

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

v.

ERIC H. HOLDER, JR., in his
Official capacity as Attorney General of the
United States,

Defendant.

Case No. 1:12-cv-00128
(DST, RMC, RLW)

**PLAINTIFF'S MOTION TO EXCLUDE
TESTIMONY OF ALLAN J. LICHTMAN**

For the reasons stated in the attached Memorandum of Points and Authorities, Texas moves to exclude the testimony of Allan J. Lichtman under Federal Rule of Evidence 702. Consistent with Local Rule 7(m), Texas has conferred with counsel for Defendant and Defendant-Intervenors regarding this motion. This motion is opposed.

Dated: June 20, 2012

Respectfully submitted.

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CERTIFICATE OF SERVICE

I hereby certify that Texas and the United States and Defendant-Intervenors conferred by email about the foregoing Motion. The Motion is opposed.

/s/ Patrick K. Sweeten
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document is being served by CM/ECF and/or electronic mail on June 20, 2012 on the following:

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**MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF PLAINTIFF'S MOTION TO EXCLUDE
TESTIMONY OF ALLAN J. LICHTMAN**

Defendant-Intervenors Eric Kennie, Anna Burns, Michael Montez, Penny Pope, Marc Vesey, Jane Hamilton, David de la Fuente, Lorraine Birabil, Daniel Clayton, and Sergio DeLeon (collectively, "Kennie Defendant-Intervenors") have retained Allan J. Lichtman to "assess the issue of discriminatory intent by examining both the reports submitted by the state's experts and by experts for contrary parties." Exhibit A, Lichtman Report at 1. Like Dr. Kousser, the expert retained by the United States, Dr. Lichtman concludes that Senate Bill 14 was enacted with a discriminatory intent. *Id.* This Court should exclude the testimony of Dr. Lichtman because it fails to satisfy Federal Rule of Evidence 702 and because it violates Federal Rule of Evidence 802.

LEGAL STANDARD

Expert testimony is admissible if it is based on “scientific, technical, or other specialized knowledge” that will “help the trier of fact.” FED. R. EVID. 702(a). Rule 702 charges trial judges “with the responsibility of acting as ‘gatekeepers’” to exclude “unreliable or irrelevant expert testimony.” *United States v. Naegele*, 471 F. Supp. 2d 152, 156 (D.D.C. 2007) (citing *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993)). Under the two-pronged *Daubert* test, “a court determining the admissibility of purported expert testimony must first determine ‘[1] whether the reasoning or methodology underlying the testimony is scientifically valid and [2] whether that reasoning or methodology properly can be applied to the facts in issue.’” *United States v. Libby*, 461 F. Supp. 2d 3, 6 (D.D.C. 2006) (quoting *Daubert*, 509 U.S. at 592-93). The burden rests with the “proponent of the testimony to establish its admissibility.” *Id.*; see also *Meister v. Med. Eng’g Corp.*, 267 F.3d 1123, 1127 n.9 (D.C. Cir. 2001).

The first *Daubert* prong “establishes a standard of evidentiary reliability” that tests the validity of the expert’s procedures and methods. *Daubert*, 509 U.S. at 590. The second *Daubert* prong speaks “primarily to relevance,” *id.* at 591, and ensures that the proposed testimony “will aid the jury in resolving a factual dispute,” *Naegele*, 471 F. Supp. 2d at 157. Expert testimony is irrelevant if it offers “knowledge within the province” of the ordinary trier of fact. *Libby*, 461 F. Supp. 2d at 7; see also *United States v. Mitchell*, 49 F.3d 769, 780 (D.C. Cir. 1995) (Expert testimony is unnecessary where it “involves matters of general knowledge” and falls

“squarely within the traditional province of the jury.”). Where the trier of fact is “just as capable” of reviewing and analyzing the evidence, expert testimony is unhelpful and thus prohibited. *Naegele*, 471 F. Supp. 2d at 159.

ARGUMENT

A. Dr. Lichtman’s “State of Mind” Testimony Is Inadmissible.

Dr. Lichtman’s testimony should be excluded because the Federal Rules of Evidence do not permit experts to testify about state of mind. *See S.E.C. v. Johnson*, 525 F. Supp. 2d 70-78 (D.D.C. 2007); *Holcomb v. Washington Metro. Area Transit Auth.*, 526 F. Supp. 2d 24, 30 (D.D.C. 2007). “Expert witnesses are not permitted to testify” concerning a party’s “intent, motive, or state of mind, or evidence by which such state of mind may be inferred.” *AstraZeneca LP v. Tap Pharm. Prods., Inc.*, 444 F. Supp. 2d 278, 293 (D. Del. 2006). Such testimony has “no basis in any relevant body of knowledge or expertise” and concerns “lay matters which a [fact finder] is capable of understanding and deciding without the expert’s help.” *In re Rezulin Prods. Liab. Litig.*, 309 F. Supp. 2d 531, 546 (S.D.N.Y. 2004) (citations and internal quotation marks omitted).

The prohibition on state-of-mind testimony applies also where the expert “regurgitate[s] factual evidence and documentary records.” *In re Trasylol Prods. Liab. Litig.*, 709 F. Supp. 2d 1323, 1332 n.11 (S.D. Fla. 2010) (internal quotation marks omitted). The trier of fact is “just as capable” as an expert of drawing reasonable inferences from admissible documents. *Naegele*, 471 F. Supp. 2d at 159. Indeed, that is the trier of fact’s quintessential function. *Johnson*, 525 F. Supp. 2d

at 78. An expert's recitation of documentary evidence is neither helpful nor admissible.

Dr. Lichtman is a historian with specialized knowledge in electoral analysis, political history, and historical and quantitative methodology. Exhibit A, Lichtman Report at 2-3. Nevertheless, his credentials do "not qualify him with the expertise to plumb the [Texas legislature's] mind[]" and thus to "offer conclusions as to the existence" of discriminatory purpose. *Bone Care Int'l, LLC v. Pentech Pharm., Inc.*, No. 08-CV-1083, 2010 WL 1655455, at *9 (N.D. Ill. 2010).

To the extent he purports to opine on the intent or motivation of individual members of the legislature or the public, Dr. Lichtman's opinions are irrelevant. There is no distinction between state-of-mind testimony and testimony concerning intent. *AstraZeneca*, 444 F. Supp. 2d at 293 (expert testimony inappropriate concerning "intent, motive, or state of mind, or evidence by which such state of mind may be inferred."). This Court does not require the expert assistance of a PhD historian to analyze statements made by legislators during a floor debate, to review deposition testimony, or to read articles in local newspapers.

To the extent he purports to offer an opinion on the purpose of the legislature as a whole, Dr. Lichtman fails to support his opinion with any specialized knowledge. Any statement on the subject would therefore "undertake to tell the [finder of fact] what result to reach." *Johnson*, 525 F. Supp. 2d at 79 (quoting *United States v. Duncan*, 42 F.3d 97, 101 (2d Cir. 1994)). Dr. Lichtman's testimony should therefore be excluded.

B. Dr. Lichtman Does Not Identify The Methodology On Which He Relies To Reach His Conclusions.

To demonstrate the reliability of a methodology, an expert must first identify the methodology by which he derived his conclusions. *See* FED. R. EVID. 702(c). Dr. Lichtman's testimony should be excluded because it does not satisfy Rule 702 for the following reasons.

First, Dr. Lichtman's report fails identify *any* discernable methodology on which his opinions are based. Instead, he merely summarizes or quotes documentary evidence to support his conclusions. For instance:

- To support his conclusion debates over the Texas voter ID law "took place under conditions of extreme racial tension and polarization in Texas," Dr. Lichtman quotes to a news article in the *Amarillo Globe-News* and the *San Antonio Express-News*. Exhibit A, Lichtman Report at 13.
- To show that Senate Bill 14 was adopted with a discriminatory intent, Dr. Lichtman relies on the fact this bill was enacted at close to the same time that the legislature enacted other measures that allegedly had the intent or effect of discriminating against minorities. Specifically, he points to the adoption of redistricting plans that do not reflect the growth of the state's minority population and the passage of legislation that would stop state aid to local governments that prohibit police officers from inquiring about immigration status. *Id.* at 12-13.
- Dr. Lichtman cites to statements made by Senator Carlos Uresti during the debate on the voter id bill to show to demonstrate conditions of "extreme racial tension." *Id.* at 13.
- To demonstrate intentional discrimination during the passage of Senate Bill 14, Dr. Lichtman relies on the deposition testimony of Representative Patricia Harless describing how "the voter id legislation was an emergency item for the governor's office" and that the bill was fast-tracked. *Id.* at 13.
- Dr. Lichtman suggests that because Representative Harless invoked legislative privilege on certain questions, this was additional indicia of intentional discrimination. *Id.* at 14.

Dr. Lichtman's proposed testimony offers nothing more than his lay opinion based on an interpretation of evidence the Court needs no help with. Even if a liberal reading of his report could suggest a reliance on the *Arlington Heights* factors, his testimony will not assist the Court because the application of law to fact is the function of the courts, not experts.

Second, there is no indication that Dr. Lichtman's methodology of reading and interpreting the real meaning of other individual's statements has been subjected to peer review or accepted in any relevant professional or academic community. *Cf. Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137, 157 (1999) (excluding an expert's testimony where the court "found no indication in the record that other experts in the industry use [the expert's] two-factor test" or any reference "to any articles or papers that validate [his] approach").

Finally, Dr. Lichtman fails to explain how the application of his unidentified methodology indicates discriminatory purpose. His results cannot be tested or replicated because he does not explain the process by which he reached them. As a result, there is no way for this Court to test the reliability of his method of analysis or to judge the accuracy of his conclusions. "[N]othing in either *Daubert* or the Federal Rules of Evidence requires a district court to admit opinion evidence that is connected to existing data only by the *ipse dixit* of the expert." *Id.* (quoting *Gen. Elec. Co. v. Joiner*, 522 U.S. 136, 146 (1997)). Dr. Lichtman's testimony fails to satisfy Rule 702 because it has not been shown to rest on reliable principles or methods.

