

The Racial Integration of a Deep South Judiciary

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Abstract

Scholars of the American South note the struggle to overcome legacies of slavery and Jim Crow. One sign of a region's progress is its advancements in descriptive representation in public life. The state courts discipline, however, understands very little about the integration of southern courts. Here, we examine descriptive representation on trial courts of general jurisdiction in one Deep South state: Alabama. We develop a unique, longitudinal dataset including every judicial selection event for Alabama's circuit courts from the state's admission in 1819 through 2024. We find that the Alabama trial courts only reached parity with statewide racial demographics as recently as 2023, 28 years *after* the legislature did so. The absence of preclearance requirements under the Voting Rights Act, along with remarkable levels of racial polarization among the electorate likely hindered racial integration, while judicial elections, coupled with majority-minority districts, have been essential to racial diversity on courts.

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Introduction

The American South's political and social history is largely defined by race. Prior to federal passage of civil and voting rights legislation in the 1960s, the South was typified by one-party authoritarianism. Monied interests and white supremacists protected their status and wealth via mass disfranchisement and the politics of race (Key 1949; Mickey 2015). But with the dismantlement of Jim Crow in the latter half of the twentieth century, democracy came on the heels of voting rights to southern states—especially Deep South states where voting rights had been most suppressed (Bullock and Gaddie 2009). From the 1970s through the 2000s, black representation in southern state legislatures, county commissions, boards of education, sheriff's offices, and other institutions gradually swelled until reaching parity with the proportion of each state that is African American (Bullock and Gaddie 2009; Hood, Kidd, and Morris 2012; Joint Center for Political Studies 1994).

Academic studies of the South have long considered how democracy and descriptive representation came to the region in the face of generations of racial discrimination (Brooks 2005; Mickey 2015), how voters realigned themselves in light of these new politics (Black and Black 2002; Carmines and Stimson 1989; Hood and McKee 2022; Hood, Kidd, and Morris 2012), how racial minorities won positions as policy-makers (Bullock 2010; Bullock and Gaddie 2009; Bullock et al. 2019), and how politicians and public institutions adapted to racial diversity (Black and Black 2002; Gamble 2007; Maxwell and Shields 2019; Preuhs 2006). Largely absent from these inquiries has been an assessment of the causes or consequences of racial integration of one branch of southern state government—the courts.

State and federal courts are political institutions. Common law courts with the power of judicial review can nullify laws, policies, or actions of government officials, and their interpretation of policy contributes to the broader corpus of American law. To the extent that southern politics research has considered courts at all, it is primarily with respect to *federal* courts and their role in dismantling Jim Crow

policies (Bass 1981; Giles and Walker 1975; Peltason 1971; Vines 1964). State courts receive scant attention in southern politics research.¹

This omission is important for several reasons. Absent some issue touching upon federal law, the adequate and independent state grounds doctrine provides that state courts remain the final arbiter on matters related to state law, and state courts use this doctrine strategically to avoid federal precedents that contradict their preferences (Fix and Kassow 2020). What's more, the vast majority of cases in the United States take place in state courts, primarily due to issues involving jurisdiction. For example, when parties seek to end marriages, settle child custody arrangements, resolve estates, enforce contracts, or seek compensation for damages, it is a state court to which they usually turn for relief.

State courts should also be important to scholars of the American South because these institutions were complicit in and enforced the system of racial apartheid evident in the South prior to federal intervention. State judges could be powerful actors in local politics and state Democratic parties (Key 1949). State courts were the institutions responsible for enforcing discriminatory Black Codes, which criminalized activities such as vagrancy to create a form of neo-slavery (Blackmon 2008). Southern courts were used to legitimize death sentences for African Americans that have been likened to little more than state-sponsored lynchings (Steiker and Steiker 2016).² State courts were the institutions used to exonerate white supremacists who acted to enforce their social mores around race, especially those involving sexual taboos (Ross 2004).³ Put simply, southern state courts were hardly engaged in a dispassionate, “color-blind” application of the law prior to federal intervention. Scholars have expended significant resources to understand how Jim Crow lawmakers were succeeded by more representative groups of politicians. Understanding how the color line was broken in state courts, and how African Americans changed local systems of justice, is a compelling and necessary research agenda.

¹ Vines (1965), however, provides one exception to this trend.

² Indeed, until very recently, state laws in places like Alabama and Florida allowed judges—individuals subject to popular votes for their continuance in office—to over-rule a jury's life-sentence recommendation in capital cases and instead impose a sentence of death (Radelet and Cohen 2019).

³ Perhaps most infamously, an all-white, all-male jury in Sumner, Mississippi took only 67 minutes to acquit two of the men accused of lynching Emmett Till (Tyson 2017).

In this work, we study the racial integration of one Deep South state judiciary—Alabama. We believe Alabama makes an ideal case study, largely because it epitomizes many of the features associated with southern politics (Nicholson-Crotty and Meier 2002). During the antebellum era, the state had one of the largest populations of enslaved persons in the United States. So central was slavery to the state’s ruling class that, in response to Abraham Lincoln’s election as president, the state played a dominant role in the road to civil war, hosting secession delegates and eventually serving as the first capital of the Confederacy (Thornton 1978). So deep-rooted was the legacy of slavery in Alabama that a pervasive culture of racial animus helped produce one of the South’s most dysfunctional one-party systems, along with a Jim Crow regime that exhibited some of the worst excesses of the era (Acharya, Blackwell, and Sen 2018). Alabama’s political qualities—racially-polarized voters, party-line options on ballots, and partisan judicial elections—present a useful case with a political environment that likely affects the racial diversification of the judiciary. We argue that understanding the advancement of racial diversity in Alabama—one of the most violent opponents to black equality in U.S. history—is useful for understanding black officeholding in other states that “do not so greatly impede black participation in the political process” (Nicholson-Crotty and Meier 2002, 415). Put differently, if black jurists can find success in Alabama, they might do so anywhere.

To execute our research design, we gather a unique dataset of every judge having served on Alabama’s trial courts of general jurisdiction from the state’s admission to the Union in 1819 through 2024. We assess the patterns, pace, and causes of racial integration in Alabama’s judiciary, and how institutional variation influences this integration. We find that the integration of the courts lagged other public institutions such as the legislature, which reached parity with the proportion of the state’s black population around 1995. By contrast, black judges only attained a similar level of parity on trial courts in 2023 (28 years later).

We find that the methods by which courts diversified varied by jurisdiction and era. The first black judges began taking the trial and appellate bench in the late 1970s and 1980s. Initially, most of these individuals were appointed by Democratic governors during a period when the Alabama Democratic Party remained competitive statewide with a biracial coalition of white and black supporters. Today, black judges

