

“Colorblind” Policy in Black and White: Racial Consequences of Disenfranchisement Policy

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Disenfranchisement policies were formulated with discriminatory intent in several states (Behrens, Uggen, and Manza 2003; Mauer 2001; Preuhs 2001). Does such discrimination persist? Do disenfranchisement laws disparately impact black voters? I argue that disenfranchisement policies target black citizens and impact black voters disparately compared with white voters. I show that disenfranchisement laws have a disparate impact on the black community that becomes increasingly disproportionate as disenfranchisement laws increase in severity. I find that disenfranchisement policies have a significant independent effect on voting rights in the black community and do not have a similar effect on white voters. I conclude that the ability of the black community to achieve adequate representation is substantially diminished as fewer and fewer blacks qualify for voter registration.

KEY WORDS: disenfranchisement, Voting Rights Act, racial threat, disparate impact

The passage of the Fourteenth Amendment in 1868 prohibited states from denying any person equal protection. Yet, Section 2 of the Fourteenth Amendment confounds the intent of the Fifteenth Amendment in that the franchise limitation resulting from “participation in rebellion, or other crime” afforded states considerable discretion in leveraging the law. Because the Supreme Court has been reluctant to intervene in what has historically been regarded as a “states’ right” issue, each state has its own policy regarding felon voting rights, and there has never been a national policy to that end (Keyssar 2000). Without federal enforcement, many states used Section 2 of the Fourteenth Amendment to construct criminal justice policies targeting “crimes that blacks are more likely to commit,”¹ to ensure that “the negro remains an insignificant minority.”² According to the Supreme Court, the purpose of the Voting Rights Act of 1965 is to “rid the country of racial discrimination in voting” (Dugree-Pearson 2002, 9). The 1982 amendments to the Voting Rights Act of 1965 made the consequences *and* the intent of electoral changes relevant in litigation. Sharp racial differences in partisan support within the American electorate have widened over time (see Abramson, Aldrich, and Rohde 1999; Tate 1993). With the voting population so closely divided,³ the disenfranchisement of even 2 percent of the population likely distorts the electoral process. Considering that the disenfranchisement rate for blacks is seven times the national average⁴ (Human Rights Watch 1997), the policy has tremendous implications for electoral outcomes (see Manza,

Uggen, and Britton 2000; Preuhs 2001). In fact, Manza and Uggen (2004) show that felon disenfranchisement has given advantage to Republican candidates in every presidential and senatorial election from 1972 to 2000.

Much of the literature on felon disenfranchisement examines the philosophical context or focus on the inequities caused by the criminal justice system (Allard and Maurer 2000; Fellner and Maurer 1998; Mauer 1997; Uggen and Manza 2002). In 2001, Preuhs found that the size of the minority population, prisoner parity, and the degree of legislative professionalism help determine the severity of felon disenfranchisement policy. Stuart (2002) and Uggen and Manza (2002) effectively demonstrate the significant impact of criminal disenfranchisement on election outcomes. J. Morgan Kousser (1999) offers a sophisticated analysis of the history of minority voting rights demonstrating that the "colorblind" ideal set forth in *Shaw v. Reno*, 509 US 630 (1993) undermines minority voting rights despite determinations by the courts that it is "rational" policy (see Gottlieb 2002). However, the disparate impact of colorblind policy itself in diluting the strength of the black vote relative to the white vote is absent from the existing literature.

This article demonstrates the link between the policy and its consequences by addressing the impact that the severity of felon disenfranchisement has on the disenfranchisement rate for blacks compared to the disenfranchisement rate for whites. In the first section, I addressed the role of felon disenfranchisement laws in the dilution of the black vote in a modern democratic system that is ostensibly race neutral. Then, I demonstrated that states with more severe felon disenfranchisement laws dilute black voting power by accelerating the relative rate of disenfranchisement for blacks based on established inequities in criminal justice and the present political influence of black voters. I argued that felon disenfranchisement laws affect blacks disparately compared to whites. I find that the severity of felon disenfranchisement laws significantly impacts the disenfranchisement rate of black citizens in ways that do not have a comparable effect for white citizens. This finding constitutes strong evidence that disenfranchisement laws violate the Voting Rights Act.

