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## **Southern States' Lower Legislative Districts and the Perverse Effects Thesis**

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Southern States' Lower Legislative Districts and the Perverse Effects Thesis

A Dissertation

Submitted to the Graduate Faculty of the  
University of New Orleans  
in partial fulfillment of the  
requirements for the degree of

Doctor of Philosophy  
in  
Political Science

Shannon R. Sinegal

B.A. University of Louisiana at Lafayette, 2002

M.A. University of New Orleans, 2004

May 2013

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To my Heavenly Father, family, committee, friends, and everyone who helped on this project.

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## Abstract

In the post-1990 round of redistricting a number of majority-African American legislative districts were created, especially in the South. The new majority-African American districts were created by “pulling” many of the African Americans from surrounding districts into a single district, leaving the adjacent districts with a higher percentage of whites. These adjacent districts are often referred to as “bleached” districts. As the number of African Americans elected in the new majority-African American districts increased, so did the number of Republicans. This is referred to as the “perverse effect thesis.” This thesis has been widely acclaimed, but scholars have found minimal support for the thesis. There is an alternative explanation for the Republican growth. This explanation attributes it to the fact that, regardless of their distance from majority-African American districts; more southern whites are voting for Republican candidates.

Generally, when scholars examine the perverse effect thesis, they have examined the twelve new southern majority-African American United States House of Representative districts that were created after the 1990 census. This study deviates from the prior studies that examine the perverse effect thesis. This study seeks to determine how many of the Republican gains in southern state lower chambers are attributable to the new majority-African American districts in these chambers from 1988 to 2004. It examines both the perverse effect thesis and the alternative hypothesis. Alabama, Louisiana, and Mississippi were used in this study. These states were used because they are part of the Deep South, and they are protected by Section 5 of the Voting Rights Act. Deep Southern states have a larger African American population compared to the Rim

states. This study found evidence supporting both the perverse effect thesis and the alternative hypothesis.

Perverse Effects Thesis, Redistricting, Civil Rights Act, Racial Gerrymandering, African American Politics

## CHAPTER 1: INTRODUCTION: PERVERSE EFFECTS THESIS

In the post-1990 round of redistricting a number of majority-African American legislative districts were created, especially in the South.<sup>1</sup> Twelve new majority-African American United States House of Representative districts<sup>2</sup> and 51 new majority-African American districts for the lower chambers of state legislatures were created in that region (see Tables 1.1- 1.2).<sup>3</sup> The immediate purpose of these districts “was to provide African Americans with opportunities to elect representatives of their choice” (Engstrom 2006, 96). This purpose was usually achieved, as the vast majority of such districts resulted in the election of African American Democrats, whereas districts with less than a majority African American rarely did.

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<sup>1</sup> The South in this study consists of the eleven states of the Confederacy: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

<sup>2</sup> Prior to the 1990 census, there were only five majority-African American southern United State House districts.

<sup>3</sup>Lublin (2004) states that fifty-one new majority-African American districts were created in the lower chambers of southern state legislatures. He does not include Arkansas in his study because racial data for the court-ordered 1990 districts are unavailable (111).

Table 1.1: The New Majority-African American U.S. House Districts in the South

State	District Number	African American % of Total Population	African American % of Voting Age Population
Alabama	7	67.5	63.5
Florida	3	55.0	50.6
	17	58.4	54.0
	23 <sup>a</sup>	51.6	45.7
Georgia	2	56.6	52.3
	11	64.1	60.4
Louisiana	4	66.4	62.6
North Carolina	1	57.3	53.4
	12	56.6	53.3
South Carolina	6	66.2	58.3
Texas	30 <sup>a</sup>	50.0	47.1
Virginia	3	64.1	61.2

Source: Engstrom 2005.

<sup>a</sup> According to Engstrom (2005), “The Florida twenty-third and Texas thirtieth were not majority-African American in voting age population (VAP) but were considered to be majority-minority districts because of the Hispanic VAP within them. Three new majority-Hispanic districts were also created, two in Texas and one in Florida” (97).

Table 1.2: Southern States’ New Majority-African American Lower Chamber Districts, 1990-1994

States <sup>a</sup>	Number of New Majority-African American Lower Chamber Districts	Total Number of Seats
Alabama	7	105
Florida	4	120
Georgia	9	180
Louisiana	7	105
Mississippi	4	122
North Carolina	7	120
South Carolina	7	124
Tennessee	1	99
Texas	2	150
Virginia	3	100

Source: Lublin 2004, 110-111.

<sup>a</sup> Lublin (2004) does not include Arkansas in his study because the data on the racial composition of legislative districts in that state were not available (111).

Table 1.3 presents the percentages of seats held by African Americans in the lower chambers of eight southern state legislatures: Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia. As revealed in Table 1.3, the seats held by African Americans increased from 1990 to 1994. The largest gains were achieved in Mississippi and Louisiana in the 1992 elections. In 1990, African Americans held 14 percent of the seats in Louisiana's lower chamber, and by 1992 they held 22 percent of them. Similarly, in 1990 African Americans held 16 percent of the seats in Mississippi's lower chamber, and by 1992 they held 25 percent of them. In 1990, 79 percent of the African Americans in the United States House of Representative were elected from majority-African American districts; in 1992, 94 percent of them were elected in such districts (Handley, Grofman, and Arden 1998, 23). The increase in African American representation in southern state legislatures and in the U.S. House far surpassed the increase in the rest of the country (ibid,14).

Table 1.3: Percentages of Seats in the Lower Chambers of Southern States Legislatures Held by African Americans

States	1988	1990	1992	1994	1996	1998	2000	2002	2004	2006
Alabama	18	17	18	17	17	26	26	28	23	26
Arkansas	5	9	10	10	10	10	12	12	12	13
Florida	8	8	10	12	13	13	13	13	14	15
Georgia	12	13	15	17	17	18	18	19	21	23
Louisiana	14	14	22	22	19	19	21	21	29	29
Mississippi	16	16	25	25	28	28	29	29	29	29
N. Carolina	11	12	12	15	14	14	16	15	15	18
S. Carolina	12	13	13	15	21	21	21	21	21	27
Tennessee	10	10	10	12	14	13	13	14	15	16
Texas	9	9	9	9	9	9	9	9	7	7
Virginia	7	7	8	8	9	10	10	10	10	12
Average % of African Americans by year	11	12	14	15	16	16	17	17	18	19

Note: Entries are the percentage of seats held by African Americans in the lower chambers of southern state legislatures.

Source: Percentages of African Americans legislators were collected from Lublin (2004), state House web sites, *Elected Black Offices* (1988-1993) and (1997-2001), and by personally contacting each state. Texas stopped reporting the racial makeup of their House legislators after the 2002 election. Racial identifications of Texas legislators as of 2002 were determined by examining their pictures and biographies posted on the state legislature's website (see [www.capitol.state.tx.us/Members/Members.aspx?Chamber=H](http://www.capitol.state.tx.us/Members/Members.aspx?Chamber=H); [www.capitol.state.tx.us/Members/Members.aspx?Chamber=H](http://www.capitol.state.tx.us/Members/Members.aspx?Chamber=H); [www.capitol.state.tx.us/Members/Members.aspx?Chamber=H](http://www.capitol.state.tx.us/Members/Members.aspx?Chamber=H)). This same method was used for Tennessee and Georgia. Tennessee's website listed all of the past House members (1993- 1996 and 2001-2006) (See [www.legislature.state.tn.us/house/Archives/98GA/Members/Members.htm](http://www.legislature.state.tn.us/house/Archives/98GA/Members/Members.htm); [www.legislature.state.tn.us/house/Archives/99GA/Members.htm](http://www.legislature.state.tn.us/house/Archives/99GA/Members.htm); [www.legislature.state.tn.us/house/Archives/103GA/Members/HMembers.htm](http://www.legislature.state.tn.us/house/Archives/103GA/Members/HMembers.htm); [www.legislature.state.tn.us/house/Archives/102GA/Members/Members.htm](http://www.legislature.state.tn.us/house/Archives/102GA/Members/Members.htm); [www.legislature.state.tn.us/house/Archives/103GA/Members/HMembers.htm](http://www.legislature.state.tn.us/house/Archives/103GA/Members/HMembers.htm)). Georgia's African American legislators were collected from several different websites. For 1995-1996 ([www.legis.state.ga.us.legis/1995\\_6/house/mem.htm](http://www.legis.state.ga.us.legis/1995_6/house/mem.htm)); 1997-1998 ([www.legis.state.ga.us.legis/1997\\_98/house/mem.htm](http://www.legis.state.ga.us.legis/1997_98/house/mem.htm)); 1999-2000 ([www.legis.state.ga.us.legis/1999\\_00/house/mem.htm](http://www.legis.state.ga.us.legis/1999_00/house/mem.htm)); 2003-2004 ([www.legis.ga.gov.legis/2003\\_04/house/mem\\_by\\_name.htm](http://www.legis.ga.gov.legis/2003_04/house/mem_by_name.htm)); and 2005-2006 ([www.legis.state.ga.us/legis/2005\\_06/house/05alpha.htm](http://www.legis.state.ga.us/legis/2005_06/house/05alpha.htm)). Data from South Carolina were collected from 1994-1996 and 2002 to the present from the South Carolina Legislature Black Caucus' website ([www.sclbc.org/9.html](http://www.sclbc.org/9.html)). Black Wintry (Director of Research and Interpretation, Mosaic Templars Cultural Center) compiled data of African Americans serving in Arkansas General Assembly from 1868 to 2005. The total number of African Americans serving in the Arkansas' lower chamber in 2006 was obtained from Arkansas' General Assembly website ([www.arkansas.gov/house/rep.php](http://www.arkansas.gov/house/rep.php)).

The new majority-African American districts were created by “pulling” many of the African Americans from surrounding districts into a single district, leaving the adjacent districts with a higher percentage of whites. These adjacent districts are often referred to as “bleached” districts. The whiter a district, other things being equal, the greater the chance that a Republican candidate will be elected in it (Swain 1995, 229; Cameron, Epstein and O’Halloran 1996, 805; Lublin 1997, 99). Many commentators have argued that these bleached districts have contributed to the growth of the Republican Party in the South (see the overview by Engstrom 2006, 94). For instance, the number of Republicans elected to the southern delegation in the U.S. House and to the lower chambers of southern state legislatures has increased as well as the number of African Americans. Table 1.4 presents the percentages of seats held by Republicans in the lower chambers of southern state legislatures.<sup>4</sup> Southern Republicans gained nine U.S. House seats in 1992 and sixteen more in 1994 (*ibid*, 95). This increase has been considered by some as the cause of the Republicans gaining control of the U.S. House following the 1994 election (Swain 1995, 227, 232; McKee 2002, 123).

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<sup>4</sup> This table will be discussed in greater detail in section VI.

Table 1.4: Percentage of Seats in the Lower Chambers of Southern State Legislatures Held by Republicans, 1988 to 2006

	1988	1990	1992	1994	1996	1998	2000	2002	2004	2006
Alabama	16	21	22	28	28	34	35	40	40	41
Arkansas	11	9	10	12	14	24	30	30	28	25
Florida	39	38	41	48	50	61	64	68	70	66
Georgia	20	14	29	36	41	43	41	41	55	59
Louisiana	16	16	15	15	26	26	31	34	35	39
Mississippi	7	16	20	20	30	30	27	31	39	39
N. Carolina	38	33	35	56	51	45	48	51	48	43
S. Carolina	30	33	40	48	52	55	56	59	60	59
Tennessee	40	43	36	40	38	40	41	45	54	46
Texas	38	37	38	41	45	48	48	59	58	54
Virginia	39	39	41	46	46	50	52	65	58	57
Average % of Southern Republicans by year	27	27	30	35	38	41	43	48	50	48

*Note:* Entries are the percentages of seats held by Republicans in the lower chambers of southern state legislatures.

*Sources:* Data for 1992-2002 were gathered from Lublin, *The Republican South: Democratization and Partisan Change* (Princeton: Princeton University Press, 2004), data for 2002, 2004, and 2006 were collected at the National Conference of State Legislature website (see <http://www.ncsl.org/programs/legismgt/statevote2002.htm>; <http://www.ncsl.org/programs/legismgt/statevote2004.htm>; and <http://www.ncsl.org/programs/legismgt/statevote2006.htm>).

Most African Americans are more likely to identify with the Democratic Party than with the Republican Party (see Black and Black 2002, 244; Lublin 2004, 135; Tate 2003, 118; Frymer 1999, 5; Fauntroy 2007, 3-4, 6). David Lublin states that African Americans feel “completely unwelcome” by the Republican Party (2004, 145). The increase in Republican legislators is said to lead to a decline in legislative support for the policy preference of African Americans. Richard Engstrom notes, “a conservative Republican who does not include African Americans in his or her ‘reelection constituency’ is not expected to be sensitive to African American concerns, so if the Republicans’ gains in legislative seats exceed those of African Americans, an increase in the descriptive representation for African Americans may well be at the expense of their



substantive representation” (2006, 94).<sup>5</sup> A number of scholars have argued that this in fact happened during the 1990s (see Swain 1995, 227, 232; Overby and Cosgrove 1996, 540, 547-551; Cameron et al. 1996, 794, 808, 809-810; and Lublin 1997, 99, 119).

The hypothesized linkage that more majority-African American districts result in more Republicans being elected is known as the “perverse effects thesis.” This thesis typically refers to Republicans winning in the districts “adjacent to,” “surrounding,” “bordering,” or “neighboring” the new majority-African American districts (see, e.g., Bullock 1995a, 22 and 1995b, 33; Overby and Cosgrove 1996, 541; Knuckey 2001, 258; Black and Black 2002, 197; McKee 2002, 124, 131, 137). The perverse effects thesis has been widely proclaimed, but it is also contested. Engstrom writes, “Given the amount of attention that the new majority-African American districts generated, and the popularity of the perverse partisan effects thesis among commentators, we may be surprised at how few analysts have placed a number on how many times Republicans replaced Democrats because of them” (2006, 102). Studies note the rise of the number of both African American Democrats and Republicans being elected and attribute this to a relationship between the majority-African American districts and the adjacent districts without identifying any specific instances of the two being connected (*ibid*, 95).

Engstrom examines the empirical evidence for the “perverse effects” thesis and maintains that the “creation of twelve new majority-African American [U.S. House] districts in the South following the 1990 census did benefit the Republicans, but the studies of these districts that examine the perverse partisan effects thesis concluded that

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<sup>5</sup>A reelection constituency, according to Fenno (2003), “contains all voters who support or might support the member” (7). Hanna Pitkin (1967) distinguishes between descriptive and substantive representation. Members of minority groups gain descriptive representation by electing members of their group to public office (209). Minority groups gain substantive representation by exerting influence over the policy process (209).

this benefit was not nearly as great, or as consequential, as many commentators have assumed” (2006, 107). Empirical research has concluded that only about six U.S. House seats gained by Republicans following the 1992 and 1994 elections were attributable to the new majority-African American districts.<sup>6</sup> The extent to which Republican gains can be “blamed” on the new African American congressional districts is therefore limited (*ibid.*, 95). Even authors who argue for the empirical presence of the perverse effects thesis reveal only modest empirical impacts (Hill 1994,399-400; Lublin and Voss 2000b, 805; Hill and Rae 2000, 18-19; McKee 2002, 131).

Kevin Hill states, “not *all* Republican gains in the South were related to racial redistricting” (1995, 400, emphasis in original). Many of the Republican victories occurred in areas not affected by the new majority-African American districts. The Republican surge in electoral support in the South at this time was far from limited geographically to areas around these districts. It may be, as one author has stated, “difficult, if not impossible, to determine how many seats underwent partisan change because of race conscious redistricting” (Beachler 1995, 76; see also Bullock 1995b, 35).

If the large number of Republican gains is not attributable to the new majority-African American districts themselves—what does account for them? There is an alternative explanation for the Republican growth. This explanation attributes it to the fact that, regardless of their distance from majority-African American districts, more southern whites are voting for Republican candidates. This study will test at the state legislative level both the perverse effects thesis concerning adjacent districts and the alternative hypothesis that the increase in the number of GOP (Grand Old Party) seats in

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<sup>6</sup> These districts were the Alabama Sixth and Georgia First, Third, and Fourth in 1992; and North Carolina’s Second and Third Districts in 1994.

the South was attributable more to the Republican realignment in the South than the consequences of racial redistricting.

Nearly all of the literature that examines the perverse effects thesis has focused solely on the twelve new majority-African American U.S. House districts that were created in the post-1990 round of redistricting. The exception is a study by David Lublin and Stephen Voss that analyzed the effects of racial redistricting on southern states' lower legislative chambers. They examined these districts because they felt that the congressional context "...provide[s] few actual cases to test how electoral borders shape Democratic fortunes" (2000b, 793).

Like the Lublin and Voss' (2000b) study, this analysis will also examine the effects of racial redistricting on the southern states' lower legislative chambers. This study will differ from their study in a major way; it will test the perverse effects thesis by examining the districts *adjacent* to the new majority-African American districts. Lublin and Voss's study does not distinguish between Republican gains due to the bleaching of districts adjacent to majority-African American districts and Republican gains occurring elsewhere in a state.

The Republican growth at the state level, especially in southern states' lower legislative chambers, has been much slower than at the federal level (Lublin 2004, 67). Lublin argues that scholars "need to examine partisan shifts below the congressional level in order to explain why partisan change has occurred more slowly as one moves down the ballot" in the South (*ibid*, 67). This study will examine districts in the lower chambers of three southern state legislatures (Alabama, Mississippi, and Louisiana).<sup>7</sup> Lublin states

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<sup>7</sup> Chapter 4 will provide a detail account how and why these states were selected.

that, “the elections of many southern state senators to staggered terms, as in the U.S. Senate, makes it difficult to assess the impact of any one election” (*id.*, 47). He further notes that partisan change in state Senates tends to closely parallel that in lower chambers (*id.*, 47).

It is also important to analyze the lower chambers in southern state legislatures because two-party competition at this level has increased due to the growth of the Republican Party.<sup>8</sup> Republicans made significant gains in these chambers during the 1990s and 2000s. In 1990, they held 27 percent of all southern states’ lower chamber seats. The percentage of these seats held by the GOP increased to 30 in 1992 and to 35 in 1994 (table 4; see also Lublin 2004, 51-52). Furthermore, examining these districts will provide a larger number of cases to gauge the perverse effects of these districts. As Lublin and Voss note, “the South’s smallest state House has more than three times as many districts as the region’s largest congressional delegation” (*ibid.*, 793).<sup>9</sup>

Majority-Hispanic U.S. House districts were also created in the post-1990 round of redistricting, but they are not as abundant compared to the number of majority-African American districts. There were only three majority-Hispanic U.S. House districts created at that time (Engstrom 2006, 97). African Americans tend to be more geographically concentrated than Hispanics, making it easier to create these districts for African Americans (Handley, Grofman, and Arden 1998, 25; Engstrom 2006, 96; Casellas 2011,

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<sup>8</sup> See Lamis 1990, 9-10; Broach and Bandy 1999, 59-62, 67-68; Christensen and Flear 1999, 90-92; Binford, Baxter, and Sturrock 1999, 126, 128-130; Edds and Morris 1999, 152-154, 164; Barth, Blair, and Dumas 1999, 180-181; Ashford and Locker 1999, 215-216, Cotter and Gordon 1999, 244, 247; Shaffer, Sturrock, Breaux, and Minor 1999, 260, 270-271; Murray and Attlesey 1999, 328, 337-338; Carver and Fiedler 1999, 360, 362-364.

<sup>9</sup> Lublin and Voss (2000b, 793) state that the Texas congressional delegation, the largest of any southern state, includes 30 members, while Tennessee’s lower chamber, the smallest of all southern states, consists of 99 members.

81). Most of the scholarly attention has focused on the twelve new majority-African American districts. It is likely that these districts received this attention because of the history and large presence of African Americans in the South. The 1990 and 2000 censuses both report that about 53 percent of the African American population resides in the southern region (1990 and 2000 American Fact Finder, U.S. Censuses).

When examining the perverse effects thesis, most studies have only examined data from the 1990s. This study will examine data from the post-2000 elections as well. It is important to examine these elections because there have been a number of changes in the law that have jeopardized the longevity of majority-African American districts.<sup>10</sup> The time frame for this study is from 1988 to 2004. This study will seek to determine how many of the Republican gains in southern lower chambers are attributable to the new majority-African American districts in these chambers from 1988 to 2004.

### **MAP OF THE STUDY**

Chapter Two of this study will provide a closer look at the perverse effects thesis. It will discuss why many scholars contest this thesis. Chapter Three will examine sections 2 and 5 of the Voting Rights Act of 1965. These two sections have played an essential role in the creation of new majority-African American districts. The evolution of these provisions will be examined along with several United State Supreme Court cases concerning them. Chapter Four examines the alternative hypothesis - the extent to which the increase in Republican state legislative seats is due to the GOP surge in the South. Two elements will be examined in this chapter: the rise of the Republican Party and the entanglement of race and partisanship. Chapter Five will present the study's hypotheses and the analytic approach. Chapter Six will present the results from the two

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<sup>10</sup> These challenges to these districts will be discussed in Chapter 3 in greater detail.

analytic approaches and Chapter Seven will conclude the study by offering a recap of the study, its key findings, and future recommendations.

## CHAPTER 2: A CLOSER LOOK AT THE PERVERSE EFFECTS THESIS

African Americans and the southern region have a complex history, which can be traced back to the introduction of racism as a justification for slavery.<sup>11</sup> Race and its role in southern politics have received considerable scholarly attention, which often highlights the region's uniqueness. V. O. Key's, *Southern Politics in State and Nation* was one of the first studies that examined the region's uniqueness (1949). Key's analysis is based upon the contention that race is the fundamental structuring force of southern politics. The relationship between whites and African Americans is at the heart of this uniqueness. This relationship has often been described as the central artery of southern politics (Key 1949, 5; Black and Black 2002, 4; Lamis 1999, 3). Key writes, "Of the books about the South there is no end. Nor will there be so long as the South remains the region with the most distinctive character and tradition" (ix).

Since the publication of Key's seminal book, the South has undergone some dramatic changes, such as the Civil Rights Movement, population growth especially in the number of Hispanic residents, and the increasing number of Republicans being elected in the region. The Civil Rights Movement and the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 changed the racial context of southern politics, but racial tension did not disappear (Lublin 2004, 15). Earl Black and Merle Black state that race has been, and continues to be, "the central political cleavage" in the region (2004, 4).

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<sup>11</sup> The southern political system for centuries was based on the segregation and subjugation of African Americans (Glaser 1996, 2). Key states, "In its grand outlines the politics of the South revolves around the position of the Negro" (1949, 5).

Following the 1990 census of population, state and local governments across the United States engaged in an atypical round of gerrymandering. It was atypical because, unlike previous rounds, new majority-African American and majority-Hispanic legislative districts were created to facilitate the election of representatives that were the choice of African American and Hispanic voters.<sup>12</sup> This round of redistricting is often referred to as “racial redistricting” because this process was based on race. Concerning the expression “racial gerrymandering,” Richard Engstrom states that “instead of referring to the past practice of designing districts to impede the elections of African Americans, it is now used to refer to efforts to design districts to facilitate their election” (2006, 92).

Redistricting of congressional and state legislative districts is traditionally under the authority of state legislatures, which meant in the South white Democrats usually controlled this process. The Democratic Party was the majority party in southern state legislature during the early 1990s (Clayton 2000, 33). In the post-1990 round of redistricting, however, southern Republicans and African American Democrats played a vital role in the process. Dewey Clayton states that white Democrats wanted to draw district lines to ensure their own long-standing dominance in the southern delegations to the U.S. House and in state legislatures, whereas African Americans wanted to increase the number of African Americans elected to these bodies (*ibid*, 33). Clayton states that “Republicans, outnumbered [in state legislatures], saw that their only opportunity to gain congressional seats was to ally themselves with blacks in support of the creation of majority districts” (*id*, 33). Republicans believed that these districts would remove

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<sup>12</sup> James Glaser states, “several of these new African American districts are located in many places where race is still a big and obvious issue” (1996, 142-143).



African American voters from the existing Democratic districts, which would leave the remaining Democratic incumbents vulnerable because the districts would have a greater number of whites and be more Republican-leaning than districts not affected by racial redistricting (Clayton 2000, 33-34; Bullock 1995b, 22).

## **LITERATURE REVIEW: THE PERVERSE EFFECTS THESIS**

### *STUDIES SUPPORTING THE PERVERSE EFFECTS THESIS*

The literature on the perverse effects thesis can be divided into studies that report perverse effects and those that challenge the magnitude of the reported effects. Almost all of the studies concern U.S. House districts, and focus on the 1992 and 1994 elections. The early 1990s saw the occurrence of the largest increase of majority-African American districts in American history. Scholars have reported that evidence reveals that they resulted in the election of more African Americans and more Republicans.

Kevin Hill's study of the 1992 U.S. House election, for which eight southern states adopted new majority-African American districts, examined the link between the rise of African Americans and Republicans in the South and addressed what would have happened if racial redistricting had not occurred (1995, 385).<sup>13</sup> Using a multivariate analysis, Hill found evidence to support the thesis that the creation of the new African American districts cost Democrats seats in this election (*id.*, 399). While 7 of the 107 districts experienced a party change in the 1992 election, Hill argues that only four of

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<sup>13</sup> The eight southern states examined were Alabama, Georgia, Florida, Louisiana, North Carolina, South Carolina, Texas, and Virginia. Arkansas, Mississippi, and Tennessee were excluded from Hill's analysis because these three states did not create majority-African American U.S. House districts for the 1992 elections.

these districts can be attributed to the new majority-African American districts. The four districts are the Alabama Sixth and Georgia First, Third, and Fourth (*id.*, 391).<sup>14</sup>

Seth McKee, using the results from all southern U.S. House elections in 1992, argues that the creation of the new majority-African American districts constitutes a direct loss of four white Democratic seats (2002, 133). These four Democratic losses are the same four districts identified by Hill. McKee notes, “in 1992, the average increase in [white voting-age population] for the districts bordering the newly created [majority-African American districts] is 10 percent and the average decline [in African American voting-age population] is 37 percent” (*ibid.*, 133).

#### *1992 and 1994 Congressional Elections*

Scholars have examined both the 1992 and 1994 congressional elections to determine the effects of racial redistricting. Charles Bullock examined the 1992 and 1994 elections, and states that Republicans gained three U.S. House seats in Georgia, four seats in North Carolina, and one in Mississippi (1995b, 35).<sup>15</sup> Likewise, David Lublin, examining all southern U.S. House elections in 1992 and 1994, states that “racial redistricting explains at least one-half of the 1992 Republican gains, though the national Republican tide that gave Republicans control of the House for the first time in forty years accounts for most of the new seats won by Republicans in 1994” (1997, 111).

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<sup>14</sup> Hill states that these four experienced a “dramatic drop-off in the percentage of African Americans residing in these districts, especially the Alabama Sixth, where the proportion of African Americans went from 31 percent to 8 percent as a result of redistricting” (1995, 391). The African American population in Georgia’s First District went from 37 to 9 percent, in Georgia’s Third District it decreased from 35 to 18 percent, and in Georgia’s Fourth District, it went from 25 to 12 percent (Hill 1995, 391; Lublin 1997, 111).

<sup>15</sup> Engstrom believes that Bullock might have meant Alabama’s Sixth District instead of Mississippi’s Sixth (2006, 103).

Lublin found that “five or six” Democratic losses in 1992 were attributable to racial redistricting (1997, 111). He agrees with Hill that the Alabama Sixth and Georgia First, Third, and Fourth were Democratic losses because of racial redistricting, but he also argues that Alabama Second was another district lost by Democrats because of racial redistricting (*ibid*, 112).<sup>16</sup> Lublin also asserts that racial redistricting *might have cost* Democrats two additional seats in Florida’s Fourth and Twenty-Second Districts (*id*, 112) (emphasis added).<sup>17</sup> Lublin, examining the 1994 congressional election, identified North Carolina’s Second and Third Districts as Democratic losses because of racial redistricting (*id*, 114).<sup>18</sup>

Lublin and Stephen Voss (2000a) estimate that racial redistricting cost the Democratic Party 11 U.S. House seats in the 1992 and 1994 elections. These Democratic losses were the Alabama Second and Sixth, Georgia First, Third, and Fourth, and Florida Fourth in 1992, and the Illinois Fifth, New Jersey Eighth, and North Carolina Second, Third, and Fourth in 1994.<sup>19</sup> They also suggest that racial redistricting might have cost Democrats two seats in Florida’s Fourth and Twenty-Second Districts in 1992, as Lublin noted earlier.

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<sup>16</sup> Redistricting reduced the African American population in Alabama’s Second District from 32 to 24 percent (Lublin 1997, 112).

<sup>17</sup> These districts lost a sizeable proportion of their African American population due to redistricting. In 1990, the African American population in Florida’s Fourth District was 28 percent but after redistricting, it was reduced to 6 percent. The African American population in Florida’s Twenty-Second District was reduced from 26 percent to 3 percent (Lublin 1997, 112). Republicans gained control of both of these districts in 1992.

<sup>18</sup> Racial redistricting reduced the African American population in the Second District from 40 to 22 percent and 26 to 21 percent in the Third District (Lublin 1997, 114).

<sup>19</sup> Lublin and Voss note that the African American population in Illinois’ Fifth District decreased by 9 percentage points while the Hispanic population was reduced from 42 percent to 13 percent (2000a, 431).

Donald Beachler, in his examination of racial gerrymandering and Republican gains in southern U.S. House elections in 1992 and 1994, identified only two districts lost by Democrats due to racial redistricting (1995, 76). These districts were the Alabama Sixth and Georgia Third, both of which were identified by Hill, McKee, and Lublin and Voss as well (*ibid.*, 74-77). In a later article, which only examines Texas, Georgia, and North Carolina, Beachler disagrees with Lublin. He states that Georgia's Fourth District should not be included because it had "a racial balance that was not substantially altered by redistricting" (1998, 12).<sup>20</sup>

Bernard Grofman and Lisa Handley found that the creation of the new majority-African American districts had a negative impact on the Democratic seat share in the 1992 and 1994 elections (1988, 52). These authors, comparing the changes in 1994 to the situation in 1990, concluded that "as few as 2-5 of the 24 southern congressional seats lost by the Democrats between 1990 and 1994" could be attributable to the new African American districts (*ibid.*, 53, 56-57).<sup>21</sup>

Carol Swain makes the most extreme claim, stating that "since the race-conscious redistricting of the 1990s, the loss of *no fewer than 17 Democratic* seats can be directly attributable to the creation of majority-black districts in the South" (1995, 227) (emphasis added). Swain offers absolutely no evidence for this assertion, however, and does not identify these districts. She relies on the same conclusion expressed to her by David Bositis in a personal conversation (*ibid.*, 284 n.11).

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<sup>20</sup> In addition, Engstrom notes that the "Democratic incumbent in the Fourth District won reelection in 1992 with over 64 percent of the vote, but lost by less than a percentage point in 1994" (2006, 104).

<sup>21</sup> Grofman and Handley do not identify the specific districts that Democrats lost because of racial redistricting.

### *1990-1994 Congressional Elections*

In another study, Lublin, examines the 1990, 1992, and 1994 congressional elections, and reports that racial redistricting cost Democrats approximately ten Democratic seats in four states (Alabama, Florida, Georgia, and North Carolina) (2004, 108). Lublin's study indicates that racial redistricting cost both Alabama and Florida Democrats two seats, and both Georgia and North Carolina Democrats three seats in 1994 (ibid., 100-111).

### *1988-1996 Congressional Elections*

Hill and Nicol Rae, in a study updating Hill's (1995) study, examined the 1988 through 1996 congressional elections and found that racial redistricting harmed the Democratic Party (2000, 10, 13-18).<sup>22</sup> They state that in 1988, Democrats controlled 67.2 percent of all the southern House seats, but by 1996 they controlled 55.6 percent of these seats. They report that Democrats would have maintained control of approximately 11 U.S. House seats if racial redistricting had not occurred. They identified the Florida Twenty-Second and Nineteenth, and Georgia First and Third in 1992, the Georgia Third and Eighth and North Carolina Second and Third in 1994, and the Alabama Fourth, Georgia Sixth, and Louisiana Fifth in 1996 (ibid., 16).

## **CONTESTED LITERATURE**

The number of Democratic losses identified above are far from the magnitude often assumed, such as that expressed by Swain. But the results of these studies are contested. The criticisms of this literature are identified below.

### *ADDRESSING THE WRONG RESEARCH QUESTION*

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<sup>22</sup> This study updates Hill's 1995 study.

When assessing the perverse effects of the new majority-African American districts, Engstrom states, “it is important to keep the question clear” (2006, 100). Scholars have sought to answer this question: How much better could the Democrats have done if the states had not felt compelled to adopt new majority-African American districts? Engstrom suggests that, on the contrary, the appropriate question should be: How many of the Republican gains are attributable to the new majority-African American districts (*ibid*, 100)? He notes that these two questions are sometimes confused, and “...districts that Republicans retained but might have been won by the Democrats had more African Americans been included in them are counted as losses along with those that the Democrats actually lost to the Republicans” (*id*, 101). For example, Bullock (1995b, 35) and Lublin and Voss (2000a, 430-431) argue that Republican gains should be viewed in this manner.

#### *DIFFERENT METHODOLOGICAL APPROACHES*

When examining the perverse effects thesis, scholars have employed several different research designs. These designs, according to Engstrom, range from:

a common hand count, which requires scholars to examine the particular details of the different election contests, to more complex and sophisticated statistical analyses in which numerous U.S. House elections serve as the unit of analysis and patterns across these elections are examined (2006, 100).

#### HAND COUNT

Lublin and Voss (2000a) and Beachler (1998) have utilized a “hand count” to analyze the perverse effects.<sup>23</sup> Lublin and Voss note that using statistical analyses “neglects the particulars of each contests” and “produce less-meaningful estimates” than

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<sup>23</sup> Lublin’s 2004 study examined both southern U.S. House and lower legislative chamber elections based on a hand count. Beachler (1995), Lublin (1997), and McKee (2002) also performed a hand count but they do not provide readers with how their results were generated.

a hand count (2000a, 428), so they opted for using a direct approach, which required them to “dirty their hands” by examining features of district elections. This was achieved by examining “state-by-state inventory of the lost seats based on the correct Census data” (*ibid*, 429).

Lublin and Voss state, “it is impossible to know the exact district lines that states would have adopted without pressure from both activists and the U.S. Department of Justice to create majority-minority districts” (2000a, 429). Therefore, the authors used an approach suggested by Grofman and Handley. This approach maintains that district lines prior to the 1990 census should be used when gauging the effects of racial redistricting. Lublin and Voss state that Grofman and Handley’s approach has “intuitive appeal because states often choose *status quo* plans to please incumbents and minimize conflict” (*ibid*, 429) (emphasis in original). On the other hand, Lublin and Voss suggest that this approach ignores the context of redistricting in particular states (*id*, 425). Using their hand count method, Lublin and Voss found that racial redistricting cost Democrats 11 U.S. House seats in the early 1990s.

Beachler (1998) also performed a hand count to determine if redistricting cost Democrats U.S. House seats in Georgia, North Carolina, and Texas in the 1992 and 1994 elections.<sup>24</sup> He examines local newspapers and secondary sources to demonstrate that the white Democrats who controlled the redistricting process did “perceive the mandate to create new black and Latino districts as a threat to white Democratic incumbents” (1998,3). He argues that using this approach demonstrated that white Democrats redistricters were reluctant to create the maximum number of majority-African American

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<sup>24</sup> These three states were used because they created at least two new majority-African American districts in the 1990s.

districts (*ibid.*)<sup>25</sup> Using this method, he found that racial redistricting cost Democrats seats in North Carolina, Texas, and Georgia.

#### STATISTICAL MODELS

Most of the studies that examine the perverse effects thesis have employed a variety of different statistical models (see Hill 1995, Grofman and Handley 1998, Hill and Rae 2000, Overby and Brown 2002). These models are often complex and sophisticated, and frequently assume what would have happened if racial redistricting had never occurred (Overby and Brown 2002, 340).

Hill (1995) and Hill and Rae (2000) performed multivariate analyses to examine effects of racial redistricting. They used Andrew Gelman and Gary King's (1994) model. This model, according to Hill, is the "...culmination of an attempt to create an omnibus method of evaluating electoral systems, especially the manner in which redistricting affects our assumption about the results of congressional elections" (1995, 388). This model also allowed Hill (1995) and Hill and Rae (2000) to assume what would have happened if racial redistricting had never occurred.

Hill also employed a counterfactual model to test a hypothetical scenario. This model determined what would have happened if the 1992 election were run with the 1990 districts' lines. It allowed Hill to replace the 1992 African American population in each district with the 1990 African American population. He found if racial redistricting had

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<sup>25</sup> Beachler states:

the impact of the 1990s redistricting on Democratic partisanship in each congressional district in the state is determined by calculating the change in the percentage of the vote that Michael Dukakis, the 1988 Democratic presidential candidate, received in each district as it existed from 1982 through 1990 and the percentage of the vote Dukakis received in the district redrawn for the 1992 elections (1998, 3).

He states that using the Dukakis vote is a good measure to determine two-party competition in the three states and it is "a useful [measurement] because it is a readily available assessment of partisan change for congressional districts as a result of the redistricting that followed the 1990 census" (*ibid.*, 4).



not occurred Democrats would have retained the Alabama Sixth and Georgia First, Third, and Fourth in 1992.

Hill and Rae also conducted a similar analysis to determine what would have happened if racial redistricting had not occurred. The authors “substitute percentage black in 1990 for percentage black in 1992, 1994, and 1996” (2000, 16). If the 1992 elections had been run with the 1990 districts’ lines, three districts would have stayed Democratic rather than switch to Republican. These three districts were the Florida Twenty-Second and Georgia First and Third. Had the 1994 election been run with the 1990 district lines, four districts would have remained Democratic: the Georgia Third and Eighth and North Carolina Second and Third. Replacing the 1996 election with the 1990 districts’ lines, Democrats would have retained three districts: the Alabama Fourth, Georgia Sixth, and Louisiana Fifth.

Overby and Brown also conducted a multivariate analysis examining all U.S. House seats in the 1994 election. They did not find evidence to support the perverse effects thesis. Overby and Brown state that, “as the change in the percentage of African Americans in the districts increases, the vote received by white incumbent Democrats remains remarkably unaffected” (2002, 348). The findings are counter-intuitive because it has traditionally been found that African American constituents help white Democratic incumbents win reelections.

#### DECOMPOSITION MODEL

Scholars have also used the decomposition model when examining the effects of racial redistricting. This model is relatively new to the discipline of political science; only a few political scientists have used it (see Grofman and Handley 1991 and 1998;

Krehbiel and Wright 1993). According to Grofman and Handley, this model is a “...useful methodology to estimate the relative magnitude of changes in districting lines (composition) and changes in voting (behavior)...”(1998, 56). This model decomposes shifts in the number of Democrats across elections into three categories: composition effect, behavioral effect, and an interaction between the two (*ibid*, 154-55). The composition effects are losses that occurred because of redistricting. The behavioral effect represents what would have happened to Democrats under the old districts (before racial redistricting) (*id*, 154-55). The interaction effects combine the composition and behavioral effects together, which are losses that “would not have occurred unless the Democrats lost votes and the district boundaries changed” (Lublin 2004, 109).

Grofman and Handley found:

a 17 percent decline from 1990 to 1994 in the percentage of House seats held by Democrats in the (eleven state) South is apportioned into 17 points of behavioral change (i.e., increased Republican vote share) and only 4 points of compositional change (i.e., redistricting-related) change, with -4 points of interaction effect. If we allocated the interaction equally to the compositional and behavioral components, then only 2 percentage points, equaling a little over 2 seats ( $2/17 * .17 * 125$ ) would be attributed to the impact of race-related districting in the South. If, more plausibly, we allocate the interaction effect in proportion to the magnitude of the behavioral and compositional effects, we would still only attribute 4 Southern seats ( $4/21 * .17 * 125$ ) to the race related effects of 1990s districting. Even if we allocate the interaction effect entirely to the compositional components, we would still only attribute 5 seats ( $4/17 * .17 * 125$ ) to the race-related effects of 1990s districting (1998, 56).

Grofman and Handley argue that their model is “almost certainly an understatement because it skips over what happened in 1992” (*ibid*, 58). They suggest that Republicans acquired more seats in 1994 than in 1990 because the lines drawn after 1990 hurt white Democratic incumbents because many of them lost their seats in 1994 (*id*,58).

*Criticism Number One of Statistical Models: Attributing all Republican Gains to Majority-African American Districts*

Some scholars count all of the Republican gains and attribute them to the perverse effects of racial redistricting (see Hill 1995; Grofman and Handley 1998; Overby and Brown 2002). Using all southern states in their attempts to identify how many Republican seats were won due to racial redistricting, they have often included three states—Arkansas, Mississippi, and Tennessee—that are southern but did not create any new majority-African American U.S. House districts during the post-1990 round of redistricting. After the 1992 congressional election, Republicans acquired a seat in Arkansas, and in 1994, two seats in both Mississippi and Tennessee (Engstrom 2006, 101). Scholars tend to count these five Republican gains and attribute them to the perverse effects, even though these states did not create new African American districts.

Grofman and Handley (1998) and McKee (2002), in their analyses of the perverse effects thesis, examined all of the U.S. House districts in all eleven southern states. Despite examining all southern U.S. House districts, scholars have found minimal support for the effects of racial redistricting. For instance, Grofman and Handley identified “2-5” Democratic losses, while McKee identified four losses (1998, 53; 1997, 11; 2002, 133-34).

*Criticism Number Two of Statistical Models: Ignoring the Adjacency Requirement*

The perverse effects thesis concerns Republican gains in districts adjacent to the new majority-African American districts, but scholars often ignore this constraint and examine all southern U.S. House districts, regardless of whether or not they satisfy this requirement. This is another criticism of statistically driven models used to examine the effects of racial redistricting. Engstrom notes, “The more distant a district is from an African American district, ... the more likely it is that factors other than race play the

dominant role in its design” (2006, 105). This is a reason to include the constraints. But as Engstrom further states, sometimes a broader search beyond the adjacent districts might be informative, especially given the “domino effect,” which is so prevalent in redistricting (ibid,105).

Studies by Hill (1995), Grofman and Handley (1998), and Hill and Rae (2000) all disregarded the adjacency requirement. As discussed above, these authors found support for the perverse effects thesis. In abandoning the adjacency requirement, the perverse effects thesis is not truly being tested, and the results could be misleading. It is possible, as stated by Engstrom, that factors other than race might have influenced the authors’ conclusions about their evidence for the perverse effects thesis.

