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BALLOT MANIPULATION AND THE “MENACE OF NEGRO DOMINATION”:
RACIAL THREAT AND FELON DISFRANCHISEMENT IN THE UNITED STATES,
1850-2000

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ABSTRACT

Criminal offenders in the United States typically forfeit voting rights as collateral consequences of their felony convictions. This paper presents the first systematic analysis of the origins and development of these felon disfranchisement provisions across the states. Because such laws tend to dilute the voting strength of racial minorities, we build on theories of group threat to test whether racial threat influenced their passage. Our event history analysis shows that the rate of adoption peaked in the late 1860s and 1870s, the period when extending voting rights to African Americans was most ardently contested. Consistent with one version of the racial threat thesis, we find that large nonwhite prison populations increase the risk of passing restrictive laws, even when the effects of time, region, economic conditions, political partisanship, population, and punitiveness are statistically controlled. These findings are important for understanding restrictions on the civil rights of citizens convicted of crime, and more generally for the role of racial conflict in American political development.

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Punishment for felony crimes in the United States often extends well beyond the criminal justice system, typically including temporary or permanent bans on voting. These felon disfranchisement provisions have a significant collective impact in the United States. In the most recent presidential election, for example, an estimated 4.7 million people were disfranchised due to a felony conviction (Uggen and Manza 2002), representing the largest group of American citizens who are not allowed to vote (Keyssar 2000, p. 308).

If citizenship and the right to vote are truly “the essence of a democratic society,” as the Supreme Court once stated (*Reynolds v. Sims*, 377 U.S. 555 [1964]), then the forces driving state adoption of disfranchisement laws take on great importance for understanding the limits of citizenship rights in America. Voting rights in the United States before the Civil War were generally limited to propertied white males. The struggle to extend the franchise to all citizens, most notably to racial minorities and women, was a contested and protracted process. By the mid-1960s, most of the barriers to political participation for U.S. citizens had fallen (Keyssar 2000). As one of the few remaining restrictions on the right to vote, felon disfranchisement stands out; indeed, the rapid *increase* in felon disfranchisement rates since the early 1970s constitutes a rare example of significant disfranchisement in an era of worldwide expansion of democratic rights (Markoff 1996). Today, the United States is conspicuous as the advanced industrial society with the most restrictive disfranchisement rules for felons (Allard and Mauer 1999; Demleitner 2000; Fellner and Mauer 1998).

Felon disfranchisement laws are “race-neutral” on their face, but race is clearly tied to criminal punishment: African-American imprisonment rates have consistently exceeded

white rates since at least the Civil War era (U.S. Department of Commerce 1882) and remain approximately seven times higher than white rates today (U.S. Department of Justice 2002). Given the pronounced racial disparities in the criminal justice system, some have pointed to race as a factor driving their initial adoption and continuing pervasiveness (e.g., Harvey 1994; Shapiro 1993). In particular, the prospect of enfranchising racial minorities during the Reconstruction period (with the adoption of the Fifteenth Amendment in 1870) threatened to shift the balance of power between racial groups in the United States, engendering a particularly strong backlash in the South (cf. Foner 1988; Kousser 1974). The adoption or expansion of restrictions on the voting rights of criminal offenders in the period following the Fifteenth Amendment may thus provide an important clue to the origins of these laws. The race hypothesis is provocative, but heretofore untested.

Most studies of felon disfranchisement laws address either their current impact or their moral and philosophical rationales (e.g., Allard and Mauer 1999; Clegg 2001; Ewald 2002; Fellner and Mauer 1998; Manfredi 1998; Pettus 2002; Uggen and Manza 2002). While many have noted the unusual origins and historical trajectories of these laws, virtually no empirical research has attempted to identify the conditions – whether related to race or not – that have driven state passage of these important voting bans (see Keyssar 2000, pp. 62-63, 162-63 for a brief and rare exception).¹ This paper develops the first systematic analysis of the origins of felon disfranchisement. It is in five parts. We begin with an overview of the

¹On this point, Ewald (2002, p. 19) notes, “there is very little scholarship on the practice [of felon disfranchisement] in the late nineteenth and early twentieth centuries,” while Shapiro (1993, p. 146) asserts “studies of state legislatures’ reform and/or repeal of criminal disfranchisement laws do not exist.”

history of felon disfranchisement and introduce results of a historical survey of laws passed by each state. The second part outlines three varieties of racial threat theory that we test in the paper. Part three describes our measurement and modeling strategy, part four presents substantive results, and the final part discusses the scientific and policy implications of these findings.

CITIZENSHIP, RACE, AND THE LAW

The United States Constitution of 1787 neither granted nor denied anyone the right to vote. Over time, states granted suffrage to certain groups and erected barriers to prevent other groups from voting. African Americans were not considered legal citizens of the United States until 1868, when the Fourteenth Amendment defined a “national citizenship” (Wang 1997, p. 28). Two years later the Fifteenth Amendment prohibited the denial of suffrage to citizens “on account of race, color, or previous condition of servitude,” thus extending the franchise to black men. In 1920, the passage of the Nineteenth Amendment granted women the right to vote. It was not until 1965, however, that the Voting Rights Act suspended state voting restrictions that undermined the Fifteenth Amendment, such as required literacy tests and poll taxes, as well as most other restrictions adopted with the intent to diminish the voting rights of African Americans (Kousser 1999).

Even as definitions of citizenship expanded after the Civil War to include a wider range of individuals, criminals were often specifically excluded. Section Two of the Fourteenth Amendment specifies that states may not deny males the right to vote, “except for participation in rebellion, or other crime.” The U.S. Supreme Court upheld felon disfranchisement in *Richardson v. Ramirez* (418 U.S. 24 [1974]), interpreting such voting

bans as an “affirmative sanction” (p. 54) consistent with the Fourteenth Amendment. Given that Section One of the amendment defines citizenship and Section Two subsequently guarantees citizens the right to vote, this implies that criminals may be denied full citizenship rights. Criminals retain their status as U.S. citizens, though they cannot vote and lose other civil rights as collateral consequences of their felony conviction (Olivares, Burton, and Cullen 1997). States thus exercise a form of internal closure (Booth 1997) against felons, distinguishing those “fit to possess the rights of citizenship” from other members of society (Keyssar 2000, p. 163).

Criminal disfranchisement has an extensive history in English, European, and Roman law, where it was thought to offer both retribution and a deterrent to future offending. Nevertheless, no other democracy disfranchises felons to the same extent or in the same manner as the United States (Fellner and Mauer 1998).² Currently, 48 U.S. states disfranchise incarcerated felons and 14 states disfranchise ex-felons who have completed

² Most countries have more narrowly tailored disfranchisement laws. To our knowledge, the United States is the only nation with broad ex-felon voting bans that extend to all former felons in several states. A few nations, such as Finland and New Zealand, disfranchise for a few years beyond completion of sentence, but only for election offenses (Fellner and Mauer 1998). In Germany, a judge may impose disfranchisement for certain offenses, such as treason, but only for a maximum of five years (Demleitner 2000). France excludes from suffrage only those convicted of election offenses and abuse of public power. Ireland and Spain both allow prisoners to vote, and in Australia a mobile polling staff visits prisons so that inmates may vote (Australian Electoral Commission 2001). In 1999, South Africa’s highest court also ruled that prison inmates had the right to vote (Allard and Mauer 1999).

their sentences (Fellner and Mauer 1998; Uggen and Manza 2002). Table 1 shows a summary of state laws passed as of December 31, 2000. American disfranchisement laws date to colonial times (Ewald 2002), and some states began writing criminal disfranchisement provisions into their constitutions in the late eighteenth century. Most state constitutions explicitly gave their legislatures the power to pass laws disfranchising criminals. Early U.S. disfranchisement laws drew upon European models and were generally limited to a few specific offenses (Ewald 2002). Over time, states expanded the scope of such laws to include all felonies, often citing a rationale to “preserve the purity of the ballot box” (*Washington v. State*, 75 Ala. 585 [1884]).

[Table 1 about here.]

Many states enacted felon disfranchisement provisions in the aftermath of the Civil War and the Fifteenth Amendment. Such laws diluted the voting strength of newly enfranchised racial minority groups, particularly in the Deep South (Fellner and Mauer 1998; Harvey 1994; Hench 1998). Felon voting restrictions were the first widespread set of legal disfranchisement measures that would be imposed on African Americans, although violence and intimidation against prospective African American voters were also common (Kousser 1974). Other legal barriers, such as poll taxes, literacy tests, “grandfather” clauses, discriminatory registration requirements, white-only primaries, and others would follow, but most of these measures were not adopted until after 1896 (Perman 2001; Redding forthcoming). To circumvent national legislation and benefit local interests, many states implemented race-neutral, though “color sensitive,” policies (James 1988, p. 197).

Table 2 summarizes patterns of initial adoption and subsequent change in state-level felon disfranchisement laws, and Appendix Table A provides a detailed list of key legal

changes in state disfranchisement laws.³ We gathered information about the adoption and amendment of these laws by examining the elector qualifications and consequences of a felony conviction as specified in state constitutions and statutes. We located the information by first examining the state constitutions and legislative histories reported by those states that incorporate such information into their statutory codebooks. For other states, we consulted earlier codebooks that referred specifically to voting laws, all of which are archived at the Northwestern University or University of Minnesota Law Libraries.

