following the 2010 census, every other Southern state saw an increase in the percentage of seats held by Republicans as displayed in Figure E.4. Again, the increase in Rim South states exceeded the percentage increase in the Deep South (though by only a small margin). Given the relatively larger increase in black mobilization in the Rim South than the Deep South during this time period, this is exactly what the theory of relative advantage would lead us to expect. With the exception of a seat pickup in Arkansas, the number of Republican U.S. Senate seats from the region remained unchanged from 2008 through 2012.

And so what of the Tea Party in the South? Clearly, a number of Southern legislative seats taken by the Republicans in 2010 and 2012 were won by

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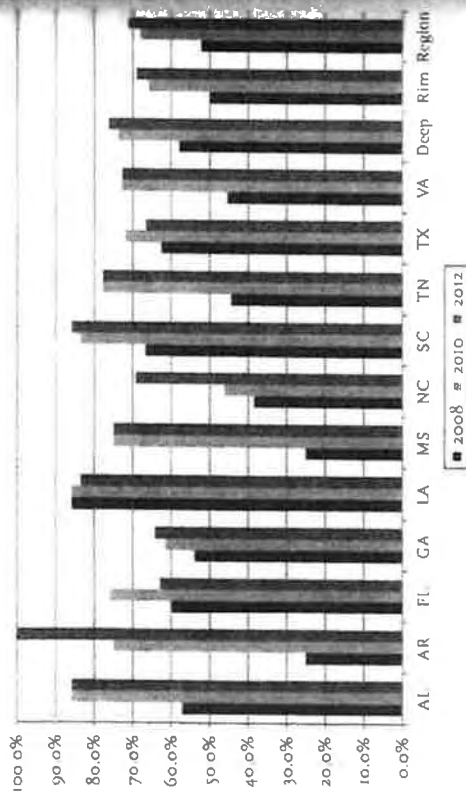


FIGURE E.4. Percentage of U.S. House Seats Held by GOP, 2008–2012

candidates attached to the Tea Party. And the percentage increase in seats held by Republicans was larger from 2008 to 2010—to this point, the high-water mark of the Tea Party's impact on federal elections—than it was from 2010 to 2012. But there is also little doubt that the Tea Party had a far greater impact on the extent of Republican representation on other regions of the country than in the South. In 2010 U.S. House seats gained by Republicans were far more numerous outside the South than inside the region. However, in 2012, Republican gains in the South actually exceeded Republican gains in the rest of the country. GOP seat pickups at both the state legislative and congressional level in 2012 are probably more related to the fact that Republicans controlled the redistricting process in eight of eleven states in the region than to any positive externality produced by the Tea Party movement. Finally, it may be noted that a large number of the members of the Tea Party Caucus in the House are from the South, however, many were elected prior to joining or associating with the Tea Party.

Our perspective on the Tea Party's impact on Southern politics, and the growth of Southern Republicanism more specifically, is also informed by our own research on the distinctiveness of Tea Party supporters within the Southern GOP. In a study of Republican primary voters in the region, we find only subtle differences between Tea Party supporters and more traditional (Establishment) Republicans.<sup>1</sup> Tea Party supporters tend to be slightly more conservative, more ideologically rigid and, as a consequence, less willing to compromise. For example, 45% of Establishment Republicans indicated they would be willing to use a combination of tax hikes and spending cuts to balance the federal budget, compared with only 28% of Tea Party

identifiers. Tea Party supporters are also clearly more likely to identify as Evangelical Christians than Establishment Republicans in the South (71% vs. 57%) (Hood, Kidd Morris 2013, Abramowitz 2011; Campbell and Putnam 2011; and Clement and Green 2011). What Southern Tea Party Republicans are not, at least according to our research, are more racially conservative than Establishment Republicans (Hood, Kidd, Morris 2013). This finding contrasts with the research of Abramowitz (2011); Barreto, et al. (2011); Parker (2010); and Parker and Barreto (2013) on Tea Party supporters across the United States.

In short, we see the recent Republican growth in the South as a continuation of the racial politics delineated in our theory of relative advantage. Among Southern Republicans, there is little differentiation between the Tea Party and Establishment factions on most factors, including racial conservatism. Given that, we find it difficult to explain the incremental Republican growth (which continued through 2012 just as the Tea Party appeared to wane) as a product of the Tea Party movement. If anything, the Tea Party movement may have simply increased the level of ideological polarization within an already polarized electorate. Absent the Tea Party phenomenon, however, there is scant empirical evidence that those Southerners who associate themselves with the movement would be any less inclined to identify with and vote Republican.

### *The Near Future: More of the Same*

#### Demographic Blues

Following the 2012 presidential contest a host of media outlets outlined a dim future for the national GOP, a party unable to attract sizable segments of minority voters. While black voting remained monolithically Democratic, it was Hispanic support, or the lack thereof, that loomed as even more problematic for the Republican Party. Nationally, 93% of black voters supported President Obama along with 71% of Hispanics. Comparable figures from the South are Florida at 95% and 60%, Virginia at 93% and 64%, and North Carolina at 96% and 68%.<sup>2</sup> With Hispanics now comprising the largest and fastest growing minority group, it becomes imperative that the Republican Party be able to cleave off a respectable share of the Latino vote. At the end of the first edition, we argued that the key to the future trajectory of partisan politics in the South was the increasingly important Hispanic population. Nothing has occurred to alter this contention; if anything, we are even more confident of this conclusion than we were three years ago.

We simply see no future for a Republican Party in the South that does not include a significant proportion of the Hispanics. Again, Republicans do not need to attract a majority of Southern Hispanics, but much less than 40-45% will make it difficult to maintain region-wide competitiveness as soon as a decade or two from now. The number of Hispanics necessary to remain competitive could be lower if the Republican Party could more effectively attract African Americans, but we also see little chance of a dramatic increase in the number of Black Republicans in the South in the near term.

Hypothetically, it would be possible to compensate for the relative lack of support for the Republican Party among Hispanics by drawing a larger proportion of the white population. As we argued earlier in the book, the primary impetus for Republican growth in the South—the political mobilization of African Americans—is unlikely to increase significantly any time in the near future. Absent this dynamic, we do not expect growth in the Republican Party flowing from an increase in support among whites. The white share of the Southern electorate has also declined over the last several decades. Thus, even if African American mobilization increased, the rise in Republicanism among whites would not necessarily offset it. Viability of the GOP then as a majority party in the South appears to ride on its ability to attract significant numbers of Hispanics. Party politics in the South has always been characterized first and foremost by coalitions based on race. While this is still a truism, we think it safe to add ethnicity to this list as well.

#### The Voting Rights Act

Alongside the 1964 Civil Rights Act, the Voting Rights Act was the key political event of the second half of the twentieth century in the South. While we would not argue that black mobilization in the South began with the VRA—clearly there was significant African American political mobilization in a number of Southern states prior to 1965—we are convinced that the extent of African American mobilization witnessed could not have been realized without legislative action comparable to the VRA.

As the Voting Rights Act plays an important role in the significance of our theory of relative advantage, a discussion of recent alterations to this landmark piece of legislation is certainly in order. In June of 2013 the U.S. Supreme Court in *Shelby County v. Holder* declared coverage formulas in Section 4 of the Voting Rights Act unconstitutional. These coverage formulas determine which jurisdictions will be subject to Section 5 of the Act. Section 5 deals with preclearance, a process whereby covered jurisdictions must submit any changes relating to voting procedures to either the U.S. Justice Department or the District Court of the District of Columbia. All or parts of nine Southern

states were covered jurisdictions subject to preclearance. The Court's decision rendered Section 5 ineffectual. Unless Congress were to revise the coverage formulas for Section 4, which appears extremely unlikely in the near future, Section 5 is unenforceable. For the first time since 1965, these nine Southern states and all of their political subdivisions have the ability to implement changes to voting procedures free of the preclearance process.

In the run-up to the 2012 presidential contest the Justice Department had been very active in denying preclearance for changes to various machinations of election administration including Florida's early voting law and the implementation of voter ID in South Carolina and Texas. Redistricting plans had also previously been subject to Section 5. With this tool no longer available, Southern jurisdictions might be more apt to implement changes to their election systems.<sup>4</sup> Partisans of all stripes have long sensed an advantage, whether actual or not, in attempting to manipulate election procedures to gain/maintain a political advantage. As the party primarily in control of state-level politics in the region currently, the GOP might sense an opening in the absence of Section 5 to press any such perceived advantage. In this scenario the relative size of the Republican Party could grow in the near term, but actions to maintain any current political advantage by altering election procedures could also produce the unintended consequence of a concomitant counter-mobilization on the part of affected groups (i.e. minorities and/or Democrats). In the longer term the demographic pressures associated with the striking growth of the Hispanic population and relative increase in the Black population will overwhelm any efforts by the GOP to maintain a political edge using alterations to election practices or tactics such as gerrymandering.

What effects will the demise of Section 5 have on the region? In one sense, the end of preclearance may not alter the political landscape to any appreciable degree. Why? Decades of case law have been amassed relating to areas such as redistricting and vote dilution. In 1965, the apportionment revolution was just underway and questions relating to race and redistricting were yet to be worked through. Today, state legislatures have a set of guidelines established by the federal courts to act as a guide in areas where race and election administration intersect. Section 2 of the VRA is another tool that could be employed to combat discriminatory election practices. This component of the Act was left untouched by the *Shelby* opinion and is available across the entire United States, including those areas in the South not previously subject to Section 5. Those wanting to challenge alterations in election procedures and practices can still rely on Section 2. Existing case law and Section 2 will most likely then provide the means to maintain the *status quo* in terms of minority mobilization and Republican growth in the South.



## Relative Advantage and the Future of Southern Politics: Race Still Predominates

Since the original publication of *The Rational Southerner* the Republican Party has continued to consolidate recent gains in the region. Likewise, black mobilization did not diminish following the wave experienced under the excitement for President Obama's candidacy in 2008. The developments since that election cycle have done nothing to alter the two primary conclusions previously presented:

1. Racial dynamics still play a crucial role in Southern politics. You cannot understand twenty-first-century Southern politics without an understanding of race relations in the South.
2. Black mobilization and Republican growth are intimately related in just the manner described by our theory of relative advantage. To understand the trajectory of one, you must understand the development of the other.