#### DIFFERENT VARIABLES USED IN THE STATISTICAL MODELS

The statistical models used by scholars often include a variety of variables. Hill’s model included incumbency, percentage of African Americans in a district, whether a district is a majority-African American district, and the change in the percentage of African Americans in each district. Hill states that “all of the predictors of the 1992 Democratic vote, with the exception of the dummy for whether or not the district is majority-African American, are statistically significant” (1995, 395). Hill found that changing a district’s African American voting-age population is a strong predictor of the election outcome in that district. He states, “for each loss of one percent black, [...] the predicted Democratic vote goes down by 0.28%” (ibid, 395). Hill’s conclusion from his multivariate analysis supports the underlying notion of the perverse effects thesis.

Hill and Rae’s study of all southern U.S. House elections from 1988 to 1996 used similar variables as Hill’s 1995 study, but they included some new variables in their

model. They added electoral success, campaign spending for the election cycle for Democrats and Republicans, candidate professionalism, the American Conservative Union (ACU) scores for an incumbent's roll-call voting, and the percentage of the vote received by the Republican presidential candidate in the district. Whether or not the district has a majority-African American population and the percentage of a district that is African American for an election year are in the model as well.

Hill and Rae found that when holding all variables constant, the "percentage of the population in a district that is black was only a significant predictor in 1992, the election immediately after redistricting" (2000, 14). They also found that whether or not a district was majority-African American is never a significant predictor of the Democratic vote (*ibid*, 14).<sup>26</sup>

Overby and Brown included a measure of change in racial composition of the district as an independent variable in their statistical model. Like Hill and Rae, they also included variables to gauge the impact of incumbency, campaign spending, and overall partisan support in a district, measured by Clinton's percentage of the two-party presidential vote in 1992 (2002, 341). Constituency ideologies of a district, measured by Americans for Democratic Action (ADA) scores during the election cycle and region, were also included in the authors' study.<sup>27</sup>

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<sup>26</sup> They note that "Democratic and Republican challenger campaign spending against incumbents are usually significant predictors of the Democratic vote across districts," but they found that the increasing levels of Republicans challenger spending in an election is not a predictor of the Democratic vote (2000, 14).

<sup>27</sup> Overby and Brown state, "constituency ideological scores are derived by regressing each member's raw 1994 ADA score on the median household income and the percentage of college educated adults in each district" (2002, 342). They also included two additional variables designed to measure incumbents' personal characteristics on their performance in 1994. Seniority measured by the years served in Congress was the first variable. Representatives' previous vote percentage, measured by the percentage of their two-party vote in 1992, was the second variable.

According to their results, “as the change in the percentage of African Americans in the districts increases, the vote received by white incumbent Democrats remains remarkably unaffected” (2002, 345). Their findings are counter-intuitive because it has traditionally been found that African American constituents help white Democratic incumbents win reelection. Overby and Brown do not find support for the perverse effects thesis.

#### REPUBLICAN AND DEMOCRATIC GAINS DUE TO REAPPORTIONMENT

Following the 1990 census, five southern states gained ten new seats due to reapportionment—Florida gained four, Texas gained three, and Georgia, North Carolina, and Virginia each gained one. This, according to Engstrom:

...complicates partisan effects analyses because new African American districts may be viewed as the new seats (and, therefore, at least theoretically, they did not cost any incumbents their seats in some of these states) and because drastic changes in district lines can cause problems deciding which new districts are to be matched with which old ones (2006, 101).<sup>28</sup>

It can be difficult to determine whether Republican gains resulted from reapportionment, the new African American districts, or a combination of the two in these states (*ibid*, 101). African American districts could be a gain for the Democrats while costing Republicans seats in these states (*id*, 101).

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They also included three variables designed to measure the strength of the challengers faced by Democratic incumbents in 1994 (2002, 342). Challenger quality, the first variable, was measured by a three point scale, “challengers were coded 0 if they had no recorded political experience, 1 if they had served in an appointed office, and 2 if they had previously been elected to public office” (*ibid*). Challenger campaign spending, the second variable, was calculated as the natural log of total challenger expenditures. It gauges the relative ability of challengers to run visible professional campaigns (*id*). The third variable created an interaction between challenger campaign spending and challenger quality.

<sup>28</sup> The number of new seats exceeded the number of African American districts in Florida, Texas, Georgia, Louisiana and North Carolina, while in Virginia these numbers were both one (Engstrom 2006, 101).

Louisiana was the only southern state that lost a U.S. House seat following the 1990 census. In 1992, the state created its second majority-African American district.<sup>29</sup> Prior to the post-1990 redistricting, Louisiana's U.S. House delegation was evenly split—four Democrats and four Republicans. The new apportionment meant that one party would have to lose at least one seat (Engstrom, Halpin, Hill, and Caridas-Butterworth 1994, 117-120). It was the Republican Party that lost a seat due to the second majority-African American district having been created.

Virginia was another state in which a new majority-African American district resulted in the Republicans losing a seat in 1992. Virginia was allocated an additional seat because of reapportionment in 1990. Virginia's new African American district, the Third, was created out of two prior Republican districts. Lublin (1997, 110, 123) and Lublin and Voss 2000a (429, 431, 433) state that it was not just a loss for the Republicans, but a gain for the Democrats.

#### **MINIMAL EMPIRICAL SUPPORT FOR THE PERVERSE EFFECTS THESIS**

Seven southern states that had new majority-African American districts in place for the 1992 U.S. House election used the same district boundaries for the 1994 election (Engstrom 2006, 104).<sup>30</sup> The twelve new African American members elected in the 1992 election from the South were all reelected in 1994. There was no additional growth in the African American representation from the region, but the number of Republican members increased by 16 (*ibid*, 104). Republicans took control of the delegation in Georgia, North

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<sup>29</sup>Louisiana's first majority-African American district, the Second, was created in 1983 after a federal court ruled that a redistricting plan violated section 2 of the Voting Rights Act (see Engstrom 1986, 112). Section 2 of the Voting Rights Act will be discussed in detail in Chapter 3.

<sup>30</sup>Louisiana was the only state that changed its district boundaries between the 1992 and 1994 elections. It adopted a newer version of the Fourth District (see Engstrom and Kirksey 1998, 253-260).

Carolina, Tennessee, and South Carolina and added seats in Florida, Virginia, and Texas (Bullock 1995a, 22). This election has generated a debate over how many of these Republican gains were attributable to possible perverse effects of the new majority-African American districts.

Not all of these Republican victories can be attributed to the new African American districts (Hill 1995, 391). Despite scholars abandoning the adjacency requirement and examining U.S. House districts in all southern states, regardless of whether they created new majority-African districts in the 1990s, approximately six seats won by Republicans have been attributed to the perverse effects of the new African American districts. These districts are the Alabama Sixth and Georgia First, Third, and Fourth in 1992, and North Carolina Second and Third in 1994.<sup>31</sup>

#### **ALTERNATIVE EXPLANATION FOR THE REPUBLICAN GROWTH IN SEATS**

If only about six Republican gains are attributable to the perverse effects of the new African American districts, what explains the other 19 GOP seats gained in 1992 and 1994? There is an alternative explanation for the Republican growth. Scholars have argued that the partisan realignment that occurred in the South is a major reason for this growth (see McKee 2000, 137; Hill and Rae 2000, 18; Rae 2001, 136).<sup>32</sup> This realignment changed the party preference of many white voters.

As Jonathan Knuckey argues, “Any search for an explanation of southern Republican congressional gains in the 1990s requires a focus on the dramatic change in the vote choice of white southerners” (2001, 259). He argues that changes in southern

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<sup>31</sup> In 1992, Democrats were elected in North Carolina’s Second and Third Districts but they lost these districts to Republicans in 1994.

<sup>32</sup> This realignment is discussed in Chapter IV.



partisanship, racial attitudes, and racial resentment have contributed to the Republican growth (2001, 267; 2005, 14, 17). Similarly, Beachler writes, “Clearly the major source of the Democrats’ problems in southern House elections is the growing percentage of southern whites who vote Republican” (1995, 78).

Beachler presented exit poll results showing that white southerners’ support for Democratic candidates in U.S. House districts decreased in the 1990s (2000, 56). In 1990, 50 percent of southern whites voted for the Democratic candidate; in 1992, this figure dropped by 3 percentage points, and in 1994, it dropped another 15 percentage points (*ibid*, 59). He argues that the change in white voter behavior has contributed to the Republican surge in the southern U.S. House delegation.

Hill and Rae found that a secular realignment was the major reason for the Republican growth (2000, 18). They note that the Republican takeover in the U.S. House delegation would have occurred regardless of racial redistricting.<sup>33</sup> Similarly, McKee argues that a secular realignment contributed to the Republican growth (2002, 137). McKee believes that racial redistricting hastened the Republican Party ascendancy. He states, “given the scant number of white Democrats, it is no wonder that the voting behavior of Deep South whites reveals a strong preference for Republican candidates” (*ibid*, 137).<sup>34</sup>

It has been noted that the post-1990 round of redistricting was followed by an increase in open seats. These open seats were often a result of forced retirement and a

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<sup>33</sup> Rae and Hill state, “as our models consistently show, even if the Republicans had not defeated a single Democratic incumbent [from 1988 to 1996], the open seats they took from the Democrats would have alone been enough to produce a GOP majority in the South’s 125 House seats” (2000, 18).

<sup>34</sup> In the Deep South, as noted by McKee, there are more African American voters who identify with the Democratic Party than white voters who identify with the Democratic Party (2002, 137).

loss of a representative's core constituency from his or her district.<sup>35</sup> The Republicans won 34 open seats (55 percent) in the elections between 1992 and 1998 (Knuckey 2001, 259). Knuckey found that it was the increase in the Republican vote in open seats that produced the GOP gains (2000, 187). Beachler also notes that open seats contributed to the Republican growth (1995, 360). And Rae, in his examination of the 1994 election in the South, notes that many of the open seats in the South were won by Republican candidates (2001, 137).

### **Southern States' Lower Legislative Chambers and the Perverse Effects Thesis**

The extent to which the perverse effects thesis applies to seats in the southern states' lower legislative chambers has received far less attention than that received by the U.S. House delegations from southern states. Lublin and Voss (2000b) and Lublin (2004) have examined elections to lower chambers of southern states and found evidence for the perverse effects thesis. Examining all southern states' lower legislative chambers from 1990 through 1998, they state that "reducing the share of blacks [in a] ... district from 30 percent to 10 percent...drops the likelihood of a Democrat holding the seat by 52.2 percentage points...to only 39 percent" (2000b, 803).

Lublin and Voss (2000b) used a decomposition model like Grofman and Handley (1998). This model allowed them to decompose shifts in the number of Democrats across elections into three categories: a redistricting effect, realignment effect, and interaction effect.<sup>36</sup> They found that redistricting cost Democrats at least one seat in each

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<sup>35</sup> Hill and Rae state, "since 1988, the Republicans have defeated 14 Democratic incumbents, while losing only 7 seats themselves. Further, they have wrested 22 of 57 Democratically held open seats into their camp, while losing only 4 of their own to the other party" (2000, 18).

<sup>36</sup> Redistricting effect is the same as Grofman and Handley's (1998) "composition effect" and the realignment effect is the same as Grofman and Handley's "behavioral effect" (Lublin and Voss 2000b, 796-797).

state (2000b, 802). They also report that the independent effect of redistricting cost Democrats in South Carolina and Virginia control of their lower legislative chamber (ibid,802). South Carolina’s Democrats lost six seats in 1994 and 1996 (id, 802). Democrats lost eight seats in South Carolina and five in Virginia that were attributed to the interaction effect (id, 802). South Carolina Democrats won 59 percent (73 of 124) of the lower chamber seats in 1992, but by 1994, the percentage decreased to 52 (id, 802). By 1996, Democrats only held 48 percent of South Carolina’s lower legislative seats (id, 802). North Carolina’s Democrats lost 25 seats due to the realignment effect in 1994, but according to them, they “made up over one-half of those losses over the next two elections” (id, 802).

Using the decomposition model, Lublin, in his 2004 study, states that redistricting accounts for a substantial number of lower chamber seats lost by Democrats in the South between 1990 and 1994 (2004, 109). The independent effect of redistricting accounted for 34 of 105 Democratic losses, or 32 percent (ibid, 109, 112).The Democratic losses due to the interaction effect decreased the total number of Democratic lower chamber seats further to 45 or 43 percent (id, 112).<sup>37</sup> Losses in Florida, Georgia, and South Carolina cost Democrats about 7.6, 5.5, and 6.7 percentage points, respectively, in seats (id, 112).<sup>38</sup>

## CONCLUSION

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<sup>37</sup> Lublin states, “forty-five seats is equivalent to 3.7 percent of the seats in the ten southern states included in the analysis—not a bad gain for the Republicans at the state [lower legislative chamber] level from racial redistricting” (2004, 112).

<sup>38</sup> Lublin states, “South Carolina Democrats might have controlled the state House throughout the 1990s if racial redistricting had not forced them to cede control of the chamber to the GOP in 1992” (2004, 112).He also notes that North Carolina’s Democrats would have probably regained control of the state House in 1996, instead of 1998, if racial redistricting had not happen (ibid).

This chapter has examined the perverse effects thesis and the literature that addresses the thesis. A number of new majority-African American districts were created, after which the number of African Americans and Republicans serving in both Congress and in southern state legislatures increased. Chapter 3 examines why and how majority-African American districts were created. The Voting Rights Act was instrumental in the creation of these districts, in particular sections 2 and 5 of the Act. The next chapter examines the evolution of these two provisions.

### CHAPTER 3: “IF YOU CAN, YOU MUST”: SECTIONS 2 AND 5 OF THE VOTING RIGHTS ACT

The Voting Rights Act (VRA) has been described as the “most extensive federal voting rights legislation in American history” (Cotrell 1986, 7). It is the result of the Civil Rights Movement and acts of violence and terror against civil rights advocates in many southern towns, such as Selma, Alabama. These acts of terror and violence forced Congress and President Lyndon Johnson to adopt the VRA.<sup>39</sup> It contained special provisions such as the nationwide suspension of the use of literacy tests and other similar devices that prohibited African Americans from voting.<sup>40</sup> It also provided for federal examiners to protect registered voters<sup>41</sup> in six southern states: Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia, and also a large portion (40 counties) of North Carolina.<sup>42</sup>

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<sup>39</sup> Charles Cotrell states, “the enactment of the Voting Rights Act represented an important change in the relationship of the federal government to the states with regard to the establishment of voter qualifications and the conduct of federal, state, and local elections” (1986, 5).

<sup>40</sup> The literacy tests and other similar devices used to disfranchise African Americans initially were suspended for five years. In 1970, the Act was amended and these tests and devices were suspended for another five years. In 1975, it was amended again, making this nation-wide prohibition permanent. [42 U.S.C.A. § 1973b (a) § 1973aa (Sup., Oct. 1975) amending 42 U.S.C. § 1973b (a) and § 1973aa (1970)]. A prohibited test or devices is:

Any requirement that a person as a prerequisite for voting or registration for voting, (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class 42 U.S.C. § 1973b(c) and § 1973aa (b) (1970).

<sup>41</sup> 42 U.S. C. § 1973d (1970).

<sup>42</sup> These states were not the only political jurisdictions to which the special provisions were applicable, as reported in Engstrom (1978, 139-140):

The initial “trigger” mechanism, 42 U.S.C. § 1973b(b), covered any state or political subdivision that maintained on November 1, 1964, a “test or device” as a prerequisite to registration or voting and in which less than fifty percent of its voting age population was registered to vote on November 1, 1964 or voted in the 1964 presidential elections. In 1970 this was amended to include states and political subdivisions that met these conditions on November 1, 1968 and in the 1968 presidential election as well. While some political subdivisions outside the South were covered by the trigger, the formula clearly was intended to apply

The VRA quickly helped to increase the number of African Americans registered to vote in the covered states, but many of these states began to adopt election systems that would prevent African Americans from electing representatives of their choice. Once the VRA was enacted, many public officials, particularly in southern states, changed their tactics from those that denied African Americans access to the ballot box to those that diluted their vote (Clayton 2001, 38). Vote dilution, according to Engstrom, is the “...practice of reducing the potential effectiveness of the new black voting strength through such devices as gerrymanders, at-large elections, and annexations” (1978, 140). The VRA ultimately shifted the focus from vote denial to vote dilution.<sup>43</sup> Handley states that minority vote dilution can occur in a variety of ways, most notably through the process of stacking, cracking, and packing voting districts (1991, n.p.).<sup>44</sup>

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to the South. In 1975 the coverage conditions were again amended, extending them to November 1, 1972 and the 1972 presidential election, and expanding the trigger to include for the first time “language minorities” as well as racial minorities by covering states and political subdivisions when more than five percent of the voting age population are members of a “single language minority” and in which elections are conducted in English only.” See 42 U.S.C. § 1973(b) and b(f) (3) (Supp., Oct, 1975).

The trigger remained the same in both the 1982 and 2006 reauthorizations of the Act (<http://thomas.loc.gov/cgi-bin/query/D?c109:5:./temp/~c109hyUSrI:>).

<sup>43</sup> Civil Rights attorney Armand Derfner states, “instead of preventing blacks from registering, the focus of discrimination shifted to preventing blacks from using their eligibility to gain any significant political power” (1973, 523). In short, the shift went from preventing African Americans from voting to preventing them from winning or deciding elections.

<sup>44</sup> Dewey Clayton states:

stacking occurs when heavily concentrated minority districts or concentrations of minority populations, large enough for separate representation, are combined with majority districts or population concentrations. Cracking occurs when a substantial minority population, large enough to constitute one or more majority-minority districts, is divided among several majority districts, which effectively dilutes minority voting strength. Packing is the practice of drawing district lines so as to create districts that are 70, 80, 90 percent minority. This procedure wastes minority votes that could have either created another minority district or strongly influenced a majority district (2000, 38).

Sections 2 and 5 of the VRA have been used to challenge claims of vote dilution.<sup>45</sup> Both sections have been identified as playing a vital role in the creation of majority-African American districts. These districts were crucial in providing African Americans with opportunities to elect candidates of their choice.

These two provisions have been amended and rewritten by Congress and redefined by the Supreme Court since they were originally adopted. The evolution of these sections has affected the longevity of majority-African American districts and the ability of African Americans to elect representatives of their choice. This chapter reviews sections 2 and 5 of the VRA and it is divided into four stages. The first part reviews section 5. The evolution of section 2 is reviewed next. This part includes a discussion of how sections 2 and 5 became intertwined, and the next part discusses how these sections were separated. It also includes a discussion on how judicial precedents have weakened sections 2 and 5 of the VRA and have impeded African Americans from electing representatives of their choice. The final part reviews the Voting Rights Act Reauthorization, which renewed the VRA for another twenty-five years. It also restored elements of section 5 which were weakened by the Supreme Court after the 2000 census.

### **Section 5 of the VRA**

Section 5 of the VRA was a vehicle to challenge vote dilution. Pamela Karlan states, “[section 5] has served as a major legal engine for forming American democracy over the last forty-two years” (2004, 21). It was designed to combat the perpetual litigation that resulted from the continuous adoption of the new discriminatory schemes

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<sup>45</sup> Jocelyn Benson describes section 5 as the “shield” and section 2 as the “sword” to section 5’s shield, and together they are major weapons in the fight against vote dilution (2004, 486).

after existing devices were invalidated by the federal courts.<sup>46</sup> It established a preclearance requirement under which a covered state or political subdivision of a state must seek approval for changes made in their election system before implementing them. Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, and Texas are covered, as are portions of Florida and North Carolina. Covered jurisdictions must convince either the Attorney General of the United States or the United States District Court for the District of Columbia that a proposed change “does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.”<sup>47</sup> The burden under section 5 is on the state or subdivision to demonstrate that the change does not have a racially discriminatory purpose or effect.<sup>48</sup>

In *Allen v. State Board of Elections* (1969), the Supreme Court defined what type of revision in electoral law qualifies as a “voting change” that is subject to section 5’s preclearance requirement. Prior to the *Allen* decision, section 5 had been practically

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<sup>46</sup> 42 U.S.C.A. § 1973c, amending 24 U.S.C. § 1973x, 1970.

<sup>47</sup> When a change is submitted to the Attorney General, he or she has sixty days in which to enter a ruling (42 U.S.C.A. § 1973c, Supp. Oct. 1975). Engstrom notes that the, “Attorney General is rarely the actual decision maker on these issues [; the] enforcement of section 5 is primarily the responsibility of the staff attorneys in the Voting Section of the Civil Rights Division in the Department of Justice, with the Assistant Attorney general in charge of that division usually making the preclearance decisions” (1978, 141-142).

<sup>48</sup> The constitutionality of section 5 was upheld in *South Carolina v. Katzenbach* in 1966. Justice Black summarized the opposition on section 5 in a dissenting opinion:

Section 5, by providing that some of the States cannot pass State laws or adopt State constitutional amendments without first being compelled to beg Federal authorities to approve their policies, so distorts our constitutional structure of government as to render any distinction drawn in the Constitution between State and Federal power almost meaningless.... Certainly if all the provisions of our Constitution which limit the power of the Federal Government and reserve other power to the States are to mean anything, they mean at least that the States have the power to pass laws and amend their constitutions without first sending their officials hundreds of miles away to beg Federal authorities to approve them...I cannot help but believe that the inevitable effect of any such law which forces any one of the States to entreat Federal authorities in faraway places for approval of local laws before they can become effective is to create the impression that the State or States treated in this way are little more than conquered provinces (383 U.S. 301, 1966, 358-360).



dormant (Engstrom 1978, 144).<sup>49</sup> *Allen* consolidated three cases brought by private citizens (*Fairley v. Patterson*, *Bunton v. Patterson*, and *Whitley v. Williams*). The *Allen* decision concerned altered electoral arrangements that had not been submitted for preclearance as stated by section 5.<sup>50</sup> The Court ruled that all changes in question were within the scope of section 5 and provided a broad interpretation of the section’s reach, asserting that Congress intended it to apply to “any state enactment which altered the election law of a covered State even in a minor way” (*Allen v. State Board of Elections* 1969, 393). According to the Court, compliance required that “all changes, no matter how small, be subjected to section 5 scrutiny” (*ibid*, 568).<sup>51</sup>

The “purpose” and “effect” prongs are two essential elements of section 5. The framers of the VRA hoped to eliminate every device that kept African Americans in the South from participating politically—whatever its stated purpose. In this context, the purpose and effect prongs were close to interchangeable. Abigail Thernstrom states, “...when the question was the legality of a recent alteration in voting procedure in a jurisdiction known to have had a long history of Fifteenth Amendment violations, the

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<sup>49</sup> Engstrom reports “less than 200 voting changes had been submitted for preclearance though 1968, and all but twelve of those were from two states, South Carolina (114) and Georgia (63)” (1978, 144).

<sup>50</sup> Engstrom notes that *Fairley v. Patterson*, *Bunton v. Patterson*, and *Whitley v. William* “...involved Mississippi statutes that allowed county boards of supervisors to alter their representational structures from single-member districts to at-large, specified that the superintendent of education would now have to be appointed in selected counties, and changed the requirements for independent candidacies in general elections” (1978, 144).

<sup>51</sup> The list includes:

- (1) changes in electoral boundaries resulting from reapportionment or redistricting;
- (2) changes in the method of election (e.g., from single member districts to election at-large); (3) changes in the composition of the electorate resulting from annexations, consolidations, or incorporations; (4) provisions establishing voter registration requirements and candidate qualifications; (5) changes in the form of government (e.g., from a council-manager to a strong mayor form); and (6) provisions setting bilingual election procedures and assistance. *Procedures for the Administration of Section 5 of the Voting Rights Act*, 28 C.F.R., Section 51 (1980), p.138 (quoted in Cotrell 1986, 10- 11).

effect of the alteration was assumed to suggest its purpose” (2007, 46). However, after the *Allen* decision the effect and purpose prongs were separated (*Allen v. State Board of Election*, 1969). Thernstrom notes that “a districting plan that was racially neutral in intent could nevertheless be found discriminatory in effect” (2007, 46).

The *Allen* decision also allowed private citizens to raise coverage issues in their local federal district courts, where they were to be decided by a three-judge panel (*Allen v. State Board of Election* 1969, 557-563). The Court felt that section 5 “might well prove an empty promise unless the private citizens were allowed to seek judicial enforcement of the prohibition” (*ibid.*, 551).

In 1975, section 5 was renewed for another seven years and included special provisions that were extended to include “language minority groups.”<sup>52</sup> The *Allen* decision and the 1975 renewal brought section 5 out of its dormant state and transformed it into what became widely regarded as the most important section of the VRA (Engstrom 1978, 147).

### **The Retrogression Standard**

In 1976, the effect prong of section 5 was addressed again in *Beer v. United States*. *Beer* addressed the meaning of the effect requirement in the context of an allegation of vote dilution. It presented a question as to whether a reapportionment plan that would have a discriminatory, but not retrogressive, effect on the rights of African American voters should be granted preclearance. In the 1970s, the City of New Orleans brought suit in district court seeking a judgment that a “...reapportionment plan for city

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<sup>52</sup>Section 203 of the VRA requires certain states and political subdivisions in the United States to provide language assistance to voters, including written translation of election materials and bilingual poll workers, to voters belonging to specified language minority groups, including American Indians, Asian Americans, Alaskan Natives, and those of Spanish heritage.

councilmanic districts did not have the purpose or effect of denying or abridging the right to vote on account of race” (*Beer v. United States* 1976, 130).<sup>53</sup> The district court refused to approve the plan because it did not alter the election of the two at-large districts (*ibid*, 130).<sup>54</sup>

The city council appealed the district court’s decision to the Supreme Court, arguing that the new reapportionment plan was not part of any voting change and therefore, was not covered by section 5. The Supreme Court found the district court’s decision was inconsistent with its own understanding of section 5 and reversed the decision.<sup>55</sup> The Court interpreted Congress’ intent of enacting section 5 as ensuring that “no voting procedure changes would be made that would lead to a *retrogression* in the position of racial minorities with respect to their effective exercise of the electoral franchise” (*Beer v. United States* 1976, 141, emphasis added). If a redistricting plan is

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<sup>53</sup> In 1954, the City of New Orleans’s charter established a seven-member council. Five of the members were elected from the councilmanic districts, and the remaining two members were elected at large. Engstrom states, “...the five single-member districts had been constructed through combinations of the city’s seventeen wards, which follow basically a north-south configuration” (1978, 159-160). Most of the city’s African American population is largely concentrated in an east-west pattern (*ibid*, 160). Under this plan, African Americans constituted a majority of the population in two districts, but they did not make up the majority of the registered voters in any districts. Between the years 1960 and 1970, no African Americans were elected to the council. After the 1970 census, the council devised a new redistricting plan. However, it was similar to the original 1954 plan. Engstrom notes, “the result was again a dispersion of the city’s black population, leaving two districts with black population majorities of 64.1 percent and 50.6 percent” (*id*, 160). The other four districts contained African American voter proportions of 43.2, 36.8, 23.3, and 22.6 percent (*id*).

<sup>54</sup> The district court held that not altering the two at-large districts had the effect, in itself, of abridging the right to vote on account of race or color.

<sup>55</sup> More specifically, the court ruled that:

(1) since the two at-large city councilmanic seats, having existed since 1954, could not be reviewed in a proceeding to obtain approval for the reapportionment plan under 5 of the Voting Right Act, the plan could not be rejected solely because it did not eliminate the two at-large seats, and (2) the plan did not have the effect of denying or abridging the right to vote on account of race or color under 5, since under a prior plan none of the five councilmanic districts had a clear [African American] majority of registered voters and no [African American] had been elected to city council, but under the plan for which approval had been sought, [African Americans] would constitute a majority of the population in two of the five districts and a clear majority of the registered voters in one of them, making it predictable that at least one and perhaps two [African Americans] could be elected to city council” (*Beer v. United States* 1979, 130).

not retrogressive, then it does not violate section 5 “unless the new apportionment itself so discriminates on the basis of race or color as to violate the Constitution” (*ibid*, 143).

The retrogression test simply means that the covered jurisdictions cannot adopt a plan that is worse than the previous plan. The Court concluded that:

...legislative reapportionment that enhances the position of racial minorities, with respect to their effective exercise of the electoral franchise, can hardly have the “effect” of diluting or abridging the right to vote on account of race within the meaning of section 5 [... and] an ameliorative new legislative apportionment cannot violate section 5 unless the new apportionment itself so discriminates on the basis of race or color as to violate the Constitution (*id*, 141).

In other words, the Court concluded that in the context of a vote dilution claim that the phrase “abridging the right to vote on account of race or color” limited the term it qualified, “effect,” to retrogressive effects (*id*, 141).<sup>56</sup>

## Section 2

Section 2 originally, in 1965, followed the language of the Fifteenth Amendment. It is a nationwide prohibition against the denial or abridgement of the right to vote. It has been stated that section 2 originally was relatively insignificant and had virtually no impact until it was revisited in 1982 (Engstrom 1986, 114). As adopted in 1965, it simply stated:

No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

Section 2 was amended in 1982 in response to the Supreme Court’s decision in the *City of Mobile v. Bolden*. African American residents of Mobile, Alabama argued

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<sup>56</sup> Unlike the effect prong, the purpose prong does not restrict protection to only retrogressive changes, “i.e., that the phrase ‘abridging the right to vote on account of race or color’ means retrogression when it modifies ‘effect, but means discrimination more generally when it modifies ‘purpose’” (*Reno v. Bossier Parish School Board* 1997, 8-31). The Court has been criticized because it did not broaden the meaning of the purpose prong (see *Richmond v. United States* 1975, 378-379). The Court argued that redefining this standard would reduce it to a trivial matter, and it was even argued that it would effectively delete this prong (*ibid*, 378-379).

that the at-large election for choosing the city commission arrangement severely diluted their votes and violated both the Equal Protection Clause of the Fourteenth Amendment and section 2 of the VRA. A federal district court found that the at-large electoral system violated section 2 of the VRA and it was fundamentally unfair and invidiously discriminatory (*Bolden v. City of Mobile* 1976, 402). The court also held that the system violated the Equal Protection Clause of the Fourteenth Amendment. The court ordered that the at-large system to elect the commission be disestablished and replaced by a Mayor and a Council elected from single-member districts (*ibid*). The Court of Appeals affirmed the district court decision, agreeing that Mobile’s at-large elections violated section 2 and the Fourteenth Amendment (423 F. Supp. 384,245). On appeal, the Supreme Court ruled that the plaintiffs failed to prove that the at-large system was intently created to dilute their strength (*City of Mobile v. Bolden*).

Section 2 was revised in 1982 in a direct response to the Court’s decision in *Mobile* (Engstrom 1986, 114). The purpose of this amendment was “to make clear that proof of discriminatory purpose or intent is not required in cases brought under that provision” (Engstrom 2000, 25). Engstrom argues that this “...demand for a demonstration of intent has been criticized as placing upon plaintiffs a burden of proof that is both irrelevant and unrealistic” (1978, 148). Justice Goldberg, for example, in his dissent in *Wright v. Rockefeller*, a case involving an allegation of racial gerrymandering, states, “to require a showing of racial motivation in the legislature would place an impossible burden on complainants” (1964, 72).

The amendment to section 2 contains a “results” test that prohibits districting plans that dilute a protected minority’s voting strength. It eliminated the necessity of

proving intent in order to win a dilution lawsuit under section 2. Engstrom notes the reasons that were given in the legislative history for this modification (2000, 25). He states:

Proof of intent was found to present plaintiffs with an “inordinately difficult” burden, while the inquiry itself is “unnecessarily divisive.” But “the main reason” identified for rejecting a need to prove intent was that it “asks the wrong question” (*ibid*, 25).

The appropriate question is “whether the voting strength of a minority group is being diluted by the system, not why the dilution is tolerated” (S. Rep. No. 97-417, 36).

Writing in 1986, Engstrom notes the results test established by section 2 and the preclearance requirement contained in Section 5 are “the principal legal protections against vote dilution today” (1986, 111).

### **Totality of Circumstance Standard and its Vagueness**

Plaintiffs were entitled to relief under section 2 if they established that, under the “totality of circumstance,” a challenged election system resulted in minorities having less opportunity than the other voters to participate in the political process and to elect candidates of their choice.<sup>57</sup> In *Whitcomb v. Chavis* (1971) and *White v. Regester* (1975), the Supreme Court declared that the totality of circumstance standard as the ultimate test for determining a vote dilution claim. The amendment to section 2 prohibits voting practices that result “in a denial or abridgment of the right of any citizen to vote on account of race or color, [or language minority status]” (42 U.S.C. 1973). The statutory standard follows the language from *Whitcomb v. Chavis* and *White v. Regester*:

A violation...is established if, based on the totality of circumstance, it is shown that the political processes leading to nomination or election...are not equally open to participation by [minorities] in that [they] have less opportunity than

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<sup>57</sup> This standard was based on two Supreme Courts’ decisions concerning countywide election for state legislators from the early 1970s, *Whitcomb v. Chavis*(1971) and *White v. Regester*(1975).

other members of the electorate to participate in the political process and to elect representatives of their choice (422 U.S. 935; 403 U.S. 124).

The Senate Judiciary Committee's Report in 1982 on the revision of section 2 identified a list of factors from *White* and other pre-*Bolden* cases, which became popularly known as the "Senate Report Factors."<sup>58</sup> These factors were used by courts to determine if a violation of section 2 had occurred. Judges are not limited to examining these factors, nor are there a particular number of factors that have to be proven to determine if an election system is in violation of section 2. The "totality of circumstance" test is extremely vague. Voting rights attorney Frank Parker once characterized it as throwing "...mud against the wall, and if enough of it sticks you win" (quoted in Grofman 2006, 251). Grofman, quoting himself as A. Wuffle, further pointed out that, "in the totality of circumstances test, it is the trial judge who determines whether the wall against which the mud will be thrown will be coated with Teflon" (*ibid*). This

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<sup>58</sup> The factors include:

(1) the extent of any history of official discrimination in the state or political subdivision that touched the right of members of minority groups to register, to vote, or otherwise to participate in the democratic process; (2) the extent to which voting in the elections of the state or political subdivision is racially polarized; (3) the extent to which the state or political subdivision has used unusually large voting districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group; (4) if there is a candidate slating process, whether the members of the minorities group have been denied access to that process; (5) the extent to which members of the minority group in the state or political subdivision bear the effects of discrimination in such areas as education, employment, and health, which hinder their ability to participate effectively in the political process; (6) whether political campaigns have been characterized by overt or subtle racial appeals; and (7) the extent to which members of the minority group have been elected to public office in the jurisdiction.

The Report also notes that the following evidence may have probative value in determining the substantiality of a section 2 claim:

Whether there is a significant lack of responsiveness on the part of elected official to the particularized needs of the members of the minority group.

Whether the policy underlying the state or political subdivision's use of such voting qualifications, prerequisite to voting, or standard, practices or procedure is tenuous (S. Rep. No 417, 1982, 28-29).

standard gave judges great discretion when examining section 2 violations. Justice Clarence Thomas has described this test correctly as:

...a list of possible considerations that might be consulted by a court attempting to develop a gestalt view of the political and racial climate in a jurisdiction, but a list that cannot provide a rule for deciding a vote dilution claim (*Holder v. Hall* 1994, 938).

*Thornburg v. Gingles* was the first Supreme Court decision interpreting the amended section 2 (478 U.S. 30, 1986). In *Gingles*, African American citizens in North Carolina filed suit against the state, alleging that the state had diluted their voting strength by submerging African American voters of sufficient size to form a majority of the voters in single-member districts into majority-white multimember districts (*ibid*, 35). This case was tried before a federal three-judge district court in North Carolina. The court relied heavily on the legislative history of the amendment of section 2 and the Senate Report factors as they applied to this case. Applying the totality of circumstances test, the court held that the redistricting plan violated section 2 because it resulted in the dilution of African American citizens' votes in the disputed districts (*id*, 35). This decision was appealed to the Supreme Court, which unanimously upheld the district court's decision. In doing so, the Court identified three necessary preconditions to provide a violation of section 2. They are:

First, the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district. Second, the minority group must be able to show that it is politically cohesive. Third, the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it—in the absence of special circumstances, such as the minority candidate running unopposed—to defeat the minority's preferred candidate (*Thornburg v. Gingles* 1986, 50-51).

These three preconditions provided a focus to the vote dilution inquiry. Satisfying them led to decisions finding election systems in violation of section 2.



In 1994 the Supreme Court in *Johnston v. DeGrandy* removed much of the constraint resulting from *Gingles*' three preconditions (512 U.S. 997, 1994). Hispanic and African American voters alleged districts for electing state legislators in Florida were diluting their voting strength. They filed suit in a federal district court, alleging that section 2 was violated by fragmenting cohesive minority communities among several districts and packing other minority voters into a few districts. The district court held that the new plan did violate section 2 (*Johnston v. DeGrandy* 1994, 1002). This decision was appealed to the Supreme Court, which relied heavily on the totality of circumstances factors to reverse the district court's decision.

Justice Souter, joined by Justices Rehnquist, Blackmun, Stevens, O'Connor, and Ginsburg, reaffirmed that the presence of the *Gingles*' preconditions by themselves is not a sufficient basis for finding a section 2 violation. He further stated that a "lack of electoral success is evidence of vote dilution, but courts must also examine other evidence in the totality of circumstances, including the extent of the opportunities minority voters enjoy to participate in the political process" (*Johnston v. DeGrandy* 1994, 1011-1012). The totality of circumstance was, in short, reaffirmed as the ultimate test. Given the ambiguous nature of the test, judicial discretion under this standard resulted in settings in which the *Gingles*' preconditions were satisfied nonetheless having their election system approved under section 2. As noted by Engstrom, following *DeGrandy* judges would find the preconditions satisfied, yet find a system somehow free of dilution under the totality of circumstances (2000, 27). He concludes that, "the *DeGrandy* decision has had the effect of removing much of the constraint on judicial discretion that *Gingles* had imposed" (2000, 28).

After the *DeGrandy* decision, it became harder for plaintiffs to prove a section 2 violation. If *Gingles*' three preconditions are met, plaintiffs must still show that under the totality of circumstances standard, they do not possess the same opportunities to participate in the political arena or elect representatives of their choice.

### **Majority-African American Districts on the Rise**

There are a number of factors identified by scholars that helped increased the number of African American districts. The amendment to section 2 had a major impact. Section 2 became incorporated into section 5 in Department of Justice preclearance decisions. In the 1982 amendment, Congress specifically endorsed this incorporation (Way 1996, 1448). The primary evidence of Congress' intent is found in a footnote in the 1982 Senate Judiciary Committee report, which states: "in light of the amendment to section 2, it is intended that a section 5 objection also follow if a new voting procedure itself so discriminates as to violate section 2."<sup>59</sup>

The incorporation of section 2 into 5 was supported by the Justice Department and to some extent the Supreme Court. After the amendment to section 2, the Justice Department argued when a proposed voting change "clearly" violates section 2, the change should be objected to under section 5 even if the change is not retrogressive.<sup>60</sup> The combination of these two sections increased the Department of Justice's power because they did not have to satisfy the retrogressive standard when determining if a district violated the VRA. The Supreme Court, in *Morse v. Republican Party*, relying on

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<sup>59</sup> S. Rep. No. 417, 97<sup>th</sup> Cong., 2d Sess. 14 (1982), 12 n.31.

<sup>60</sup> See e.g., Letter from the Department of Justice to Thomas P. Lewis, Chancery Clerk of Amite County, Mississippi (June 6, 1983), in 1985 Hearings, supra note 18, at 229, 230). Letter from the Department of Justice to William H. Ward, Esq., Oktibbeha County, Mississippi (June 17, 1983), in 1985 Hearings, supra note 18, at 232, 233 ("Where, as here, such unlawful conduct results in so clear a discriminatory impact on a protected minority group, amended Section 2 [of] the Voting Rights Act precludes preclearance under Section 5").

the Senate Report footnote, concluded that “the purpose of preclearance is to prevent all attempts to implement discriminatory voting practices that change the status quo” and that “the substantive standards for section 2 and section 5 violates are the same” (*Morse v. Republican Party* 1996, 4214, n.25).

Heather Way states, due to the incorporation of section 2 into preclearance determinations, “a jurisdiction could not enact a change that is clearly discriminatory, even if minority voters were not worse off under the new plan” (1996, 1440). This union helped to increase the number of majority-African American districts in the South. A violation of section 2 meant a violation to section 5. The number of section 5 preclearance denials increased as a result, and so did the number of majority-African districts ultimately created.

In the late 1980s and the early 1990s, there was a perceived mandate that “if you can, you must” create majority-African American districts. This perceived mandate was widely based on the incorporation of section 2 into section 5. Laughlin McDonald states:

...it was generally understood that if a [section 5 covered] jurisdiction could draw a majority-[African American] district, it had to do so. And if it did not, its plan would be denied preclearance under Section 5. And even if the plan were precleared, a court would likely set it aside under Section 2 (2006, 21).

The first precondition of *Gingles* is widely believed to have led to an increase in the number of majority-African American districts itself even when section 2 stood alone. The first precondition of *Gingles* states—“the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district” (*Thornburg v. Gingles* 1986, 50-51). It was widely believed that if the African American population was large enough and sufficiently

compact geographically to result in a majority-African district then one had to be adopted.

John Dunne, the Assistant Attorney General during the Bush Administration during the 1991 redistricting process, stated that “the VRA (in particular, section 2) meant that whenever a state legislature could feasibly create a minority congressional district, it should do so” (quoted in Clayton 2000, 41).<sup>61</sup> He further stated that he and the Voting Section’s primary concern with redistricting plans submitted for approval was that they not have the effect of diluting minority voting strength (*ibid*, 41). Phil Duncan, writing for the *Washington Times*, notes that the goals of map-drawers in the past were making districting compact and preventing the drawing of district lines that sliced through community boundaries, but now that would “take a back seat to the imperative that minorities must be served first when new boundaries are drawn” (1990, D3).

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<sup>61</sup> For instance, in 1991, the Ohio State Apportionment Board, consisting of five state officials; three Republicans and two Democrats, adopted a Republican-drafted reapportionment plan for the state legislature. The Republican board members argued that the amendment to section 2 in 1982 required states to create majority-African American districts whenever possible (*Quilter v. Voinovich* 1992, 710). The Board’s plan created eight new majority-African American districts; it was adopted by a 3 to 2 vote (*ibid*, 698, 716-17). A federal three-judge District Court ruled that the plan should be revised and held that section 2 “did not require the creation of majority-minority districts whenever possible,” as the defendant contended (*id*, 698). The District Court further held that the “board had failed to justify its ‘wholesale’ creation of majority-minority districts unless necessary to ‘remedy’ a section 2 violation” (*id*, 701). The court ordered the board to draft a new plan or demonstrate that it was remedying a section 2 violation (*id*, 702).

