

A Culture of Disenfranchisement: How American Slavery Continues to Affect Voting Behavior^{*}

Avidit Acharya,[†] Matthew Blackwell,[‡] and Maya Sen[§]

October 19, 2015

Abstract

In *Shelby County v. Holder* (2013), the Supreme Court struck down parts of the Voting Rights Act of 1965 on the argument that intervening history had attenuated many voting inequalities between blacks and whites. But how, where, and by how much have things changed, and does history still predict voting inequalities today? We show that those parts of the American South where slavery was more prevalent in the 1860s are *today* areas with lower average black voter turnout, larger numbers of election lawsuits alleging race-related constitutional violations, and more racial polarization in terms of party identification. As a causal explanation, we develop a theory of *behavioral path dependence*, which we distinguish from other theories of path dependence. We show evidence of this by demonstrating that disenfranchisement can linger over time and that the effects of restrictions on voting rights can persist culturally.

Word Count: 8,338 (text and abstract only)

^{*}Comments and suggestions welcome. Many thanks to Tim Blessing, Gary King, Eitan Hersh, Nathan Kalmoe, J. Morgan Kousser, Douglas Spencer, Matthew Winters, Wendy Wright, and panel participants at the 2014 APSA, 2015 MPSA, and 2015 EPSA meetings for helpful feedback and suggestions. Thanks also to Heather O'Connell, Stephen Ansolabehere, and Ariel White for data assistance.

[†]Assistant Professor, Stanford University. email: avidit@stanford.edu, web: <http://www.stanford.edu/~avidit>.

[‡]Assistant Professor, Harvard University. email: mblackwell@gov.harvard.edu, web: <http://www.matblackwell.org>.

[§]Assistant Professor, Harvard University. email: maya_sen@hks.harvard.edu, web: <http://scholar.harvard.edu/msen>.

1 Introduction

Fifty years ago, Lyndon Johnson signed into law the Voting Rights Act of 1965 (VRA). The law combined federal oversight with more rigorous enforcement of the 15th Amendment to end the use of devices designed to suppress minority voting—including poll taxes, literacy tests, and grandfather clauses. Given that the most effectively disenfranchised group at the time were Southern blacks, both the supporters and opponents of the law understood that the South—and its history of Jim Crow and voter suppression—was the target of enforcement. As President Johnson cautioned in presenting the bill, justice “cannot be easily done on a battleground of violence, as the history of the South itself shows” (Johnson, 1965).

However, despite the role played by Southern history in pushing forward the VRA, most studies on voting behavior and outcomes have mostly explored *contemporary* explanations of voter behavior (e.g., Henderson, Sekhon and Titiunik, 2014; Fraga, 2014). Although this literature is insightful, it leaves important questions. Specifically, not only was the South’s history of chattel slavery, black codes, and Jim Crow a key justification for the VRA, but a growing literature has begun to show that historical institutions such as slavery can have effects that last long after the institutions themselves are dismantled (Nunn, 2008; Dell, 2010; Nunn and Wantchekon, 2011; O’Connell, 2012). At the same time, many believe that intervening history has ameliorated potential inequalities. In 2013’s *Shelby County v. Holder*,¹ for example, the Supreme Court struck down portions of the VRA in large part because, as the opinion reasoned, “things have changed dramatically.”

This paper addresses this debate by looking at what Southern history tells us about contemporary voting patterns, specially looking at the South’s distinctive history of chattel slavery. We find that historical forces strongly predict current-day localized patterns of voting in ways suggesting the historical persistence of anti-black voter suppression. Our key finding is that counties within the American South that had high prevalence of slavery in 1860 *today* (1) have lower average rates of black voter turnout, (2) are more likely to have race-related elections lawsuits filed under provisions of the Voting Rights Act and the 14th and 15th Amendments, and (3) are more likely to have larger racial polarization as measured by differences in partisan self-identification between whites and blacks. This is the case even after controlling for individual-level differences in income, gender, and education, thus ruling out contemporary socioeconomic expla-

¹570 U.S. _ (2013).

nations. Our findings suggest that previous examinations on point—including that of the Supreme Court—have perhaps overlooked these predictive, historically rooted patterns because they have examined voting at the state rather than local level.

Our explanation for these patterns looks to slavery as a causal force, drawing on the idea that the effects of an institution can outlast the institution itself via path dependence. Specifically, we develop a new theory of *behavioral path dependence*, which we contrast with existing theories of path dependence. By behavioral path dependence we mean that attitudes, similar to tangible institutions or material objects, are passed down from generation to generation and can be reinforced by ongoing institutions and material interests, as well as path-dependent mechanisms that are cultural, such as inter-generational socialization. We contrast this with what we call *institutional path dependence*, or the persistence of institutions over time, often via increasing returns (Pierson, 2000). Both mechanisms provide answers to regional variation in black voting outcomes that studies focusing exclusively on contemporary explanations have overlooked or failed to explain.

We find evidence of both institutional and behavioral path dependence with regard to voting outcomes in the U.S. South. As evidence of institutional path dependence, we draw upon a large literature documenting the political incentives arising out of emancipation—incentives that led Southern whites to enact a variety of anti-black voter suppression measures. These gradually transformed from post-Reconstruction into part of Jim Crow (Key, 1949). We provide several points of evidence. First, looking at one state for which we have data (Alabama), we show that the whites of the Black Belt were as early as 100 years ago were more likely to support and implement anti-black voter suppression measures. Second, we examine historical trends showing that voter turnout in the Black Belt has historically been lower than what would be expected if voting-aged blacks had been voting, thus suggesting voter repression though the 20th Century.

We also present separate evidence in favor of behavioral path dependence. Examining contemporary data on African Americans coming of voting age in the 1960s, we show those who became eligible to vote just before the VRA was enacted are less likely to self-report that they have voted recently if they live in an area of the South that was heavily reliant on slavery. The same pattern does not hold for whites. This is suggestive evidence that the *culture of voting lags behind institutional attempts to eradicate anti-black voter suppression*. The substantive implication of this is that, while the Supreme Court and other commentators are correct in noting that the Voting Rights Act has

significantly ameliorated inequalities between blacks and whites across the South, institutional restrictions on the right to vote may have had even longer-lasting impact *on behavior*, and these persistent behavioral patterns locally correlate with earlier voter suppression. This suggests that voting restrictions can have downstream effects that last decades.

This paper proceeds as follows. Section 2 delineates the research questions stemming from the literature on historical persistence and Southern politics and develops the theory of behavioral path dependence. Section 3 discusses the historical data used. Section 4 shows how the prevalence of slavery in 1860 predicts (1) lower average black voter turnout in contemporary elections, using Catalist LLC voter file data and self-reported voter turnout data from the Cooperative Congressional Election Survey (CCES), (2) more lawsuits challenging electoral provisions under the VRA and other constitutional amendments, using data from Davidson and Grofman (1996), (3) larger contemporary racial polarization. In Section 5 we link these findings to a broader explanation of path dependence and persistence. We conclude in Section 6 with thoughts on the implications of these findings. Additional results are included in the Appendix.

2 Behavioral Path Dependence and Slavery's Effects on Voting in the U.S. South

What would explain regional variation in black voting outcomes—including black voter turnout— throughout the South? We consider two broad classes of explanations. The first are historically rooted explanations, in which we focus on slavery's effects and persistence of anti-black institutions and norms. Specifically, we delineate the idea of historical persistence via (1) *institutional path dependence* and (2) a new theory of *behavioral path dependence*. The second set of explanations concern contemporary (non-historical) explanations, specifically contemporary socioeconomic factors and contemporary majority-minority districts. As we discuss below and in Section ??, however, we find no support for contemporary factors being the exclusive explanation of regional variation in voting outcomes, suggesting historical persistence is the most plausible explanation.

2.1 Explanations Rooted in Slavery, Historical Persistence, and Path Dependence

We start with the most important possibility, which is that variation in black voter turnout may be explained by the fact that slavery left behind a fabric of anti-black institutions, including laws that suppressed voter turnout. That is, one of slavery's consequences was to leave a web of localized institutions, both formal and cultural, that made it difficult for blacks to vote—regardless of their income, education, or resources available.

The qualitative literature provides support on how slavery's collapse in the 1860s gave way to a web of black codes, racial violence, and, eventually, Jim Crow (e.g., [Woodward, 2002 \[1955\]](#); [Foner, 2006](#); [Alexander, 2012](#); [Du Bois, 1935](#)). Indeed, anti-black voter suppression measures were relatively scarce before abolition in part because the institution of slavery obviated their need; however, after emancipation and the enactment of the 15th Amendment in 1870, Southern whites faced significant political threats ([Woodward, 2002 \[1955\]](#)). Black enfranchisement briefly spiked during Reconstruction, but soon a wave of state constitutions codified significant restrictions on the new right to vote—including the enactment of poll taxes, literacy tests, and grandfather clauses. These were highly effective. [Klinkner and Smith \(2002, p. 104\)](#) report that as late as 1896, “over 130,000 African Americans voted in Louisiana; by 1904, the total was just 1,342. Alabama and North Carolina also saw black voting turnout reduced by over 90 percent during these years, and reductions exceeded two-thirds in Arkansas, Mississippi, and Tennessee,” all former slave states. This robust fabric of voter suppression served as key tentpole of Jim Crow.