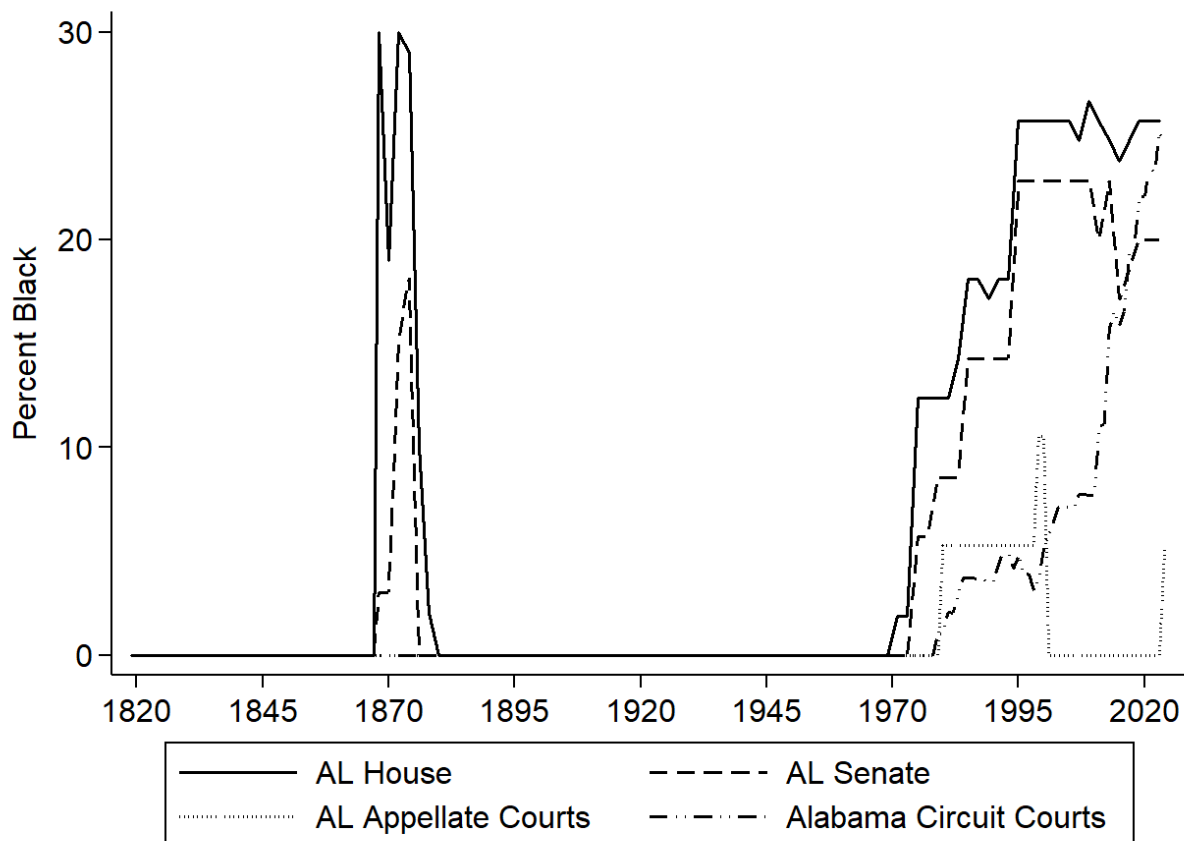


Figure 1: Percent of the Alabama House, Senate, appellate courts, and circuit courts (trial courts of general jurisdiction) that are black between 1819 and 2024; Data on the Alabama House and Senate are derived from Bailey (2010), Bullock and Gaddie (2009), and from original sources developed by the authors. Data for Alabama's appellate courts are gathered from original data sources developed by the authors. Data for the circuit courts were provided by the Alabama Supreme Court Law Library, in addition to original data sources derived by the authors.

primarily come to the bench via popular election. Nevertheless, due to the persistent degree of racial polarization in the state, we find that black judges typically only emerge from substate geographies with substantial black populations. Unlike many legislative seats in the South that were integrated due to court-ordered reapportionment or redistricting, these increases in judicial diversity happened without the assistance of federal courts or oversight from the U.S. Department of Justice. We conclude our analysis with some policy implications related to our findings, including institutional arrangements that might promote greater descriptive representation on southern courts. We then briefly outline what a continued research agenda might look like for race, law, and courts in southern politics.

Table 1: Turnout and representation in Alabama’s legislative contests (1962-2022)

Election Year	VAP Turnout	House Pct. Black	Senate Pct. Black	House Pct. Democrat	Senate Pct. Democrat
1962	17.1	0	0	100	97.1
1966	44.5	0	0	98.1	100
1970	41.9	1.9	0	100	100
1974	24.9	12.4	5.7	96.2	100
1978	29.2	12.4	8.6	92.4	91.4
1982	40.2	14.3	8.6	84.8	85.7
1986	41.9	18.1	14.3	78.1	80.0
1990	40.6	18.1	14.3	70.5	65.7
1994	38.3	25.7	22.9	67.6	62.9
1998	40.2	25.7	22.9	61.0	71.4
2002	40.6	25.7	22.9	60.0	71.4
2006	36.0	24.8	22.9	57.1	60.0
2010	41.5	25.7	20.0	37.5	34.3
2014	31.9	23.8	17.1	31.4	25.7
2018	45.4	25.7	20.0	26.7	22.9
2022	35.9	24.8	20.0	26.7	22.9

Notes: Voting data gathered from the Alabama Secretary of State’s website along with the U.S. Census Bureau. Source of data on race in the Alabama legislature is from Bullock and Gaddie (2009) for all dates up to 2006. Data from 2010 to 2022 gathered by the authors.

Race and Alabama Politics

Immediately after the Civil War, southern political institutions became more racially representative during Reconstruction (see Figure 1). In 1868, for example, 30 percent of the seats in the Alabama House of Representatives were held by African Americans (Bailey 2010). But following Reconstruction, and particularly with the adoption of the state’s Jim Crow Constitution of 1901, African Americans were purged from the electorate and public office by Democrats. The new order passed punishing cumulative poll taxes, literacy and understanding tests, and residency requirements aimed at disfranchising tenant farmers (Key 1949). And when all these legal provisions failed to suppress the state’s black citizens, informal, violent methods were implicitly on the table.

Thanks in part to grassroots activists, federal intervention, and changes to rules at the Democratic National Convention, Jim Crow in Deep South states was gradually brought to heel from the 1940s to 1960s (Brooks 2005; Mickey 2015; Rosenberg 2008). One of the most important pieces of legislation helping to end Jim Crow was the Voting Rights Act of 1965 (VRA), which had its greatest and most immediate effect in Deep South states (Bullock and Gaddie 2009). In 1964, only 19 percent of Alabama’s eligible black

population was registered to vote. By 1967, that figure had increased to 52 percent—a 174 percent increase over just three years (U.S. Commission on Civil Rights 1968). What’s more, this increase in minority participation had a near immediate effect upon descriptive representation in state government (Bullock and Gaddie 2009). We present figures relating to race, turnout, and representation in Alabama in Table 1.

Prior to the passage of the VRA, turnout in Alabama’s gubernatorial elections was less than 20 percent of the voting age population, and the legislature was dominated by white Democrats.⁴ Voter turnout for state elections steadily grew after voting restrictions were abolished and federal registrars deployed, plateauing at roughly 40 percent. The 1970 elections saw the first return of black representation to the Alabama legislature since Reconstruction. By the mid-1990s, the proportion of the Alabama House and Senate held by African Americans roughly equaled their share of the population following redistricting efforts.

Once African Americans mobilized into the electorate, whites strategically began realigning themselves with the Republican Party (Hood, Kidd, and Morris 2012). By the late 1980s, the Republican Party was able to better compete up and down the ticket, and formerly segregationist Democrats like George Wallace were forced to turn to black voters to help shore up their electoral margins (Carter 2000; Cotter and Stovall 2009; Frederick 2007). In 2000, Republicans swept the appellate courts, and in 2002 they captured the governorship. By 2010, Republicans captured the state legislature for the first time in 136 years. Since the GOP recaptured the state legislature, Democratic losses have only worsened as increasing numbers of white Alabamians joined the Republican Party. By 2023, the share of black representation in the House and Senate was nearly the same as it was a quarter-century earlier. But Democratic shares of the House and Senate over that same span are decimated. Since 1995, House Democrats have watched their caucus shrink by approximately 61 percent. Clearly, the Democrats losing office are conservative

⁴ Alabama holds elections for its state offices two years before and after presidential elections. Alabama’s legislature consists of an upper and lower chamber. The House has 105 seats, and the Senate has 35 seats. Each of these 140 seats are up for election every four years simultaneously with all statewide executive offices.

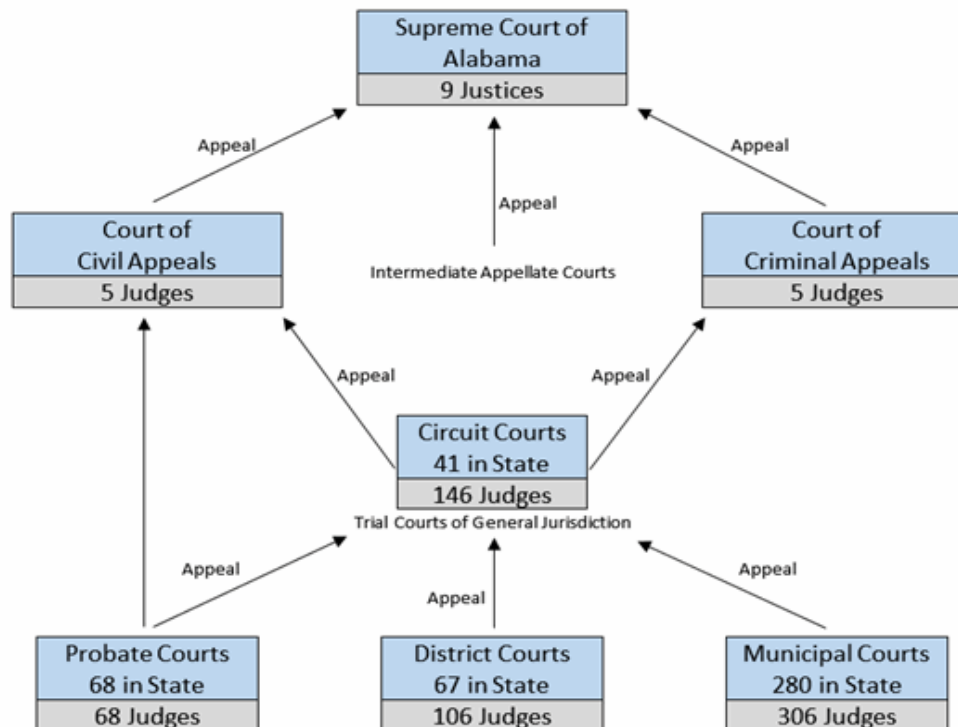


Figure 2: Alabama judicial hierarchy (Source: <https://judicial.alabama.gov/Appellate/JudicialSystemChart>)

whites who have nearly all been replaced by more conservative white Republicans. Today, the partisan realignment is essentially complete. In the current iteration of the Alabama legislature, the Republican Party, with one exception, is entirely white, and all but four legislative Democrats are black.⁵