The Board created and adopted a new reapportionment plan that contained five new majority-African American districts. The District Court was not satisfied with the board’s new plan or the evidence demonstrating a section 2 violation. In an order issued on March 10, 1992, it held that the “board failed once again to justify its wholesale creation of majority minority districts, thus rendering the plan, as submitted, violative of the Voting Rights Act of 1965” (795 F. Supp. 756, 757).

On appeal, the Supreme Court reversed the judgment by the District Court. The Court argued:

Section 2 contains no *per se* prohibitions against particular types of districts: It says nothing about majority-minority districts, districts dominated by certain political parties, or even districts based entirely on partisan political concerns. Instead, section 2 focuses exclusively on the consequences of apportionment. Only if the apportionment scheme has the *effect* of denying a protected class the equal opportunity to elect its candidate of choice does it violate section 2; where such an effect has not been demonstrated, section 2 simply does not speak to the matter (*Voinovich v. Quilter* 1993, 156, emphasis in original).

New computer technology has helped to increase the number of majority-African American districts. This facilitated the ability to search for and include African Americans within districts. State legislators armed with the perceived mandate of “if you can, you must” used the enhanced technology to increase the number of majority-African American districts at the congressional and state levels.

### **Majority-African American Districts Challenged**

Many of the new majority-African American districts created in the post-1990 redistricting were bizarre in shape. These odd-shaped districts caused outrage among some white citizens in many southern states (see figures A.1- A.5, which illustrate some of the oddly-shaped majority-African American districts). This outrage often led to lengthy litigation that questioned the constitutionality of these districts; one such legal battle occurred in North Carolina (Sellers, Canon, Schousen 1998, 269).

Prior to the post-1990 redistricting, the Democrats constituted a majority in both houses in North Carolina’s legislature and therefore controlled the redistricting process (Engstrom 2001, 13).<sup>62</sup> It was widely viewed that one, if not two, majority-African American U.S. House districts should be created in North Carolina to comply with the VRA (*ibid*, 12-13).<sup>63</sup> On July 9, 1991, North Carolina’s General Assembly adopted a plan that created one majority-African American district, located in northeastern North Carolina, but it was rejected by the Department of Justice on December 18, 1991. The

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<sup>62</sup> The state’s Governor, a Republican at the time, has no veto power over redistricting legislation (*Pope v. Blue* 1992, 394).

<sup>63</sup> Engstrom states, “in 1990, the Democratic candidates received 53.5 percent of the votes cast in North Carolina’s eleven congressional districts and won seven districts (63.6 percent)” (2001, 12). North Carolina had a 22 percent African American population, but the state did not have a majority-African American congressional district. The last African American elected to Congress from North Carolina was in 1898. Engstrom states that “without the need to comply with the Voting Rights Act, congressional redistricting might not have been very controversial in North Carolina, as population growth reflected in the 1990 Census resulted in the state gaining another seat in the U.S. House” (*ibid*, 12).

Department found that the General Assembly could have created a second majority-minority district “to give effect to black and Native American voting strength” using boundary lines “no more irregular than [those] found elsewhere in the proposed plan,” but had failed to do so for “pretextual reasons.”<sup>64</sup> The General Assembly then adopted a second plan that included two new majority-African American districts—Districts One and Twelve. This plan received preclearance from the Department of Justice on February 6, 1992.<sup>65</sup>

Republicans in North Carolina challenged the General Assembly's plan in a federal District Court alleging that the plan was a Democratic gerrymander. They argued that the primary purpose of the plan was “to further the interests of white Democratic Congressmen in avoiding competitive elections” (*Pope v. Blue* 1992, 396). The plaintiffs felt that their gerrymandering allegation was confirmed by the 1992 election (Engstrom 2001, 14). African American Democrats were elected in both of the new majority-African American districts, while each of the six white Democratic incumbents seeking reelection also won. The plaintiffs’ argued that the Democratic incumbents would not face competitive elections in their new districts, which proved to be false (*ibid.*, 14). Five of the Democratic incumbents received less than 60 percent of the votes cast within their new districts (*id.*, 14).

In *Pope v. Blue*, a three- judge federal District Court dismissed the partisan gerrymandering complaint (*Pope v. Blue* 1992, 392). The court stated in its opinion

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<sup>64</sup>App. to Brief for Federal Appellees 10a-11a.

<sup>65</sup> The total population of District One was 57.3 percent African American, and the voting-age population was 53.4 percent. District Twelve was 56.7 in total population and 53.3 percent in voting-age population. Districts One and Twelve were bizarre in appearance. For instance, District One has been described as a “Rorschach ink-blot test” and a “bug splattered on a windshield” (*Pope v. Blue* 1992, 476). District Twelve has been described as the “I-85” district. One state legislator remarked that “if you drove down the interstate with both car doors open, you'd kill most of the people in the district” (1993, A4).

“while members of the minority political party in any redistricted state may be apt to bemoan their fate, they can take solace in the fact that even the best laid plans often go astray” (*ibid*, 399). In the 1994 congressional election, the vote for Democratic candidates in North Carolina dropped, resulting in a complete reversal in the partisan division in the seats (Engstrom 2001, 14). One Republican incumbent won reelection unopposed while Republican candidates won 54.3 percent of the votes cast in the remaining eleven House elections (*ibid*, 14). Republicans won seven of the eleven contested seats in these remaining districts. Furthermore, Republicans won in four districts that had elected Democrats in 1992, winning less than 60 percent of the votes in each (*id*, 14).<sup>66</sup>

*Shaw v. Reno*

A second lawsuit challenged the constitutionality of North Carolina’s Twelfth District. This suit was filed in a federal District Court by white voters who alleged that the creation of this district constituted an impermissible racial gerrymander, gave African American voters an unfair electoral advantage, and violated their right to “a color blind electoral process” (*Shaw v. Reno* 1993, 467).<sup>67</sup> The plaintiffs further argued that the district was created “without regard to any other considerations, such as compactness, contiguousness, geographical boundaries or political subdivisions with the purpose to create Congressional Districts along racial lines” (App. to Juris. Statement 102a).<sup>68</sup>

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<sup>66</sup> This election occurred after *Pope v. Blue* was decided.

<sup>67</sup> Whites constituted 76 percent of the state’s population and 79 percent of its voting-age population; they were a majority (83 percent) in ten of the districts.

<sup>68</sup> Compactness, contiguousness, geographic boundaries, and political subdivisions will be examined later in this section.

By a 2-to-1 vote, the District Court found no support for the plaintiffs' contentions that race-based districting is prohibited by Article I, Section 4, or Article I, Section 2, of the Constitution, or by the Privileges and Immunities Clause of the Fourteenth Amendment (*Shaw v. Barr* 1992, 468-469). The majority rejected the appellants' claims that race-conscious redistricting to benefit minority voters is per se unconstitutional. They also discarded the plaintiff's claim that North Carolina's reapportionment plan was impermissible.

This case was appealed to the Supreme Court. In a 5-4 decision, it held that if the "plaintiffs were correct that nonracial districting criteria had been disregarded in the creation of these districts, the plan could constitute a violation of the Equal Protection Clause of the Fourteenth Amendment" (*Shaw v. Reno* 1993, 641-642). Justice O'Connor, writing for the majority, argued that "*appearances do matter*," especially if *race* was the predominant factor in the creation of the district was created (*ibid*, 647, emphasis added). It was not the "appearance per se" of the districts that concerned the Court, as districts with "extremely irregular or even bizarre" boundaries were not found problematic unless those features appeared to be related to race (*id*, 642, 644). O'Connor argued that race-based districting "threatens special harms," even when it is intended to be benign (*id*, 649-50). Specifically, the Court argued:

...reapportionment legislation that cannot be understood as anything other than an effort to classify and separate voters by race injures voters in other ways. It reinforces racial stereotypes and threatens to undermine our system of representative democracy by signaling to elected officials that they represent a particular racial group rather than their constituency as a whole (*id*, 650).

*Shaw v. Reno* applied the "strict scrutiny" standard. In the redistricting context, this standard is applied when a district is drawn solely for the purpose of separating voters along racial lines, and "traditional districting principles" are disregarded in the



process (Engstrom and Kirksey 1998, 253). Under this standard, districts that are not "narrowly tailored to further a compelling governmental interest" are unconstitutional (*Shaw v. Reno* 1993, 658). Engstrom states, "this is the most rigorous level of scrutiny used to determine whether a state action or policy is consistent with the equal protection clause" (2001, 17). He states that this standard is vague and is popularly described as "strict in theory but fatal in fact" (*ibid*, 17).

### **Post-*Shaw* Redistricting Battles**

#### Louisiana

The *Shaw* decision stimulated additional litigation in most southern states. It became a vehicle used to challenge the legality of many of the new majority-African American districts. Louisiana's and Georgia's redistricting battles were primary examples of this.<sup>69</sup> Following the 1990 census, Louisiana's legislature adopted Act 42, which created two majority-African American U.S. House districts—the Second and the Fourth.<sup>70</sup> District Two covered roughly the same geographic area as did the old District Two in the previous plan (*Hays v. Louisiana* 1993, 1188). It covered virtually all of Orleans Parish and about one-third of Jefferson Parish (*ibid*, 1191). District Four was a new majority-African American district. Controversy surrounded it because of its bizarre shape, which resembled the mark of Zorro, "a giant and somewhat shaky Z" (*id*, 1199) (see figure 2). The adoption of this plan resulted in a lawsuit being filed to prevent it from being used in the 1992 congressional elections. The plaintiffs described the state's

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<sup>69</sup> Louisiana redistricting litigation began in 1992, roughly a year before *Shaw* was decided. Once *Shaw* was decided it became the precedent under which the Fourth District, a majority-African American district, was declared unconstitutional.

<sup>70</sup> African Americans in Districts Two constituted 60.0 percent and District Four 63.2 percent of the registered voters in these districts (Engstrom and Kirksey 2001, 249).

plan as “a sophisticated voter dilution scheme” that violated both the U.S. Constitution and the VRA.<sup>71</sup> They claimed that the Second and Fourth Districts were both safe, “super-majority” African-American districts into which minority voters had been unnecessarily “packed.”<sup>72</sup> In addition, the plaintiffs argued that District Four was a racial gerrymander (*Hays v. Louisiana* 1993, 1190). The District Court denied the plaintiffs’ request that the 1992 congressional elections be enjoined. It also rejected the plaintiff’s claim that the state’s plan was unconstitutional. However, no decision was reached whether the plan violated the VRA.

Engstrom and Kirksey noted that “the federal court in Louisiana never did rule on the VRA issue on which it had requested post-trial briefs in 1992” (1998, 253). In 1993, the court returned to address the plaintiffs’ claim that District Four was a racial gerrymander that violated the Equal Protection Clause of the Fourteen Amendment. Engstrom and Kirksey state, “this issue was resuscitated when the Supreme Court held in *Shaw* that race-based districting, even when designed to benefit rather than harm an African American minority, must be ‘strictly scrutinized’ under the Fourteenth Amendment” (1998, 253). In 1992, as noted above, the state argued that the “the primary motive for drawing [Districts Two and Four] was to enhance the ability of

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<sup>71</sup>Plaintiffs’ Memorandum, at 27. The four plaintiffs (two whites, one Asian American, and one African American) in this case all resided in District Five, which is adjacent to District Four (*Hays v. State of Louisiana* 1993, 1119).

<sup>72</sup>Plaintiffs’ Memorandum, at 5, 13, 16, and testimony of Ronald Weber, August 26, 1992, at 118-119, 126-127, and 177. The plaintiffs further argued that the new electoral scheme adopted was “the ‘illegitimate’ child” of an “illicit political love affair” between African American leaders and the Republican Party (Plaintiffs’ Memorandum, at 14). Their explanation for the joint support of African Americans and Republicans for the plan was:

the super-majority or “safe” district is treasured by black elected officials, while the reduction in black influence in the remaining majority white [districts] is supported by the Republican Party as an effort to eliminate the effectiveness of the black minority in the remaining districts (*ibid*, 15).

African American voters to elect candidates of their choice.”<sup>73</sup> In 1993, in the post-*Shaw* context, the state argued that the actual shape of District Four was the result of partisan and incumbent politics, rather than race, and therefore strict scrutiny was not necessary (*Hays v. Louisiana* 1993, 1199). The state also argued that there were “compelling” reasons for the creation of District Four. As quoted in Engstrom and Kirksey, “if African American voters were not provided with two viable opportunities to elect congressmen of their choice their plan would not be in compliance with the Voting Rights Act” (1998, 254).<sup>74</sup> The state also maintained that their districting plan would help politically empower the state’s African Americans.

The court found it unnecessary to rule on the state’s compelling interest arguments because, in its opinion, even if the reasons for a second majority-African American district were compelling, District Four had not been “narrowly tailored” to achieve them (*Hays v Louisiana* 1993, 1196-1197). The court argued that District Four contained more African Americans than necessary to provide the group with a reasonable opportunity to elect a candidate of their choice. In the court’s view:

...a district with a black voting age population of not more than 55%--and probably less--would have been adequate to ensure that blacks could elect a candidate of their choice, assuming they chose to exercise their franchise and assuming the candidate of their choice had more than a modicum of appeal for non-black voters (*ibid.*, 1208).

Following *Shaw*, as noted above, the strict scrutiny standard must be applied when a district is drawn primarily for the purpose of separating voters along racial lines, and "traditional districting principles" are disregarded in the process. Louisiana’s plan failed the strict scrutiny test because the plan, as found by the court, “cavalierly

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<sup>73</sup> Post trial Brief of Defendants, p. 10

<sup>74</sup>It was widely believed if the state’s plan did not include two majority-African American districts, it would be denied preclearance (Engstrom and Kirksey 1998, 254).

disregarded” the traditional principles when the Fourth District was created (*ibid*, 1200). Further elections under this plan were prohibited because of its failure to comply with the standard set by *Shaw*.

Engstrom and Kirksey note, “the legislature interpreted the *Hays* decision to mean that a second majority-African American district would be permitted if it was not over 55 percent in voting-age population” and did not deviate from the traditional districting criteria as dramatically as it had in the 1992 plan (1998, 255). Such a plan was adopted by the legislature during a special legislative session. A newer version of District Four was developed.<sup>75</sup> It was wedged-shaped and ran from Caddo Parish in the northwestern corner of the state to Ascension Parish in the southeast, a distance of about 250 miles. It included three parishes and parts of others. African Americans constituted 58.4 percent of the total population and 54.4 percent of the voting-age population (*id*, 256).

The state’s plan was granted preclearance by the Justice Department, but before elections could be held in them, another hearing was held in the *Hays* case. Once again, the plaintiffs were not satisfied with the plan. They continued their *Shaw* challenge, describing the new plan as only “a slightly less egregious racial gerrymander than its predecessor.”<sup>76</sup> They argued that the traditional districting principles were ignored again in a quest for racially determined districts. In their opinion, “the mark of Zorro” had simply been replaced by a “racial dagger” (*ibid*, 12). They also maintained that the state

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<sup>75</sup>Virtually all of the African Americans in the legislature voted in favor of the plan (24 African American members of the House and seven of the eight African Americans of the Senate voted for the plan) (*id*, 257). On the other hand, white members of the House and Senate voted against the plan. In the House, 37 voted in favor and 43 against (with one absent), and in the Senate, 14 voted in favor and 15 against (with two absent) (*id*, 257).

<sup>76</sup> Memoranda in Support of Motion for Preliminary Injunction and Adoption of an Interim Congressional Districting Plan for the 1994 Congressional Elections in the State of Louisiana, at 12.

had no compelling interest in the creation of a second majority African American district, and that even if it had, District Four was still not narrowly tailored. The plaintiffs again argued that District Four was “packed” with more African Americans than necessary to provide that group with a “realistic chance” to “elect a candidate of its choice” (*ibid.*, 15).

The District Court agreed with the plaintiffs that District Four was indeed a racial gerrymander (*Hays v. State of Louisiana* 1994, 119, 122). Furthermore, it asserted that the district needed “major surgery,” and the redrawing of it had been “...at best a cosmetic makeover” (*ibid.*, n.1). The court rejected the plaintiffs’ assertion that African Americans in Louisiana had a realistic chance to elect candidates of their choice in districts that range from 35 to 45 percent African American, and also their characterization of District Four as a “pack district.”<sup>77</sup> The court also said that the legislature had misinterpreted its 1993 decision “as approving a racially gerrymandered district if it contained no more than 55% minority registered voters” (*Hays v. Louisiana* 1994, 122). The court stated that the state had no compelling interest in basing districts on race. The court also rejected the state’s argument that a second majority-African American district was required to avoid sections 2 and 5 violations. The state’s claim that a second district was needed to remedy past and present discrimination was also rejected by the court (*ibid.*, 123-124).

Following the *Hays* decision, the court replaced the state’s plan with its own plan that contained a single majority-African American district —District Two in the New Orleans areas (Engstrom and Kirksey 1998, 259). In 1994, District Two’s African American population was 60.7 percent, voting-age population 56.1 percent, and voter

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<sup>77</sup> See transcript (July 21, 1994 afternoon session), at 18-19.

registration 60.3 percent. In developing this plan, which split only six parishes and one town of about 3,000 residents, the court stated it had “ignore[d] all political considerations” (*Hays v. Louisiana* 1994, 125). This plan was not utilized in the 1994 congressional election because the Supreme Court stayed the lower court’s ruling, allowing the election to be held under the state’s second plan (Engstrom and Kirksey 1998, 259).

The Supreme Court heard the state’s appeal of the *Hays* ruling in 1995. The Court, without dissent, vacated the lower court’s decision because the plaintiffs did not reside in District Four. Therefore, they had no standing to sue (*United States v. Hays* 1995, 745). The Court stated, “voters in [racially gerrymandered] districts may suffer the special representation harms racial classifications can cause in the voting context,” but a person residing in another district, even an adjacent district, “does not suffer these special harms” (*ibid*, 743). Engstrom and Kirksey stated “The fact that the racial composition of one district had a direct effect on the racial composition of the other simply did not matter to the Court” (1998, 260). However, the Court did not address the racial gerrymandering and strict scrutiny finding.

In 1995, the *Hays* litigation resumed in federal District Court after new plaintiffs that resided in District Four were added. After a two-day hearing, the court dismissed the defendant’s race-neutral explanation for District Four as “frivolous” (*Hays v. Louisiana* 1996, 368). It found that “the State considered only race in determining which pockets of voters to pull in and which pockets of voters to push out” (*ibid*, 368). The state’s compelling interest arguments were rejected again, for the same reasons as before, it fell short of the “narrow tailoring” standard (*id*, 371).

Prior to the 1996 congressional election, the Louisiana legislature adopted the court's districting plan it had created the previous year.<sup>78</sup> This plan, as noted, reduced the number of majority-African American districts to one—the Second District. The court claimed that the plan "empowers more [African American] voters" than the state's plan (*Hays v. State of Louisiana* 1996, 7 n.17). It created three so-called minority influence districts—Districts Four, Five, and Six.<sup>79</sup> Districts Four, Five, and Six in the court's plan had voting-age population that were, respectively, 29.3, 27.8, and 29.4 percent African American (Engstrom and Kirksey 1998, 261). Engstrom and Kirksey interpreted the decision as stating, "African Americans in these districts would presumably 'influence' election outcomes and the subsequent behavior of the people elected to represent these districts" (*ibid*, 261). The court believed that the influence that African Americans had in these districts would "empower the state's African Americans more than actually having a second representative in Congress chosen by and accountable to the voters in a majority-African American district" (*id*, 261).<sup>80</sup> This plan was used in the 1996 election and shortly after the election; a special legislative session was held and the state formally adopted it.

Georgia

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<sup>78</sup> In essence, the plan became the state's plan.

<sup>79</sup> A minority influence district, according to the court, was any district that is at least twenty-five percent African American in voting-age population (*Hays v. State of Louisiana* 1996, 7 n.17).

<sup>80</sup> Engstrom has identified this decision as one of the worst applications of the concept of "influence districts" by the American courts (Engstrom forthcoming).

The 1990 census indicated that Georgia’s population growth entitled it to an additional congressional seat—the Eleventh District.<sup>81</sup> During a special legislative session in August 1991, Georgia’s General Assembly enacted a new congressional redistricting plan, which created “two U.S. House majority-minority districts, the Fifth and Eleventh, and an additional district, the Second, in which blacks comprised just over thirty-five percent of the voting-age population” (*Johnson v. Miller* 1994, 1363). African Americans constituted 58 percent of the voting-age population in Districts Five and 57 percent in District Eleventh.

After being denied preclearance,<sup>82</sup> members of the Georgia’s legislature met with the Department of Justice staff in Washington to improve their chances of receiving preclearance. The legislators were informed that their “economic and political rationales for the proposed districts were ‘pretextual,’ and told to subordinate their economic and political concerns to the quest for racial percentages” (*Johnson v. Miller* 1994, 1365, n.8). Armed with these suggestions the General Assembly returned to the drawing board. Many of the legislators were convinced that any successful plan would have to “have the highest percentage of black population that we could get, irregardless [sic] of where we have to go” (*Johnson v Miller*, 1364).

The House and Senate could not agree on a single plan; therefore, each chamber passed different plans. The House’s plan increased District Two by only two percentage

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<sup>81</sup>Between 1980 and 1990, one of Georgia’s ten U.S. House districts, the Fifth, was a majority-African American district.

<sup>82</sup>On January 21, 1992, the Department of Justice refused to grant preclearance to the Georgia legislature’s plan. John Dunne, the Assistant Attorney General, writing the rejection letter, stated the Justice Department was “unable to conclude that the Eleventh Districts, 60.63% black, with a black voting age population of 56.61%, and using nearly unpopulated land bridges to rope in black concentrations in DeKalb and Richmond counties, satisfied the requirements of the Voting Rights Act” (Attorney General’s January 21, 1992, objection letter 105-106).



points (Holmes 1998, 202).<sup>83</sup> The Senate made more substantive changes in its plan, which “pushed the [Eleventh] District into Savannah and created a majority-Black Second District by including parts of Albany, Columbus, Macon, and Valdosta” (*ibid*, 202). After each plan was approved by their respective body, the senate called a special conference so that a single plan would be adopted. After nearly two weeks of negotiation a plan was created and adopted by both chambers. In the Second District the African American voting-age population was increased to 45.01 percent, and in the Fifth and Eleventh Districts the African American voting-age population increased to nearly 58 percent (*Johnson v. Miller* 1994, 1365). The Department of Justice denied preclearance to this plan as well (*ibid*, 1365). In his March 20, 1992 objection letter, Dunne wrote:

...the submitted plan minimizes the electoral potential of large concentrations of black population in several areas of the state. Specifically, we note that alternatives, including one adopted by the Senate, included a large number of black voters from Screven, Effingham and Chatham Counties in the 11<sup>th</sup> Congressional district. However, due to unyielding efforts on behalf of House members, this configuration was abandoned and no legitimate reason has been suggested to explain the exclusion of the second largest concentration of blacks in the state from a majority black Congressional District.<sup>84</sup>

After the rejection from the Department of Justice, Georgia’s General Assembly believed that preclearance would only be granted if their plan created three majority-African American districts. During a legislative session in 1992, the Assembly created and passed such a plan that was based on the so-called “max-black” plan. This plan was created by the American Civil Liberties Union (ACLU) (*Johnson v. Miller* 1994, 1360, 1362-1363). The key to the ACLU’s plan was the “Macon/Savannah trade.” According to the plan, “the dense black population in the Macon region would be transferred from the

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<sup>83</sup> One hundred and nineteen of the 165 Georgia House’s legislators supported this plan.

<sup>84</sup> Attorney General, March 20, 1992, objection letter 120-126.

Eleventh District to the Second, converting the Second into a majority-black district, and the Eleventh District's loss in black population would be offset by extending the Eleventh to include the black populations in Savannah" (*ibid.*, 1365-1366) (see Figure 3).

The African American voting-age population in the Second was 52.33 percent, the Fifth, with 57.47 percent, and the Eleventh, with 60.36 percent. On April 2, 1992, this plan received preclearance by the Justice Department.<sup>85</sup>

Georgia's redistricting plan, especially the Eleventh District, was challenged in federal District Court by white voters. This district was bizarre in shape; it "centered around four discrete, widely spaced urban centers, that have absolutely nothing to do with each other, and stretch the district hundreds of miles across rural counties and narrow swamp corridors" (*id.*, 1389) (see figure 3).<sup>86</sup>

The plaintiffs alleged that the Eleventh District was a racial gerrymander that violated the Equal Protection Clause of the Fourteenth Amendment, as interpreted by *Shaw v. Reno* (*Johnson v. Miller* 1994, 1372). A three-judge federal District Court held that it was:

...exceedingly obvious" from the shape of the Eleventh District, together with the relevant racial demographics, that the drawing of narrow land bridges to incorporate within the District outlying appendages containing nearly 80% of the district's total black population was a deliberate attempt to bring black populations into the district (*ibid.*, 1374-1376).

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<sup>85</sup>Elections were held under this plan, which resulted in African Americans being elected in each of these districts.

<sup>86</sup>The Almanac of American Politics described the Eleventh District as follows:

...geographically, it is a monstrosity, stretching from Atlanta to Savannah. Its core is the plantation country in the center of the state, lightly populated, but heavily black. It links by narrow corridors the black neighborhoods in Augusta, Savannah and southern DeKalb Country" (Barone and Ujifusa 1994, 356).

The court also held that the state's plan was invalid under *Shaw v. Reno* because the strict scrutiny requirement was not considered when the plan was created by Georgia's legislators (*id.*, 1372). Race was found by the court to be the overriding factor when the Eleventh District was created by the state (*id.*, 1378). It also found that the VRA did not require three majority-African American districts, and that the plan was not narrowly tailored to the goal of complying with the VRA (*id.*, 1392-1393).

On appeal, the Supreme Court affirmed the District Court's finding. It held that the Eleventh District was unconstitutional. Relying on *Shaw*, the Court found that the "evidence of the General Assembly's intent to racially gerrymander the Eleventh District is overwhelming" (*Miller v. Johnson* 1995, 911). *Shaw* never held that bizarre appearance was a necessary condition for a constitutional violation; however, the issue in *Miller* was whether the district was the result of "race-based districting," which could be demonstrated through shapes, demographics, or through other evidence (*ibid.*, 912-927). The Court reemphasized a standard expressed in *Shaw*, which Justice Ginsburg called the "race-as-predominant-factor" standard (*id.*, 934). Under this standard, the Court found that shapes of districts are:

...relevant not because bizarreness is a necessary element of the constitutional wrong or a threshold requirement of proof, but because it may be persuasive *circumstantial evidence* that race for its own sake, and not other districting principles, was the legislature's dominant and controlling rationale in drawing its district lines. The logical implication, as courts applying *Shaw* have recognized, is that parties may rely on evidence other than bizarreness to establish race-based districting (*id.*, 914, emphasis added).

*Miller* also expanded the scope of the strict scrutiny standard. It argued that strict scrutiny applies when "race was the predominant redistricting criterion" (*id.*, 916). Justice Stevens, dissenting in *Adarand Constructors Inc. v. Pena*, states that under the Court's approach, strict scrutiny is:

...in order once it is determined that an apportionment is predominantly motivated by race. It matters not at all, in this new regime, whether the apportionment dilutes or enhances minority voting strength. As very recently observed, however, “there is no moral or constitutional equivalence between a policy that is designed to perpetuate a caste system and one that seeks to eradicate racial subordination” (cited in *Miller v. Johnson* 1995, 932).

In *Miller*, the Court explained that a “State is free to recognize communities that have a particular racial makeup [without triggering the strict scrutiny standard], provided its action is directed toward some common thread of relevant interests” (*Miller v. Johnson* 1995, 920). The Court upheld the District Court’s finding that the use of race in drawing this district could not be sanctioned on this ground.<sup>87</sup>

### **The Impact of *Shaw* and *Miller***

Both the *Shaw* and *Miller* decisions have elevated the importance of the four traditional districting principles—contiguity, compactness, respect for political subdivisions, and recognition of communities of interest—by placing a spotlight on them (Engstrom 2001, 19). Many state constitutions, statutes, and local charters require representational districts to be contiguous (see Grofman 1985, 177-83; Pildes and Niemi 1993, 528-31; Lyons and Jewell 1986, 76). This is a dichotomous concept; a district is either contiguous or not. The test used to determine this principle is not complicated. A contiguous district is “one in which a person can go from any point within the district to any other point [within the district] without leaving the district” (Engstrom 2001, 19). Prior to *Shaw* there was limited confusion about what this principle, or its application,

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<sup>87</sup> For more cases that challenged the constitutionality of the new majority-African American congressional districts that occurred after *Shaw v. Reno*, see *Johnson et al., v. Mortham et al.*, (1996), concerning Florida, and *Bush v. Vera* (1996), concerning Texas. Each ruled that the majority-African American districts created were unconstitutional. Dewey Clayton stated, “Through these U.S. Supreme Court decisions, lower federal court decisions, and legislative action, 8 out of the 17 congressional districts in the South with a majority (African American) population have been overturned” (2000, 128). New majority-African American districts in Louisiana (one), North Carolina (one), Georgia (two), Florida (one), Virginia (one), and Texas (two) were dismantled as well (*ibid*).

entailed. As expressed by Engstrom, the “major issue concerning contiguity has been whether the ability to travel throughout a district is a theoretical or a literal requirement” (*ibid*, 21). This is usually a problem when a body of water is present (*id*, 21).

Following *Shaw*, lower court decisions have presented alternative standards as to what contiguity requires. Some judges have not been convinced that districts that meet the traditional definition of contiguity satisfy this principle. For instance, a federal District Court in North Carolina held that contiguity had been “disregarded” in that state’s reconstruction of its Twelfth Congressional District in 1997, finding that the new district contained “narrow corridors” that left it “barely contiguous” (*Cromartie v. Hunt* 1998, 8, 12, 13, 28; see also *Cromartie v. Hunt* 2000. sl. op.,12).

Compactness is not as straightforward as contiguity. This principle has always suffered from ambiguity (Webster 2000, 144). Compactness is a continuous concept that concerns the shape of districts, not whether they contain geographically discrete parts. There is no clear scholarly definition of what compactness is. Engstrom notes that districts can be considered more or less compact (2001, 22). Following *Shaw*, lower courts have been confronted with a number of quantitative measures that supposedly reveal the relative compactness of districts (see *Johnson v. Miller* 1994, 1388-90; *Vera v. Richards* 1994, 1329-30; *Cromartie v. Hunt* 1998, 5-9; *Cromartie v. Hunt* 2000, sl. op. at 13-14, 16, 21-22). But these measures emphasize different aspects of shapes and thus result in conflicting conclusions. Even bizarre shaped districts can satisfy some of the tests (see Young 1988; Scher, Mills, and Hotaling 1997, 95).

There are new quantitative measures of compactness which abandon the geographical appearances and focuses on the physical distances between homes of the

people residing within a district (see Niemi et al. 1990, 1162, 1165-66). These new measurements have been challenged in the courts. The confusion that surrounds compactness does not simplify the districting task; instead, it makes the process more difficult (Engstrom 2001, 24).

The third criterion identified by the Court in *Shaw* is respect for political subdivisions. Engstrom noted, “local units of government, especially counties, have often served as building blocks for state legislative and congressional districts” (2001, 24). Political subdivisions are recognized by law, and as stated by Engstrom, “...there should be no problem in identifying them and in determining whether or not they have been divided by representational district lines” (*ibid*, 24). The problem lies in what political subdivisions to include and not include in the process. Counties, prior to *Shaw* and *Miller*, were the major focus but other subdivisions can be counted as well.

Another concern is the use of precinct lines. Precincts are not governmental jurisdictions but merely administrative units for elections (*id*, 25). It is often argued that precinct lines should not be divided by districts. But Engstrom states, “requiring districts to follow preexisting precinct boundaries can impede the achievement of other, more important districting goals, such as creating majority-minority districts, and courts should not allow this constraint to be a pretext for discriminatory districting” (*id*, 25). Precincts are not fixed units; they can be changed relatively easily to accommodate more important districting criteria.

The last districting principle is “communities of interest.” The Supreme Court added “communities defined by actual shared interests” to the list of principles in *Miller*; however, it does not reveal how this concept is to be applied. Engstrom states, “serious

problems arise, however, in identifying such communities, as well as in deciding which deserve to be recognized, and thereby favored, in the design of districts” (*id.*, 25). It has been described as the least defined principles for drawing districts (Morrill 1990, 215; see also Leib 1998, 688-89; O’Rourke 1995, 764-66). Prior to *Miller* judicial decisions contained “widely divergent concepts of communities of interest” (Malone 1997, 467). Trying to provide a judicial definition, as stated by Engstrom, has added to the conceptual confusion rather than provide clarity to this principle (2001, 26).

Another question raised by *Miller* is whether the “shared interests” must be among people living in geographical proximity to each other or whether this concerns the degree to which districts themselves combine people with similar interests (*ibid.*, 27). Justice Kennedy stated “a State is free to recognize communities that have a particular racial makeup, provided its action is directed toward some common thread of relevant interest” (*Miller v. Johnson* 1995, 920). There have been attempts to define and operationalize this criterion, but the concept of community remains just as “subjective and elusive” (*Hastert v. State Board of Elections* 1991, 600) after *Miller* as before.

The traditional districting principles will become more important in future districting decisions because they will serve as a “crucial frame of reference” (Engstrom 2001, 19). According to Engstrom, the “elevation of these principles will provide a necessary check on district designers because they will be less inclined to deviate from the criteria” (*ibid.*, 19). The *Miller* decision will force state legislators to consider the four principles when creating new districting arrangements. Many redistricters in the past have virtually ignored them, as discussed in *Hays v. Louisiana* (1993).

Engstrom warns that after *Shaw* and *Miller* “...the ‘political thicket’ of districting is now even more entangled” (2001, 19). As noted above, these criteria often lack a clear and agreed upon definition. In fact, Engstrom refers to this as a “conceptual thicket.” This has been apparent in the post-*Shaw* era in lower federal courts. These traditional criteria are often in conflict with each other because of their ambiguity (*id.*, 19). Despite the Supreme Court elevating the importance of these principles they have not set an absolute standard for them. Nor has the Supreme Court stated that these principles are constitutionally required.

The *Shaw* and *Miller* decisions are also important because they have placed strict restrictions on the use of race as a criterion for drawing lines. If districts were created with race as the predominant factor, their constitutionality will be challenged. McDonald states that these decisions have “...created substantial confusion over the extent to which the consideration of race in redistricting was prohibited by the Constitution, and the extent to which it was required to avoid retrogression under section 5 and liability under section 2” (2006, 24). A legislature may properly “be aware of racial demographics;” but it may not allow race to predominate in the redistricting process (*Miller v. Johnson* 1995, 916). *Shaw* and *Miller*, in a way, have placed state legislators in an uncomfortable position. As stated by Katharine Butler, “legislators can be justifiably anxious that they will be ‘damned by the Constitution’ if they consider race and ‘damned by the Voting Rights Act’ if they do not” (2002, 137). After *Shaw* and *Miller*, state legislators are placed in an un-winnable situation: “to create or not to create majority-African American districts?”

### **The Straw That Broke the Camel’s Back**



*Shaw* and its progeny, the new “strict scrutiny” standard, and the four “traditional districting principles,” all contributed to the reduction in the number of majority-African American districts created in the post-1990 round of redistricting. Many of them were found to be unconstitutional. Starting in the mid-to-late 1990s through 2004, the Supreme Court played an essential role in weakening the VRA, especially section 5. During this period, the Supreme Court confirmed that sections 2 and 5 are independent of each other, redefined the “purpose” prong of section 5, reduced the Department of Justice’s “preclearance power,” redefined the retrogression standard, furthered reduced the number of majority-African American districts, and stressed the importance of minority influence districts. The next section explores these changes.

### **Separating Sections 2 and 5: *Reno v. Bossier I***

After the amendment to section 2 in 1982, it was widely believed that sections 2 and 5 of the VRA were inseparable, as noted above. These two sections working together resulted in more majority-African American districts created. In *Reno v. Bossier Parish School Board I*, however, the Supreme Court held that these two sections are independent of each other and section 2 cannot be incorporated in section 5 preclearance determinations ( 520 U.S. 471, 1997). In 1992, the School Board in Bossier Parish, Louisiana needed to adopt a new redistricting plan in order to equalize the population distribution among the Board’s twelve districts. The African American population in Bossier Parish, according to the 1990 census, was 20.1 percent and they constituted 15.5 percent of the registered voters in the parish. On October 1, 1992, the Board unanimously agreed to use the Police Jury’s redistricting plan, which had already received preclearance from the Justice Department. This plan did not contain a majority-

African American district; therefore, it was not supported by the African American community. Despite the African American community's disapproval of the plan, the Board submitted it for preclearance.<sup>88</sup>

Prior to the School Board's decision to use the Jury's plan, George Price, president of the local chapter of The National Association for the Advancement of Colored People (NAACP), wrote a letter on March 25, 1992 to the School Board expressing the organization's desire to be involved in the Board's redistricting process. Price did not receive a response to his letter and, on August 17, 1992, he wrote a second letter stating that the NAACP would dispute any plan that did not include majority-African American districts (*Bossier Parish I v. Reno* 1995, 438). During the summer of 1992, the NAACP prepared a redistricting plan for the School Board that created two majority-African American districts. On September 3, 1992, Price presented the plan to the Board but they refused to consider it because it required the splitting of 46 voting precincts.<sup>89</sup>

The U.S. Attorney General issued a letter to the School Board informing them that their plan was denied preclearance. It indicated that while the identical plan for the Police Jury received preclearance, the Board's plan was rejected because the Attorney General acquired new information—specifically the NAACP's plan, which demonstrated that African American residents in Bossier are “sufficiently numerous and geographically compact so as to constitute a majority in two single-member districts” (cited in *Bossier v.*

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<sup>88</sup>The Board members argued that this plan was not “retrogressive” because it maintained the status quo regarding the number of African American districts which was based on the Jury's plan (App. to Juris Statement 93a, 141a).

<sup>89</sup>According to Louisiana law, School Board districts must contain whole voting precincts (see Louisiana Revised Statutes, Title 17, section 71.3 E).

*Reno* 1995, 439). It also asserted that the Board’s plan violated section 2 of the VRA because it “unnecessarily limited the opportunity for minority voters to elect their candidates of choice,” as compared to the plan submitted by the NAACP (*ibid*, 439). As cited in the objection letter:

relying on 28 CFR § 51.55 (b)(2), which provides that the Attorney General shall withhold preclearance where “necessary to prevent a clear violation of amended section 2,” the Attorney General concluded that the Board’s redistricting plan warranted a denial of preclearance under section 5 (*id*, 157a).<sup>90</sup>

The School Board filed an action seeking preclearance under section 5 in the District Court for the District of Columbia. The defendant in this matter, DOJ, argued that the court should consider the School Board’s violation of section 2 as evidence of its discriminatory purpose. They further argued that preclearance should be denied based on the “direct” and indirect” evidence that the School Board acted with a discriminatory purpose with their plan (*Bossier v Reno I* 1995, 440). The District Court was unconvinced by the defendant’s arguments and preclearance was granted to the School Board.

On appeal, the Supreme Court vacated the judgment of the District Court and remanded the case to consider the evidence of a dilute effect in determining whether the board acted with an intent to retrogress in designing its reapportionment plan. Justice O’Connor, writing for the majority stated, “Today we clarify the relationship between sections 2 and 5 of the Voting Rights Act of 1965” (*Reno v. Bossier* 1997, 474). In doing so, the Court addressed two questions:

... (i) whether preclearance must be denied under section 5 whenever a covered jurisdiction’s new voting “standard, practice, or procedure” violates section 2; and (ii) whether evidence that a new “standard, practice, or procedure” has a dilutive impact is always irrelevant to the inquiry whether the covered jurisdiction

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<sup>90</sup>The Attorney General also rejected the School Board’s argument that the Louisiana statute concerning splitting precincts was a sufficient reason not to create majority-African American districts (*Bossier Parish I v. Reno* 1995, 439).

acted with “the purpose... of denying or abridging the right to vote on account of race or color” under section 5? (ibid, 474).

A section 2 violation may not form the basis for denying section 5 preclearance, which according to Justice Stevens would:

...inevitably make compliance with section 5 contingent upon compliance with section 2. Doing so would, for all intents and purposes, replace the standards for section 5 with those for section 2. Because this would contradict our longstanding interpretation of these two sections of the Act, we reject appellants’ position (id, 477).

The Court agreed with the District Court that you cannot object to section 5 based on a section 2 dilutive effect, but disagreed about whether dilutive effect could be part of a finding of a dilutive purpose.

### ***Reno v. Bossier II: Redefining Discriminatory Intent***

The Bossier Parish School Board faced the Supreme Court again in 2000. The Court in *Bossier I* posed a question that was left unanswered: “whether the section 5 purpose inquiry ever extends beyond the search for retrogressive intent?” (*Reno v. Bossier Parish II* 2000, 487). Seeking to answer this question, on remand, a federal District Court again granted preclearance to the School Board’s plan. The court concluded that “the record will not support a conclusion that extends beyond the presence or absence of retrogressive intent” (*Bossier Parish School Board v. Reno* 1998, 31). It further noted that one could “imagine a set of facts that would establish a ‘non-retrogressive, but nevertheless discriminatory purpose,’ but those imagined facts are not present here” (ibid, 31). Like in *Bossier I*, the District Court left open the question: “whether section 5 prohibits preclearance of a plan enacted with such a purpose” (id, 31).

In a 5-4 opinion, the Supreme Court held that:

...section 5 does not prohibit preclearance of a redistricting plan that was

enacted with a discriminatory but nonretrogressive purpose, as, when considered in light of the court's longstanding interpretation of the "effect" prong of section 5 as covering only retrogressive dilution, the language of section 5 led to the conclusion that the "purpose" prong of section 5 covered only retrogressive dilution (*Reno v. Bossier II* 2000, 329).

The Court held that jurisdictions are required to show that their redistricting plan does not have either the purpose or effect of worsening the position of minority voters. As stated on the Justice Department's website, "...a redistricting plan adopted with a discriminatory but nonretrogressive purpose may not be denied section 5 preclearance for that reason alone, but will be subject to federal court challenges under the Constitution and/or section 2 of the Voting Rights Act."<sup>91</sup>

The Court in *Bossier II* redefined and weakened section 5's "discriminatory intent" standard. After *Beer*, it was commonly understood that section 5 prohibited all changes enacted with an unconstitutional discriminatory purpose, not just those which made minority voters worse off" (McCrary et al., 2006a, 1). Under the new standard set by *Bossier II*, a voting change with an unconstitutional racial purpose, no matter how strong the evidence of discriminatory intent, would have to be precleared unless the evidence also showed that the change was intended to make matters worse for minority voters (*Reno v. Bossier II* 2000, 341).