Looking ahead, we see very little to modify the trajectory of the state of Southern politics in the very near future: a regional party system based on compositions delineated along racial lines with the GOP having a decided upper-hand. In the long-term a multitude of possibilities exist, but for now it appears to be a case, yet again, of more of the same.

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*Shelby County v. Holder*, 570 U.S. \_\_\_\_ (2013).

# Rural Republican Realignment in the Modern South

**THE UNTOLD  
STORY**

M.V. Hood III and Seth C. McKee

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Democrats. In this light, the rural whites aligned with the GOP appear to be the final resistance to the modernization of Dixie and, with it, a rising coalition of voters aligned with the Democratic Party who better reflect the demographic profile of the region's current residents and those to come.

In this concluding chapter, we postulate about what the rural Republican realignment of white southerners can tell us about the status of party politics in historical terms. Specifically, the conversion of rural whites to the GOP, a group that was the backbone of the southern Democracy, once again reinforces why the long history of racial differences and division, along with the importance of culturally conservative beliefs and values, continues to stymie the emergence of a colorblind class-based politics with the coalitional heft to topple today's ruling Republicans. Rather, it would appear that compositional changes to the southern electorate are doing more of the work in undermining the GOP's electoral advantage. Rural whites, as the core segment of the modern southern GOP, do not exhibit any inclinations to weaken their attachment to a party that suits their preferences increasingly well. No, it is the decline in this group's numbers (albeit an uneven pattern of decline) that accounts for the grow-

coalitions with rural southern white Republicans at the forefront of opposing the interests of most of their Black counterparts who have been firmly aligned with the Democratic Party since the mid-1960s. **The latest version of contemporary southern politics reaffirms a region of white rule (Black and Black, 1987), as it has been, harkening all the way back to the end of Reconstruction and solidifying white governance under the Democratic banner in the last decade of the 1800s when Democrats put down the Populist revolt (Key, 1949; Kousser, 1974).**

There is no question that Black influence is considerable in various pockets of the South where their numbers overwhelm that of their white neighbors (Bullock and Gaddie, 2009). Otherwise, the end of Jim Crow, followed by the re-enfranchisement of a substantial share of southern Blacks disproportionately affiliated with the Democratic Party, the impressive and ongoing gains in Latino populations, and the recent shift of urban whites away from the Republican Party, has generally not been enough, yet, to successfully counteract the remarkable political influence of a rural white electorate that is now the base of Dixie's GOP.

However, as we have argued in several places throughout the book, the resulting electoral dominance tied to the realignment of rural whites to the Republican Party is, in many parts of the South, on borrowed time. It is not necessarily that demography is destiny; rather, destiny lies in the marginal, incremental changes in many localities where the rural-led brand of Republican politics appears increasingly antiquated to the modern beliefs of Dixie's voters and those found throughout most of the United States. If the southern GOP retains an outsized rural influence over policy positions, core principles, and style of campaigning and governing, **then expect the Republican Party to eventually recede in political strength to those redoubts where very little demographic diversity occurs to effectively alter the composition of these electorates (e.g., Arkansas, Alabama, Louisiana, Mississippi, and Tennessee).** In the remainder



periods in which southern party politics came close to reflecting the views of a racially heterogeneous and ideologically diverse governing coalition: the ephemeral Populist movement in the 1890s and the post-civil rights era that lasted from roughly the 1970s to the early 1990s. Apart from these moments in southern political history, an overwhelmingly white, rural, and racially conservative Democratic Party called the shots in Dixie. This Democratic Solid South regime was toppled by the 1960s civil rights movement, but decades hence, from around the mid-1990s to current times, a lopsidedly white; increasingly rural; and racially, religiously, and socially conservative GOP has held the advantage in shaping the South's public affairs.

We find it curious that, despite the widespread and generally accurate accounts of how the growing rural-urban divide in contemporary American politics is a fundamental factor in deciding elections (e.g., Hopkins, 2017; Johnston et al., 2020; Lang and Pearson-Merkowitz, 2015; Scala and Johnson, 2017), this is the first book-length account that tackles its most politically consequential development: the rural Republican realignment (RRR) of white southerners. Instead, scholars are increasingly focusing on the changing South and how, in many parts of the region, high-growth urban areas are fostering Democratic competitiveness. We, however, focused on the reason why Republicans have become so politically formidable and why the strong GOP affiliation of rural whites makes Democratic efforts to become a more viable opposition a generally slow and painstaking process. Put differently, we have emphasized how partisan changes within the native white population in the South have proven capable of prolonging Republican electoral dominance as Republicanism has begun to wane among urban whites and is admittedly under siege with regard to Dixie's latest newcomers. It took a long time for the white rural Democratic South to morph into the contemporary white rural Republican South (McKee, 2008), and we suspect that a return to a very different Democratic South

views of their white rural base (Miller and Schofield, 2008; Prysby, 2020). In the immediate term, this development is not problematic in many southern states such as Alabama, Arkansas, Louisiana, Mississippi, and Tennessee. However, in the remainder of southern states, an overemphasis on the preferences, beliefs/values, and concerns of the white rural electorate is repelling urban whites, whose votes are desperately needed for the GOP to stay in control.

Not long ago, and for decades, scholars made common use of a Deep versus Rim/Peripheral South subregional dichotomy (see Black and Black, 1987, 2002, 2012; Key, 1949; Matthews and Prothro, 1966; McKee, 2010, 2017), because it proved empirically useful for explaining different electoral dynamics. For example, collectively, the five Deep South states with proportionally larger Black electorates, are significantly more Republican (Black and Black, 2012; McKee and Springer, 2015). However, as we saw in the 2020 presidential election and then in the January 2021 Senate runoffs, the Deep South state of Georgia has emerged as one of the most competitive. In contrast, two Rim South states, Arkansas and Tennessee, are now unquestionably two of the most Republican in the region (see chapter nine). In short, this subregional distinction has lost its empirical usefulness (Knuckey, 2017), because there are now too many exceptions to the rule of a more Republican Deep South. Instead, as we have alluded to on many occasions, in the most current version of southern politics, what is driving the relative political strength of the major parties is the degree to which their electorates are being demographically altered.

Therefore, in taking in the big picture, there are many places in the South where Republican dominance should persist for years to come, and this arguably entails the five aforementioned states of Alabama, Arkansas, Louisiana, Mississippi, and Tennessee. The common thread among these states is the minimal changes to their electorates as a consequence of modest

EXHIBIT

11

*Democracy Dies in Darkness*

# Another lens into the rightward shift of Black and Hispanic Americans

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Analysis by [Philip Bump](#) and [Lenny Bronner](#)

March 11, 2024 at 3:53 p.m. EDT

One of the recurring rebuttals to Donald Trump's endless claims that the 2020 election was stolen was that — contrary to his insinuations — swing-state cities were not hotbeds of voter fraud. In fact, they often supported [Joe Biden](#) at smaller margins than they had Hillary Clinton four years before.

That change in some of the most racially diverse places in the country, combined with the shift in heavily Hispanic parts of the country to Trump, were early hints that the conventional wisdom about race and party was being undercut. In the years since, we've seen more evidence that Black and Hispanic Americans in particular are less hostile to the Republican Party and [Trump](#) than they used to be.

The question, then, is how much less? And — specifically for Democrats looking toward November — how alarming is that shift for Biden's reelection campaign?

Last month, Gallup released data showing how the two-party margin between Black and Hispanic Americans had shifted dramatically since 2020. In 2020, Black Americans were 66 points more likely to identify as Democrats than Republicans and Hispanic Americans were 28 points more likely to do so.



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Last year, those numbers were 47 points and 12 points, respectively. That's a shift to the right of 19 points among Black Americans and 16 points among Hispanics.

On Monday, the Financial Times's John Burn-Murdoch published an assessment that looked at this phenomenon more closely. Among the patterns he noted was that Black Americans who identify as ideologically conservative — a group that used to vote Democratic anyway — had shifted in recent years to vote more heavily Republican.

**John Burn-Murdoch** · Mar 11

@jburnmurdoch · [Follow](#)

Replying to @jburnmurdoch

Except here's how it actually looked in 2012: white voters were very well sorted, matching ideology to voting patterns



But Asian, Latino and especially Black voters were misaligned, with large numbers of non-white ideological conservatives voting Democrat in that year's election

**John Burn-Murdoch** 

@jburnmurdoch · [Follow](#)

But just look at the realignment since then:

Latino conservatives are now a very solidly Republican group, and Black conservatives favoured Republicans over Democrats for the first time in 2022.

All groups are increasingly matching vote choice to ideology.



9:40 AM · Mar 11, 2024



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Looking at the Cooperative Election Study, he found that since 2012, Black conservatives went from mostly supporting Democrats to being more likely to support Republicans.

That's true. But there are some important caveats. Among them: Black Americans are less likely to identify as conservative than other groups.

Below, you can see the same data that Burn-Murdoch was considering, broken out by ideology (in columns) and year. Each dot is scaled to the percentage of the racial group that year that identified with each ideological grouping. So you can see, in the top right graph, that very, very few Asian Americans identify as very conservative, for example.

Notice that the row representing Black Americans is more heavily weighted to liberal-moderate than other groups and that those groups have shifted to the left (or, as presented on these charts, down). That's true among other racial groups, too: Yes, conservatives within those groups moved right, but liberals moved left.

Notice, too, that the percentage of each group that identifies as "moderate" has dropped since 2016. There's more ideological sorting represented here and sharper partisan identification across the groups.

What the chart above suggests is that one reason Black Americans have collectively become more likely to identify as Republican is that there wasn't much more movement to the left that could occur among moderates and liberals!

Burn-Murdoch points to the fact that younger Black Americans — like younger Americans overall — are more likely to identify as independents than as partisans. This is true. He suggests that part of the shift is that younger Black Americans didn't live through the civil rights era, during which much of the loyalty of Black Americans to the Democratic Party emerged. But there are other understood factors, too, like that younger Black Americans are less likely to attend church, which — thanks to a concomitant decline in social pressure — correlates to political independence.

Burn-Murdoch also presents charts showing how the shift to the right seen in polling is continuing this year, adding recent polling on the 2024 general election to past polling in presidential contests. That's a bit more fraught. First, the election hasn't yet occurred, so it's premature to make assumptions about what voting preferences will be after before both candidates have run real campaigns. Second, there's evidence to suggest that younger Americans are skeptical of Biden specifically, more so than the Democratic Party in general or left-wing politics. If so, it may not be useful to make assumptions based on the Trump-Biden rematch.