Theory

The state is not a neutral entity, and politics are (or at least are perceived to be) zero-sum (e.g., Liska 1992). Political majorities maintain political influence by undermining the impact of minorities, securing social control and legitimacy through formal and informal institutions. States in America have played an integral role in constructing pervasive differences of interest based on race and enduring hierarchies through various public policies, and racial cleavages have been institutionalized in the U.S. through law and ordered spaces (Hayward 2003). Olzak and Shanahan (2003) detail the role of state policies in the persistence of conflict directed at blacks.

Felon disenfranchisement policies offer an ideal test of the validity of the theoretical notion that majorities undermine minority influence. The modern U.S. democracy that upholds rational, colorblind policy represents a hard test environ-

ment for the aspect of racial theory that suggests that dominant regimes subordinate minority influence.

Race has been shown to be a significant factor in the adoption and persistence of disenfranchisement policies (Fletcher 1999; Harvey 1994; Hench 1998; Shapiro 1993). However, Klinkner and Smith (1999) demonstrate that some of the most racially discriminatory legislation actually meet the requirement of evenhandedness and racial neutrality. Behrens, Uggen, and Manza (2003) demonstrate that felon disenfranchisement originates with strategies of racial containment and persist because the strong anticrime consensus allows for the disenfranchisement of minorities in a manner that disguises the implications for minority suffrage. Consequently, race-based shifts in disenfranchisement policy are likely to be affected by subtle, "race-neutral" measures such as the severity of the alienation from voting rights. Accordingly, it is expected that more severe disenfranchisement policies increase the disenfranchisement rate for blacks but not necessarily for whites.

A study of the racial imprisonment disparity indicates that such disparities are ameliorated by black political mobilization (Yates 1997). The political strength of black voters as it relates to disenfranchisement policy is captured by both the number of registered black voters and the number of registered black voters already disenfranchised. Policies that are genuinely racially neutral do not differentially impact majority and minority populations. Therefore, the most straightforward method of examining the effects of disenfranchisement policy is to look at the populations in isolation. The aforementioned social science research and historical analyses indicate that felon disenfranchisement is racially motivated. As such, a simple comparison of the ability of black voters to affect their circumstance is sufficient. Relative power is evidenced by the marginal effect of black voters on their own disenfranchisement rate compared to that of whites.

Black political representation is not considered a relevant aspect of political mobilization with respect to disenfranchisement policy for several reasons: (i) the substantive representation of blacks is reflected in the black to white corrections ratio as black elected officials have been shown to significantly decrease black imprisonment rates (see Yates and Fording 2005); (ii) the extreme racial polarization within the American electorate eliminates the possibility of aggregating minority political power through coalition formation when members of the majority consistently refuse such alliances so as not to alienate white voters (see Guinier 1994); and (iii) black descriptive representation may increase polarization in the legislature or may result in the marginalization of black representatives, as in the confirmation of the 2000 election in the U.S. Senate demonstrates.⁵ The dual burden of anticrime sentiment perceived as a "black problem" (see Mauer 2001) and the strength of the revisionist tradition in American democracy make it more likely that political mobilization is expressed at the polls rather than in the legislature.

Model Specification

I estimated two models utilizing the same independent variables to demonstrate the disparate impact of felon disenfranchisement laws in 1999. The dependent vari-

Table 1. Two Sample *t*-Tests

Difference between the Black and White Rates of Disenfranchisement					
	Mean	Paired <i>T</i> -Test		Unpaired <i>T</i> -Test	
		<i>T</i> -Statistics	Significance	<i>T</i> -Statistics	Significance
Black disenfranchisement	0.12	9.23	0.01	8.56	0.01
White disenfranchisement	0.01				

N = 50

Table 2. Felon Disenfranchisement Laws by State

Less Severe		More Severe						
No Restriction	Automatic Restoration after Sentence	Automatic Restoration after Sentence and Probation	Automatic Restoration after Sentence, Probation, and Parole	Process Greater Than Registration after Corrections Release	Seek Pardon upon Release from Prison	Seek Pardon upon Release from Sentence	Waiting Period before Pardon Can Be Sought	Never Reinstated
ME	IN	CA	AK	CN	KY	AL	AZ	DE
VT	MI	CO	AR	MA	NM	FL	PA	MD
	MN		GA	NC		IA	VA	MO
	MT		ID	SD		MS		TN
	NH		KS	WA		NB		
	ND		LA			NV		
	OR		NJ			TX		
	UT		NY			WY		
	WI		OK					
	IL		RI					
	HI		SC					
			WV					

able in the first model represents black disenfranchisement rate. The dependent variable in the second model is the white disenfranchisement rate. First, I incorporated an analysis of the difference of means between the black and white rates of disenfranchisement to illustrate the fundamental differences that exist. Table 1 shows that the mean of the black disenfranchisement rate is significantly greater than the mean of the white disenfranchisement rate.