C. Dr. Lichtman's Report Serves As a Conduit for Inadmissible Hearsay.

Dr. Lichtman's testimony should also be excluded because his report is no more than a conduit for hearsay. Although experts may rely on hearsay in forming opinions, they may not "simply transmit that hearsay" to the finder of fact:

[T]he expert must form his own opinions by applying his extensive experience and a reliable methodology to the inadmissible materials. Otherwise, the expert is simply repeating hearsay evidence without applying any expertise whatsoever

United States v. Mejia, 545 F.3d 179, 197–98 (2d Cir. 2008) (internal quotation marks and citations omitted); *cf. Arista Records LLC v. Usenet.com, Inc.*, 608 F.Supp.2d 409, 424 (S.D.N.Y. 2009) ("An expert who simply regurgitates what a party has told him provides no assistance to the trier of fact through the application of specialized knowledge.").

Dr. Lichtman's report offers a narrative collection of out-of-court statements taken from newspaper articles, statements of a bill opponent in the legislative record, and statements of the bill sponsor, all of which are offered for the truth of the matters asserted. Dr. Lichtman does not indicate that he employed any specialized knowledge to select these statements from the legislative record and the universe of media coverage, and his report does not apply any scrutiny to the statements themselves.

Because Dr. Lichtman's report merely transmits hearsay statements and is not the product of specialized knowledge, his report consists of nothing more than legal advocacy on behalf of his client. The Federal Rules of Evidence are expressly

intended to prevent parties from using experts to argue their case from the witness stand. As the Advisory Committee explains:

Under Rules 701 and 702, opinions must be helpful to the trier of fact, and Rule 403 provides for exclusion of evidence which wastes time. These provisions afford ample assurances against the admission of opinions which would merely tell the jury what result to reach, somewhat in the manner of the oath-helpers of an earlier day.

FED. R. EVID. 704, Notes of Advisory Committee; *see also In re Rezulin Prods. Liab. Litig.*, 309 F. Supp. 2d 531, 538 (S.D.N.Y. 2004) (“[E]xpert’ witnesses whose intended role is more to argue the client’s cause from the witness stand . . . are loosely analogous to compurgators, also known as oath helpers, in that they lend their credentials and reputations to the party who calls them without bringing much if any relevant knowledge to bear on the facts actually at issue.”). The Kennie Defendant-Intervenors can present its factual theory of the case through its lawyers. It is improper to do so through the testimony of a so-called expert. *See, e.g., In re Rezulin Prods. Liab. Litig.*, 309 F. Supp. 2d at 551 (excluding and expert’s “history of Rezulin” on the ground that an expert’s presentation of facts and inferences drawn from facts, “does no more than counsel . . . will do in argument, *i.e.*, propound a particular interpretation of [the party’s] conduct”).

D. Dr. Lichtman’s Testimony Is Unreliable.

To the extent Dr. Lichtman’s report does not simply regurgitate hearsay statements, it offers purely subjective impressions and speculation about the motives of legislators or unidentified proponents of Senate Bill 14. *See Exhibit A, Lichtman Report at 12-14.* Ultimately, Dr. Lichtman purports to opine about the

subjective understanding of individual legislators when they engaged in legislative acts or made public statements. His views on the subject are inadmissible under Rule 702 because they fail the basic requirement of “knowledge,” which “guards against the admission of subjective or speculative opinions.” *In re Rezulin Prods. Liab. Litig.*, 309 F. Supp. 2d 531, 541 (S.D.N.Y. 2004); *see also id.* at 546 (opinions “on the intent, motives or states of mind of corporations, regulatory agencies and others have no basis in any relevant body of knowledge or expertise”).

CONCLUSION

For the reasons stated above, the testimony of Allan J. Lichtman should be excluded under Rule 702.

Dated: June 20, 2012

Respectfully submitted.

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EXHIBIT A

I. Statement of Inquiry

1. I have been asked to consider whether the reports submitted by experts for the State of Texas establish that adoption of the 2011 Texas voter identification law (S. B. 14) does not have a retrogressive discriminatory effect on minorities, including by limiting their ability to elect candidates of their choice and to participate fully in the political process on an equal basis with Anglos in Texas. I have further been asked to assess the issue of discriminatory intent by examining both the reports submitted by the state's experts and by experts for contrary parties. I have also been asked to address these same questions of proof and comparative analyses with respect to whether the adoption of S.B. 14 was the product of a discriminatory intent by the State of Texas against racial and language minorities.

2. My expected fee in this matter is \$400 per hour. I have enclosed an updated CV and a table of cases in which I have provided written or oral testimony.

II. Summary of Opinions

Reports submitted by experts for the State of Texas fail to establish that S. B. 14 does not have a discriminatory effect on minorities. To the contrary, the evidence I have reviewed demonstrates that S. B. 14 is likely to have such a discriminatory effect.

Reports submitted by experts for the State of Texas fail to establish that S. B. 14 is free of a discriminatory intent. To the contrary, analyses provided by experts for the United States and the reports of the State's experts themselves, along with other evidence, support the conclusion that S. B. 14 was enacted by the State of Texas with discriminatory intent.

III. Qualifications

4. I am Distinguished Professor of History at American University in Washington, D.C., where I have been employed for 38 years. Formerly, I served as Chair of the History Department and Associate Dean of the College of Arts and Sciences at American University. I received my BA in History from Brandeis University in 1967 and my Ph.D in History from Harvard University in 1973, with a specialty in the mathematical analysis of historical data. My areas of expertise include political history, electoral analysis (including analysis of discriminatory intent), and historical and quantitative methodology. I am the author of numerous scholarly works on quantitative methodology in social science. This scholarship includes articles in such academic journals as Political Methodology, Journal of Interdisciplinary History, International Journal of Forecasting, and Social Science History. In addition, I have coauthored Ecological Inference with Dr. Laura Langbein, a standard text on the analysis of social science data, including political information. I have published articles on the application of social science analysis to civil rights issues. This work includes articles in such journals as Journal of Law and Politics, La Raza Law Journal, Evaluation Review, Journal of Legal Studies, and National Law Journal. My scholarship also includes the use of quantitative and qualitative techniques to conduct contemporary and historical studies, published in such academic journals as The Proceedings of the National Academy of Sciences, The American Historical Review, Forecast, and The Journal of Social History. Quantitative and historical analyses also ground my books, Prejudice and the Old Politics: The Presidential Election of 1928, The Thirteen Keys to the Presidency (co-authored with Ken DeCell), The Keys to the White House, and White Protestant Nation: The Rise of the American Conservative Movement. My most recent book,

White Protestant Nation, was one of five finalists for the National Book Critics Circle Award for the best general nonfiction book published in America. My forthcoming book co-authored with Distinguished Professor Richard Breitman, *FDR and the Jews*, will be published next year by Harvard University Press under its Belknap Imprint, reserved for books of special distinction and lasting value.

5. I have worked as a consultant or expert witness for both plaintiffs and defendants in more than seventy-five voting and civil rights cases. These include several cases in the state of Texas, among them the 2003 congressional redistricting case that became the U. S. Supreme Court case, League of United Latin Am. Citizens (LULAC) v. Perry, 548 U.S. 399 (2006). The majority opinion written by Justice Kennedy authoritatively cited my statistical work several times. My work as an expert includes more than a dozen cases for the United States Department of Justice and cases for many civil rights organizations. I have also worked as a consultant or expert witness in defending enacted plans from voting rights challenges. My work includes serving as an expert consultant to the Carter-Baker Commission on Electoral Reform and as the expert consultant to the Maryland Attorney General on the voter fraud challenge to the results of the 1994 gubernatorial election. A copy of my resume and a table of cases are attached as Appendix I of this report.

IV. Data and Methods

6. The analysis in this report relies on scrutiny of the reports submitted by the United States' experts Dr. J. Morgan Kousser and Stephen D. Ansolabehere , and by State of Texas experts Dr. Thomas Sager and Dr. Daron R. Shaw. It also relies on the study of the objection letter to S. B. 14 submitted by the United States Department of Justice and other historical and contemporary evidence relevant to the issue of minority voter suppression. This study draws on

my experience in voting rights litigation and expertise in political history, political analysis, and historical and statistical methodology.

V. Discriminatory Effect

7. The reports submitted by Dr. Ansolabehere makes a compelling case that, according to data provided by the state of Texas, the state cannot establish that S. B. 14 will not have a discriminatory effect on minorities. To the contrary, this report and the Department of Justice objection letter (and the facts underlying those documents) demonstrate that S. B. 14 is highly likely to have a discriminatory effect on minorities, who are today more than 50 percent of Texas's population and voting age population. The Justice letter reports the following population distribution in Texas:

According to the 2010 Census, the State of Texas had a total population of 25,145,561, of whom 9,460,921 (37.6%) were Hispanic, 2,975,739 (11.8%) were black, 1,027,956 (4.1%) were Asian, and 11,397,345 (45.3%) were Anglo. Texas's total voting-age population was 18,279,737, of whom 6,143,144 (33.6%) were Hispanic, 2,102,474 (11.5%) were black, 758,636 (4.2%) were Asian, and 9,074,684 (49.6%) were Anglo. The five-year aggregate American Community Survey (2006-2010) estimates that Texas had a Hispanic citizen voting-age population of 25.5 percent.

8. The Sager report fails to show that based on state of Texas data, S.B. 14 would not have a discriminatory effect on minorities. To the contrary its findings, which are silent on other minority groups, clearly demonstrate that S.B. 14 would place a disproportionate burden on Hispanic residents. Dr. Sager examines two data bases of registered voters provided by the state of Texas: for December 2011 and May 2012 as well as information provided by the state on the age distribution of these voters and their likely possession of a valid state voter ID. His analysis of the December 2011 database finds that of those registered voters under the age of 65 for whom an acceptable state voter ID under S. B. 14 could not be established, 47 percent had a Spanish surname (Sager Report, Table 3). Dr. Sager does not indicate the percentage of all

registered voters in the December data base that were Hispanic. However, a database provided by the state of Texas for January 2012 and cited in Justice's objection letter indicates that 21.8 percent of all registered voters had Spanish surnames, an identical percentage to that found for a September 2011 database supplied by the state of Texas. Thus, according to Dr. Sager's findings using the December 2011 database, the percentage of Hispanics under age 65 for whom an acceptable voter ID could not be verified is more than twice as much as the percentage of Hispanics among all registered voters.