[Table 2 about here.]

As the table shows, there was a flurry of activity in the aftermath of the Civil War, followed by a period of fewer changes before another wave of restrictions began in 1889. The turn of the century saw fewer restrictive changes, and a period of liberalization eventually ensued in the 1960s and 1970s, when many states began restoring voting rights to ex-felons.

Figure 1 displays the percentage of states with any felon disfranchisement law and the percentage of states disfranchising ex-felons at the end of each decade (adapted from survival distributions available from the authors). Whereas only 35 percent of states had a disfranchisement law in 1850, fully 96 percent had such a law by 2000, when only Maine and Vermont had not restricted felon voting rights. The 1860s and 1870s are marked by greater disfranchisement as well as the passage of the Fourteenth and Fifteenth Amendments. In the

³ See Keyssar (2000, pp. 376-86) for a slightly different, independently developed analysis of state felon disfranchisement laws, and criminal disfranchisement in general, for the period from 1870 to 1920. A summary of the differences between the two analyses is available from the authors upon request. We are indebted to Kendra Schiffman for research assistance in tracking down these often difficult to locate legal details.

past century, the percentage of states disfranchising felons remained relatively stable with a slight rise in the 1950s and another in the 1990s.

[Figure 1 about here.]

The most restrictive form of felon disfranchisement a state can adopt is that which disfranchises *ex*-felons. These laws ban voting, often indefinitely, even after successful completion of a probation, parole, or prison sentence. Over one-third of states disfranchised *ex*-felons in 1850 and, as Figure 1 illustrates, three-fourths of states disfranchised *ex*-felons by 1920. This level of *ex*-felon disfranchisement changed little throughout the next half-century until many states removed these restrictions in the 1970s. No state has passed a broad *ex*-felon disfranchisement law since Hawaii did so with statehood in 1959 (later amended to disfranchise only prison inmates).⁴

Why Might Race Matter for the Adoption of Felon Disfranchisement Laws?

To account for the diffusion of felon disfranchisement laws, we consider several possible ways in which racial factors, especially perceived racial threat from African Americans, may be associated with voting law changes. Two questions are especially important. First, felon disfranchisement laws are formally race-neutral: all felons, or those falling into certain offense categories, are disfranchised, not just African Americans. Does the historical record suggest that they can plausibly be linked to racial concerns at *any* point in time? The existing social science literature on the politics of criminal justice has produced conflicting results. Research by Jacobs and Helms (1996, 1997) on prison admissions and

⁴ For a short time in the 1990s, Pennsylvania instituted a five-year waiting period before *ex*-felons were permitted to register to vote.

police strength respectively find little racial impact, while the same authors' recent study of *spending* on social control finds that criminal justice system expenditures are responsive to racial threat (Jacobs and Helms 1999). Several city-level studies of police strength also report race effects (e.g., Jackson 1989; Liska, Lawrence and Benson 1981). Overall, the existing research provides at best a mixed picture, although most studies with appropriate statistical controls focus on recent years rather than the long historical period covered by this paper.

Second, the politics of race have shifted drastically during the past 150 years. Can a single model of racial conflict account for political change over the entire period? Racism and reactions to racial threat change shape over time. During the nineteenth and first half of the twentieth centuries, open advocacy of racial segregation and the superiority of whites was both widespread and explicit (cf. Mendelberg 2001, chap. 2). The Civil Rights Act of 1964 and the Voting Rights Act of 1965, however, served as an “authoritative legal and political rebuke of the Jim Crow social order” (Bobo and Smith 1998, p. 209) that fundamentally reshaped the law of democracy in the United States (Issacharoff, Karlan, and Pildes 1998; Kousser 1999).

In spite of the changes inaugurated by the “second reconstruction” of the 1960s, a number of scholars have argued that racial influence on policymaking persists (see, e.g., Gilens 1999; Manza 2000). The institutional legacies of slavery and Jim Crow reverberate to the present in a decentralized polity and through path-dependent and policy feedback processes (see, e.g., Brown 1999; Goldfield 1997; Lieberman 1998; Quadagno 1994). Whereas structural and economic changes have reduced the social acceptability of explicit racial discrimination, current “race-neutral” language and policies remain socially and culturally embedded in the discriminatory actions of the past (Gilens 1999; Mendelberg

2001; Quadagno 1994).

Bobo and Smith (1998) characterize this historical process as a shift from “Jim Crow racism” to “laissez-faire racism.” The latter is based on notions of cultural rather than biological inferiority, including persistent negative stereotyping,⁵ a tendency to blame African Americans for racial gaps in socioeconomic standing (and, arguably, criminal punishment), and resistance to strong policy efforts to combat racist social institutions (see also Bobo, Kluegel, and Smith 1997; Kinder and Sanders 1996; Schuman, Steeh, Bobo, and Krysan 1997). Rather than the state-enforced inequality of the Jim Crow era, however, current racial discourse draws upon widely understood social and cultural stereotypes of particular groups without mentioning the groups by name (Mendelberg 2001). In the case of race and crime, the rise in incarceration and the institutionalization of large racial disparities in criminal punishment both reflects and reinforces tacit stereotypes about young African-American men, which are intensified through media coverage (Entman and Rojecki 2000, chap. 5; Hurwitz and Peffley 1997; cf. Gilens [1999] and Quadagno [1994] on welfare).

The transition from the racism evident in the Jim Crow era to more modern forms can be seen in the discourse surrounding suffrage and the disfranchisement of felons. In the nineteenth century, most states restricted suffrage to whites, promulgating stereotypes of nonwhites as criminals in defending felon disfranchisement. Table 3 provides examples of the two modes of racial framing. The left side of the table presents examples of rhetoric on

⁵ Bobo and Smith (1998) cite General Social Survey data showing that whites characterized African Americans, Asians, and Hispanics as less intelligent, more prone to violence, lazier, less patriotic, and more likely to prefer living off welfare than whites.

race and disfranchisement in the Jim Crow era. Although the 1894 excerpt from a South Carolina newspaper does not specifically address felon disfranchisement, it makes a clear racial appeal for suffrage restrictions. As Tindall (1949, p. 224) points out, South Carolina's Democratic leadership spread word that "the potential colored voting population of the state was about forty thousand more than the white" to push for a state constitutional convention to change the state's suffrage laws. When the convention was held in 1895, South Carolina expanded its disfranchisement law to include ex-felons.

The 1896 excerpt is taken from the Supreme Court of Mississippi, which upheld the state's disfranchisement law (*Ratliff v. Beale*, 7 Miss. 247 [1896]) while acknowledging the racist intent of its constitutional convention. The state obstructed exercise of the franchise by targeting "certain peculiarities of habit, of temperament, and of character" thought to distinguish African Americans from whites. The U.S. Supreme Court later cited this Mississippi decision, maintaining that racist intent is irrelevant to laws which only take advantage of "the alleged characteristics of the negro race" and reach both "weak and vicious white men as well as weak and vicious black men" (*Williams v. Mississippi*, 170 U.S. 222 [1898]).

[Table 3 about here.]

The other excerpts from the Jim Crow era are taken from Alabama's 1901 Constitutional Convention, which altered its felon disfranchisement law to include all crimes of "moral turpitude," applying to misdemeanors and even acts that were not punishable by law (*Pippin v. State*, 197 Ala. 613 [1916]). In his opening address, John B. Knox, president of the all-white Convention, justified "manipulation of the ballot" to avert "the menace of negro domination" (State of Alabama [1901] 2002, Day 2). John Field Bunting, who

introduced the disfranchisement law, clearly envisioned it as a mechanism to reduce African-American political power, estimating that “the crime of wife-beating alone would disqualify sixty percent of the Negroes” (McMillan 1955, p. 275).

With the historical shift away from such overtly discriminatory laws and discourse, felon disfranchisement laws are now defended on race-neutral grounds. A United States District Court in Tennessee, noted in Table 2 under “Modern Era,” explicitly rejected race as a criterion, but justified felon disfranchisement based on individual criminal choice, or the “conscious decision to commit an act for which they assume the risks of detection and punishment” (*Wesley v. Collins*, 605 F Supp. at 813 [1985]).⁶

In 2001, the South Carolina House of Representatives confronted the issue of race directly in debating a bill to disfranchise all felons for fifteen years beyond their

⁶ Courts have generally upheld state felon disfranchisement laws, adhering to the U.S. Supreme Court’s *Richardson* decision (418 U.S. 24 [1974]). In a rare case of a felon disfranchisement provision being struck down, Alabama’s “moral turpitude” law was overturned in 1985 (*Hunter v. Underwood*, 471 U.S. 222 [1985]). The Court ruled in *Hunter* that felon disfranchisement laws *are* constitutional unless passed with the express intent of discriminating against racial minorities. Intent of racial discrimination, of course, is difficult to prove; as long as a state applies disfranchisement equally to all felons, the law is constitutional. Courts have also rejected the argument that discriminatory vote dilution occurs as a product of criminal justice system disparities (*Farrakhan v. Locke*, 987 F. Supp. 1304 [1997]; *Wesley v. Collins* 605 F. Supp. 802 [1985]). To date, courts have been reluctant to embrace a disparate impact standard of discrimination in disfranchisement cases, despite having done so in other areas (*Griggs v. Duke Power Company*, 401 U.S. 424 [1971]).

sentence—an expansion of the current law, which restores voting rights upon completion of sentence. After an opponent introduced an African-American ex-felon, one of the bill’s sponsors, John Graham Altman, distributed an old newspaper article detailing the man’s crime, labeled “Democratic poster boy for murderers’ right to vote” (Wise 2001a). One representative likened the act to “Willie Horton race-baiting” (Wise 2001a). Altman, however, denied any racist intent, stating, “If it’s blacks losing the right to vote, then they have to quit committing crimes” (Wise 2001b).