Felon disenfranchisement laws vary among states in terms of severity. In this study, severity was measured based on the degree of revocation of rights and the difficulty with which reinstatement may occur. Table 2 illustrates the variation in state felon disenfranchisement policies. The coding reflects the 1999 detailed statute requirements for the reinstatement of civil liberties for each state available through the Department of Justice, Civil Rights Division.

The categories portrayed in the table are as follows: (i) "No Restriction," in which voting rights are not revoked; (ii) "Automatic Restoration after Sentence," in which civil liberties are automatically restored once a felon completes the term of incarceration; (iii) "Automatic Restoration after Sentence and Parole," in which rights are restored automatically once the felon has completed the term of incar-

ceration and fulfilled all of the requirements of parole; (iv) "Automatic Restoration after Sentence, Parole, and Probation," in which voting rights are automatically restored once *all* of the requirements of the criminal proceedings have been successfully fulfilled; (v) "Process Greater than Registration," in which felons are required to complete a bureaucratic process that involves more than simply registering to vote and requires approval for the reinstatement of civil liberties; (vi) "Pardon upon Release from Prison," in which a felon must formally request and be granted a pardon from either the governor and/or the president to qualify to register to vote after the period of incarceration; (vii) "Pardon upon Release from Sentence," in which a felon must formally request and be granted a pardon from either the governor and/or the president to qualify to register to vote after *all* of the requirements (of the criminal sentence incarceration, parole, probation, community service, fines, etc.) have been fulfilled; (viii) "Waiting Period," in which felons may not apply for a pardon until a period of time outlined in state statute beyond the sentence has passed and/or increased requirements with increased convictions exist; (ix) "Never Restored," in which voting rights are never restored upon the conviction for some crimes.⁶ I expected that the severity of felon disenfranchisement laws would increase the black disenfranchisement rate but not necessarily the white disenfranchisement rate.

My second independent variable is the corrections ratio. This variable captures all those under corrections supervision. Because disenfranchisement may occur at various periods of state supervision beyond the rate of incarceration and those held in state custody, it is necessary to utilize a measure that includes the extent to which punitive measures are exacted. Moreover, the incarceration rate is itself misleading because states incarcerate less than half of those under supervision (U.S. Department of Justice, Bureau of Justice Statistics 1999). Measuring state punitiveness in this manner also increases the rigor of the test. The sentencing disparities that result in harsher penalties for blacks are well-established in the literature (see Bridges and Crutchfield 1988; Mauer 1999; Reaves 2001; Sheldon and Brown 2003; Tonry 1995), and including the full spectrum of state supervision ensures that all of the potential subjects are captured by the analysis, independent of the relative harshness in sentencing. The variable reflects the ratio of blacks to whites under corrections supervision.⁷ I expected a positive relationship between corrections disparity and the black disenfranchisement rate and a negative relationship between the corrections disparity and the white disenfranchisement rate.

Black political mobilization is captured by the number of registered black voters controlling for the number of registered black voters disenfranchised as of 1999.⁸ The liberal approach to crime and punishment is generally characterized by reformation and reintegration rather than removal from society (see Ewald 2002), and blacks make up an important part of the Democratic Coalition that also tends to be more responsive to the criminal justice policy preferences of blacks (see Swain 1993; Yates and Fording 2005). It seems intuitive that the number of blacks registered to vote is likely to be inversely related to the black disenfranchisement rate, and the number of registered black voters currently disenfranchised is expected to rise with the disenfranchisement rate. However, the effects of the number of blacks registered

to vote and those disenfranchised on the white disenfranchisement rate is likely less straightforward.

Methods and Results

The dependent variables in the both models, black disenfranchisement rate and white disenfranchisement rate, ranged from zero to one hundred.⁹ I estimated two multivariate tobit models of the independent effects of each variable (Greene 2000, 905–26). As was dictated by theory, felons represented nonrandom samples by virtue of the design of disenfranchisement policy. In fact, the normality test for the black disenfranchisement rate rejects normality based on significant nonnormal skewness ($p < 0.01$), and the normality test for the white disenfranchisement rate indicates significant nonnormality ($p < 0.01$). In addition, the ordinary least squares (OLS) regressions yield similar coefficient estimates.¹⁰

The tobit estimation procedure was appropriate because the model assumes the limits of the dependent variable when the dependent variable is censored, allowing the model to handle truncated or censored data better than OLS. The OLS model was not appropriate because it results in biased parameter estimates and more zero values lead more often to the violation of the homogeneity assumption. The tobit model is designed to minimize bias of a nonrandom sample. Essentially, the tobit model narrows the lens, generating estimates based on left-censored data. Most importantly, if there is no pattern in the data, the tobit model does not generate nonexistent differences.