Importantly, these historical developments and political incentives meant that voter suppression was of highest importance to whites living in those places where black enfranchisement was the most politically threatening. That is, measures to prevent blacks from voting would have been strongest in areas of the Black Belt, in which slavery was most prevalent and the shares of blacks largest ([Key, 1949](#); [Ogletree, 2004](#)). Indeed, historically, a wave of voter suppression tactics were written into the laws and constitutions of the Southern United States, many of these at the instigation of Black Belt whites ([Key, 1949](#); [McMillan, 1955](#)). As [Key](#) observed in the 1940s, “it is the whites of the black belt who have the deepest and most immediate concern about the maintenance of white supremacy.” The deep Southern Black Belt was also the most militant when it came to Jim Crow-era voter suppression and also the targeting of Civil Rights-era protestors.

Would this kind of history affect *contemporary* voting outcomes? A growing lit-

erature on historical institutions suggests that historical institutions can indeed have long-lasting institutional and cultural effects after they cease to exist. This extends to labor coercion systems similar to slavery. For example, Dell (2010) shows persistent long-term localized consequences associated with the *mita*, a colonial-era labor coercion system, finding that areas of Peru and Colombia that had the *mita* have lower levels of contemporary household consumption and income. Similarly, Acemoglu, García-Jimeno and Robinson (2012) show that areas of Colombia where slave labor was used in colonial-era gold mines are today areas with lower levels of childhood growth and household consumption. These findings extend to behavioral outcomes. For example, Nunn and Wantchekon (2011) document that African groups that were the most exposed to the trans-Atlantic slave trade are today those groups that have the highest levels of mistrust of strangers. Voigtländer and Voth (2012) show that parts of Europe that had anti-Jewish pogroms during times of the black death also had the highest rates of anti-Semitism in the early 20th Century.

But how do these differences persist? For a possible answer, we look to a rich literature documenting that contemporary differences in political institutions often have historical origins that have persisted via *path dependence* (e.g., Pierson, 1993). Pierson credits the broad definition to William Sewell (1996) who wrote that path dependence means “that what happened at an earlier point in time will affect the sequence of events occurring at a later point in time.” He credits the narrower definition to Levi, p. 28 who wrote that “[p]ath dependence has to mean, if it is to mean anything, that once a country or region has started down a track, the costs of reversal are very high.” Thus, path dependence suggests that, once a path is set in motion and events unfold, it is difficult for a society to change course—even if the event or process that set society on that path is over. This path dependence is often due to various feedback effects, or more specifically what Pierson refers to as “increasing returns processes.”

Behavioral Path Dependence. However, most of the literature on persistence has focused on *institutions* as opposed to *behavior*, and this marks a key distinction between existing scholarly thinking on path dependence and our delineation of *behavioral path dependence*. To make the distinction more sharply, we adopt the conventional definition of institutions as “humanly devised constraints” on political, economic and social behavior (North, 1990). However, while institutions serve as constraints on human choices, there also exist “behavioral forces” that work alongside these institutional constraints; these may include the intrinsic preferences, beliefs, and attitudes of

individuals—a broad category of forces that may either be intrinsic to the individual or cultural.

Accordingly, we take as our definition that behavioral path dependence is path dependence in *behavioral outcomes* such as political attitudes, ethical values, customs, and beliefs. Behavioral path dependence may often be caused by path dependent mechanisms that are cultural, including the important mechanism of parent-to-child socialization across generations. However, behavioral path dependence may also be reinforced by institutional mechanisms, when particular rules, laws, and social practices reinforce the aforementioned attitudes, values, customs or beliefs over time.

Looking at voting specifically, research documents that voting can become a habitually engrained behavior, one that can be conditioned by previous experiences. For example, Meredith (2009) and Gerber, Green and Shachar (2003) show that voting earlier in one's life positively predicts voting in later elections, a finding echoed by Mullainathan and Washington (2009) on partisanship. Looking at the South, we combine this idea with the well-known fact that pre-VRA voter suppression tactics were devastatingly effective in disenfranchising blacks. This may have created a cultural expectation within both black and white communities that blacks could not, and should not, vote. Indeed, the fact that the VRA was only 50 years ago means that some positive share of African Americans came of voting age under Jim Crow. Seeing decreased voter turnout among this older share of the population would be consistent with the idea that cultural effects might outlast institutional barriers.

Taken together, both institutional and behavioral path dependence suggest that, despite interventions such as the VRA, institutional and cultural features within the Black Belt continue to affect or possibly depress black voting behavior. These could take the form of implicit barriers, such as longer wait times in areas where African Americans tend to vote, formal barriers, such as stricter voter ID laws, or cultural barriers such as a persistent expectation of low voter turnout.

2.2 Explanations rooted in Contemporary Factors

Despite this important history, we also consider the possibility that regional variation in voting outcomes is due not to historical persistence of institutions or behavior, but to contemporary factors. Here, we consider two explanations, which are that regional variations are (1) due to differences in socioeconomic factors that affect voter participation or (2) due to differences in differences and majority-minority districting and

representation. We note that these contemporary explanations predict different observational outcomes and do not fully explain our empirical findings.

Contemporary Socioeconomic Factors. A long-standing literature suggests that people participate politically and vote more when they have the means to do so. Thus, people who are wealthier, better educated, and in possession of more resources are more likely to vote and to participate politically than those who do not (Verba, Schlozman and Brady, 1995; Verba and Nie, 1987; Wolfinger and Rosenstone, 1980). Because various studies have shown that the Black Belt parts of the South may be poorer and have lowered educational outcomes than other areas of the South—thanks in large part to Jim Crow—this could be driving depressed turnout in those areas.

We note that these arguments may also comport with a historically based explanation. For example, O’Connell (2012) shows that those parts of the U.S. South that had high shares of enslaved people are today areas with some of the highest levels of black-white income inequality, a finding that parallels Nunn (2008) and Lagerlöf (2005); Reece and O’Connell (2015) find similar inequality across educational outcomes. In addition, the mid-20th Century saw substantial population mobility. Thousands of blacks—many from rural areas in the Black Belt—left to pursue greater economic opportunities. This provides another reason why the black populations living in the former Black Belt differ in many respects from African Americans living elsewhere, and differ in particular across those important dimensions (income, education, leisure time) that are known predictors of voting (e.g., Verba, Schlozman and Brady, 1995). (We provide data on point in the Appendix.) However, we also note that such explanations rooted in socioeconomic differences fail to explain differences in anti-minority voting rules and devices.

Contemporary Majority-Minority Districting and Minority Representation The last possible explanation we consider is that 20th Century interventions, and specifically the Voting Rights Act, had differential impacts across the South and could potentially provide an explanation for regional variation in black voter turnout. Indeed, there is no question that the VRA has been highly successful in increasing black voter turnout (Davidson and Grofman, 1996) and in promoting the creation of majority-minority districts, which have been shown to be effective in increasing minority office-holding (Swain, 1993; Lublin, 1999) and office seeking (Lublin, 1999; Epstein and O’Halloran, 1999; Grose, 2011). With regard to turnout (or registration), a related literature has ex-

plored whether majority-minority districts increase black voter turnout. Some studies have found that they do (e.g., [Fraga, 2014](#)), but the counterfactuals are oftentimes difficult to specify ([Henderson, Sekhon and Titiunik, 2014](#)). Interestingly, neither [Fraga \(2014\)](#) nor [Henderson, Sekhon and Titiunik \(2014\)](#) find that having a co-ethnic candidate had any effect beyond the effect of local concentrations of minority groups. These results would lead us to expect that the Black Belt would have *higher* levels of African American turnout. Thus, if anything, this demographic legacy of slavery—namely, increased presence of majority-minority districts in former slaveholding areas—implies that any negative effect effects of slavery on voter turnout might actually be conservatively estimated. As we show below, these negative effects are exactly what we see; we therefore set this aside as an exclusive explanation behind our results.

3 Description of Historical Data

Our motivating question is whether local variation in voting outcomes across the U.S. South can be explained by the prevalence slavery. Our primary explanatory variable is therefore the county-level prevalence of slavery before the Civil War. Here, we draw on the 1860 U.S. Census, the last census taken before slavery’s demise. We use the 1860 Census for two reasons. First, this time period represents slavery’s peak, an era when 4 million people (or one-third of the entire Southern population) were enslaved. Second, the 1860 U.S. Census is one of the few to document the westward expansion of slavery into politically influential parts of the Deep South ([Key, 1949](#)), including Alabama, Louisiana, and Mississippi.² A visual representation of this data is provided by [Figure 1](#). In our analysis of the South, unless otherwise stated we include all former confederate states, in addition to Kentucky and West Virginia.

3.1 Dealing with Omitted Variables

Parts of the South that were reliant on slavery might differ systematically that those that did not. From a causal perspective, these differences (and not the prevalence of slavery) could be driving contemporary differences in election systems, voter turnout, or racial polarization. For example, Louisiana, a state with a high prevalence of slavery in 1860, also historically has had a civil law system, a factor that could potentially impact both our treatment (prevalence of slavery) and our outcome (voting behavior today).

²One point of tension is that American county boundaries have shifted over time. We therefore rely on [O’Connell \(2012\)](#), who has mapped historical county boundaries onto county boundaries today.