9. Disproportionate results for Hispanics also emerge in Dr. Sager's analysis of the May 2012 database provided by the state of Texas. His analysis of this database finds that of those registered voters under the age of 65 for whom an acceptable voter ID under S. B. 14 could not be established, 33 percent had a Spanish surname (Sager Report, Table 6). This finding demonstrates that the percentage of Hispanics under 65 for whom an acceptable voter ID could not be verified is *51 percent higher* than the percentage of Hispanics among all registered voters. *Thus, the disparity between the percentage of Hispanics among all registered voters and the percentage of Hispanics under age 65 for whom an acceptable voter ID could not be established ranges from 51 percent to 116 percent, under Dr. Sager's own analysis.*

10. The findings presented above assume the correctness of Dr. Sager's assumptions and calculations. However, there are other problems with Dr. Sager's analyses. First, Dr. Sager's analyses presume the reliability of the state's original December and May databases of registered voters who could not be matched for acceptable voter IDs. Yet the Sager report includes no studies to verify the accuracy of these databases, but simply assumes that they are correct. Second, the Sager analysis adjusted for older registrants, but does not consider the large and heavily minority group of those who will become eligible to register by virtue of turning 18 prior

to the 2012 and 2014 elections in Texas. According to the 2010 Census data cited above, minorities comprise 54.7 percent of Texas's population, but a smaller 50.4 percent of its voting age population, indicating a disproportionate percentage of persons not yet eligible to vote by reason of age. Third, Dr. Sager excludes from his calculations those whom he deems to have unreliable dates of birth. It may well be, however, that these are in fact registered voters whose dates of birth were inaccurately reported. Fourth, Dr. Sager's calculations include numerous individuals whose registration is in suspense, but could have their registrations restored.

11. Dr. Ansolabehere's report provides a much more complete and accurate analysis of the effects of S.B. 14 on minority registered voters in the state of Texas. First, he does not rely on the accuracy of the state's original matching efforts. Rather, he uses the entire voter registration list as of April 30, 2012 (almost identical in time to Sager's May 2012 database) to match registered voters with those having an acceptable state voter ID under S. B. 14. He also cleaned the driver's license and license to carry firearms databases records (comprising forms of acceptable state IDs under S. B. 14), eliminating large numbers of records that referred to expired licenses beyond the grace period under S.B. 14. Dr. Sager does not indicate whether he performed any such corrections. Not surprisingly, Dr. Ansolabehere's more reliable method demonstrates that there are many more registered voters who lack acceptable voter IDs than the Sager report would indicate (1.9 million or a more conservative and restricted list of 1.5 million). Second, Dr. Ansolabehere used standard methodologies to test for disproportionality in unmatched registrants for both blacks and Hispanics, whereas Dr. Sager studied only Hispanics. Third, unlike Dr. Sager, Dr. Ansolabehere also applies his findings to registrants who actually voted in 2008 and 2010, providing a more direct test of the effects of S.B. 14.¹

¹ Even with an adjustment for those 65+, Dr. Ansolabehere's numbers would still be many times larger than those

13. Dr. Ansolabehere found that of the 1.5 million registered voters for whom there was no match on the clean driver's license and license to carry lists, many of them actually voted in 2008 (535, 736 or 35.7 percent and 2010 (260,141 or 17.3 percent). He concludes that "if these individuals were to attempt to vote under the new law they must get a state identification between now and Election Day or have an appropriate federal identification in order to vote as they did in 2008 or 2010." (Ansolabehere Report, pp. 19-20). Dr. Ansolabehere also found significant racial disparities in unmatched registrants with respect to both blacks and Hispanics. His findings demonstrate that black registrants were nearly twice as likely as Anglo registrants to lack a match with acceptable state voter IDs. His findings further demonstrate that Hispanic registrants were two-thirds more likely than Anglo registrants to lack a match with acceptable state voter IDs. He also found that racial disparities persisted for those who actually voted in 2008 and 2010. (Ansolabehere Report, pp. 22-26).

14. An additional report submitted by Dr. Shaw on behalf of the State of Texas also has significant problems. In the first part of his analysis, Dr. Shaw attempts to demonstrate that S.B. 14 is not likely to have a discriminatory effect on minorities in Texas by drawing on political studies, many from studies for other states. However, Dr. Shaw does not account for the substantial differences between the state of Texas and other states with stringent voter ID laws included in the cited studies. Among other differences, Texas is much larger than the other states, has a much more substantial Hispanic and minority population, and has numerous counties with no operational driver's license offices (81 of 254 according to Justice's objection letter). In addition, the studies cited by Dr. Shaw rely heavily on 2006 and 2008 turnout results

of Dr. Sager. Indeed Dr. Sager's numbers of those without state acceptable IDs under S.B. 14 are so low and so far out of line with all other studies as to be incredible on their face. In addition, such an adjustment for age would not significantly affect findings on racial disparities.

(he indicates that Indiana passed the first photo ID law in 2005), in which there was a surge of Democratic (heavily minority voters). This is a very limited and biased data set on which to base conclusions. For example, one of the studies on which Dr. Shaw relies (Milyo 2007, Shaw Report, p. 4) compares county-level turnout for Indiana in 2002 (a strong Republican year) to 2006 (a strong Democratic year). Also, the issue of whether voter ID laws affect voter turnout or even minority turnout is at best tangentially relevant, given that turnout results from many different factors. Such laws could well place a disproportionate burden on minorities, even in the presence of increased minority turnout.

15. Dr. Shaw in several ways does not correctly interpret the findings of his cited studies. For example, he cites national survey data (Shaw Report, p. 5) to claim that only a very small proportion of respondents, well under 1 percent, reported that they could not vote because of ID requirements. However, this comparison is made with the base of all states, the vast majority of which do not have photo ID requirements. Other data from states with stringent voter ID laws presented in the Shaw report show much larger burdens, as indicated below. As another example, he cites a study (Alvarez, Bailey, and Katz 2008, Shaw Report, p. 6) which found that when controlling for many variables photo ID laws had a disparate impact on voters with low socio-economic standing, but not directly on race. However, in Texas socio-economic standing is highly correlated with race. So contrary to Dr. Shaw's conclusion, the study shows that S.B. 14 is likely to have a disparate impact on minorities. As a third example, Dr. Shaw cites the Alvarez, Bailey, and Katz study (Shaw Report, p. 6) showing that when a state moves from no ID requirement to a photo ID requirement, the result has a disparate impact on minority voting; but when a state moves from a non-*photo* ID requirement to a *photo* ID requirement, it does not. He argues that Texas currently has a non-photo ID requirement and that a shift to a photo ID

requirement would not disproportionately burden minorities, according to this study. However, under the status quo, a registrant can vote in Texas without an ID by filing an affidavit. In fact, Dr. Shaw cites survey data showing that only 60 percent of voters in Texas in 2008 were even asked to present any kind of ID at the polls. (Shaw Report, p.12). Thus, Texas does not have a non-photo ID requirement comparable to the photo id requirement under S.B. 14. Therefore, by the logic of the cited study, a shift to a mandatory photo id requirement would have a disparate impact on minorities. Dr. Shaw also indicates that another study (Vercellotti and Andersen 2009, Shaw Report, p. 7) does show a disparate impact of photo ID laws for Hispanics, at least for the first election after its adoption.

16. Dr. Shaw also cites and does not question studies from Georgia and Indiana which show that minorities are less likely than whites to have photo identifications (Shaw Report, p. 5). These findings are validated by a 2011 study that draws on a national sample of likely voters in the 2008 presidential election (Gabriel R. Sanchez, Stephen A. Nuño, and Matt A. Barreto, The Disproportionate Impact of Photo-ID Laws on the Minority Electorate, Brennan Center for Justice, August 2011). This study found that 95 percent of white respondents had “up-to-date” driver’s licenses or state issued IDs, compared to 89 percent of Hispanics, 86 percent of Asians and 90 percent of blacks. Dr. Shaw does not in his report provide any explanation of the tension between such acknowledged findings and his claim that stringent photo voter ID laws have no disparate impact on minorities.

17. Dr. Shaw additionally draws on voter surveys from Indiana and Georgia to claim that the vast majority of those going to the polls still reported that “I voted” after being asked for proper ID. These percentages, according to Dr. Shaw, were 97 percent in Indiana and 98 percent Georgia. Dr. Shaw implies that the 3 percent in Indiana and 2 percent in Georgia who did not

report that “I voted” is a *de minimus* problem. However, even assuming that this average of 2.5 percent is accurate and could be projected to Texas, in a state as large as Texas, it implicates very substantial numbers of voters. In the Texas 2008 general election, for example, in which 8.1 million people voted, 2.5 percent amounts to some 203,000 voters. Dr. Ansolabehere’s Texas-specific results reported above indicate that many more voters are likely to be impacted.

18. Dr. Shaw excludes from his report studies which show that the implementation of voter identification laws, distinct from their enactment, can have a disproportionately discriminatory effect on minority voters. Recently published studies, for example, found that in the city of Boston and the state of New Mexico minority voters were more likely than white voters to be asked for voter IDs. (Rachael V. Cobb, D. James Greiner and Kevin M. Quinn, "Can Voter ID Laws Be Administered in a Race-Neutral Manner? Evidence from the City of Boston in 2008", *Quarterly Journal of Political Science*: (2012) 7, 1-33; Lonna Rae Atkeson, Lisa A. Bryant, Thad E. Hall, Kyle L. Saunders, and R. Michael Alvarez, “A New Barrier To Participation: Heterogeneous Application Of Voter Identification Policies,” *Electoral Studies* (2009). Likewise, survey data on Texas presented in the Shaw Report on page 17 shows that 56 percent of white voters were asked to show identification in the 2008 general election, compared to 70 percent of black voters and 67 percent of Hispanic voters. Dr. Sager asserts, but does not establish that S.B. 14, which has far more stringent consequences than existing law, would be fairly and even-handedly administered in Texas.