The design was a cross section of state-level data collected from 1999. Calculations of the disenfranchisement rates were available for 1999 limiting the analysis to a static model. However, a static model represented a conservative estimate of the impact of the severity of disenfranchisement policy as increasing severity had an effect that accumulates over the years. The focus of the analysis was to determine the impact of statewide factors, most importantly policy decisions, on the relative risk of disenfranchisement that black citizens face compared to whites in 1999.

The results of the tobit analysis of the black disenfranchisement rate are reported in Table 3. Tobit estimates were interpreted in a less straightforward manner than OLS coefficients. Positive coefficients from a tobit model were interpreted as increasing the marginal effect of the independent variable on the relative risk of disenfranchisement.

The findings support the hypothesis that the severity of felon disenfranchisement laws significantly impacts the black disenfranchisement rate. The estimates indicate that as disenfranchisement laws become more severe, the marginal effect on the black disenfranchisement rate is 0.02. This means that a state in which voting rights are automatically restored after the period of incarceration (coded 1) has an estimated rate of disenfranchisement for blacks of 0.08, and a state in which voting rights are never reinstated (coded 8) has an estimated rate of disenfranchisement of 0.18 for blacks.

The model also supports the hypotheses regarding the black disenfranchisement rate and the secondary variables specified.¹¹ Increases in the corrections ratio

Table 3. Tobit Estimates of the Black Disenfranchisement Rate

Variable	Coefficient	Standard Error	Significance
Severity	0.015	0.004	***
Incarceration ratio	0.009	0.004	***
Blacks disenfranchised	0.003	0.0006	***
Black voters	-0.001	0.0003	***
Constant	0.007	0.03	

Note: Analysis was performed using STATA 8.0.

Model Chi² = 40.34***; N = 50.

*indicates significance at better than 0.10 (one-tailed test).

**indicates significance at better than 0.05 (one-tailed test).

***indicates significance at better than 0.01 (one-tailed test).

Table 4. Tobit Estimates of the White Disenfranchisement Rate

Variable	Coefficient	Standard Error	Significance
Severity	0.0007	0.001	
Incarceration Ratio	-0.002	0.004	**
Blacks Disenfranchised	0.0003	0.0001	**
Black Voters	-0.0001	0.0001	
Constant	0.0152	0.007	**

Note: Analysis was performed using STATA 8.0.

Model Chi² = 15.09; N = 50.

*indicates significance at better than 0.10 (one-tailed test).

**indicates significance at better than 0.05 (one-tailed test).

***indicates significance at better than 0.01 (one-tailed test).

significantly increases the black disenfranchisement rate. It seems fairly obvious that as more blacks are placed under corrections supervision the disenfranchisement rate rises accordingly. The political mobilization variable estimates suggest a concerning pattern though. The fact that as more registered black voters are disenfranchised the black disenfranchisement rate significantly increases is not surprising. However, taken with the finding that the black disenfranchisement rate significantly increases as the number of registered black voters decreases; the black disenfranchisement rate may be expected to rise at an increasingly faster rate.

The results of the second model of the white disenfranchisement rate indicate that the severity of disenfranchisement policy does not have a significant effect on the white disenfranchisement rate (see Table 4). The marginal effect of the severity of disenfranchisement laws on the white disenfranchisement rate is 0.0007. Consequently, the white disenfranchisement rate in a state that automatically reinstates voting rights after the period of incarceration (coded 1) is estimated to be 0.04, and the white disenfranchisement rate in a state that never reinstates voting rights (coded 8) is also estimated to be 0.04.