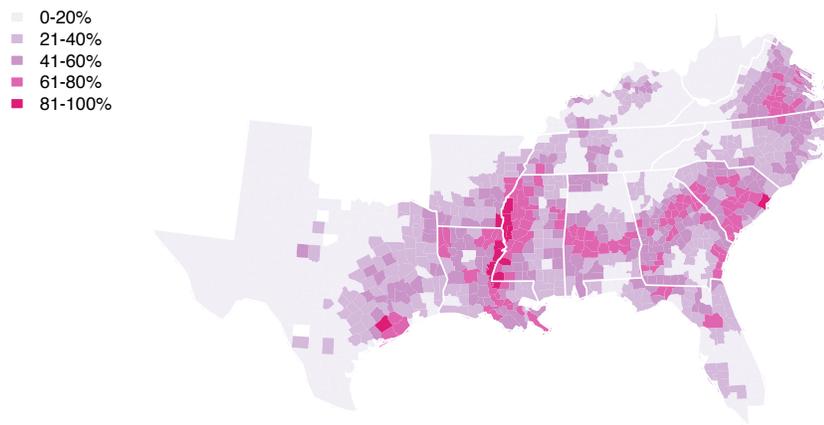


Figure 1: Map using historical slave data (from 1860 U.S. Census) but mapped onto modern-day U.S. Counties. Sources: 1860 U.S. Census, O’Connell (2012).

State Fixed Effects and Historical Covariates. We approach this issue in several ways. First, we include state fixed effects throughout. This has the effect of controlling for factors that could vary from state to state (e.g., the civil law system of Louisiana). Second, we include a host of controls for variables from the antebellum period to rule out whether basic pre-existing differences in geography or (non-slave) demography are explaining our results. These include controls for geography, economic factors, and demographic factors. (We refer to these collectively as the “1860 Covariates.”) The geographic traits are designed to capture the fact that Black Belt counties might have differed from other counties in terms of their terrain and degree of outside contact and include (1) latitude and longitude (and squared terms), (2) terrain ruggedness,³ (3) whether the county has access to waterways (such as rivers), and (4) log of the county acreage. The economic factors include (5) the proportion of the farms that are “small farms” (defined as the proportion of farms that are less than 50 acres), (5) land inequal-

³A county’s terrain ruggedness is measured as the standard deviation in altitude across the county (Hornbeck and Naidu, 2014).

ity in 1860 (Nunn, 2008), (6) the log of the farm value per capita, (7) the total value of all farms per capita, and (8) whether the county had access to railways. Lastly, the demographic factors include (9) the proportion of church seats held by the Methodist church, (10) the share of the population that is described by the Census as “mixed race,”⁴ (11) the log of the total county population in 1860, and (12) the share of the Presidential vote for Democrat James Buchanan in 1856.⁵

Suitability for growing cotton as an instrument. Controlling for historical covariates could still overlook factors that affect both the treatment and the outcome. We therefore present results from an instrumental variables (IV) approach that uses agricultural suitability as an instrument for cotton for slavery as a robustness check. Our instrument is a 0 to 1 variable that relies on U.N. Food and Agriculture Organization estimates. This variable includes attributes such as soil nutrients, rainfall, average temperature bands, and dew points. Unsurprisingly, many parts of the U.S. South have high cotton suitability, including parts of Mississippi, Alabama, Louisiana, Texas, and South Carolina.⁶ In addition, cotton suitability closely predicts slavery in 1860, suggesting a strong first-stage relationship. Note that one component that calls into question the use of this IV is the fact that cotton suitability could ostensibly affect modern-day voting outcomes via attributes unrelated to slavery or to race. For example, counties with large-scale agricultural economies are perhaps less engaged with national (or even local) politics, making such a scenario a violation of the IV exclusion restriction. In results not shown, we engage in a falsifiability test (inspired by the one in Nunn and Wantchekon, 2011). Specifically, we ask whether a relationship between cotton suitability and political behavior exists in places with no legalized slavery in 1860 – e.g., locations in southern Iowa, Indiana, Ohio and parts of Arizona, New Mexico, and California. The logic here

⁴We intend for these measures to proxy racial progressiveness, but they are far from perfect. One of the more progressive churches in the early 19th century, the Methodist Church underwent a schism in 1844, with the Southern Methodists splintering off over the issue of slavery. As for “mixed race,” we intend this to capture racial progressiveness, although a high “mixed race” population could also indicate high rates of sexual coercion and violence.

⁵This election, the last before the Civil War, pitted pro-slave James Buchanan against Republican John Fremont and American Party candidate Millard Fillmore. Buchanan won the South handily, meaning that there is limited variance to exploit. Nonetheless, we do intend this measure to capture (to some extent) attitudes on slavery and abolition.

⁶Enslaved populations in other parts of the Americans engaged in the cultivation of other crops, such as sugar cane, rice, and indigo. In addition, much enslaved labor the South was used in non-agricultural industries (timber, construction, domestic labor). However, by 1860, suitability for the growth of other crops (e.g., tobacco) are not good predictors of slavery.

is that, if there does exist a relationship, then we have reason to believe that other causal pathways exist; if there is none, then we have some reason to believe the exclusion restriction. In results not shown, we see no relationship between cotton suitability and the outcome variables. This gives us some confidence in making the exclusion restriction assumptions.

4 How Slavery Predicts Voting-Related Outcomes

We now turn to presenting our core findings showing the predictive nature of slavery on contemporary voting outcomes. We do so for three outcome variables: (1) black and white voter turnout in recent elections, (2) elections-related legal challenges brought under the Voting Rights Act and the 14th and 15th Amendments, (3) contemporary racial polarization in terms of partisan identification.

4.1 Slavery Predicts Lower Black Voter Turnout Today

We present results on black and white voter turnout using two sources. The first are data coming from Catalist LLC, which relies on voter registration files to provide a measure of actual voter turnout. The second are self-reported voter turnout data using the CCES survey; these data allow us to control for SES factors such as income. Both allow for exploration of voter turnout at the local (county) level.

Voter Turnout Reported by Catalist

We start by examining data files maintained by Catalist, LLC (see [Ansolabehere and Hersh \(2012\)](#) and [Fraga \(2014\)](#) for an overview). These data are generated from voter registration files that are then merged with state voter turnout data and other commercial databases (such as credit card databases).⁷ The final data provide individual-level registration, turnout, race, and gender for any voter registered as of 2006.⁸ We use voter

⁷According to [Ansolabehere and Hersh \(2012\)](#), Catalist LLC “regularly collect[s] voter registration data from all states and counties, clean the data and make the records uniform. They then append hundreds of variables to each record. For example, using the registration addresses, they provide their clients with Census information about the neighborhood in which each voter resides.”

⁸One possible source of concern is that our results on voter turnout are perhaps driven by unequal incarceration rates (and therefore legal disenfranchisement rates) across the South. For example, a concern would be if larger numbers of African Americans were incarcerated in parts of the Black Belt, thereby suppressing black voter turnout in these areas. However, in other work ([Acharya, Blackwell and Sen, 2015](#)) we find that black incarceration rates do not vary across former slave and non-slave areas of the South.

	Black Turnout (Catalist)			
	2008	2010	2012	2014
Prop. Slave, 1860	-0.113** (0.026)	0.007 (0.021)	-0.082** (0.028)	-0.055* (0.022)
1860 Covariates	✓	✓	✓	✓
State Fixed Effects	✓	✓	✓	✓
N	785	795	783	794
R ²	0.489	0.476	0.535	0.660
	White Turnout (Catalist)			
Prop. Slave, 1860	-0.003 (0.022)	0.066** (0.019)	0.051* (0.024)	0.032 (0.020)
1860 Covariates	✓	✓	✓	✓
State Fixed Effects	✓	✓	✓	✓
N	815	815	815	815
R ²	0.359	0.299	0.430	0.530
Diff. in Effects	-0.11	-0.059	-0.133	-0.087
Bootstrapped 95 % CI (BC_a)	[-0.213, -0.038]	[-0.143, 0.001]	[-0.243, -0.049]	[-0.166, -0.021]

† p < .1; * p < .05; ** p < .01

Table 1: Effect of slavery on turnout rates in the 2008, 2010, 2012, and 2014 general elections. Outcome variable is the share of the voting aged population marked as having voted in the given general elections. Bootstrapped confidence intervals for the differences between black and white coefficients shown using 5,000 replications and the BC_a method for constructing bootstrapped CI.

turnout data from the U.S. South from 2008, 2010, 2012, and 2014. We operationalize voter turnout as the county-level proportion of the voting-aged population that Catalist reports as having turned out to vote in each election. To analyze how this varies between African Americans and whites, we analyze them separately, calculating black voter turnout as a share of the black voting-aged population and white voter turnout as a share of the white voting-aged population. The analyses are weighted least squares (WLS) with the weights being the county-level voting aged population for blacks or whites respectively. Counties are the units of analysis.

These results are presented in Table 1, which lists the results separately for each election and then for black (top) and white (bottom) voter turnout. The Table demonstrates

that, with the exception of the 2010 midterm election, slavery negatively predicts black voter turnout. For example, on average a 20 percentage-point increase in the share of the population that was enslaved in 1860 is linked with a 2.2 percentage-point drop in the share of the voting aged black population that turned out to vote in 2008, an 1.6 percentage point drop in 2012, and an 1.1 percentage point drop in 2014. *This negative correlation does not hold for whites.* For average white voter turnout in the 2008 and 2014 elections, the effect is extremely close to zero or insignificant, and for the 2010 and 2012 elections, there is small positive effect. Thus white voter turnout is fairly constant across Black Belt and non-Black Belt counties, and, if anything, may be higher in Black Belt counties. We also report the difference in effects between blacks and whites by calculating 5,000 bootstrap replications.⁹ The difference is overwhelmingly negative and within 5% significance levels, indicating a stark contrast between the effect of slavery on otherwise eligible blacks and whites. Table 2 presents the results from the IV analyses, which are remarkably similar to the baseline OLS estimates.