19. A second component of the Shaw report involves the use of a survey to identify the registered voters in Texas for whom a valid photo ID was not self-reported. However, this study begins with the same faulty premise as the Sager Report, that the list of unmatched registrants from the state supplied database includes the only allegedly “at risk” registrants from

S.B. 14. Dr. Shaw's survey is fatally flawed in that it examines only this database, not the full list of registered voters in Texas. The survey analysis exhibits other problems as well.

20. The number of registrants that Dr. Shaw identifies as self-reported in lacking a valid photo ID is so low as to be incredible on its face: 46,235 registrants or 0.3 percent of registered voters in Texas. It is flatly contradicted by the findings from other states, which Dr. Shaw does not question as valid and by the results of Dr. Ansolabehere's much more comprehensive study of all Texas registrants (see above). It is contradicted by the results of the nationwide study by Sanchez, *et al.*, cited above. It is also contradicted by a recent Texas specific study of a sample of all registered and likely voters in 2008 (Gabriel R. Sanchez, Stephen A. Nuño, and Matt A. Barreto, "Racial and Ethnic Differences in Access to Photo-ID in Texas," March 2012, <http://www.latinodecisions.com/blog/2012/03/21/racial-and-ethnic-differences-in-access-to-photo-id-in-texas/>). This study found that 91 percent of white likely voters in 2008 had a state-issued photo ID that matched the name on the precinct list. This compares to 88 percent of Hispanic likely voters, 87 percent of Asians, and 84 percent of blacks. The authors note further that their focus on voters who are both registered and likely to vote "ensures that the data will provide a conservative estimate of citizens who lack valid identification, as likely voters typically have greater resources than non-voter." Thus, no survey of other states, the nation, or the state of Texas comes remotely close to matching the implausible results of Dr. Shaw's own survey.²

21. A third component of Dr. Shaw's report deals with survey data that Dr. Shaw says shows the popularity of voter identification laws, including among Democrats and minorities.

² The inclusion of federal IDs in the Shaw study does not explain his implausible results, given that the vast majority of respondents reported having a state driver's license or license to carry. The fundamental flaws in Dr. Shaw's survey would also invalidate any conclusions he reached about racial disparities (or the lack of any disparities) among those without appropriate IDs.

This is not a surprising finding given that most voters do have photo IDs. Moreover, a recent study on New Mexico, not cited by Shaw, shows that voter attitudes on this topic can be highly dependent on how questions are presented. (R. Michael Alvarez, Lonna Rae Atkeson, Thad E. Hall, and J. Andrew Sinclair, “The Balance Between Preventing Fraud and Ensuring Participation: Attitudes Towards Voter Identification in New Mexico,” Cal Tech/MIT, Voting Technology Project, July 2011). This study, like the studies cited by Shaw, found that a majority of respondents favored voter ID laws. However, they found that when the question was posed as to whether respondents favored ensuring access to the ballot versus preventing fraud, a majority of 54 percent favored access over preventing fraud. Moreover, in Texas, the passage of S.B. 14 created polarization along racial lines in the Texas State Legislature, as the vast majority of Anglo representatives and senators voted in favor, whereas minority legislators united in virtual unanimity in opposition.

VI. Discriminatory Intent

22. The report submitted by Dr. Kousser provided a detailed, exacting, and thorough analysis of the enactment of S. B. 14, which convincingly demonstrates discriminatory intent. The Sager and Shaw reports provide no counter-analysis on the issue of discriminatory intent. The Sager report is silent on the matter and the Shaw report addresses the issue only tangentially through surveys of attitudes on voter ID laws. Additional evidence bolsters the findings of discriminatory intent in the adoption of S.B. 14.

23. The Texas legislature enacted S.B. 14 at close to the same time that the legislature enacted or sponsored other measures that had the intent or effect of discrimination against minorities. Examples include redistricting plans that failed to reflect the growth of the minority population in Texas, and which fractured and packed minority communities. Another example is

legislation that would stop state aid to local governments within Texas that prohibit police officers from inquiring about immigration status. This bill was supported by Governor Rick Perry and passed both chambers, along party lines, although not in the same form to secure final enactment. It sparked protests from Latino organizations and Latino legislators. In the words of Hispanic State Senator Carlos Uresti, "I shouldn't have to prove my citizenship because my skin is a little darker than yours," he said. "This bill is hurtful, it's ignorant and it's offensive."

Debates over the Texas voter ID law, the redistricting plans, and the immigration status bill, took place under conditions of extreme racial tension and polarization in Texas, according to contemporaneous news reports. A news article entitled "Racial Tensions Wrack Capitol," by the *Amarillo Globe-News*, on June 18, 2011 noted, "Racial tensions flare up every now and then at the State Capitol. But few times in recent history has the tension lasted as long as it did this week." A week later the editor of the *San Antonio Express-News* noted "Is it just me, or is the distinct scent of ethnic and racial tension in the air more than usual in San Antonio, blowing down Interstate 35 from the state capitol?" At a time when Hispanic growth is redefining Texas and the nation, he said, "It seems like a really bad time, then, to return to a time defined by racial, ethnic and education inequality, just when we can clearly see the future, a shared future."³

24. The deposition of State Representative Patricia Harless, a leader in the enactment of S.B. 14, provides additional indicia of intentional discrimination. For example, she testified that "the voter ID legislation was an emergency item for the governor's office" and that the Select Committee on Voter Identification and Voter Fraud was a "fast track" committee. (p. 35,

³ Allan J. Lichtman, "Supplemental Report On Recent General Elections In Texas State Senate District 10, Retrogression And Intentional Discrimination," January 10, 2012 and "Supplemental Report of Allan J. Lichtman: Texas Congressional Districts, Retrogression and Intentional Discrimination," January 11, 2102, submitted in *Texas v. USA*; "Vote Targets Immigrants," *Beaumont Enterprise*, 16 June 21; "Racial Tensions Wrack Capitol," *Amarillo Globe-News*, 18 June 2011; Robert Rivard, Editor, "This is no Time for a Return to Racism in Texas," *San-Antonio Express News*, 26 June 2011.

lines 6-11). She testified that she could not recall any other committee designated as a fast track committee or any other committee dedicated to a single piece of legislation (p. 36, lines 11-17, 24-37; p. 37, line 8). Other bills, she testified, addressing mail-in voter fraud submitted in the 82nd legislature were not heard by the Select Committee on Voter Identification and Voter Fraud (p. 37, lines 10-20; p. 39, lines 13-15). Representative Harless further refused to answer why she had limited S.B. 14 to in-person voter fraud. These extraordinary procedures and practices, as demonstrated in the Kousser report, could not be justified by any emergency with respect to in-person voter fraud, which the state's own study and experts indicated was not present in Texas. Likewise the state could not muster evidence of a widespread lack of confidence in the electoral process because of the apprehension of in-person voter fraud.

25. Additional indicia of intentional discrimination can be found in Representative Harless's deposition. She testified that S. B. 14 would stop non-citizens from voting because "I think you have to answer a question that you're a citizen or provide some type of citizenship paper to get a driver's license" (p. 27, line 15; p. 28, line 6). In fact, non-citizens can obtain driver's licenses in Texas, would suggests that one of the rationales for S.B. 14 may have been only pretext for discrimination against Latinos in general. Representative Harless additionally testified that she was not interested in obtaining information from Texas agencies about registered voters who lacked proper photo IDs (p. 151, line 22 – p. 153, line 11). Yet such information would bear directly on whether S.B. 14 discriminated against minorities. Representative Harless further asserted privilege and refused to answer whether she conducted or instructed anyone to conduct an analysis of the impact of new voter ID legislation on minority voters. She also asserted privilege in response to follow-up question "Why not?" (p. 193, lines 5-14).

26. Taken together, the adoption of redistricting plans that do not reflect the dramatic growth of Texas's minority population and the enactment of photo identification requirements as an emergency measure can best be explained as an intentional effort by the state's Anglo minority to retain political power. This explanation is additionally reinforced by the high level of racially polarized voting that exists in general elections in Texas. As indicated in the court reports cited in footnote 3 above, in general elections across the state of Texas, Latinos and African-American voters have widely different preferences from those of Anglo voters.

VII. Conclusions

27. In sum, the analyses submitted by experts for the State of Texas clearly fail to demonstrate that S.B. 14 lacks retrogressive discriminatory effects on minorities. Rather, the scrutiny of expert reports for both the State of Texas and the United States demonstrates that this legislation will have a retrogressive effect on minorities, who are disproportionately likely to lack requisite photo identification as required under this proposed new law. With respect to intentional discrimination, only the report by Dr. Shaw for the State touches upon this issue. It does so strictly in a limited and tangential way through surveys of public attitudes on voter ID laws. Even if Dr. Sager's analysis of these surveys were accepted at face value, it does not counter the far more comprehensive and targeted analysis of intentional discrimination presented in the Kousser Report. Other evidence not cited or addressed in the Shaw report provides additional indication of intentional discrimination in the adoption of S.B. 14, including: intense racial polarization and extreme racial tension in the Texas legislature at the time of its adoption; the Texas and national Republican Party's history of voter suppression aimed at minorities; and the admissions in the testimony of Representative Harless.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: June 11, 2012


Allan J. Lichtman

Curriculum Vitae

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EDUCATION

BA, Brandeis University, Phi Beta Kappa, Magna Cum Laude, 1967

PhD, Harvard University, Graduate Prize Fellow, 1973

PROFESSIONAL EXPERIENCE

Teaching Fellow, American History, Harvard University, 1969-73

Instructor, Brandeis University, 1970, quantitative history.