The results also show that the white disenfranchisement rate significantly increases as the corrections ratio decreases. In addition, the political mobilization variable estimates follow the same pattern in the second model, although the number of registered black voters does not reach statistical significance. The find-

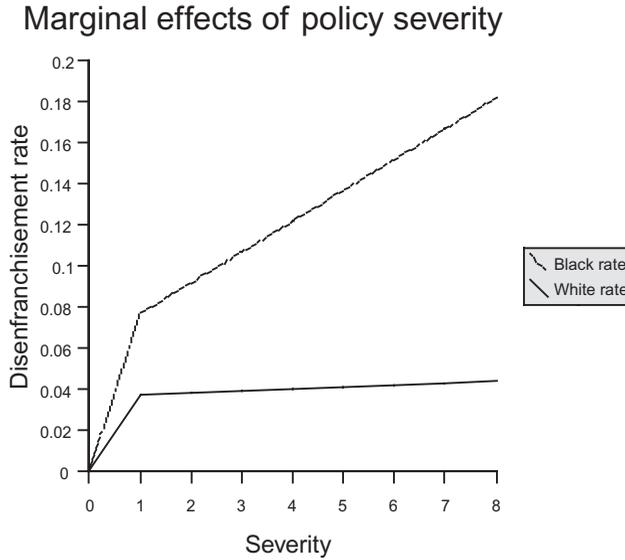


Figure 1. Predicted Values of Black and White Disenfranchisement Rates As Disenfranchisement Policy Becomes Increasingly Severe.

Note: All other independent variables were held constant at their averages.

ings suggest significant increases in the white disenfranchisement rate as the number of registered black voters currently disenfranchised increases. Figure 1 demonstrates the marginal effect of disenfranchisement policy for blacks compared to whites. The graph shows that as policies become more severe the black disenfranchisement rate increases dramatically, but the severity of disenfranchisement policies has essentially no effect on the white disenfranchisement rate.

Overall, these two models tell us that felon disenfranchisement laws have a disparate impact on the black community that becomes increasingly disproportionate as disenfranchisement laws increase in severity. Disenfranchisement policies have a significant independent effect on voting rights in the black community and do not have a similar effect on white voters. This analysis suggests that disenfranchisement laws specifically target black voters and disparately impact the black disenfranchisement rate. Furthermore, the ability of the black community to achieve adequate representation is substantially diminished as fewer and fewer blacks qualify for voter registration.

Conclusions

The central finding of this study is that the severity of felon disenfranchisement laws disparately impacts black citizens. This study is among the first to attempt a systematic assessment of the impact policy design in the backlash resulting against black suffrage. The research presented here tests the effects of the severity of felon disenfranchisement laws, corrections ratio, and black political mobilization on the rates of disenfranchisement for blacks and whites. These findings provide evidence

that the severity of felon disenfranchisement laws have significant potential to weaken the power of minority voters.

Section two of the Constitution stipulates that states may deny franchise to those convicted of crime with the intent of preventing voter fraud. However, the exemption of criminal disenfranchisement defined in section two does not limit the ability of Congress to deem such laws arbitrary and irrational. The wide variation among states regarding disenfranchisement policy, the fact that the imposition of such laws are often unrelated to the seriousness of the offense, and the severity of such criminal disabilities in many states mean that citizens are denied citizenship arbitrarily based on their state of residence (Metzger 1999). Disenfranchisement fails to rehabilitate felons, deter crime, incapacitate criminals, or even exact retribution against felons (Harvey 1994). As Dugree-Pearson (2002) notes, no research supports the argument that ex-offenders would vote for laws that weaken the administration of justice. Moreover, felon disenfranchisement laws do not meet the standard of strict scrutiny necessary and are enforced arbitrarily (Dugree-Pearson 2002; Manza, Uggen, and Britton 2000). Felon disenfranchisement does not prevent voter fraud and does not appear to be designed to prevent voter fraud (Dugree-Pearson 2002). In some states, felon disenfranchisement laws do not even include those convicted of voter fraud. Moreover, Manza and Uggen (2004) find that public opinion strongly supports reestablishing the citizenship of those who have served their sentences.

Felon disenfranchisement policies threaten compelling government interests in several respects. Free and fair elections are necessary but insufficient for democracy and the right to vote in the United States is central to democratic principles of liberty, freedom, and self-expression. The fact that the franchise is not equally protected has threatened vital U.S. economic interests and international relations (Bowser and Hunt 1996; Klinkner and Smith 1999). Universal suffrage is the greatest compelling governmental interest in terms of the electoral process, particularly when there is no evidence that a felon has or will commit voter fraud (Dugree-Pearson 2002). Furthermore, the Supreme Court in *Carrington v. Rash*, 380 U.S. 89 (1965) ruled that no class of voters may be prohibited from voting based on how they may or may not vote.