The Alabama Judiciary

Like its federal counterpart, the Alabama judiciary is multi-tiered (see Figure 2) and consists of a state supreme court at the top of the judicial hierarchy with nine members, two intermediate courts of appeals for civil and criminal cases for a total of 10 members, and 41 circuit courts, which are Alabama's trial courts of general jurisdiction.⁶ Today, there are 146 authorized judgeships for the circuit courts. Under Alabama's

⁵ The sole black Republican in the legislature is Kenneth Paschal, who represents a suburban state House district (District 73). The only white Democrats in the Alabama House are Neil Rafferty (District 54), who represents a highly affluent district in Birmingham; Phillip Ensler (District 74) who represents suburban Montgomery; and Marilyn Lands (District 10) who represents suburban Huntsville. Rafferty is also the only openly gay member of the Alabama Legislature. The only white Democrat in the Alabama Senate is Bill Beasley (District 28). Beasley's district is majority African American and captures large swaths of the state's eastern Black Belt, including Clio, hometown of former Governor Wallace.

⁶ Below the circuit courts are inferior courts with limited jurisdiction. These include the district courts, which handle matters such as small money claims and misdemeanors; municipal courts, which largely deal with traffic violations; and probate courts, which handle issues such as estates. We do not consider these inferior courts in this research.

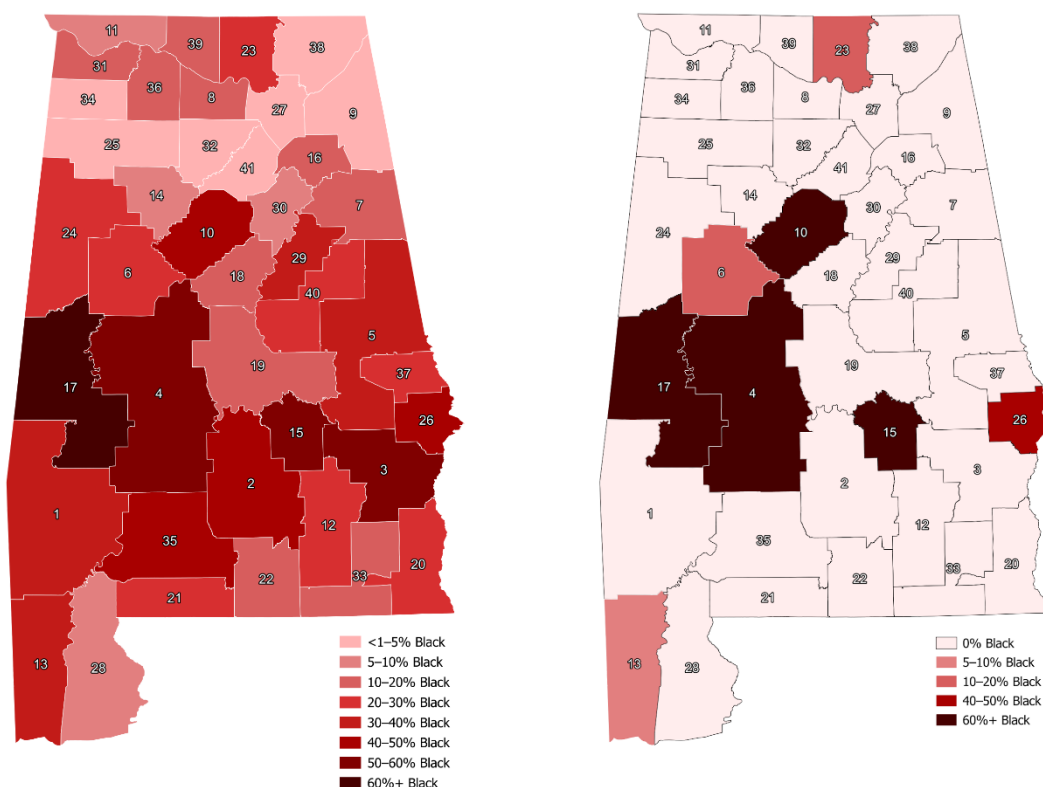


Figure 3: Each map depicts Alabama’s circuit courts. In the left pane is the percentage of residents in each circuit who are black as of the 2020 decennial census. In the right pane is the percentage of judges that are black in each circuit as of December 31, 2024.

first constitution, judges were appointed “by joint vote of both Houses of the General Assembly.”⁷ Jacksonian populism and its emphasis on grassroots democracy led to the adoption of a constitutional amendment in 1830 stripping the General Assembly of the power to appoint judges and instead empowered voters to choose them through partisan elections (Streb 2007).⁸ Today, Alabama judgeships remain partisan elected offices. As such, there are only two ways one can become a state judge. First an individual can be elected to a judgeship.⁹ Alternatively, in the event a vacancy arises (due to death, resignation, retirement, or removal) before a term of office is completed, individuals can be appointed to a judgeship by the governor to finish the term.¹⁰

⁷ Constitution of Alabama of 1819, Article V, § 12

⁸ Constitution of Alabama of 1819, Amendment I (1830)

⁹ Constitution of Alabama of 2022, Article VI, § 152

¹⁰ See the Constitution of Alabama of 2022, Article VI, § 153. The governor’s appointing powers arising from vacancies in certain circuits are limited. Under constitutional Amendment 83, vacancies arising in Jefferson

Race and the Alabama Judiciary

Figure 1 shows that the state judiciary has racially integrated but at a divergent pace from the state legislature. After a nearly 30-year lag, the circuit courts are today about as representative as the state house and are more representative than the state senate and appellate courts. What accounts for the racial integration of Alabama's judiciary? In this section, we outline our theoretical expectations, which we assess in greater detail below.

After passage of the VRA, black voters mobilized in force, and they did so overwhelmingly as Democrats (Bullock and Gaddie 2009).¹¹ Consequently, southern state Democratic Parties became increasingly black, forcing white politicians (some of whom had long supported racially discriminatory policies) to woo this new bloc of voters as they assembled biracial coalitions that could win general elections (Black and Black 2002).

In the initial years following VRA's passage, electoral success for black voters was tepid but gained steam between the 1970s and 1990s. This was especially the case once federal courts ruled that legislative districting was subject to VRA Section 5 preclearance¹² and once Congress rewrote Section 2 to make it easier for plaintiffs to win lawsuits alleging racial discrimination in voting rights cases (Bullock 2010).¹³ Gradually, these forces compelled Alabama lawmakers to create legislative districts with sufficient numbers of black voters who could elect representatives of their choice. Consequently, many of the black lawmakers

County are to be filled by a judicial commission, which is composed of county residents, two members of the state bar, two who are not members of the state bar (selected by Jefferson County state legislators), and one sitting circuit judge. This commission nominates three individuals to the governor. If the governor fails to nominate someone from the commission's list within 90 days, the chief justice of the Alabama Supreme Court shall fill the vacancy. Since the adoption of the Jefferson County judicial commission, others have been authorized by law to fill selected vacancies. These include Baldwin, Madison, Mobile, Shelby, Talladega, and Tuscaloosa Counties.