The results here analyze the 2008 and 2012 elections, which represents the election (and re-election) of Barack Obama, the nation's first black President. This could skew our results, as journalistic accounts have documented the Obama campaign's effective strategy in courting the black vote. Indeed, there is a plausible argument to make those areas of the Black Belt (former slave areas) were not truly competitive counties in the South, meaning that perhaps Obama directed his attention elsewhere, thus explaining depressed black voter turnout in the areas we examine. We see two problems with this reasoning. The first is that, if these areas were as uncompetitive as this account would suggest, we should see depressed turnout among whites as well as blacks. As Table 1 suggests, we see no such pattern. The second is that the Black Belt represents some of the few areas in the South in which Obama was actually competitive; it appears unlikely that these would be areas with depressed voter mobilization by the Obama campaign.

4.2 Survey-Based (Self-Reported) Turnout Data and SES

The Catalist LLC data do not contain SES factors such as age, gender, and income. Because SES factors could potentially provide one explanation behind our findings, and because the Black Belt areas may be areas that are more likely to be poor and have lower educational attainment, we replicate our results using the Cooperative Congressional

⁹Each of the 5000 replications calculated the two regressions and then took the difference in the black and white coefficients to generate a distribution of the difference of the two effects. We then report the 95% confidence intervals based on this distribution.

	Black Turnout (Catalist)			
	2008	2010	2012	2014
Prop. Slave, 1860	-0.470** (0.114)	-0.140 [†] (0.074)	-0.392** (0.111)	-0.290** (0.085)
1860 Covariates	✓	✓	✓	✓
State Fixed Effects	✓	✓	✓	✓
N	1,136	1,165	1,132	1,165
R ²	-0.041	0.320	0.191	0.388
	White Turnout (Catalist)			
	2008	2010	2012	2014
Prop. Slave, 1860	0.132 [†] (0.071)	0.119* (0.059)	0.135 [†] (0.074)	0.037 (0.061)
1860 Covariates	✓	✓	✓	✓
State Fixed Effects	✓	✓	✓	✓
N	1,223	1,223	1,222	1,223
R ²	0.269	0.267	0.366	0.513

[†]p < .1; *p < .05; **p < .01

Table 2: Instrumental variable estimates of the effect of slavery on voter turnout using cotton suitability as an instrument for slavery.

Election Survey (CCES). These analyses present *self-reported* voter turnout in either the 2008 or 2012 elections, along with self-reported age, gender, race, income, and highest level of education achieved. Because these data are measured at the individual level and our main explanatory variable (slavery) is measured at the county level, we report OLS coefficients with the standard errors clustered at the county level.

These analyses are reported in Table 3, with the first two columns presenting the baseline estimates and the second two columns presenting estimates after controlling for SES factors. Substantively, Table 3 demonstrates same results as before. In this case, blacks who live in a locality where slavery was more prevalent are less likely to self-report that they turned out to vote in either the 2008 or 2012 elections, while whites

Individual Turnout (CCES, 2008 and 2012)				
	(1)	(2)	(3)	(4)
Prop. Slave, 1860	-1.331*	0.321	-1.577**	0.294
	(0.571)	(0.266)	(0.587)	(0.316)
Log Income			0.307**	0.403**
			(0.090)	(0.057)
Subset	Blacks	Whites	Blacks	Whites
Individual Covariates			✓	✓
1860 Covariates	✓	✓	✓	✓
State/Year Fixed Effects	✓	✓	✓	✓
N	2,317	11,286	2,135	10,135
AIC	2,561.555	11,399.480	2,279.215	9,713.321

†p < .1; *p < .05; **p < .01

Table 3: Logistic regressions of validated voter turnout in 2008 and 2012 general elections on slavery using the Cooperative Congressional Election Survey. Individual Covariates are age, log of income, indicators for highest level of education achieved, and gender.

are about as likely to self report that they voted in these elections regardless of whether they live in the Black Belt. The results change only a little with the inclusion of the individual-level SES factors, suggesting that this explanation is unpersuasive (although we acknowledge that these are post-treatment variables).

4.3 Slavery Predicts More Elections Challenges Under VRA

Do these findings extend to differences in election laws and procedures? Because we have no direct measures of institutional differences, we look to a proxy measure: challenges under the VRA and other constitutional provisions. Although the VRA outlaws overtly discriminatory “tests or devices,” individual plaintiffs or the Justice Department could bring lawsuits challenging local elections in violation of the VRA or the 14th and 15th Amendments. This allows us to examine whether challenges were greater in number in areas of the former Black Belt.

To examine this, we rely on data gathered by [Davidson and Grofman \(1996\)](#), who

document “all lawsuits filed between 1965 and 1989 under the Fourteenth Amendment, the Fifteenth Amendment, or the Voting Rights Act by private plaintiffs or the Justice Department that challenged at-large elections in municipalities in all eight of the southern states covered in this study, and in counties in Alabama, Georgia, North Carolina, South Carolina, and Virginia.” These include challenges to at-large city elections, multi-member, city council elections, and other kinds of other at-large elections.¹⁰

Unless otherwise specified, all of the estimates are ordinary least squares estimates (OLS) or two stage least squares estimates (2SLS). In this case, the outcome variable is the number of election-related challenges per 100,000 county residents in 1960, as reported by Davidson and Grofman (1996). We take the rate of challenges because they appear to covary with population, with big cities having more voting-rights challenges. This outcome variable ranges from 0 to 51, with a median of 0 challenges and a mean of 1.9 challenges. The results are substantively similar when we replicate the analyses with the outcome being whether a county had any challenges or not (via a logit analysis).

Table 4 presents these OLS analyses. Column (1) presents the basic results including fixed effects. The relationship between proportion slave in 1860 is strong, positive, and significant at the 1% level; substantively, this means that a 10 percentage-point increase in the enslaved population is linked with an increase in the number of elections challenges in the county of around 0.3 per 100,000 residents. Similar results are obtained when we examine Column (2), which includes the full battery of 1860s covariates along with state fixed effects.¹¹ The results are again strong, positive, and significant at the 1% level. Lastly, we present in Column (3) the second-stage of the IV analysis using cotton suitability as an instrument for slavery. These results are even larger, and suggest that a 10 percentage-point increase in the slave population in 1860 is associated with an increase in the number of elections challenges of around one per 100,000 residents. Given that the average number of challenges per 100,000 residents in these counties is around 2, this is a sizable relationship.

In sum, these analyses demonstrate that slavery is predictive of voting-rights challenges through a key part of the mid-20th Century. This lends credence to the idea

¹⁰ Although these data are quite comprehensive, they do have some weaknesses. First, these are data where legal action was legally instigated (oftentimes by the Justice Department). The second is that not all Southern states are captured; Mississippi, Louisiana, and Tennessee, all of whom had substantial slave populations in the antebellum period, are missing from the data set. Because of these weaknesses, the data may actually underestimate potential discriminatory practices, although we do not believe the potential bias would vary according to the prevalence of slavery in 1860.

¹¹ We do not have the full battery of 1860s Covariates for all counties; thus, the sample size for Column (2) decreases. We nonetheless achieve statistical significance at the 1% level.

	VRA Lawsuits per 100,000 residents		
	(1)	(2)	(3)
Prop. Slave, 1860	3.152*** (0.512)	3.158*** (1.053)	10.688*** (2.810)
1860 Covariates		✓	
State Fixed Effects	✓	✓	✓
Model	OLS	OLS	2SLS
N	772	434	772
R ²	0.128	0.149	0.149

* p < .1; ** p < .05; *** p < .01

Table 4: Effect of slavery on VRA-related lawsuits. Outcome is number of election-related challenges per 100,000 county residents. Source: 1860 U.S. Census and [Davidson and Grofman \(1996\)](#).

that systematic voter suppression perhaps played a stronger role in these areas through the Jim Crow era and after the enactment of the VRA. This also casts doubt on socioeconomic factors as being the exclusive determinants of lower African American voter turnout in the Black Belt; if SES was the exclusive explanation, we would not see these patterns with regard to electoral challenges, which are race-related voting challenges (and not SES-related).

4.4 Slavery Predicts Increased Ideological Racial Polarization

The last outcome variable that we examine is racial polarization, which we take as being the distance between whites and a minority group (here, blacks) in terms of partisanship or ideology. Although not exclusively determinative of VRA considerations (or of the need for VRA enforcement, see [Ansolabehere, Persily and Stewart III \(2010\)](#)), as [Elmendorf and Spencer \(2015\)](#) note, “unaccommodating electoral designs are understood to threaten the minority opportunity only if a politically cohesive racial majority opposes the minority’s preferred candidates.” Thus, racial polarization is likely to reflect a milieu of a racial divisiveness, and, as such, it provides a useful complement to the above analyses. We also note that racial polarization is unlikely to be affected or driven exclusively by differences in SES ([Acharya, Blackwell and Sen, 2015](#)).