According to *Beer*, as noted above, an ameliorative change "cannot violate section 5 unless the new apportionment itself so discriminates on the basis of race or color as to violate the Constitution" (*Beer v. United States* 1976, 141). In *Beer*, the retrogressive effect standard has been understood to apply to vote denial as well as abridgement. Justice Scalia, in *Bossier II*, conceded that:

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<sup>91</sup>[www.usdoj.gov/crt.voting.sec\\_5case\\_activ.htm](http://www.usdoj.gov/crt.voting.sec_5case_activ.htm), accessed July 9, 2009

...in the context of denial claims, no less than in the context of abridgement claims, the antibacksliding rationale for section 5 (and its effect of avoiding preservation of an even worse status quo) suggests that retrogression should again be the criterion, arguably in that context the word “deny” (unlike the word “abridge”) does not import a comparison with the status quo (*Reno v. Bossier II* 2000, 338).

The Supreme Court held in *Bossier II* that the phrasing of the “unless” clause clearly meant that the purpose requirement under section 5 was the same as the “intent standard” under *Beer*. Justice Scalia, writing a dissenting opinion, viewed the phrasing of the unless clause as “a most implausible interpretation” on the grounds that “at the time *Beer* was decided, it had not been established that discriminatory purpose, as well as discriminatory effect, was necessary for a constitutional violation” (*Reno v. Bossier II* 2000, 337). As stated by Peyton McCrary et al., “Justice Scalia contented that the *Beer* majority had understood the constitutional standard for evaluating vote dilution to be the standard set forth in *White v. Regester*, which characterized the case as a simple effects test not requiring proof of discriminatory intent” (2006, 16). *Bossier II* held that the purpose of discriminating against racial minorities was insufficient to warrant a preclearance denial. McCrary et al., argued that *Bossier II* effectively weakened the purpose prong as a weapon for protecting African Americans from discrimination and from electing representative of their choice (2006, 21).

Both *Bossier I* and *II* have weakened section 5 of the VRA. Daniel Tokaji asserts:

*Bossier II* imposed an enormous limitation on the DOJ’s authority to deny preclearance, since the purpose prong had been the most-often used justification for objection before then and showing a retrogressive purpose is difficult. The only function that the purpose prong serves after *Bossier II* is to stop the “incompetent retrogressor”—for example, the jurisdiction that intends to make racial minorities worse off, but makes a change that fails to have this intended effect (2001, 8).

## **Post-2000 Census: Political Gerrymandering**

The *Shaw*, *Miller*, and *Bossier I and II* decisions set the stage for the section 5 “preclearance” litigation following the 2000 census. This round of redistricting, unlike the previous round, was more partisan in nature. Many of the new districts in the South were created along partisan lines.<sup>92</sup> Partisan and race are tangled together in the region. Many southern states, during the mid-to-late 1990s, saw a surge in the number of Republican candidates being elected to political offices. Following the 2000 census, African American and white Democrats in many southern states joined forces to curb the Republican growth. One such way was to create “safe Democratic districts” (Pitts 2008, 939-940). These districts were created to preserve as much of the Democratic legislative power as possible (*ibid*, 939). As a result of these districts, the courts were faced with more partisan gerrymandering litigation instead of racial gerrymandering litigation; one, such case was *Georgia v. Ashcroft*, which entailed a racial issue with a partisan implications.

#### *Georgia v. Ashcroft*

*Georgia v. Ashcroft*, like the *Bossier II* decision, dramatically redefined and further weakened section 5 of the VRA. It also limited the Department of Justice’s preclearance power.

Following the 2000 census, redistricting disputes erupted in Georgia once more. In 2001, the state enacted a new redistricting plan for the state’s senate, which reduced the African American percentage in many of the majority-minority districts drawn in 1997 and allegedly created a number of African American “influence districts.” Georgia’s redistricting plan contained 56 districts. In all, the legislature drew 13 districts

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<sup>92</sup> This phenomenon will be discussed in Chapter 4.

with an African American voting-age population above 50 percent, thirteen additional districts with an African American voting-age percentage between 30 percent and 50 percent, and four other districts with an African American voting-age percentage between 25 percent and 30 percent (*Georgia v. Ashcroft* 2003, 439). The asserted goal of the plan was to maintain the number of majority-African American districts and also increase the number of Democratic Senate seats (*ibid.*, 440).<sup>93</sup>

The Attorney General, focusing on Districts Two, Twelve, and Twenty-Six, the boundaries of which were altered, denied preclearance because these districts unlawfully reduced African American voters' ability to elect representatives of their choice (*id.*, 440). In these three districts, in which the percentage of registered voters was above 50 percent before the change, the percentage of registered African American voters was reduced to just under 50 percent (*id.*, 440). The African American voting-age population dropped in District Two from 60.58 percent to 50.31 percent; it dropped from 55.43 percent to 50.66 percent in District Twelve and from 62.45 percent to 50.80 percent in District Twenty-Six.

Georgia sought preclearance for the plan in the federal District Court for the District of Columbia. It attempted to prove that its Senate's plan was not retrogressive either in intent or effect (*Georgia v. Ashcroft* 2002, 36). Georgia submitted evidence documenting each district's total population, total African American population, African American voting-age population, percentage of registered African American voters, and

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<sup>93</sup>This plan was supported by both African Americans and white Democrats. Forty-three of the 45 African Americans in Georgia's General Assembly supported and voted for the plan (*ibid.*, 439). Senator Charles Walker, the majority leader of the Senate when the plan was adopted by the legislature, stated "we [African-Americans] have a better chance to participate in the political process under the Democratic majority than we would have under a Republican majority" (Doc. No. 148. Pl. Exh.20, 19). No Republicans in either House voted for the plan (*Georgia v. Ashcroft* 2003, 439).



overall percentage of Democratic votes in senate elections. The state also submitted testimony from several individuals that participated in enacting the Senate’s plan into law (id, 36).

The federal District Court denied preclearance to Georgia’s Senate plan (id, 97). The court held that the three districts in question were *retrogressive* because they provided less opportunity than in the existing plan for African Americans to elect representatives of their choice (ibid, 93-94). The court further held that the reduction in African American voting-age population would “diminish [their] voting strength in these districts” and that Georgia had “failed to present any evidence” that the retrogression in those three districts “will be offset by gains in other districts” (id, 88).

The retrogression standard was redefined again by *Ashcroft*. According to the new retrogression standard, a districting plan should be upheld if it replaces majority-minority districts with influence districts, so long as the jurisdiction can show that it is in the best interest of the minority community (ibid, 493). In other words, even if the effect is an overall reduction in the election of representatives of choice by African American voters, the Court will not find retrogression if the jurisdiction can show that there is an increase in the “number of representatives sympathetic to the interest of minority voters” (id, 483). This standard is based on increasing the number of so-called minority influence districts.<sup>94</sup>

The new section 5’s non-retrogression standard was to be judged by the ambiguous “totality of circumstance” standard. The focus on minority influence districts reduces the likelihood of African Americans electing representatives of their choice. One

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<sup>94</sup> O’Connor defined influence districts as districts in which “minority voters may not be able to elect a candidate of choice but can play a substantial, if not decisive, role in the electoral process” (*Georgia v. Ashcroft* 2003, 482).

could argue that this decision has dramatically weakened the protection of minority voting rights under section 5. The Court argued that majority-African American districts could be replaced with so-called influence or coalition districts (*id.*, 483). Following this decision, many southern states have replaced several of their majority-African American districts with so-called influence districts (i.e., Louisiana, Georgia, North Carolina, Texas).

**Restoring Section 5 of the VRA: Voting Rights Act Reauthorization and Amendments Act of 2006**

Section 5 of the VRA was scheduled to expire on August 6, 2007 unless it was reauthorized. On July 27, 2006, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (VRARA) was reauthorized for another 25 years. The VRARA in effect overturned the Supreme Court's decisions in *Reno v. Bossier II* and *Georgia v. Ashcroft*. As mentioned previously, these two decisions weakened section 5 of the VRA. In *Bossier II*, the Court redefined the purpose prong of section 5, which replaced the standard set three decades ago in *Beer*. The Court held that section 5 "prevents nothing but backsliding" that makes minority voters worse off than they were before the voting change under the statute's language (*Reno v. Bossier II* 2000, 335-36). The *Bossier II*'s decision substantially limited the Department of Justice's power to object to voting changes with a discriminatory purpose. The new Section 5 the VRARA addressed *Bossier II* in three ways. First, it replaced "does not have the purpose and will not have the effect" with "neither has the purpose nor will have the effect."<sup>95</sup> Second, Congress clarified that a section 5 objection could be

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<sup>95</sup>VRARA, Pub L. No. 109-246 Section 5, 120 Stat. 580-81 (2006). VRARA also added several subsections to section 5. Subsection (b) provides that any voting change "that has the purpose or will have the effect of diminishing the ability of any citizens...on account of race or color, or in contravention of...section 4(f)(2) to

made based upon discriminatory purpose, effect, or both. Finally, it restored the purpose prong to its original standard set in *Beer*.

As discussed previously, the Supreme Court in *Georgia v. Ashcroft* adopted the totality of the circumstances standard to determine discriminatory effect that did not rest on just the ability of African Americans being able to elect representatives of their choice. The Court also indicated that no discriminatory effect was present if African American voters could influence election results even if their preferred representatives of choice were defeated. The VRARA restored the *Beer* test for discriminatory effect by adding subsection (d) to section 5, clarifying that the purpose of section 5 “is to protect the ability of [African American] citizens to elect their preferred candidates of choice” (H.R. Rep. 109-478, 70).

### **Conclusion**

The VRA was originally created to end the constant struggles that African Americans in the South faced when they tried to participate in the political arena (i.e., voting and running for political office). They were faced with a number of devices and strategies that prohibited them from participating. The passage of the VRA largely eliminated these barriers and provided African Americans with a political voice. The focus then turned to fighting vote dilution with the help of sections 2 and 5. These two sections helped to create a number of new majority-African American districts so that African Americans could elect representatives of their choice. These districts increased the number of African Americans elected to political office in the South. The number of

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elect their preferred candidates of choice denies or abridges the right to vote within the meaning of subsection (a) of this section.” It also added a subsection (c) clarifying that the term “purpose” includes “any discriminatory purpose” (*ibid*).

African Americans serving in both the U.S. House and in southern states' legislative districts has increased. However, despite the creation of these districts, African Americans are still underrepresented in these legislative bodies.

## **Chapter 4: The Alternative Hypothesis: The Rise of the Republican Party**

The Democratic Party had dominated southern politics for many years. By the 1960s, however, Democrats started losing white voter support in the region because of the National Democratic Party's active role in the Civil Rights Movement. This opened the door for the GOP. Initially, Republican growth in the region was most visible at the federal level as support for Republican presidential candidates increased. Republican victories below the presidential level however were slower as Democrats maintained their edge in all state and local offices (Lublin 2004, 46).

This section examines an alternative explanation for the growth of Republican membership in southern state legislatures other than the perverse effect thesis. The alternative explanation argues that more southern whites are voting for Republican candidates regardless of whether or not they are in districts adjacent to majority-African American districts. This section is divided into three parts. The first provides a brief historical overview of the structure of southern state legislatures. The second examines the growth of the Republican Party in the lower legislative chambers of southern states. The relationship between race and party identification will be examined in the last.

### **Historical Overview of the Structure of Southern State Legislatures**

Southern state legislatures differ from their counterparts in other regions (Kapeluck et al., 2006, 270). From the end of Reconstruction until the mid 1960s, southern state legislatures were one-party institutions dominated by the Democratic Party. It has been expressed that the overriding purpose of the one-party system in the South was the preservation of white supremacy (Lamis 1999, 3; Willingham 1985, 3). As Alexander Lamis states, “if whites divided their votes between two political parties,

blacks would hold the balance of power and could bargain for an end to racial segregation and discrimination” (1999, 3). African Americans and Republicans were virtually ignored by southern state legislators during this period, which left these groups operating behind the scenes. Lublin jokingly suggests that, during this time, “...Republican state legislative caucuses could literally meet in the back seat of a taxicab in most southern states” (2004, 47). Prior to 1966, Republicans held under 10 percent of the region’s lower legislative chamber seats, as reported in Table 4.1.<sup>96</sup> It was much later before this figure (10 percent) was exceeded in Alabama, Arkansas, Louisiana, and Mississippi.

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<sup>96</sup> The table reveals that the percentages of Republicans in North Carolina, Tennessee, and Virginia was greater than 10 percent prior to 1966. Lublin states these three southern states “contain sections of Appalachia that resisted secession and remained pro-Union during the Civil War, despite suffering greatly for their views” (2004, 47). They remained loyal to the Republican Party because there were few African Americans in the region (*ibid*, 47). The lack of African Americans, as stated by Lublin, “made it easier for mountain regions to resist pressure to join the Democrats in order to protect white supremacy...” (*id*, 47).

Table 4.1: Percentage of Seats in the Lower Chambers of Southern State Legislatures Held by Republicans, 1954 to 1986

	1954	1956	1958	1960	1962	1964	1966	1968	1970	1972	1974	1976	1978	1980	1982	1984	1986
Alabama	0	0	0	0	2	2	0	0	2	2	0	2	4	4	8	12	15
Arkansas	2	2	0	0	1	1	2	4	2	1	2	4	6	7	7	9	9
Florida	6	6	3	3	5	9	22	35	32	35	28	28	26	33	30	36	38
Georgia	2	2	2	0	1	3	11	13	11	16	13	13	11	13	13	14	15
Louisiana	0	0	0	0	0	2	2	0	1	4	4	4	9	10	11	13	14
Mississippi	0	0	0	0	0	0	2	0	1	4	4	4	9	3	4	5	7
N. Carolina	8	8	3	2	18	12	22	24	20	29	8	5	12	20	15	32	20
S. Carolina	0	0	0	0	0	0	14	4	9	17	14	10	13	14	16	22	26
Tennessee	18	19	17	15	21	24	39	50	43	49	35	32	38	39	38	37	38
Texas	0	0	0	0	5	1	2	5	7	11	11	13	15	23	24	35	37
Virginia	7	6	5	8	11	11	11	15	24	20	17	21	25	33	34	33	35
Average % of Southern Republicans by years	4	4	3	3	6	6	12	14	14	17	13	13	15	18	18	23	23

*Note:* Entries are the percentages of seats held by Republicans in the lower chamber of southern state legislatures.

*Sources:* Data gathered from David Lublin, *The Republican South: Democratization and Partisan Change* (Princeton, NJ: Princeton University Press, 2004).

Southern state legislatures, following World War II, were largely characterized by scholars as weak, corrupt, and inefficient institutions because of their one-party nature. Studies of legislatures during this era focused on the region's one party domination. In 1948, H. C. Nixon stated that "the typical southern legislature...provides little voice for Republicans, inadequate representation for all urban people [due to malapportionment], and no direct and little indirect participation for Negroes...." (1948, 412). During this era only white Democrats were legislators. Nixon described the typical southern legislature as "a body of Democratic, small town or rural white men, a majority of whom represent a minority of the white population of the state, not to mention the restricted suffrage by which the members were chosen in a party primary" (*ibid*, 412).

In 1964, Malcolm Jewell examined eight southern legislatures as one-party institutions and made several predictions about changes in those bodies.<sup>97</sup> His speculation was that based on the rising number of white southerners identifying with the Republican Party, changes would come in the power structure of most southern legislatures. He believed that these changes would make these institution "...more representative, and that would increase the degree of competition in legislative elections, and the degree of conflict in legislative sessions" (1964, 177). By the mid to late 1960s, the changes that Jewell predicted became evident. The one-party-dominated institutions, along with white supremacy, started to crumble after the events of the 1960s. The Republican Party and African Americans began making significant gains in many southern state legislatures in the subsequent decades.

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<sup>97</sup> The eight southern states that Jewell examined were Arkansas, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia.



Three years later Jewell published another study that focused on the new Republican competition in the region (Jewell, 1967). Examining the same eight states, his analysis revealed that two-party competition in urban areas had increased. His studies changed how scholars viewed southern state legislatures at that time. Today, most of the literature that examines southern states' legislatures focuses on the now present two-party competition, and the increased presence of the Republicans and African Americans in these institutions (see Grau 1981; Hamm et al. 1983; Black and Black 1987, 1992, and 2002).

### **The Rise of Republicans in Southern States' Lower Legislative Chambers**

The Republican Party made significant gains in southern states' lower legislative chambers from 1964 to 1976, as revealed in Table 4.1. However, these gains were not uniformly distributed across the region. For instance, Republicans held almost no seats in the lower chambers in Alabama, Arkansas, Louisiana, and Mississippi. The party made progress, however, in the remaining seven southern states (Lublin 2004, 48). After the 1972 elections, Republicans occupied around one-third of Florida's and North Carolina's lower legislative seats, and one-half of those in Tennessee (*ibid.*, 48-49). Lublin states that in Georgia, Texas, and Virginia Republicans won at least 9 percent of the lower chamber seats in 1972 (*id.*, 49).

The Republican growth in southern states' lower legislative chambers was stunted in 1972 by the Watergate scandal. Most of the scholarly literature on the effects of the scandal focused primarily on the national level because the Republican Party lost the presidency in 1976 (Lublin 2004, 50). As shown in Table 4.1, Republicans lost lower legislative seats in several states. In 1972, Republicans in Florida held 35 percent of its

lower legislative seats, but after the Watergate investigation, they lost 80 percent of them. Republicans serving in North Carolina's lower legislative chamber lost 28 percent of their seats in 1976.<sup>98</sup>

The Watergate scandal briefly revitalized the southern Democratic Party, which managed to recapture many of their lower legislative seats that had been lost to the Republicans. However, by 1984, Republicans had made a strong comeback, regaining most of their seats held prior to the scandal. For instance, South Carolina's Republicans regained 73 percent of their lower legislative seats from 1982.

From 1986 to 1992, Republicans continued winning lower chamber seats in the South (Gaddie and Hoffman 2001, 30). The biggest Republican gains in the southern states' lower legislative chambers occurred in 1994 (Lublin 2004, 51). Lublin states, "the GOP garnered nearly 6 percent more of the region's [lower chamber] seats..." (*ibid*, 51). As revealed in Table 4.2, the GOP made significant gains in eight states (Alabama, Arkansas, Florida, North Carolina, South Carolina, Tennessee, Texas, and Virginia). They held 35 percent of the total seats in the region in 1994.

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<sup>98</sup> Several southern states were not negatively affected by the scandal. For instance, in Texas the percent of Republicans who held lower chamber seats after the scandal remained constant at 11 percent.

Table 4.2: Percentage of Seats in the Lower Chambers of Southern State Legislatures Held by Republicans, 1988 to 2006

	1988	1990	1992	1994	1996	1998	2000	2002	2004	2006
Alabama	16	21	22	28	28	34	35	40	40	41
Arkansas	11	9	10	12	14	24	30	30	28	25
Florida	39	38	41	48	50	61	64	68	70	66
Georgia	20	14	29	36	41	43	41	41	55	59
Louisiana	16	16	15	15	26	26	31	34	35	39
Mississippi	7	16	20	20	30	30	27	31	39	39
N. Carolina	38	33	35	56	51	45	48	51	48	43
S. Carolina	30	33	40	48	52	55	56	59	60	59
Tennessee	40	43	36	40	38	40	41	45	54	46
Texas	38	37	38	41	45	48	48	59	58	54
Virginia	39	39	41	46	46	50	52	65	58	57
Average % of Southern Republicans by year	27	27	30	35	38	41	43	48	50	48

*Note:* Entries are the percentages of seats held by Republicans in the lower chambers of southern state legislatures.

*Sources:* Data for 1992-2002 were gathered from Lublin, *The Republican South: Democratization and Partisan Change* (Princeton, NJ: Princeton University Press, 2004), data for 2004 and 2006 were collected at the National Conference of State Legislature website (see <http://www.ncsl.org/programs/legismgt/statevote2002.htm>; <http://www.ncsl.org/programs/legismgt/statevote2004.htm>; and <http://www.ncsl.org/programs/legismgt/statevote2006.htm>).

Republicans continued winning lower legislative seats after the 1994 election, as revealed in Table 4.2. Lublin listed several reasons why the Republican Party made these gains following the 1994 elections (2004, 51). First, deep disappointment in President Clinton made many southern whites turn their backs on the Democratic Party. Second, Republicans made gains in rural areas in the South that once seemed more resistant to Republican efforts to convert them (*ibid*, 51). And third, Lublin argued, consistently with the perverse effects thesis, that racial redistricting contributed to the increase of Republicans in southern states' lower legislative chambers (*id*, 51).

The Republican Party, following the post-2000 elections, continued gaining lower chamber seats but these victories were still not uniform. After the 2000 election, they held 43 percent of the region's total lower chamber seats, and had a majority of seats in Florida, South Carolina, and Virginia with 64, 56, and 52 percent respectively. In 2002, Republicans held 31 to 40 percent of the lower legislative seats in Alabama, Louisiana, and Mississippi (Lublin 2004, 52).

After the 2002 elections, the GOP had a majority of the seats in the lower legislative chambers of Florida, North Carolina, South Carolina, Texas, and Virginia (see Table 4.2). They held 48 percent of the total lower chamber seats in the region. By 2004, Republicans had majorities in Georgia and Tennessee, as well, but lost their majority in North Carolina. Overall, they held 50 percent of all the lower legislative seats in the region. In 2006, they experienced a two percentage point decrease overall and lost control of one lower legislative chamber, that in Tennessee.

This Republican growth produced two-party competition in the region's lower legislative chambers. A number of scholars argued this was due to a partisan realignment in the South, based on the increased number of white Republican voters in the region (see Black and Black 2004, 25-27, 36, 39, 211-224; Hood et al., 2004, 69; Knuckey 2005, 6).

### **Partisan Change in the South**

When examining partisan change in the South, scholars often start with V. O. Key's theory of critical elections. Critical elections, according to Key, are "sharp alterations of the pre-existing cleavage within the electorate," after which the new patterns of voting will "persist for several succeeding elections" (1955, 4). Critical elections are discrete events that lead to a realignment. Key refined his theory in 1959, when he introduced the term *secular realignment*. Secular realignment in party attachments, according to Key, is "a movement of the members of a population category from party to party that extends over several presidential elections and appears to be independent of the peculiar factors influencing the vote at individual elections" (1959, 199). Secular realignment is a change in the dominant party of a region due to the partisanship of the citizens changing over time (*ibid.*, 199).

The literature following Key's studies built on his theory of secular realignment. One such study is Gerald Pomper's classification of presidential elections from 1832 to 1960.<sup>99</sup> He found that regional changes in the southern electorate occur gradually over

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<sup>99</sup> Pomper's study builds on the three categories of elections used by Campbell et al., in *The American Voter*. These three categories are Maintaining, Deviating, and Realigning. In a maintaining election, the majority party wins the election (Pomper 1967, 536). Pomper states that in a deviating election, "the minority party wins a short-lived tenure as the majority because of temporary factors, such as a popular candidate" (*ibid.*, 536). In a realigning election, the basis of voter cleavage is transformed (*id.*, 536). Pomper argues that a fourth category should be included when classifying presidential elections—Converting. A converting election occurs when the "majority party retains its position, but there is considerable change in the voter base" (Pomper 1959, 538).

time. He further found evidence of a critical election and concluded that a critical election is followed by a steady assimilation of another party within the electorate (1967, 560-61). He suggested that this is what happened in the southern region. Jonathan Knuckey (1999) updated Pomper's study, expanding the timeframe to 1996. He argued that the 1960, 1964, and 1968 presidential elections were critical elections that contributed to the partisan change in the South (1999, 648-651).

In a recent study of partisan change in the South, Lublin argued that the evolution of southern politics must be seen as part of a process of democratization of the region's politics (2004, 14). He did not, per se, agree with the realignment or a secular realignment argument used to explain the partisan change in the region. He suggested that the Democrat's pro-civil rights agenda during the 1960s transformed southern politics. This created a "new breed of politicians" who posed new issues and took a different political stance as the opposing party (*id.*, 14-15).

### **“Top-Down and Bottom-Up Realignment” Theories**

Scholars have questioned why the Republican success in southern states' legislative elections has consistently lagged behind that in gubernatorial or congressional elections. When addressing this question, scholars have examined the top-down and bottom-up realignment theories. They disagree, however, as to which type of realignment occurred. The top-down realignment theory argues that only after Republicans achieve success at the top of the ticket can they begin to make gains in less prestigious offices (Lublin 2004, 61). Joseph Aistrup (1996) and Charles Bullock (1988) argue that the South has undergone a “top-down” realignment. This theory contradicts the traditional hypothesis about party change, in which success at the local level precedes

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gains in elections for higher offices (Lublin 2004, 61). Candidates who have previously won a lower level office are usually stronger candidates for higher office because these candidates have name recognition and campaign experience (ibid, 61).

Explanations for the top-down realignment theory vary widely (Lublin 2004, 61). Bullock argued that the Republicans have had greater success in finding viable candidates for senatorial or gubernatorial contests than for state legislative seats or local government seats (1988, 56). Aistrup argued that the “absence of the local Republican organizations prevented the GOP from capitalizing on support for GOP presidential nominees” (1996, 77-89). Several scholars have speculated the size of the jurisdiction explains why Republican candidates fare better in elections for higher offices (Bullock 1988, 556; Aistrup 1996, 22; Lublin 2004, 61). For instance, more populated jurisdictions, according to Lublin, are “likely divided over more issues and more diverse than smaller, more homogeneous constituencies. Greater diversity and less unanimity of opinion may provide greater opportunities for a new, rising political party” (Lublin 2004, 61).

Lublin noted that “other scholars argue that local Democrats find it easier to distance themselves from the regionally unpopular policies of national Democrats the more removed they are from federal office” (2004, 61). For instance, Earl Black and Merle Black (2002, 152-167) and James Glaser (1996, 80-121, 127-41) argued that state legislative Democratic candidates could campaign as conservatives so they fare better in electoral contests than Democrats campaigning in congressional or presidential elections. Southern Democratic congressional candidates found it harder to convince southern voters that they are more conservative than Democrats from other regions (Lublin 2004, 61).

Lublin examined both the top-down and bottom-up theories and found support for both. He stated that one “should not assume that the partisan change was a completely top-down process with Republican success at the presidential level trickling down to the local level” (2004, 64). He stated:

Republican victories at the local level may have helped produce greater gains at the state and national level even if Republicans achieved majority status at the national level first. Victories for local offices also provided a pool of more experienced candidates, which facilitated greater, less temporary Republican gains than were possible with the earlier shallow pool of GOP talent. If a party fails to recruit good candidates, its chances of winning and then holding on to office decrease markedly (2004, 64-65).

### **Southern White Party Identification**

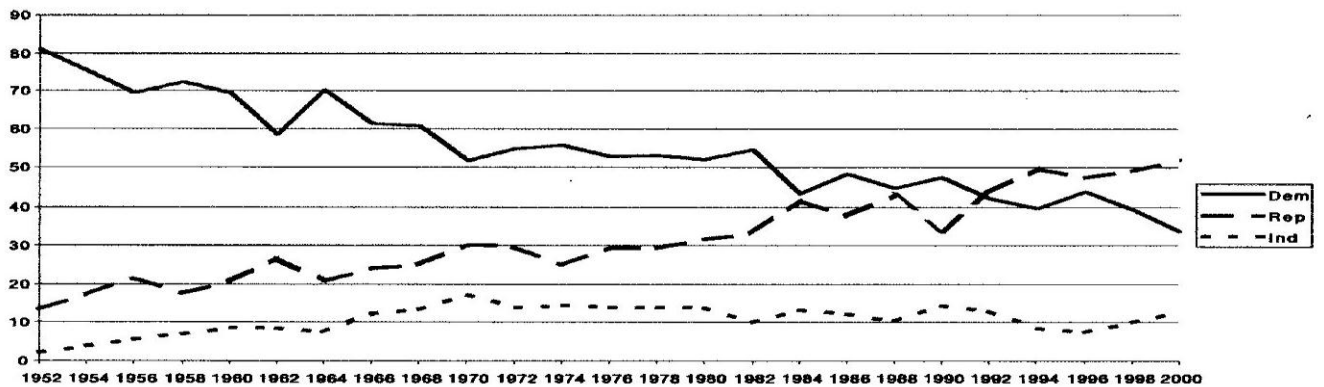
This study's attention now turns to what might have triggered the partisan change among southern whites. Figure 4.1 show the distribution of partisan identifications of southern whites from 1952 through 2000. It reveals that southern whites are now more likely to identify with the Republican Party than the Democratic Party and that this change occurred in the 1990s. Jonathan Knuckey noted that by 2000 only one-in-three southern whites held a Democratic identification (2005, 6).

There is a debate among scholars as to what caused the transformation of southern white voting behavior. This literature contains a number of different results and conclusions. M. V. Hood et al., state, "given the sheer weight of the printed volumes of research on this topic, our understanding of this dramatic political transformation is surprisingly limited" (2004, 69-70). They further argued that this body of literature is "still somewhat disjointed," and that the “wide array of methodological approaches, units of analyses, explanatory variables, and timeframes characteristic of this literature have hindered the development of a coherent explanation of Republican growth in the region"



(*ibid.*, 70). Virtually all of the literature on this topic has been limited to studying voting in presidential and congressional elections (Sundquist 1983; Black and Black 1987; Phillips 1970; Bass and DeVries 1976; Carmines and Stimson 1989). Scholars have suggested that racial, economic, and/or social issues have caused this shift in partisanship in the South.

Figure 4.1: Party Identifications of Southern Whites, 1952-2000



Note: Democratic and Republican identifiers include strong, weak and independent-leaning partisans.

Source: Jonathan Knuckey (2005); American National Election Studies, 1952-2000.

In the South, racial attitudes and partisanship are intermingled together. The literature on this fascinating relationship can be traced back to Key's 1949 study of southern politics. Key argued that race was the underlying element in southern politics (1949, 5). In accordance with Key, Hood et al., stated that in the South "white conservatism was directly related to the size of the Black population" (2004, 75). As proximity to African Americans increased, the racial threat perceived by whites increased. This is referred to as the "Black-Belt hypothesis," which was coined by Key (1949, 5-6).<sup>100</sup>

As Knuckey stated, scholars have been interested in the "importance of race and racial attitudes on the political behavior of southern whites, particularly its role in driving the partisan change among southern whites" (2005, 7). Many scholars, when analyzing southern whites' voting behavior, argued that racial issues played the central role in reshaping their partisan preference. In *Politics and Society in the South* (1987), *The Vital South* (1992), and *The Rise of Southern Republicans* (2002), Black and Black argued that race gradually eroded the basis of support for Democratic presidential candidates in the South. They concluded Republicans' manipulation of racial issues was critical in weakening the Democratic hold in the region.

Edward Carmines and James Stimson argued that race was the sole reason for the restructuring of whites' political ideology (1989, 138-158).<sup>101</sup> They argued that race and racial attitudes are tightly linked to partisanship and political ideology (*ibid*, 185). They stated that:

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<sup>100</sup> It is also called the "threat hypothesis" or the "group threat hypothesis."

<sup>101</sup> Carmines and Stimson examined the whole country and not just the southern region. They found that these changes are also present in the region.

race with its deep symbolic meaning in American political history has touched a raw nerve in the body politic. It has also been an issue on which the parties have taken relatively clear and distinct stands...Moreover, the issue has a long political life cycle; it has been a recurring theme in American politics since the nation's founding (*ibid*, 14).

They found that the 1964 election was the decisive turning point that started the transformation in the restructuring of whites' political ideology and partisanship (*id*, 150, 168).<sup>102</sup> Most southern whites, prior to this election, were more likely to identify with the Democratic Party.<sup>103</sup>

Not all scholars believed that race or racial attitudes changed southern whites' voting behavior. These scholars suggested that other factors have influenced their vote. For instance, Alan Abramowitz, using Carmines' and Stimson's study as a model, concluded that social welfare and national security played a much larger role in influencing whites' voting behavior than did race (1994, 9-11, 22). He concluded that racial attitudes were unrelated to party identification among either younger or older whites even by the end of the 1980s (*ibid*, 20).

Greg Adams has argued that abortion played a major role in reshaping southern whites' political behavior in the 1980s and 1990s (1997, 718, 721, 735). Lublin noted that Republicans had become more likely to identify with the pro-life position, and Democrats with the pro-choice position (2004, 175). Lublin stated, "southern

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<sup>102</sup> The 1964 presidential election featured a southern Democratic presidential candidate, Lyndon Johnson and a Republican from Arizona, Barry Goldwater. Running on a states' rights platform, Goldwater won five Deep southern states with 87 percent of the vote in Mississippi, 70 percent in Alabama, 59 percent in South Carolina, 57 percent in Louisiana, and 54 percent in Georgia (Carmines and Stimson 1989, 45). No Republican presidential candidates had carried these states since Reconstruction (*ibid*).

<sup>103</sup> The Democratic Party, from Reconstruction until the 1964 presidential election, was associated with racial conservatism. Since this significant election, the Republican Party is now associated with this ideology.

Republicans have gained more support as pro-lifers entering the electorate identify with the GOP" (*ibid*, 175).

Jeffery Stonecash argued that economic issues have reshaped southern whites' voting behavior (2000, 64-68). He stated that the differences in economic issues relates more strongly to voting behavior in the South than in the 1960s (*ibid*, 64-68). Similar to Stonecash, Richard Nadeau and Harold Stanley argued that high-income, native southern whites became more likely to support the Republicans by the 1970s, indicating that the class cleavage characteristic of the New Deal alignment had finally arrived in the South (1993, 900, 907, 915).

Unlike Stonecash or Nadeau and Stanley, Hood et al., found little evidence that economic change in the South is an explanation for the Republican growth. Instead, they suggest that the theory of relative advantage contributed to the Republican growth. They argue, "the size of the Republican Party in the South grew [from 1960 to 2000] because the benefits of voting and identification with the Republican Party for conservative whites, compared to the benefits of Democratic affiliation, increased" (2004, 72). This theory is based on societal cleavages.<sup>104</sup> They argued that social cleavages can lead to certain advantages for a specific party, relative to another party or parties (*ibid*, 72). They noted that citizens identify with political parties and vote for candidates for a variety of reasons (*id*, 72). Two factors, according to the authors, are: "(a) the relative competitiveness of the party in a wide variety of political arenas and (b) the relative

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<sup>104</sup>Seymour Lipset's and Stein Rokkan's (1967) study provided a useful framework for discussing social cleavages that relates to the relative advantage theory. Hood et al., stated, that Lipset's and Rokkan's framework is "especially relevant to the idea that various cleavage structures can lead to certain advantages for a specific party relative to another party or parties" (2004, 72). Hood et al., stated that the idea of relative advantage includes more than demographic foundation of partisan changes (*ibid*, 72).

consistency of each party's political objectives with a citizen's own political objectives" (id, 73). As noted earlier, the relative advantage of the Republican Party increased over time, although the extent of it varied across the South.

Hood et al.'s study included several variables that scholars have argued contributed to the growth of the Republican Party. The variables were divided into three categories: political, economic, and demographic.<sup>105</sup> The authors found:

...there is no doubt that regional in-migration and economic transformation were ongoing phenomena during the period of time under study, these factors, along with other demographic variables such as Black context and Evangelicalism, do not appear to have had a consistent impact on the growth of Southern Republicanism. We find no reason to believe, then, that economic or demographic change alone, however profound, would have broken the long-held constant in Southern politics of one-party Democratic dominance absent political changes (2004, 90).

Their conclusion contrasts sharply with the body of literature that examines partisan change in the South.

Lublin (2004) examined the factors that many scholars have argued contributed to partisan change in the South. Using American National Election Study (NES) data from 1980 to 2000 and aggregate data from local and state legislative elections, he found that race did destroy the old southern political system, but it did not assure that racial issues would assume center stage in the new system (2004, 214). He suggested that race continues to play a role, but it is not as salient as before (ibid, 181-182, 215). As African Americans became more politically involved, Republicans found it harder to win elections. He found that racial issues became salient in the 1980s as the "...elected officials of the two parties began to disagree more noticeably on racial issues" (id, 215).

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<sup>105</sup> Hood et al., stated, the "variables designed to tap political concerns include Black electoral strength, % Black [calculated at the state level as the number of registered voters], substate party competition, and two sets of variables designed to represent the effects of presidential campaigns" (2004, 80). Two variables were used to measure whether the economic factors contributed to the Republican growth in the South. They are the per capita income of each southern state and the percentage of the workforce employed in the agricultural sector. For the operationalization of these variables, see Hood et al., 80-85.

As the old segregationist Democrats retired, a new breed of southern Democrats replaced them (*id*, 215). These new Democrats were often elected with the support of biracial coalitions. Lublin argued that these coalitions produced the shift in southern whites' voting behavior because they "now had a new reason to discriminate between the two parties, and many more white southerners chose to vote Republican..." (*id*, 215). Lublin also found evidence that economic change promoted Republican growth in the wake of the Civil Rights Movement (*id*, 192, 214). He further found that, more recently, social issues (i.e., abortion, death penalty, morality issues, and the Religious Right) have arisen as a new source of division between the parties.

Knuckey (2005) examined racial resentment and the changing voting behavior of southern whites. He disagreed with Lublin who found that social class and economic issues had influenced white voting behavior. He examined how racial resentment affected party identification among southern whites.<sup>106</sup> Using NES data from 1986 through 2000, he found that racial resentment was not a significant predictor of partisanship prior to 1994; however, in 1994 and 2000, racial resentment had a large and significant effect on partisanship. In 1994, as noted earlier, the southern Republican Party made significant gains in congressional and in state legislative elections.

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<sup>106</sup> Racial resentment replaced the concept of "symbolic racism." Kinder and Sears used symbolic racism to explain the effect of white racial attitudes on vote choice in the Los Angeles mayoral election of 1969 (1981). They argued that the term racial resentment captures the underlying concept better than symbolic racism (1996, 106, 108-109). Racial resentment posits that white racial attitudes are no longer shaped by old-fashioned "biological racism," but instead has become more subtle or covert in nature. Sears describes it as a mixture of "some anti-black feeling with the finest and proudest of traditional American values, particularly individualism" (1998, 54). Kinder and Sears suggested that the central concept of racial resentment is an anti-black prejudice that view blacks as being at the bottom of the socio-economic ladder, not as a result of born abilities, but rather as a result of not meeting the values embodied by the "Protestant work-ethic" or self-reliance, hard work, obedience and discipline (1981, 416). Knuckey stated that meaning and measurement of racial resentment has proved to be controversial; specifically, "questions have been raised over its validity in terms of whether it is actually a manifestation of racism and instead simply the product of more general conservative values" (2005, 9). However, he argued that racial resentment has been proven to be a powerful explanatory variable for a variety of political attitudes and behaviors.

In a more recent study, Nicholas Valentino and David Sears (2007) examined the regional political realignment that occurred among whites over the past four decades. They hypothesized that the South's shift to the Republican Party has been driven by "racial conservatism in addition to a harmonizing of partisanship with general ideological conservatism" (2007, 672). Using data from the General Social Survey (GSS) and NES from the 1970s through 2000, they found whites that reside in the South continue to display more racial antagonism and ideological conservatism than non-Southern whites. These results are similar to Knuckey's conclusions. These findings suggest that race and racial attitudes continue to shape southern whites' voting behavior.

### **Out- Migration and In-Migration in the Southern Region**

The southern region has experienced a population shift, which also has contributed to the Republican Party growth. During the 1900s the African American population, according to the 1900 census, was 38 percent. By 1990 it decreased by 19 percent (1900 and 1990 U.S. Censuses). Between 1900 and 1920 approximately 700,000 African Americans left the South for Northeast and Midwest cities (Scher 1997, 28). Scher (1997) states "between 1920 and 1940 about 1 million [African Americans] left the South; from 1940-1960, some 2.5 million left; and from 1960 to 1980 about 1.5 million left (28). Out-migration of African Americans was not uniform across the South. The Deep South states were most affected (Calef and Nelson 1956; Hamilton 1964; Long and Hansen 1975; U.S. Census). Hood et al. argue that the decline of the African American population, particularly during the decades of the 50s, 60s and 70s, weakened the Democratic Party (2004, 77).<sup>107</sup>

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<sup>107</sup> As noted in chapter 1, African Americans are more likely to identify with the Democratic Party.

While African Americans were moving out of the region, non-southern whites started migrating to the region. This migration became noticeable during the 1940s. Many whites came to the region for military training for World War II.<sup>108</sup> After the War many of them returned to the southern region with their families because of the economic opportunities in the region, which was moving away from an agriculture system to a more industrialized system.

Scholars have suggested that whites from other regions who relocated into the southern region have also contributed to the growth in the Republican Party (Scher 1997; Stanley and Castle 1988; Black and Black 1987; Stanley 1988; Lamis 1988). Scher argued that “the most important factor contributing to the growth of the Republican success in the South has been in-migration since World War II” (1997, 143-4). When non-southern whites moved into the region many brought their “... Republican attitudes and loyalties with them” (*ibid.*, 144). Scher suggests that this group formed the core of the modern Republican Party (*id.*, 144).

Other scholars have found that in-migration is important, but not the most important reason as argued by Scher (Black and Black 1992; Miller and Shanks 1996; Petrocik 1987; Stanley 1988). John Petrocik, in his 1987 study, examined “the partisanship of three different groups of southern whites--migrants to the region, native residents of the border southern states, and native residents of the ten states of the Deep South for the 1950s, the 1960s, the 1970s, 1980, and 1984” (1987, 359). He found that the partisan realignment was the most important reason for the Republican growth in the

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<sup>108</sup> Bartley stated that, “the South was the great training ground for the nation’s military forces” (1997, 11). After the War, non-southern whites returned the South and they worked for the military. The military in 1940s accounted for 25 percent of salaries and wages in the region (*ibid.*, 11).



South. Similar to Petrocik's study, Stanley examined three groups: native African Americans and whites and white migrants (1988, 67). He found that "in-migration made little difference to the growth in independence but without the migrants Republican identification would have been three to four points lower and Democratic identification higher by the same margin over the 1956 to 1984 period" (1988, 71). Native southern whites played the greatest role in the Republican growth, according to Stanley (1988, 71).

In a more recent study, Hood et al. also examined if in-migration played a significant role in the growth of the Republican Party. The scholars utilized a pooled time series model to examine "...various temporal and cross-sectional forces that might have shaped the growth of the GOP in the South" (2004, 79).<sup>109</sup> The scholars did not find evidence that in-migrant had any direct influences on the Republican growth in the South. Looking at the southern states they found that in-migrant "...does appear to affect state-level Republican growth during the 1960s and 1970s but apparently not later" (2004, 89).