¹¹ Below, we do not provide a formal hypothesis arguing that the passage of the Voting Rights Act of 1965 is associated with the selection of black judges because *every* black judge on Alabama's appellate courts and its trial courts of general jurisdiction was chosen after the Act's passage. We therefore assume that the Voting Rights Act was responsible for much of the progress seen in integrating the state courts. Furthermore, we do not provide any formal hypotheses for the effects of any of the renewals of the Voting Rights Act because, unlike legislative contests, one-person-one-vote has never been extended to judicial elections (see *Well v. Edwards* [409 US 1095, 1973]), and to the best of our knowledge, there have been no major successful Section 2 lawsuits that resulted in significant interventions in Alabama's judiciary. Nevertheless, judicial elections *are* subject to the provisions of the Voting Rights Act such as Section 2 (see *Chisom v. Roemer* [501 US 380, 1991]).

¹² See *Allen v. State Board of Elections* (393 US 544, 1969).

¹³ See *Thornburg v. Gingles* (478 US 30, 1986).

who won election during this period came from areas with large populations of black voters, including the state's metropolitan areas and the rural Black Belt.¹⁴

Alabama does not maintain historical records for voter registration by race, but the first black judge on a circuit or appellate court did not take the bench until 1979.¹⁵ By this point, major discrepancies in voter registration by race had been addressed. We therefore suspect that black circuit judges are more likely to secure judgeships in circuits with larger populations of black residents. Due to racially polarized voting patterns in Alabama (McKee 2019), we suspect that black citizens will primarily secure circuit judgeships via elections in regions with large concentrations of black voters (typically something at or near a majority of a jurisdiction). In areas with smaller concentrations of black voters, we primarily expect black judges to emerge via gubernatorial appointments, particularly Democratic governors. These circuits may also represent areas that black attorneys are more likely to hail from and work in. As can be seen from Figure 3, black representation on Alabama's circuit courts primarily occurs in areas with large black populations such as, again, the Black Belt and metropolitan areas such as Jefferson, Madison, and Mobile Counties.¹⁶

- *Hypothesis 1: As the share of the population for a judicial vacancy becomes increasingly black, the likelihood a black judge is chosen will increase, particularly via election methods.*

We also suspect that partisan forces affect the likelihood of black judges reaching the bench. Between the Alabama Democratic and Republican Parties, we suspect that black candidates for judgeships should have better success when running as Democrats. The Alabama Republican Party primarily experienced growth in the latter half of the 20th century due to the influx of racially conservative whites displeased with the national Democratic Party's adoption of civil rights issues into its platforms, followed by the national Republican Party's adoption of conservative policies embraced by Richard Nixon in his "southern strategy"

¹⁴ The term, "Black Belt," refers to a swath of land ranging from eastern Mississippi, through south-central Alabama, and then sweeping in a northeasterly direction from Georgia up toward Virginia. The area is noted for its ideal growing environment, which led to large-scale farming and some of the highest per capita rates of slavery in the South. Today, these areas continue to have high concentrations of black residents.

¹⁵ The first black circuit court judge in Alabama was Cain Kennedy, who received an appointment from Governor Fob James in 1979 to the Thirteenth Judicial Circuit in Mobile County. Kennedy had already become a trailblazer as one of the first African Americans to win election to the state legislature since the end of Reconstruction.

¹⁶ These counties contain the cities of Birmingham, Huntsville, and Mobile, respectively.

(Black and Black 2002; Hood, Kidd, and Morris 2019; Maxwell and Shields 2019). To date, the Alabama Republican Party continues to benefit from the support of white voters with racially conservative attitudes (Acharya, Blackwell, and Sen 2018; Hughes 2022).¹⁷

- *Hypothesis 2: Democratic judges will be more likely to be black compared to Republican judges.*

There are important temporal effects at play as well. Conservative whites in Alabama began flirting with non-Democratic candidates in 1948 when the national Democratic Party began to support minor civil rights positions in its platform. This pattern continued in response to passage of the Civil Rights Act of 1964 and in 1968 when Governor George Wallace ran for president. The process by which white voters realigned from the Democratic to the Republican Parties was slow-moving and frequently involved ticket-splitting. For example, conservative whites might vote Republican at the top of their ballot for president but support state or local Democrats further down-ballot. Arguably, the partisan realignment of whites in Alabama did not reach completion until 2010 when Democrats lost the state legislature (Hughes 2018).

To our knowledge, there is no local source of longitudinal public opinion data sufficient to test hypotheses related to individual-level partisanship or racial attitudes and support for black candidates for the judiciary. Thus, we rely upon aggregate-level data to help us draw inferences about partisanship, ideology, and the likelihood black individuals will be chosen for judicial service. Specifically, we suspect that geographies in Alabama that vote more Democratic at the presidential level will be *more* likely to select a black judge given the support Democratic candidates for president have expressed for civil rights—at least since the nomination of John F. Kennedy in 1960.

- *Hypothesis 3: As an Alabama geography votes more Democratic at the presidential level, the more likely it will be to select a black judge.*

Likewise, we suspect that Alabama geographies that vote more Democratic at the sub-presidential level will be *less* likely to select a black candidate to fill a judicial vacancy. The logic here is that prior to 2010,

¹⁷ A recent survey of Alabama voters found that, among those affiliating with the Republican Party, only 15.3 percent were black, and among those affiliating with the Democratic Party, only 17.0 percent were white (Hughes 2022).

conservative, white Alabamians continued to vote Democratic at the state and local level even after they ceased voting for Democrats at the presidential or congressional levels. Conservative whites continued running and winning statewide and local offices as Democrats well into the 2000s. But since 2010, there have been few conservative white Democrats left in the party, and Alabama Democrats today more homogenously support the positions of the national party. Thus, we suspect that the ticket-splitting effect of conservative Democrats should largely only be observed prior to 2010.

- *Hypothesis 4: As an Alabama geography votes more Democratic at the state level, the less likely it will be to select a black judge for years prior to 2010.*

In addition to the partisan, racial, and behavioral effects identified above, we also suspect that institutional factors should influence the likelihood a black judge is chosen for service. Recall that there are only two methods by which judges attain their positions in Alabama. First, if a vacancy occurs at the end of a sitting judge's term of office, an election is held. But if a vacancy arises during a judge's term of office, the governor is responsible for appointing a replacement. Consequently, we suspect these two methods are also associated with the likelihood an African American reaches the bench, and as before, we believe these methods exhibit temporal heterogeneity.¹⁸

Prior to the collapse of the state Democratic Party in 2010, we anticipate that African Americans are more likely to receive their initial judgeship via appointment. Democratic governors during the era of biracial coalitions were incentivized to shore up political support with their new base of black voters, and appointments are one method by which executives can signal support to coalition members (Goldman 1997).

¹⁸ While we do not state or test hypotheses with respect to Alabama's appellate courts, our observations could be extended to them. These institutions are selected on a statewide basis, so due to racially polarized voting and the fact that black voters are only about one-fourth of the electorate, it is difficult for a black candidate to win. Nevertheless, to the extent that we might expect black judges to be competitive for appellate court positions, it would be during an era when Democrats were competitive. There have only ever been four black appellate court judges in Alabama history; each of these individuals was initially appointed by the governor. The first three were appointed by Democrats, while the most recent was appointed by a Republican. These individuals are Oscar Adams (appointed to the Alabama Supreme Court in 1980), Ralph Cook (appointed to the Alabama Supreme Court in 1993), John England (appointed to the Alabama Supreme Court in 1999), and Bill Lewis (appointed to the Alabama Court of Civil Appeals in 2024, then to the Alabama Supreme Court in 2025). Both Adams and Cook won statewide elections during the era of biracial Democratic politics in the 1980s and 1990s. In 2000, however, both Cook and England were defeated by white Republicans.