A recent U.S. Senate measure to restore the ballot to all ex-felons in federal elections also met opposition and was ultimately voted down in February 2002. In opposing the bill, Republican Senator Mitch McConnell — himself a likely beneficiary of Kentucky’s disfranchisement law in a closely contested 1984 election (Uggen and Manza 2002) — invoked imagery of the most heinous criminals. McConnell stated that “we are talking about rapists, murderers, robbers, and even terrorists or spies,” before declaring, “those who break our laws should not dilute the vote of law-abiding citizens” (U.S. Congress 2002, p. S802).⁷ Arguments such as these shift the focus from historical efforts to dilute the voting strength of racial minority groups to a concern with the vote dilution of “law-abiding citizens.” Senator Jeff Sessions of Alabama, who also opposed the bill, drew upon a traditional states’ rights discourse – long associated with implicit racial appeals – in defending ex-felon disfranchisement: “Each State has different standards based on their moral evaluation, their legal evaluation, their public interest” (U.S. Congress 2002, p. S83). Many scholars and historians interpret such statements as representing modern or laissez-faire racism; they

⁷ Correctional population data indicate that offenders convicted of these crimes comprise a minority of the total felon population (U.S. Department of Justice 2000).

appear to accept a legacy of historic racial discrimination uncritically and oppose reforms by appealing to the legal and popular foundations of a system devised to benefit majority groups during the slavery and Jim Crow eras (see, e.g., Mendelberg 2001).

Conceptual Models of Racial Threat and Ballot Restrictions on Criminal Offenders

Sociological theories of racial or ethnic threat (Blalock 1967; Blumer 1958) provide one avenue for explaining how racial dynamics may shape policymaking processes, such as those surrounding felon disfranchisement. There are several distinct ways in which racial threat arguments have been advanced, each of which has implications for conceptualizing and testing their role in influencing felon disfranchisement laws.

At a general level, “racial” threats are a particular application of group threat theories, which suggest that in situations where subordinate groups gain power at the expense of a dominant group, they will be perceived as a threat by that group (Blalock 1967; Blumer 1958; Bobo and Hutchings 1996; Quillian 1996). Actions are often triggered by the dominant group perception that the subordinate group is intruding upon a “sphere of group exclusiveness,” such as the political sphere, and “encroaching on their area of proprietary claim” (Blumer 1958, p. 4). In reaction, the majority group seeks to diminish the threat of a minority group. For example, whites may push for political restrictions on racial minorities if they are concerned that these minority groups may mobilize and take action against them. The response to perceived threat may take the form of legal barriers, such as Jim Crow laws, and other forms of racial discrimination. By strategically narrowing the scope of the electorate, a dominant majority can sap the political strength of a minority group and diminish its threat to established social structures.

According to group threat theory, race prejudice operates as a collective process, whereby racial groups project negative images onto one another that reinforce a sense of exclusiveness (Blumer 1958; Quillian 1996). One particularly salient image that may be projected onto an ethnic or racial group is that of “criminal,” linking race and crime in public consciousness. Regardless of the actual crime rate, for example, the percentage of young African-American males in an area increases fear of crime among white residents, particularly when whites perceive that they are racial minorities in their own neighborhoods (Chiricos, Hogan, and Gertz 1997; Quillian and Pager 2001). Because such fears are thought to trigger repressive or coercive responses (Blumer 1958), some suggest that the disproportionate criminal punishment of nonwhites reflects, in part, a reaction to racial threat (Heimer, Stucky, and Lang 1999). Currently, about 10 percent of the African-American voting-age population is under correctional supervision, compared to approximately 2 percent of the white voting-age population (U.S. Bureau of Census 2001; U.S. Department of Justice 2001a; 2002). Felon disfranchisement thus remains a potentially effective means to reduce the threat from African-American voters by diluting their political strength.

Varieties of Racial Threat Models

Within the existing literature on racial group threat, two distinct theses can be identified, and we advance a third, modified version of the argument below. The most common formulation traces racial threat to *economic* relationships between racial (or ethnic) groups (Bobo and Hutchings 1996; Bonacich 1972; Giles and Evans 1985; Quillian 1995). Groups compete for economic resources and the growth of a subordinate group potentially threatens the economic positions of those in the dominant group. Levels of racial hostility

may be greater in places where a dominant group, such as whites, has higher levels of economic marginality. This echoes the classical early arguments of V.O. Key (1949). For Key, variation in white racial antagonism in the South was less a product of the size of the black population than the extent to which blacks posed an economic threat to whites. Some recent scholars have advanced such arguments as well (e.g., Oliver and Mendelberg 2000; Quillian 1995).

Economic threat models are potentially problematic in explaining the rise of felon disfranchisement for two reasons. First, disfranchisement is situated within the *political* realm, one that has received comparatively little attention in models of group threat. More general models of racial antagonism that emphasize a political power threat highlight the importance of the size of subordinate groups within specific geographic contexts (cf. Fossett and Kiecolt 1989; Giles and Evans 1985; Quillian 1996; Taylor 1998). As subordinate groups grow, they may be able to use democratic political institutions to their advantage. Racial threats in the political realm are potentially more ominous to dominant elites because the extension of suffrage formally equalizes individual members of dominant and subordinate racial groups with respect to the ballot. Yet racial threats in the political domain are also more tractable for those in positions of power. Legal disfranchisement and informal barriers to political participation offer a clear mechanism to neutralize racial threats and maintain a racially stratified electorate.

A number of studies are also consistent with the more general view that the size of the racial minority population in a region heightens white concerns. As noted above, research on perceptions of crime has established a link to the perceived racial composition of neighborhoods and cities (see esp. Quillian and Pager 2001). Moreover, when former Ku

Klux Klan leader David Duke ran for one of Louisiana's seats in the U.S. Senate in 1990, white support for his campaign was greatest in parishes with the largest African American populations (Giles and Buckner 1993). Similarly, the proportion of African Americans in each parish heavily influenced white registration with the Republican Party in Louisiana between 1975 and 1990 (Giles and Hertz 1994). Taylor (1998, 2000) also finds that traditional white prejudice, and white opposition to public policies seeking to enhance racial equality, swells with the proportion of the black population in local areas.⁸

In applying racial threat theories to felon disfranchisement, a third operationalization should also be considered: the racial composition of prisons. Incarceration may be considered a response to racial threat, in that consigning a high proportion of African Americans and other racial minorities to prison reduces their imminent threat to whites (Heimer, Stucky, and Lang 1999). Unless those imprisoned are also disfranchised, however, a political threat remains. Moreover, because such laws only affect those convicted of crime, prison racial composition is more proximally related to felon disfranchisement than the racial distribution of the general population. Thus, there may be a connection between the racial composition of

⁸ A second, more general problem with economic threat models is that they may over-generalize from the economic to the political and cultural. Theories of *symbolic racism* (Sears 1988; Sears and Funk 1991) or *racial resentment* (Kinder and Sanders 1996), for example, suggest that racial antagonisms towards blacks among white Americans are deeply held and not simply reducible to economic conflict. Though these attitudes may remain latent, they can be triggered by events such as the invocation of the name Willie Horton by George Bush in the 1988 Presidential campaign (Mendelberg 2001).

state prisons and state felon disfranchisement laws not captured by the proportion nonwhite in the total state population.

DATA, METHODS, AND MEASURES

To test whether and how racial threat influences the passage of restrictive state felon disfranchisement laws, we develop an event history analysis that considers how the racial composition of state prisons and other measures of racial threat affect these voting bans, net of timing, region, economic conditions, political party power, and other state characteristics. We use state-level decennial data taken primarily from historical censuses from 1850 to 2000 (United States Department of Commerce 1853-1992; United States Bureau of Census 2001).

Independent Variables

Group Threat. In the analyses presented in this paper, we test all three of the racial threat models described above, within the limits of the available data for this lengthy time period. To assess the possibility that economic threat affects adoption of felon disfranchisement laws, we include a measure of the rate of white male idleness in each state, drawing upon data from the Integrated Public Use Microdata Series (IPUMS) (Ruggles and Sobek 1997) for the years 1850 to 1990. We derived estimates for this measure by dividing the number of white males aged 15 to 39 who were neither attending school nor participating in the labor force by the total white male population aged 15-39.

Second, to capture the possibility that disfranchisement reflects outgroup prejudice, we consider the impact of variation in the size of the nonwhite population across the states

and years. Some research suggests that the nonwhite *male* population poses a larger threat than the total nonwhite population (Myers 1990), so we computed a measure based on the number of nonwhite males as a percentage of the male state population in historical censuses.