	Democratic Identification		
	(1)	(2)	(3)
Prop. Slave, 1860	-0.650* (0.297)	0.681 (0.549)	-0.479 [†] (0.256)
Black	1.555** (0.136)		
Prop. Slave × Black	1.448** (0.372)		
Subset	All	Blacks	Whites
1860 Covariates	✓	✓	✓
State/Year Fixed Effects	✓	✓	✓
N	47,184	7,457	33,394
AIC	58,841.750	7,931.114	41,412.250

[†]p < .1; *p < .05; **p < .01

Table 5: Effect of slavery partisanship, by race. Logistic regression coefficients with standard errors clustered on county in parentheses. Source: 2006, 2008, 2009, 2010, 2011, and 2012 CCES.

To explore this question, we again look at the CCES ([Ansolabehere, 2006](#)) which asks respondents to self-identity their partisan affiliation.¹² Specifically, we examine responses to a question asking how strongly respondents identify as a Democrat, measured on a 7-point scale. We collapse this into a dichotomous variable, with a positive response indicating that the respondent indicates any kind of support or affiliation with the Democrat party. We then examine how this question varies from county to county and by respondent race. The results are presented via a logit specification, with standard errors clustered at the county level. For these analyses, we combine data from several years of the CCES: 2006, 2008, 2009, 2010, 2011, and 2012.

The results are presented in Table 5. The Table demonstrates that, among blacks, we

¹²[Ansolabehere, Persily and Stewart III \(2010\)](#) use exit polls, which, although useful when looking at state-by-state differences, do not provide county-by-county variation. As for voter registration data (such as the Catalist LLC data), these provide partisanship information via party registration, but not all states have party registration and, moreover, party registration in the South is a poor proxy for actual ideological positions due to Southern re-alignment.

cannot rule out that there are no differences between former slave- and non-slaveholding counties in terms of partisan affiliation. Although the coefficient on slavery is positive (and perhaps substantively large), it is not statistically significant. However, the finding is different when it comes to white respondents, Column (3). Here, white respondents living in former slave areas are significantly less likely to identify as Democrats, a finding that is both strong and significant at the 1% level. Finally, Column (1) shows that the interaction between race and slavery context is significant and strong in a model that includes both whites and African-Americans. These results are consistent with [Ansola-Behere, Persily and Stewart III \(2010\)](#)'s analysis comparing covered versus non-covered jurisdictions.

5 How Historical Persistence Can Explain These Patterns

Having ruled out SES factors as a primary explanation for these patterns, we now turn to presenting affirmative evidence for what we believe to be a more compelling explanation, which concerns the historical persistence of anti-black voting suppression tactics and disenfranchisement via *institutional and behavioral path dependence*.

Specifically, we argue that slavery and its collapse created strong incentives for whites to suppress African American voting. Many of these oppression tactics were instituted at state-wide levels, but county support increased with the local prevalence of slavery. Specifically, we show that the prevalence of slavery in a county is predictive of (1) support for the early state constitutions that instigated voter suppression and (2) decreased black voter turnout early in the Jim Crow period and through the 20th Century. We also demonstrate evidence of behavioral path dependence by showing (3) depressed black voter turnout among those who came of age immediately before the passage of the VRA, an effect that varies according to the share of the population enslaved in the 1860s. This provides compelling evidence of a persistent culture of disenfranchisement that has outlasted even the VRA.

5.1 Roots of Voter Suppression in Postbellum Political Environment

In the antebellum period, Southern whites had no need of anti-black voter suppression, literacy tests, or poll taxes, as all enslaved people were disfranchised. The 15th Amendment, however, changed the political landscape. Within a decade, approximately two million formerly enslaved black men were now eligible to vote, in some areas of the Black Belt outnumbering white men by 10 to 1. In tandem with this head-on threat,

whites at the time of Reconstruction and shortly thereafter were in state of political tumult: the Civil War and subsequent federal intervention had divided Southern whites politically between Black Belt whites and upcountry whites (who were more likely to be Republican sympathizers), leaving the former ruling class politically vulnerable. If blacks were allowed to vote, although they might perhaps not have the capital or the mobility to govern, they would certainly be in a position to decide which of the white factions would. In other words, for Southern Democrats, the threat of the black vote came from its potential independence and its potential ability of moving the South in a Republican direction. For Southern Republicans, those who otherwise would be black allies, the danger of the black vote was in the fact that, ironically, it could be manipulated by Black Belt whites and the ballot stuffed (McMillan, 1955). Thus, as has been argued by Woodward (2002 [1955]), “[t]he determination of the Negro’s ‘place’ took shape gradually under the influence of economic and political conflicts among divided white people—conflicts that were eventually resolved in part at the expense of the Negro.”

In response, after a short period of black enfranchisement and voting (against the backdrop of the 15th Amendment, enacted in 1870), blacks were swiftly and semi-permanently disenfranchised by a sweeping set of state constitutions enacted at the turn of the century, all of which contained various voter suppression tactics and devices. This included state constitutions in South Carolina (1895), Louisiana (1898), North Carolina (1900), Alabama (1901), Virginia (1902), Georgia (1908), and Oklahoma (1910). In addition, Arkansas, Florida, Tennessee, and Texas all adopted some type of poll tax. Informal institutions also included purposeful “cracking” of the black vote, or spreading out African Americans across jurisdictions in order to dilute black (and thus Republican) vote” (Foner, 2011), widespread racial violence (Alexander, 2012), and economic suppression (Blackmon, 2008). More formally, whites-only primaries were standard, ruled constitutional by the Supreme Court until 1944’s *Smith v. Allwright*.

5.2 Historical Evidence of Early Localized Voter Suppression

Our argument is that historical support for, and legal enactment of, voter suppression should vary according to the prevalence of slavery, with whites of the Black Belt facing the most serious threats associated with black enfranchisement (Woodward, 2002 [1955]). Thus, it would make sense that Southern Black Belt whites would be the most supportive of anti-black voter suppression than would whites elsewhere, an argument consistent with that of Key (1949). This would most obviously be the case immediately

at the end of Reconstruction, when the need for swift voter suppression would be at its greatest.

To explore this, we take one state constitution for which we have good county-level data: Alabama's. Like many other Southern states, Alabama responded in part to the end of Reconstruction with a popular referendum in favor of a constitutional convention in 1901. The racial mandate was such that the *Selma Times* declared that its editorial board did "not believe it is any harm to rob or appropriate the vote of an illiterate Negro. We do not believe they ought ever to have had the privilege of voting" (cited in [Flynt, 2001](#)). John Knox, the president of the Alabama constitutional convention, even started his speech by declaring that "[t]he negro is not discriminated against on account of his race but on account of his intellectual and moral condition." ([Alabama Constitutional Convention, 1901](#), p. 15). This is the Alabama constitution that is still on the books.

Was it the case that areas with the highest prevalence of slavery were those most likely to support the 1901 constitutional convention and resulting constitution? Two analyses on point are presented in [Figure 2](#). On the left, we show the relationship between the share enslaved in 1860 and *support for calling the Constitutional convention*; on the right, we show the relationship between the share enslaved in 1860 and *support for the ratification of the 1901 constitution*. The two figures show clear positive relationships. For example, looking at the left plot, the more prevalent slavery was in 1860, the higher the share that support the calling of the constitutional convention. Looking at the right plot, the more prevalent slavery was in 1860, the higher the share that supported the ratification of the new Alabama state constitution. These results suggest that those living in Alabama's Black Belts more strongly felt the need to institute voter suppression tactics. These relationships are statistically significant at conventional levels.¹³ We also note that these analyses highlights one of the patterns endemic to the South in this period: the importance of Black Belt politics and political actors. Indeed, one of the lasting legacies of the Alabama constitution was to turn the preferences of the Black Belt whites (e.g., preferences toward increased disenfranchisement of blacks) into state-wide policies, a pattern noted by [Key \(1949\)](#).

¹³An interesting point of difference between the two plots concerns the difference in support for the convening of the convention versus support for ratification. Support overall for the constitutional convention is higher than for the ratification of the constitution. This suggests some disapproval for the actual constitution, although support overall is still quite high (particularly for former slave Black Belt areas).

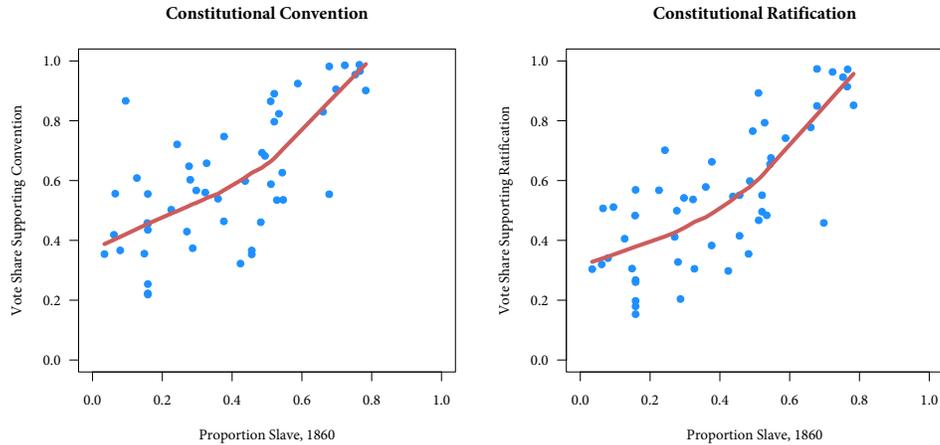


Figure 2: Relationship between proportion slave in 1860 and proportion of voters supporting the ratification of the Alabama Constitution of 1901. *Source:* Alabama Official and Statistical Register, 1903; U.S. Census, 1860.