Furthermore, it was initially difficult for black candidates to win Democratic primary elections when there remained a large faction of conservative whites in the party. Today, amidst Republican dominance in state politics, it is less likely black judges attain the bench via appointment as Republican governors have few incentives to appoint individuals who might not belong to their party or share their policy preferences. What's more, black judges are more likely than whites to complete their terms of office, meaning that their replacement is chosen by voters (who are more likely to replace them with another black candidate) and not the governor.¹⁹ In Table 2, we depict the method by which circuit judges were initially chosen over the two eras we discussed above. Prior to 2010, 78 percent of all black circuit judges achieved their initial term via gubernatorial appointment. Since 2010, 79 percent of all black circuit judges did so via election.²⁰

- *Hypothesis 5: Prior to 2010, African Americans will be more likely to ascend the bench via gubernatorial appointment, and after 2010, they will be more likely to do so via election.*

Another institutional factor that might increase the probability of African Americans earning positions on circuit courts stems from the state's partial usage of judicial nomination commissions.²¹ Judicial nomination commissions limit the scope of the governor's authority to fill vacancies. These commissions slate three qualified individuals, amongst whom the governor must select one. These commissions are typically used in more urban and more liberal circuits and are composed of individuals selected by legislative representatives and sitting circuit judges from the relevant jurisdictions. Political science research is mixed on the issue of state selection method and racial diversity on courts. Goelzhauser (2016) finds evidence that merit selection can increase racial diversity compared to judicial elections. Others have found little evidence that selection systems affect racial diversity (Hurwitz and Lanier 2003). Even still, in the context of Alabama, given which circuits utilize nomination commissions, we suspect that these institutions are more likely to shortlist a racially diverse group of nominees compared to those the governor

¹⁹ Between 1970 and 2024, 56.6 percent of white circuit judges left office during their term compared to only 39.3 percent of black circuit judges who completed their term of office before departing ($t = 2.03$ [$p = 0.04$]).

²⁰ Of the 56 black judges in our dataset, 49 (87.5 percent) are Democrats.

²¹ See note 10.

Table 2: Alabama circuit court judges, race, and method of initial selection

1970-2009				2010-2024		
	Appointed	Elected	Total	Appointed	Elected	Total
Black	14	4	18	8	30	38
White	187	150	337	56	60	116
Total	201	154	355	64	90	154
$\chi^2 = 3.46$ ($p = 0.063$); $\gamma = -0.47$				$\chi^2 = 8.73$ ($p = 0.003$); $\gamma = 0.56$		

might consider were they not constrained to choose from amongst the commission’s nominees.

Consequently, we hypothesize the following:

- *Hypothesis 6: African Americans will be more likely to ascend the bench for vacancies occurring in circuit courts utilizing judicial nomination commissions compared to circuits that do not.*

Data and Methods

In what follows, we test our hypotheses quantitatively on an original dataset consisting of every vacancy occurring on Alabama’s circuit courts between 1970 and 2024.²² To assemble this dataset, we relied primarily upon data made available by the Alabama Supreme Court Law Library, which produced a dataset consisting of every circuit judge to have served from the state’s admission to the Union in 1819 through 2018. The Alabama Supreme Court Law Library provided us with information related to the names of these judges; the circuits in which they served and between which dates; judges’ political party, race, sex, and method of selection (i.e., legislative, gubernatorial, or electoral). We supplemented these data with our own research on every circuit judge chosen since 2018.²³ The dependent variable is measured dichotomously such that it is coded “1” if the individual attaining a judgeship is black, “0” otherwise.²⁴ Throughout the 54 years under analysis, 11 percent of all circuit judges were black (56 individuals).

²² We identify a total of 513 selection events spanning these years, but due to missingness and multicollinearity, a total of 500 observations are used for the multivariate analysis presented in Table 4.

²³ We relied upon information provided by the Alabama Secretary of State’s office, in addition to contemporaneous media coverage of these judicial selection events. We focus on selection events since 1970 to allow for sufficient time since passage of the Voting Rights Act of 1965 for the state’s large black electorate to be absorbed into the body of voters statewide. In coding our data, we only include the initial selection event and not subsequent, say, reelection efforts to the same judgeship.

²⁴ All judges in this dataset are coded as either Black or White. We are not aware of any judges who have served on the Alabama circuit courts who identify with other racial or ethnic backgrounds. We adopt the racial classification of each circuit judge established by the Alabama Supreme Court Law Library between 1970 and 2018.

To test our first hypothesis, we gather data for each selection event on the percent of the adult population of a given circuit that is black as of the most recent decennial census. The average circuit is approximately one-quarter black, but there is substantial variance throughout the circuits. To test our second hypothesis, we coded a judge's partisanship dichotomously such that a Democrat receives a code of "1," and all others receive a code of "0."²⁵ If a judge lacked partisan data, we utilize election results and local newspaper coverage to supplement the dataset.²⁶ Approximately 60 percent of all circuit judges in our data are coded as Democrats, though in more recent years, more identify as Republicans. Sixty-seven percent of all circuit vacancies since 2010 have resulted in the selection of Republican judges.

Next, to test Hypotheses 3 and 4, we gather data on circuit-level voting. First, we measure the percentage of a circuit that voted for the Democratic candidate for president in the most recent quadrennial election. The average circuit in our sample saw 40 percent of votes cast for the Democratic presidential candidate. Additionally, we measure the percentage of a circuit that voted for the Democratic candidate for governor in the most recent quadrennial election. Here, Democratic candidates performed better, averaging 53 percent support from the voters in circuits. Recall that we also expect the effect of split-ticketing to largely play out before 2010. Consequently, to test our hypotheses in the regressions below, we show the results across all years of analysis, along with results that interact independent variables with a fixed effect for era—prior to 2010 and afterward.

In order to test Hypothesis 5, we also code data related to the method by which circuit judges originally assumed their positions. According to the hypothesis, black judges should be more likely to earn their positions via gubernatorial appointment prior to 2010 (when most governors were Democratic and the party still controlled at least one branch of government) and more likely to initially take the bench via election after 2010 (when Republicans controlled every branch of government). We therefore measure a

For subsequent years, we rely upon media reports, judge biographies, campaign and news websites, and other contemporaneous evidence to code race.

²⁵ None of the judges in our dataset identify as anything other than Democratic or Republican.

²⁶ Most individuals appear only once in our dataset (at the time of their initial ascent to the bench), which ignores subsequent party switching. A scant few individuals appear in the dataset multiple times if they left a circuit and later returned to the bench.

Table 3: Descriptive statistics of Alabama Circuit Court selection events (1970-2024)

Variable	Mean	Std. Dev.	Range
Black	0.11	0.31	0, 1
Democrat	0.60	0.49	0, 1
Elected	0.48	0.50	0, 1
Circuit Pct. Black	24.94	13.78	0.76, 65.46
Female	0.15	0.36	0, 1
Socioeconomic Status	0.00	0.91	-1.53, 3.03
Pct. Dem. (POTUS)	40.01	13.25	4.50, 73.30
Pct. Dem (Governor)	52.81	17.87	12.7, 95.3
Voter Turnout	45.12	10.73	13.21, 74.67
Commission	0.47	0.50	0, 1
Circuit Seats	8.78	8.96	1, 27
Year 2010 or Later	0.30	0.46	0, 1

dichotomous variable that takes the value of “1” if a circuit judge initially assumed office via election and “0” if they did so via gubernatorial appointment. In our sample, 48 percent of all circuit judges were initially elected.

To test Hypothesis 6, we measured a dichotomous variable for whether a vacancy took place in a circuit making use of a judicial nomination commission. Approximately 47 percent of all vacancies occurred in circuits making use of nomination commissions. Finally, in the analyses below, we include additional control variables that we suspect might affect the likelihood a black judge ascends the bench. These include judge-specific factors such as whether an individual chosen for a judgeship is female, which we code dichotomously. We also include a socioeconomic indicator, which is a composite of a circuit’s percent of adults with a bachelor’s degree, the median household income, and the population per square mile as of the most recent decennial census.²⁷ Next, we include a measure for the total number of authorized judgeships on a given court at the time of a selection. And finally, we include a control variable for the percentage of a circuit’s electorate that participated in the most recent presidential or gubernatorial election, as turnout differences between groups influences the racial demographics of the electorate. We include descriptive statistics for each of our variables in Table 3. Given that the dependent variable is dichotomous, we use logistic regression techniques. We also include a fixed effect that measures whether an observation

²⁷ An analysis of the eigenvalues of the factor analysis indicates that one dimension is sufficient given these variables. Only the first factor has an eigenvalue greater than one.