Finally, we consider the percentage of nonwhite inmates in state prisons. Census Bureau subject reports, in addition to other historical correctional statistics, provided data until 1970 (United States Department of Justice 1987; 1991), and the Bureau of Justice Statistics' *Sourcebook of Criminal Justice Statistics* series was used for prison data between 1980 and 2000 (United States Department of Justice 1982-2000; 2001b). Because data on the race of prisoners were unavailable between 1900 and 1920, we interpolated estimates for these years based on data from 1890 and 1926 (United States Department of Justice 1991). To obtain the racial composition of state prisons in 2000, we applied percentages from 1997, the most recent year for which complete state-level data are available (United States Department of Justice 2000).

A summary of the key independent and dependent variables we use, in addition to how each was measured, is presented in Table 4.

[Table 4 about here.]

Other Independent Variables. In addition to racial threat, we also expect factors such as region, partisan control, state size, and criminal justice punitiveness to affect passage of laws restricting the voting rights of felons. Regional effects are especially important in this context. While many states passed ballot restrictions following the Civil War, Southern states generally adopted more comprehensive and detailed laws (Keyssar 2000, p. 162). Although legally enfranchised after the Civil War, African Americans in Southern states remained practically disfranchised by barriers such as poll taxes and literacy tests well into the

twentieth century.⁹ While Southern states have historically been more restrictive both in voting rights and in denying civil rights to felons (Olivares et al. 1997), many Northern states were also reluctant to enfranchise minority populations; between 1863 and 1870, fifteen Northern states rejected giving African Americans the right to vote (Keyssar 2000, p. 89). To represent region, we followed Census Bureau categories and coded Northeast, Midwest, South (including the District of Columbia), and West region as separate indicator variables.

Partisan politics are also tied to legal change because state politicians ultimately introduce and amend felon disfranchisement laws.¹⁰ Before and after Reconstruction, Republicans were generally more supportive of African-American suffrage than Democrats, even outside the South. These roles, however, gradually shifted as Northern Democrats became increasingly reliant on black votes and the Northern wing of the party shifted toward a pro-civil rights position (cf. Frymer 1999; Piven 1992; Weiss 1983). The conflicts over the Civil Rights Act of 1964 and the Voting Rights Act of 1965, as well as the virtual disappearance of black electoral support for the Republican Party, consolidated this new racial cleavage in the party system (Carmines and Stimson 1989; Huckfeldt and Kohfeldt 1989). Republicans and a handful of Southern Democrats successfully defeated multiple bills seeking to facilitate the registration process between the 1970s and early 1990s. In 1993,

⁹ A 1961 report by the Commission on Civil Rights found that nearly 100 counties in eight Southern states were effectively denying black citizens the right to vote. Following the Voting Rights Act of 1965, nearly one million new voters registered in the South (Keyssar 2000, pp. 262-65).

¹⁰ The state electorate sometimes makes the final decision regarding state disfranchisement laws, as with the recent referenda in Utah in 1998 and Massachusetts in 2000.

however, the National Voter Registration Act passed under the Democratic administration of Bill Clinton and some 9 million new voters, disproportionately African American and poor, subsequently registered to vote (Keyssar 2000, pp. 314-15; Piven and Cloward 2000). With regard to crime, Republicans have generally advocated more severe “get tough” approaches since the 1960s (Mauer 1999), and incarceration rates have increased at faster rates during Republican administrations, at least through the early 1990s (Jacobs and Helms 1996). Since the early 1990s, however, the Democratic Party has also taken a more punitive stance on crime and adopted an agenda similar to that of conservatives (Beckett 1997).

Data limitations and these numerous historical turning points complicate efforts to assess the role of partisan influence on the passage of felon disfranchisement laws. Because data on the party affiliations of state legislators are not available for the entire period, we represent political power with the party of a state’s governor. Gubernatorial partisanship was coded using indicator variables for Republican, Democrat, and Other, with “other” representing all other political affiliations. Of course, political affiliations hold different meanings in the early years of our study than in the latter years. To account for these changes, and potential interactions between region and partisanship, we specified a series of models using various periodizations (e.g., pre- and post-1870, 1840-1870, 1870-1940, 1940-2000 and Democrat-by-Southern region interactions in each period). Because we found no statistically significant interactions with time or region, we adopt a reasonably parsimonious specification, based on Democratic governors prior to 1870, 1870-1940, and 1940-present.

Our sources for political data include the Council of State Governments’ *The Book of the States* series, the Census Bureau’s *Statistical Abstract* series (1980-2001), and the Inter-university Consortium for Political and Social Research’s “Candidate Name and

Constituency Totals, 1788-1990.” We also include state population and incarceration rate indicators in multivariate models, to assess the effects of state size and punitiveness. Finally, we include a measure of the years since statehood to account for the likelihood that new states will adopt felon disfranchisement provisions as part of their constitutions. Each decade does not have 51 potential cases because states do not enter the data set until the decade of official statehood, regardless of the state’s status as a recognized territory preceding statehood. At the beginning of the observation period in 1850, for example, the United States had 31 states in addition to the District of Columbia.

Dependent Variables

The length of time an offender is disfranchised varies by state, with states generally falling into one of four regimes: disfranchisement only during incarceration; during parole and incarceration; during sentence (until completion of probation, parole, and incarceration); and, after completion of sentence (ex-felons). A law was considered a restrictive change only if it disfranchised a new category of felons.¹¹ States that disfranchised only upon conviction for a few narrowly defined offenses, such as treason or election crimes, were not considered to have a felon disfranchisement law until the scope of the law reached felony convictions in general. Full details of state-level changes are presented in Appendix Table A.

Statistical Models

¹¹ For example, some states that disfranchise ex-felons routinely change their clemency eligibility criteria (e.g., disqualifying drug offenders). These administrative changes generally affect few ex-felons and were not considered new laws in this analysis.

We model changes to felon disfranchisement laws using event history analysis because this method appropriately models censored cases and time-varying predictors (see, e.g., Allison 1984). Correctly modeling censored cases is necessary so that states are only included in the analysis when they are at risk of changing their felon disfranchisement regime. For example, Alaska and Hawaii were not at risk of passing a restrictive law until they attained statehood in 1959. If a state was not at risk of restrictive changes because it already disfranchised ex-felons, the most severe form of felon disfranchisement, that state was censored until it repealed its ex-felon disfranchisement law. Time-varying independent variables are important for this study because it would be unrealistic to assume stability over 150 years in key predictors such as imprisonment and racial composition. States that passed more restrictive felon disfranchisement laws within the decade were coded 1; if no change occurred, states were coded 0. These state-years comprise the unit of analysis for this study.

We estimate the effects of racial threat and other factors using a discrete-time logistic regression model (Allison 1984; 1995):

$$\log (P_{it}/(1-P_{it})) = \alpha_t + \beta_1 X_{it1} + \dots + \beta_k X_{itk},$$

where i represents individual states, t represents time or decade, α signifies the effect of the independent variables, X denotes time-varying explanatory variables, and α_t represents a set of constants corresponding to each decade or discrete-time unit. While the data set records state felon disfranchisement law changes spanning from 1788 to 2000, the time-varying explanatory variables are limited to the period from 1850 to 2000.¹²

¹² Unfortunately, four states are *left censored* (see, e.g., Yamaguchi 1991) because they passed restrictive laws prior to 1840, when data on key independent variables are unavailable. Seven states passed a first restrictive law between 1841 and 1849. We estimated

To identify the factors responsible for changes in state felon disfranchisement laws between 1850 and 2000, we first chart historical changes in these laws. We then examine the bivariate relationship between the independent variables and passage of a first restrictive law. Next, we fit multivariate models to show the effects of racial threat, region, economic threat, political power, state size and punitiveness, and time on the passage of more restrictive state felon disfranchisement laws between 1850 and 2000. Finally, we specify a piecewise model that allows us to estimate the effects of racial threat and other independent variables before and after passage of the Fifteenth Amendment in 1870.

RESULTS

We compiled demographic life tables to identify periods of stability and change in felon disfranchisement provisions. Figure 2 plots the hazard functions of restrictive (or disfranchising) changes and liberal (or enfranchising) changes from 1850 to 2000. The solid line represents states passing more restrictive felon disfranchisement laws and the dashed line represents passage of more liberal laws. The first peak of activity, in the 1860s and 1870s, represents predominantly restrictive changes whereas the second peak, occurring 100 years later, is comprised of liberal legal changes. Until the 1930s, the rate of restrictive changes

models that applied 1850 data to the 1840 period (assuming stability on the values of independent variables over the decade) as well as models that treated these states as left censored. To show regional effects, we present results from the former models (only three Northeastern states adopted a felon disfranchisement law for the first time after 1847). Aside from region, the effects of racial threat and other independent variables are very similar to those reported below in analyses that omit the 1840 changes (tables available from authors).

exceeded the rate of liberal changes in each decade. From the 1960s to the 1980s, this trend reversed as the hazard of liberalizing changes to felon disenfranchisement laws surpassed the hazard of restrictive changes until the 1990s. Many of these liberal changes involved the repeal of laws that disenfranchised ex-felons as states shifted to less restrictive regimes. In the 1960s and 1970s combined, 17 states repealed ex-felon disenfranchisement laws. Although recent history suggests a general trend toward the liberalization of disenfranchisement laws, most changes in the 1990s were once again restrictive rather than liberal.¹³

[Figure 2 about here.]