5.3 Historical Evidence of Lower Localized Black Voter Turnout

Another part of the story lies in localized implementation, as well as in localized practices that further added to black disenfranchisement. As we noted in our discussion of Jim Crow laws above, many cities and local county governments enacted ordinances that placed additional burdens on the ability of African Americans to vote, including not just more stringent enforcement of voter suppression “tests or devices,” but also in the implementation of additional voter repressive techniques.

Localized Implementation of Jim Crow State Constitutions As an illustration of this, we again look to Alabama’s 1901 Constitution, which implemented a host of repressive measures against voters. Although we see that counties deep in the Black Belt were the most politically active (by way of the leadership role played by Black Belt representatives) and also the most enthusiastic supporters of the eventual constitution (by way of the share of the white vote supporting the constitution), this does not necessarily extend to the implementation of the constitution. Indeed, if all that mattered to black disenfranchisement were laws at the *state* level, then we would expect to see no variation in the share of blacks voting in the crucial years of the early 20th century. However, if local ordinances, local customs, and local modes of suppressing voter

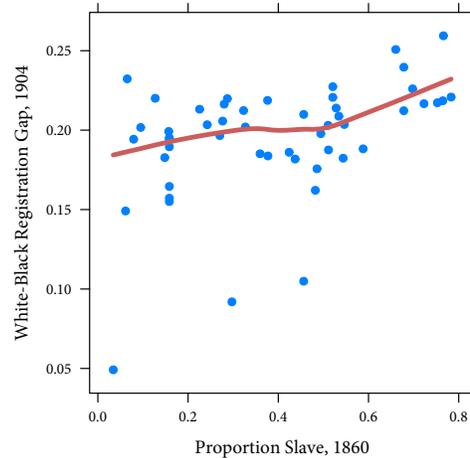


Figure 3: Relationship between proportion slave in 1860 and white-black registration rate gap, 1904. *Source:* Alabama Official and Statistical Register, 1903, 1907; U.S. Census, 1860, 1900.

turnout were important, then we should see some regional variation within Alabama itself—even though the entire state was subject to a poll tax and to state constitutional voting requirements.

An analysis of this is presented in two figures, Figure 3 and Figure 4. Figure 3 compares white voter turnout to black voter turnout: larger gaps here indicate that more whites were voting compared to blacks. The Figure shows that there exists a rough relationship between the share of slaves living in an area of the state and how large the gap was, with more slave-dependent counties having larger gaps in voting. Figure 4 takes this a step further and examines voter turnout by race separately. A large part of the gap between whites and blacks is actually driven by increased white voting in former slave counties. For black voting, there is a slight decline in voting in former slave areas, but we note that there are fundamental floor effects. That is, so few black were voting across the entirety of the state by 1904, that the overall trend is more slight than it is for whites. This both illustrates the political power of the Black Belt South, as well as the quick and variant nature of black disenfranchisement.

Subsequent Localized Disenfranchisement. A variety of historical literature suggests that localized patterns of black disenfranchisement continued later into the 20th cen-

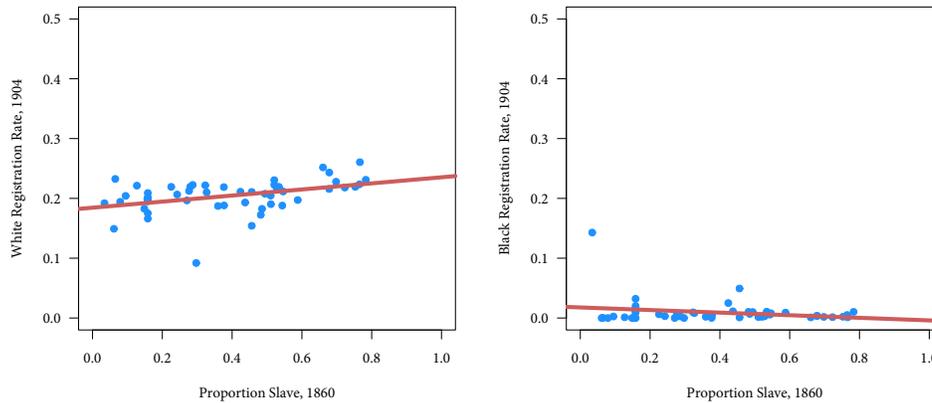


Figure 4: Relationship between proportion slave in 1860 and registration rates by race, 1904. *Source:* Alabama Official and Statistical Register, 1903, 1907; U.S. Census, 1860, 1900.

ture. Looking at Alabama, for example, revisions to the state constitution in 1946 and 1951 gave wide latitude to county boards of registrars in administering elections. In Selma, for example, the board of registrars worked in conjunction with the notoriously racially hostile town sheriff to block the registration of thousands of potential African American voters by requiring that they name all county judges in the entire state, nearly 70 of them.

Unfortunately, there is no accurate historical data capturing voter turnout by race. However, we can make some limited inferences based on voter turnout in majority black (Black Belt) versus majority white (non-Black Belt) counties through the later parts of the Jim Crow era. These data suffer from the ecological inference problem in the sense that we do not know whether they capture voting by whites, voting by blacks, or some mix. However, we can examine voter turnout as share of the overall population in that county. This is presented in Figure 5, which uses data from [Haines \(2010\)](#). The Figure shows how voter turnout in general is lower (as a share of the voting-age population) in majority black counties through the large portion of the 20th Century. These data are obviously at best suggestive: substantial population mobility appears to have affected rural Southern counties more than others. In addition, these data include potentially disenfranchised whites. However, the pattern is straightforward: high-slave

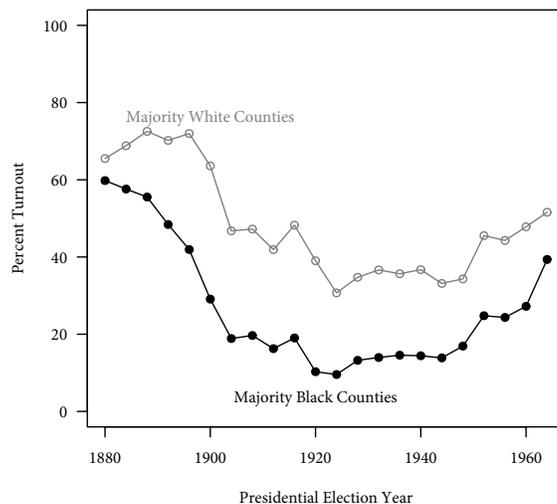


Figure 5: Voter turnout as a percent of adult voting age population. *Source:* Haines (2010); Clubb, Flanigan and Zingale (2006).

counties historically have had reduced voter turnouts—turnouts that suggest that substantial portions of these counties have been disenfranchised. This has been the case throughout much of the 20th Century, lending support to the idea that these patterns have been historically persistent.

5.4 Evidence of Localized Culture of Disenfranchisement

We now consider whether our findings are consistent only with a theory of *institutional path dependence* or whether there is also evidence of *behavioral path dependence*. These questions are important: a purely institutional story would suggest that these patterns should attenuate sharply when institutions are demolished, but an explanation relying on cultural factors might suggest that depressed voter turnout might linger even after systematic institutional inequalities are addressed.

To explore this, we leverage voting-age cutoffs (Meredith, 2009), constructing a measure of when an individual became eligible to vote based on his or her current state of residence. If the respondent lives in Georgia or Kentucky, then we take their eligibility age as 18, and for all other states we take it to be 21, as these were the voting eligibility

	Turnout (CCES) - Logistic Regression			
	(1)	(2)	(3)	(4)
Eligible Post-VRA	-4.072*** (1.522)	-5.174* (2.700)	0.530 (0.348)	0.499 (0.375)
Prop. Slave, 1860	-9.923*** (3.498)	-8.763 (8.294)	1.120 (1.031)	0.396 (1.179)
Eligible Post-VRA × Prop. Slave	11.241*** (3.712)	14.123** (6.886)	-1.752 (1.188)	-1.564 (1.241)
Clustered SEs	✓	✓	✓	✓
State FEs		✓		✓
1860 Covariates		✓		✓
N	261	173	2,627	1,562
AIC	321.805	155.813	2,202.014	1,290.404

*p < .1; **p < .05; ***p < .01

Table 6: Interaction between proportion slave of current-day county of residence and whether or not the respondent became eligible to vote in or after 1965. Outcome is binary indicator for validated vote in the CCES in either 2008 or 2012. Limited to respondents who became eligible to vote between 1963 and 1968. Source: CCES, 2008 and 2012.

ages in the mid-1960s. From this, we calculate the year in which respondents became eligible to vote and create an indicator for whether the respondent became eligible in or after 1965, when the Voting Rights Act was enacted. While this estimate will have a good deal of measurement error due to the fact that not all respondents live in the state or county that they lived in 1965, it is likely this measurement error will likely push our estimate closer to zero due to classical attenuation bias. Thus, any differences we find based on this measure are likely to be conservative for the true effect.