Table 4: Race and selection method for Alabama Circuit Courts (1970-2024)

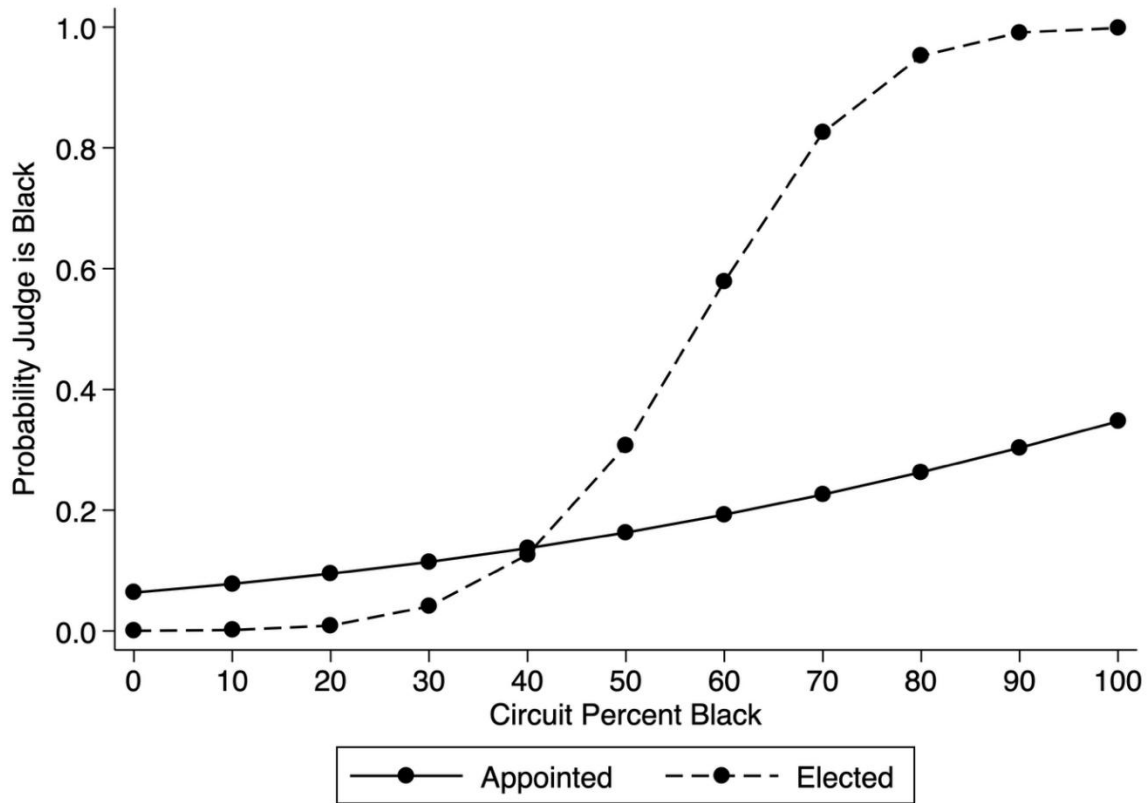
Variable	Model 1	Model 2	
	No Interactions (1970-2024)	Main Effects (1970-2009)	Interaction Effects (2010-2024)
Democrat	2.97* (0.57)	2.71* (0.89)	0.75 (0.62)
Elected	-6.27* (1.02)	-7.00* (1.10)	2.19 (1.64)
Circuit Pct. Black	0.03 (0.03)	0.09* (0.25)	-0.11 (0.10)
Elected × Circuit Pct. Black	0.15* (0.03)	0.15* (0.03)	-0.01 (0.04)
Female	0.53 (0.45)	-0.20 (0.25)	1.38* (0.65)
Socioeconomic Status	0.59* (0.28)	1.21* (0.31)	-0.73 (0.75)
Pct. Dem. (POTUS)	0.04 (0.03)	0.08* (0.03)	-0.01 (0.18)
Pct. Dem. (Governor)	-0.04* (0.02)	-0.03* (0.01)	-0.05 (0.10)
Voter Turnout	-0.01 (0.02)	-0.4 (0.03)	0.05 (0.03)
Commission	1.68 (1.24)	2.57 (1.54)	-1.76 (1.81)
Circuit Seats	0.00 (0.05)	-0.02 (0.05)	0.02 (0.08)
Year 2010 or Later	1.07 (0.63)	4.89 (4.68)	--
Constant	-6.65* (2.62)	-8.80* (2.73)	--
N	500	500	
Wald- χ^2	4,435.41	1,425,188.59	
Pseudo- R^2	0.52	0.54	
PRE	42.86%	46.43%	

Notes: The dependent variable is whether a selected circuit judge is black (“1” if yes, “0” else). Table entries are logistic regression coefficients. (robust standard errors clustered on circuit in parentheses). Asterisks (*) denote statistical significance ($\alpha = 0.05$, two-tailed). The abbreviation, “PRE,” refers to percentage reduction in error. The right-hand column in Model 2 interacts each row-variable with the “Year 2010 or Later” variable.

occurred after the year 2009, “1” if yes, “0” else. To assess the temporal effects of our independent variables, we include a logistic regression model that interacts this variable with each of the other independent variables of interest. Finally, we cluster standard errors at the level of each circuit.

Results

We present the results from our statistical regression models in Table 4 such that Model 1 contains no fixed effect interactions, and Model 2 interacts each variable with the 2010 or later fixed effect. Note that we see excellent model fit as we are able correctly to predict 94 percent of all observations in both models. We begin our analysis with respect to Hypothesis 1, where the results in Table 4 provide strong support for the hypothesis. As circuits become increasingly black, they are more likely to select black judges, especially via election. This is an important observation because critics of judicial elections have argued that appointive systems better promote judicial diversity (e.g., Henry et al. 1985).



To
 Figure 4: Probability circuit judge is black across circuit racial demographics and method of initial selection (1970-2024). Results derived from Model 1 of Table 4.

better understand the significant interaction effect observed in Table 4, we present these results graphically in Figure 4. The results demonstrate that when the underlying population of a circuit is overwhelmingly white, the likelihood voters select a black judge is virtually nonexistent. What's more, it remains virtually nonexistent even when roughly one-fifth of a circuit's population is black. Again, this is due to the incredible prevalence of racial polarization in the state. The only real opportunity for a black judge to attain the bench in these circumstances is through gubernatorial appointment. But even still, the odds are not favorable. In a hypothetical circuit that is 10 percent black, there is only a 7.8 percent chance the governor selects a black judge. These odds improve as the black population increases, but note that even when the underlying circuit is 50 percent black, the model only predicts that there is a 16.3 percent chance the governor selects a black judge.

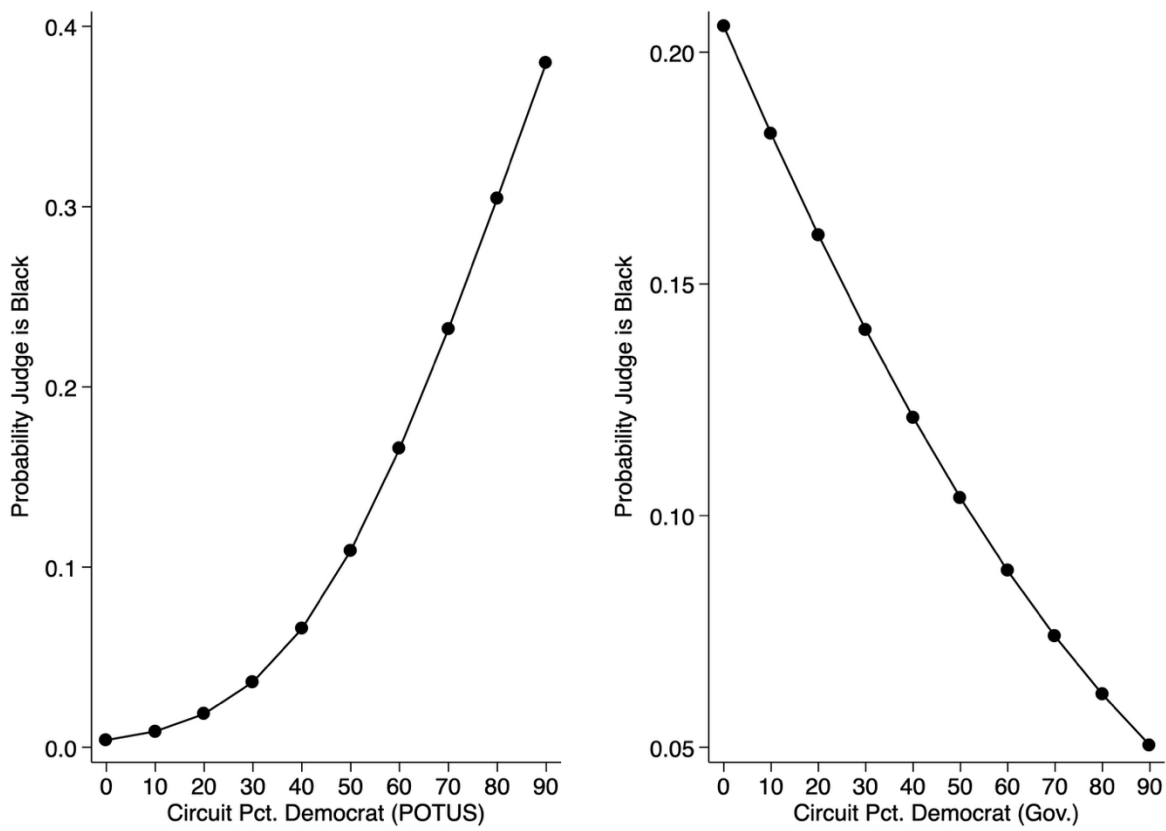


Figure 5: Probability circuit judge is black against percentage of the circuit that voted Democratic in the most recent presidential (left-hand pane) and gubernatorial (right-hand pane) election, 1970-2009. Results derived from Model 2 of Table 4.