Bivariate Analysis

We next examine the state-level predictors of these laws. Table 5 presents the results of 20 separate discrete-time logistic event history models predicting the passage of states' *first* restrictive felon disenfranchisement law. These models do not include statistical controls for other independent variables, except for time. The first column shows the relation between each predictor and passage of the first restrictive law while controlling for time as a set of

¹³ Arizona changed its law in 1978 to automatically restore voting rights to first-time offenders, but did not fully repeal its ex-felon disenfranchisement law because recidivists remain permanently disenfranchised. In 2000, Delaware abandoned its requirement of a pardon to restore voting rights, though offenders must wait five years after completion of sentence to vote. Since July 1, 2001, New Mexico has automatically restored voting rights to felons upon completion of sentence. As of January 1, 2003, Maryland will require a three-year waiting period before restoring the franchise to most recidivists, liberalizing its current law that permanently disenfranchises recidivists.

dummy variables for each decade. The second column represents the same models, treating time as a single linear variable (coded 1850-2000).

[Table 5 about here.]

The bivariate results in Table 5 show that one type of racial threat, that measured by the percentage of nonwhite prisoners, is associated with restrictive changes to state felon disfranchisement laws in both models. Both the nonwhite male population and the relative size of the idle white male population approach significance in the linear year equations, but not the dummy variable specifications. Regionally, Northeastern states are less likely to pass punitive felon disfranchisement laws than Southern states, whereas Western states are more likely to pass such laws relative to Southern states. Democratic state governors have only a marginal impact on the likelihood of felon ballot restrictions in any of the three periods (two and four period models yielded similar results). Finally, state population and punitiveness have little effect on passage of disfranchisement laws in these models.

We observe timing effects consistent with other models of legal diffusion (Edelman 1990; Grattet, Jenness, and Curry 1998). First, states are most likely to adopt restrictive laws with statehood or in the years immediately thereafter. Second, in models that treat time as a single linear variable, the positive effect of year indicates that restrictive changes have become somewhat more likely since 1850. Finally, when time is modeled as individual decade dummy variables, we again note that many states passed their first restrictive law in the Reconstruction era following the Civil War -- the 1860s, 1870s, and 1880s. The depression and World War II era had no restrictive changes, as reflected in the large negative coefficients and inflated standard errors for the 1920s, 1930s, and 1940s.¹⁴ Although we

¹⁴ All other results in Table 5 are stable when these decade dummy variables are omitted.

estimated all models with both a linear time trend and separate dummy variables for each decade, a likelihood ratio test established that the set of time indicators improves the fit of the models. Therefore, all subsequent tables are based on the more conservative dummy variable specification.

Multivariate Models

First State Felon Disfranchisement Law

Building upon the racial threat arguments outlined above and the observed bivariate relationships, Table 6 presents discrete-time logistic regression models predicting passage of states' first felon disfranchisement laws. Model 1 considers regional effects, relative to the Northeast, on a first restrictive change while controlling for time. All regions are significantly more likely to pass a felon disfranchisement law than the Northeast. Model 2 tests one version of the racial threat hypothesis by introducing the nonwhite prison population. In this model, the effect remains positive and significant after statistically controlling for the effects of region, state population, incarceration rate, and time. Each one-percent increase in the percentage of prisoners who are nonwhite increases the risk of a state passing its first felon disfranchisement law by about 6 percent ($100[e^{.056}-1]=5.76$).

[Table 6 about here.]

Note that the Midwest and the West retain their positive effects in Model 2, but the Southern region indicator becomes non-significant relative to the Northeast. The South effect diminishes when controlling for the nonwhite prison population, implying that the restrictiveness of Southern states may be linked to racial threat. Net of the other independent variables, state incarceration rates are not strongly associated with passage of

disfranchisement laws. This suggests that while felon disfranchisement is closely tied to the racial composition of the incarcerated population, it is not a simple product of rising punitiveness.¹⁵ The effects of race and region remain robust in Models 3 and 4 after adding economic threat and political power variables. Neither idle white males nor partisanship are statistically significant in the multivariate models. Finally, the time since statehood is a strong negative predictor in Model 5, suggesting that the likelihood of states adopting felon disfranchisement provisions declines precipitously with time. Due to its strong association with region, adding the time since statehood indicator diminishes estimates of region effects (and inflates their standard errors). In contrast, the key racial threat coefficient is larger in magnitude in models that also include the timing measure.

Laws Disfranchising Former Felons

Table 7 shows the effects of the same independent variables upon the passage of a state's first *ex-felon* disfranchisement law, the most severe ballot restriction. The results in Table 7 again reveal a positive and significant effect of the nonwhite prison population. In Model 4, for example, a ten percent increase in a state's nonwhite prison population raises the likelihood of passing an *ex-felon* disfranchisement law by over 50 percent ($10[100(e^{.053}-$

¹⁵ It is difficult to estimate the independent effects of racial composition, prison racial composition, and region because these variables are very closely correlated (as shown in the correlation matrix in Appendix Table B). The estimates reported in Tables 5-8 appear to be robust under alternative specifications. As a further test, for example, we considered second and subsequent restrictive changes to felon disfranchisement laws. Results for this analysis (not shown, available from authors) are substantively similar to those presented in Table 6.

1)]). Taken together, Tables 5, 6, and 7 show a strong and consistent relationship between racial threat as measured by the composition of state prisons and laws restricting the voting rights of felons.¹⁶ States in the Midwest, South, and West are also more likely to pass felon disenfranchisement laws than states in the Northeast. The effect of the South, however, again diminishes when controlling for the nonwhite prison population, indicating that race is particularly important in the South. Again, none of the region indicators are statistically significant in models that include time since statehood, and racial threat effects are more pronounced in the final model.

[Table 7 about here.]

Piecewise Specifications

The models above show the average effect of one racial threat measure and other characteristics, measured over a long historical period. We next examine the robustness of these findings in a piecewise model that considers additional indicators of racial threat and allows effects to vary across historical periods. States were free to impose racial suffrage requirements until passage of the Fourteenth and Fifteenth Amendments, such that many nonwhite citizens were already disenfranchised regardless of whether they had committed felonies (Keyssar 2000). We therefore expect the effects of racial threat on felon disenfranchisement to increase after 1870 when states were no longer permitted to deny suffrage based on race (cf. Ewald 2002, pp. 18-19). Because there are relatively few events,

¹⁶ We should note, however, that alternative models operationalizing racial threat as overall state racial composition rather than prison racial composition generally show weaker effects (not shown, available from authors). Because the two measures are correlated at .73, the multivariate models are unstable when both are included in the same equation.

we are limited to two-period models, using the passage of the Fifteenth Amendment in 1870 as a historical cut-point. We consider the influence of several racial threat indicators across these periods in Table 8, including nonwhite population, nonwhite male population, nonwhite prison population, and the idle white male population.

[Table 8 about here.]

Table 8 shows results for the piecewise models, presenting the 1840-1869 period in Panel A and the 1870-2000 period in Panel B. For each indicator we report a trimmed model that controls only for individual decades and a full model that controls for the effects of region, gubernatorial partisanship, idle white males, population, incarceration rate, and time since statehood. In the earlier period, only the nonwhite prison population is a significant predictor of passage of a felon disfranchisement law. In fact, the other models generally provide a poor fit to the data in the pre-1870 period shown in Panel A. As expected, however, each indicator of racial threat is stronger in magnitude and significance after passage of the Fifteenth Amendment, as shown in Panel B. The nonwhite population, the nonwhite male population, and the nonwhite prison population are all significant positive predictors.

Consistent with our expectations, racial threat has more pronounced and consistent effects in the post-1870 period. Yet the nonwhite prison population remains a strong predictor in the earlier period. This is perhaps not surprising in models predicting *felon* disfranchisement, since the racial composition of state prisons likely represents the most proximal measure of racial threat. Though racial challenges to political power were much more visible during and after the Reconstruction era, it is important to note that they predated 1870. For example, several state provisions allowed for nonwhite suffrage prior to the Fourteenth and Fifteenth Amendments. When Rhode Island passed its first felon

disfranchisement law, for example, it had no race requirement for voting, and Indiana and Texas excluded African Americans from the ballot but not other nonwhites. It is also likely that racial threat played an important role in the brief period between the Fourteenth and Fifteenth Amendments, when six states passed their first felon disfranchisement law.

DISCUSSION AND CONCLUSIONS

Our key finding can be summarized concisely, and forcefully: the racial composition of state prisons is clearly associated with the adoption of felon disfranchisement laws. States with greater nonwhite prison populations are more likely to restrict the voting of convicted felons than states with proportionally fewer nonwhites in the criminal justice system. This finding adds to previous research on the significance of race and group position in the United States, as well as the impact of racial threat on criminal justice policy (cf. Heimer et al. 1999; Jacobs and Carmichael 2001; Jacobs and Helms 2001; Jacobs and Helms 1999). Further, the findings provide a baseline for understanding the origins and development of felon disfranchisement laws in the United States. With the steep increase in citizens disfranchised by felony convictions in recent years, these laws have taken on greater significance in U.S. electoral politics (Fellner and Mauer 1998; Uggen and Manza 2002).