The CES shows a bigger gap between Black men and women than is seen among other racial groups. That's particularly true among Black self-identified conservatives.

This is probably in part because this is such a small group in terms of raw numbers, meaning that margins of error will be higher.

Again, there's no question that a shift has occurred and probably is still occurring. But unlike among Hispanic Americans, moderate Black Americans haven't moved to the right. It is, as Burn-Murdoch writes, a phenomenon of Black conservatives shifting their voting preference to match their ideology.

Luckily for Democrats, there still aren't many Black conservatives.

## EXH 12

## *Behind the Republican Effort to Win Over Black Men*

The party is trying to make inroads with Black voters, a key demographic for Democrats, which could swing the 2024 election.

► Listen to this article • 7:46 min [Learn more](#)



**By Maya King**

Reported from Philadelphia and Atlanta

June 10, 2024

**Sign up for the On Politics newsletter.** Your guide to the 2024 elections.  
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**Two Black Republican House members and Trump surrogates reserved a cigar bar near downtown Philadelphia last week and invited conservative organizers and Trump-curious Black voters to smoke and sip cognac.**

Some Democrats denounced it as a crass play, rooted in stereotype. But the event was geared toward a demographic that Republicans — and especially former President Donald J. Trump's campaign — see as one they can cut into just enough to win in November: Black men.

EXHIBIT  
12





Byron Donalds, Republican of Florida, left, speaks next to Wesley Hunt, Republican of Texas, during their event at The Cigar Code in Philadelphia on Tuesday. Heather Khalifa for The New York Times

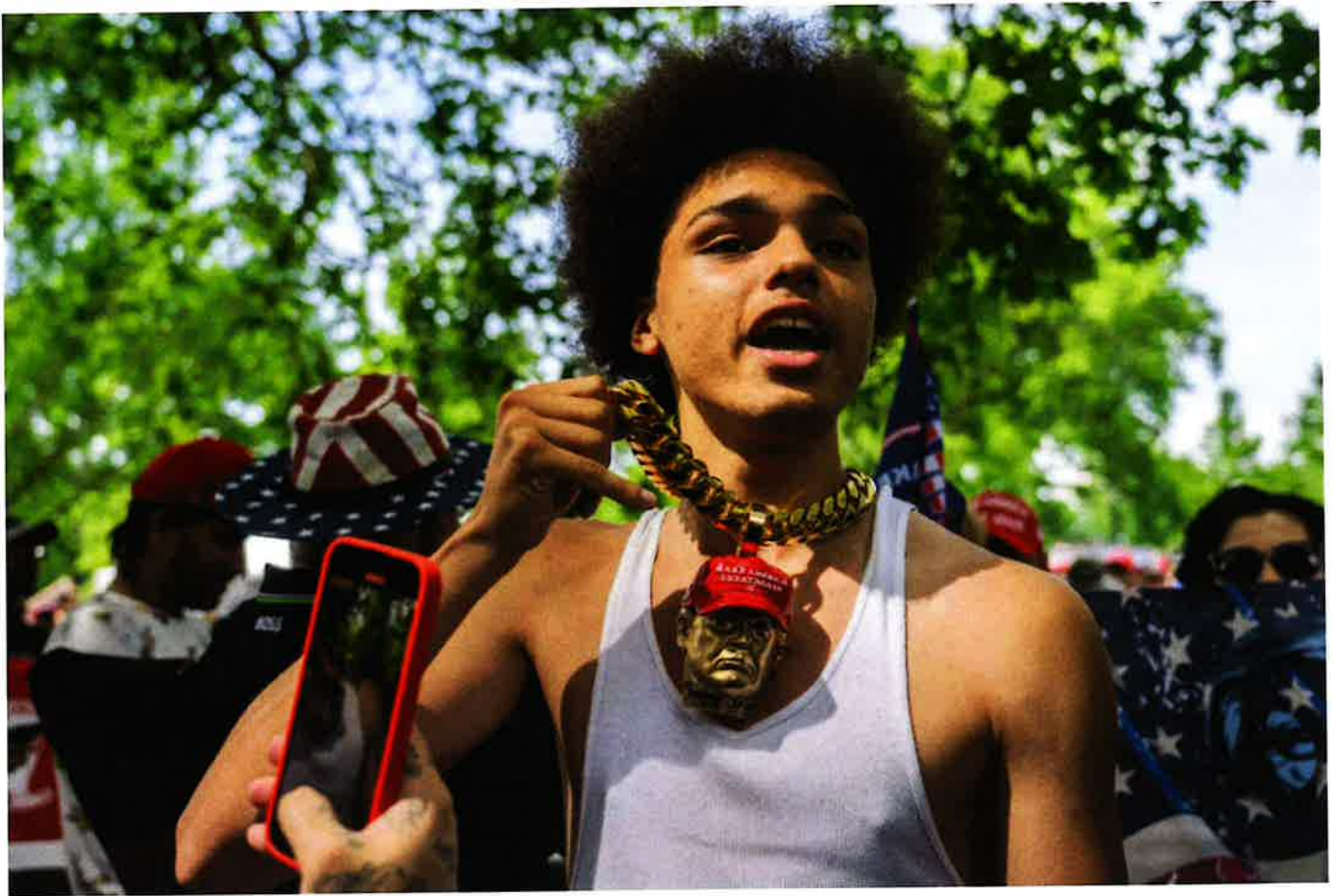
Republicans, pointing to recent polls that show Black voters' support for Democrats softening, are making a push to win the votes of Black men, an important part of the Democratic base that has shown openness to voting for Mr. Trump.

The effort has led to a series of awkward — and what some say are offensive — episodes of political theater. Mr. Trump has marketed gold sneakers to young men of color. He has suggested that his conviction on felony charges makes him more relatable to Black voters. And he has campaigned with rappers facing charges of gang murder and weapons possession.

Mr. Trump's allies say that his critics are missing the point: The Republican Party, which was nearly 60 percent white as recently as 2022, according to exit polls, isn't trying to appeal to every Black voter. It needs just enough Black support to undermine President Biden's bedrock coalition.







Donald J. Trump held a campaign rally in the Bronx in May. Hiroko Masuike/The New York Times





The Trump campaign has pushed conservative messages on the economy and immigration as issues that are directly relevant to Black voters. Hiroko Masuike/The New York Times

“We’re not going to get everyone. The goal here is not to get the majority,” said Representative Wesley Hunt of Texas, the co-host of the cigars-and-cognac event. “The goal here is to get to that 25 to 30 percent of the Black male vote.”

That notion, once considered far-fetched, is not out of the question now. A May New York Times/Siena College poll of battleground states showed 23 percent of Black voters supporting Mr. Trump, a record level. The former president won roughly 12 percent support from Black men in 2020, according to exit polls. And a Pew Research Center report in April showed a slight uptick in Black men who identify as Republican in 2024 compared to 2020.

If the G.O.P. can build on those gains over the next few months, Mr. Hunt added, “This election is going to be over.”

Mr. Hunt said the campaign was targeting disaffected Black and Latino voters who are frustrated with politics and specifically with the Democratic Party, which has counted Black voters among its most loyal voting blocs for decades. It has pushed conservative ↻



messages on the economy and immigration as issues that are directly relevant to Black voters.

Republicans have announced a blitz of initiatives aimed at delivering this message. Mr. Hunt and Representative Byron Donalds, a Republican of Florida — who co-hosted the event and has been discussed as a potential running mate for Mr. Trump — said they planned to arrange more gatherings for Black voters in battleground states this year. Senator Tim Scott, a Republican of South Carolina, announced that his PAC would lead a \$14 million initiative to persuade Black and Latino voters to support Republicans.

Still, the week also demonstrated the challenges Republicans face in communicating to Black voters. The Trump campaign opened an office in Philadelphia on June 4 with a “Black Voters for Trump” event, but the office is in a heavily white and Democratic neighborhood in the city and the event drew a mostly white crowd. And though some 100 people attended the event hosted by Mr. Hunt and Mr. Donalds that night, the biggest story to emerge from the evening came from Mr. Donalds himself, who suggested that the Jim Crow era had held some upside for Black families.

On Thursday, Mr. Donalds said his comments were referring to a broader trend he has observed of young Black voters migrating to the Republican Party because, he argued, it aligns more with their values. The Democratic policies that followed the Jim Crow era, he said, harmed Black families.

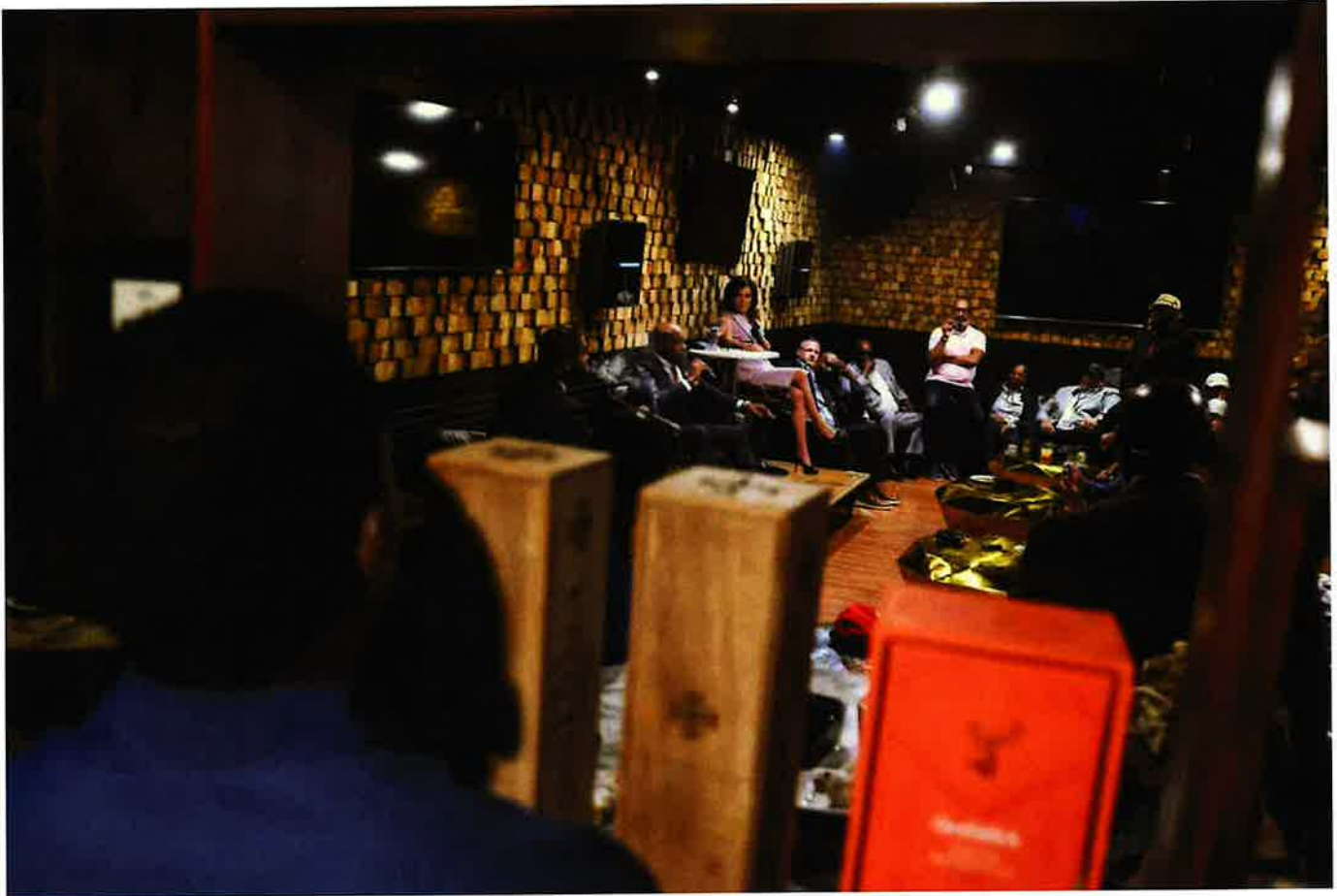
Democrats have mounted a defensive strategy, trying to appeal to Black men by highlighting the policies the Biden administration has passed on their behalf and underlining Mr. Trump’s past comments about Black communities.