Assistant Professor of History, American University, 1973-1977

Associate Professor of History, American University, 1977-1978

Professor of History, American University, 1979 -

Expert witness in more than 75 redistricting, voting rights and civil rights cases (see Table of Cases attached)

Associate Dean for Faculty and Curricular Development, College of Arts & Sciences, The American University 1985-1987

Chair, Department of History, American University, 1997- 2001

Regular political analyst for CNN Headline News, 2003-2006

HONORS AND AWARDS

Outstanding Teacher, College of Arts and Sciences, 1975-76

Outstanding Scholar, College of Arts and Sciences, 1978-79

Outstanding Scholar, The American University, 1982-83

Outstanding Scholar/Teacher, The American University, 1992-93 (Highest University faculty award)

Sherman Fairchild Distinguished Visiting Scholar, California Institute of Technology, 1980-81

American University summer research grant, 1978 & 1982

Chamber of Commerce, Outstanding Young Men of America 1979-80

Graduate Student Council, American University, Faculty Award, 1982

Top Speaker Award, National Convention of the International Platform Association, 1983, 1984, 1987

National Age Group Champion (30-34) 3000 meter steeplechase 1979

Eastern Region Age Group Champion (30-34) 1500 meter run 1979

Defeated twenty opponents on nationally syndicated quiz show, TIC TAC DOUGH, 1981

Listing in Marquis, WHO'S WHO IN THE AMERICA AND WHO'S WHO IN THE WORLD

McDonnell Foundation, Prediction of Complex Systems (\$50,000, three years), 2003-2005

Organization of American Historians, Distinguished Lecturer, 2004 -

Selected by the Teaching Company as one of America's Super Star Teachers."

Associate Editor, International Journal of Operations Research and Information Systems, 2008 -

Keynote Speaker, International Forecasting Summit, 2007 and 2008

Cited authoritatively by United States Supreme Court in statewide Texas Congressional redistricting case *LULAC v. Perry* (2006)

Finalist for the 2008 National Book Critics Circle Award in general nonfiction for **WHITE PROTESTANT NATION: THE RISE OF THE AMERICAN CONSERVATIVE MOVEMENT**. Interviews nominated by the Associated Press for the Edward R. Murrow Award for broadcasting excellence.

Elected Member, PEN American Center, 2009

SCHOLARSHIP

A. Books

PREJUDICE AND THE OLD POLITICS: THE PRESIDENTIAL ELECTION OF 1928 (Chapel Hill: University of North Carolina Press, 1979)

PREJUDICE AND THE OLD POLITICS: THE PRESIDENTIAL ELECTION OF 1928 (Lanham, MD: Lexington Books, 2000), reprint of 1979 edition with new introduction.

HISTORIANS AND THE LIVING PAST: THE THEORY AND PRACTICE OF HISTORICAL STUDY (Arlington Heights, Ill.: Harlan Davidson, Inc., 1978, with Valerie French)

ECOLOGICAL INFERENCE (Sage Series in Quantitative Applications in the Social Sciences, 1978, with Laura Irwin Langbein)

YOUR FAMILY HISTORY: HOW TO USE ORAL HISTORY, PERSONAL FAMILY ARCHIVES, AND PUBLIC DOCUMENTS TO DISCOVER YOUR HERITAGE (New York: Random House, 1978)

KIN AND COMMUNITIES: FAMILIES IN AMERICA (edited, Washington, D. C.: Smithsonian Press, 1979, , with Joan Challinor)

THE THIRTEEN KEYS TO THE PRESIDENCY (Lanham: Madison Books, 1990, with Ken DeCell)

THE KEYS TO THE WHITE HOUSE, 1996 EDITION (Lanham: Madison Books, 1996)

THE KEYS TO THE WHITE HOUSE, (Lanham: Lexington Books Edition, 2000)

THE KEYS TO THE WHITE HOUSE, POST-2004 EDITION (Lanham: Lexington Books Edition, 2005)

THE KEYS TO THE WHITE HOUSE, 2008 EDITION (Lanham: Rowman & Littlefield, 2008)

WHITE PROTESTANT NATION: THE RISE OF THE AMERICAN CONSERVATIVE MOVEMENT (New York: Grove/Atlantic Press, 2008)

FDR AND THE JEWS, Submitted, Harvard University Press, with Richard Breitman.

THE KEYS TO THE WHITE HOUSE, 2012 EDITION (Forthcoming, Lanham: Rowman & Littlefield)

Monograph:

“Report on the Racial Impact of the Rejection of Ballots Cast in the 2000 Presidential Election in the State of Florida,” and “Supplemental Report,” in VOTING IRREGULARITIES IN FLORIDA DURING THE 2000 PRESIDENTIAL ELECTION, United States Commission on Civil Rights, June 2001

B. Scholarly Articles

"The Federal Assault Against Voting Discrimination in the Deep South, 1957-1967," JOURNAL OF NEGRO HISTORY (Oct. 1969) REF

"Executive Enforcement of Voting Rights, 1957-60," in Terrence Goggin and John Seidel, eds., POLITICS AMERICAN STYLE (1971)

"Correlation, Regression, and the Ecological Fallacy: A Critique," JOURNAL OF INTERDISCIPLINARY HISTORY (Winter 1974) REF

"Critical Election Theory and the Reality of American Presidential Politics, 1916-1940," AMERICAN HISTORICAL REVIEW (April 1976) REF

"Across the Great Divide: Inferring Individual Behavior From Aggregate Data," POLITICAL METHODOLOGY (with Laura Irwin, Fall 1976) REF

"Regression vs. Homogeneous Units: A Specification Analysis," SOCIAL SCIENCE HISTORY (Winter 1978) REF

"Language Games, Social Science, and Public Policy: The Case of the Family," in Harold Wallach, ed., APPROACHES TO CHILD AND FAMILY POLICY (Washington, D. C.: American Association for the Advancement of Science, 1981)

"Pattern Recognition Applied to Presidential Elections in the United States, 1860-1980: The Role of Integral Social, Economic, and Political Traits," PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCE (with V. I. Keilis-Borok, November 1981) REF

"The End of Realignment Theory? Toward a New Research Program for American Political History," HISTORICAL METHODS (Fall 1982)

"Kinship and Family in American History," in National Council for Social Studies Bulletin, UNITED STATES HISTORY IN THE 1980s (1982)

"Modeling the Past: The Specification of Functional Form," JOURNAL OF INTERDISCIPLINARY HISTORY (with Ivy Broder, Winter 1983) REF

"Political Realignment and `Ethnocultural` Voting in Late Nineteenth Century America," JOURNAL OF SOCIAL HISTORY (March 1983) REF

"The `New Political History:`Some Statistical Questions Answered," SOCIAL SCIENCE HISTORY (with J. Morgan Kousser, August 1983) REF

"Personal Family History: A Bridge to the Past," PROLOGUE (Spring 1984)

"Geography as Destiny," REVIEWS IN AMERICAN HISTORY (September 1985)

"Civil Rights Law: High Court Decision on Voting Act Helps to Remove Minority Barriers," NATIONAL LAW JOURNAL (with Gerald Hebert, November 10, 1986).

"Tommy The Cork: The Secret World of Washington`s First Modern Lobbyist," WASHINGTON MONTHLY (February 1987).

"Discriminatory Election Systems and the Political Cohesion Doctrine," NATIONAL LAW JOURNAL (with Gerald Hebert, Oct. 5, 1987)

"Aggregate-Level Analysis of American Midterm Senatorial Election Results, 1974-1986," PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES (Dec. 1989, with Volodia Keilis-Borok) REF

"Black/White Voter Registration Disparities in Mississippi: Legal and Methodological Issues in Challenging Bureau of Census Data," JOURNAL OF LAW AND POLITICS (Spring, 1991, with Samuel Issacharoff) REF

"Adjusting Census Data for Reapportionment: The Independent Role of the States," NATIONAL BLACK LAW JOURNAL (1991)

"Passing the Test: Ecological Regression in the Los Angeles County Case and Beyond," EVALUATION REVIEW (December 1991) REF

Understanding and Prediction of Large Unstable Systems in the Absence of Basic Equations," PROCEEDINGS OF THE INTERNATIONAL SYMPOSIUM ON CONCEPTUAL TOOLS FOR UNDERSTANDING NATURE (with V. I. Keilis-Borok, Trieste, Italy, 1991).

"The Self-Organization of American Society in Presidential and Senatorial Elections," in Yu. Krautsov, ed., THE LIMITS OF PREDICTABILITY (with V.I. Keilis-Borok, Nauka, Moscow, 1992).

"They Endured:' The Democratic Party in the 1920s," in Ira Foreman, ed., DEMOCRATS AND THE AMERICAN IDEA: A BICENTENNIAL APPRAISAL (1992).

"A General Theory of Vote Dilution," LA RAZA (with Gerald Hebert) 6 (1993). REF

"Adjusting Census Data for Reapportionment: The Independent Role of the States," JOURNAL OF LITIGATION (December 1993, with Samuel Issacharoff)

"The Keys to the White House: Who Will be the Next American President?," SOCIAL EDUCATION 60 (1996)

"The Rise of Big Government: Not As Simple As It Seems," REVIEWS IN AMERICAN HISTORY 26 (1998)

"The Keys to Election 2000," SOCIAL EDUCATION (Nov/Dec. 1999)

"The Keys to the White House 2000," NATIONAL FORUM (Winter 2000)

"Report on the Implications for Minority Voter Opportunities if Corrected census Data Had Been Used for the Post-1990 Redistricting: States With The Largest Numerical Undercount," UNITED STATES CENSUS MONITORING BOARD, January 2001

"What Really Happened in Florida's 2000 Presidential Election," JOURNAL OF LEGAL STUDIES (January 2003) REF

"The Keys to Election 2004," SOCIAL EDUCATION (January 2004)

"History: Social Science Applications," ENCYCLOPEDIA OF SOCIAL MEASUREMENT (Elsevier, 2006)

"The Keys to the White House: Forecast for 2008," SPECIAL FEATURE, *FORESIGHT: THE INTERNATIONAL JOURNAL OF APPLIED FORECASTING* 3 (February 2006), 5-9 with response: J. Scott Armstrong and Alfred G. Cuzan, "Index Methods for Forecasting: An Application to the American Presidential Elections."