With respect to the implications for theories of racial threat, our findings suggest that the racial dynamics of incarceration outweigh other sources of racial threat, at least for the case of felon disfranchisement. Even while controlling for timing, region, white male idleness, political power, state size, and state incarceration rate, a larger nonwhite prison population significantly raises the risk of adopting more restrictive felon disfranchisement laws. By contrast, the two other specifications of racial threat we considered – economic

competition and demographic composition – had less influence on the likelihood that states would adopt strict felon disfranchisement laws. Nevertheless, state population composition became more closely correlated with passage of felon voting restrictions after passage of the Fifteenth Amendment, and the economic threat represented by white male idleness is also a positive (though non-significant) predictor of disfranchisement laws in several models.

One of our most intriguing findings is that states were particularly likely to pass punitive felon disfranchisement laws in the Reconstruction period of the late-1860s and 1870s. During this time, the threats posed by the possible incorporation of African-American men into the political system were ardently debated. In 1868 the Fourteenth Amendment declared that African Americans born in the United States are indeed citizens of the country, contradicting the U.S. Supreme Court's ruling a decade earlier in the famous *Dred Scott* decision (*Scott v. Sandford*, 60 U.S. 393 [1856]). In 1870 the Fifteenth Amendment guaranteed these citizens, albeit only males, the right to vote. In this period, explicitly racial appeals were common in political campaigns, as the Democratic and Republican Parties diverged on the question of enfranchising black voters (cf. Mendelberg 2001, chap. 2). The contest was not limited to the South: a number of Northern states (including Democratically-controlled New York, New Jersey, and Delaware, along with California and most other Western states) initially refused to ratify the amendment (Southern states were forced to do so as a condition of re-admission to the Union). By the 1868 election, only 11 of the 21 Northern states permitted black men to vote (Frymer 1999, chap. 3; Kennedy 2002).

During Reconstruction, the ability of the Democratic Party to win elections in the South often hinged on outright intimidation of black voters (for details, see e.g., Foner 1988, pp. 424-35, who describes the 1868-71 backlash against black civil rights as a

“counterrevolutionary terror”). As Keyssar (2000, p. 105) frames it, “even before Reconstruction came to a quasi-formal end in 1877, black voting rights were under attack.” Although federal authorities could block explicit legal restrictions on African American suffrage—and the full battery of disfranchisement measures implemented around the turn of the century were not yet in play—state governments under Democratic control during Reconstruction often moved to disfranchise felons. Of the 11 states that restricted felon voting rights in the ten years following the Civil War, the 9 Southern states were controlled by Democratic administrations throughout the decade of adoption (with the two non-Southern states, Illinois and Nebraska, governed by Republicans).¹⁷ The historiography of Reconstruction has not generally focused on this important pre-cursor to the later legal strategy of disfranchisement.

The expansion of citizenship to racial minorities, and the subsequent extension of suffrage to all citizens, threatened to undermine the political power of the white majority. By restricting the voting rights of a disproportionately non-white population, felon disfranchisement laws offered one method for states to avert “the menace of Negro domination” (State of Alabama [1901] 2002, Day 2). The sharp increase in African-American imprisonment goes hand-in-hand with changes in voting laws. In many Southern states, the percentage of nonwhite prison inmates nearly doubled between 1850 and 1870, a figure not accounted for by increases in the nonwhite population. Whereas 2 percent of the Alabama prison population was nonwhite in 1850, 74 percent was nonwhite in 1870, though the total nonwhite population increased by only 3 percent (U.S. Department of Commerce

¹⁷ The Democratic states include Alabama, Arkansas, Florida, Georgia, Mississippi, Missouri, South Carolina, Tennessee, and Texas.

1853; 1872). Felon disfranchisement provisions offered a tangible response to this threat that would help preserve existing racial hierarchies.

Finally, our results suggest that one of the reasons for the persistence of felon disfranchisement laws is their compatibility with modern racial ideologies. The laws are race-neutral on their face, though their origins may have been tainted by strategies of racial containment. Felon disfranchisement laws have historically found support from both political parties, and today reflect the convergence of political agendas around crime in the late twentieth century (Beckett 1997).¹⁸ A strong anti-crime consensus allows contemporary political actors to disfranchise racial minorities without making explicit the implications for minority suffrage.

Of course, racial threat and felon disfranchisement are not solely Southern phenomena directed against African Americans. Several Western states had higher nonwhite populations than the Midwest and Northeast throughout the observation period, since much of the West was a part of Mexico until 1848 and many Asian immigrants settled in the West. As in the South, new Western states struggled to sustain control “under conditions of full democratization” and a changing industrial and agricultural economy (Keyssar 2000, p. 169; see also Glenn 2002). Racial and ethnic divisions thus led to similar attempts to limit suffrage of the nonwhite population. With the exception of Montana and Utah, every Western state adopted a felon disfranchisement law within a decade of statehood. The rapid diffusion of restrictive voting bans across the West and the strong effects of the timing of statehood

¹⁸ We found little evidence that Republican politics drive punitive felon disfranchisement laws. In analyses not shown, we considered state legislative composition for the 1937 to 2000 period, finding no significant effects for either gubernatorial or legislative partisanship.

suggest that felon disfranchisement law offered a “timely model” for addressing racial threats in the political realm (Eyestone 1977, p. 441; see also Grattet, Jenness, and Curry 1998).

Felon disfranchisement, like racial threat, takes a different form in the United States than in other nations, with the U.S. maintaining the most restrictive rules in the democratic world (Fellner and Mauer 1998). Felon disfranchisement laws impose a “shadowy form of citizenship” (*McLaughlin v. City of Canton*, 947 F. Supp. 954 [1995]) as punishment for criminal behavior. Racial threat theories predict that such shadows may be intentionally cast to dilute the voting strength of minority groups, and our event history analysis of felon disfranchisement laws offers general support for this view. We argue that racial threat is reflected in the composition of state prisons and find that such disparities in punishment drive voting restrictions on felons and ex-felons.

Epilogue

Though we have focused in this paper on state felon disfranchisement laws through 2000, we should note that this is an ongoing, dynamic political contest. In recent years, states have passed roughly equal numbers of restrictive and liberal changes. Indeed, several states have amended their laws within the past year. For example, Connecticut, New Mexico, and Nevada all liberalized their felon disfranchisement laws in 2001. Connecticut changed its law to allow probationers to vote, New Mexico restored voting rights upon completion of sentence, and Nevada eliminated its five-year post-sentence waiting period to apply for restoration of voting rights. Maryland changed its law in 2002 to re-enfranchise non-violent recidivists three years after completion of sentence. At the national level, pressure for a nationwide ban on ex-felon restrictions picked up enough adherents to push a bill eliminating

such restrictions to the floor of the Senate in February 2002 (where it was defeated 63-31). Recent opinion polls show that the American public is generally supportive of allowing probationers and parolees the right to vote, with even greater numbers favoring allowing all ex-felons vote—even those who were convicted of a violent crime (Harris Interactive 2002). Still, it is a striking historical fact that while some states have liberalized their disfranchisement provisions, no state has ever completely abolished a felon disfranchisement law.

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TABLE 1
SUMMARY OF STATE FELON DISFRANCHISEMENT LAWS AT YEAR-END 2000

Felons Disfranchised	States
None (2)	Maine, Vermont
Prison Inmates (14)	Hawaii, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Utah
Prison Inmates and Parolees (4)	California, Colorado, Kansas, New York
Prison Inmates, Parolees, and Probationers (15)	Alaska, Arkansas, Connecticut ¹ , Georgia, Idaho, Minnesota, Missouri, New Jersey, North Carolina, Oklahoma, Rhode Island, South Carolina, Texas, West Virginia, Wisconsin
Prison Inmates, Parolees, Probationers, and Some or All Ex-felons (15) ²	Alabama, Arizona, Delaware, Florida, Iowa, Kentucky, Maryland, Mississippi, Nebraska, Nevada, New Mexico ³ , Tennessee, Virginia, Washington, Wyoming

NOTES.--

¹Connecticut changed its law in 2001 to allow felony probationers to vote.

²While many states have clemency procedures to restore voting rights, most are cumbersome and infrequently used (Fellner and Mauer 1998, p.5).

³New Mexico changed its law in 2001 to automatically restore voting rights upon completion of sentence.