Mr. Trump has a history of making racist statements, perhaps most notoriously in questioning Barack Obama’s birthplace and citizenship and Kamala Harris’s eligibility for the vice presidency. He called for the death penalty for the Central Park Five, the group of young Black and Latino men who were wrongly convicted of rape in 1989. Following a white nationalist rally in Charlottesville, Va. in 2017, he said there were violence and hate on “many sides.” He condemned protesters marching for racial justice following George Floyd’s murder in 2020 and threatened to shoot them.

“Donald Trump has been doing what he’s always done: perpetuating racist stereotypes while having no Black outreach program to speak of,” said Jasmine Harris, the Biden campaign’s Black media director, in a statement. “Joe Biden is clearly the only presidential candidate in this election who cares about earning our votes and delivering for us and our families.”



During the Philadelphia cigar bar event, a nearly two-hour discussion moderated by the former sports reporter Michele Tafoya, attendees settled into plush leather couches as Mr. Hunt and Mr. Donalds discussed a range of issues that hinged more on culture and grievance than on policy.



Attendees at the event in Philadelphia said that Black voters had been loyal to the Democratic Party for too long. Heather Khalifa for The New York Times

In between puffs of cigars and sips of Hennessy, the congressmen argued that Black voters had long been too beholden to Democratic candidates and criticized Democrats' handling of the economy, the flow of migrants across the U.S.-Mexico border and public safety issues.

Mayor Cavalier Johnson of Milwaukee, a Biden ally and the city's first Black elected mayor, said he regularly talked with Black men in his city about voting, as he is concerned about increased Republican outreach to Black men. Still, he said, he didn't think the G.O.P.'s conversations would have much sway with voters.

"I think that Republicans have an effort," he said. "But I think that Black men and Black people generally are more sophisticated than what the Republican effort is laid out to be."

Mr. Hunt said that Black voters cared less about the policy promises that Democrats have made in light of their current economic struggles.

“Giving money to historically Black colleges and universities, that’s great,” he said, pointing to his parents’ degrees from Southern University, the historically Black institution in Louisiana. “But what’s that got to do with inflation right now? They would much rather be able to afford to live every day than worry about what an H.B.C.U. gets right now.”

Democrats maintain that they are continuing to engage Black voters not only to generate enthusiasm for Mr. Biden’s re-election but also to remind them of Mr. Trump’s policies and racist past statements.

The party has opened two dozen offices in Pennsylvania and will launch a \$25 million advertising campaign in August targeting Black voters in battleground states. Allied groups have already spent millions on television and digital ads highlighting Mr. Trump’s racist past statements. Mr. Biden has also taped interviews with nearly a dozen Black radio hosts in major cities across the country.

The challenge for Mr. Biden, however, will be making the case to the voters he needs to turn out and support his re-election — a voting base with whom Republicans say they are already making inroads.

“I understand there’s a lot of people in our country — a lot of Black people in our country — who know something is wrong. They just don’t know where to look,” Mr. Donalds said in Philadelphia. “And I’m going to give them a place to look.”

Ruth Igielnik contributed reporting.

**Maya King** is a politics reporter covering the Southeast, based in Atlanta. She covers campaigns, elections and movements in the American South, as well as national trends relating to Black voters and young people. More about Maya King

A version of this article appears in print on , Section A, Page 11 of the New York edition with the headline: G.O.P. Works to Win Over Just Enough Black Men



EXHIBIT  
13

GALLUP®

FEBRUARY 7, 2024

# Democrats Lose Ground With Black and Hispanic Adults

BY JEFFREY M. JONES AND LYDIA SAAD





## STORY HIGHLIGHTS

- Democrats' party advantages among Black and Hispanic adults are at new lows
  - Democrats retain smaller advantage among young adults
  - Educational gaps continue to expand
- 

WASHINGTON, D.C. -- The Republican and Democratic parties have distinct strengths within different subgroups of the U.S. population. However, Democrats have lost ground among some of their traditionally stronger support groups while gaining ground with others. This is based on analysis of Americans' party preferences, which includes those who identify as Democratic or Republican and those who are independent but lean toward either party.

Of particular note,

- The Democratic Party's wide lead over Republicans in Black Americans' party preferences has shrunk by nearly 20 points over the past three years.
- Democrats' leads among Hispanic adults and adults aged 18 to 29 have slid nearly as much, resulting in Democrats' holding only a modest edge among both groups.
- Whereas Democrats were at parity with Republicans among men as recently as 2009, and among non-college-educated adults as recently as 2019, they are now in the red with both groups.

Only partially offsetting these trends, the Democratic Party has gained adherents long term among college-educated Americans -- those with postgraduate education and those with a college degree only.

These shifts in the party affiliation of key subgroups provide the demographic backstory for how Democrats went from enjoying significant leads over Republicans between 2012 and 2021, to slight deficits in 2022 and 2023. The 27% of U.S. adults identifying as Democrats and the 43% identifying as or leaning Democratic are both new lows in Gallup's trend.

The Democratic Party is generally not seeing major declines among other key groups, including women (who retain a solid Democratic preference), adults 65 and older (who are evenly divided), and White adults (who align with the GOP).

## Leaned Party ID by Subgroup in 2023

The largest advantage among demographic subgroups that either major-party group had over the other in party preferences in 2023 is Democrats' 47-percentage-point lead among non-Hispanic Black adults. Two-thirds of Black adults (66%) identify as Democratic or lean that way, whereas 19% identify as or lean Republican.

Democrats also have strong advantages in the leaned party identification of nonreligious adults, postgraduates and residents of big cities, and they hold a solid nine-point lead among women.

Republicans' greatest pockets of strength are with people who attend religious services weekly (leading Democrats by 26 points among this group) and residents of towns or rural areas (+25). The GOP holds smaller double-digit advantages among Protestants, White adults, men, non-college-educated adults, residents of the South and semi-regular church attenders.

The following sections show long-term trends in Democratic party-affiliation advantages among some of the key demographic subgroups.

## Democratic Advantage at Record Lows Among Black and



## Hispanic Adults

Although Democrats continue to hold a formidable advantage over Republicans among non-Hispanic Black adults in the U.S., their current 47-point lead is the smallest Gallup has recorded in its polling, dating back to 1999. Most of the decline has been recent, with the net-Democratic ID for this group falling 19 points from a 66-point advantage in 2020. At that time, 77% of Black adults favored the Democrats and 11% the Republicans, so the 2023 findings represent an 11-point decrease in Democratic affiliation since 2020 and an eight-point increase in Republican affiliation.

Similarly, Democrats' 12-point advantage among Hispanic adults in 2023 represents a new low in trends dating back to 2011, when Gallup began routinely interviewing in Spanish as well as English. Meanwhile, White adults have maintained a 14- to 17-point preference for the Republican Party in most years since 2014. The parties were closer to parity among this large segment of the electorate between 1999 and 2009.

Demographic trend tables showing the full party ID responses for all three racial/ethnic groups from 1999 to 2023, as well as education, age and gender subgroups, can be found at the end of this story.

## Education Groups Diverging More Than Ever by Party

Between 1999 and 2013, educational groups showed modest differences in their party affiliation. Since then, and particularly since 2017, when Donald Trump became president, those differences have expanded greatly. U.S. adults with postgraduate education have swung in a decidedly Democratic direction (to +29 Democratic), while

those with no college education have flipped from being +14 Democratic in 1999 to +14 Republican in 2023.

As a result of these changes, adults with postgraduate education have become the most Democratic of the four education categories, while those with no college experience are now the least. These two groups now show the largest political divide between the most Democratic and most Republican educational subgroups measured in any year to date.

## Young Adults Show Lowest Democratic Support Since 2005

After 2005, when Americans' party preferences were fairly similar by age, net Democratic party affiliation increased sharply among 18- to 29-year-olds at the same time it leveled off or fell among older adults. By 2010, young adults were the only age category giving the Democrats an edge, and their Democratic orientation remained strong until it fell to just eight points in 2023, the slimmest since 2005.

Adults aged 30 to 49 became more Democratic between 2013 and 2018, but since then have returned to being roughly equally divided. This is reflected in a -2 net-Democratic identification score in 2023, about tied with adults 65 and older, at -1. If these figures hold in 2024, it would be the first presidential election year since 2000 that Democrats haven't had a double-digit advantage among 18- to 29-year-olds, and the first presidential election year since 2004 that they have been at a deficit among 30- to 49-year-olds.

Meanwhile, for the fourth consecutive year, adults aged 50 to 64 are the least Democratic, leaning Republican by 10 points.