People who are a part of the decision making process not only have a greater investment in the decisions, but a greater investment in society as well. Groups with strong community ties are less likely to commit crime (Braithwaite 1989). Those who participate in the democratic process have a greater investment in the resulting decisions, and more importantly, an investment in preserving that process (Cole 1999). When the democratic process is perceived as fair and unbiased, the legitimacy of democratic authority is maintained and compliance with the law is more likely (Cole 1999). Voting creates a community of citizens invested in one another (Dugree-Pearson 2002). Moreover, both anecdotal and mathematical evidence establishes that more meaningful participation results in greater information aggregation, benefiting the majority as well as the minority (Chwe 1999; Guinier 1994).

Citizens overwhelmingly restrict the civil liberties of minorities through direct democracy (Gamble 1997; Hero and Tolbert 1996). Without federal enforcement of protections for minority rights outlined by the constitution, the majority will

tyrannize the minority despite perceptions of tolerance. The issue is complicated by political mantras of states' rights and claims about the lawlessness of black culture, making it difficult to connect the policy to its consequences. With respect to disenfranchisement, the public supports policies that disparately impact minorities. Colorblind policies do not appear to have race-neutral consequences. Those who may not intend to violate minority rights are, in effect, allowing policies that disproportionately impact minority citizens. The fact that politicians in the U.S. have too much to lose by being portrayed as "soft on crime" seems a dismal forecast that these trends are likely to continue.

Notes

1. As cited in Virginia Hench (1998), the myth of black criminality can be traced to biological theories of race that served as the framework for criminal justice policies that set forth harsher penalties including disenfranchisement for crimes involving "moral turpitude" such as polygamy that were inherent aspects of the institution of slavery.
2. Alabama delegate John B. Knox of Calhoun County at the 1901 Alabama Constitutional Convention (as cited in Hench 1998).
3. Evidence of the existence of racially constructed citizenship (Smith 2004; Thompson 1998) and the strength of racial voting (Grofman and Davidson 1992) underlies the debate over the social forces that drive disenfranchisement measures (see Key 1949; Perman 2001; Preuhs 2001).
4. More than 80 percent of the prison population in the U.S. is comprised of drug offenders (U.S. Department of Justice 1999). Although most drug offenders are white, blacks comprise the overwhelming majority of drug offenders sent to prison in the U.S. (Allard and Mauer 2000; Fellner and Mauer 1998; Mauer 1997). For example, one in every 20 black men over the age of 18 are in prison, compared to one in 180 white men (Allard and Mauer 2000; Fellner and Mauer 1998). To clarify this historical inequity, the Rand Corporation conducted an investigation of seven hundred thousand criminal cases in 1991 and found that white defendants are more successful than black defendants "at virtually every stage of the pretrial negotiation" (Harvey 1994). The existence of inequities in the U.S. criminal justice system has been firmly established in an extensive body of multidisciplinary literature (see Free 1997; Human Rights Watch 1996, 1997; Jacobs and Helms 1999; Meierhoefer 1992; Tonry 1995, 1998).
5. A measure of the descriptive representation of blacks based on the number of black elected officials was tested, but did not yield a significant coefficient nor contribute to an increase in the proficiency of the model.
6. The coding of each state in this manner produces results that are not significantly different from Preuhs' (2001) coding of the severity of felon disenfranchisement laws. However, coding the data in the manner utilized in this study reflects the difficulty of reinstating civil liberties within each state, which is more substantively consistent with the purpose of this analysis. This departure from the existing literature is necessary to distinguish the effect of the policy from the criminal justice system and rescission. These categories represent a reflection of the laws in 1999, and although there has been some dynamism in a few select states, the moves to enforce voting rights were quickly reversed. The present state of disenfranchisement policies mirrors the categories outlined herein, and the coding of eight categories increases the rigor of the test.
7. The data source is the ratio [(number of blacks under corrections supervision/black population)/(number of whites under corrections supervision/white population)] taken from the U.S. Department of Justice, Bureau of Statistics, 1999.
8. Source: US Census Bureau, Statistical Abstract of the United States 2000. The number of registered black voters disenfranchised is derived by multiplying the disenfranchisement rate by the number of registered black voters in 1998.
9. The disenfranchisement rates are expressed as the percentage of the voting age population disenfranchised taken from Manza, Uggen, and Britton 2000.