### **Social Interaction Theory**

After the Civil Rights Movement whites and African Americans started interacting more throughout the country but especially in the southern region. This interaction has produced positive changes in the relationship between these groups. As a result of this interaction a new theory has been adopted by scholars called social interaction theory. According to social interaction theory, the "degree of spatial concentration of blacks may determine the amount of racial interaction that whites have with black *individuals*" (emphasis in original) (Liu 2001, 603). The highest level of African Americans living within a residential area produces greater opportunities for

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<sup>109</sup> In-migrant was measured as the "proportion of a state's population that is composed of white residents born outside the southern region" (Hood et al., 2004, 82).

whites living in the same area to interact with African Americans (Langton and Rapoport 1975 as cited in Liu 2001, 603). Thomas Carsey states that, as this type of interaction increases, “the probability that those [white] individuals will adopt political attitudes and behaviors similar to those [African Americans] with whom they interact increases (1995, 223).<sup>110</sup> They have linked the social interaction theory to white crossover voting (see DeLorenzo, Kohfeld, and Stein, 1997, 120-33; Carsey, 1995, 225-228; Lui, 2001, 608-614). Scholars have found support for this theory. Carsey’s 1995 study of the 1989 New York mayoral election also found support for the social interaction theory. The 1989 election was between an African American (David Dinkins) and a white Republican (Richard Giuliani). Using exit poll data Carsey found when the African American densities in the precinct increased the probability of a white person voting for Dinkins increased (1995, 225). In 2001, Baodong Liu also found support of the social interaction theory. He examined 29 biracial elections between 1977 and 1998 in New Orleans. He found when the African American densities increased the probability of white citizens voting for the African American mayoral candidate increased (2001, 612).

### **Conclusion**

Southern white party identification has changed over the years. As stated earlier, there is a disagreement among scholars as to why there has been a change or what caused it to occur. Several scholars have argued that race and racial attitudes produced the changes. Race played and will continue to play an important role in this region.

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<sup>110</sup> The social interaction theory is opposite of the black belt hypothesis. The black belt hypothesis predicts a negative relationship between whites and African Americans, whereas the social interaction theory predicts a positive relationship.

Knuckey concluded his 2005 study with this statement: “racial attitudes have been woven into the partisan fabric that now characterizes the New South’s party system” (2005, 23).

Race and partisanship are still linked. As noted previously, southern African Americans are more likely to belong to the Democratic Party and whites are more likely to belong to the Republican Party. It might be that this growth in the Republican attachment of southern whites has been the primary reason for the gains in U.S. House seats for the party in the 1990s, and in state legislative seats in the South.

## **CHAPTER 5: METHODOLOGY SECTION AND SAMPLE**

The perverse effects thesis has been heavily examined in the context of the United States House of Representatives. As mentioned in Chapter 2, research designs used to analyze this thesis have varied “from a ‘common head count,’ which requires authors to ‘dirty their hands’ with the particular details of the different election contests, to more sophisticated statistical analyses in which numerous U.S. House elections serve as the units of analysis and patterns across these elections are examined” (Engstrom 2006, 100). This chapter identifies the research design utilized to test for the presence of perverse effects and for the alternative explanation for the Republican growth in these chambers that more southern whites were voting for Republican candidates more frequently across the districts in these states. It also identifies the sample of states selected for analysis, and why they are selected.

### **RESEARCH DESIGN**

#### **Empirically Testing the Perverse Effects Thesis**

As noted in Chapter 2 statistical models have been employed in the study of the perverse effects thesis, but these models do not provide a direct test of that thesis because they do not entail an adjacency requirement. This requirement is critical to the thesis. It is the districts adjacent to new majority-African American districts that are “bleached” as a result of those districts. A proper test of the thesis is therefore one that limits the perverse effects to those adjacent districts.

This study therefore will employ a straightforward count of Republican gains in adjacent districts as was done in the studies of U.S. House districts by Lublin and Voss (2000a) and Beachler (1998).

In order to assess perverse effects, district maps from 1988 to 2004 will be examined.<sup>111</sup> First, all of the new majority-African American districts created in the respective redistricting plans will be identified. These are districts in which African Americans constitute over 50 percent of the voting age population based on the census figures closest to the year they were adopted. After the majority-African American districts are identified, the districts adjacent to these districts will be identified. Once those adjacent districts are identified, then it will be determined whether the relative presence of African Americans in them has been reduced. If that has occurred, and more Republicans have been elected in the adjacent districts than previously, then the number of such Republican gains will be counted as evidence of perverse effects. Gains occurring in districts not adjacent to the new majority-African American districts will be considered gains attributable to growth in Republican voting strength. This will allow Republican gains to be disaggregated into those attributable to “bleaching” and those attributable to increases in Republican electoral support.

The racial makeup of each district will be gathered by contacting each state for this information. Election results for each state will also be collected from the states.

### **State Selection**

The states selected for this analysis are Deep South states, all of which are fully covered by Section 5 of the Voting Rights Act.<sup>112</sup> These states have been selected for the study because they have a larger African American population compared to the other

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<sup>111</sup> The district boundaries might have changed several times from 1988 to 2004; therefore, all redistricting arrangement during this period will be examined.

<sup>112</sup> The Deep South consists of five states: Alabama, Georgia, Louisiana, Mississippi, and South Carolina.

southern states, known as Rim states.<sup>113</sup> Key argued that this region was the backbone of the South, because it shaped and influenced white southerners' political behavior and maintained white supremacy. He argued the larger the African American population, in an area, the greater the fear and anxiety among southern whites. This fear is visible in whites' voting behavior. For instance, scholars have found that in districts with a larger (40 percent or greater) African American population whites are more likely to vote for Republican candidates than in districts with a smaller African American population (see Glaser 1998, 31-39; Giles and Hertz 1994, 317; Black and Black 2002, 368; Shafer and Johnston 2001, 189; McKee 2010, 190).

The specific Deep South states selected for analysis were chosen because the maps of districting plans and demographic data for districts necessary to test the perverse effects thesis are available through the states. These states are Alabama, Louisiana, and Mississippi. The data for Georgia and South Carolina are theoretically available through the Voting Rights Section of the United States Department of Justice (DOJ), but a request for this information has not produced a response.<sup>114</sup>

According to the 1990 census, the African American voting-age populations in Alabama, Louisiana, and Mississippi were 23, 28, and 32 percent respectively (see Table

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<sup>113</sup> The Rim states consist of Arkansas, Florida, North Carolina, Tennessee, Texas, and Virginia. According to the 1990 and 2000 U.S. censuses, the African American voting-age populations in the Deep South states was 17 percent in 1990 and 21 percent in 2000 as opposed to 10 percent and 11 percent in the Rim States (see table 5.1).

<sup>114</sup> In August of 2010, a request was submitted to the DOJ requesting districting maps and demographic data for the five Deep South states. In a reply to the requested material, the DOJ stated that in the previous six months they have received a high volume of requests from citizens throughout the country requesting districting maps/plans and other material from prior censuses. Due to this high number of requests, it was estimated that it could be a year to receive the requested material. It was further explained that the DOJ is preparing for another round of redistricting with the release of the 2010 census which would take priority over the requests. The redistricting centers for both Georgia and South Carolina were contacted for the redistricting maps. However, the 1990s districting maps for these states are not available.

5.1). Following that census, Alabama and Louisiana each created seven new majority-African American districts for their lower legislative chambers, and Mississippi created four (see Table 1.2).<sup>115</sup> The creation of these districts helped to increase the number of African Americans elected to these positions (see Table 1.3). In 1990, African Americans held 14, 16, and 17 percent of the seats in Louisiana's, Mississippi's, and Alabama's lower chambers respectively, and by 2006, African Americans in both Louisiana and Mississippi held 29 percent of them, and in Alabama they held 26 percent of them (see Table 1.3). As the percentage of African Americans increased in these lower chambers, so did the percentage of Republicans in the legislative chambers. In Alabama, Republicans held 21 percent of the lower chamber seats in 1990, and increased to 41 percent by 2006 (see Table 1.4). In 1990, Republicans held 16 percent of both Louisiana's and Mississippi's lower chamber seats, and sixteen years later, they held 39 percent in both (see Table 1.4). This study will assess the extent to which these gains are attributable to "bleaching" due to new majority African American districts, or attributable to increases in Republican electoral strength in other areas of these states.

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<sup>115</sup> Georgia ranks first in the creation of new majority-African American lower chamber districts; it created nine. Alabama and Louisiana, as noted above, both created seven of these districts and Mississippi four following the 1990 census. Virginia created three, Texas two, and Tennessee one after the 1900 census.

Table 5.1. Percentages of the Total African American and African American Voting-Age Populations in the South

	1990 Census		2000 Census	
	African American percentage Total Population	African American Percentage VAP	African American percentage Total Population	African American percentage VAP
<b>Deep South</b>				
<b>Alabama</b>	25	23	26	24
<b>Georgia</b>	27	25	29	27
<b>Louisiana</b>	31	28	32	30
<b>Mississippi</b>	36	32	36	33
<b>South Carolina</b>	30	27	30	27
<b>Rim States</b>				
<b>Arkansas</b>	16	14	16	14
<b>Florida</b>	14	11	15	13
<b>North Carolina</b>	22	20	22	20
<b>Tennessee</b>	16	14	16	15
<b>Texas</b>	12	11	12	11
<b>Virginia</b>	19	18	20	18

Source: 1990 and 2000 Censuses of Population



## **A Brief Overview of the 1990 and 2000 Round of Redistricting in Alabama, Mississippi, and Louisiana**

### Alabama

#### *1990 Round of Redistricting*

Alabama's 1901 Constitution requires the legislature to reapportion itself every ten years. This process is controlled by the Permanent Joint Legislative Committee on Reapportionment (herein the Reapportionment Committee).<sup>116</sup> Following the 1980 census, the Reapportionment Committee passed its redistricting plan (Act No. 81-1049) on October 26, 1981. It was rejected by the U.S. Attorney General because it violated Section 5 of VRA. Nine months later the committee created and adopted a new plan (Act No. 82-626). This plan was litigated; the plaintiffs argued that the plan diluted African American voting strength. The Attorney General declared the plan invalid because it also violated Section 5 of the VRA. The Attorney General found no "unfavorable impact on black voters in sixty of sixty-seven counties" (quoted in *Burton v. Hobbie*, 561 F. Supp. 1029, 1033). Alabama needed to adopt a plan that would be precleared by the Justice Department because elections were near. Feeling this constraint, "the Court ordered the implementation, on an interim basis, of Act No. 82-629 as modified with respect to House Districts 32, 36, and 44 in the Jefferson county" (*ibid*, 1033).<sup>117</sup> Once more the Attorney General did not preclear the plan. On February 17, 1983 Alabama's General

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<sup>116</sup> The Reapportionment Committee includes 22 members which includes "one member of the House of Representatives from each congressional district, four members of the House of Representatives at-large to be appointed by the Speaker of the House and one member of the Senate from each congressional district, four members of the Senate at-large, to be appointed by the Lieutenant Governor" (<http://www.legislature.state.al.us/reapportionment/reap.html>). The committee was created in 1972 in response to the court order in *Sims v. Amos* (336 F. Supp. 924, 1972).

<sup>117</sup> Elections were held using this plan but legislators elected "only served one year of the normal four-year term" (*Burton v Hobbie*, 561 F. Supp. 1029, 1033).

Assembly passed Act No. 83-154, and it was precleared by the Department of Justice. This plan was used until after the 1990 census.

Following the 1990 census, Alabama was unable to pass any redistricting plan; consequently, Act. No 83-154 was used until a new plan was passed. On May 12, 1993, an Alabama Circuit Court in *Sinkfield v. Camp*, CV-93-689, ordered Alabama's legislature to create a redistricting plan that could be used for the 1994 elections. The plan, known as the "Reed-Buskey" plan, created eight new majority-African American House districts and three new majority-African American Senate districts.<sup>118</sup> This plan was used to maximize the number of majority-minority districts in Alabama (*Rice v. Sinkfield*, 732 So.2d 993). Alabama's House of Representatives approved the plan, but the Senate did not. The plan was precleared by the Justice Department and was later challenged in both state and federal courts. White citizens living adjacent to the new majority-African American districts argued that the Reed-Buskey Plan was a racial gerrymander that violated the Equal Protection Clause of the Fourteenth Amendment (*Rice v. Sinkfield*, 732 So.2d 993). A District Court held that the Reed-Buskey plan was a product of racial gerrymandering (*Sinkfield v. Kelly* 2000, 96 F. Supp. 2d 1301, 1302). On direct appeal to the U.S. Supreme Court, the Court agreed with the lower courts that the state's redistricting plan was unconstitutional and it violated *Shaw v. Reno* because the state acknowledged the plan was created to increase the number of majority-African American districts (*Sinkfield v. Kelly* 531 U.S. 28, 30). The Court ruled that Alabama needed to redistrict before 2002 using the data from the 2000 census.

#### *2000 Round of Redistricting*

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<sup>118</sup> The plan was created by Dr. Joe Reed and Representative Buskey.

Alabama's Democratic Governor Don Siegelman called a Special Legislative Session that began June 25, 2001, with the purpose of redistricting the legislature. Both the Senate, Act 2001-727, and House, Act 2001-727, adopted redistricting plans. There were "eight majority-African American Senate districts under Act 2001-727 and 27 majority-African American House Districts under Act 2001-729" (*Montiel et al. v. Davis*, 215 F. Supp. 2d 1279, 1284). The Justice Department precleared the Senate's plan, October 15, 2001, and the House's plan on November 15, 2001. After receiving preclearance the Governor signed into law the Senate's redistricting plan. Shortly, this plan became law and was challenged by a number of white Alabamians. They argued:

...the state legislative redistricting plans violate Article IV, Section 2 and the Fourteenth Amendment to United States Constitution in that (1) the disproportionate sizes of the districts and regional discrimination found in the State legislative redistricting plans violate the constitutional principle of "one person, one vote,"<sup>119</sup> and (2) the state legislative redistricting plans constitute illegal partisan gerrymandering. Plaintiffs further seek declaratory judgment that the state legislative redistricting plans unconstitutionally impinge upon their freedom of association rights, guaranteed by the First Amendment to the United States Constitution, in that the plans penalize Republican voters and Representatives solely because of their party affiliation and political beliefs (*Gustafson et al., v. Johns*, 434 F. Supp. 2d 1246, 2006, 1246).

The Court ruled in favor of the defendant. They issued res judicata and dismissed the case.

## **Mississippi**

### *1990 Round of Redistricting*

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<sup>119</sup> In *Reynolds v. Sims* (1964), the U.S. Supreme Courts argued that electoral districts must roughly be the same in population. The plaintiffs in *Gustafson et al., v. Johns* showed that Alabama's 2000 redistricting plan violated the "one person, one vote" standard. They argued that many of the House and Senate districts were not equal. Of the 35 Senate districts, 18 districts were overpopulated, 9 had a deviation of 4.0% or greater, and 17 of the districts were under populated, and 7 had population deviation in excess of -4.0 % (*Gustafson et al. v. Johns* 2006, 1258). "Of the 105 House districts, 52 districts are overpopulated; of those 52, nine have a relative overall population deviation of +4.0%. Fifty-three of the 105 districts are underpopulated, with 19 districts having a relative population in excess of -4.0%" (*ibid*, 1258).

Redistricting in Mississippi is controlled by a standing joint legislative committee.<sup>120</sup> Following the 1990 census, the standing joint legislative committee created a districting plan that was denied preclearance on June 24, 1991.<sup>121</sup> The plan was objected to, because the Attorney General felt that “black citizens did not have an equal opportunity to elect candidates of their choice to either the Mississippi House or Senate” (*Watkins v. Mabus* 771 F. Supp. 789, 792). Since the Mississippi’s 1991 districting plan was rejected, the 1982 districting plan had to continue to be used.<sup>122</sup> African American Mississippians argued that the 1982 districting plan violated the one-person, one-vote requirement.<sup>123</sup>

In its 1992 session, the standing joint legislative committee passed a new electoral plan for the House of Representatives (House), Miss. J.R. 1, and Senate, Miss. J.R. No. 204 (*Watkins et al., v. Fordice* 791 F. Supp. 649, 647). Both the House and Senate plans

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<sup>120</sup> The committee consists of ten Senators and ten House members, two from each congressional district, to be appointed by the Speaker of the House of Representatives, and two from Congressional districts to be appointed by the Lieutenant Governor. The governor can veto the plan ([http://www.msjrc.state.ms.us/MSJRC\\_committee\\_membership.html](http://www.msjrc.state.ms.us/MSJRC_committee_membership.html)).

<sup>121</sup> The Mississippi Legislature was majority Democratic and the Governor, Kirk Fordice, identified with the Republican Party.

<sup>122</sup> The 1982 districting plan became effective on November 22, 1982. Under this plan, there were 122 House and 52 Senate districts.

<sup>123</sup> According to *Watkins et al., v Mabus*:

...based upon the number of persons now residing in the 1982 plan districts, the existing districting scheme (the 1982) for the House has a total population deviation from the norm of 110.124%, with district 58 being overpopulated by 55.81% and district 51 being underpopulated by 54.43%. Likewise, the Senate now has a total population percentage variation from the norm of 42.31%, with district 30 being overpopulated by 24.92% and district 22 being underpopulated by 17.39% (771 F. Supp. 789, 791).

were precleared by the United States Attorney General. A total of 37 majority-African American House districts were created under the plan. The 1992 legislative elections were held under this districting plan.

#### *2000 Round of Redistricting*

Following the 2000 census, Democrats in Mississippi were the dominant party in the Legislature. Mississippi's House of Representatives and Senate both created redistricting plans and submitted them to the U.S. Attorney General. The plans received preclearance and it was effective. Thirty-nine majority-African American House districts were created. This plan was not faced with any challenges.

### **Louisiana**

#### *1990 Round of Redistricting*

Redistricting in Louisiana is controlled by the state legislature but the Governor has the power to veto any proposed plans for both the House and the Senate (Louisiana Constitution, Article III, Section 6). The Louisiana House of Representatives has the responsibility of developing a redistricting plan.<sup>124</sup> During the 1990s, Democrats controlled the House of Representatives and the Senate. Charles (Buddy) Roemer, a Republican, was the governor during the 1990 redistricting process. The governor called an Extraordinary Session for the purpose of creating a new redistricting plan for the House of Representative on April 8, 1991 (*The Louisiana House of Representatives v Ashcroft*, Civil Action No., 12). A plan was adopted by the legislature on April 14, 1991, Act 1, during the Second Extraordinary Session, and was submitted to the U.S. Attorney General. On July 15, 1991 the Attorney General rejected the plan because the

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<sup>124</sup> [http://house.louisiana.gov/H\\_Redistricting2011/default\\_FAQs.htm](http://house.louisiana.gov/H_Redistricting2011/default_FAQs.htm)

state failed to create “additional districts in five areas of the State that would have provided to African American persons a reasonable opportunity to elect candidates of choice” (*The Louisiana House of Representatives v. Ashcroft*).<sup>125</sup> A Third Extraordinary Session was called by the Governor on July 28<sup>th</sup>. Based on the Attorney General’s objection to Act I, the Legislature created four new majority-African American House districts (House Districts 4, 11, 21, and 72). This plan created a total of twenty-three majority African American House Districts. This plan received preclearance by the Justice Department and it became effective.

### *2000 Round of Redistricting*

Following the 2000 census, the Louisiana House and Senate were controlled by the Democratic Party and the Governor was a Republican. In a Second Extraordinary Session House Bill 1 was adopted on October 12, 2001, and four days later Governor Mike Foster signed the bill into law. This plan included 26 African American House districts. The plan was denied preclearance by the Attorney General’s office because it violated Section 5 of the VRA. The legislature challenged the Attorney General’s decision. The state argued that the benchmark for determining retrogression should be measured by either the 1982 plan or the first 1991 plan. The legislature did not consider the 1991 House plan that received preclearance as the benchmark plan because they argued that it violated *Shaw v. Reno*. In 1991, the legislature had created four new majority-African American districts after the Attorney General denied preclearance. The 1982 House plan had included 26 majority-African American House districts following the 1980 census. The legislature challenged the Attorney General’s objection. “The suit

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<sup>125</sup> Retrogression was not the basis of the Attorney General’s objection. As discussed in Chapter 3, the Attorney General can only interpose and objection on only on retrogression grounds (See *Reno v. Bossier Parish School Board*, 520 U.S. 471, 1997).

was settled in district court and a new plan was created and it included 12 majority-minority districts and one majority district.”<sup>126</sup>

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<sup>126</sup> <http://www.senate.leg.state.mn.us/departments/scr/redist/redsum2000/redsum2000.htm>

## **CHAPTER 6: THE PERVERSE PARTISAN EFFECT THESIS V. A REPUBLICAN REALIGNMENT**

The number of Republicans elected in the lower chambers of the Alabama, Louisiana, and Mississippi legislatures has increased, as seen in Table 1.4. Scholars have identified two possible explanations for the rise of the Republican Party in the South. The first justification was first used after the 1990 census, when a number of “new” majority-African American districts were created. These new districts were created by “pulling” many African Americans from surrounding districts into a single district, leaving the adjacent districts with a higher percentage of whites. These adjacent districts are often referred to as “bleached” districts. The whiter a district, other things being equal, the greater the chance that a Republican candidate will be elected in it (Swain 1995, 229; Cameron, Epstein and O’Halloran 1996, 805). This process is called the “perverse partisan effect thesis.” This thesis has been widely studied by scholars (see Hill 1994, 391; McKee 2002, 133; Bullock 1995b, 35; Lublin 1997, 111; Lublin and Voss 2000a, 431; Lublin and Beachler 1995, 76; Grofman and Handley 1988, 56-67; Swain 1995, 227; Hill and Rae 2000, 16).

Literature that has examined the perverse partisan effect thesis at the congressional level found little support for this thesis, as discussed extensively in Chapter 2. There is an alternative hypothesis scholars have offered about the number of southerners voting for GOP candidates in the South. This hypothesis argues that a realignment has led to more southerners voting for Republican candidates (see Chapter 4). When examining the rise of the Republican Party, scholars have mostly focused on the national level. This study is seeking to answer what extent this growth led to Republicans winning more seats versus the new majority-African American districts



causing them? Both the perverse partisan effect and the realignment hypothesis will be tested. This study will also deviate from the prior studies by focusing on Alabama, Louisiana, and Mississippi's House of Representatives rather than the U.S. House of Representatives. It will assess the extent to which these gains are attributable to the new majority African American districts rather than to the realignment that occurred in these states. It will examine data from the post- 1980, 1990, 2000 rounds of redistricting. Most studies have examined the perverse partisan effect thesis following the post-1990 round of redistricting, with a focuses on the 1992 and 1994 elections.

Often when the perverse effect thesis is tested, scholars test it with statistical models. When using this approach, scholars ignored the adjacency requirement, as noted in Chapter 2. This study will analyze legislative maps from Alabama's, Louisiana's, and Mississippi's Houses. This is achieved by a straightforward count of the Republican gains in adjacent or bleached districts. First the majority-African American districts are identified and then the adjacent districts are identified. The adjacent districts are crucial to the thesis. This approach will help to determine how many Republican seats were gained due to the creation of the majority-African American districts. This study is focused on the number of Republican gains, not the Democratic losses like most of the prior studies that addressed this thesis. Richard Engstrom (2006: 100) argued that when testing this thesis, most scholars usually address the wrong question. Scholars have sought to answer this question: How much better could the Democrats have done if the states had not felt compelled to adopt new majority districts? He states the appropriate question is: How many of the Republican gains and Democratic losses are attributable to the new majority-African American districts (*ibid*, 100)?

## The Results

### *Alabama*

#### 1980s

Three House maps for the state of Alabama were analyzed, 1983, 1993, and 2001. Alabama's House has 105 seats during the period of the study. Following the 1980 round of redistricting, Democrats controlled the legislature. Seventeen majority-African American districts in population were adopted by the Alabama legislature<sup>127</sup> (see Table A.1 in the appendix for the districts demographics). The seventeen majority-African American districts were identified on the House map (see Figure A.6).<sup>128</sup> Eight of these districts are located near each other in the mid-eastern border of the State, Districts 59, 60, 54, 53, 52, 56, 57, 58.<sup>129</sup> District 19 is located at the Northern region of the state. Districts 82, 68, and 69 are located mid to the bottom –eastern border of the State. Districts 98 and 103 are located in the bottom-western border of the State.

Table A.2, in the appendix, shows the adjacent districts to the majority-African American districts. As seen in the Table A.2, there are five Republican districts that are adjacent to the majority-African American districts.<sup>130</sup> District 15, a Republican district, is adjacent to Districts 52 and 56. District 55 is another Republican district which is

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<sup>127</sup> The Permanent Joint Legislative Committee on Reapportionment is the committee that develops electoral maps for the state. The committee consists of 11 members that are appointed by the lieutenant governor from the Senate and 11 members that are appointed by the Speaker of the House from the House. After the committee creates an electoral plan, both the House and the Senate must agree on the plan. Finally, the governor must sign the plan into effect.

<sup>128</sup> The 1983 House map and demographic of the state were obtained from the state. The map that was sent was obtained from *The Birmingham News*. The quality of the map is not the best. Three of the majority-African American districts were not found on the map, Districts 77, 78, and 99; therefore, they are excluded from the study. This is the only map that was available at the time of this study.

<sup>129</sup> These districts resemble an egg.

<sup>130</sup> Republican districts in this study are district that elected a Republican candidate in the 1983 election.

located in the middle of the eight majority-African American districts.<sup>131</sup> Republican District 76 is in the middle of the two majority-African American districts, 54 and 82. Republican District 74 is adjacent to majority-African American Districts 68. Republican District 100 is also adjacent to a majority-African American district, 98.

### 1990s

Following the 1990 census, the number of majority-African American districts in voting age population increased in Alabama to 26. The total number of Republican Districts also increased to 36. Figure A.7 shows the 1993 Alabama House District maps and Table A.3 shows the demographics of these districts. It identifies the majority-African American districts and the adjacent bleached districts. The results from the map provide more evidence to support the perverse effect thesis. A number of the majority-African American districts are found near the mid-southern part of the state and they run from the eastern to the western borders of the state.<sup>132</sup> District 19 is located at the northern part of the state near Madison County. Districts 52-60 and 32 are near each other and they are near Shelby County, as seen in Figure A.7.<sup>133</sup> Districts 97-99 and 103 are located at the Southern part of the state.

Figure A.7 also shows that there are more Republican districts adjacent to the majority-African American districts, as seen in Table A.4, compared to the number of Republican districts in the 1983 House map after the 1983 elections. Thirteen Republican Districts are adjacent to majority-African American Districts 32 and 52-60. These 13

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<sup>131</sup> District 55 resembles the yolk of the egg.

<sup>132</sup> These districts resemble a wall.

<sup>133</sup> Districts 52- 60 are analyzed together because the districts are so small that it is hard to identify each district separately.

Republican Districts are 15, 33, 35, 36, 40, 41, 43, 44, 45, 46, 47, 48, and 49. Republican Districts 73 and 74 are adjacent to majority-African American Districts 76, 78, and 77. Republican District 88 was adjacent to majority-African American Districts, 78, 69, and 77. Republican District 89 is adjacent to majority-African American Districts 76 and 82. The four majority-African American Districts, 97, 98, 99, and 103, that were created at the Southern border of the state were surrounded by three Republican Districts, 102, 104, and 105.<sup>134</sup>

## 2001

Following the release of the 2000 census data, Alabama's legislature and the governor<sup>135</sup> kept the same number of majority-African American district in voting age as in the prior redistricting cycle (see Figure A.8 and Table A.5). Twenty-eight Republican districts were adjacent to majority-African American districts after the 2002 election. The number of Republican districts based on the 2002 election, that were adjacent to the majority-African American districts were 24.<sup>136</sup> Republican District 62 is adjacent to majority-African American Districts 72, 71, and 70; Republican District 79 is adjacent to majority-African American Districts 82 and 83; and Republican District 96 is adjacent to majority-African American Districts 98 and 97. These districts following the post-round of redistricting 1990 elections were Democratic and, after the past-2000 census, these two districts became Republican after the 2002 election. The results for this round of redistricting further support the perverse partisan effect thesis.

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<sup>134</sup> It looks like the three Republican Districts were hugging the majority-African American Districts.

<sup>135</sup> The governor signed the law into effect.

<sup>136</sup> Following the 1983 elections, they were 5 bleached districts adjacent from the majority-African American districts.

Table 6.1 summarizes the Republican gains made in Alabama's House following the 1980, 1990, and 2000 rounds of redistricting. After the 1980 round of redistricting, seventeen majority-African American districts were created and Alabama citizens elected twenty-two Republicans in the first elections after redistricting. Only five of the Republican districts are adjacent to the 17 majority-African American districts. Seventeen of the Republican seats are attributed to the realignment. The results show minimal support for the perverse effect thesis. It appears as if the realignment had a major impact after the 1980 census.

After the 1990 and 2000 rounds of redistricting, the total number of Republican districts increased to 36 in 1994 and 43 in 2002. The numbers of majority-African American districts increased, as well as the number of bleached districts. Republicans gained sixty-seven percent in 1994, and sixty-five percent in 2002 of the House seats due to redistricting. Republicans gained more seats due to the creation of the majority-African American districts. Republicans also made gains due to the realignment but the impact was not as great as the gains due to the creation of the majority-African American districts.

<b>Table 6.1: Total Republican Gains in Adjacent Districts and Total Gains Due the Realignment in Alabama</b>			
<b>Categories</b>	<b>Years</b>		
	1983	1994	2002
No. of African American Districts	17	26	26
Total No. of Republican Districts	22	36	43
No. of Adjacent Districts	5	24	28
Percent of Republican Districts Adjacent to the Majority-African American Districts	23%	67%	65%
No. of Districts Due to Realignment	17	12	15
Percent of Republican Districts Due to the Realignment	77%	33%	35%

*Louisiana*

1988-1992

Following the release of the 1980 census, the Louisiana legislature<sup>137</sup> adopted a state House electoral map that included sixteen majority-African American districts in population (see Table A.7 and Figure A.9).<sup>138</sup> Table A.7 shows the demographics of the majority-African American districts.<sup>139</sup> Fourteen of the sixteen majority-African American districts have a total African American population of 70 percent or greater (see Districts 2, 3, 10, 17, 34, 61, 63, 67, 91, 93, 96, 97, 99, and 101, see Table 6.8).<sup>140</sup> Seven

<sup>137</sup> Louisiana legislature has full authority to create all electoral maps and the Governor can veto the plans for any reason. Democrats controlled the Legislature following the 1980 round of redistricting.

<sup>138</sup> Districts 2, 3, 61, and 67; and Districts 91, 93, 95 96, 97, 99, and 101 are lumped together because these districts were hard to identify them separately, as seen in Figure A.7.

<sup>139</sup> Only the districts total African American and whites total population were available at the time of this study.

<sup>140</sup> District's 95 total African American population was 65.4 percent and District 58's total African American population was 52.8 percent following the 1980 census.

of the sixteen majority-African American districts were located in Orleans and Jefferson Parishes (see Districts 91, 93, 95, 96, 97, 99 and 101). Districts 61, 63, 67, and 58 were located in East Baton Rouge and Ascension Parishes. Two majority-African American districts were located near the Shreveport area, Districts 2 and 3. District 17, a majority-African American district was located between Ouachita and Webster Parishes.

Table A.8 displays the demographics of the districts that were adjacent to the majority-African American districts. Districts 5 and 6 were Republican districts that were adjacent to majority-African American Districts 2 and 3. The percentage of whites' total population in District 5 was 96.4 percent and 84.5 percent in District 6. District 35, located in Calcasieu Parish, was a Republican District that was adjacent to the majority-African American District 34.<sup>141</sup> Republican District 70 was located in East Baton Rouge Parish and it was surrounded by three majority-African American Districts, 61, 63, and 67. Republican Districts 98, 94, 90, and 89 are adjacent to majority-African American Districts 91, 93, 95, 96, 99, and 101.<sup>142</sup>

A total of seventeen Republicans were elected to Louisiana's House during the 1988- 1992 period. Eight of these Republican districts are adjacent to the sixteen majority-African American districts. Forty-seven percent of the Republican seats gained are due to the majority-African American districts (see Table 6.2). This provides support for the perverse effect thesis; however, the results also show somewhat more support of the alternative explanation. Nine Republican House seats were gained due to the

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<sup>141</sup> Republican District 35 total white population is 95 percent.

<sup>142</sup> As seen in Figure 6.4, majority-African American Districts 91, 93, 95, 96, 99, and 101 and Republicans Districts 89, 90, and 98 are lumped together in the map. This was the only map available at the time of the study. There are no Republican Districts that are adjacent to the majority-African American Districts 10 and 17.

realignment that occurred in the region. Fifty-three percent of the Republican districts gained in this period were due to the realignment.

Categories	Years			
	1988-1992	1992-1996	2000-2004	2004-2008
No. of African American Districts	16	23	27	27
Total No. of Republican Districts	17	24	32	40
No. of Adjacent Districts	8	13	24	28
Percent of Republican Districts Adjacent to the Majority-African American Districts	47%	54%	75%	70%
No. of Districts Due to Realignment	9	11	8	12
Percent of Republican Districts Due to the Realignment	53%	46%	25%	30%

Source: The data were collected from Louisiana’s House of Representatives.

### 1992-1996

Seven more majority-African American districts in population were created following the release of the 1990 census (see Table A.9).<sup>143</sup> District 4, a majority-African American district in population was created near between Caddo and Bossier Parishes (see Figure A.10). The area included three majority-African American districts, following the 1990 round of redistricting. District 11, found in Claiborne Parish, became a majority-African American district with an African American total population of 58.9 percent. District 21 was a new majority-African American district that is located on the eastern border of the state, which runs through four parishes; starting in East Carroll Parish and ending in Concordia Parish (see Figure 6.5). District 72, located on “top of

<sup>143</sup> Louisiana Legislature including the Governor approved a House electoral plan that created 23 majority-African American districts following the release of the 1990 census data.



the boot,” runs from West Feliciana to Saint Helena Parishes. There were new majority-African American Districts located in St. Landry (District 40), Lafayette (District 44), and Rapides Parishes (District 26). Two more majority-African American Districts were added to Orleans (District 100) and Jefferson Parishes (District 87).

The number of Republican districts adjacent to the majority-African American districts also increased, further providing evidence to support the perverse partisan effect thesis (see Table A.10). Four Republican Districts (1, 5, 6, and 8) were adjacent to the majority-African American Districts 2, 3, and 4.<sup>144</sup> Districts 5, 6, and 8 were all at least ninety percent white (see Table A.10), and all three elected Republican candidates in the 1991 elections. District 27, with a population that was 91.4 percent white, also elected a Republican in 1991; it was adjacent to majority-African American District 26 in Rapides Parish. The populations of Republican Districts 35 and 36 were 93.4 percent white and 95 percent white, respectively.<sup>145</sup> These two districts were adjacent to majority-African American District 34. Republican District 62 was adjacent to majority-African American District 72. District 66 which was located in the Baton Rouge area was a Republican District that was adjacent to District 61 a majority-African American District. Republican District 70 was adjacent to majority-African American District 58. Three Republican Districts, 85, 94, and 98, were created adjacent to majority –African American districts in Orleans and Jefferson Parishes.<sup>146</sup>

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<sup>144</sup> Districts 2, 3, and 4, as seen in Figure 6.5, were lumped together making it hard to identify their specific location.

<sup>145</sup> Republican District 35 was located in between Jefferson Davis and Calcasieu Parishes, and Republican District 36 was located in Cameron Parish.

<sup>146</sup> Republican District 85 was adjacent to majority-African American Districts, 87 and 93; Republican District 94 was adjacent to majority-African American Districts 97 and 96; majority-African American Districts, 97 and 101 were adjacent to Republican District 98. These Republican Districts and majority-African American districts were located in Orleans and Jefferson Parishes.

Republicans gained thirteen of Louisiana's House seats due to racial redistricting, as seen in Table 6.2. These districts were adjacent to the twenty-three majority-African American districts that were adopted after the release of the 1990 census data. Louisianans elected a total of twenty-four Republicans to House districts. Fifty-four percent of the Republican seats were attributed to the majority-African American districts through 1992 -1996. Eleven, or forty-six percent, of these Republican seats were due to the realignment that occurred in the region.

#### 2000-2004

All of the majority-African American districts that were created following the 1990 census survived the post-2000 round of redistricting, but four more were added after this round of reapportionment; see Table A.11 and Figure A.11.<sup>147</sup> Majority-African American District 17 which was located between Ouachita and Richland Parishes was created. The remaining three majority-African American districts in population that were created are located in Orleans and Jefferson Parishes, 91, 98, and 102. District 98 was a Republican District after the 1990 round of redistricting, but following the release of the 2000 census data, this District became a majority-African American district.

The number of Republican districts that were adjacent to the majority-African American districts increased after the 2000 round of redistricting. A majority of the Republican districts that were adjacent to the majority-African American districts following the 1990s round of redistricting remained the same (see Table A.12). Following the redistricting in the 1990s, no Republican districts were adjacent to majority-African American Districts 40 and 44; these two Districts are located in St.

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<sup>147</sup> A total of 27 majority-African American districts in population were created post-2000 round of redistricting. The shape of the majority-African American districts changed.

Landry and Lafayette Parishes. But after the 2000 round of redistricting, Republican Districts were adjacent to these districts. Republican District 41, located in Acadia Parish, was adjacent to majority-African American District 40.<sup>148</sup> Republican District 43, which was 91.6 percent white, was adjacent to majority-African American District 44. District 74, a Republican District, runs from Tangipahoa to St. Tammy Parishes and it was adjacent to majority-African American District 72. Two new Republican Districts, 66 and 62, were created in the Baton Rouge area. Republican District 66 was adjacent to two majority-African American Districts, 29 and 61; and Republican District 62 was adjacent to Districts 72 and 63, two majority-African American districts. As seen in Table A.12, five more House Districts, 82, 81, 94, 85, and 86, elected Republican candidates in the 1999 election.<sup>149</sup>

A total of thirty-two Republicans were elected to Louisiana's House seats in the 1999 elections (see Table 6.2). Out of those thirty-two Republican seats gained, twenty-four (or seventy-five percent) of these districts were adjacent to the twenty-seven, majority-African American districts. Eight, or twenty-five percent, of the Republican seats are attributed to realignment. The results illustrate that the creation of the twenty seven majority-African American districts had a great impact on increasing the number of Republican- held seats in the legislature.

#### 2004-2008

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<sup>148</sup> The total percentage of whites in District 41 was 80.6 percent.

<sup>149</sup> Republican Districts 82 and 81 were adjacent to majority-African American District 95; Republican District 94 was adjacent to four majority-African American Districts, 93, 96, 97, and 98; Republican District 86 was adjacent to majority-African American District 102, and Republican District 85 was adjacent to three majority-African American Districts 87, 93, 102.

In the 2003 House elections, a total of forty Republicans were elected. The number of bleached districts increased from twenty-four, following the 1999 elections, to twenty-eight districts after the 2003 elections. Tables A.13 and A.14 and Figure A.12 show the majority-African American districts and the adjacent districts following the 2003 elections.<sup>150</sup> Following these elections, seven new bleached Republican Districts, 31, 59, 104, 68, 65, 64, and 66, surrounded several majority African American districts. Republican candidates gained seven seats, 62, 64, 65, 66, 69, 68, 70, in the 2003 election in West and East Baton Rouge Parishes.<sup>151</sup> Republican District 31, located outside of Lafayette Parish was adjacent to District 44 a majority-African American district. Five new Republican candidates were elected in five districts in East and West Baton Rouge Parishes after the 2003 elections. Republican District 59 was adjacent to District 58 a majority-African American district. Republican District 104, located in Orleans Parish was adjacent to District 102 a majority-African American district.<sup>152</sup>

Table 6.2 summarizes the results for the Republican gains in Louisiana's House from 1988- 2008. According to the results, the creation of the majority-African American districts has had the greatest impact on Louisiana citizens electing Republican candidates. As the number of majority-African American districts increased, so did the number of bleached districts.

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<sup>150</sup> After the 2001 elections, Districts 27 (Rapides Parish), District 41 (Acadia Parish), and District 77 (near Tangipahoa and St. Tammany Parishes) elected Republican candidates, but following the 2003 elections, these Districts elected Democratic candidates.

<sup>151</sup> See Table 6.16 for the list of majority-African American districts that are adjacent to the seven Republican Districts in West and East Baton Rouge Parishes.

<sup>152</sup> A total of 40 Republican House seats were gained after the 2003 elections. Seventy percent of the Republicans' gains are due to the creation of 27 majority-African American districts. Ten, or 30 percent, of the Republican districts are due to the realignment.

There is also significant evidence demonstrating that the realignment had a positive effect for Republicans in Louisiana. Not all of the Republican gains were due to the majority-African American districts, as seen in Table 6.2. Table 6.2 shows that white Louisiana citizens are voting more for Republican candidates. It provides evidence that the realignment has arrived in the Louisiana House. Lublin (2004) stated that the effect of the realignment at the state level for Southern states was delayed compared to the gains at the national level (46). By 2004, Republicans gained thirty percent of the House seats because of the realignment. More citizens are voting for Republican candidates.

### *Mississippi*

#### 1992

Mississippi is the last state analyzed in this study. Following the release of the 1990 census data, thirty-seven majority African American districts were created.<sup>153</sup> This is the most majority-African American districts created in any of the states analyzed. Most of the majority-African American districts run along the western and eastern borders of the states (see Figure A.13). As seen in Table A.15, thirty-four of the districts have a 60 percent or larger African American voting age population. As seen in Figure A.13, most of the majority-African American districts were found along the western borders of the state. District 5, which contains part of Benton and Marshall Counties, was the only majority-African American district located at the northern portion of the State. Four majority-African American districts were located in the interior of the State

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<sup>153</sup> The 1980 House map and data were unavailable at the time of the study. Mississippi legislatures are charged with creating electoral maps, but the governor has the ability to veto plans. There are a total of 122 House seats in the state of Mississippi.

(see Districts 27, 32, 47, 91, as seen in Figure 6.8). District 119, which was located in Harrison County, was the only majority-African American district located at the Southern border of the state. This District was next to the Gulf of Mexico. Several of the House Districts created were very bizarre in shape. For instance, District 32, which runs between Tallahatchie and Grenada Counties, looks like a snake.<sup>154</sup> District 55 looks as if it has “rabbit ears.” This district was located in Warren County, which was in the western border of the State. District 91 is another bizarre looking majority-African American district. It appears as if someone has carved a “capital J” out of the district.<sup>155</sup>

Table A.16 shows the districts adjacent to the majority-African American districts. As revealed in this table, there are not many Republican districts that are adjacent to the majority-African American districts. There were thirteen Republicans elected to House seats in the 1993 elections that are adjacent to the majority-African American districts, 58, 59, 40, 52, 54, 73, 64, 84, 77, 101, 102, 104, and 120.<sup>156</sup> Republican District 58 was adjacent to several majority-African American Districts, 57, 27, and 72. Republican District 52 was adjacent to three majority-African American Districts, 50, 51, and 55. Republican District 77, located in Simpson County, was adjacent to majority-African American District 91. Two majority-African American Districts 41 and 38 were adjacent to Republican District 40. Republican District 54 was adjacent to majority-African American Districts, 55 and 85. Republican District 64 was adjacent to majority-African American Districts 63 and 72.