## Party Gender Gap Persists, as Men Show Record GOP Leanings

Gallup has long recorded a sizable difference in the party preferences of women and men.

Solid majorities of women have consistently identified as or leaned Democratic since 1999, resulting in net-Democratic party scores for that group averaging +13 over the trend.

Men, on the other hand, have tended to be evenly split or have tilted more Republican in their overall party preferences and leanings.

Both gender groups have shifted in a less Democratic direction in the past few years, with women's net-Democratic identification shrinking from +17 in 2021 to +9 in 2023 and men's shifting from -8 to a record-low -15. As a result, the gap between the two groups' party preferences has remained steady since 2018.

## Bottom Line

Reflecting the national trend, several key subgroups of U.S. adults showed declining Democratic support in 2023, which in most cases meant an increase in the group's Republican identification and leaning combined with a drop in Democratic identification and leaning. The major subgroup bucking that is adults with postgraduate education, who have become one of the most Democratic-leaning groups in the U.S.

The data show the Democratic Party retaining advantages among people of color and young adults, but in 2023 it was in a weaker position among these groups than at any point in the past quarter century. Democrats' reduced support among Black and Hispanic adults should be especially concerning for the party, given Republicans' continued strength among White adults, who remain the majority of the electorate.

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EXHIBIT  
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AXIOS

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Mar 13, 2024 - Politics &amp; Policy

# Democrats' big vulnerability: Why they're losing Black, Hispanic voters



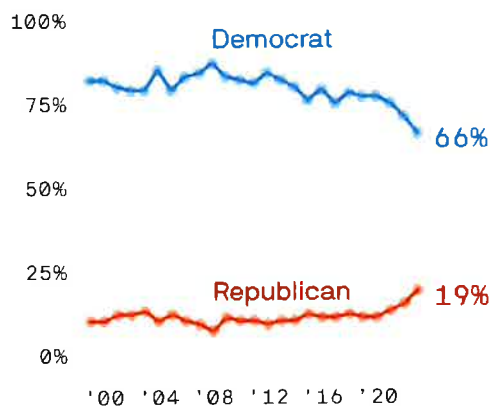
Russell Contreras



## How Americans say they lean

Annual survey of at least 1,000 U.S. adults; 1999–2023

### Black

Data: [Gallup Poll Social Series](#); Chart: Jacque Schrag/Axios

New data shows that Democrats' [longtime advantage](#) with Black, Latino and Asian American voters has shrunk to its lowest point in more than 60 years — creating a massive vulnerability for



coalition is suddenly in danger. Black and Hispanic men could vote Republican in numbers not seen since President Dwight D. Eisenhower was elected in the 1950s.

**The big picture:** Latinos, the nation's largest non-white group, still lean Democratic. But they've been shifting Republican over the last two decades, and are no longer the slam-dunk Democrats they were in 1960 when [JFK ran for president](#).

**By the numbers:** Democrats' advantage among Black, Latino and Asian voters is at its lowest since 1960, Financial Times columnist and chief data reporter John Burn-Murdoch found by [analyzing](#) a massive set of polling data.

- A New York Times/Siena College poll out March 2 found that President Biden led former President Trump by just 56 points to 44 among non-white Americans.
- That's a group Biden won by almost 50 points when the two men last fought it out for the White House in 2020, Burn-Murdoch points out.

**The intrigue:** The drop-off comes even after Trump made [several racist](#) and [bigoted comments](#) about immigrants and people of color.

- It also comes after some Democratic talking heads predicted for years that racial and ethnic demographic shifts would give Democrats a [political majority for decades](#).

**Between the lines:** "Part of this is due to fading memories and weakening ties. Black Americans who lived through the civil rights era still support the party at very high levels, but younger generations are wavering," Burn-Murdoch writes.



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conservative views than their voting patterns would suggest, he said.

**Reality check:** Not all people of color have deep ties to the Civil Rights Movement. Many of their families arrived in the U.S. after the 1960s, said Republican consultant Mike Madrid, who's based in Sacramento.

- Madrid said the Latino population was small during the Civil Rights era. Today, few children of immigrants who came after the 1960s know who civil rights leaders Gus Garcia, Héctor P. García or Dolores Huerta are.
- "Democrats cannot conceive that non-white voters are anything other than civil rights voters," he said. "In their mind, all Latinos need to be talked to like farmworkers or the undocumented. Even though that's less than 95% of us."



A message from Progressive Policy Institute

The latest Investment Heroes report ranks the top companies investing in the U.S.

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**What they're saying:** Democrats need to make a massive shift in their messages, Sisto Abeyta, a Democratic political consultant in New Mexico, tells Axios.

- Latinos, Black Americans and Asian Americans have been upwardly mobile in the last two decades. Democrats' Great Society rhetoric no longer resonates, Abeyta said.



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[women](#). Climate change fights are reduced to just [getting an EV](#).

- "My *gente* [people] don't want to buy an EV. My people like to ride slow and low," Abeyta said, referring to classic muscle-car low-riders.

**Flashback:** Asian Americans proved themselves to be a critical voting bloc in 2022. San Francisco [voted overwhelmingly](#) to remove three progressive school board members from office.

- Asian American parents were angry about the board's delay in reopening schools. Many were also upset about plans to install a lottery admissions system at a prestigious local high school.

[Go deeper:](#) *A small group of ranchers helps illustrate Latinos' shift away from Democrats.*

f X in ✉



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## Harris on Trump's abortion stance: "Enough with the gaslighting"



Vice President Kamala Harris speaks on reproductive freedom Friday in Arizona. Photo: Frederic J. Brown/AFP via Getty Images

Vice President [Kamala Harris](#) attacked former President Trump's abortion record during a visit to Arizona Friday, calling him the "architect of this health care crisis" as she cast post-Roe America at risk of reverting to the 1800s.

**Why it matters:** The Biden campaign is eager to drive Democratic voter turnout in the key swing state after its [Supreme Court's decision](#) this week to uphold a restrictive Civil War-era abortion ban, with exceptions only to save the mother's life.

[Go deeper \(1 min. read\)](#)

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April Rubin  
15 mins ago - Politics & Policy

## Reignited protests on the syllabus for fall semester



Illustration: Annelise Capossela/Axios

Students and universities are preparing for a reinvigorated pro-Palestinian [protest](#) movement this fall, following a boiling point during the spring semester. But it's unclear exactly how demonstrations will manifest.

**The big picture:** Fervent protests over the Biden administration's position on Israel could derail the burgeoning candidacy of Vice President Kamala Harris, who has largely managed to avoid the left's ire since she launched her presidential candidacy last month.

[Go deeper \(2 min. read\)](#)





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Barak Ravid  
2 hours ago - World

## Biden's goal: Gaza deal by the end of next week



Palestinians in Khan Yunis, Gaza on Aug. 12, 2024 after the Israeli army issued an evacuation warning. Photo: Ashraf Amra/Anadolu via Getty Images

President Biden is aiming to get a Gaza [ceasefire and hostage release deal](#) by the end of next week while also trying to deter Iran and Hezbollah from conducting an attack on [Israel](#) that could undermine this effort, U.S. officials say.

**Why it matters:** Biden and his aides say they feel they are closer than ever to getting a deal that could lead to the release of hostages being held by Hamas in Gaza, including American citizens, and end 10 months of war that has killed more than 1,600 Israelis and 40,000 Palestinians.

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EXHIBIT  
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PART OF STATES NEWSROOM

ELECTION 2024

GOVERNMENT &amp; POLITICS

## History; lack of competition, lack of access keep Alabama's voter turnout rate low

BY: RALPH CHAPOCO - AUGUST 6, 2024 7:01 AM



Alabama in 2022 had the fifth-worst voter turnout in the nation. Experts blame a history of voter suppression; a lack of access and a lack of competitive races. (Mario Tama/Getty Images)

Elections reflect the will of the people. But in Alabama, there are generally fewer people than normal making those decisions.

Alabama's overall voter turnout consistently trails national averages, and is often near the bottom in the South, which generally has the lowest turnout numbers in the nation.

"Alabama has generally low turnout, fairly consistently, and that has been the case for a long time and that is also typical, I think, of most

of the Deep South states,” said Richard Fording, a professor of political science at the University of Alabama.



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Just over a third of Alabama’s voting eligible population cast a ballot during the 2022 midterm races, according to the University of Florida’s Election Lab, which tracks voter participation. Nationwide, turnout was 46%.

That made Alabama fifth from the bottom in terms of turnout for that election cycle. Only Mississippi, whose voter participation rate was at 33%, posted a worse rate.

**The Alabama Secretary of State’s Office says it is focused less on turnout than voter registration.**

“As Secretary of State, administering fair, secure, and transparent elections is a top priority, and I am proud that Alabama leads the nation in election integrity,” Secretary of State Wes Allen said in an emailed statement. “In Alabama, we have an impressive voter registration rate of 97%. It is my duty to ensure only eligible American citizens who do choose to exercise their right to vote in Alabama elections are participating in fair, secure, and transparent elections.”

Low turnout can be attributed to several different factors, experts say. Alabama has a long history of denying citizens access to the ballot box. Experts also cite other reasons, including noncompetitive elections that engender apathy among the electorate. Advocates point to restrictive voter laws that hamper people’s ability to participate in elections.

The ACLU of Alabama is betting on bettering voter turnout to alter the political climate in the state and usher in reforms. Project MOVE (Making Our Voices Echo) is an initiative aimed at reducing barriers to voter turnout.