10. The mean VIF derived from the regression estimates is 1.50, indicating that multicollinearity among the independent variables is not problematic in either of the models.
11. Because of the extensive history of southern politics, I tested the effect of a dummy variable for the south that did not yield significant coefficients. Alternative measures of Jim Crow laws were also analyzed in place of the dummy variable for the south to capture southern politics with respect to disenfranchisement. A dichotomous variable indicating whether or not Jim Crow statutes specifically restricted voting rights in the state, a variable specifying the number of Jim Crow laws passed in the state, and a variable denoting the scope of Jim Crow legislation based on the number of different types of Jim Crow laws passed in the state were analyzed. These models remained significant, but none of the variables for Jim Crow laws yielded significant coefficients. This is most likely because cities and counties played a more integral role in the use of Jim Crow statutes to disenfranchise blacks in the south.

References

- Abramson, Paul, John Aldrich, and David Rohde. 1999. *Change and Continuity in the 1996 and 1998 Elections*. Washington, DC: Congressional Quarterly Press.
- Allard, Patricia, and Marc Mauer. 2000. "Regaining the Vote: An Assessment of Activity Relating to Felon Disenfranchisement Laws." Washington, DC: The Sentencing Project.
- Behrens, Angela, Christopher Uggen, and Jeff Manza. 2003. "Ballot Manipulation and the 'Menace of Negro Domination': Racial Threat and Felon Disenfranchisement in the United States, 1850–2002." *American Journal of Sociology* 109 (3): 559–605.
- Bowser, Benjamin P., and Raymond G. Hunt, eds. 1996. *Impacts of Racism on White Americans*, 2nd edn. London: Sage.
- Braithwaite, John. 1989. *Crime, Shame, and Reintegration*. New York: Cambridge University Press.
- Bridges, George S., and Robert D. Crutchfield. 1988. "Law, Social Standing, and Racial Disparities in Imprisonment." *Social Forces* 66: 699–724.
- Chwe, Michael Suk-Young. 1999. "Minority Voting Rights Can Maximize Majority Welfare." *American Political Science Review* 93 (1): 85–97.
- Cole, David. 1999. *No Equal Justice*. New York: New Press.
- Dugree-Pearson, Tanya. 2002. "Disenfranchisement—A Race Neutral Punishment for Felony Offenders or a Way to Diminish the Minority Vote?" *Hamline Journal of Public Law and Policy* 23: 359.
- Ewald, Alec C. 2002. "Of Constitutions, Politics, and Punishment: Criminal Disenfranchisement Law in Comparative Context." Paper presented at the Annual Meeting of the American Political Science Association, August 29–September 1, 2002. Boston, MA.
- Fellner, Jamie, and Marc Mauer. 1998. *Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States*. Washington, DC: Human Rights Watch and The Sentencing Project.
- Fletcher, George. 1999. "Disenfranchisement as Punishment: Reflections on the Racial Uses of *Infamia*." *UCLA Law Review* 46: 1845–908.
- Free, Marvin D. 1997. "The Impact of Federal Sentencing Reforms on African Americans." *Journal of Black Studies* 28 (2): 268–86.
- Gamble, Barbara S. 1997. "Putting Civil Rights to a Popular Vote." *American Journal of Political Science* 41 (1): 245–69.
- Gottlieb, Alan. 2002. *The Case for Economic School Integration*. A Report by the Piton Foundation, Denver.
- Greene, William H. 2000. *Econometric Analysis*, 4th edn. Prentice Hall: New Jersey.
- Grofman, Bernard, and Chandler Davidson, eds. 1992. *Controversies in Minority Voting: The Voting Rights Act in Perspective*. Washington, DC: The Brookings Institution.
- Guinier, Lani. 1994. *Tyranny of the Majority*. New York: Free Press.
- Harvey, Alice E. 1994. "Ex-Felon Disenfranchisement and its Influence on the Black Vote: The Need for a Second Look." *University of Pennsylvania Law Review* 142: 1145.