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<sup>154</sup> The district is very narrow and has several curves like a snake.

<sup>155</sup> Other districts beside the majority-African American Districts are bizarre shaped as well. For instance, District 56, which is located near the western border of the State, looks like a “goat with two horns.”

<sup>156</sup> The African American voting age population is less than 20 percent in these 14 Republican Districts.

Looking at Table A.16 and Figure A.13, it does not show much support for the perverse effect thesis. But once you consider that only twenty-three Republicans were elected following the 1990s round of redistricting, see Table 6.3, sixty-one percent of the Republican Districts are adjacent to the majority-African American district. The creation of majority-African American districts had a greater impact than did realignment.

<b>Table 6. 3: Total Republican Gains, Total Gains in the Adjacent Districts and Total Gains due to the Realignment in Mississippi</b>		
	Years	
<b>Categories</b>	1993	2003
No. of African American Districts	37	39
Total No. of Republican Districts	22	46
No. of Adjacent Districts	13	28
Percent of Republican Districts Adjacent to the Majority-African American Districts	59%	70%
No. of Districts Due to Realignment	9	18
Percent of Republican Districts Due to the Realignment	41%	39%

Source: This data were collected from Mississippi’s House of Representatives.

### 2003

Following the release of 2000 census data, the Mississippi legislature adopted a House plan that included thirty-nine majority-African American districts. Table A.17 shows the total populations of the districts and the African American voting age population. Districts 66 and 71 which are located near Madison County became majority-African American districts after this round of redistricting. As seen in Figure

A.14, the majority-African American districts are roughly in the same position as they were following the 1990 round of redistricting.<sup>157</sup>

Table A.18 shows the districts that are adjacent to the thirty-nine majority-African American districts created after the 2000 census.<sup>158</sup> The number of Republican districts that were adjacent to the majority-African American districts increased to 28, as seen in Table 6.21 and Figure A.14.<sup>159</sup> Republican District 46 was adjacent to the majority-African American Districts 32. Three majority-African American Districts, 51, 55, and 85, were adjacent to Republican District 54. Republican District 62, located near Copiah County, was adjacent to two majority-African American Districts 91 and 76. Majority-African American District 110 was adjacent to Republican District 109.

Republicans gained a total of 46 lower legislative seats in Mississippi after the 2003 elections, as seen in Table 6.3. Sixty-one percent of the Republican Districts are adjacent to the majority-African American districts. The result shows support for both the perverse effect thesis and the alternative hypothesis.

After the 1990 and 2000 censuses, the Mississippi legislature created thirty-seven and thirty-nine majority-African American districts, respectively. Table 6.3 summarizes

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<sup>157</sup> There are several districts that are bizarre shaped. For instance, District 51 is spread out across four counties: Issaquena, Yazoo, Humphreys, and Sharkey. District 48, like 51, is located in several different counties: Humphreys, Holmes, Carroll, Montgomery, Attala, and Choctaw.

<sup>158</sup> Many of the Republican districts that are adjacent to the majority-African American districts are bizarre shaped. It appears as if these bizarre districts were drawn to increase the number of white voters who identify with the Republican Party. For instance, District 37 which is located in the upper eastern border wraps itself around District 38. District 37 is narrow. Another bizarre shaped district is 54, which is located on the western border of the state. This district runs along several counties picking up white conservative voters. This district is adjacent to Districts 51, 55, 85 and 63. District 97, another bizarre shaped Republican District is adjacent to District 96, 85, 94, and 91. District 97 is located in the lower western border of the state that runs across several counties. It resembles a snake.

<sup>159</sup> Majority African American Districts 65, 66, and 70 were excluded from the study because their districts were too small to identify.



the results of the Republican gains due to the majority-African American districts or the alternative explanation (the realignment) in Mississippi. Mississippians elected a total of twenty-two Republican candidates in 1992, which was the first House election after the census. Fifty nine percent of these twenty-two House districts were bleached districts. Therefore, Republicans gained nine Republican seats due to racial redistricting. After the 2000 round of redistricting, the Republicans gained 28, or sixty-one percent, of the seats due to the majority-African American districts. However, the effects of the realignment should not be dismissed in Mississippi. Mississippi Republicans gained 9 and 18 House seats after both rounds of redistricting.

### **Conclusion**

What has increased the number of Republican state legislative seats in the Southern region? Most studies that have addressed this question have focused on the growth at the national level. This study has deviated from the path that has been well traveled; instead, it focuses on Alabama's, Louisiana's, and Mississippi's state legislative House Districts from 1988 to 2004. Alabama, Louisiana, and Mississippi were analyzed because they are part of the Deep South and they are protected by Section 5 of the Voting Right Acts. In Louisiana, Alabama, and Mississippi after the 1990 and 2000 round of redistricting, Republicans gained more seats due to the creation of the majority-African American districts. These results contradict much of the literature on the perverse effect thesis. Most scholars have found only marginal support of the perverse effect thesis. However, most scholars when examining this thesis focus on the wrong research question, and they abandon the adjacent requirement. The prior studies, as discussed in chapter 2, found that only about six Republican gains were due to racial redistricting.

This study found that most of the Republican gains in Louisiana, Mississippi, and Alabama House seats were due to the creation of the majority-African American districts and it finds support of the perverse partisan effect thesis. Sixty-one percent of all of the Republican seats gained in Louisiana, Mississippi, and Alabama were attributed to the increased number of majority-African American districts (see Table 6.4).<sup>160</sup>

Table 6.4: Total Republican Gains, Total Gains due in the Adjacent Districts and Total Gains Due to the Realignment				
States	Years	Total Republican Gains	Total Gains due in the Adjacent Districts	Total Gains in Other Districts
Alabama	1983	22	5	17
	1993	36	24	12
	2001	43	28	15
Louisiana	1988-1992	17	8	9
	1992-1996	24	13	11
	2000-2004	32	24	8
	2004-2008	40	28	12
Mississippi	1992	22	13	9
	2003	46	28	18
Total		282	171 (61%)	111(39%)

<sup>160</sup> As seen in Table 6.22, Republicans gained a total of 281 seats in the three states; 175 of these districts were gains due to the majority-African American Districts that were created. Thirty-eight percent of the Republican gains, as seen in Table 6.22, were seats that the Republican gained because of the effect of the realignment that has occurred in the South.

The increase in the number of majority-African American districts had a major impact in these three states. These results support, V.O. Key's (1949) "black belt" hypothesis. This hypothesis, as discussed in chapter 4, argues that a large African American presence produces greater fear among whites (1949, 5-6). M.V. Hood et al., states that in the South "white conservatism was directly related to the size of the Black population" (2004, 75). The greatest impact of these districts was after the 2000 elections, as seen in Tables 6.5, 6.10, and 6.19. The increase in the number of majority-minority districts mandated by the VRA led to more bleached districts being created, where white voters living adjacent to those majority-minority districts tend to vote conservatively. These districts increased the number of Republicans being elected to House seats in Alabama, Mississippi, and Louisiana. When there was not an urgent need to increase the number of majority-African American districts, the Republican gains were mostly attributed to the realignment that occurred in the South, as seen in Tables 6.5 and 6.12.<sup>161</sup> These results also demonstrate that racism and racially polarized voting are still issues in the region.

The results also lend some support to the alternative hypothesis. The alternative hypothesis argues that the Republican gains are due to the realignment that occurred in the South. The effects of the realignment should not be dismissed. Not all of the Republican gains were due to racial redistricting. The realignment has helped

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<sup>161</sup> As discussed in Chapter 3, there were several reasons why these districts increased. One reason, as discussed in Chapter 3, was the perceived mandate that stated "if you can, you must" create majority-African American districts. Once these majority-African American districts were created and they received preclearance from the Attorney General, states could not easily destroy these districts because it would violate "the retrogression standard" of Section 5 of the Voting Right Acts. Once the state's redistricting plan has been approved the number of African American districts cannot be reduced in the next round of reappointment.

Republicans win seats, as Lublin has argued. Chapter 7 will provide a brief summary of this study, and the implications for future research.

## Chapter 7: THE CONCLUSION

Following the 1990 census of population, state and local governments across the United States engaged in an atypical round of gerrymandering. It was atypical because, unlike previous rounds, new majority-African American and Hispanic districts were created, as mandated by Section 2 of the Voting Rights Act. These districts allowed these groups to elect representatives of their choice. As a result, the number of African Americans elected into political positions increased, as seen in Table 1.3. These districts were created by “pulling” many African Americans from surrounding districts into a single district, leaving the adjacent districts with a higher percentage of whites. These adjacent districts are called “bleached” districts. The whiter a district, other things being equal, the greater the chance that a Republican candidate will be elected in it (Swain 1995, 229; Cameron, Epstein and O’Halloran 1996, 805; Lublin 1997, 99). The hypothesized linkage that more majority-African American districts result in more Republicans being elected is known as the “perverse effects thesis.”

This thesis has been widely acclaimed, but it is contested. Richard Engstrom examines the empirical evidence for the “perverse effects” thesis and maintains that the creation of the twelve new majority-African American U.S. House districts in the South following the 1990 census did not benefit the Republicans as conventionally argued. Other studies of these districts found that the benefit to Republicans was not nearly as great as many have claimed, or as consequential, as the perverse effects thesis would suggest. Empirical research has found that only about six U.S. House seats gained by Republicans following the 1992 and 1994 elections were attributable to the new majority-African American districts. Kevin Hill states, “not *all* Republican gains in the South

were related to redistricting” (1995, 400 emphasis in original). Chapter 2 summarizes all of the studies that examined the perverse effect thesis. These studies have found minimal support.

There is an alternative approach that scholars have used to explain the growth of the Republican Party in the South. Scholars have argued that a partisan realignment that occurred in the South is a major reason for the growth of the Republican Party after the 1992 and 1994 elections (see McKee 2000, 137; Hill and Rae 2000, 18; Rae 2001, 136). This realignment resulted from changes in the party preference of many white voters. Many white voter switched their preference to the Republican Party.

This study deviates from the prior studies that examine the perverse effect thesis. This study sought to determine how many of the Republican gains in southern lower chambers are attributable to the new majority-African American districts in these chambers from 1988 to 2004. It examines both the perverse effect thesis and the alternative hypothesis. Alabama, Louisiana, and Mississippi were used in this study. These states were used because they are part of the Deep South and they are protected by Section 5 of the Voting Right Acts. Deep Southern states have a larger African American population compared to the Rim South states. V.O. Key argues that the larger the African American presence in an area, the greater the fear and anxiety among Southern whites. This fear is visible in southern whites’ voting behavior, manifested as greater support for the Republican Party.

In addition, this study did not perform a statistical model; instead, it employed a hand-count. Generally when scholars examine the perverse effect thesis, they abandon the adjacent requirement. The adjacent requirement is a key element to the thesis. This

study does not ignore the adjacent requirement. Scholars have sought to answer this question: How much better could the Democrats have done if the states had not felt compelled to adopt new majority-minority districts (Engstrom 2006, 100)? Engstrom states the appropriate question is: How many of the Republican gains are attributable to the new majority-African American districts (*ibid*, 100)? This study focuses on the Republican gains, not the Democratic losses.

This study found evidence to support the perverse effect thesis. Table 6.22 shows that the creation of the majority-African American districts helped increase the number of Republican state legislative seats in the Deep South state legislatures. After the 1990 and 2000s censuses, Republicans made significant gains in districts adjacent to the newly created majority-African American districts. According to Table 6.22, 61 percent of the Republicans' gains, from the data obtained for this study, were in districts adjacent to majority-African American districts. The creation of these districts has had a major impact on the elections of Republican candidates. These results contradict prior studies on this thesis. Most scholars that have examined the perverse effect thesis only found minimal support (Hill 1994, 399-400; Hill and Rae 2000, 18-19; McKee 2002, 131). This dissertation provides some support for the perverse effect thesis by showing that the creation of majority-minority districts and the resulting concentration of white conservatives in adjacent districts account for about 61 percent of the Republican gains in the lower legislative chambers in the Deep South states of Alabama, Louisiana and Mississippi.

This study also found some support for the alternative explanation. A realignment has occurred in the South. It is well stated in the Southern politics literature that increasing numbers of white southerners identify with the Republican Party in the last few decades. This is due to the realignment that has occurred. This study found that the effects of realignment were greater when there were minimal numbers of majority-African American districts, as seen in Tables 6.2 and 6.9.

### **Future Studies**

The results of this study are only the beginning to determining the effects of Republican realignment and of racial redistricting in increasing the number of Republicans elected to southern state legislatures. Future studies should include all of the southern states. It is possible that all of the Deep Southern states, not just those studied here, will provide evidence that the creation of majority-African American districts increased the number of bleached districts. It is likely that the creation of majority-African American districts will have a greater impact on the Republican gains in the Deep South than in the Rim South states, where Republican gains will be due more often to partisan realignment. This is based on V.O. Key's black belt hypothesis. The Rim South states did not create as many majority-African American districts in their lower chambers, as seen in Tables 1.2 and 1.3. Also the time frame of the study should be expanded from 1980 to the present, as an expanded time frame will tell a more complete story of the Republican legislative gains in the South. Future research should also attempt to assess whether any of the Republican gains in adjacent districts could be attributed to Republican partisan attachments among whites increasing in these areas, as much as or more than the bleaching of these districts. Further analysis of the adjacent



bleached districts will examine factors explaining why some have elected Republicans while others have elected Democratic candidates. Also, further analysis will examine particular districts and their changes in demographics and voting behavior after redistricting.

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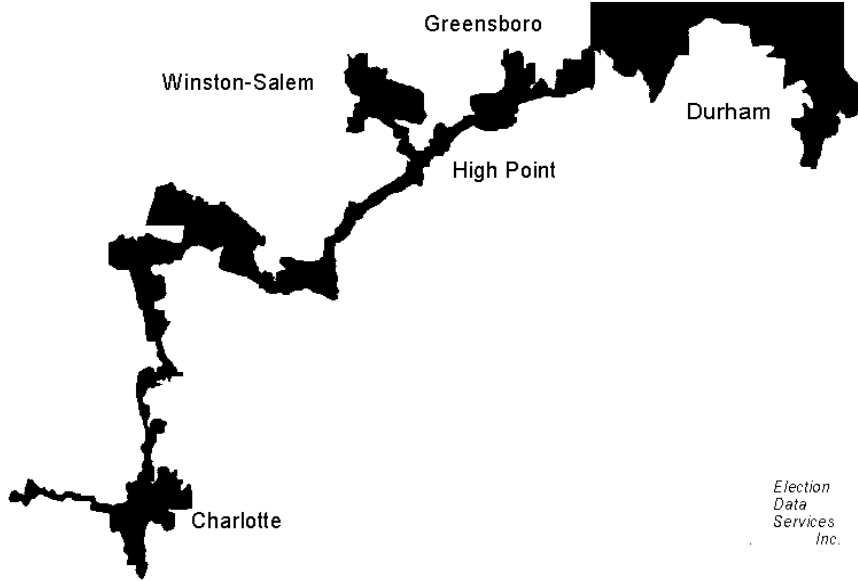
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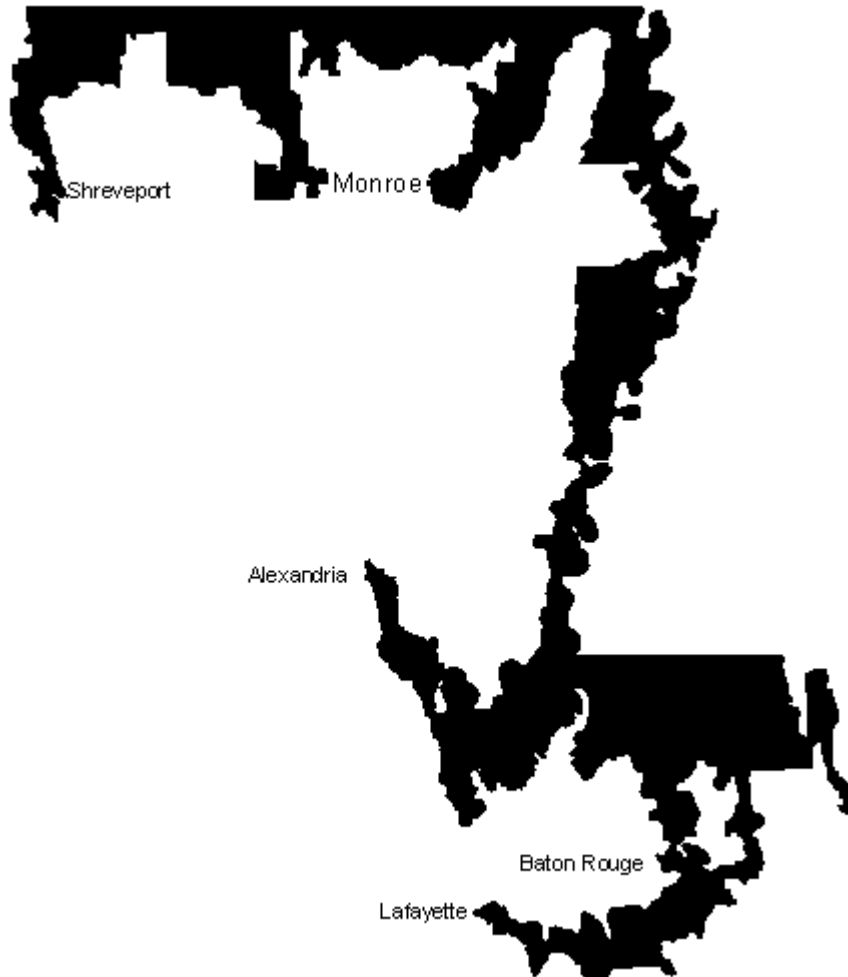
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## APPENDIX A: FIGURES

**Figure A.1:** North Carolina Congressional District 12: “The I-85.” Source: Election Data Service Inc.



**Figure A.2:** Louisiana Congressional District 4: “The Mark of Zorro.” Source: Election Data Service Inc.



**Figure A.3:** Georgia Congressional District 11. Source: Election Data Service Inc.



**Figure A.4:** Texas Congressional Districts 30 and 29. Texas Congressional District 18: “Four Spiders Having an Orgy.” Source: Election Data Service Inc.

**Congressional District 30**



**Congressional District 18**



**Congressional District 29**



**Figure A.5:** Florida Congressional District 3. Source: Election Data Service Inc.

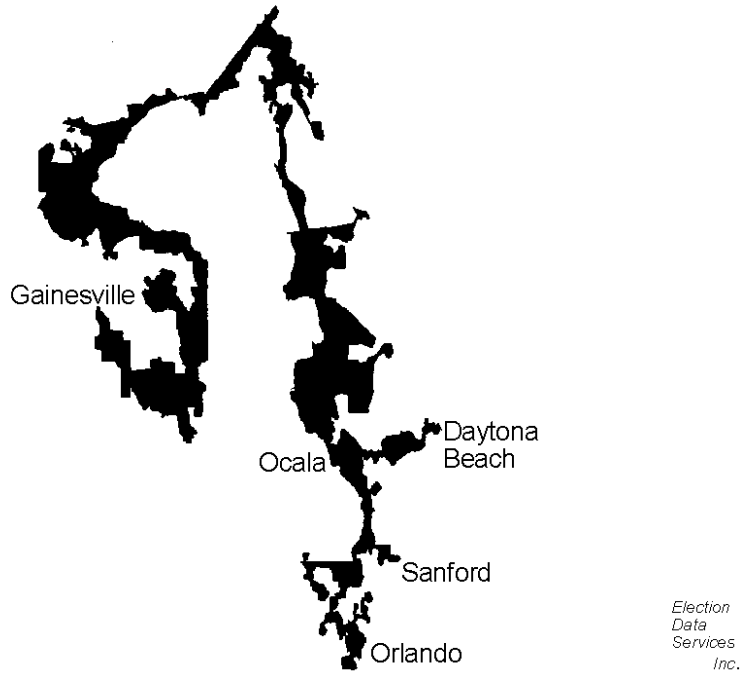
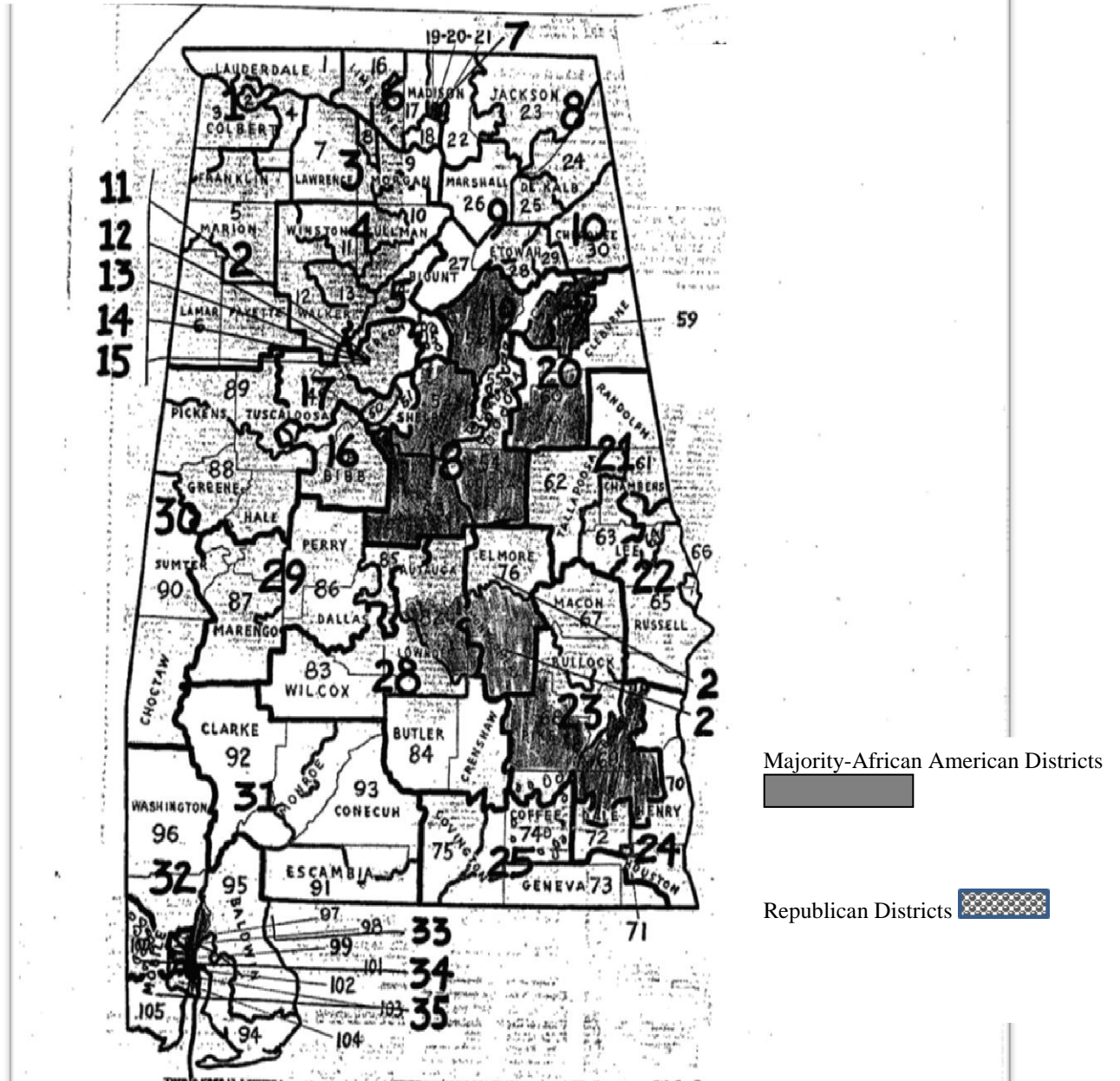


Figure A.6: Alabama's 1983 House Map



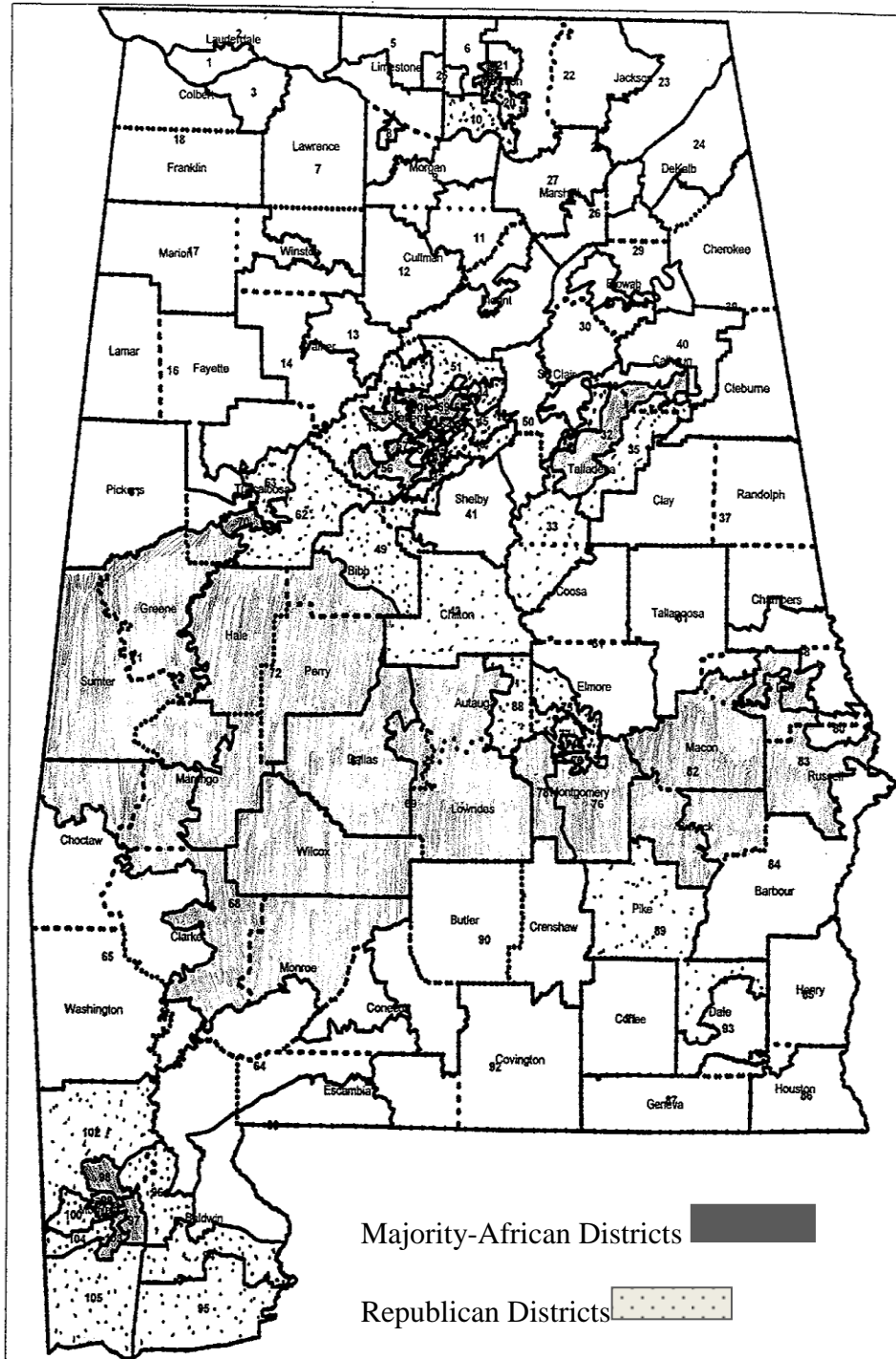
Note: Republican Districts are 51, 55, 76, 15, 74, and 100. Districts 77, 78, and 99 were not found on the map.

Source: This map was collected from the Alabama's House of Representative. It was obtained from *The Birmingham News*.





Figure A.8: Alabama's 2001 House Map



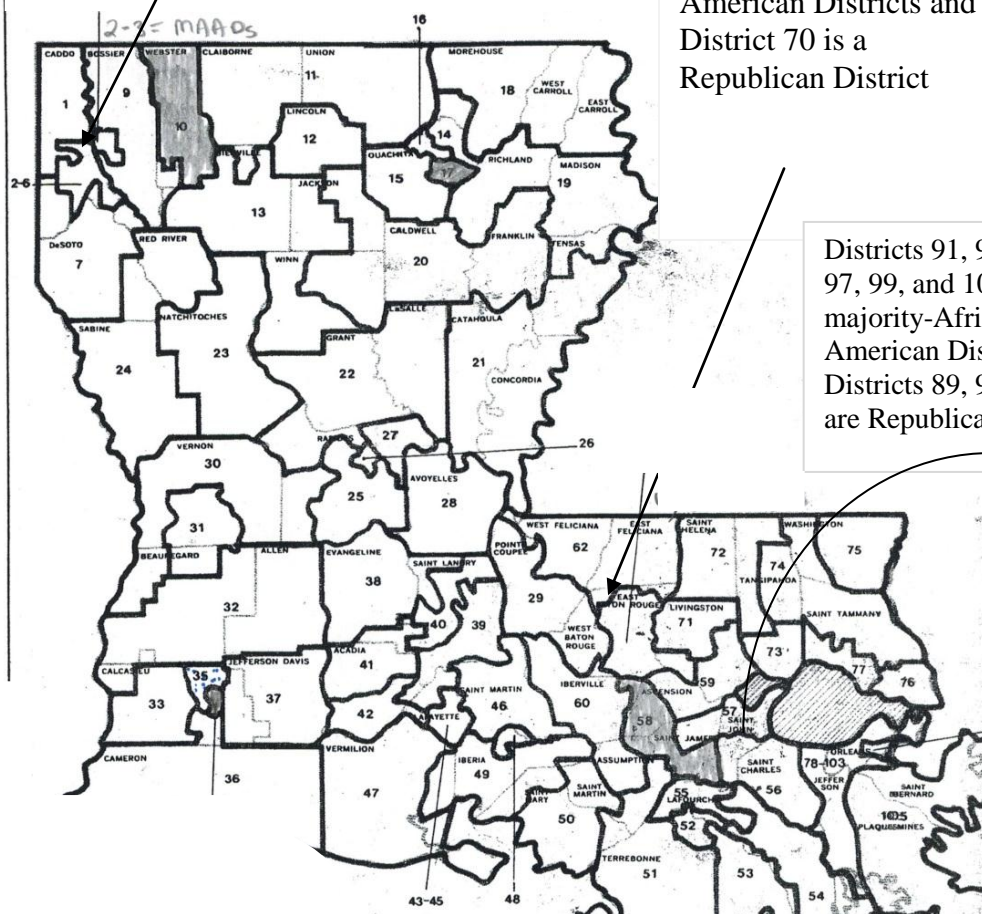
Sources: This map was obtained from Alabama's State Legislature.

**Figure A.9:** Louisiana's 1988-1992 House Map

Districts 2-3 are Majority-African American Districts; Districts 5-6 are Republican Districts

Districts 61, 63, and 67 are majority-African American Districts and District 70 is a Republican District

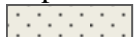
Districts 91, 93, 95, 96, 97, 99, and 101 are majority-African American Districts and Districts 89, 90, and 98 are Republican districts



Majority-African American Districts



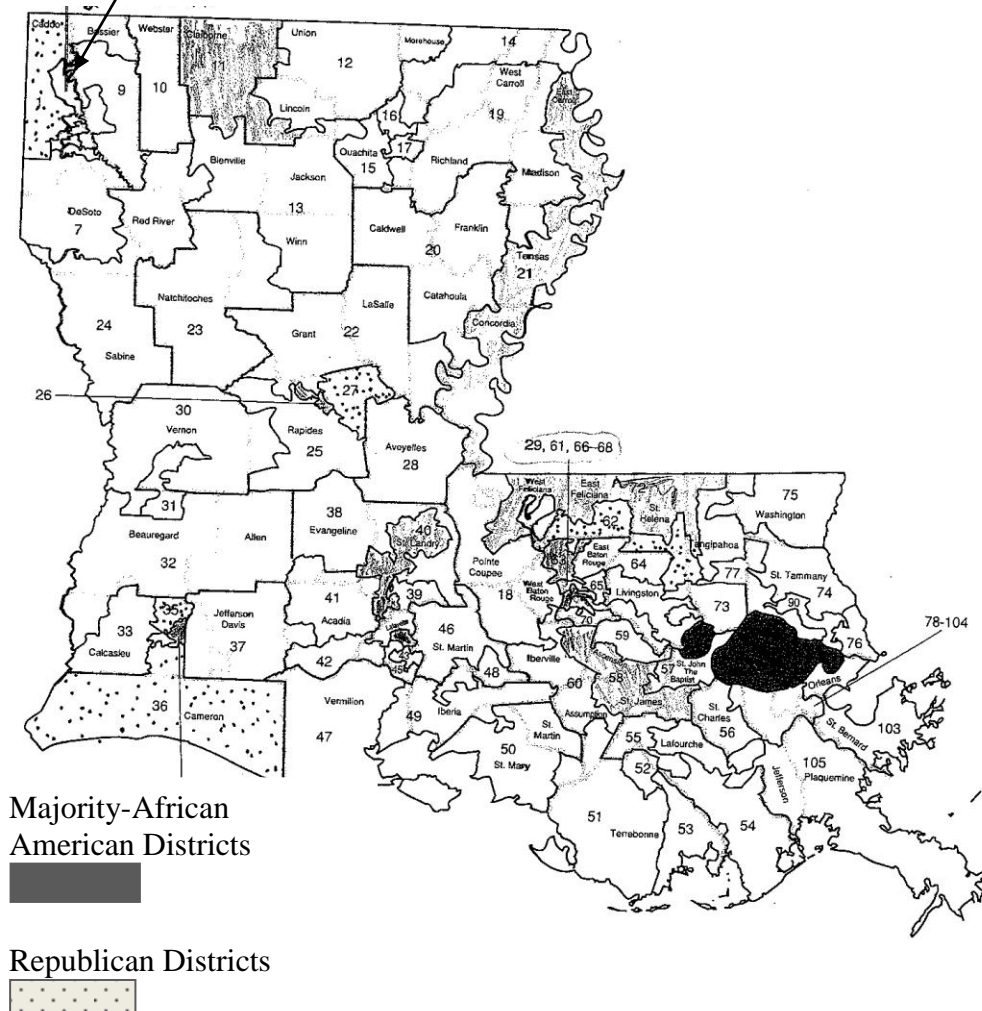
Republican Districts



Sources: This map was collected from *Louisiana Legislature, 1988-1992: Grass Root Guide*.

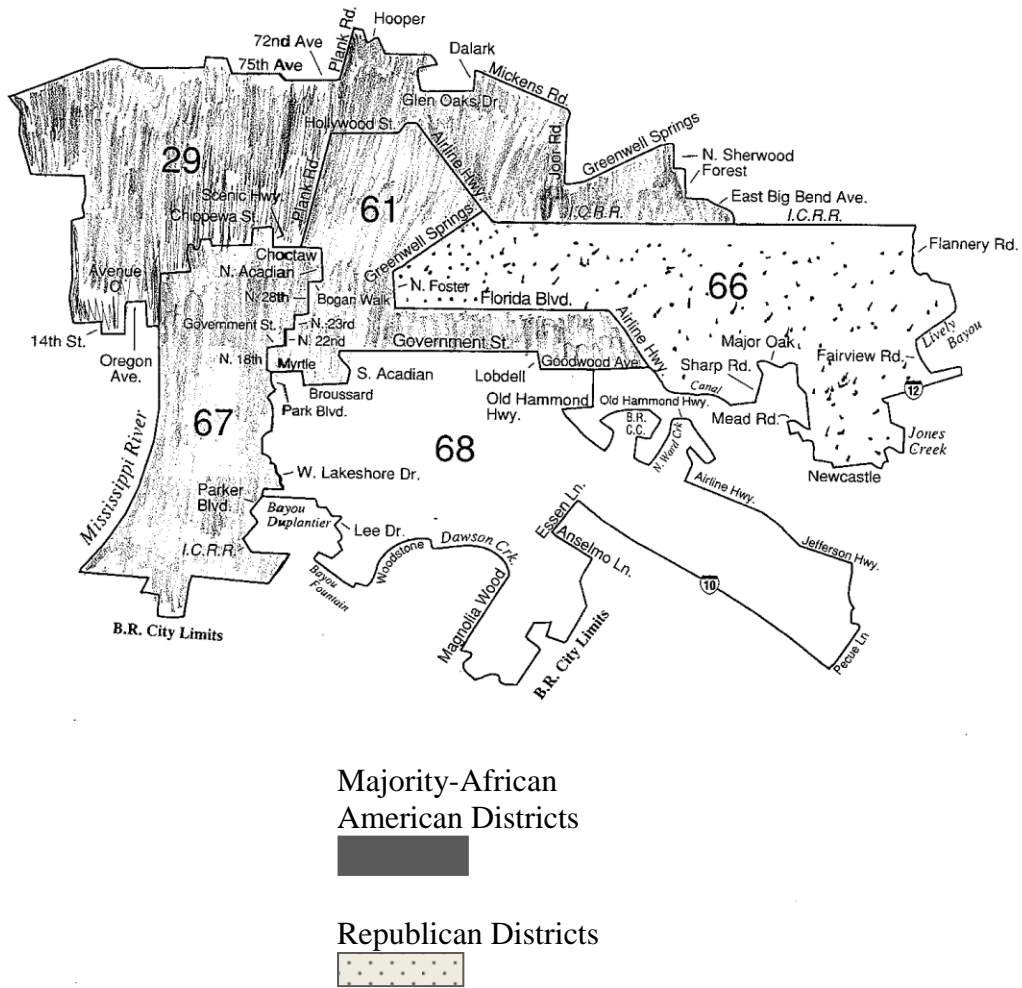
**Figure A.10: Louisiana's 1992-1996 House Map**

Districts 2-4 are Majority-African Districts;  
 Districts 5-6 are Republican Districts



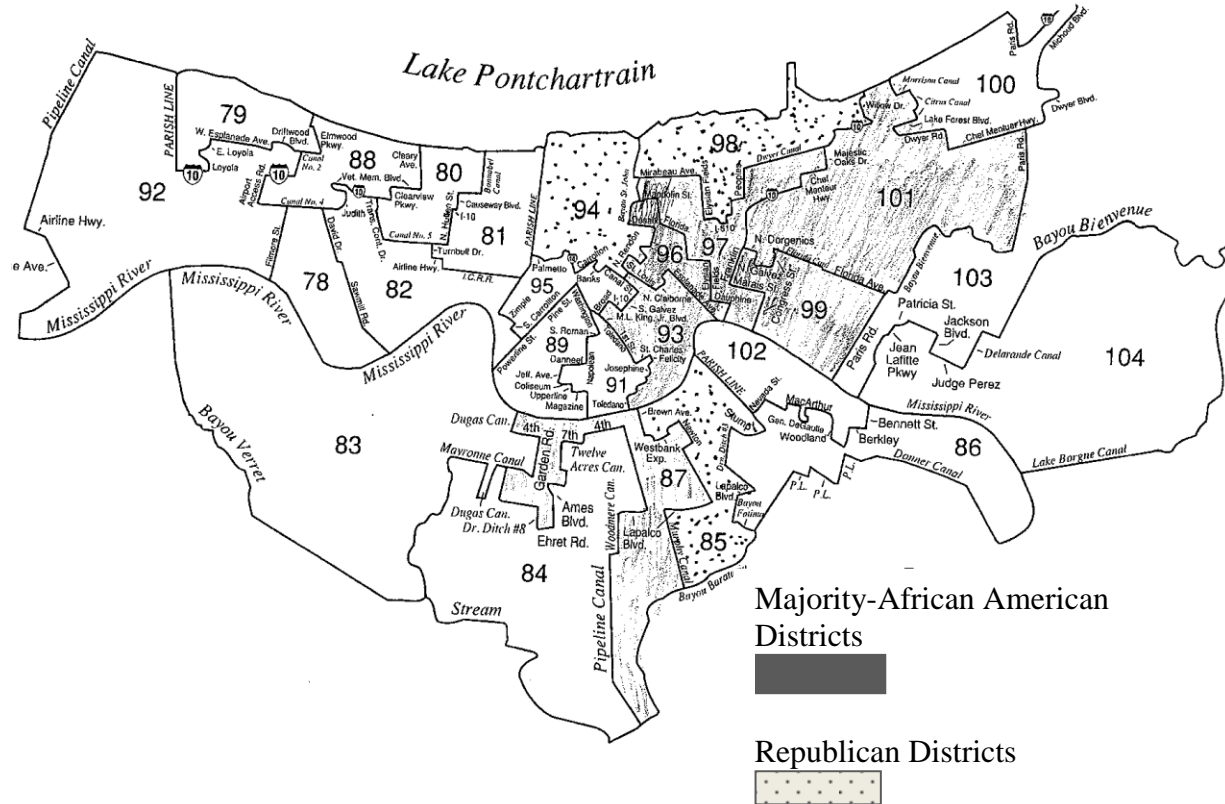
Sources: This map was collected from *Louisiana Legislature, 1992-1996: Grass Root Guide*.