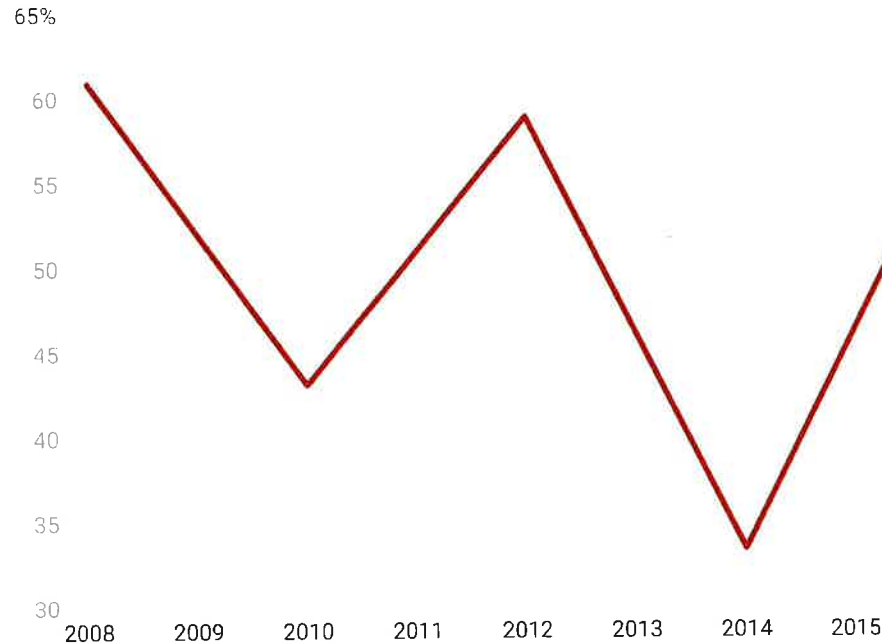
“The ACLU of Alabama, while we have always been involved in voter rights, voter access work, it was important for us to really look at the needs of the community,” said JaTaune Bosby Gilchrist,

executive director of the ACLU of Alabama. “So, we really wanted to build a program that was focused on community building – that includes a voting rights effort.”

## Low turnout nation

### Voter turnout in Alabama, 2008-22

The percentage of the voting age population casting ballots. Presidential elections (2008, 2012, 2016, 2020) generally have higher turnout than midterms (2010, 2014, 2018, 2022).



Voter turnout in the United States tends to trail other democracies.

“It is low relative to much to the rest of the world that votes,” said Jacob Neiheisel, a professor of political science at the University of Buffalo whose research focuses on the effects of elite communication on members of the mass public.

The Council on Foreign Relations calculated voter turnout for the 2020 national election in a policy brief to be about 62%, below the average of 65% among countries listed in the Organization for Economic Cooperation and Development, a group of mostly high-earning countries.

The U.S. Census estimated national turnout for the 2020 election at [67%](#). The Pew Research Center reported turnout for the 2020 presidential election at [about 66%](#).

That pales in comparison to other major industrialized democracies.



Belgium, for example, reported turnout during the 2019 parliamentary elections at 78%. That was followed by South Korea at 77% when the country hosted a presidential election in 2022, and Australia had a turnout of 76% for its parliamentary elections in 2022, according to the Council of Foreign Relations report.

Both Belgium and Australia have compulsory voting requirements for its citizens.

Part of the reason, according to some scholars, can be traced back to the nation's founding, when the country's first leaders envisioned a limited franchise.

"Some of the views they had, by modern standards, are deplorable," said Michael J. Hanmer, director of the Center for Democracy and Civic Engagement, and professor in the Department of Government and Politics at the University of Maryland. "They owned people, and women were treated as not fully equal. There was a real fear of going fully to a system where everybody has a say."

Examples of the discriminatory beliefs permeate throughout how they structured the government, according to Hanmer.

"They didn't like a monarchy," Hanmer said. "They knew that was problematic. But they were well-off people, with lots of education and skills, and they were not ready for the general public to weigh in."

The idea that the franchise belonged to select groups, such as men, especially those highly educated and wealthy, should have access to the ballot box, reemerged throughout history.

"We tend to put the burden on the individual," Hanmer said. "In a lot of other countries, there is a list of people, when they are of age, the switch is flipped, and they are registered. The way that our country developed, issues of independence and privacy, and all these other things clashed in a different way. For some people, an automatic government list would be really scary in a way that isn't in Sweden."

Other reforms related to the ballot box and primaries were also introduced that decreased voter turnout for elections.

"It is actually a sad part of public administration and political science when you look back to the early 1900s and 1920s when you have political scientists talking about how these things like voter



identification are actually a great idea because we want the best people voting,” Neiheisel said. “You don’t want people who don’t know anything about politics voting. If they can’t navigate these things, how are they expected to know how the system works?”

Even though the voter participation rate nationally is low, some states have managed to consistently maintain higher rates of voter turnout when compared to peer states, according to figures obtained from the [Election Lab at the University of Florida](#), which tracks voter participation rate historically and publishes the results.

In Wisconsin for example, voter turnout was more than 60% for the 2022 midterm election. In Minnesota, it was almost 60%. For Michigan, it was almost 59%.

Political scientists largely agree that the regions in the upper Midwest, the northeastern states and those in the Pacific northwest had very different experiences than the states in the South.

Many of the states with robust turnout have more forgiving voter laws and policies in place. They have **early voting** that allows the electorate to cast a ballot for several days before an election, most are **less strict with voter identification, and the same states are more lenient when allowing absentee ballots.**

**By contrast, southern states have a long history of Black voter disenfranchisement.** The 1890 Mississippi state convention adopted a new constitution that enacted barriers to voting, such as literacy tests and poll taxes. **Alabama's 1901 Constitution**, framed to deny the vote to Black Alabamians and poor whites, gave white registrars broad powers to deny voting registration to Black voters. **Felony voting laws** were often employed. And even before the disenfranchising laws, Black voters often risked violence from whites when casting ballots.

**“It was an authoritarian regime of white supremacy** where rules were maintained by official state violence, backed by effectively paramilitaries,” said Justin Levitt, professor of law at Loyola Marymount University. “The paramilitaries were not organized paramilitaries, they were lynch mobs, but very much in place in order to maintain white mob rule at the expense of the nonwhite citizenry, mostly Black but not entirely. And that certainly wasn’t confined to voting, but that had its expression in voting rules too.”

**Such efforts also have long-term consequences,** Hanmer said.

“If you are then systematically shut out, and your efforts don’t change that, that can spill over to future generations because one of the ways that people become politically engaged is through socialization through the family,” he said.

## Noncompetitive races

### Voter turnout by state, 2022

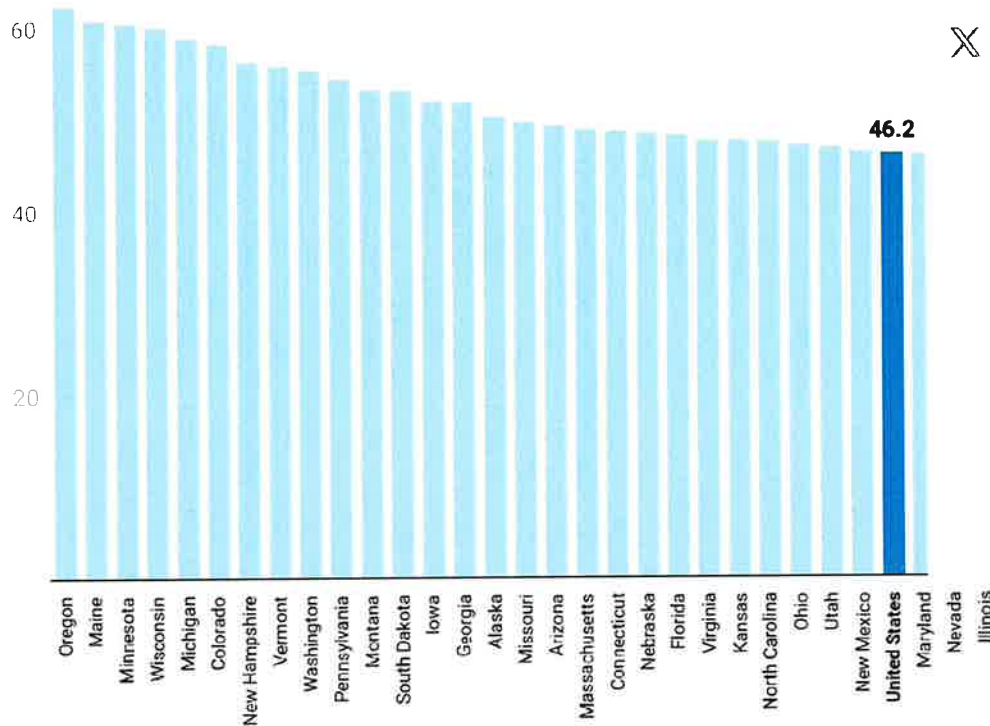


Chart: Alabama Reflector • Source: [University of Florida Election Lab](#) • [Get the data](#) • [Embed](#) • [Download](#)

Alabama's voter participation rate in was roughly 37% in 2022, the fifth lowest in the country, according to the University of Florida's Election Lab. Mississippi had the lowest turnout, at 33%. Like Alabama and Mississippi, the other three states in the bottom five – Tennessee, West Virginia, Indiana – are all conservative leaning and dominated by Republicans.

Relative to other states, Alabama's participation rates have fallen. In 2014, only 33% of Alabamians cast ballots, which was the 12th-lowest in the country. That same year, the turnout rate for Texas, Indiana and Mississippi was about 28%.

There are other factors that contribute to low voter participation also, such as noncompetitive races.

“Battleground status in a presidential election definitely matters,” Neiheisel said. “If you put that into a statistical model, that usually is a positive indicator for turnout, so having an election in which your vote really matters, that is a big part of this as well.”

Outside of Alabama’s main urban centers, the Republican Party has maintained solid control. The party has a supermajority in the Legislature. It has controlled the governor’s mansion since 2003 and all statewide elected offices since 2012. Republicans have controlled six of the state’s seven U.S. House seats since 2011. With the exception of Democratic U.S. Sen. Doug Jones’ term from 2018 to 2021, the GOP has controlled both of Alabama’s U.S. Senate seats since 1997.

“The state Democratic Party can only move so far to the right,” he said. “It is a matter of branding too. The Democratic Party is branded as so liberal anyway because of national politics.”

Some argue that gerrymandering is an important factor to consider.

“We look at the map, and if somebody wants to run in a district, we have to be realistic that this district has historically been 80% Republican in recent elections,” said Tabitha Isner, vice chair of the Alabama Democratic Party. “How much can we ask a candidate to fight, to do, in a district where a strong candidate with a great organization and great fundraising can swing it by 6-8 points, but they can’t swing it by 40?”

John Wahl, chair of the Alabama Republican Party, denied the state was gerrymandered, and attributed the one-sided election results to non-competitive races for a state that largely conservative.

“In the state House and Senate, a lot of the districts are traditional districts on both sides of the aisle on these maps,” he said. “There are still competitive districts out there. That was made very clear during the last election cycle where the state party was very engaged in trying to flip half a dozen house districts across the state.”

Alabama also has more restrictive voting laws compared to other states with higher turnout, including photo voter identification.