"The Keys to the White House: Updated Forecast for 2008," *FORESIGHT; THE INTERNATIONAL JOURNAL OF APPLIED FORECASTING* 7 (Fall 2007)

"The Keys to the White House: Prediction for 2008," SOCIAL EDUCATION (January 2008)

"The Keys to the White House: An Index Forecast for 2008," *INTERNATIONAL JOURNAL OF FORECASTING* 4 (April-June 2008) REF

"The Updated Version of the Keys," SOCIAL EDUCATION (October 2008)

"Extreme Events in Socio-Economic and Political Complex Systems, Predictability of," ENCYCLOPEDIA OF COMPLEXITY AND SYSTEMS SCIENCE (Springer, 2009, with Vladimir Keilis-Borok & Alexandre Soloviev)

"The Keys to the White House: A Preliminary Forecast for 2012" INTERNATIONAL JOURNAL OF INFORMATION SYSTEMS & SOCIAL CHANGE (Jan.-March 2010) REF

"The Keys to the White House: Forecast for 2012," [FORESIGHT: THE INTERNATIONAL JOURNAL OF APPLIED FORECASTING](#) (Summer 2010)

"The Alternative-Justification Affirmative: A New Case Form," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION (with Charles Garvin and Jerome Corsi, Fall 1973) REF

"The Alternative-Justification Case Revisited: A Critique of Goodnight, Balthrop and Parsons, 'The Substance of Inherency,'" JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION (with Jerome Corsi, Spring 1975) REF

"A General Theory of the Counterplan," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION (with Daniel Rohrer, Fall 1975) REF

"The Logic of Policy Dispute," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION (with Daniel Rohrer, Spring 1980) REF

"Policy Dispute and Paradigm Evaluation," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION (with Daniel Rohrer, Fall 1982) REF

"New Paradigms For Academic Debate," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION (Fall 1985) REF

"Competing Models of the Debate Process," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION (Winter 1986) REF

"The Role of the Criteria Case in the Conceptual Framework of Academic Debate," in Donald Terry, ed., MODERN DEBATE CASE TECHNIQUES (with Daniel Rohrer, 1970)

"Decision Rules for Policy Debate," and "Debate as a Comparison of Policy Systems," in Robert 2, ed., THE NEW DEBATE: READINGS IN CONTEMPORARY DEBATE THEORY (with Daniel Rohrer, 1975)

"A Systems Approach to Presumption and Burden of Proof;" "The Role of Empirical Evidence in Debate;" and "A General Theory of the Counterplan," in David Thomas, ed., ADVANCED DEBATE: READINGS IN THEORY, PRACTICE, AND TEACHING (with Daniel Rohrer, 1975)

"Decision Rules in Policy Debate;" "The Debate Resolution;" "Affirmative Case Approaches;" "A General Theory of the Counterplan;" "The Role of Empirical Evidence in Debate;" and

"Policy Systems Analysis in Debate," in David Thomas, ed., *ADVANCED DEBATE* (revised edition, with Daniel Rohrer and Jerome Corsi, 1979)

C. Selected Popular Articles

"Presidency By The Book," *POLITICS TODAY* (November 1979) Reprinted:
LOS ANGELES TIMES

"The Grand Old Ploys," *NEW YORK TIMES*
Op Ed (July 18, 1980)

"The New Prohibitionism," *THE CHRISTIAN CENTURY* (October 29, 1980)

"Which Party Really Wants to `Get Government Off Our Backs`?" *CHRISTIAN SCIENCE MONITOR* Opinion Page (December 2, 1980)

"Do Americans Really Want `Coolidge Prosperity` Again?" *CHRISTIAN SCIENCE MONITOR* Opinion Page (August 19, 1981)

"Chipping Away at Civil Rights," *CHRISTIAN SCIENCE MONITOR* Opinion Page (February 17, 1982)

"How to Bet in 1984. A Presidential Election Guide," *WASHINGTONIAN MAGAZINE* (April 1982) Reprinted: *THE CHICAGO TRIBUNE*

"The Mirage of Efficiency," *CHRISTIAN SCIENCE MONITOR* Opinion Page (October 6, 1982)

"For RIFs, It Should Be RIP," *LOS ANGELES TIMES* Opinion Page (January 25, 1983)

"The Patronage Monster, Con`t." *WASHINGTON POST* Free For All Page (March 16, 1983)

"A Strong Rights Unit," *NEW YORK TIMES* Op Ed Page (June 19, 1983)

"Abusing the Public Till," *LOS ANGELES TIMES* Opinion Page (July 26, 1983)

"The First Gender Gap," *CHRISTIAN SCIENCE MONITOR* Opinion Page (August 16, 1983)

"Is Reagan A Sure Thing?" *FT. LAUDERDALE NEWS* Outlook Section (February 5, 1984)

"The Keys to the American Presidency: Predicting the Next Election," *TALENT* (Summer 1984)

"GOP: Winning the Political Battle for `88," *CHRISTIAN SCIENCE MONITOR*, Opinion Page, (December 27, 1984)

"The Return of `Benign Neglect`, " WASHINGTON POST, Free For All,
(May 25, 1985)

"Selma Revisited: A Quiet Revolution," CHRISTIAN SCIENCE MONITOR, Opinion Page,
(April 1, 1986)

"Democrats Take Over the Senate" THE WASHINGTONIAN (November 1986; article by Ken
DeCell on Lichtman`s advance predictions that the Democrats would recapture the Senate in
1986)

"Welcome War?" THE BALTIMORE EVENING SUN, Opinion Page, (July 15, 1987)

"How to Bet in 1988," WASHINGTONIAN (May 1988; advance prediction of George Bush's
1988 victory)

"President Bill?," WASHINGTONIAN (October 1992; advance prediction of Bill Clinton's 1992
victory)

"Don't be Talked Out of Boldness," CHRISTIAN SCIENCE MONITOR, Opinion Page (with
Jesse Jackson, November 9, 1992)

"Defending the Second Reconstruction," CHRISTIAN SCIENCE MONITOR, Opinion Page
(April 8, 1994)

"Quotas Aren't The Issue," NEW YORK TIMES, Op Ed Page (December 7, 1994)

"History According to Newt," WASHINGTON MONTHLY (May, 1995)

"A Ballot on Democracy," WASHINGTON POST Op Ed (November 1, 1998)

"The Theory of Counting Heads vs. One, Two, Three," CHRISTIAN SCIENCE MONITOR Op
Ed (June 22, 1999)

"Race Was Big Factor in Ballot Rejection, BALTIMORE SUN Op Ed (March 5, 2002)

"Why is George Bush President?" NATIONAL CATHOLIC REPORTER (Dec. 19, 2003)

"In Plain Sight: With the Public Distracted, George W. Bush is Building a Big Government of
the Right," NEWSDAY, (August 7, 2005)

"Why Obama is Colorblind and McCain is Ageless," JEWISH DAILY FORWARD (June 26,
2008)

“Splintered Conservatives McCain,” POLITICO (June 24, 2008)

“Will Obama be a Smith or a Kennedy,” NATIONAL CATHOLIC REPOTER (October 17, 2008)

“What Obama Should Do Now,” POLITICO (Jan. 22, 2010)

Bi-weekly column, THE MONTGOMERY JOURNAL, GAZETTE 1990 - present

Election-year column, REUTERS NEWS SERVICE 1996 & 2000

D. Video Publication

“Great American Presidents,” The Teaching Company, 2000.

TEACHING

Ongoing Courses

The History of the U. S. I & II, The Emergence of Modern America, The U. S. in the Twentieth Century, United States Economic History, Historiography, Major Seminar in History, Graduate Research Seminar, Colloquium in U. S. History Since 1865, The American Dream, The Urban-Technological Era, Senior Seminar in American Studies, Seminar in Human Communication.

New Courses: Taught for the first time at The American University

Quantification in History, Women in Twentieth Century American Politics, Women in Twentieth Century America, Historians and the Living Past (a course designed to introduce students to the excitement and relevance of historical study), **Historians and the Living Past for Honors Students**, How to Think: Critical Analysis in the Social Sciences, Pivotal Years of American Politics, **Government and the Citizen (Honors Program)**, Introduction to Historical Quantification, Public Policy in U. S. History, **Honors Seminar in U.S. Presidential Elections**, America’s Presidential Elections, What Is America?, **Honors Seminar on FDR, Jews, and the Holocaust**.

TELEVISION APPEARANCES

More than 1,000 instances of political commentary on NBC, CBS, ABC, CNN, C-SPAN, FOX, MSNBC, BBC, CBC, CTV, NPR, VOA, and numerous other broadcasting outlets internationally, including Japanese, Russian, Chinese, German, French, Irish, Austrian,

Australian, Russian, Swedish, Danish, Dutch, and Middle Eastern television.

Regular political commentary for NBC News Nightside.

Regular political commentary for Voice of America and USIA.

Regular political commentary for America's Talking Cable Network.

Regular political commentary for the Canadian Broadcasting System.

Regular political commentary for CNN, Headline News

Consultant and on-air commentator for NBC special productions video project on the history of the American presidency.

CBS New Consultant, 1998 and 1999

Featured appearances on several History Channel specials including *The Nuclear Football* and *The President's Book of Secrets*.

RADIO SHOWS

I have participated in more than 2000 radio interview and talk shows broadcast nationwide, in foreign nations, and in cities such as Washington, D. C., New York, Atlanta, Chicago, Los Angeles and Detroit. My appearances include the Voice of America, National Public Radio, and well as all major commercial radio networks.

PRESS CITATIONS

I have been cited many hundreds of times on public affairs in the leading newspapers and magazines worldwide. These include, among many others,

New York Times, Washington Post, USA Today, Los Angeles Times, Wall Street Journal, Miami Herald, Washington Times, St. Louis Post Dispatch, Christian Science Monitor, Philadelphia Inquirer, Time, Newsweek, Business Week, Le Monde, Globe and Mail, Yomuri Shimbun, Die Welt, El Mundo, and South China Post, among others.