**Figure A.10: continued:** Louisiana's 1992-1996 House Districts Map- Baton Rouge Metro



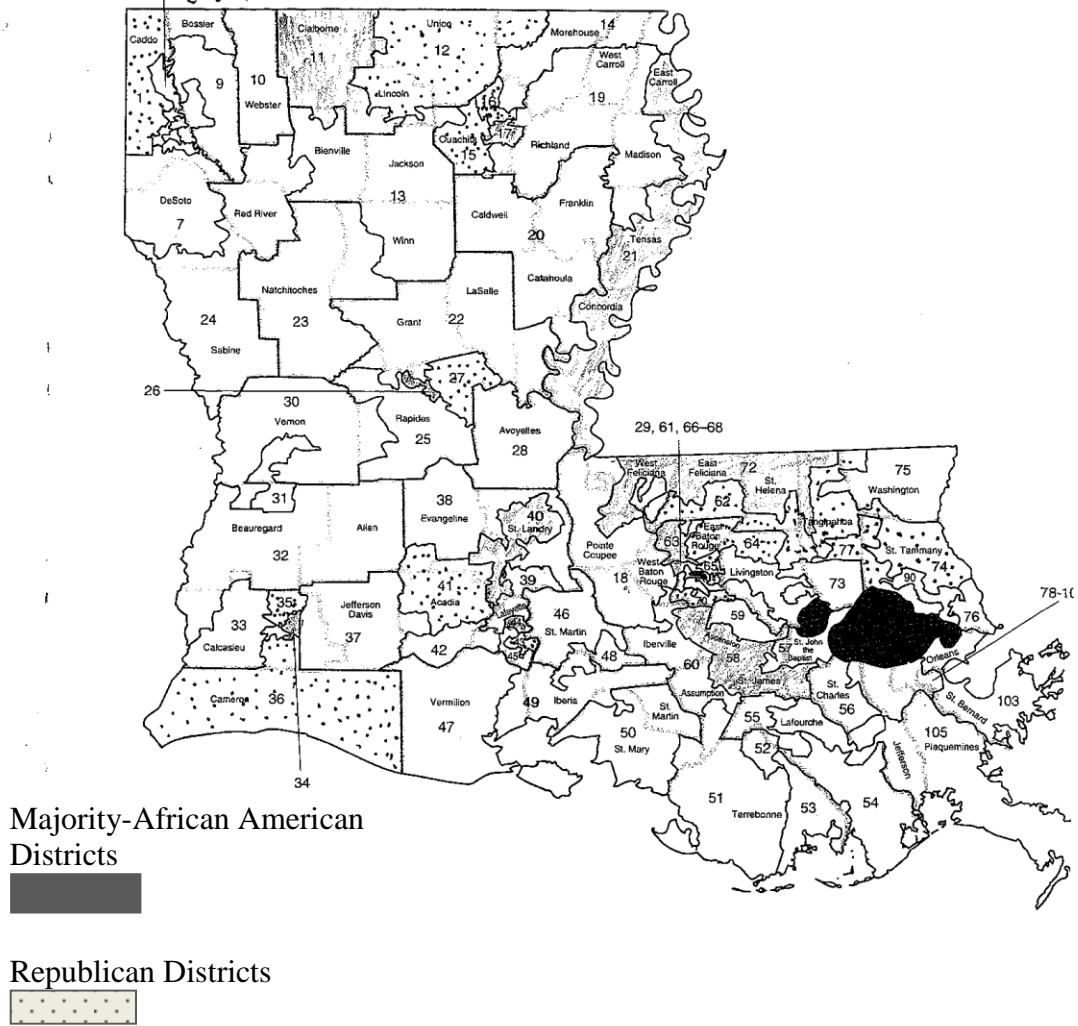
Sources: This map was collected from *Louisiana Legislature, 1992-1996: Grass Root Guide*.

**Figure A.10: continued:** Louisiana's 1992-1996 House Districts Map- New Orleans Metro



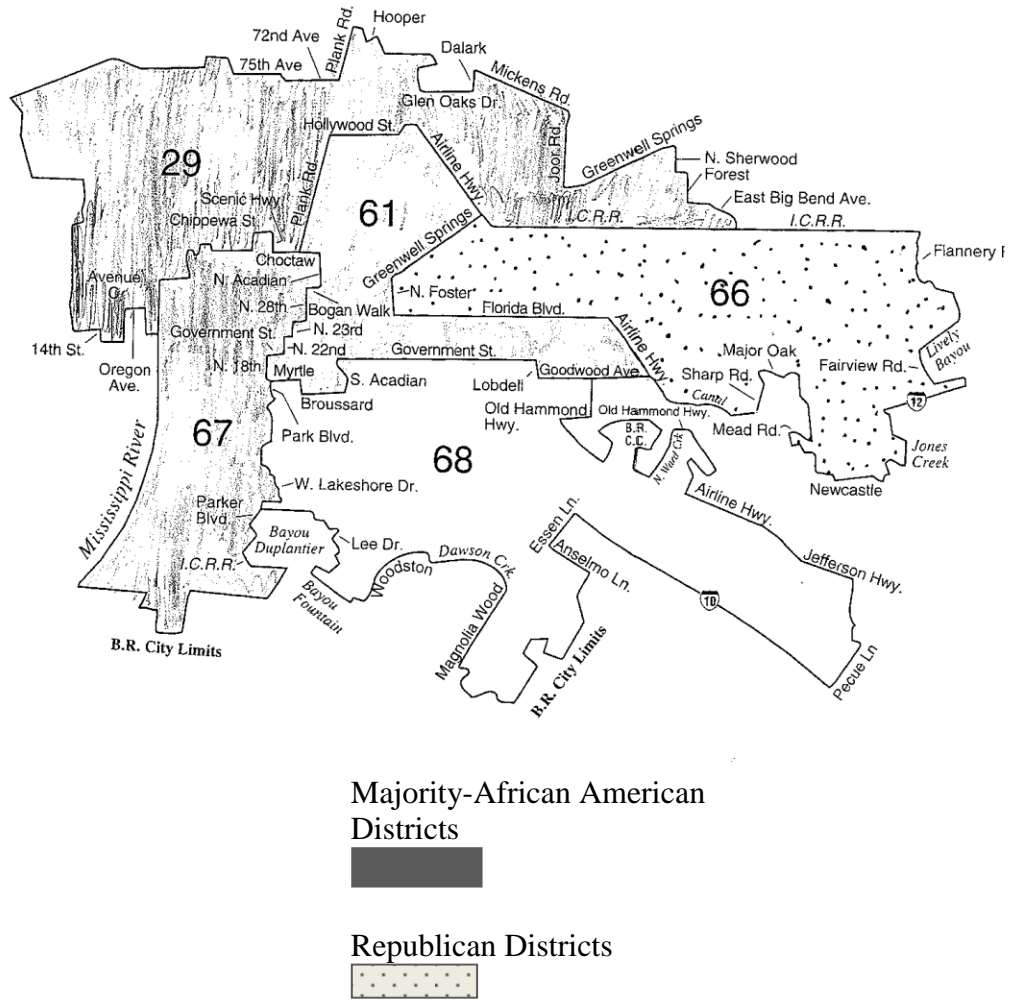
Sources: This map was collected from *Louisiana Legislature, 1992-1996: Grass Root Guide*.

**Figure A.11: Louisiana's 2000-2004 House Districts Map**



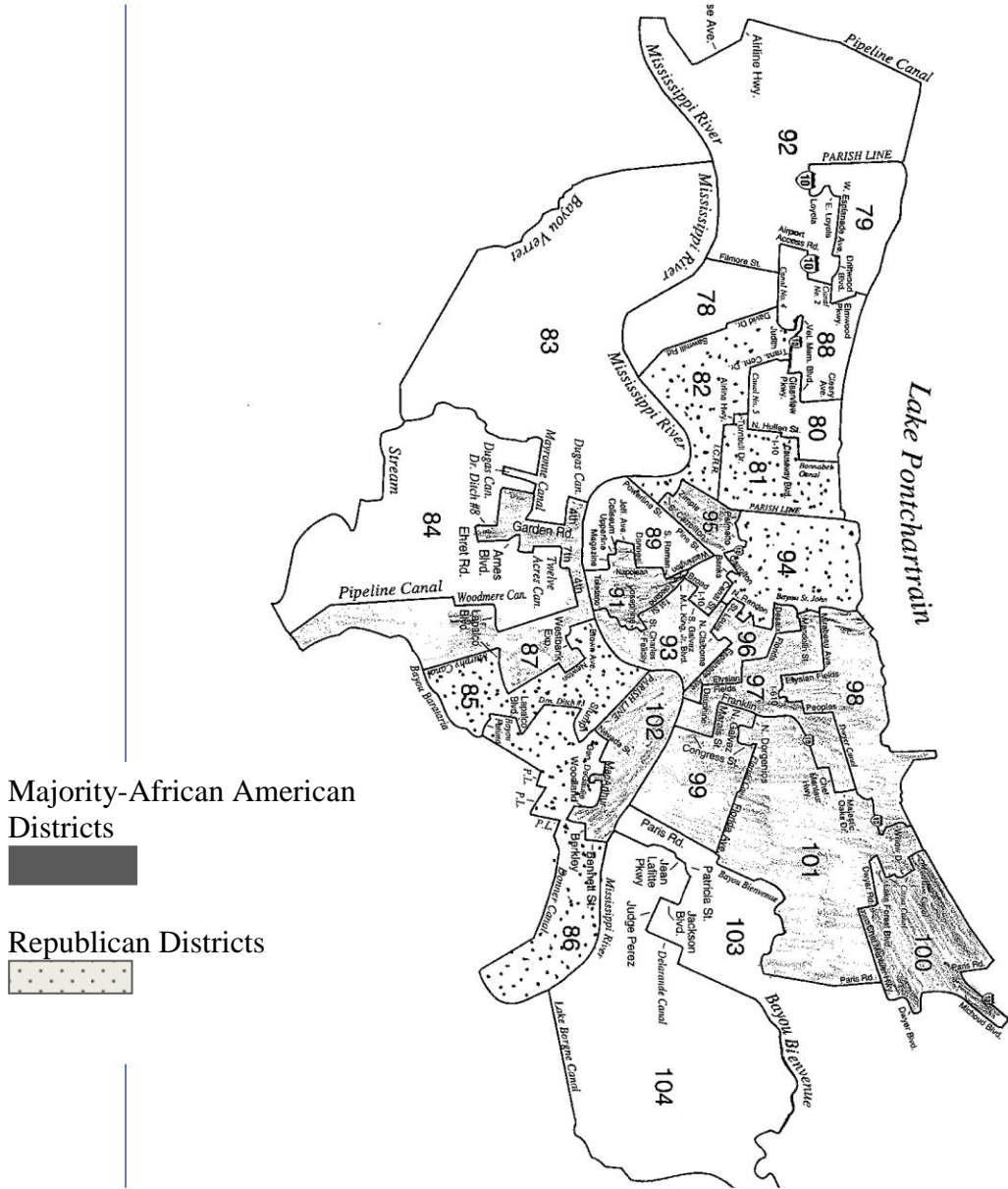
Sources: This map was collected from *Louisiana Legislature, 2000-2004: Grass Root Guide*.

**Figure A.11 continued:** Louisiana's 2000-2004 House Districts Map-Baton Rouge Metro



Sources: This map was collected from *Louisiana Legislature, 2000-2004: Grass Root Guide*.

**Figure A.11 continued:** Louisiana's 2000-2004 House Districts Map- New Orleans Metro



Sources: This map was collected from *Louisiana Legislature, 2000-2004: Grass Root Guide*.

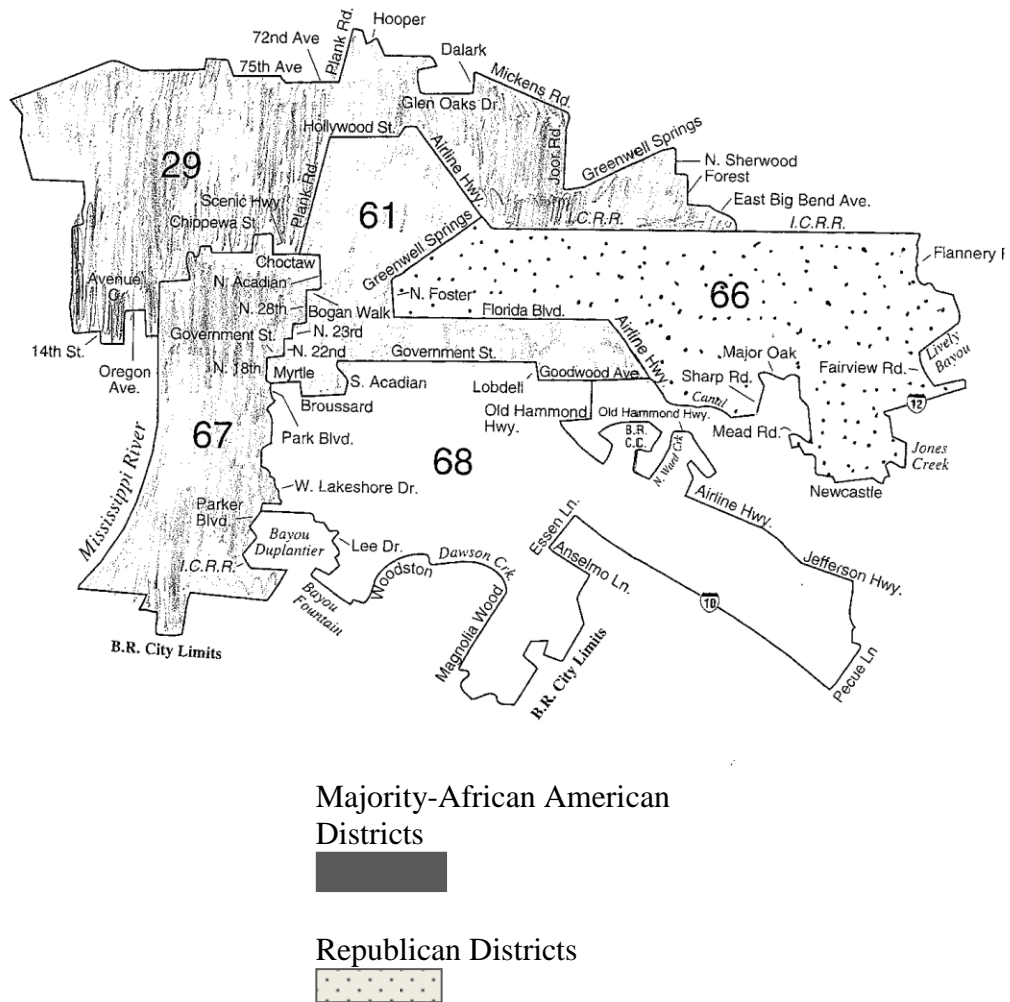


**Figure A.12: Louisiana's 2004-2008 House Districts Map**



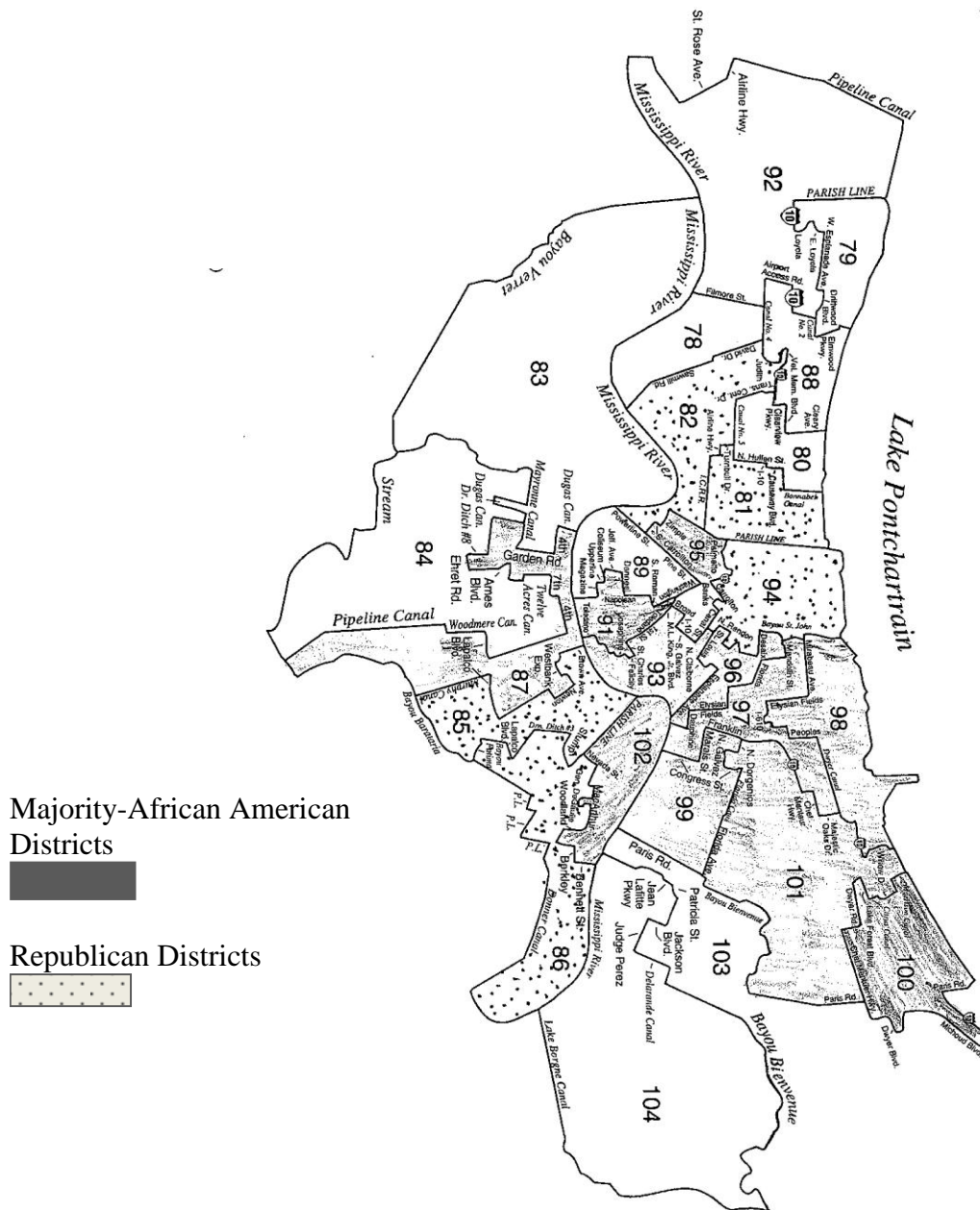
Sources: This map was collected from *Louisiana Legislature, 2004-2008: Grass Root Guide*.

**Figure A.12 continued:** Louisiana’s 2004-2008 House Districts Map- Baton Rouge Metro



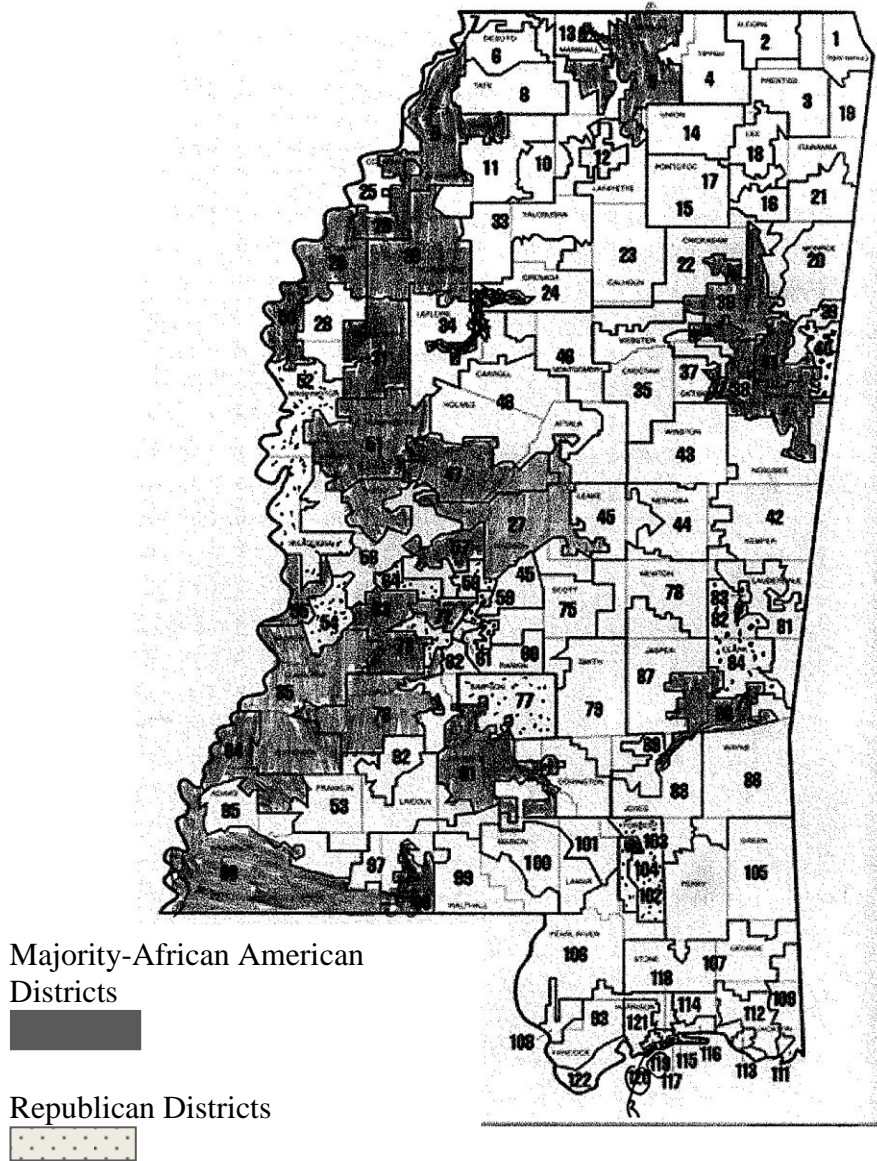
Sources: This map was collected from *Louisiana Legislature, 2004-2008: Grass Root Guide*.

Figure A.12 continued: Louisiana's 2004-2008 House Districts Map- New Orleans Metro



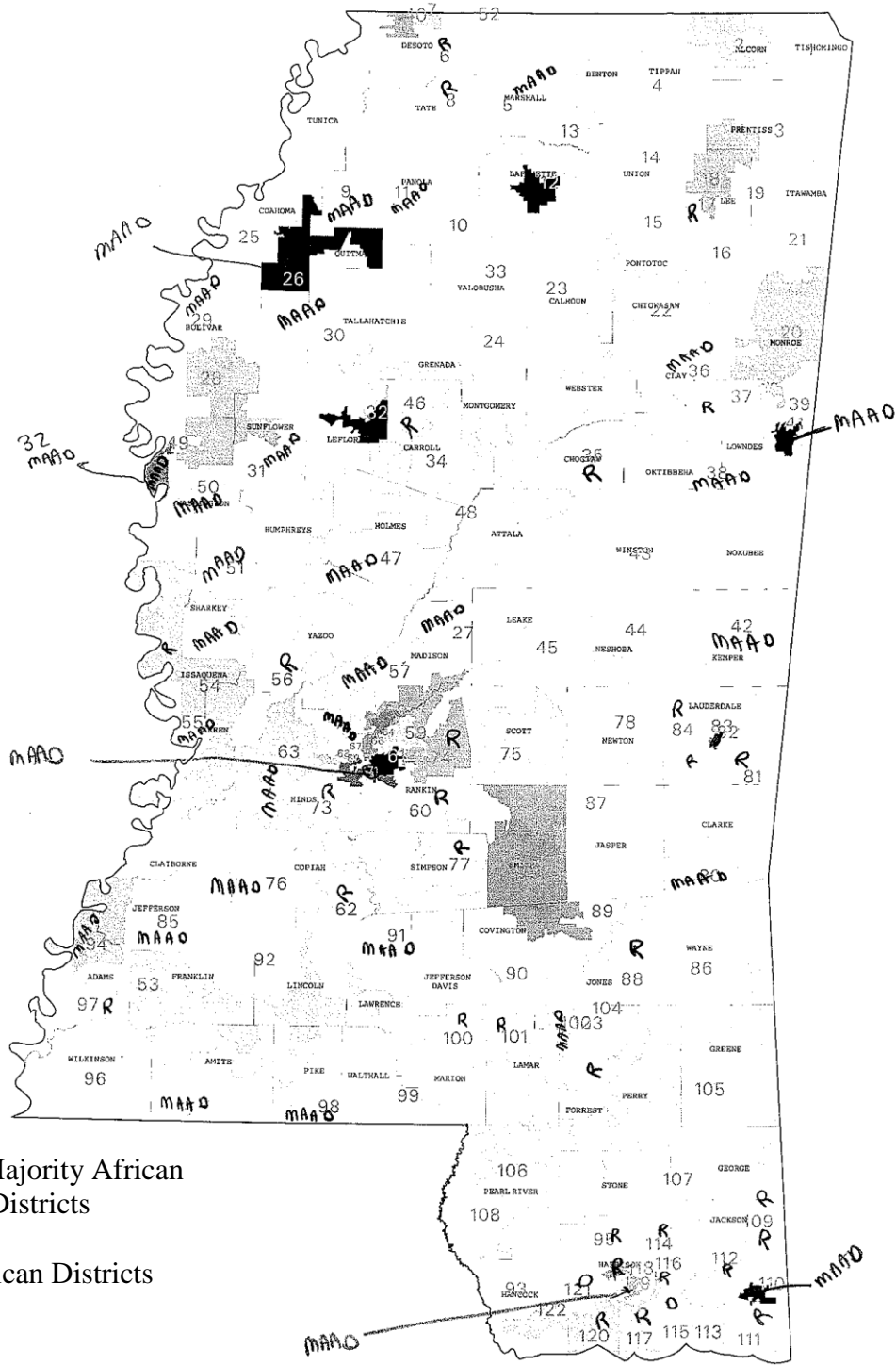
Sources: This map was collected from *Louisiana Legislature, 2004-2008: Grass Root Guide*.

Figure A.13: Mississippi's 1992 House District Map



Source: The map was collected from Mississippi's Department of Archive and History.

Figure A.14. Mississippi's 2001 House District Map



MAAD= Majority African American Districts

R= Republican Districts

Note: This map is not shaded like the other maps because of the map quality.

Source: This map was obtained Mississippi's Standing Joint Reappointment Committee website ([http://www.msjrc.state.ms.us/ms\\_house.html](http://www.msjrc.state.ms.us/ms_house.html)).

## Appendix B: Tables

<b>Table A.1: Alabama's 1983 Majority-African American House Districts Demographics</b>		
District	Total AA population	Total Black Population Percentage
19	20,039	56.92
52	26,845	71.90
53	25,188	67.35
54	27,211	74.04
56	23,826	64.97
57	24,389	65.21
58	18,118	51.31
59	26,914	73.93
60	26,363	70.85
68	24,579	67.80
69	27,577	71.51
77	28,997	81.83
78	29,724	84.12
82	29,739	79.46
98	26,790	72.77
99	34,725	93.59
103	23,911	67.43

Source: This data were collected from Alabama's House of Representatives. The voting age population was not available at the time of this study.

**Table A.2:** The Adjacent Districts from the Majority African American Districts, the Demographics, and the Party of the Candidates Elected in 1983 to the Adjacent Districts in Alabama

District	Adjacent Districts	Political Party of the Districts	Total African American Population	Total African American Population Percent
19	17	Democrat	498	1.29
	18	Democrat	1,311	3.40
	22	Democrat	2,897	8.12
	20	Democrat	1,954	5.51
52	51	Democrat	5,400	14.32
	55	Republican	2,075	5.66
	15	Republican	10,888	28.05
	53	Democrat	25,188	67.35
53	85	Democrat	19,075	49.31
	86	Democrat	2,419	6.31
	54	Democrat	27,211	74.04
	52	Democrat	26,845	71.90
	51	Democrat	5,400	14.32
54	76	Republican	10,706	29.44
	62	Democrat	5,801	15.07
	60	Democrat	26,363	70.85
	55	Republican	2,075	5.66
	53	Democrat	25,188	67.35
	85	Democrat	19,075	49.31
56	52	Democrat	26,845	71.90
	55	Republican	2,075	5.66
	15	Republican	10,888	28.05
	28	Democrat	5,390	15.22
	27	Democrat	598	1.64
57	58	Democrat	18,118	51.31
	30	Democrat	616	1.67
	29	Democrat	7,999	22.41
	28	Democrat	5,390	15.22
	55	Republican	2,075	5.66
58	59	Democrat	26,914	73.93
	60	Democrat	26,363	70.85

Table A.2 continued				
59	57	Democrat	24,389	65.21
	58	Democrat	18,118	51.31
	60	Democrat	26,363	70.85
60	54	Democrat	27,211	74.04
	55	Republican	2,075	5.66
	62	Democrat	5,801	15.07
68	69	Democrat	27,577	71.51
	74	Republican	1,747	4.92
	84	Democrat	17,969	48.91
	76	Republican	10,706	29.44
69	72	Democrat	6,029	16.33
	65	Democrat	13,958	36.90
	68	Democrat	24,579	67.80
	67	Democrat	25,567	6.70
77				
78				
82	83	Democrat	11,690	33.04
	85	Democrat	19,075	49.31
	76	Republican	10,706	29.44
	84	Democrat	17,969	48.91
98	97	Democrat	10,697	28.99
	99	Democrat	34,725	93.59
	100	Republican	2,863	8.06
99				

Note: Districts 77, 78, and 99 were not found on the map; therefore, they are excluded from the study.

Source: This data were collected from Alabama's House of Representatives.



**Table A.3:** Alabama's 1993 Majority-African American House of Representatives Voting Age Population

Districts	Whites Voting Age population	Whites Voting Age Percentage	African Americans Voting Age Population	African Americans Voting Age Percentage
19	9,835	35.72	17,358	63.04
32	10,565	39.03	16,357	60.43
52	10,049	36.49	17,204	62.47
53	10,694	37.44	17,190	60.19
54	11,623	40.01	17,253	59.40
55	11,452	42.91	15,157	56.79
56	10,591	39.88	15,895	59.85
57	10,837	40.26	15,985	59.39
58	10,897	41.99	14,940	57.56
59	10,327	39.06	16,057	60.73
60	10,061	37.63	16,613	62.14
67	10,257	41.07	14,601	58.46
68	10,301	40.60	15,013	59.17
69	10,269	42.13	14,074	57.74
70	12,038	41.25	16,842	57.71
71	9,716	38.36	15,553	61.41
72	10,147	39.72	15,345	60.07
76	9,184	36.37	15,896	62.94
77	7,966	30.18	18,261	69.19
78	7,392	30.45	16,659	68.63
82	6,206	22.41	21,357	77.11
83	10,977	38.27	17,511	61.05
97	10,246	39.91	15,232	59.33
98	9,260	37.75	15,136	61.70
99	9,629	36.86	16,359	62.62
103	10,081	40.34	14,705	58.85

Source: This data were collected from Alabama's House of Representatives.

**Table A.4:** The Adjacent Districts from the Majority African American Districts, the Demographics and the Party of the Candidates Elected in 1992 to the Adjacent Districts in Alabama

Majority-African American Districts	Adjacent Districts	Political Party of the Districts	Whites Voting Age	Whites Voting Age Percentage	African Americans Voting age Population	African Americans Voting Age Percentage
19	5	Democrat	26,147	87.75	3,451	11.58
	6	Democrat	24,729	82.31	4514	1503
	20	Republican	29,332	91.79	1,841	5.76
	22	Democrat	25,297	93.78	1,328	4.92
	21	Democrat	23,794	79.90	5,257	17.6
	10	Republican	26,434	89.69	1,803	6.12
32	33	Republican	21,307	79.69	5,328	19.93
	34	Democrat	26,617	90.03	2,679	9.06
	35	Republican	25,876	91.37	2,270	8.02
	36	Republican	25,403	87.66	2,873	9.91
	37	Democrat	23,427	78.25	6,443	21.52
	39	Democrat	25,954	93.78	1,563	5.65
52-60	15	Republican	28,316	93.25	1,959	6.45
	40	Republican	25,861	90.42	2,552	8.92
	41	Republican	24,746	88.82	2,965	10.64
	43	Republican	25,102	90.50	2,414	8.70
	44	Republican	25,511	95.78	985	3.70
	45	Republican	28,330	92.89	1,944	6.37
	46	Republican	29,302	97.78	346	1.15
	47	Republican	29,228	95.07	1,098	3.57
	48	Republican	30,628	95.90	817	2.56
	49	Republican	24,790	89.57	2,751	9.94
67	72	Democrat	10,147	39.72	15,345	60.07
	69	Democrat	10,269	42.13	14,074	57.74
68	64	Democrat	21,543	75.05	6,846	23.85
	65	Democrat	20,941	76.48	5,739	20.96
	90	Democrat	18,265	69.75	7,863	30.03
	69	Democrat	10,269	42.13	14,074	57.74
	72	Democrat	10,147	39.72	15,345	60.07
69	90	Democrat	18,265	69.75	7,863	30.03
	88	Republican	20,984	81.44	4,599	17.85
	68	Democrat	10,301	40.60	15,031	59.17
	67	Democrat	10,257	41.07	14,601	58.46

Table A.4 continued						
70	62	Democrat	25,846	88.60	3,119	21.49
	63	Republican	27,798	85.36	4,043	12.42
	61	Democrat	22,249	77.95	6,134	21.49
	72	Democrat	10,147	39.72	15,345	60.07
	14	Democrat	28,890	95.99	1,114	3.70
72	42	Democrat	26,079	87.50	3,576	12.00
	40	Republican	25,861	90.42	2,552	8.92
	62	Democrat	25,846	88.60	3119	10.69
	71	Democrat	9,716	38.36	15,553	61.41
	67	Democrat	10,257	41.07	14,601	58.46
	69	Democrat	10,269	42.13	14,074	57.74
76	78	Democrat	7,392	30.45	16,659	68.63
	73	Republican	35,611	88.15	4,250	10.52
	74	Republican	28,598	92.87	1,824	5.92
	82	Democrat	6,206	22.41	21,357	77.11
	83	Democrat	10,977	38.27	17,511	61.05
	89	Republican	20,513	74.49	6,808	24.72
	90	Democrat	18,265	69.75	7,863	30.03
77	75	Republican	22,624	78.61	5,708	19.83
	88	Republican	20,984	81.44	4,599	17.85
	73	Republican	28,313	89.44	2,956	9.34
	78	Democrat	7,392	30.45	16,659	68.63
	74	Republican	28,598	92.87	1,824	5.92
78	90	Democrat	18,265	69.75	7,863	30.03
	73	Republican	28,313	89.44	2,959	9.34
	74	Republican	28,598	92.27	1,824	5.92
	88	Republican	20,984	81.44	4,599	17.85
	76	Democrat	9,184	36.37	15,896	62.94
82	31	Democrat	21,210	77.11	6,185	22.49
	81	Democrat	22,100	76.47	6,718	23.25
	84	Democrat	17,296	65.79	8,875	33.76
	89	Republican	20,513	74.49	6,808	24.72
	76	Democrat	9,184	36.37	15,896	62.94
	83	Democrat	10,977	38.27	17,511	61.05
83	84	Democrat	12,296	65.79	8,875	33.76
	80	Democrat	26,016	86.52	3,806	12.66

Table A.4 continued						
	82	Democrat	6,206	22.41	21,357	77.11
	79	Democrat	29,851	87.79	3,023	8.89
97-99	96	Democrat	23,028	86.02	3,204	11.97
	102	Republican	25,049	94.62	1,151	4.35
	104	Republican	26,128	93.22	1,625	5.80
	105	Republican	22,600	86.37	2,859	10.93
103	104	Republican	26,128	93.22	1,625	5.80
	105	Republican	22,600	86.37	2,859	10.93

Note: Districts 52-60 and 97-99 are lumped together because these districts were too small to identify them separately on the map.

Source: This data were collected from Alabama's House of Representatives.

Table A.5: Alabama's 2001 Majority-African American House of Representatives Voting Age Population

District	Total	VAP % white	VAP % African American
19	32,056	35.80	61.65
32	31,252	42.51	56.15
52	31,711	34.28	62.80
53	33,417	35.66	59.76
54	31,183	39.25	58.31
55	29,153	34.96	64.02
56	30,949	40.24	58.51
57	30,072	39.75	59.68
58	29,506	41.45	56.98
59	29,367	38.84	59.67
60	31,178	38.26	60.72
67	29,109	39.70	59.39
68	28,709	40.65	58.73
69	28,163	37.66	61.63
70	33,538	40.38	57.29
71	28,736	38.93	60.47
72	29,973	42.65	56.71
76	28,759	29.36	69.52
77	30,215	32.62	66.25
78	29,266	28.96	69.45
82	34,655	39.54	58.08
83	28,719	40.06	58.49
97	30,611	39.05	59.40
98	29,871	37.52	61.38
99	30,975	37.17	61.22
103	28,646	40.80	56.66

Source: This data were collected from Alabama's House of Representatives.

Table A.6: The Adjacent Districts from the Majority African American Districts, the Demographics and the Party of the Candidates Elected in 2002 to the Adjacent Districts in Alabama

Districts	Adjacent Districts	Political Party of the Districts	Total Population	Whites Voting Age Percentages	African American Voting Age Percentages
19	6	Democrat	31,400	68.25	26.83
	10	Republican	32,647	81.14	12.71
	20	Republican	32,250	93.34	2.12
	21	Democrat	32,141	71.96	24.29
32	33	Republican	32,090	77.73	20.94
	35	Republican	31,655	86.77	11.18
	36	Republican	32,212	88.84	8.915
	38	Democrat	32,682	70.70	28.16
52	46	Republican	32,725	92.40	4.52
	56	Democrat	30,949	40.24	58.51
	57	Democrat	30,072	39.75	59.68
	53	Democrat	33,417	35.66	59.76
	60	Democrat	31,178	38.25	60.72
	51	Republican	32,624	93.36	5.29
53	55	Democrat	29,153	34.96	64.02
	60	Democrat	31,178	38.25	60.72
	58	Democrat	29,506	41.44	56.98
54	59	Democrat	29,367	38.83	59.67
	58	Democrat	29,506	41.44	56.98
	45	Republican	31,104	96.36	17.55
55	57	Democrat	30,072	39.75	59.68
	60	Democrat	31,178	38.25	60.72
	53	Democrat	33,417	35.66	59.76
56	57	Democrat	30,072	39.75	59.68
	47	Republican	35,010	87.75	6.15
	52	Democrat	31,711	34.28	62.80
57	56	Democrat	30,072	39.75	59.68
	47	Republican	35,010	87.75	6.15
	55	Democrat	29,153	34.96	64.02

Table A.6 continued					
58	59	Democrat	29,367	38.83	59.67
	44	Republican	30,565	87.68	10.65
	45	Republican	31,104	80.28	17.55
59	60	Democrat	31,178	38.25	60.72
	55	Democrat	29,153	34.96	64.02
	59	Democrat	29,367	38.83	59.67
	54	Democrat	31,183	39.25	58.31
60	55	Democrat	29,153	34.96	64.02
	59	Democrat	29,367	38.84	59.68
	52	Democrat	31,711	34.28	62.80
67	72	Democrat	29,973	42.65	56.71
	69	Democrat	28,163	37.67	61.63
	43	Republican	32,490	93.65	3.50
68	65	Democrat	29,405	71.75	24.76
	64	Democrat	30,443	73.16	23.82
	90	Democrat	30,199	67.33	31.89
69	90	Democrat	30,199	67.33	31.90
	67	Democrat	29,109	39.70	59.40
	68	Republican	28,709	40.64	58.73
	72	Democrat	29,973	42.65	56.71
70	63	Republican	34,860	78.98	18.22
	62	Republican	31,961	81.50	16.62
	61	Democrat	29,947	71.21	27.07
	71	Democrat	28,736	38.93	60.47
72	49	Republican	29,973	42.65	56.71
	67	Democrat	29,109	39.70	59.39
	62	Republican	31,961	81.49	16.62
	71	Democrat	28,736	38.93	60.47
	68	Republican	28,709	40.65	58.73
76	73	Republican	31,594	71.80	25.04
	78	Democrat	29,266	28.96	69.45
	90	Democrat	30,199	67.33	31.89
	89	Republican	31,475	65.75	31.89
	75	Republican	32,705	76.47	20.98
	82	Republican	34,655	39.54	58.08

Table A.6 continued					
77	74	Republican	31,376	82.77	14.41
	88	Republican	31,458	83.65	14.27
	75	Republican	32,705	76.47	20.98
78	69	Democrat	28,163	37.67	61.63
	76	Democrat	28,758	29.36	69.53
	73	Republican	31,594	71.80	25.05
	88	Republican	31,458	83.65	14.27
71	61	Democrat	29,947	71.21	27.07
	68	Republican	28,709	40.65	58.73
	72	Democrat	29,973	42.65	56.71
	70	Democrat	33,538	40.38	57.29
	62	Republican	31,961	81.49	16.62
82	76	Democrat	28,758	29.36	69.53
	89	Republican	31,475	65.75	31.12
	83	Democrat	28,719	40.06	58.50
	84	Democrat	30,733	48.92	48.96
	81	Democrat	32,262	75.93	23.16
	31	Democrat	31,869	75.83	22.37
	79	Republican	35,594	86.16	10.22
97	96	Republican	32,451	88.34	9.75
	105	Republican	29,326	86.43	8.13
	103	Democrat	28,646	40.81	56.66
	99	Democrat	30,975	37.17	61.22
	98	Democrat	29,871	37.52	61.38
83	84	Democrat	30,733	48.92	48.96
	80	Republican	31,936	81.90	16.94
	79	Republican	35,594	86.16	10.22
98	102	Republican	30,824	84.92	10.98
	99	Democrat	30,975	37.17	61.22
	96	Republican	32,451	88.34	9.76
99	100	Republican	30,457	89.30	7.29
	98	Democrat	29,871	11,208	61.39
	97	Democrat	30,611	39.06	59.40
103	97	Democrat	30,611	39.06	59.40
	105	Republican	29,326	86.43	8.13



Table A.6 continued					
	104	Republican	32,807	87.81	9.62
	100	Republican	30,457	89.30	7.29

<b>Table A.7: Louisiana's 1988-1992 Majority-African American House of Representatives Districts and the Demographics of Each District</b>			
Districts	Total Population	Total White %	Total AA %
2	15,976	11.1	88.9
3	13,750	26.0	74.0
10	21,581	12.2	72.4
17	15,893	24.1	75.9
34	19,599	20.4	70.6
58	24,429	47.2	52.8
61	14,043	22.1	77.9
63	16,465	13.8	86.2
67	12,959	22.7	77.3
91	17,482	24.0	76.0
93	13,045	30.2	69.8
95	15,031	34.6	65.4
96	17,130	18.4	81.6
97	16,106	21.2	78.8
99	16,221	10.0	90.0
101	16,539	13.4	86.6

Source: This data were collected from Louisiana's House of Representatives.