Kathy Jones, president of the League of Women Voters of Alabama, collaborates with chapters in other states who are now only starting to implement laws the state has already had for years.



“They are coming down to where we have been as far as the ability for people to make their voices heard,” she said. “From that, I would say we definitely have more laws that make it more difficult to vote than other states.”

## Absentee obstacles



📷 A cyclist dropping a ballot off. Alabama makes absentee very difficult and has outlawed drop boxes. (Stephen Maturen/Getty Images)

Chief among her concerns is absentee ballots and the flexibility to cast a ballot without a physical presence at the polling places on Election Day. Jones said the state has some of the most restrictive absentee laws in the country.

The state mandates that voters provide a reason to cast an absentee ballot, and the reasons for allowing people to vote by absentee ballot are limited. According to the Secretary of State's website, people may apply to vote by absentee ballot only if they have a permanent disability or are incapacitated; if they expect to be away from the polls on Election Day; are living outside the country or are incarcerated and have not been convicted of a disenfranchising felony.

They must also obtain a notice from a physician if they need to vote by absentee because of medical reasons.

People must first apply to the Secretary of State's Office to receive an absentee ballot and, if approved, will be sent an absentee ballot

that they must mail back by Election Day.

Some states make residents reapply to vote by absentee after a few election cycles. In Alabama, voters must apply for an absentee ballot every election. Alabama also does not allow people to vote early, contrary to neighboring states.

The state has also moved to make assistance with absentee ballots much harder. SB 1, sponsored by Sen. Garland Gudger, criminalizes voters for receiving assistance with their absentee ballots and for receiving compensation to assist others with their absentee ballots. Voting rights groups have filed a lawsuit challenging the law.

“What it is, it is a hardship,” Jones said. “When you have people who are already having difficulties in their lives, and the laws are set up to where you have to ‘earn’ your right to vote, what you are doing is making it harder for people who are already having a tough time.”

Another problem is that Alabama does not communicate with people incarcerated in jail and prisons to inform them that they may be able to vote. State law identifies crimes of moral turpitude that make it illegal for a person to vote who has been convicted of specific crimes. But incarceration itself does not cost people their right to vote. People who are being held while awaiting trial and people who have not been convicted of crimes of moral turpitude may cast ballots.

Voting rights groups visit courts and other places to inform people of their right to vote and assist them with getting their voting rights restored, which can be cumbersome, with some requiring a pardon from the Alabama Board of Pardons and Paroles.

This all plays a role in making it difficult for some groups to exercise their right to vote. One measure of this is the Cost of Voting Index, maintained by political science and public administration scholars. The analysis reviews the ease with which voters in each state have access to the ballot box based on policies and laws enacted by administration officials. This includes automatic voter registration, how permissive or restrictive pre-registration laws are, voter ID laws and how convenient it is to vote, such as the hours of polling places and the availability of early voting.

Researchers then distill those factors to a single number, and the

easier it is to vote in the state. A lower score indicates easier access to the ballot.

The cost of voting index for Oregon is -2.51 while Vermont is -2.34. These states also have some of the highest voter participation rates in the nation.

The index gives Alabama a score of 1.28, the fifth worst in the country. Mississippi has a cost of voting index that is 1.63, tied for worst. Those figures correlate almost perfectly with the state rankings for worst voter participation rates in the U.S.

Federal court decisions have also chilled turnout. In 2013, the U.S. Supreme Court gutted Section 5 of the Voting Rights Act, which required certain jurisdictions with a history of discriminatory voting practices, such as Alabama, to submit proposed changes in voting procedures to the U.S. Department of Justice or a federal district court before it goes into effect.

“Without Section 5, states are more readily adopting new laws that discriminatory impact on the ability to cast ballots,” said Kareem Crayton, vice president of the Brennan Center based in the Washington D.C. office. “That includes things like gerrymandering, or voter ID laws, or, as in Georgia, rules that would prevent you from assisting voters to cast ballots. All of those have effects on the ability of people of color to cast ballots.”

Using voter file data, the [Brennen Center published a report in 2023](#) that indicated that the gap between whites and nonwhites in voting had been closing in Alabama during the time leading up to *Shelby County vs. Holder*. However, after the decision, the trend reversed.

In 2012, the voter turnout gap between whites and non-whites, which includes other minorities such as Hispanic voters in the state, was about 7%. By 2022, that disparity had grown to 13%.

### **A question of impact**

Mitchell Brown, a professor of political science at Auburn University, said he believes low Alabama turnout rates are less about systematic voter suppression than a lack of investment in election infrastructure.

“Alabama has made a choice,” she said. “Is it a choice that makes it as easy as possible for everybody – no. But we have limited tax



dollars and choices have to be made.”

Other experts interviewed responded by saying that election laws matter greatly.

“What you need to think about is the cumulative effect of multiple forms of voter access when they are rolled back and how they limit opportunity for people,” Crayton said. “It may or may not be the case that any one provision has a particular impact that you think is particularly big. But when you sum up the rollbacks over multiple provisions, that impact gets much larger, but it is also the psychological impact on the voter.”

Levitt also said it depends on the election.

“That is true in presidential elections,” he said. “I think it is less true in midterms, and even less true in off-cycle municipal races where you can see giant gains, particularly from mail in voting, less so from early voting, because they help bring people into the process who may not be accustomed to voting every time.”

The ACLU of Alabama’s Project MOVE aims to reduce barriers to voting and election participation.

The plan has three pillars, with the first prong identifying the issues that Alabama residents care about. The plan involves surveying people using phone banks; having a presence at different events and door-knocking efforts.

The plan also calls for increasing voter turnout with other programs such as community care services like job fairs and food banks. The group also plans to host mock voting sessions at high schools and visit historically Black colleges and universities.

The first several initiatives deal with investigating more fully some of the reasons that voter participation is lower in the state when compared to others.

“Doing so means getting proximate to Alabamians that aren’t voting. Phase one of our project is a community survey,” the ACLU of Alabama stated by email. “These conversations will help us understand why voter turnout is at such low levels and what barriers, real or falsely perceived, keep registered voters at home.”

The short-term goal is to increase voter turnout by at least 5% in the next two years, with the eventual long-term milestone of 60%.

“If we can do that, that will be the real start of something that helps inform how we are engaging folks and are utilizing tools to ensure that people have the access that they need to use their voice at the ballot box,” Gilchrist said.

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### RALPH CHAPOCO



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## CLARITY TODAY FOR A BETTER TOMORROW

### DEMOCRACY TOOLKIT



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EXH 16

**The New York Times**<https://www.nytimes.com/2024/03/19/us/politics/alabama-dei-bill.html>

## ***Alabama Republicans Pass Expansive Legislation Targeting D.E.I.***

The measure would not only cut funding to diversity programs at public colleges, but also limit the teaching of “divisive concepts” surrounding race and gender.

**By Emily Cochrane**EXHIBIT  
16

March 19, 2024

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Alabama Republicans pushed through a sprawling measure on Tuesday that would not only ban state funding for diversity, equity and inclusion programs at public universities, local boards of education and government agencies, but also limit the teaching of “divisive concepts” surrounding race, gender and identity.

The bill passed with broad support in the State Legislature, but faced vehement opposition from student groups, civil rights advocates and Democrats who said it was a chilling attempt to undercut free speech and diversity efforts, especially given Alabama’s history of educational segregation and racism.

The bill also forbids public universities and colleges from allowing transgender people to use bathrooms that align with their gender identity.

With the legislation, Alabama lawmakers join a broad, right-wing campaign that has targeted D.E.I. programs and initiatives, and has sought to roll back or limit efforts to expand racial diversity on college campuses across the country.

But the debate has been particularly fraught in Alabama. Democratic legislators there underscored their opposition by invoking the state’s past, including when Gov. George Wallace made a “stand in the schoolhouse door” to prevent Black students from enrolling in the University of Alabama.

And at least one Democratic elected official suggested, despite his allegiance to Alabama



football, that student athletes should consider looking elsewhere.

“Would you be cool with your child playing at schools where diversity among staff is actively being discouraged?” **Mayor Randall Woodfin of Birmingham** asked in a Facebook post last month. “Although I’m the biggest Bama fan, I have no problem organizing Black parents and athletes to attend other institutions outside of the state where diversity and inclusion are prioritized.”

The legislation, which would take effect on Oct. 1, now heads to Gov. Kay Ivey, a Republican, for her signature.



Gov. Kay Ivey in Montgomery, Ala., last year. The legislation now heads to her for her signature. Julie Bennett/Associated Press

**Alabama Republicans have in recent years repeatedly sought to curb D.E.I. programs at public institutions.** State Representative Ed Oliver, a Republican and lead sponsor of the bill, recently condemned the initiatives as aiming “to deepen divisions, set up race-exclusionary programs and indoctrinate students into a far-left political ideology.”

Another key Republican sponsor, State Senator Will Barfoot, said that “higher education must return to its essential foundations of academic integrity and the pursuit of knowledge instead of being corrupted by destructive ideologies.”

Democrats, who widely opposed the bill, warned about infringing on the constitutional rights of faculty, staff and students. In impassioned speeches, Black lawmakers recalled the state's history of racism and disenfranchisement and their own experiences of discrimination, as well as the opportunities they had received through D.E.I. programs.

"The advancements that we have made — race relations, human rights, social rights, social justice — in this country, they're slowly rolling it back," said State Representative Juandalynn Givan, a Democrat. She added: "It is allowing our racial ethnicity and the significance of our skin color to be slowly stripped away in every shape, form or fashion."

The prohibitions are largely focused on the teaching of "divisive concepts," which the bill defines in part as assigning "fault, blame or bias" to any race, religion, gender or nationality. Other examples of divisive concepts include teaching that a person is "inherently responsible for actions committed in the past" or that a person should "accept, acknowledge, affirm or assent to a sense of guilt, complicity or a need to apologize" based on their race, religion, gender or background.

The legislation also says that its language should not prohibit D.E.I. programs or discussions from taking place on campus, as long as state funds are not used. And it says that the bill should not prevent "the teaching of topics or historical events in a historically accurate context."

The debate largely centered on the law's effect on the state's public universities, land grant universities and historically Black colleges and universities, where there are several D.E.I. organizations and programs.

Some staff, students and critics say that amid a backlash over how racism and Black history are taught, the lack of funding and fears of violating the law may be enough to stop such discussions. PEN America, the free expression group, warned last month that the bill was a "pernicious educational gag order" that would lead to "a campus environment devoid of intellectual freedom."