TABLE 2

SUMMARY OF CHANGES TO STATE FELON DISFRANCHISEMENT LAW 1865-2000

1865 - 1870	The last half of the decade saw entirely more restrictive law changes, with most stemming from states in the South. Seven states passed new laws. Although most of these states previously disfranchised for a few specific offenses or had constitutional provisions allowing for criminal disfranchisement, these new laws marked the first time that the states disfranchised for all felony convictions. Other than South Carolina and Texas, whose new laws disfranchised only those in prison, all changes in this post-Civil War period disfranchised even ex-felons. By the end of the decade, 27 of the 37 states had some type of felon disfranchisement law, most of which disfranchised convicted felons either permanently or until pardoned.
1870s	Disfranchisement laws became more prevalent as six states added laws and one (Texas) further restricted felon voting rights. Colorado added a law with statehood while the other five states tailored extant suffrage laws.
1880s	Indiana relaxed its felon disfranchisement laws to affect only prisoners in 1881. The decade saw little activity until 1889 when North Dakota, South Dakota, and Washington became states and each wrote a law into its constitution.
1890s	Of the three new states in the 1890s, Wyoming and Idaho both adopted a felon disfranchisement law. South Carolina changed its law to require a pardon before restoring voting rights. At the end of the century, 38 of the 45 states disfranchised convicted felons for some amount of time, with 33 states disfranchising ex-felons.
1900s	The beginning of the new century saw few law changes. Oklahoma became the 46 th state in 1907 and disfranchised felons for the duration of their sentence. In 1909, New York disfranchised felons convicted of a federal offense.
1910s	As in the 1900s, only restrictive changes were made in the 1910s. When Arizona and New Mexico became states in 1912, each disfranchised ex-felons. At the same time, Washington disfranchised federally convicted felons.
1920s	With the exception of Louisiana in 1921 and Minnesota in 1928, no other disfranchisement changes occurred in the 1920s. Both states disfranchised felons convicted in federal courts.
1930s	The sole change in the 1930s came in 1934 when New York disfranchised those convicted of a crime in another state that would have been a felony in New York.
1940s	Most changes in the 1940s concerned the restoration of rights. Two states that previously required a pardon (New Jersey and Wisconsin) modified their laws to automatically restore rights upon completion of sentence. Connecticut, on the contrary, disfranchised felons for life and eliminated restoration by a House vote.
1950s	In 1957, Maryland restored rights to first-time offenders upon completion of their sentence. Alaska and Hawaii officially became states in 1959, with Alaska disfranchising for the duration of sentence and Hawaii until pardoned. With the addition of these two final states, 44 of the 50 states disfranchised at some level by 1959.
1960s	A multitude of changes occurred in the 1960s as states adopted less restrictive disfranchisement laws. Although Michigan and New Hampshire added restrictive laws for the first time, eight states expanded voting rights. Most shifted from a regime that disfranchised ex-felons to one that automatically restored voting rights upon completion of sentence. In 1964, Arkansas became the first Southern state to repeal an ex-felon disfranchisement law.
1970s	Nearly all changes in the 1970s led to expanded voting rights. Twelve states liberalized their laws, with a few modifying their laws several times in the span of a few years. Many states enfranchised felons still under correctional supervision. California and New York enfranchised ex-felons and felony probationers and five states altered their laws to also enfranchise parolees. By 1979, 18 states retained laws disfranchising ex-felons.
1980s	States continued to liberalize their disfranchisement laws in the first half of the 1980s and no changes took place after 1986. South Carolina, Georgia, and Texas all eliminated the need for a pardon by automatically restoring rights upon completion of sentence, although Texas implemented a two-year waiting period. Tennessee and Washington passed laws allowing for automatic post-sentence restoration of rights, though only for convictions after 1984 (Washington) and 1986 (Tennessee).
1990s	Contrasting with the previous three decades, most changes in the 1990s were more restrictive as six states passed more stringent disfranchisement laws. Four states disfranchised federal offenders and Colorado additionally disfranchised parolees. Utah passed a law for the first time, disfranchising state prison inmates, and Pennsylvania implemented a five-year waiting period before released inmates or parolees would be enfranchised. Texas, on the other hand, eliminated its two-year waiting period, thereby restoring voting rights upon completion of sentence.
2000s	Several changes occurred within the first few years of the twenty-first century, most of which have been in a less restrictive direction, with the exception of Massachusetts, whose electorate voted to disfranchise inmates in 2000. Delaware and Maryland both altered their laws to automatically restore rights after a post-sentence wait (five years in Delaware and three years in Maryland [with a few exceptions]). Nevada eliminated its five-year wait to apply for restoration of rights. A Pennsylvania court eliminated the state's five-year post-prison wait, thus enfranchising parolees. New Mexico no longer disfranchised ex-felons and Connecticut enfranchised probationers.

SOURCES.-- See text and Appendix Table A.

TABLE 3
RACIAL THREAT AND JUSTIFICATIONS FOR FELON DISFRANCHISEMENT¹

Year	Jim Crow Era	Year	Modern Era
1894	<p>“Fortunately, the opportunity is offered the white people of the State in the coming election to obviate all future danger and fortify the Anglo-Saxon civilization against every assault from within and without, and that is the calling of a constitutional convention to deal with the all important question of suffrage.” – <i>Daily Register</i>, Columbia South Carolina, October 10, 1894. At the 1895 constitutional convention, South Carolina expanded felon disfranchisement to include ex-felons who had completed their sentences (see Tindall 1949, p. 224).</p>	1985	<p>“Felons are not disenfranchised based on any immutable characteristic, such as race, but on their <i>conscious decision to commit an act for which they assume the risks of detection and punishment</i>. The law presumes that all men know its sanctions. Accordingly, the performance of a felonious act carries with it the perpetrator’s <i>decision to risk disenfranchisement</i> in pursuit of the fruits of his misdeed”—Tennessee Court (<i>Wesley v. Collins</i>, 605 F. Supp. 813) upholding the state’s disfranchisement law.</p>
1896	<p>“the [constitutional] convention swept the circle of expedients to obstruct the exercise of the franchise by the negro race. By reason of its previous condition of servitude and dependence, <i>this race had acquired or accentuated certain peculiarities of habit, of temperament and of character, which clearly distinguished it, as a race, from that of the whites</i>—a patient docile people, but careless, landless, and migratory within narrow limits, without aforethought, and its criminal members given rather to furtive offenses than to the robust crimes of the whites. Restrained by the federal constitution from discriminating against the negro race, <i>the convention discriminated against its characteristics and the offenses to which its weaker member were prone</i>.” –Mississippi Supreme Court (<i>Ratliff v Beale</i>, 74 Miss. 266-7) upholding the state’s disfranchisement law</p>	2001	<p>“<i>If it’s blacks losing the right to vote, then they have to quit committing crimes. We are not punishing the criminal. We are punishing conduct. ... You need to tell people to stop committing crimes and not feel sorry for those who do.</i>”— Rep. John Graham Altman (R-Charleston) advocating a more restrictive felon disfranchisement provision in South Carolina (Wise 2001a).</p>
1901	<p>“[In 1861], as now, the negro was the prominent factor in the issue. ... And what is it that we want to do? Why it is within the limits imposed by the Federal Constitution, to establish white supremacy in this State. ...The justification for whatever manipulation of the ballot that has occurred in this State has been the menace of negro domination ... These provisions are justified in law and in morals, because it is said that the negro is not discriminated against on account of his race, but on account of his intellectual and moral condition.” –John B. Knox, President of the Alabama Constitutional Convention of 1901, in his opening address.</p> <p>“the crime of <i>wife-beating alone would disqualify sixty percent</i> of the Negroes.” –John Field Bunting (McMillan 1955, p. 275) who introduced the ordinance at the Convention to change Alabama’s disfranchisement law.</p>	2002	<p>“States have a significant interest in reserving the vote for those who have abided by the social contract. ... Those who break our laws should not <i>dilute the vote of law-abiding citizens</i>.” –Senator Mitch McConnell (R-KY) opposing a bill to enfranchise all ex-felons for federal elections (U.S. Congress 2002, p. S802)</p> <p>“I think this Congress, with this little debate we are having on this bill, ought not to step in and, with a big sledge hammer, <i>smash something we have had from the beginning of this country’s foundation</i>—a set of election laws in every State in America—and change those laws. To just up and do that is disrespectful to them ... <i>Each State has different standards based on their moral evaluation</i>, their legal evaluation, their public interest in what they think is important in their States.” –Senator Jeff Sessions (R-AL) agreeing with McConnell (p. S803).</p>

NOTE. -- ¹Categorization adapted from Bobo and Smith (1998); all emphases added.

TABLE 4.
SUMMARY OF DEPENDENT AND INDEPENDENT VARIABLES, 1850-2000.