Demographics clearly influence judicial diversity. When a circuit is majority-black, the popular election of a black judge, though not guaranteed, is dramatically increased. All things being equal, a circuit must be at least 58 percent African American before the predicted probability of selecting a black judge via election is better than even. Note that this rate is higher compared to the generally accepted standard in Alabama that a congressional district need only be *close* to majority black to produce a black U.S. House member.²⁸ Furthermore, we can see from the results in Figure 4 that the odds of selecting a black judge via election increase exponentially as the population of a circuit becomes even more heavily African American. In a hypothetical circuit that is 70 percent black, for example, there is an 82.5 percent chance voters select

²⁸ See, e.g., *Milligan v. Allen*, 2:21-cv-01530-AMM, (N.D. Ala.). URL: <https://shorturl.at/hdbzv>. It is interesting that we find a 59 percent black threshold at the circuit level because it is reminiscent of an older standard developed in Mississippi litigation, where legislative districts needed to be 65 percent black to potentially elect a black representative (Parker 1990).

a black candidate. It seems clear that, in a state like Alabama that is dominated by white, conservative, Republicans at the state-level, achieving a diverse bench depends upon the use of substate geographic districts whereby judges are chosen via popular election. Were the Alabama Supreme Court, which is elected on a statewide basis, to adopt substate geographic districts such as those used on the Louisiana Supreme Court, there is little doubt the institution would cease to be an all-white body.²⁹

Next, we find evidence in favor of Hypothesis 2 across each of the models in Table 4. Democratic judges are significantly more likely to be black compared to Republicans, especially prior to 2010. According to Model 1, Democratic judges have a 17.5 percent chance of being African American, compared to just 2.8 percent for Republican judges. Results from Model 2 show that since the 2010 partisan realignment of the state, Democratic judges have a 23.3 percent chance of being black, compared to just 3.5 percent for Republicans (a 566 percent difference).

Next, we turn to results stemming from our political controls, which test Hypotheses 3 and 4. Note from the “main” results in Model 2 (1970-2009) that the percentage of the circuit voting Democratic for president produces a coefficient that is *positive* and statistically significant, while the control for the percentage of the circuit voting Democratic for governor is *negative* and statistically significant. These divergent results are precisely what we had hypothesized. Prior to 2010, the Alabama Democratic Party included more conservative, white voters, and during this period, conservative white Democrats frequently split their tickets, supporting the Republican nominee for president and the Democratic nominee for governor. To help to better illustrate these effects, we depict them graphically in Figure 5, which shows the effect of circuit voting on judge race between 1970 and 2009.

In interpreting Figure 5, first, suppose we have a hypothetical circuit that, in its most recent election, cast just 10 percent of its vote for the Democratic presidential candidate. That circuit has a projected 0.9

²⁹ Of course, civil rights litigants are aware of this and have pursued lawsuits under Section 2 of the Voting Rights Act and precedents of the U.S. Supreme Court, most relevantly, *Thornburg v. Gingles* (478 U.S. 30, 1986), seeking an order that Alabama adopt substate geographic districts for the state’s appellate courts. As of this writing, none of these legal efforts have won success in federal courts. Most recently, in 2020, a federal district court in Montgomery ruled that the at-large methods of electing appellate court judges do not violate U.S. law (Chandler 2020).

percent chance of selecting a black judge, all things being equal. If a circuit casts 10 percent of its vote for the Democratic candidate for governor, however, it is projected to select a black judge 18.2 percent of the time. At the other end of the spectrum, suppose we have a hypothetical circuit that cast 90 percent of its vote for the Democratic candidate for president. That circuit is projected to choose a black judge 38.0 percent of the time. Compare this figure to a circuit that casts 90 percent of its vote for the Democratic candidate for governor. Such a circuit is projected to choose a black judge only 5.0 percent of the time. Thus, we can clearly see the divide between conservative and liberal Democratic voters in the years prior to 2009.

We also find some partial evidence from the regressions in Table 4 for Hypothesis 5. Recall that Hypothesis 5 formalized the trend in Table 2, which showed black judges largely attaining their positions via gubernatorial appointment prior to 2010 and via election afterward. Examining the results in Table 4, we see that, as anticipated for the period between 1970 and 2009 in Model 2, the “main” effect for the elected dummy variable is negative and statistically significant. For a hypothetical circuit that is 25 percent black, prior to 2010, there is only a 4.0 percent chance of voters choosing a black jurist compared to a 10.6 percent chance the governor would via appointment.

We find no support for Hypothesis 6 from the results in Table 4. Vacancies occurring in circuit courts utilizing assisted appointment methods are not associated with the likelihood a chosen judge is black, all things equal. Our findings are thus consistent with those like Hurwitz and Lanier (2003), which casts doubt on merit selection as an institution that promotes judicial diversity. We therefore conclude this section by considering our remaining control variables. Socioeconomic status attains conventional levels of statistical significance in Models 1 and 2, particularly in the “main” effects in Model 2. For circuits with the lowest socio-economic status (the 26th Judicial Circuit—Russell County—in the 1970s), our model predicts only a 5.7% chance a black judge is selected. For circuits with the highest socio-economic status (the 10th Judicial Circuit—Jefferson County—in the 2020s), our model predicts a 21.9 percent chance a black judge is selected.

We find no evidence across either model that circuit turnout in the most recent gubernatorial or presidential election is associated with the probability a black judge is selected. Nor do we find evidence that bigger or smaller circuits differ with respect to their likelihood of selecting a black judge. We do, however, find evidence that female circuit judges, post-2009, are more likely to be African American compared to the previous era. Pre-2010, female judges are estimated to have a 9.0 percent chance of having been black, but post-2009, that figure has increased to 21.6 percent (a 140 percent increase). Future research will likely need to disentangle the issues related to intersectionality of race and gender that has emerged in Alabama in recent years involving judicial selection events.

Discussion

The American justice system has long been a source of disappointment for African Americans (Gibson and Nelson 2018). Descriptive representation for African Americans on courts not only has important policy implications but also helps to bridge a judicial legitimacy gap between white and black Americans (Haire and Moyer 2015; Scherer and Curry 2010). Southern states, with their large black populations, have exhibited the most turmoil amidst efforts to democratize the region and achieve representation for racial minorities. Scholars have expended significant effort to understand the patterns, causes, and payoffs for descriptive representation of African Americans in the South. But these analyses have generally ignored an entire branch of southern government—the courts. And while the judicial politics literature has considered patterns of racial diversity on state courts, these studies generally examine appellate institutions with few judges (e.g., Hurwitz and Lanier 2003), or—to the extent that lower courts have been studied—typically rely upon cross-sectional data that offers little insight into historical trends (e.g., Reddick, Nelson, and Caufield 2009).

In this research, we have attempted to address some of these shortcomings in the literature by examining the patterns of racial diversification in a single Deep South judiciary over the span of its statehood (1819-2024). In total, we identify what we believe is the universe of every black judge to have ever held office in a state appellate court or trial court of general jurisdiction. To our knowledge this is the

most expansive dataset yet assembled that examines longitudinal trends in descriptive representation for lower state courts.