SELECTED CONFERENCES, PRESENTATIONS, & LECTURES: UNITED STATES

Invited participant and speaker, Bostick Conference on Fogel and Engerman's TIME ON THE CROSS, University of South Carolina, November 1-2, 1974

"Critical Election Theory and the Presidential Election of 1928," Annual Meeting of the American Historical Association, December 1974

"A Psychological Model of American Nativism," Bloomsberg State Historical Conference, April 1975

"Methodology for Aggregating Data in Education Research," National Institute of Education, Symposium on Methodology, July 1975, with Laura Irwin

Featured Speaker, The Joint Washington State Bicentennial Conference on Family History, October 1975

Featured Speaker, The Santa Barbara Conference on Family History, May 1976

Chair, The Smithsonian Institution and the American University Conference on Techniques for Studying Historical and Contemporary Families, June 1976

Panel Chair, Sixth International Smithsonian Symposium on Kin and Communities in America, June 1977

"The uses of History for Policy Analysis," invited lecture, Federal Interagency Panel on Early Childhood Research, October 1977

Invited participant, Conference on "Child Development within the Family - Evolving New Research Approaches," Interagency Panel of the Federal Government for Research and Development on Adolescence, June 1978

Commentator on papers in argumentation, Annual Meeting of the Speech Communication Association, November 1978

Commentator on papers on family policy, Annual Meeting of the American Association for the Advancement of Science, Jan. 1979

"Phenomenology, History, and Social Science," Graduate Colloquium of the Department of Philosophy," The American University, March 1979

"Comparing Tests for Aggregation Bias: Party Realignment of the 1930's," Annual Meeting of the Midwest Political Science Association March 1979, with Laura Irwin Langbein

"Party Loyalty and Progressive Politics: Quantitative Analysis of the Vote for President in 1912," Annual Meeting of the Organization of American Historians, April 1979, with Jack Lord II

"Policy Systems Debate: A Reaffirmation," Annual Meeting of the Speech Communication Association, November 1979

"Personal Family History: Toward a Unified Approach," Invited Paper, World Conference on Records, Salt Lake City, August 1980

"Crisis at the Archives: The Acquisition, Preservation, and Dissemination of Public Documents," Annual Meeting of the Speech Communication Association, November 1980

"Recruitment, Conversion, and Political Realignment in America: 1888- 1940," Social Science Seminar, California Institute of Technology, April 1980

"Toward a Situational Logic of American Presidential Elections," Annual Meeting of the Speech Communication Association, November 1981

"Political Realignment in American History," Annual Meeting of the Social Science History Association, October 1981

"Critical Elections in Historical Perspective: the 1890s and the 1930s," Annual Meeting of the Social Science History Association, November 1982

Commentator for Papers on the use of Census data for historical research, Annual Meeting of the Organization of American Historians, April 1983

"Thirteen Keys to the Presidency: How to Predict the Next Election," Featured Presentation, Annual Conference of the International Platform Association, August 1983, Received a Top Speaker Award

"Paradigms for Academic Debate," Annual Meeting of the Speech Communication Association, November 1983

Local Arrangements Chair, Annual Convention of the Social Science History Association, October 1983

"Forecasting the Next Election," Featured Speaker, Annual Convention of the American Feed Manufacturers Association, May 1984

Featured Speaker, "The Ferraro Nomination," Annual Convention of The International Platform Association, August 1984, Top Speaker Award

"Forecasting the 1984 Election," Annual Convention of the Social Science History Association Oct. 1984,

Featured Speaker, "The Keys to the Presidency," Meeting of Women in Government Relations October 1984

Featured Speaker, "The Presidential Election of 1988," Convention of the American Association of Political Consultants, December 1986

Featured Speaker, "The Presidential Election of 1988," Convention of the Senior Executive Service of the United States, July 1987

Commentary on Papers on Voting Rights, Annual Meeting of the American Political Science Association, September 1987.

Commentary on Papers on Ecological Inference, Annual Meeting of the Social Science History Association, November 1987.

Featured Speaker: "Expert Witnesses in Federal Voting Rights Cases," National Conference on Voting Rights, November 1987.

Featured Speaker: "The Quantitative Analysis of Electoral Data," NAACP National Conference on Voting Rights and School Desegregation, July 1988.

Panel Chair, "Quantitative Analysis of the New Deal Realignment," Annual Meeting of the Social Science History Association, Nov. 1989.

Keynote Speaker, Convocation of Lake Forest College, Nov. 1989.

Featured Speaker, The American University-Smithsonian Institution Conference on the Voting Rights Act, April 1990

Panel Speaker, Voting Rights Conference of the Lawyer's Committee for Civil Rights Under Law, April 1990

Panel Speaker, Voting Rights Conference of the NAACP, July 1990

Panel Speaker, Voting Rights Conference of Stetson University, April 1991

Panel Chair, Annual Meeting of the Organization of American Historians, April, 1992

Panel Speaker, Symposium on "Lessons from 200 Years of Democratic Party History, Center for National Policy, May 1992

Olin Memorial Lecture, U.S. Naval Academy, October 1992

Commentator, Annual Meeting of the Organization of American Historians, April, 1993

Panel presentation, Conference on Indian Law, National Bar Association, April 1993

Feature Presentation, Black Political Science Association, Norfolk State University, June 1993

Feature Presentation, Southern Regional Council Conference, Atlanta Georgia, November, 1994

Master of Ceremonies and Speaker, State of the County Brunch, Montgomery County, February, 1996

Feature Presentation, Predicting The Next Presidential Election, Freedom's Foundation Seminar on the American Presidency, August 1996

Feature Presentation, Predicting The Next Presidential Election, Salisbury State College, October 1996

Feature Presentation on the Keys to the White House, Dirksen Center, Peoria, Illinois, August, 2000

Feature Presentation on American Political History, Regional Conference of the Organization of American Historians, August 2000

Testimony Presented Before the United States Commission on Civil Rights Regarding Voting Systems and Voting Rights, January 2001

Testimony Presented Before the United States House of Representatives, Judiciary Committee, Subcommittee on the Constitution, February 2001

Testimony Presented Before the United States Senate, Government Operations Committee, Regarding Racial Differentials in Ballot Rejection Rates in the Florida Presidential Election, June 2001

Testimony Presented Before the Texas State Senate Redistricting Committee, Congressional Redistricting, July 2003

Testimony Presented Before the Texas State House Redistricting Committee, Congressional Redistricting, July 2003

American University Honors Program Tea Talk on the Election, September 2004

Feature Presentation, The Keys to the White House, International Symposium on Forecasting, June 2006.

Feature Presentation, The Keys to the White House, International Symposium on Forecasting, New York, June 2007.

Keynote Speaker, Hubert Humphrey Fellows, Arlington, Virginia, 2007-2008

Feature Presentation, Forecasting 2008, Annual Meeting of the American Political Science Association, Chicago, August 2007

Keynote Speaker, International Forecasting Summit, Orlando, Florida, February 2008.

Feature Presentation on the Keys to the White House, Senior Executive's Service, Washington, DC, June 2008

Feature Presentation, American Political History, Rockford Illinois School District, July 2008

American University Honors Program Tea Talk on the Election, September 2008

Featured Lecture, Keys to the White House, American Association for the Advancement of Science, Washington, DC, September 2008

Keynote Speaker, International Forecasting Summit, Boston, September 2008

Keynote Lecture, Hubert Humphrey Fellows, Arlington, Virginia October 2008

Featured Lectures, Keys to the White, Oklahoma Central and East Central Universities, October 2008

Bishop C. C. McCabe Lecture, "Seven Days until Tomorrow" American University, October 28, 2008

Featured Lecture, WHITE PROTESTANT NATION, Eisenhower Institute, December 2008

American University Faculty on the Road Lecture, "Election 2008: What Happened and Why?" Boston, February 2009

Critic Meets Author Session on WHITE PROTESTANT NATION, Social Science History Association, November 2009

American University Faculty on the Road Lecture, "The Keys for 2012" Chicago, April 2010

Keynote Speaker, Hubert Humphrey Fellows, Arlington, Virginia October, 2010

Panel Participant, Search for Common Ground, Washington, DC, April 2011

SELECTED CONFERENCES, PRESENTATIONS, & LECTURES: INTERNATIONAL

Featured Speaker, World Conference on Disarmament, Moscow, Russia, November 1986

Delegation Head, Delegation of Washington Area Scholars to Taiwan, Presented Paper on the promotion of democracy based on the American experience, July 1993

Lecture Series, American History, Doshisha University, Kyoto, Japan, December 2000

Lectures and Political Consultation, Nairobi, Kenya, for RFK Memorial Institute, October 2002

Featured Lectures, US Department of State, Scotland and England, including Oxford University, University of Edinburgh, and Chatham House, June 2004

Keynote Speech, American University in Cairo, October 2004

Feature Presentation on the Keys to the White House, University of Munich, June 2008

Featured Lectures, US Department of State, Russia, Ukraine, Slovenia, Austria, and Romania, 2008-2010

Paper Presentation, Fourth International Conference on Interdisciplinary Social Science, Athens, Greece, July 2009

DEPARTMENTAL AND UNIVERSITY SERVICE

Department of History Council 1973 -

Undergraduate Committee, Department of History 1973-1977

Chair Undergraduate Committee, Department of History 1984-1985

Graduate Committee, Department of History, 1978-1984

Freshman Advisor, 1973-1979

First Year Module in Human Communications, 1977-1979

University Committee on Fellowships and Awards 1976-1978

University Senate 1978-1979, 1984-1985

University Senate Parliamentarian and Executive Board 1978-1979

Founding Director, American University Honors Program, 1977-1979

Chair, College of Arts and Sciences Budget Committee 1977-1978, 1982-1984

University Grievance Committee, 1984-1985

Member, University Honors Committee 1981-1982

College of Arts and Sciences Curriculum Committee 1981-1982

Jewish Studies Advisory Board, 1982-1984

Mellon Grant Executive Board, College of Arts & Sciences, 1982-1983

Chair, College of Arts and Sciences Faculty Colloquium, 1983

Chair, College of Arts and Sciences Task Force on the Department of Performing Arts, 1984-1985

Local Arrangements Chair, National Convention of the Social Science History Association, 1983

Chair, Rank & Tenure Committee of the Department of History, 1981-1982, 1984-1985

Board Member, Center for Congressional and Presidential Studies, The American University, 1988-1989

