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Keeping Black Voters in Their Place

By THOMAS B. EDSALL

The Republicans who now control the legislatures and governorships in the Deep South are using the landmark Voting Rights Act of 1965 to create a system of political apartheid.

No state demonstrates this better than Alabama, where in 2010 Republicans took over the State Senate and House for the first time since Reconstruction. This is a signal example of the decline of black power in the South.

Mike Hubbard, a Republican from Auburn, who is speaker of the Alabama House, engineered the 2010 takeover of the legislature. He was forthright in his 2012 book — “Storming the Statehouse: The Campaign That Liberated Alabama From 136 years of Democrat Rule” — about his techniques for displacing white Democratic incumbents:

“We needed to find our targets and the candidates to take them on, so I commissioned an in-depth study of voting patterns in various districts represented by white Democratic legislators across the state.”

Before the 2010 election, there were 60 Democrats in the Alabama State House, 34 of them white, 26 black. Now there are 36 Democrats, 26 of them black, 10 of them white. In the State Senate, the number of Democrats fell from 20 – 13 white, 7 black – to 11 Democrats, 4 white, 7 black.

Once Alabama Republicans gained control of the levers of power, they wasted no time using the results of the 2010 Census to reinforce their position of dominance. Newly drawn lines further corralled black voters into legislative districts with large African-American majorities, a tactic political professionals call “packing and stacking.” Redrawn district lines minimize the potential of coalitions between a minority of white voters and a solid core of black voters. Under these circumstances, white Republican voting blocs remain dominant.

At the core of this strategy is an unexpected twist: Republicans in Alabama and in many other states have gone out of their way to protect black legislative districts and black legislators from Republican or white Democratic challenges.

Have Republican legislators in the South become civil and voting rights champions? No. They are promoting the interests of African-American voters in order to enhance the ability of Republican officials whose real targets, white Democrats, are struggling to cope with the steady decline of loyal “Yellow Dog” supporters.

To achieve this goal, Republican state legislators purposely keep the influence of Democratic-leaning minorities to a minimum in districts with white majorities. Alabama is a state where 80 percent of whites voted Republican in the 2004 presidential elections; 90 percent did so in 2012.

“The most important part of the plan was to preserve minority districts,” said Jim McClendon, the Republican state representative from Springville who co-chaired the Alabama redistricting committee. In a phone interview, McClendon rejected suggestions that the Republican goal was to make it harder for white Democrats to win re-election to state legislative office: “No, not at all. The voters are making it tougher on white Democrats.”

Out of a total of 105 State House districts, 27 have black majorities, one of which is represented by a white Democrat. In those districts, the average percentage of black voters is 66.4 percent, far above the percentage election experts now consider critical if the goal is to insure that minorities have the ability “to elect their preferred candidates of choice,” as the Voting Rights Act puts it.

In a federal court challenge to the state’s Republican-drawn redistricting plan brought by the Alabama Legislative Black Caucus, Theodore S. Arrington, a professor emeritus of political science from the University of North Carolina and an expert in election law, testified on Aug. 12 that 50 percent plus one vote would be enough in Alabama.

In redrawing the State Senate and House lines after the 2010 Census, the number of black “influence” districts – majority white districts with enough blacks so that minorities and a relatively small percentage of whites could

together elect a Democrat – were kept to a minimum, and in some cases eliminated altogether.

Before redistricting, for example, there were five majority-white State Senate districts in which there were potentially enough blacks, Hispanics and other minorities to form an alliance with white Democrats to win in November. According to documents provided by James Blacksher, the plaintiffs' lawyer in the federal court case brought by the Alabama Legislative Black Caucus, these State Senate districts had an average percentage of minority voters of 35.9 before redistricting; after redistricting, the average percentage of minority voters in the five most integrated majority-white districts fell to 29.5. In other words, there was a significant decline in the number of majority-white state legislative districts in which minorities might have enough votes to form an alliance with still-Democratic whites.

McClendon, the Republican state representative from Springville, now plans to run in 2014 for State Senate in District 11. Before redistricting, the voting age population of that district was 65.5 percent white; after redistricting, it is 81.9 percent white, virtually guaranteeing a Republican victory.

In the State House districts with majority white populations, only two had minority populations exceeding 30 percent, 32.0 and 34.5 percent.

None of the 78 majority white State House districts falls into the racial “middle ground” with minority percentages in the 36 to 49 percent range. These are the kind of state districts most likely to produce biracial coalitions, and most likely to elect white Democrats, not only in the South but nationwide.

Arrington testified that the intent of Republican redistricting was to prevent blacks “from forming effective cross-race coalitions” both in elections and in the state legislature. “If you’re restricted to just 25 to 30 percent of the districts in the Legislature, and you have no ability to form coalitions with whites, then your ability to participate politically is restricted. It’s not participating equally in the political process,” he said.

Blacksher, the lawyer representing the Alabama Legislative Black Caucus in its suit, said in a phone interview that the Republicans’ goal is “to make all Democratic seats black, all Republican seats white.”

According to the Alabama Legislative Black Caucus,

“Republican lawmakers packed black voters into 27 House districts and eight Senate districts. The redistricting plans ‘purposely perpetuate and attempt to restore Alabama’s historical policy of segregating African Americans in party politics.’ ”

McClendon flatly denied such intent: “That wasn’t part of the plan,” he told me.

The Republican redistricting plan has had some unexpected consequences, with significant racial ramifications, one of which grows out of the state’s unusually strong restrictions on the powers of city and county officials. Alabama does not have home rule and requires instead that the state legislature approve virtually all local laws, including laws governing Jefferson County, which encompasses Birmingham.

The Alabama Legislative Black Caucus contends in a jurisdictional statement asking the Supreme Court to take up the case that

“The legislature enacted plans that place Jefferson County in 18 House districts, only 8 of them majority-black. All of the majority black districts lie entirely inside Jefferson County, but 6 of the 10 majority-white districts cross into 6 other counties. The 2012 Senate plan puts Jefferson County in 8 districts, 3 majority-black and 5 majority-white. All 3 of the majority-black Senate districts lie entirely inside Jefferson County, but all 5 of the majority-white districts cross the Jefferson County boundary to include parts of 11 other counties. Altogether, 155,279 non-residents vote for members of Jefferson County’s House delegation, and 428,101 people residing in other counties vote for members of the Jefferson County Senate delegation.”

The consequences are substantial, according to the statement:

“White legislators will continue being able to block local revenue bills, whose defeat has helped drive Jefferson County into bankruptcy and has closed Cooper Green Mercy Hospital for the poor.”

One solution would be for Congress to amend the Voting Rights Act to more explicitly address the political reality that African-Americans in the South are now mobilized and turn out in far higher percentages than was the case when the act was written in 1965.

Arrington testified before the Middle Alabama Federal District Court that because of increased turnout, blacks in Alabama are, in fact, able to elect politicians of their own choosing in districts that are 50 percent or less minority – that the 60-70 percent levels that civil rights leaders called for decades ago are no longer required.

Changes in African-American political mobilization actually offer much stronger potential for integrated politics than in the past, when black political representation required supermajorities of minority voters. The elections of Barack Obama to the presidency, of Cory Booker to the Senate in New Jersey and of Deval Patrick to governor in Massachusetts clearly show that such biracial alliances are now achievable.

Republicans, however, will do what they can to prevent pro-Democratic trends from emerging in regions they dominate. After successfully winning control of the South, Republicans will not let go of the reins. In that famously vicious political blood sport, redistricting, they will exploit their ability to deploy the cloak of civil rights to maintain and strengthen a politically advantageous segregation of the races.