To assess the long-term impact of being disenfranchised on voting today, we subset the data to only those black Southerners who became eligible to vote between 1963 and 1968. Then, we compare those became eligible just before the VRA (1963-1964) to those who became eligible just after (1965-1968).¹⁴ If there is no lasting effect of

¹⁴We include through 1968 in the post-VRA sample so there is a presidential election year in both

voter discrimination, then we should expect the turnout rates to be roughly the same for these two groups, since the removal of barriers to vote should allow both groups to vote that their natural rate. If anything, we might expect the slightly older voters (those eligible before the VRA) to vote at higher rates, given the strong correlation between age and voting. The relatively tight window around the VRA, though, means that these groups will be fairly similar. If disenfranchisement does have a lasting effect, then we should expect those eligible before the VRA to be less likely to vote due to their experiences with the pre-VRA system. In high-slave areas, where disenfranchisement was extremely high even into the mid-1960s, we should expect to see the (older) pre-VRA eligible voters to vote at lower rates than those who were eligible after the VRA. In low-slave areas, where there was less disenfranchisement by the mid-1960s, we should expect either no relationship or a negative effect of post-VRA eligibility.

To test these predictions, we present a logistic regression of turnout in the 2008 or 2012 presidential elections on the post-VRA eligibility variable interacted with proportion slave in 1860. Table 6 shows that there is a strong interaction between the timing of eligibility and proportion slave in 1860 of the current-day county. In low-slave areas, there is a negative relationship between post-VRA eligibility and turnout, whereas in the high-slave areas the relationship is strongly positive. Figure 6, which is based on model (1), shows these relationships with predicted turnout probabilities (along with bootstrapped confidence intervals) for both eligibility statuses across a range of possible values for proportion slave. This result holds whether or not one controls for 1860 covariates as in model (2). Furthermore, as seen in models (3) and (4), there is no such relationship among Southern whites, which further points to the specific experience of voter disenfranchisement among Southern blacks in the pre-VRA Black Belt. These results indicate both that enfranchisement can have a long-term impact on political participation, but at the same time, disenfranchisement can have lasting *negative* consequences for voter turnout. Thus, institutions such as Jim Crow appear to impact the size and composition of the voting population long after their destruction via cultural mechanisms; this gives evidence in favor of behavioral path dependence.

We note that one caveat here is that there exists little data that tracks Americans' mobility over time, meaning that we cannot be sure that where a person grew up is the same place where they live today. (This might be a particular source of concern looking at older African Americans.) In the Appendix, we provide some suggestive

groups. Other studies have shown the becoming eligible in an election year is an important predictor of future voting (Meredith, 2009; Mullainathan and Washington, 2009).

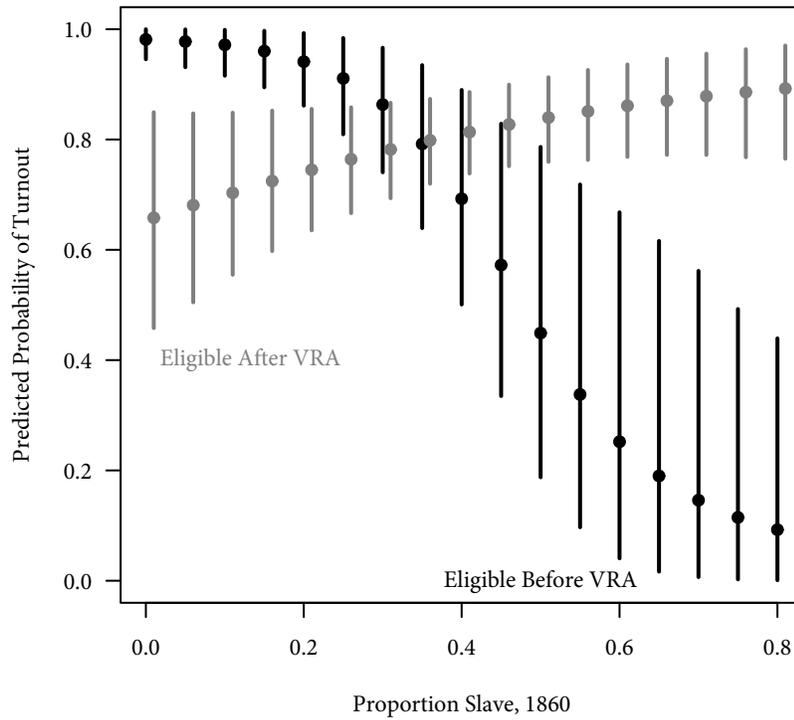


Figure 6: Predicted probability of voting for African Americans in the 2008 and 2012 presidential elections in the South as a function of proportion slave in 1860 of their county of residence today and whether or not they became eligible to vote in or after 1965. Lines are 90% confidence intervals based on 1,000 bootstrapped replications, where resampling was done at the county level. Based on estimates from Model (1) of Table 6.

information from the U.S. Census that documents that black out-migrants (and also in-migrants) from across either the former slaveholding and non-slaveholding parts of the South actually look very similar across important predictive characteristics—including gender, age, income, etc. This suggests that the concern of mobility perhaps would not be driving findings; however, we cannot be sure.

6 Concluding Remarks

Our empirical analysis started by presenting the simple fact that Southern slavery—an institution that came to an end over 150 years ago—is predictive of certain kinds of Southern political behavior. Specifically, areas with a strong prevalence of slavery in the antebellum period are today (1) more likely to have lower average black voter turnout as opposed to average white voter turnout, (2) more likely to have had lawsuits challenging as unconstitutional and racially discriminatory election practices, and (3) have higher gaps in racial polarization when it comes to black versus white partisan identification.

As an explanation, we argue that slavery—and the political threat engendered by its collapse—served as an important catalyst for the establishment of anti-black voter suppression. We draw upon large qualitative literature observing that slavery, when it ended, morphed into a myriad of informal and, to the extent legally possible, formal institutions. Consistent with other observations (e.g., [Key, 1949](#)) we argue that Black Belt whites had the strongest incentives to move forward these oppressive institutions, particularly when it came to voting. As evidence of this we have shown that slavery is predictive of support for nascent voter suppression laws of the early 20th century and also of historically depressed voting through the 20th Century.

We have also provided evidence that important interventions such as the VRA, although highly effective, have not rooted out all voting inequalities. As we showed, disenfranchisement might have continued to affect African Americans after the implementation of the VRA due to patterns of habitual voting. Indeed, our analysis comparing African Americans coming of voting age just before the VRA suggests that these individuals were particularly affected by Jim Crow-era voters suppression, and that this covaries with areas of the Black Belt that historians have documented as having had the most severe pre-VRA voter suppression. This provides strong suggestive evidence that, even after institutions have been dismantled, culture may still lag, thereby contributing to ongoing inequalities in voting. A cautionary note is that these findings suggests that policymakers must remain vigilant about restrictions on the right to vote; as these results show, restrictions on voting might have repercussions that outlast the restrictions

themselves.

Bibliography

- Acemoglu, Daron, Camilo García-Jimeno and James A Robinson. 2012. "Finding Eldorado: Slavery and long-run development in Colombia." *Journal of Comparative Economics* 40(4):534–564.
- Acharya, Avidit, Matthew Blackwell and Maya Sen. 2015. "The Political Legacy of American Slavery." Working Paper.
URL: <http://www.mattblackwell.org/files/papers/slavery.pdf>
- Alabama Constitutional Convention. 1901. *Journal of the Proceedings of the Constitutional Convention of the State of Alabama: Held in the City of Montgomery, Commencing May 21st, 1901*. Brown Printing Company.
- Alexander, Michelle. 2012. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. The New Press.
- Ansolabehere, Stephen. 2006. "Cooperative Congressional Election Study."
- Ansolabehere, Stephen and Eitan Hersh. 2012. "Validation: What Big Data Reveal About Survey Misreporting and the Real Electorate." *Political Analysis* 20(4):437–459.
- Ansolabehere, Stephen, Nathaniel Persily and Charles Stewart III. 2010. "Race, Region, and Vote Choice in the 2008 Election: Implications for the Future of the Voting Rights Act." *Harvard Law Review* pp. 1385–1436.
- Blackmon, Douglas A. 2008. *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*. Anchor Books.
- Clubb, Jerome M., William H. Flanigan and Nancy H. Zingale. 2006. "Electoral Data for Counties in the United States: Presidential and Congressional Races, 1840-1972."
- Davidson, Chandler and Bernard Grofman. 1996. "Data for Quiet Revolution in the South: The Impact of the Voting Rights Act, 1965-1990."
- Dell, Melissa. 2010. "The Persistent Effects of Peru's Mining *Mita*." *Econometrica* 78(6):1863–1903.