- Hayward, Clarissa Rile. 2003. "The Differences States Make." *American Political Science Review* 97 (4): 515–28.
- Hench, Virginia E. 1998. "The Death of Voting Rights: The Legal Disenfranchisement of Minority Voters." *Case Western Reserve University Law Review* 48: 727.
- Hero, Rodney E., and Caroline Tolbert. 1996. "A Racial/Ethnic Diversity Interpretation of Politics and Policy in the States of the U.S." *American Journal of Political Science* 40 (3): 851–71.
- Jacobs, David, and Ronald E. Helms. 1999. "Collective Outbursts, Politics, and Punitive Resources: Toward a Political Sociology of Spending on Social Control." *Social Forces* 77: 1497–523.
- Key, V. O. 1949. *Southern Politics in State and Nation*. Vintage Books: New York.
- Keyssar, Alexander. 2000. *The Right to Vote: The Contested History of Democracy in the United States*. New York: Basic Books.
- Klinkner, Philip A., and Rogers M. Smith. 1999. *The Unsteady March: The Rise and Decline of Racial Equality in America*. University of Chicago Press: Chicago.
- Liska, Allen E., ed. 1992. *Social Threat and Social Control*. Albany, NY: SUNY.
- Manza, Jeff, and Christopher Uggen. 2004. "Punishment and Democracy: Disenfranchisement of Non-incarcerated Felons in the United States." *PS: Perspectives on Politics* 2 (3): 491–505.
- Manza, Jeff, Christopher Uggen, and Marcus Britton. 2000. "The Truly Disenfranchised: Felon Voting Rights and American Politics," Presented at the annual meeting of the American Sociological Association, Washington, DC.
- Mauer, Marc. 1997. *Intended and Unintended Consequences: State Racial Disparities in Imprisonment*. The Sentencing Project: Washington, D.C.
- . 1999. *Race to Incarcerate*. New York: New Press.
- . 2001. "The Causes and Consequences of Prison Growth in the United States." *Punishment and Society* 3: 9–20.
- Meierhofer, Barbara S. 1992. *The General Effect of Mandatory Minimum Prison Terms: A Longitudinal Study of Federal Sentences Imposed*. Washington, DC: Federal Judicial Center.
- Metzger, Gillian. 1999. "HR 906, Civic Participation and Rehabilitation Act of 1999." Memorandum to the U.S. House of Representatives, Subcommittee on the Constitution.
- Olzak, Susan, and Suzanne Shanahan. 2003. "Law and Racial Conflict in the Urban United States, 1869–1924." Paper presented at the annual meeting of the American Sociological Association, Atlanta.
- Perman, Michael. 2001. *Struggle for Mastery: Disenfranchisement in the South, 1888–1908*. Chapel Hill: University of North Carolina Press.
- Preuhs, Robert R. 2001. "State Felon Disenfranchisement Policy." *Social Science Quarterly* 82 (4): 733–48.
- Reaves, B. 2001. *Felony Defendants in Large Urban Counties, 1998*. Washington, DC: Bureau of Justice Statistics.
- Shapiro, Andrew L. 1993. "Challenging Criminal Disenfranchisement Under the Voting Rights Act: A New Strategy." *Yale Law Journal* 103: 537.
- Sheldon, R., and W. Brown. 2003. *Criminal Justice in America: A Critical View*. Boston: Allyn and Bacon.
- Smith, Kevin. 2004. "The Politics of Punishment: A Political Model of Punishment." *Journal of Politics* 66: 925–38.
- Stuart, Guy. 2002. "Databases, Felons, and Voting: Bias and Partisanship of the Florida Felons' List in the 2000 Elections." *Political Science Quarterly* 95: 183–208.
- Swain, Carol. 1993. *Black Faces, Black Interests: The Representation of African Americans in Congress*. Cambridge, MA: Harvard University Press.
- Tate, Katherine. 1993. *From Protest to Politics: The New Black Voters in American Elections*. Cambridge, MA: Harvard University Press.
- Thompson, J. Phillip. 1998. "Universalism and Deconcentration: Why Race Still Matters in Poverty and Economic Development." *Politics and Society* 26 (2): 181–239.
- Tonry, Michael. 1995. *Malign Neglect—Race, Crime, and Punishment in America*, Fourth Edition. New York: Oxford University Press.

Tonry, Michael. 1998. "Crime and Punishment in America, 1971–1996." *Overcrowded Times* 9: 2.

Uggen, Christopher, and Jeff Manza. 2002. "Democratic Contraction? The Political Consequences of Felon Disenfranchisement in the United States." *American Sociological Review* 67: 777–803.

U.S. Department of Justice, Bureau of Justice Statistics. 1999. *Sourcebook of Criminal Justice Statistics*. Washington, DC: USGPO.

Yates, Jeffrey. 1997. "Racial Incarceration Disparity Among the States." *Social Sciences Quarterly* 78: 1001–11.

Yates, Jeffrey and Richard Fording. 2005. "Politics and State Punitiveness in Black and White." *Journal of Politics* 67: 1323–5.

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