**Table A.8:** The Adjacent Districts from the Majority African American Districts, the Demographics, and the Party of the Candidates Elected in 1987 to the Adjacent Districts in Louisiana

Districts	Adjacent Districts	Political Party of the District	Total Population	Whites Percentage in Population	African Americans Percentage in Population
2-3	2	Democrat	15,976	11.1	88.9
	3	Democrat	23,750	26.0	74.0
	4	Democrat	19,937	83.4	16.6
	5	Republican	25,344	96.4	3.6
	6	Republican	17,705	84.5	15.5
	1	Democrat	19,487	81.6	18.4
	9	Democrat	22,165	83.8	16.2
10	7	Democrat	21,215	75.4	24.6
	9	Democrat	22,165	83.8	16.2
	11	Democrat	23,124	65.6	34.4
	13	Democrat	23,623	77.1	22.9
17	16	Democrat	20,364	85.6	14.4
	15	Democrat	20,816	91.7	8.3
	19	Democrat	20,576	60.9	39.1
	14	Democrat	19,752	78.3	21.7
34	35	Republican	23,846	94.3	5.7
	36	Democrat	25,081	95.8	4.2
	37	Democrat	21,990	84.2	15.8
58	60	Democrat	25,847	63.7	36.3
	59	Democrat	26,280	92.2	7.8
	55	Democrat	21,667	87.4	12.6
	56	Democrat	26,021	69.5	30.5
	57	Democrat	25,317	70.1	29.9
	61	Democrat	14,043	22.1	77.9
61,63,67	60	Democrat	25,847	63.7	36.3
	61	Democrat	14,043	22.1	77.9
	62	Democrat	21,812	64.5	35.5
	63	Democrat	16,465	13.8	86.2
	64	Democrat	21,790	83.8	16.2
	65	Democrat	20,839	97.0	3.0
	66	Democrat	16,954	80.9	19.1
	67	Democrat	12,959	22.7	77.3
	68	Democrat	23,099	86.1	13.9

Table A.8 continued					
	69	Democrat	27,386	97.9	2.1
	70	Republican	28,510	95.5	4.5
	59	Democrat	26,280	92.2	7.8
	71	Democrat	25,699	95.3	4.7
	72	Democrat	26,355	64.3	35.7
	62	Democrat	21,812	64.5	35.5
	29	Democrat	23,528	61.6	38.4
	58	Democrat	24,429	47.2	52.8
91, 93, 95, 96, 97, 99, 101	89	Republican	19,369	83.7	16.3
	90	Republican	17,103	53.5	46.5
	91	Democrat	17,482	24.0	76.0
	92	Democrat	14,572	77.3	22.7
	93	Democrat	13,045	30.2	69.8
	94	Republican	21,192	91.7	8.3
	95	Democrat	15,031	34.6	65.4
	96	Democrat	17,130	18.4	81.6
	97	Democrat	16,106	21.2	78.8
	98	Republican	22,155	62.8	37.2
	99	Democrat	16,221	10.0	90.0
	100	Democrat	20,735	59.2	40.8
	101	Democrat	16,539	13.4	86.6
	59	Democrat	26,280	92.2	7.8
	56	Democrat	26,021	69.5	30.5
	105	Democrat	22,328	84.0	16.0

Note: Districts 2-3; 61, 63, and 67; and 91, 93, 95, 96, 97, 99, 101 are lumped together because these districts were too small to identify them separately on the map.

Source: This data were collected from Louisiana's House of Representatives.

**Table A.9:** Louisiana's 1992-1996 Majority-African American House of Representatives Districts and the Demographics of each District

District	Total Pop	White %	Black %
2	16,451	22.1	77.4
3	17,539	36.3	63.2
4	17,394	41.8	57.7
11	22,382	46.6	58.9
21	24,718	46.6	53.3
26	19,263	40.7	58.7
29	18,080	41.9	58.0
34	18,993	7.8	86.2
40	25,450	44.8	55.0
44	20,700	42.5	57.3
58	25,328	35.8	64.2
61	17,762	39.4	60.4
63	21,214	23.5	76.4
67	15,641	35.7	63.6
72	25,416	43.4	54.4
87	15,489	35.9	62.3
93	19,110	28.2	70.0
95	18,816	27.1	71.6
96	19,416	11.1	87.9
97	20,449	20.0	78.8
99	20,494	7.5	91.8
100	19,070	36.6	61.5
101	20,287	18.7	80.3

Source: This data were collected from Louisiana's House of Representatives.

**Table. A.10:** The Adjacent Districts from the Majority African American Districts, the Demographics, and the Party of the Candidates Elected in 1993 to the Adjacent Districts in Louisiana

Districts	Adjacent Districts	Political Party of the House Member	Total Population	White Percentage in Population	African American Percentage in Population
2-4	1	Republican	20,045	81.9	17.8
	2	Democrat	16,451	22.1	77.4
	3	Democrat	17,539	36.6	63.2
	4	Democrat	17,394	41.8	57.7
	5	Republican	21,695	94.1	5.1
	6	Republican	24,593	92.7	6.7
	7	Democrat	20,555	70.9	26.5
	8	Republican	16,077	90.2	9.3
	9	Democrat	18,521	82.6	16.9
11	10	Democrat	22,378	71.2	28.8
	12	Democrat	22,382	40.6	58.9
	13	Democrat	24,200	72.8	27.2
21	28	Democrat	22,981	75.5	24.3
	20	Democrat	26,913	76.6	21.3
	22	Democrat	26,076	84.5	15.1
	19	Democrat	23,099	73.8	26.0
	14	Democrat	22,733	74.4	25.5
26	27	Republican	20,604	91.4	8.1
	22	Independent	26,076	84.5	15.1
	25	Democrat	23,281	85.2	13.7
	28	Democrat	22,981	75.5	24.3
29	18	Democrat	21,937	72.1	27.8
	61	Democrat	17,762	39.4	60.4
	67	Democrat	15,641	35.7	63.6
34	35	Republican	20,094	93.4	6.1
	36	Republican	23,262	95.0	4.6
	37	Democrat	23,647	84.8	15.0
40	38	Democrat	26,906	74.8	25.1
	39	Democrat	22,219	82.5	17.3
	41	Democrat	23,590	81.0	18.9

Table A. 10 continued					
44	39	Democrat	22,219	82.5	17.3
	43	Democrat	24,256	93.9	5.8
	46	Democrat	24,274	66.2	33.6
58	70	Republican	20,635	89.7	9.5
	59	Democrat	23,677	92.9	6.8
	57	Democrat	23,967	70.8	28.9
	55	Democrat	19,170	83.4	16.4
	56	Democrat	23,715	77.2	22.8
	60	Democrat	25,392	66.8	33.2
	105	Democrat	21,913	76.3	19.0
63	29	Democrat	18,080	41.9	58.0
	28	Democrat	18,080	75.5	24.3
	64	Democrat	23,562	88.9	11.0
67	29	Democrat	18,080	41.9	58.0
	61	Democrat	17,762	39.4	60.4
	68	Democrat	24,691	84.9	14.9
61	29	Democrat	18,080	41.9	58.0
	67	Democrat	15,641	35.7	63.6
	68	Democrat	24,691	84.9	14.9
	66	Republican	20,478	89.1	10.5
72	18	Democrat	21,937	72.1	27.8
	62	Republican	23,968	75.2	22.8
87	84	Democrat	18,445	88.5	9.7
	85	Republican	18,238	78.2	20.2
	89	Democrat	22,340	66.2	32.2
	91	Democrat	21,712	36.3	62.1
	93	Democrat	19,110	28.2	70.2
93	91	Democrat	21,712	36.3	62.1
	85	Republican	18,238	78.2	20.2
	102	Democrat	19,275	48.5	50.0
	96	Democrat	19,416	11.1	87.9
95	94	Republican	22,947	89.8	8.9
	89	Democrat	22,340	66.2	32.2
	81	Republican	23,390	98.6	.9
	82	Republican	21,138	91.1	8.2

Table A.10 continued					
	91	Democrat	21,712	36.3	62.1
	93	Democrat	19,110	28.2	70.2
96	93	Democrat	19,110	28.2	70.2
	96	Democrat	19,416	11.1	87.9
	97	Democrat	20,449	20.0	78.8
	94	Republican	22,947	89.8	8.9
	102	Democrat	19,275	48.5	50.0
97	94	Republican	22,947	89.8	8.9
	98	Republican	24,137	56.1	42.9
	99	Democrat	19,275	48.5	50.0
	101	Democrat	20,287	18.7	80.3
	102	Democrat	19,275	48.5	50.0
99	97	Democrat	20,449	20.0	78.8
	101	Democrat	20,287	18.7	80.3
	102	Democrat	19,275	48.5	50.0
	103	Democrat	20,532	87.1	11.1
100	101	Democrat	20,287	18.7	80.3
101	97	Democrat	20,449	20.0	78.8
	98	Republican	24,137	56.1	42.9
	99	Democrat	19,275	48.5	50.0
	100	Democrat	19,070	36.6	61.5
	103	Democrat	20,532	87.1	11.1

Source: This data were collected from Louisiana's House of Representatives.



**Table A.11:** Louisiana's 2000-2004 Majority-African American House of Representative Districts and Demographics of each District

District	Districts' Total Population	White Percentage in Population	African American Percentage in Population
2	17,045	16.8	80.0
3	19,551	19.2	78.4
4	19,556	29.7	67.8
11	21,547	39.2	59.2
17	20,811	10.6	87.4
21	25,151	43.9	55.6
26	17,229	33.8	65.0
29	19,502	23.5	73.9
34	22,621	24.0	73.0
40	25,686	42.8	56.3
44	22,375	34.9	63.0
58	25,567	34.3	64.9
61	20,646	25.1	71.4
63	28,510	22.7	75.8
67	15,042	30.7	64.9
72	26,350	43.2	54.4
87	19,611	23.5	69.6
91	20,244	37.7	57.5
93	18,978	29.5	65.2
95	19,674	20.6	75.0
96	19,113	10.6	86.0
97	21,940	13.3	83.1
98	24,246	36.9	59.6
99	20,436	16.1	79.2
100	21,351	16.1	79.2
101	19,800	9.0	88.3
102	24,703	38.0	57.0

Source: This data were collected from Louisiana's House of Representatives.

**Table A.12 : The Adjacent Districts from the Majority African American Districts, the Demographics, and the Party of the Candidates Elected in 1999 to the Adjacent Districts in Louisiana**

Districts	Adjacent Districts	Political Party of the Districts	Total Population	Whites Percentage in Population	African American Percentage in Population
2-4	1	Republican	23,545	77.0	20.9
	2	Democrat	17,045	16.8	80.0
	3	Democrat	19,551	19.2	78.4
	4	Democrat	19,556	29.7	67.8
	5	Republican	23,480	86.6	10.7
	6	Republican	25,747	87.8	9.4
	7	Democrat	24,934	71.4	25.7
	8	Republican	22,379	82.3	13.6
11	10	Democrat	24,650	69.0	29.7
	12	Republican	26,499	81.6	16.9
	13	Democrat	25,562	72.6	26.6
17	15	Republican	27,114	90.9	7.5
	16	Republican	23,850	88.1	9.8
	19	Democrat	25,182	70.5	28.8
21	14	Democrat	26,047	70.5	28.5
	19	Democrat	25,182	70.5	28.8
	20	Democrat	26,939	77.7	21.9
	22	Democrat	27,085	84.2	14.8
	28	Democrat	23,737	89.0	9.3
26	18	Democrat	24,043	73.6	26.0
	22	Democrat	27,085	84.2	14.8
	27	Republican	22,684	89.0	9.3
29	25	Democrat	26,016	33.8	65.0
	68	Democrat	27,780	80.6	16.7
	18	Democrat	24,043	73.6	26.0
34	67	Democrat	15,042	30.7	64.9
	64	Republican	27,814	82.3	16.0
	66	Republican	23,849	86.6	10.5
	35	Republican	25,930	86.0	11.2

Table A. 12 continued					
	36	Republican	30,507	91.8	6.0
	37	Democrat	27,084	83.8	14.7
40	39	Democrat	28,819	79.5	18.5
	38	Democrat	27,712	74.0	25.6
	41	Republican	25,484	80.6	18.5
44	39	Democrat	28,819	79.5	18.5
	46	Democrat	28,066	66.7	32.6
	43	Republican	31,544	91.6	5.6
	45	Democrat	27,335	90.7	6.0
58	55	Democrat	22,402	96.5	1.8
	56	Democrat	26,933	76.0	21.6
	57	Democrat	26,865	64.6	33.3
	59	Democrat	31,763	90.9	6.6
	60	Democrat	26,566	65.3	34.5
	70	Republican	30,304	82.7	12.7
61	29	Democrat	19,502	23.5	73.9
	65	Republican	23,849	86.6	10.5
	66	Republican	22,337	75.6	20.5
	67	Democrat	15,042	30.7	64.9
	68	Democrat	27,780	80.6	16.7
63	18	Democrat	24,043	73.6	26.0
	29	Democrat	19,502	23.5	73.9
	62	Republican	28,510	74.4	22.9
	64	Republican	27,814	82.3	16.0
	65	Republican	23,849	86.6	10.5
67	18	Democrat	24,043	73.6	26.0
	29	Democrat	19,502	23.5	73.9
	62	Republican	28,510	74.4	22.9
	64	Republican	27,814	82.3	16.0
	65	Republican	23,849	86.6	10.5
72	18	Democrat	24,043	73.6	26.0
	62	Republican	28,510	74.4	22.9
	74	Republican	32,431	89.9	7.4
	77	Republican	32,495	84.1	12.2
87	84	Democrat	24,139	79.4	13.9

Table A. 12 continued					
	85	Republican	23,327	67.0	25.5
	91	Democrat	20,244	37.7	57.5
	89	Democrat	21,181	62.1	32.9
	83	Democrat	22,861	61.2	33.3
	93	Democrat	18,978	29.5	65.2
91	87	Democrat	19,611	23.5	69.6
	89	Democrat	21,181	62.1	32.9
	93	Democrat	18,978	29.5	65.2
	94	Republican	23,642	83.9	10.9
93	85	Republican	23,327	67.0	25.5
	87	Democrat	19,611	23.5	69.6
	91	Democrat	20,244	37.7	57.5
	94	Republican	23,642	83.9	10.9
	96	Democrat	19,113	10.6	86.0
	102	Democrat	24,703	38.0	57.0
95	89	Democrat	21,181	62.1	32.9
	94	Republican	23,642	83.9	10.9
	81	Republican	24,667	95.1	1.1
	82	Republican	22,832	86.5	8.5
96	93	Democrat	18,978	29.5	65.2
	94	Republican	23,642	83.9	10.9
	97	Democrat	21,940	13.3	83.1
97	94	Republican	23,642	83.9	10.9
	96	Democrat	19,113	10.6	86.0
	98	Democrat	24,246	36.9	59.6
	99	Democrat	20,436	16.1	79.2
	101	Democrat	19,800	9.0	88.3
	102	Democrat	24,703	38.0	57.0
98	94	Republican	23,642	83.9	10.9
	97	Democrat	21,940	13.3	83.1
	101	Democrat	19,800	9.0	88.3
99	97	Democrat	21,940	13.3	83.1
	101	Democrat	19,800	9.0	88.3
	102	Democrat	24,703	38.0	57.0
	103	Democrat	21,325	81.6	12.2

100	101	Democrat	19,800	9.0	88.3
101	97	Democrat	21,940	13.3	83.1
	98	Democrat	24,246	36.9	59.6
	99	Democrat	20,436	16.1	79.2
	100	Democrat	21,351	16.1	79.2
	103	Democrat	21,325	81.6	12.2
102	85	Republican	23,327	67.0	25.5
	86	Republican	21,441	64.2	27.1
	93	Democrat	18,978	29.5	65.2
	97	Democrat	21,940	13.3	83.1
	99	Democrat	20,436	16.1	79.2
Sources: The data were collected from Louisiana's House of Representatives.					

Table A.13: Louisiana's 2000-2004 Majority-African American House of Representative Districts and Demographics of each District

District	Total	White	Black
2	21,668	22.5	74.2
3	22,317	16.4	80.6
4	24,592	34.2	62.7
11	22,631	39.3	58.6
17	24,897	11.3	85.8
21	27,574	43.8	55.5
26	24,377	40.1	60.5
29	23,281	19.5	77.0
34	28,639	28.4	68.4
40	26,414	41.2	57.2
44	24,636	33.3	63.5
58	28,028	34.2	64.7
61	24,137	26.7	69.2
63	25,101	24.9	73.0
67	19,756	30.0	65.8
72	28,017	42.4	54.7
87	22,961	21.1	71.1
91	24,372	36.2	59.5
93	24,711	36.0	56.9
95	25,745	37.5	55.4
96	25,314	18.0	77.3
97	26,115	18.6	77.1
98	24,597	35.9	57.1
99	25,262	6.1	90.7
100	23,805	12.1	83.8
101	23,338	11.3	85.5
102	23,467	29.2	64.5

Source: This data were collected from Louisiana's House of Representatives.

**Table A.14:** The Adjacent Districts from the Majority African American Districts, the Demographics and the Party of the Candidates Elected in 2003 to the Adjacent Districts in Louisiana

District	Adjacent Districts	Political Party of the Districts	Total population	White Percentage in Population	African American Percentage in Population
2	4	Democrat	24,59.76	43.2	62.7
	3	Democrat	22,317	16.4	80.6
	8	Republican	26,378	83.3	12.3
	6	Republican	28,161	86.5	9.7
3	1	Republican	25,148	77.0	20.1
	2	Democrat	21,668	22.5	74.2
	4	Democrat	24,59.76	43.2	62
	5	Republican	26,064	84.4	12.1
	6	Republican	28,161	86.5	9.7
4	1	Republican	25,148	77.0	20.1
	2	Democrat	21,668	22.5	74.2
	3	Democrat	22,317	16.4	80.6
	5	Republican	26,064	84.4	12.1
	8	Republican	26,378	83.3	12.3
11	10	Democrat	26,417	69.1	29.6
	12	Republican	29,640	79.0	20.7
	13	Democrat	26,728	74.8	23.9
17	15	Republican	28,592	88.6	8.2
	16	Republican	26,213	85.0	12.2
	19	Democrat	25,468	69.5	29.4
21	18	Democrat	24,517	66.5	32.6
	19	Democrat	25,468	69.5	29.4
	20	Democrat	28,783	74.6	24.9
	28	Democrat	25,310	72.9	26.1
26	25	Democrat	26,619	81.6	15.5
	27	Democrat	28,627	90.7	6.9
29	61	Democrat	24,137	26.7	69.2
	63	Democrat	25,101	24.9	73.0

Table A.14 continued

	65	Republican	26,038	87.2	9.6
	66	Republican	25,333	78.9	16.5
	67	Democrat	19,756	30.0	65.8
34	35	Republican	27,836	87.5	9.4
	36	Republican	29,991	91.2	5.5
	37	Democrat	27,992	82.4	15.7
40	38	Democrat	28,700	72.4	27.0
	39	Democrat	28,654	75.7	21.5
	41	Democrat	26,598	79.4	19.4
	46	Democrat	29,973	66.5	31.5
44	31	Republican	28,466	90.2	6.6
	39	Democrat	28,654	75.7	21.5
	43	Republican	27,916	87.5	8.3
	45	Democrat	27,239	88.2	7.8
	49	Democrat	27,645	76.0	21.9
58	55	Democrat	26,401	81.4	16.8
	56	Democrat	27,476	69.1	27.8
	57	Democrat	28,061	60.0	37.3
	59	Republican	27,776	87.7	8.6
	60	Democrat	28,461	62.6	36.9
	88	Republican	29,294	92.9	4.7
61	29	Democrat	23,281	19.5	77.0
	66	Republican	25,333	78.9	16.5
	67	Democrat	19,756	30.0	65.8
	68	Republican	25,974	74.6	21.5
	69	Republican	25,847	89.7	6.4
63	29	Democrat	23,281	19.5	77.0
	62	Republican	29,090	70.6	26.6
	64	Republican	27,513	85.6	12.1
	65	Republican	26,038	87.2	9.6
67	29	Democrat	23,281	19.5	77.0
	61	Democrat	24,137	26.7	69.2
	68	Republican	25,974	74.6	21.5
	70	Republican	27,776	80.9	13.7



Table A.14 Continued

72	18	Democrat	24,517	66.5	32.6
	62	Republican	29,090	70.6	26.6
	74	Republican	29,721	87.7	9.2
87	84	Democrat	24,793	78.9	13.5
	85	Republican	25,847	61.3	29.7
	91	Democrat	24,372	36.2	59.5
	98	Democrat	24,597	35.9	57.1
91	87	Democrat	22,961	21.1	71.1
	93	Democrat	24,711	36.0	56.9
	98	Republican	24,597	35.9	57.1
93	85	Republican	25,847	61.3	29.7
	91	Democrat	24,372	36.2	59.5
	94	Republican	28,423	82.6	10.9
	95	Democrat	25,745	37.5	55.4
	96	Democrat	25,314	18.0	77.3
	98	Democrat	24,597	35.9	57.1
	99	Democrat	25,262	6.1	90.7
	102	Democrat	23,467	29.2	64.5
95	94	Republican	28,423	82.6	10.9
	81	Republican	30,166	92.1	2.1
	82	Republican	25,814	84.2	9.3
	83	Democrat	24,243	58.5	35.1
	98	Democrat	24,597	35.9	57.1
	93	Democrat	24,711	36.0	56.9
96	94	Republican	28,423	82.6	10.9
	93	Democrat	24,711	36.0	56.9
	97	Democrat	26,115	18.6	77.1
	102	Democrat	23,467	29.2	64.5
97	94	Republican	28,423	82.6	10.9
	96	Democrat	25,314	18.0	77.3
	99	Democrat	25,262	6.1	90.7
	101	Democrat	23,338	11.3	85.5
98	91	Democrat	24,372	36.2	59.5
	93	Democrat	24,711	36.0	56.9
	95	Democrat	25,745	37.5	55.4

Table A.14 continued					
99	102	Democrat	23,467	29.2	64.5
	101	Democrat	23,338	11.3	85.5
	97	Democrat	26,115	18.6	77.1
	104	Republican	25,697	90.0	6.9
100	101	Democrat	23,338	11.3	85.5
101	100	Democrat	23,805	12.1	83.8
	97	Democrat	26,115	18.6	77.1
	99	Democrat	25,262	6.1	90.7
102	85	Republican	25,847	61.3	29.7
	86	Republican	23,237	62.1	28.8
	93	Democrat	24,711	36.0	56.9
	96	Democrat	25,314	18.0	77.3
	97	Democrat	26,115	18.6	77.1
	104	Republican	25,697	90.0	6.9

Source: This data were collected from Louisiana's House of Representatives.

**Table A.15:** Mississippi's Majority-African American House of Representatives Districts and the Demographics for each District for 1993

Districts	Total Population	Percent African American	Number African American 18 +	Percent African American 18 +
5	20,124	65.60	8,441	61.80
9	20,385	71.90	8,709	66.38
11	20,104	56.43	6,824	50.91
26	22,123	73.93	9,749	69.00
27	22,124	73.79	10,063	69.40
29	21,960	78.20	10,107	72.87
30	20,058	66.18	8,470	60.97
31	20,181	72.60	8,619	67.03
32	21,532	80.43	10,933	76.87
36	20,928	64.76	8,378	60.16
38	20,115	66.25	8,281	60.30
41	20,075	66.90	8,580	61.97
42	20,105	67.98	8,523	63.14
47	21,180	70.87	9,193	65.68
49	22,060	74.42	9,947	69.10
50	21,752	71.06	9,199	65.75
51	20,849	71.14	8,676	65.70
55	20,540	67.95	8,676	62.13
57	21,989	73.54	9,841	68.48
63	20,099	69.43	8,923	66.30
65	20,200	76.54	10,683	71.84
67	22,004	70.99	10,369	66.60
68	20,404	71.34	8,435	63.58
69	21,554	71.40	11,089	69.29
70	21,290	76.19	11,349	71.44
72	20,430	73.51	9,020	68.69
76	21,221	68.42	9,351	64.33
80	21,346	71.16	9,510	65.45
82	21,003	72.20	9,654	66.25
85	20,994	71.16	10,055	68.59
91	20,511	55.04	6,991	50.12
94	20,511	69.36	9,134	66.24
96	20,072	64.31	8,353	60.55
98	20,516	65.71	8,395	61.31
103	20,452	72.27	9,239	66.06
110	21,022	68.36	9,032	62.93
119	20,059	63.73	8,076	59.06

Source: This data were collected from Mississippi's House of Representatives.

**Table A.16:** The Adjacent Districts from the Majority African American Districts, the Demographics, and the Party of the Candidate Elected in 1993 to the Adjacent Districts in Mississippi

Districts	Adjacent Districts	Political Party in the Districts	Total Population	Percent African American	Number African American 18 +	Percent African American 18 +
5	4	Democrat	21,144	15.82	2,149	13.86
	10	Democrat	20,488	29.22	3,820	25.63
	13	Democrat	21,267	27.52	3,759	24.67
	14	Democrat	22,085	14.55	2,107	12.97
9	6	Democrat	20,295	22.06	3,005	20.20
	8	Democrat	21,432	34.61	4,653	30.71
	11	Democrat	20,104	56.43	6,824	50.91
	26	Democrat	22,123	73.93	9,749	69.00
	25	Democrat	22,075	13.96	1,851	12.17
	30	Democrat	30,058	66.18	8,470	60.97
11	8	Democrat	21,432	34.61	4,653	30.71
	9	Democrat	20,385	71.90	8,709	66.38
	10	Democrat	20,488	29.22	3,820	25.63
	30	Democrat	30,058	66.18	8,470	60.97
	33	Democrat	20,184	43.30	5,505	38.55
26	6	Democrat	20,295	22.06	3,005	20.20
	9	Democrat	20,385	71.90	8,709	66.38
	25	Democrat	22,075	13.96	1,851	12.17
	29	Democrat	21,960	78.20	10,107	72.87
	30	Democrat	30,058	66.18	8,470	60.97
27	48	Democrat	20,265	50.03	6,216	44.19
	46	Democrat	21,151	35.69	4,907	31.75
	45	Democrat	21,668	27.09	3,803	24.46
	58	Republican	22,107	8.06	1,319	7.88
	59	Republican	22,067	6.86	989	6.29
	57	Democrat	21,989	73.54	9,841	68.48
	47	Democrat	21,180	70.87	9,193	65.68
29	56	Democrat	21,938	34.50	4,981	31.80
	25	Democrat	22,075	13.96	1,851	12.17
	26	Democrat	22,123	73.93	9,749	69.00
	30	Democrat	30,058	66.18	8,470	60.97
	31	Democrat	20,181	72.60	8,619	67.03

Table A. 16 Continued						
	28	Democrat	21,696	41.98	5,446	35.96
	50	Democrat	21,752	71.06	9,199	65.75
30	26	Democrat	22,123	73.93	9,749	69.00
	9	Democrat	20,385	71.90	8,709	66.38
	11	Democrat	20,104	56.43	6,824	50.91
	33	Democrat	20,184	43.30	5,505	38.55
	32	Democrat	21,532	80.43	10,933	76.87
	34	Democrat	20,159	36.31	4,385	30.97
	31	Democrat	20,181	72.60	8,619	67.03
	28	Democrat	21,696	41.98	5,556	35.96
	29	Democrat	21,960	78.20	10,107	72.87
31	52	Democrat	22,068	23.69	3,148	20.43
	28	Democrat	21,696	41.98	5,556	35.96
	29	Democrat	21,960	78.20	10,107	72.87
	30	Democrat	30,058	66.18	8,470	60.97
	34	Democrat	20,159	36.31	4,385	30.97
	51	Democrat	20,849	71.14	8,676	65.70
32	24	Democrat	20,732	36.86	4,981	33.47
	30	Democrat	30,058	66.18	8,470	60.97
	34	Democrat	20,159	36.31	4,385	30.97
36	20	Democrat	20,087	16.36	2,169	14.70
	21	Democrat	21,394	18.37	2,556	16.03
	22	Democrat	20,070	38.67	4,809	34.40
	41	Democrat	20,075	66.90	8,580	61.97
	37	Democrat	21,949	19.23	2,997	16.72
	35	Democrat	21,805	27.01	3,638	23.17
	46	Democrat	21,151	35.69	4,907	31.75
	38	Democrat	20,115	66.35	8,281	60.30
38	35	Democrat	21,805	27.01	3,638	23.17
	36	Democrat	20,928	64.76	8,378	60.16
	37	Democrat	21,949	19.23	2,997	16.72
	40	Republican	20,075	66.90	8,580	16.13
	41	Democrat	20,075	66.90	8,580	61.97
41	20	Democrat	20,087	16.36	2,169	14.70
	36	Democrat	20,928	64.76	8,378	60.16
	38	Democrat	20,115	66.35	8,281	60.30
	39	Democrat	20,102	19.27	2,483	16.91
	40	Republican	20,075	66.90	8,580	16.13

Table A. 16 continued

42	37	Democrat	21,949	19.23	2,997	16.72
	38	Democrat	20,115	66.35	8,281	60.30
	43	Democrat	20,726	40.20	5,178	35.32
	44	Democrat	21,578	19.05	2,622	17.25
	78	Democrat	21,453	26.34	3,627	23.51
	81	Independent	22,132	21.37	2,975	18.75
47	27	Democrat	22,124	73.79	10,063	69.40
	48	Democrat	20,265	50.03	6,216	44.19
	51	Democrat	20,849	71.14	8,676	65.70
	56	Democrat	21,938	34.50	4,981	31.80
49						
50	28	Democrat	21,696	41.98	5,446	35.96
	29	Democrat	21,960	78.20	10,107	72.87
	52	Republican	22,068	23.69	3,148	20.43
51	52	Republican	22,068	23.69	3,148	20.43
	31	Democrat	20,181	72.60	8,619	67.03
	34	Democrat	20,159	36.31	4,385	30.97
	48	Democrat	20,265	50.03	6,216	44.19
	47	Democrat	21,989	73.54	9,841	68.48
	56	Democrat	21,938	34.50	4,981	31.80
55	52	Republican	22,068	23.69	3,148	20.43
	54	Republican	22,013	17.66	2,394	15.42
	56	Democrat	21,938	34.50	4,981	31.80
	85	Democrat	20,994	71.16	10,055	68.59
57	27	Democrat	22,107	8.06	1,319	7.88
	56	Democrat	21,938	34.50	4,981	31.80
	58	Republican	22,107	8.06	1,319	7.88
63	56	Democrat	21,938	34.50	4,981	31.80
	54	Republican	22,013	17.66	2,394	15.42
	85	Democrat	20,994	71.16	10,055	68.59
	73	Republican	20,743	13.11	1,917	17.22
	72	Democrat	20,430	73.51	9,020	68.69
	64	Republican	21,073	13.25	1,856	11.67
65-70						

Table A.16 continued

72	63	Democrat	20,099	69.43	8,923	66.30
	64	Republican	21,073	13.25	1,856	11.67
	58	Republican	22,107	8.06	1,319	7.88
	73	Republican	20,743	13.11	1,917	17.22
76	85	Democrat	20,994	71.16	10,055	68.59
	92	Democrat				
	53	Democrat	20,102	18.34	2,394	16.57
	62	Democrat	22,054	18.60	2,581	16.39
80	84	Republican	21,765	19.15	2,630	16.79
	87	Democrat	21,515	36.96	4,996	32.65
	89	Democrat	22,040	15.20	2,144	12.88
	88	Democrat	20,692	9.54	1,212	8.11
	86	Democrat	22,000	33.35	4,478	29.48
	81	Independent	22,132	21.37	2,975	18.73
82	81	Independent	22,132	21.37	2,975	18.73
	83	Democrat	20,313	18.24	2,437	15.85
85	55	Democrat	20,540	67.95	8,910	62.13
	54	Republican	22,013	17.66	2,394	15.42
	76	Democrat	21,221	68.42	9,351	64.33
	94	Democrat	20,083	69.36	9,134	55.24
	53	Democrat	20,102	18.34	2,394	16.57
	63	Democrat	20,999	69.43	8,923	66.30
91	77	Republican	21,051	29.28	3,805	25.57
	62	Democrat	22,054	18.60	2,581	16.39
	97	Democrat	20,050	21.70	2,848	19.33
	101	Republican				
	53	Democrat	20,102	18.34	2,394	16.57
94	85	Democrat	20,994	71.16	10,055	68.59
	95	Democrat	20,372	26.54	3,512	23.56
	96	Democrat	20,072	64.31	8,353	60.55
			22,111	11.77	1,571	10.10
96	85	Democrat	20,994	71.16	10,055	68.59
	97	Democrat	20,050	21.70	2,848	19.33
	98	Democrat	20,516	65.71	8,395	61.31
98	96	Democrat	20,072	64.31	8,353	60.55

Table A.16 continued						
	97	Democrat	20,050	21.70	2,848	19.33
	99	Democrat	20,042	35.52	4,261	31.05
103	102	Republican	21,713	14.81	2,360	13.17
	104	Republican	22,145	10.31	1,438	9.11
119	121	Democrat	20,597	10.83	1,412	9.69
	120	Republican	21,874	11.57	1,745	10.66
	115	Democrat	21,255	25.93	3,790	23.56
	117	Democrat	21,259	14.35	1,930	11.99
110						

Note: Districts 49, 65-70 and 110 were too small to identify on the map.

Source: This data were collected from Mississippi's House of Representatives.



**Table A.17:** Mississippi's Majority-African American House of Representatives Districts and the Demographics of each District for 2003

Districts	Total Population	Percent African American	Number African American 18 +	Percent African American 18 +
5	22,505	64.42	10,014	62.03
9	20,814	72.26	9,553	67.30
11	21,608	59.35	8,053	54.39
26	21,258	79.15	10,339	74.96
27	24,218	70.41	11,265	65.66
29	21,538	79.25	10,983	75.11
30	20,522	73.06	10,517	69.39
31	20,453	75.63	9,878	71.66
32	21,004	86.74	11,812	83.68
36	20,861	67.01	9,110	62.91
38	22,776	65.17	9,770	60.25
41	19,967	66.09	8,800	62.76
42	19,818	69.55	9,342	65.97
47	21,055	73.04	9,923	68.60
49	18,894	83.13	10,054	79.48
50	19,558	79.99	9,860	75.36
51	19,313	74.57	9,064	70.41
55	19,021	71.81	9,122	67.94
57	25,564	70.24	11,436	65.57
63	20,692	63.07	8,774	60.34
65	17,807	82.32	10,562	79.10
66	22,781	54.76	8,482	49.86
67	19,339	82.20	10,623	78.44
68	20,778	88.97	11,217	85.30
69	17,106	83.91	9,973	81.23
70	16,890	76.00	9,276	71.83
71	20,392	62.21	7,689	55.01
72	20,059	87.83	11,324	84.67
76	21,835	68.50	10,172	64.89
80	20,968	73.72	10,040	69.07
82	19,043	80.00	9,846	74.65
85	22,874	74.19	12,025	72.15
91	21,905	56.51	8,140	52.70
94	19,029	74.39	9,551	71.04
96	20,293	65.16	9,198	62.09
98	21,537	65.48	9,321	61.69
103	19,334	75.84	9,539	70.03
110	18,965	72.83	9,458	68.58
119	20,227	65.20	8,779	60.82

Source: This data were collected from Mississippi's House of Representatives.

**Table A. 18:** The Adjacent Districts from the Majority African American Districts and the Demographics and Party of Candidate elected in 2003 to these Districts

Districts	Adjacent Districts	Political Party of the Districts	Total Population	Percent African American	Number African American 18 +	Percent African American 18 +
5	52	Republican	23,417	34.67	5,126	30.38
	8	Republican	25,370	31.19	5,404	29.21
	11	Democrat	21,608	59.35	8,053	54.39
	13	Democrat	36,740	57.5	19.23	17.99
9	8	Republican	25,370	31.19	5,404	29.21
	25	Democrat	29,325	17.62	3,237	15.60
	26	Democrat	21,258	79.15	10,339	74.96
	11	Democrat	21,608	59.35	8053	54.39
11	5	Democrat	22,505	64.42	10,041	62.03
	13	Democrat	36,740	19.63	4,758	17.99
	10	Democrat	25,318	30.19	5,143	27.28
	26	Democrat	21,258	79.15	10,339	74.96
	9	Democrat	20,814	72.26	9,553	67.30
	8	Republican	25,370	31.19	5,404	29.21
26	25	Democrat	29,325	17.62	3,237	15.60
	9	Democrat	20,814	72.26	9,553	67.30
	10	Democrat	25,318	30.19	5,143	27.28
	30	Democrat	20,522	73.06	10,517	69.39
	11	Democrat	21,608	59.35	8053	54.39
27	56	Republican	26,882	31.86	5,757	29.73
	47	Democrat	21,055	73.04	9,923	68.60
	48	Democrat	22,695	50.59	7,524	45.99
	45	Democrat	27,445	28.87	5,364	27.05
	58	Republican	11,220	12.42	3,085	12.07
	57	Democrat	25,564	70.24	11,436	65.57
29	25	Democrat	29,325	17.62	3,237	15.60
	31	Democrat	20,453	75.63	9,878	71.66
	28	Democrat	20,617	45.46	6,131	40.53
	49	Democrat	18,894	83.13	10,054	79.48
	30	Democrat	20,522	73.06	10,517	69.39
30	31	Democrat	20,453	75.63	9,878	71.66
	29	Democrat	21, 538	79.25	10,983	75.11

Table A.18 continued

	26	Democrat	21,258	79.15	10,339	74.96
	33	Democrat	22,094	43.71	6,392	39.30
	24	Democrat	22,748	36.81	5,673	33.83
	34	Democrat	21,528	45.08	6,497	40.91
31	34	Democrat	21,528	45.08	6,497	40.91
	28	Democrat	20,617	45.46	6,131	40.53
32	46	Republican	21,600	35.87	5,244	32.54
	34	Democrat	21,528	45.08	6,497	40.91
36	20	Democrats	21,808	16.73	2,463	15.27
	37	Republican	24,141	24.91	4,473	22.35
	22	Democrat	21,541	41.00	5,772	37.55
	23	Republican	21,692	22.75	3,305	20.34
38	35	Republican	22,741	27.67	4,131	24.69
	37	Republican	24,141	24.91	4,473	22.35
	42	Democrat	19,818	69.55	9,342	65.97
	43	Democrat	21,411	42.03	6,039	38.39
41	37	Republican	24,141	24.91	4,473	22.35
	39	Democrat	19,823	25.22	3,261	22.22
42	38	Democrat	22,776	65.17	9,770	60.25
	43	Democrat	21,411	42.03	6,039	38.39
	44	Democrat	24,410	20.43	3,242	18.34
	81	Republican	23,882	21.06	3,339	18.84
47	27	Democrat	24,218	70.41	11,265	65.66
	48	Democrat	22,695	50.59	7,524	45.99
	51	Democrat	19,313	74.57	9,064	70.41
	56	Republican	26,882	31.86	5,757	29.73
49	34	Democrat	21,528	45.08	6,497	40.91
	50	Democrat	19,558	79.99	9,860	75.36
50	34	Democrat	21,528	45.08	6,497	40.91
	49	Democrat	18,894	83.13	10,054	79.48
51	34	Democrats	21,528	45.08	6,497	40.91
	47	Democrat	21,055	73.04	9,923	68.60
	48	Democrat	22,695	50.59	7,524	45.99

Table A.18 continued						
	54	Republican	24,959	27.20	4,339	24.10
	56	Republican	26,882	31.86	5,757	29.73
55	54	Republican	24,959	27.20	4,339	24.10
57	27	Democrat	24,218	70.41	11,265	65.66
	56	Republican	26,882	31.86	5,757	29.73
	58	Republican	34,537	12.42	3,085	12.07
63	56	Republican	26,882	31.86	5,757	29.73
	69	Democrat	17,106	83.91	9,973	81.23
	73	Republican	26,566	6,728	4,699	23.35
	85	Democrat	22,874	74.19	12,025	72.15
70						
71	60	Republican	30,982	31.75	7,208	31.20
	61	Republican	23,203	11.76	1,759	10.17
	69	Democrat	17,106	83.91	9,973	81.23
	73	Republican	26,566	25.33	4,699	23.35
69	63	Democrat	20,692	63.07	8,774	60.34
	71	Democrat	20,392	62.21	7,689	55.01
	73	Republican	26,566	25.33	4,699	23.35
68	56	Republican	26,882	31.86	5,757	29.73
	63	Democrat	20,692	63.07	8,774	60.34
	67	Democrat	19,339	82.20	10,623	78.44
	69	Democrat	17,106	83.91	9,973	81.23
	72	Democrat	20,059	87.83	11,324	84.67
67	72	Democrat	20,059	87.83	11,324	84.67
65-66						
72	56	Democrat	26,882	31.86	5,757	29.73
	67	Democrat	19,339	82.20	10,623	78.44
76	62	Republican	26,442	18.96	3,351	17.40
	63	Democrat	20,692	63.07	8,774	60.34
	73	Republican	26,566	25.33	4,699	23.35
	85	Democrat	22,874	74.19	12,025	72.15
	92	Democrat	21,842	38.30	5,717	35.46

Table A.18 continued						
80	84	Republican	23,876	20.24	3,390	18.97
	86	Democrat	24,000	35.68	5,418	31.79
	87	Democrat	22,775	40.40	6,110	36.65
	89	Democrat	23,760	21.60	3,352	18.45
82	81	Republican	23,882	21.06	3,339	18.84
	83	Republican	20,627	32.06	4,275	27.42
85	54	Republican	24,959	27.20	4,339	24.10
	56	Republican	26,882	31.86	5,757	29.73
	57	Democrat	25,564	70.24	11,436	65.57
	63	Democrat	20,692	63.07	8,774	60.34
	76	Democrat	21,835	68.50	10,172	64.89
	94	Democrat	19,029	74.39	9,551	71.04
91	53	Democrats	22,565	17.90	2,788	16.71
	62	Republican	26,442	18.96	3,351	17.40
	77	Republican	24,295	31.34	4,862	27.70
	90	Democrat	24,254	27.39	4,232	24.01
	92	Democrat	21,842	38.30	5,717	35.46
94	85	Democrat	22,874	74.19	12,025	72.15
	97	Republican	21,605	26.12	3,806	23.61
96	97	Republican	21,605	26.12	3,806	23.61
	98	Democrat	21,537	65.48	9,321	61.69
98	96	Democrat	20,293	65.16	9,198	62.09
	97	Republican	21,605	26.12	3,806	23.61
	99	Democrat	20,493	36.39	4,793	32.42
103	90	Democrat	24,254	27.39	4,232	24.01
	101	Republican	29,379	13.84	2,604	12.25
	103	Democrat	19,334	75.84	9,539	70.03
110	109	Republican	23,842	6.53	950	5.57
	111	Republican	21,932	22.54	3,069	19.02
	112	Republican	29,059	16.68	2,874	14.04
119	95	Republican	20,705	28.81	4,050	25.88
	117	Republican	23,164	19.29	2,910	16.33
	120	Republican	23,189	14.28	2,159	12.32
	118	Republican	25,964	22.98	3,965	20.49

Table A.18 continued

	116	Republican	26,378	10.29	1,668	8.69
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Note: Districts 65, 66, and 70 on the map were too small to identify.

Source: This data were collected from Mississippi's House of Representatives.

## **VITA**

The author was born in Lafayette, Louisiana. She obtained her Bachelor's degree in political science from University of Louisiana at Lafayette in 2002. She joined the University of New Orleans political science graduate program to pursue a PhD in political science. She received her Master of Art's in political science in 2004.