- Du Bois, W.E.B. 1935. *Black Reconstruction in America, 1860-1880*. Free Press.
- Elmendorf, Christopher S. and Douglas M. Spencer. 2015. "After Shelby County: Getting Section 2 of the VRA to Do the Work of Section 5." *Columbia Law Review* 115.
- Epstein, David and Sharyn O'Halloran. 1999. "Measuring the Electoral and Policy Impact of Majority-Minority Voting Districts." *American Journal of Political Science* pp. 367-395.
- Flynt, Wayne. 2001. "Alabama's Shame: The Historical Origins of the 1901 Constitution." *Alabama Law Review* 53:67.
- Foner, Eric. 2006. *Forever Free: The Story of Emancipation and Reconstruction*. Random House LLC.
- Foner, Eric. 2011. *Reconstruction: America's Unfinished Revolution, 1863-1877*. Harper and Row.
- Fraga, Bernard. 2014. "Assessing the Causal Impact of Race-Based Districting on Voter Turnout." Working Paper.
- Gerber, Alan S., Donald P. Green and Ron Shachar. 2003. "Voting May be Habit-Forming: Evidence From a Randomized Field Experiment." *American Journal of Political Science* 47(3):540-550.
- Groseclose, Christian R. 2011. *Congress in Black and White: Race and Representation in Washington and at home*. Cambridge University Press.
- Haines, Michael R. 2010. "Historical, Demographic, Economic, and Social Data: The United States, 1790-2002." Inter-university Consortium for Political and Social Research (ICPSR) [distributor].
- Henderson, John A., Jasjeet S. Sekhon and Rocío Titiunik. 2014. "Cause or Effect? Turnout in Hispanic Majority-Minority Districts." Working Paper.
- Hornbeck, Richard and Suresh Naidu. 2014. "**When the Levee Breaks: Black Migration and Economic Development in the American South.**" *American Economic Review* 104(3):963-90.
- Johnson, Lyndon B. 1965. "We Shall Overcome." *Contemporary American Voices* pp. 93-99.

- Key, V.O. 1949. *Southern Politics in State and Nation*. Knopf Books.
- Klinkner, Philip A. and Rogers M. Smith. 2002. *The Unsteady March: The Rise and Decline of Racial Equality in America*. University of Chicago Press.
- Lagerlöf, Nils-Petter. 2005. "Geography, Institutions, and Growth: The United States as a Microcosm." Working Paper.
- Levi, Margaret. 1997. *Consent, Dissent, and Patriotism*. Cambridge University Press.
- Lublin, David. 1999. *The Paradox of Representation: Racial Gerrymandering and Minority Interests in Congress*. Princeton University Press.
- McMillan, Malcolm Cook. 1955. *Constitutional Development in Alabama, 1798-1901: A Study in Politics, the Negro, and Sectionalism*. The University of North Carolina Press.
- Meredith, Marc. 2009. "Persistence in Political Participation." *Quarterly Journal of Political Science* 4(3):187-209.
- Mullainathan, Sendhil and Ebonya L. Washington. 2009. "Sticking with Your Vote: Cognitive Dissonance and Voting." *American Economic Journal: Applied Economics* 1(1):86-111.
- Nunn, Nathan. 2008. Slavery, Inequality, and Economic Development in the Americas. In *Institutions and Economic Performance*. Harvard University Press.
- Nunn, Nathan and Leonard Wantchekon. 2011. "The Slave Trade and the Origins of Mistrust in Africa." *American Economic Review* 101(7):3221-3252.
- O'Connell, Heather A. 2012. "The Impact of Slavery on Racial Inequality in Poverty in the Contemporary U.S. South." *Social Forces* 90(3):713-734.
- Ogletree, Charles J. 2004. *All Deliberate Speed: Reflections on the First Half Century of Brown v. Board of Education*. W.W. Norton & Company.
- Pierson, Paul. 1993. "When Effect Becomes Cause: Policy Feedback and Political Change." *World Politics* 45(4):595-628.
- Pierson, Paul. 2000. "Increasing Returns, Path Dependence, and the Study of Politics." *American Political Science Review* 94(2):251-267.

- Reece, Robert L and Heather A O'Connell. 2015. "How the Legacy of Slavery and Racial Composition Shape Public School Enrollment in the American South." *Sociology of Race and Ethnicity* p. 2332649215582251.
- Swain, Carol Miller. 1993. *Black Faces, Black Interests: The Representation of African Americans in Congress*. Harvard University Press.
- Verba, Sidney, Kay Lehman Schlozman and Henry E. Brady. 1995. *Voice and equality: Civic Voluntarism in American Politics*. Cambridge University Press.
- Verba, Sidney and Norman H. Nie. 1987. *Participation in America: Political Democracy and Social Equality*. University of Chicago Press.
- Voigtländer, Nico and Hans-Joachim Voth. 2012. "Persecution Perpetuated: The Medieval Origins of Anti-Semitic Violence in Nazi Germany." *Quarterly Journal of Economics* 127(3):1339–1392.
- Wolfinger, Raymond E. and Steven J. Rosenstone. 1980. *Who Votes?* Yale University Press.
- Woodward, C. Vann. 2002 [1955]. *The Strange Career of Jim Crow*. Oxford University Press.

A Characteristics of Black In- and Out-Migrants

A potential narrative that explains our findings is if the characteristics of black migrants during the waves of the Great Migrations (approximately from 1910 to 1930 and then again from after the Great Depression to 1970) varied by localization. For example, it might be the case that those African Americans who left during the Great Migrations were relatively more affluent, had greater skills, or had achieved more education. Under this kind of argument, those who remained in the rural South would, by comparison, be relatively more poor and have fewer resources—and therefore historically be among those (compared to other African Americans) less likely to vote. A key component of this possible explanation is, however, that these patterns would have to vary from county to county in order to explain our results—with those staying in the more rural Black Belt counties being those particularly lacking in resources.

We note that comprehensive data on migration during this time period is difficult to come by. However, we operationalize a test based on the comparison between out-migrants across different parts of the South. (See [Acharya, Blackwell and Sen \(2015\)](#) for a similar test looking at *white* in- and out-migration.) Specifically, we use data from the 1940 U.S. Census Public Use Micro-sample (PUMS), which, although not perfectly overlapping with all migration waves, asked which county a person resided in in 1935 and 1939. The data permit us to examine (1) whether black out-migrants differ from those who stayed and, just as importantly, (2) whether any patterns of difference vary according to the share of slavery in 1860. Both components would have to hold in order to explain our results. Figure 7 represents this information. For variables that are coded as 0 or 1 (for example, gender) the coefficient represents the predicted probability. If the variable is continuous (for example, wages), the coefficients represent a one-standard deviation change.

Do out-migrants differ from non-migrants? We do see evidence of this (left plot). For example, out-migrants are wealthier than non-migrants and they are also younger, better educated, and more likely to be male. They appear to work slightly less, which perhaps provides an impetus for departure. Does this difference vary from slaveholding to non-slaveholding county? There is by far less evidence of this. Across nearly every characteristic, out-migrants from slave-holding counties appear similar to out-migrants from other areas. One potential difference concerns wages, with the difference between out-migrants and non-migrants appearing larger from Black Belt counties; however, this difference is not statistically significant.

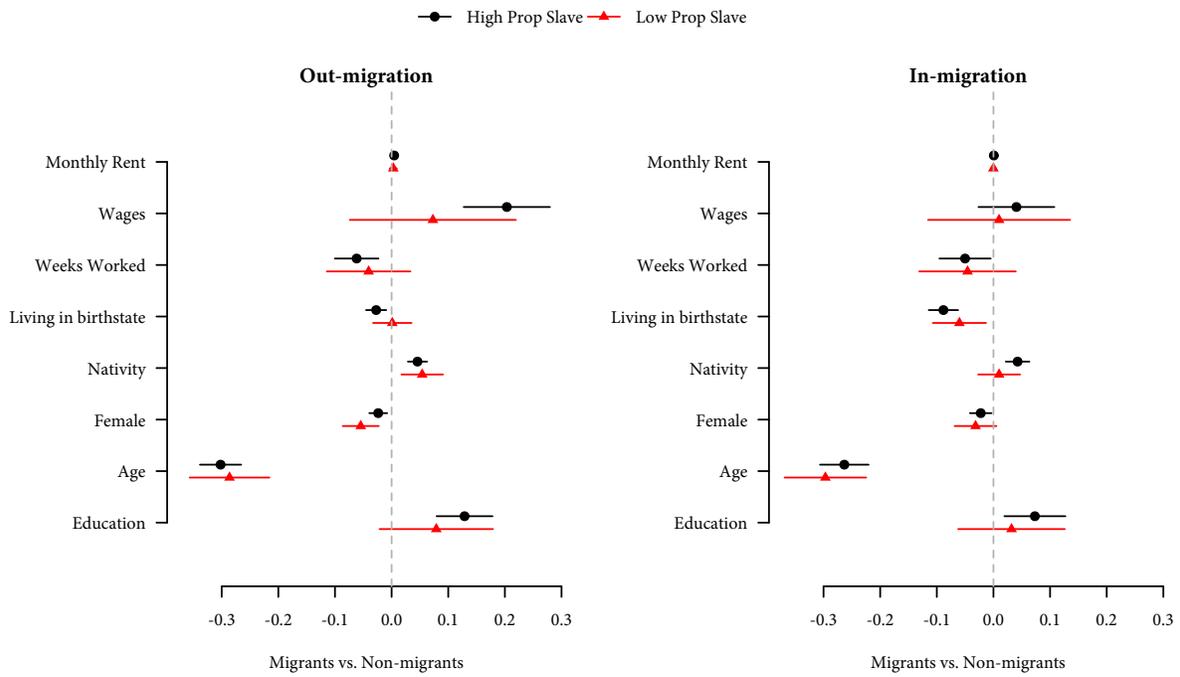


Figure 7: Characteristics of black out-migrants and in-migrants compared to non-migrants for high-slave and low-slave counties, where migration took place between 1935 and 1940. In the left panel, each point is the estimated difference between non-migrants and out-migrants from high-slave areas (black dots) and between non-migrants and out-migrants from low-slave areas (red triangles), conditional on 1860 covariates of the individual's 1935 county of residence. The right panel is the same for in-migration, conditional on 1860 covariates of the individual's 1940 county of residence.