Opponents have raised concerns about the vagueness of the bill, given that the legislation allows for employees at public colleges and universities to be disciplined or fired for violating the measure. They pointed to Florida, where a similar law is in place and where multiple schools have either eliminated or reduced positions related to D.E.I.

Critics also warned that the bill would more likely affect historically Black colleges and programs that have already struggled to receive equitable funding and resources.

Outside the State Capitol in Montgomery this month, members of Black fraternities and sororities, L.G.B.T.Q. groups and students at several of the state's public schools and



historically Black colleges rallied against the measure. Chanting “D.E.I. saves lives,” they told stories of how the programs had helped them navigate predominantly white institutions or find opportunities and support in college.

The state’s flagship public universities — Auburn University and the constellation of schools in the University of Alabama system — have not explicitly addressed how the legislation would affect their offices or programs, beyond pledging to maintain a welcoming and respectful environment on campus.

The two schools and their D.E.I. programs were highlighted in a report titled “Going Woke in Dixie?” released by the Claremont Institute, a think tank that has championed legislation against D.E.I. across the country.

“We are committed to providing resources and opportunities that are accessible to all, and will continue to work with the legislature as we equip our campus community members for success at our universities and beyond,” said Lynn Cole, a spokeswoman for the University of Alabama system.

Jennifer Adams, a spokeswoman for Auburn University, said the institution placed “particular emphasis on providing access and opportunity to the citizenry of Alabama” and “will act consistently with applicable state and federal law.”

**Emily Cochrane** is a national reporter for The Times covering the American South, based in Nashville. More about Emily Cochrane

A version of this article appears in print on , Section A, Page 11 of the New York edition with the headline: Republicans In Alabama Vote to Limit D.E.I. Efforts

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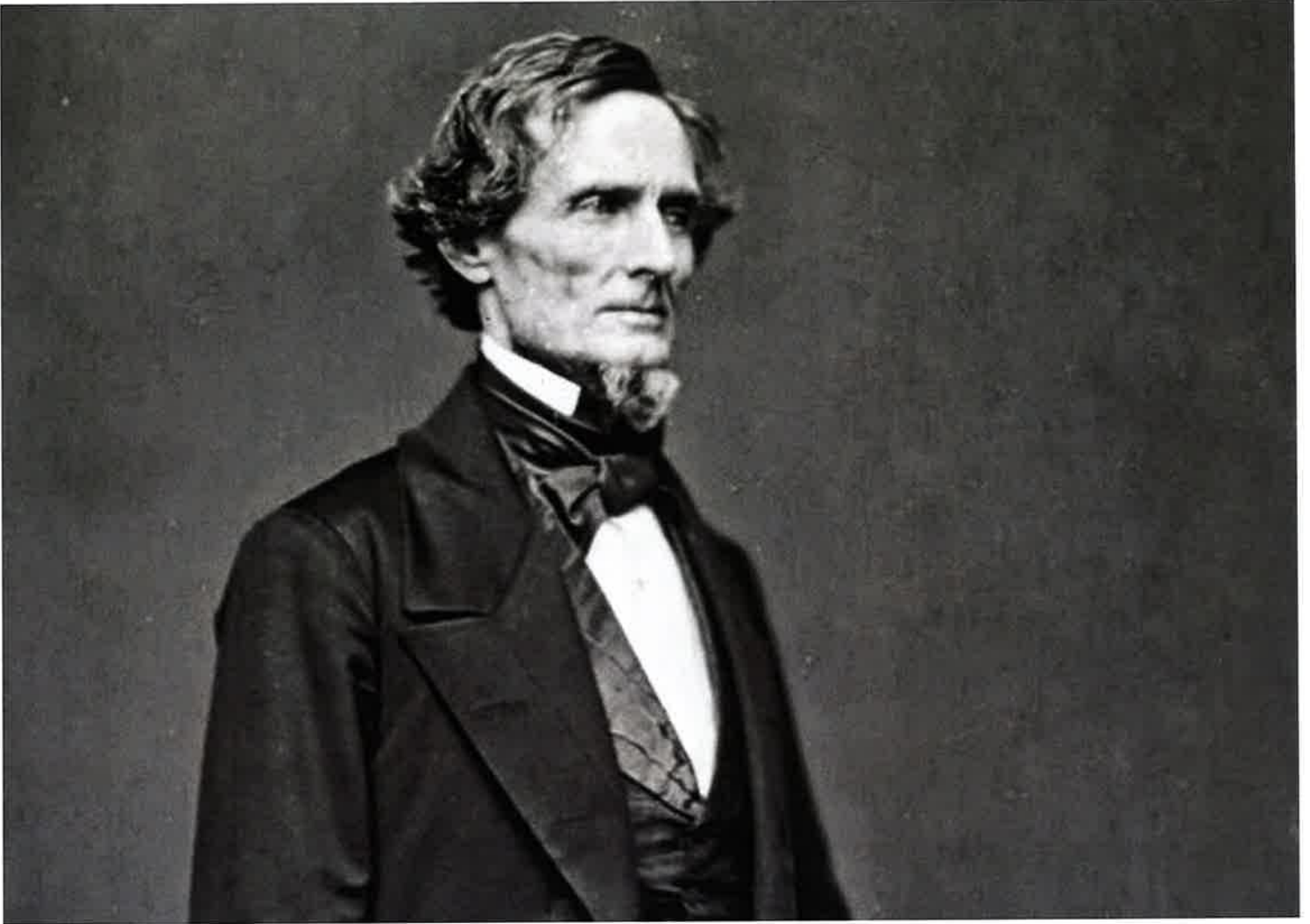
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**NEWS**

# Jefferson Davis birthday holiday in Alabama is today: What that means to you; will mail run?

Updated: Jun. 05, 2023, 9:57 a.m. | Published: Jun. 05, 2023, 8:35 a.m.



Jefferson Davis



By [Leada Gore](#) | [lgore@al.com](mailto:lgore@al.com)

Today is a holiday in Alabama but, unless you specifically need to do business with the state, you likely won't see much of a difference.

State offices will be closed in Alabama Monday to commemorate the birth of Confederate president Jefferson Davis.

Monday, June 5 is a state holiday, one of three in Alabama that honor Confederate leaders: Robert E. Lee's birthday, which is marked in January on the same day as Martin Luther King Day; Confederate Memorial Day in April; and Davis' birthday in June.

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State offices and some agencies are closed but federal services- including mail delivery – will continue.

**Here's what's open and what's closed:**

**Alabama state offices** - closed

**Alabama state courts** - Most closed, check ahead

**Car tag offices** - Open in some counties, closed in others where Davis' birthday is observed.

**U.S. Post Office** - normal operations, mail will be delivered.

**Banks** - open

**City and county offices** - Most are open

**Jefferson County Courthouse** – Open

Municipal and county closings will vary widely across the state, so check ahead before you go.

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## Who was Jefferson Davis?

Davis was born on June 3, 1808, in Kentucky and later represented Mississippi in Congress before serving as U.S. Secretary of War under President Franklin Pierce. Davis was the unanimous choice of the Confederate Convention for president, taking the oath of office in Montgomery, Alabama on Feb. 18, 1861 and serving until 1865.

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Davis was captured at the close of the Civil War, accused of treason and imprisoned, though he was never tried. He was released two years later and spent his retirement years on the Mississippi Gulf Coast.

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Alabama is the last state to have a legal holiday set aside solely to commemorate the birth of Davis. Mississippi marks Davis' birthday but includes it in the Memorial Day celebration. In Texas, Davis's birthday is part of "Confederate Heroes Day" while other

# **STORMING THE STATE HOUSE**

*The Campaign that Liberated Alabama from 136 Years  
of Democrat Rule*

**Mike Hubbard**  
with David Azbell

and with a foreword by U.S. Representative Mike Rogers



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The authors will donate their portion of profits from this book to John Croyle's Big Oak Ranch. For more information about this Christian home for children needing a chance, visit [www.bigoak.org](http://www.bigoak.org).

in each district, whoever we chose had to handle the massive capacity we demanded, provide quick turnaround, and be willing to have conference calls with a combination of John Ross, Dax Swatek, McLaughlin, Marsh, and me to tailor the message to the survey data.

We settled upon Majority Strategies, a Florida-based direct mail firm whose promotional material boasted that they were responsible for creating, printing, and sending a half-billion political mail pieces since its founding in 1996. We had worked with Randy Kammerdiener, a senior consultant with the firm, on our 2006 legislative efforts and found him to be both creative and reliable. I personally liked the fact that Majority Strategies tried to include a certain amount of humor in some of the mail they produced, which made it more memorable and helped deliver a strong dose of political attack without leaving voters with a bitter taste. In 2006, due to budget constraints, we forced Kammerdiener to use the same designs and message in multiple races. This time, we would be smarter and better-funded.

Another important item gleaned from *The Thumpin'* as well as from our 2006 experience was the need to prioritize and carefully target districts. We had to have the discipline to compete only in races that offered a reasonable chance of victory. Spreading ourselves too thin and spending money based on affection for a candidate rather than their probability of victory was a costly and painful lesson we had learned, a mistake that would not be repeated in 2010.

To begin ranking districts and determining which districts to target, the party hired consultant Scott Stone to conduct an infinitely more in-depth analysis than the one produced four years earlier. John Ross and I had interviewed Stone for the party's political director position before settling on Michael Joffrion for that job. Stone had been memorably cordial and impressive during his interview and when told that the party job was going elsewhere. Ross and I remembered him and reached out a few weeks later to hire him to conduct the painstaking study.

Stone developed a formula based on historical election results, district demographics, and numerous other factors and ranked each House and Senate district. The most vulnerable Democrats were obvious, but his report was extremely helpful in developing the second- and third-tier targets that we would eventually fund. Stone's study also included the population centers of each district so we knew where to focus our recruitment efforts to increase the potential for votes.

One reason Emanuel and the Democrats had gained control of the U.S. House by taking 29 seats held by the GOP lay with their success in tarnishing the Republican brand, according to *The Thumpin'*. Of course, President Bush and Congressional Republicans had basically given Democrats the bullets to load their guns in the first place. A general feeling among Americans that the war in Iraq was going poorly, the botched response to Hurricane Katrina, and a growing series of Republican ethics scandals were being exploited by Democratic