Our findings indicate that, while the Alabama trial courts today have a level of black office-holding that is roughly proportional to state-level demographics, this descriptive representation is a *very* recent phenomenon. The Alabama legislature attained parity with the proportion of the population that is black in the mid-1990s, but such an achievement did not reach the state’s trial courts until 2023. It seems plausible that one factor delaying racial diversity in Alabama’s lower courts stems from the fact that judicial elections are not subject to the one-person-one-vote requirement, meaning that lawmakers have not had to engage in periodic redistricting. There was no opportunity for federal authorities to engage in VRA Section 5 preclearance that might require more opportunity districts at the circuit level. Section 2 litigation has also been tepid for judicial elections compared to legislative ones. The upshot is that most black circuit judges come from a select few large, urban circuits—albeit circuits with large numbers of judges.

Another factor we suspect is at play is that the majority of circuit judges attain their positions originally via popular election. Black judges themselves are aware of this issue and are more likely to delay their departures until the end of their term compared to white judges, thus preventing a gubernatorial appointment to replace them. Thus, one of our central findings is that the popular election of judges has been critical to achieving descriptive representation on Alabama’s trial courts. But our results suggest that a judicial district must contain a critical mass of black voters. According to our models, a black candidate is only more likely to attain a circuit seat compared to a white candidate when the underlying district population is at least 58 percent black. This is due to the state’s remarkable and persistent pattern of racial polarization.

At the appellate level, descriptive representation for African Americans has been more difficult due to the fact that each of the state’s 19 appellate judges are selected on a statewide basis. Only four black judges have ever served on one of Alabama’s appellate courts, and each of these individuals originally took their positions via gubernatorial appointment. Our results clearly suggest that, should Alabama adopt substate geographic districts for its appellate courts, a district with a critical mass of black voters would

almost certainly produce a more racially diverse body of appellate court judges than what has been the case in recent years.

This work reflects one of the first attempts by scholars to marry the southern politics and judicial politics literatures. It also provides for numerous opportunities to extend this research. For example, we have demonstrated the conditions under which black representation can be achieved in southern state courts that historically exhibited hostility to racial minorities. We have also emphasized the role institutions have played in securing descriptive representation for African Americans. Nevertheless, the Alabama judiciary involves but one set of institutional selection methods. For example, Alabama has used partisan judicial elections since the 1830s. An excellent avenue for future research might consider longitudinal trends in other southern states with divergent methods of judicial selection to see whether patterns or paces of racial diversification are consistent with those found in this study. Put simply, scholars of state courts have virtually no idea who the judges on trial courts of general jurisdiction are in other states going back more than just a few years, let alone data on their race, background, method of initial selection, and so on. This research agenda will require tremendous effort and resources but is important to the field's broader understanding of racial integration in the South.

Our results suggest at least one additional, fruitful line of inquiry. Now that we have identified a cohort of black judges heretofore unknown to the political science literature, how did they change things? How did the output of their courts change due to racial diversity? And how did the assessments of voters change in response? Again, these are questions that political scientists have largely assessed using cross-sectional research designs. There has been clear symbolic progress in that Birmingham, Montgomery, and the rural Black Belt—epicenters for backlash to civil rights—now have many black circuit judges. What we don't know is how the annual output of southern courts changed in response to diversity, or collegiality, or legitimacy. To a certain extent, much of this information is probably lost forever as we do not have longitudinal public opinion data on state court legitimacy. We suspect that qualitative methods, particularly interviews with elites and community stakeholders, will be necessary to begin establishing the record for

how state judicial institutions changed in the South in response to racial diversity. There is still significant work to be done.

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Table A.1: Race and selection method for Alabama Circuit Courts (1970-2024)—z-scores models

Variable	Model 1	Model 2	
	No Interactions (1970-2024)	Main Effects (1970-2009)	Interaction Effects (2010-2024)
Democrat	2.97* (0.57)	2.71* (0.89)	0.75 (0.62)
Elected	-2.46* (0.48)	-3.29* (0.43)	1.89 (1.07)
Circuit Pct. Black	0.46 (0.37)	1.22* (0.34)	-1.45 (1.43)
Elected × Circuit Pct. Black	2.11* (0.37)	2.05* (0.40)	-0.16 (0.49)
Female	0.53 (0.45)	-0.20 (0.25)	1.38* (0.65)
Socioeconomic Status	0.54* (0.26)	1.10* (0.35)	-0.67 (0.68)
Pct. Dem. (POTUS)	0.59 (0.43)	1.08* (0.35)	-0.17 (2.32)
Pct. Dem. (Governor)	-0.73* (0.36)	-0.56* (0.16)	-0.93 (1.78)
Voter Turnout	-0.08 (0.17)	-0.47 (0.28)	0.58 (0.37)
Commission	1.68 (1.24)	2.57 (1.54)	-1.76 (1.81)
Circuit Seats	0.03 (0.43)	-0.22 (0.47)	0.22 (0.69)
Year 2010 or Later	1.07 (0.63)	0.75 (0.62)	--
Constant	-6.47 (1.21)	-7.19* (1.41)	--
N	500	500	
Wald- χ^2	4,435.41	1,425,189.30	
Pseudo- R^2	0.52	0.54	
PRE	42.86%	46.43%	

Notes: The dependent variable is whether a selected circuit judge is black (“1” if yes, “0” else). Table entries are logistic regression coefficients such that each continuous-level variable has been rescaled to measure the number of z-scores an observation is from its mean outcome (robust standard errors clustered on circuit in parentheses). Asterisks (*) denote statistical significance ($\alpha = 0.05$, two-tailed). The abbreviation, “PRE,” refers to percentage reduction in error. The right-hand column in Model 2 interacts each row-variable with the “Year 2010 or Later” variable.

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Supplemental Online Appendix

In this supplemental appendix, we provide additional results from the regression models presented within the main text of the paper. Specifically, we reproduce the models shown in Table 4 of the main text. First, consider Table A.1, which reproduces the effects from Table 4. In it, we transform each of the continuous-level variables to exist on the same scale such that each observation is recorded as the number of z-scores it falls from its mean outcome. The benefit of standardizing variables in this manner is that coefficients from standardized variables become directly comparable to one another to assess effect size.

Table A.2: Race and selection method for Alabama Circuit Courts (1970-2024)—odds ratios models

Variable	Model 1	Model 2	
	No Interactions (1970-2024)	Main Effects (1970-2009)	Interaction Effects (2010-2024)
Democrat	19.44* (11.00)	15.02* (13.37)	2.12 (1.33)
Elected	0.002* (0.002)	0.001* (0.001)	8.91 (14.64)
Circuit Pct. Black	1.03 (0.03)	1.09* (0.03)	0.90 (0.09)
Elected × Circuit Pct. Black	1.17* (0.03)	1.16* (0.03)	0.99 (0.04)
Female	1.71 (0.77)	0.82 (0.21)	3.98* (2.59)
Socioeconomic Status	1.81* (0.51)	3.35* (1.03)	0.48 (0.36)
Pct. Dem. (POTUS)	1.05 (0.03)	1.01* (0.03)	0.99 (0.17)
Pct. Dem. (Governor)	0.96* (0.02)	0.97* (0.01)	0.95 (0.09)
Voter Turnout	0.99 (0.02)	0.96 (0.02)	1.06 (0.04)
Commission	5.35 (6.64)	13.06 (20.09)	0.17 (0.31)
Circuit Seats	1.00 (0.05)	0.98 (0.05)	1.02 (0.08)
Year 2010 or Later	2.90 (1.83)	132.64 (620.98)	--
Constant	0.001 (0.003)	0.00 (0.00)	--
N	500		500
Wald- χ^2	4,435.41		1,425,189.30
Pseudo- R^2	0.52		0.54
PRE	42.86%		46.43%

Notes: The dependent variable is whether a selected circuit judge is black (“1” if yes, “0” else). Table entries are odds-ratios stemming from logistic regressions (robust standard errors clustered on circuit in parentheses). Asterisks (*) denote statistical significance ($\alpha = 0.05$, two-tailed). The abbreviation, “PRE,” refers to percentage reduction in error. The right-hand column in Model 2 interacts each row-variable with the “Year 2010 or Later” variable.

In Table A.2, we provide additional results from the models presented within the main text in Table 4. Here, we present these results with odds ratios instead of beta coefficients. In interpreting odds ratios, recall that all odds ratios are positive, but for the direction of effect a variable has, odds ratios greater than one are interpreted as having a positive effects, while odds ratios less than one are interpreted as having negative effects.