Chair, Graduate Committee, Department of History, 1989 - 1991

Chair, Distinguished Professor Search Committee 1991

Member, College of Arts & Sciences Associate Dean Search Committee, 1991

Board Member, The American University Press, 1991-1995

Chair, Subcommittee on Demographic Change, The American University Committee on Middle States Accreditation Review 1992-1994

Member, Dean's Committee on Curriculum Change, College of Arts and Sciences 1992-1993

Member, Dean's Committee on Teaching, College of Arts and Sciences 1992

Co-Chair, Department of History Graduate Committee, 1994-1995

Vice-Chair, College of Arts & Sciences Educational Policy Committee, 1994-1995

Elected Member, University Provost Search Committee, 1995-1996

Chair, Search Committee for British and European Historian, Department of History, 1996

Department Chair, 1999-2001

CAS Research Committee, 2006-2007

University Budget and Benefits Committee, 2008

Chair, Personnel Committee, Department of History, 2010-

Chair, Term Faculty Search Committee, Department of History, 2011-

OTHER POSITIONS

Director of Forensics, Brandeis University, 1968-71

Director of Forensics, Harvard University, 1971-72

Chair, New York-New England Debate Committee, 1970-71

Historical consultant to the Kin and Communities Program of the Smithsonian Institution
1974-1979

Along with general advisory duties, this position has involved the following activities:

1. directing a national conference on techniques for studying historical and contemporary families held at the Smithsonian in June 1976.
2. chairing a public session at the Smithsonian on how to do the history of one's own family.
3. helping to direct the Sixth International Smithsonian Symposium on Kin and Communities in America (June 1977).
4. editing the volume of essays from the symposium.

Consultant to John Anderson campaign for president, 1980.

I researched and wrote a study on "Restrictive Ballot Laws and Third-Force Presidential Candidates." This document was a major component of Anderson's legal arguments against restrictive ballot laws that ultimately prevailed in the Supreme Court (Anderson v. Celebreeze 1983). According to Anderson's attorney: "the basis for the majority's decision echoes the themes you incorporated in your original historical piece we filed in the District Court."

Statistical Consultant to the George Washington University Program of Policy Studies in Science and Technology, 1983

I advised researchers at the Policy Studies Program on the application of pattern recognition techniques to their work on the recovery of communities from the effects of such natural disasters as earthquakes and floods.

Consultant to the New York City Charter Revision Commission, 2000-2006

I analyzed the implications of non-partisan elections for voting rights issues for the Charter Revision Commissions appointed by mayors Rudy Giuliani and Michael Bloomberg.

**ALLAN J. LICHTMAN, CASES (DATES APPROXIMATE)
DEPOSITION, AFFIDAVIT, OR ORAL TESTIMONY**

United States vs. Demario James Atwater (U. S. District Court, North Carolina) 2010

Boddie v. Cleveland School Board, Mississippi (U.S. District Court, Mississippi) 2010

Esther V. Madera Unified School District (Superior Court, California) 2008

Negron v. Bethlehem Area School District (U.S. District Court, Pennsylvania) 2008

Farley v. City of Hattiesburg (U.S. District Court, Mississippi) 2008

Jamison v. City of Tupelo (U.S. District Court, Mississippi) 2005

Session v. Perry (U.S. District Court, Texas) 2003

Rodriguez v. Pataki (U.S. District Court, New York) 2003

Boddie v. Cleveland, Mississippi (U.S. District Court, Mississippi) 2003

Levy v. Miami-Dade County (U.S. District Court, Florida) 2002

Martinez v. Bush (U.S. District Court, Florida) 2002

Curry v. Glendening (Maryland, State Court) 2002

O'Lear v. Miller (U.S. District Court, Michigan) 2002

Campuzano v. Illinois Board of Election (U.S. District Court, Illinois) 2002

Vieth v. Commonwealth of Pennsylvania (U.S. District Court, Pennsylvania) 2002

Leroux v. Miller (Michigan, State Supreme Court) 2002

Balderas v. State of Texas (U.S. District Court, Texas) 2001

Del Rio v. Perry (Texas, State Court) 2001

Page V. Bartels (U.S. District Court, New Jersey) 2001

West v. Gilmore (Virginia, State Court), 2001

U.S. v. City of Santa Paula (California, U.S. District Court) 2001

NAACP v. Fordice (Mississippi, U.S. District Court) 2000

Voting Integrity Project v. Marc Fleisher (Arizona, U.S. District Court) 2000

Packingham v. Metropolitan Dade County (U.S. District Court, Florida) 1999

Houston v. Lafayette County (U.S. District Court, Northern District of Mississippi, Western District) 1991, 1998

Citizens to Establish a Reform Party in Arkansas v. Sharon Priest (U.S. District Court, Eastern District of Arkansas) 1996

National Coalition v. Glendening (U.S. District Court, Maryland) 1996

Vecinos de Barrio Uno v. Holyoke (U.S. District Court, Massachusetts), 1996

Scott v. Florida Senate (U.S. District Court, Middle District of Florida) 1995

King v. Board of Elections (U.S. District Court, Northern District of Illinois) 1995

Vera v. Richards (U.S. District Court, Southern District of Texas) 1994

United States v. Jones (U.S. District Court, Southern District of Alabama) 1994

Johnson v. Miller (U.S. District Court, Southern District of Georgia, Augusta Division) 1994

Hays v. Louisiana (U.S. District Court, Western District of Louisiana, Shreveport Division) 1993

People Who Care v. Rockford Board of Education (U.S. District Court, Northern District of Illinois, Eastern Division) 1993

Republican Party of North Carolina v. Hunt (U.S. District Court, Eastern District of North Carolina, Raleigh District) 1993

Shaw v. Hunt (U.S. District Court, Eastern District of North Carolina, Raleigh District) 1993

Neff v. Austin (State of Michigan, Supreme Court) 1992

Terrazas v. Slagle (U.S. District Court, Western District of Texas, Austin Division) 1992

Gonzalez v. Monterey County (U.S. District Court, Northern District of California) 1992

DeGrandy v. Wetherell (U.S. District Court, Northern District of Florida, Tallahassee Division) 1992

NAACP v. Austin (U.S. District Court, Eastern District of Michigan, Eastern Division) 1992

Good v. Austin (U.S. District Court, Eastern District of Michigan, Southern Division) 1992

Ortiz v. City of Philadelphia (U.S. District Court, Eastern District of Pennsylvania) 1991-1993

FAIR v. Weprin (U.S. District Court, Northern District, of New York) 1992

Davis v. Chiles (U.S. District Court, Northern District of Florida) 1991

McDaniels v. Mehfoud (U.S. District Court, Eastern District of Virginia) 1991

Rollins v. Dallas County Commission (U.S. District Court, Southern District of Alabama) 1991-1992

Ward v. Columbus County (U.S. District Court, Eastern District of North Carolina) 1991

Republican Party State Committee v. Michael J. Connolly (U.S. District Court, Massachusetts) 1991

Jenkins v. Red Clay Consolidated School District (U.S. District Court, District of Delaware) 1991

Watkins v. Mabus (U.S. District Court, Southern District of Mississippi) 1991

Mena v. Richards (Hidalgo County Texas District Court) 1991

Republican Party of Virginia v. Wilder (U.S. District Court, Western District of Virginia) 1991

Nipper v. Chiles (U.S. District Court, Middle District of Florida) 1991-1994

Smith v. Board of Superivsors of Brunswick County (U.S. District Court, Eastern District of Virginia) 1991-1992

New Alliance Party v. Hand (U.S. District Court, Alabama) 1990

Concerned Citizens v. Hardee County (U.S. District Court, Florida) 1990

United Parents Association v. NYC Board of Elections (U.S. District Court, New York) 1990

Garza v. County of Los Angeles (U.S. District Court, California) 1990

Person v. Moore County (U.S. District Court, Middle District of North Carolina, Rockingham Division) 1989

Ewing v. Monroe County (U.S. District Court, Northern District of Mississippi) 1989

White v. Daniel (U.S. District Court, Eastern District of Virginia) 1989

Gunn v. Chickasaw County (U.S. District Court, Mississippi) 1989

SCLC v. State of Alabama (U.S. District Court, Middle District of Alabama, Northern Division) 1989-1995

Bradford County NAACP v. City of Starke (U.S. District Court, Middle District of Florida) 1988

PUSH v. Allain (U.S. District Court, Mississippi) 1988

Baltimore Neighborhoods, Inc. v. C.F. Sauers (U.S. District Court, Maryland) 1988

United States v. Wicomico County (U.S. District Court, Maryland) 1988

Metropolitan Pittsburgh Crusade v. City of Pittsburgh (U.S. District Court, Western District of Pennsylvania) 1987

McNeil v. City of Springfield (U.S. District Court, Central District of Illinois) 1987

Harper v. City of Chicago Heights (U.S. District Court, Northern District of Illinois) 1987-1993

Robinson v. City of Cleveland (U.S. District Court, Delta District of Mississippi) 1987

Martin v. Allain (U.S. District Court, Southern District of Mississippi) 1987

Smith v. Clinton (U.S. District Court, Eastern District of Arkansas) 1987

Burrell v. Allain (U.S. District Court, Southern District, of Mississippi) 1986

United States v. Dallas County (U.S. District Court, Southern District of Alabama) 1986

United States v. Marengo County (U.S. District Court, Southern District of Alabama) 1986

Jordan v. City of Greenwood (U.S. District Court, Mississippi) 1984

Johnson v. Halifax County (U.S. District Court, Eastern District of North Carolina) 1984

Anderson v. Celebreeze (U.S. District Court, Ohio) 1980

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff

vs.

ERIC H. HOLDER, JR.,
in His Official Capacity as Attorney
General of the United States,

Defendant.

Case No. 1:12-CV-00128

(RMC, DST, RLW)
Three-Judge Court

ORDER

The State of Texas has moved to exclude the testimony of Allan J. Lichtman under Federal Rule of Evidence 702. Having considered the Motion, the Court is of the opinion that good cause exists, and the Motion should be GRANTED.

It is therefore **ORDERED** that Plaintiff's Motion to Exclude Testimony of Allan J. Lichtman is **GRANTED**.

Date:

UNITED STATES DISTRICT JUDGE