Variable	Description	Coding	Mean
<i>Disfranchisement Law</i>			
First law	Decennial indicator for passage of first felon disfranchisement law.	0 = no 1 = yes	
More restrictive law	Decennial indicator for passage of any more restrictive felon disfranchisement law.	0 = no 1 = yes	
Ex-felon law	Decennial indicator for passage of first ex-felon disfranchisement law.	0 = no 1 = yes	
<i>Racial Threat</i>			
Nonwhite prison	Percent of prison population that is nonwhite.	Percentage	30.74%
Nonwhite males	Percent of male population that is nonwhite.	Percentage	7.05%
Nonwhite population	Percent of total population that is nonwhite.	Percentage	14.26%
<i>Economic Threat</i>			
Idle white males	Percent of white males, ages 15-39, not in the labor force and not in school.	Percentage	5.28%
<i>Region</i>			
Northeast	Dichotomous indicator of Northeastern state (Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont)	0 = no 1 = yes	19.2%
Midwest	Dichotomous indicator of Midwestern state (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin)	0 = no 1 = yes	24.6%
South	Dichotomous indicator of Southern state (Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia).	0 = no 1 = yes	35.5%
West	Dichotomous indicator of Western state (Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming).	0 = no 1 = yes	20.7%
<i>Political Power</i>			
Pre-1870 Democrat	Dichotomous indicator of a Democratic governor before 1870.	0 = no 1 = yes	5.1%
Post-1870 Democrat	Dichotomous indicator of a Democratic governor after 1869.	0 = no 1 = yes	44.6%
<i>Other Characteristics</i>			
Size	State population.	100,000s	26.93 (35.69)
Punitiveness	Incarceration rate.	Per 100,000	138.47 (134.19)
<i>Timing</i>			
Time since statehood	Number of years since statehood	Years	104.77 (56.52)
<i>Time</i>			
Year	Decade (1850-59, 1860-69, etc.)	Decade	
Total state-years			749

TABLE 5
BIVARIATE PREDICTORS OF FIRST FELON DISFRANCHISEMENT LAW, 1850-2000.¹

	Dummy Decade	Linear Year	Events	Cases
Racial Threat				
% Nonwhite prison	.041*** (.011)	.046*** (.010)	43	168
% Nonwhite males	.034 (.023)	.036* (.021)	43	171
% Nonwhite population	.015 (.011)	.015 (.010)	45	173
Economic Threat				
% Idle white males age 15-39	.073 (.065)	.111* (.063)	45	174
Region (v. South)				
Northeast	-1.196** (.554)	-1.396*** (.522)	49	295
Midwest	.540 (.491)	.530 (.442)		
West	2.415*** (.752)	1.211** (.556)		
Political Power (v. Other)				
Democratic governor (pre-1870)	.465 (.600)	.052 (.481)	43	168
Democratic governor (1870-1940)	.252 (.749)	-.156 (.618)		
Democratic governor (post-1940)	-.148 (.945)	.062 (.798)		
Other State Characteristics				
Population (in 100,000s)	-.004 (.016)	-.002 (.015)	45	174
Incarceration rate (per 100,000)	.002 (.004)	.004 (.003)	43	168
Timing				
Time since statehood	-.020*** (.006)	-.024*** (.005)	49	295
Time dummies only (v. 1850)				
1860s	2.277***	-----	49	295
1870s	2.277***	-----		
1880s	1.430*	-----		
1890s	.891	-----		
1900s	1.025	-----		
1910s	1.025	-----		
1920s	-6.925	-----		
1930s	-6.925	-----		
1940s	-6.925	-----		
1950s	1.584**	-----		
1960s	1.584*	-----		
1970s	-6.925	-----		
1980s	-6.925	-----		
1990s	1.179	-----		
2000	1.584	-----		
Linear year only	-----	.007*** (.003)	49	295

NOTE. -- Standard errors in parentheses; standard errors for time dummies are available from authors.

¹Results of 20 separate discrete-time event history models predicting the timing of passage of a more restrictive felon disfranchisement law. Region and timing models span period from 1780 to 2000 rather than 1850-2000.

* $p < .10$ ** $p < .05$ *** $p < .01$

TABLE 6
PREDICTORS OF FIRST FELON DISFRANCHISEMENT LAW, 1850 - 2000
(DISCRETE-TIME LOGISTIC REGRESSION¹)

	1	2	3	4	5
<i>Racial Threat</i>					
% Nonwhite prison		.056*** (.016)	.056*** (.017)	.061*** (.017)	.090*** (.022)
<i>Region (v. Northeast)</i>					
South	1.196** (.554)	.111 (.793)	.133 (.814)	.365 (.859)	-1.175 (1.070)
Midwest	1.736*** (.591)	1.429** (.666)	1.434** (.670)	1.553** (.712)	-.525 (.964)
West	3.608*** (.775)	3.101*** (.932)	3.100*** (.933)	3.255*** (1.005)	-.292 (1.472)
<i>Economic Threat</i>					
% Idle white males age 15-39			-.009 (.124)	-.047 (.127)	.015 (.119)
<i>Political Power</i>					
Democratic governor (pre-1870)				-.418 (.743)	-.148 (.786)
Democratic governor (1870-1940)				.261 (1.042)	-.404 (1.111)
Democratic governor (post-1940)				.775 (1.617)	.847 (1.914)
<i>Timing</i>					
Time since statehood					-.048*** (.014)
<i>State Size</i>					
State population (100,000s)		-.001 (.023)	-.001 (.023)	-.004 (.023)	.017 (.027)
<i>State Punitiveness</i>					
Incarceration rate/100,000		-.006 (.005)	-.006 (.005)	-.006 (.006)	-.005 (.006)
Constant	-3.361*** (.517)	-2.443*** (.640)	-2.379** (1.099)	-1.753 (1.244)	.001 (1.324)
-2 Log Likelihood	191.469	126.22	126.21	121.45	107.93
Chi-Square (df)	73.83*** (18)	59.37*** (21)	59.38*** (22)	59.07*** (25)	72.59*** (26)
Events	49	41	41	40	40
N	295	166	166	161	161

NOTE. -- * $p < .10$ ** $p < .05$ *** $p < .01$

¹All models include 15 individual decade variables (not shown, full table available from authors)

TABLE 7
PREDICTORS OF FIRST LAW DISFRANCHISING EX-FELONS, 1850 - 2000
(DISCRETE-TIME LOGISTIC REGRESSION¹)

	1	2	3	4	5
<i>Racial Threat</i>					
% Nonwhite prison		.050*** (.015)	.051*** (.015)	.053*** (.015)	.071*** (.019)
<i>Region (v. Northeast)</i>					
South	1.132* (.594)	-.092 (.852)	-.345 (.901)	-.078 (.940)	-.797 (1.055)
Midwest	1.625** (.640)	1.449* (.761)	1.379* (.768)	1.474* (.804)	.595 (.961)
West	3.196*** (.778)	2.753** (1.045)	2.771*** (1.046)	2.901* (1.090)	1.415 (1.359)
<i>Economic Threat</i>					
% Idle white males age 15-39			.105 (.111)	.098 (.111)	.092 (.107)
<i>Political Power</i>					
Democratic governor (pre-1870)				-.290 (.722)	-.243 (.738)
Democratic governor (post-1870) ¹				.051 (.899)	-.070 (.905)
<i>Timing</i>					
Time since statehood					-.024** (.012)
<i>State Size</i>					
State population (100,000s)		-.019 (.031)	-.020 (.030)	-.022 (.032)	-.007 (.029)
<i>State Punitiveness</i>					
Incarceration rate (per 100,000)		-.004 (.005)	-.004 (.005)	-.004 (.005)	-.004 (.005)
Constant	-3.357*** (.555)	-2.335*** (.754)	-3.074*** (1.097)	-2.818** (1.201)	-1.670 (1.295)
-2 Log Likelihood	190.38	125.73	124.84	120.81	116.87
Chi-Square (df)	60.83*** (18)	65.28*** (21)	66.17*** (22)	68.81*** (24)	72.75*** (25)
Events	39	32	32	32	32
N	379	249	249	244	244

NOTE. -- Standard errors in parentheses;

¹All models include 15 individual decade variables (not shown, full table available from authors)

² Too few states enacted their first ex-felon restriction after 1940 to obtain stable estimates for the effects of Democratic governor for 1870-1940 and from 1940-present.

* $p < .10$ ** $p < .05$ *** $p < .01$

TABLE 8
RACIAL AND ECONOMIC THREAT AND PASSAGE OF FIRST FELON DISFRANCHISEMENT LAW

Panel A. 1840-1869								
	Trimmed	Full	Trimmed	Full	Trimmed	Full	Trimmed	Full
% Nonwhite Population	.000 (.013)	-.004 (.038)						
% Nonwhite Males			.003 (.028)	-.005 (.079)				
% Nonwhite Prison					.041** (.017)	.100*** (.032)		
% Idle White Males							.088 (.072)	.176 (.161)
-2 log-likelihood	85.17	69.75	83.719	68.52	73.82	57.26	84.35	69.91
Chi-square	5.04	12.81	4.177	11.72	12.41***	23.71***	6.62*	13.41
df	3	11	3	11	3	11	3	10
Events	23	21	22	20	21	20	23	21
N	72	66	71	65	71	66	73	67

Panel B. 1870-2000								
	Trimmed	Full	Trimmed	Full	Trimmed	Full	Trimmed	Full
% Nonwhite Population	.064*** (.024)	.427** (.156)						
% Nonwhite Males			.158*** (.056)	1.042** (.499)				
% Nonwhite Prison					.043*** (.014)	.197** (.088)		
% Idle White Males							.179 (.144)	.238 (.234)
-2 log-likelihood	84.21	37.34	80.51	41.26	80.33	40.86	91.56	49.90
Chi-square	21.66**	60.44***	22.28**	53.37***	23.54**	56.93***	14.32	47.89***
df	12	20	12	20	12	20	12	19
Events	22	20	21	19	22	20	22	20
N	101	95	100	94	97	95	101	95

NOTE. -- Standard errors in parentheses; Trimmed models include only individual decade dummy variables while full models additionally control for region, Democrat governor, idle white males, state population, incarceration rate, and time since statehood. * $p < .10$ ** $p < .05$ *** $p < .01$

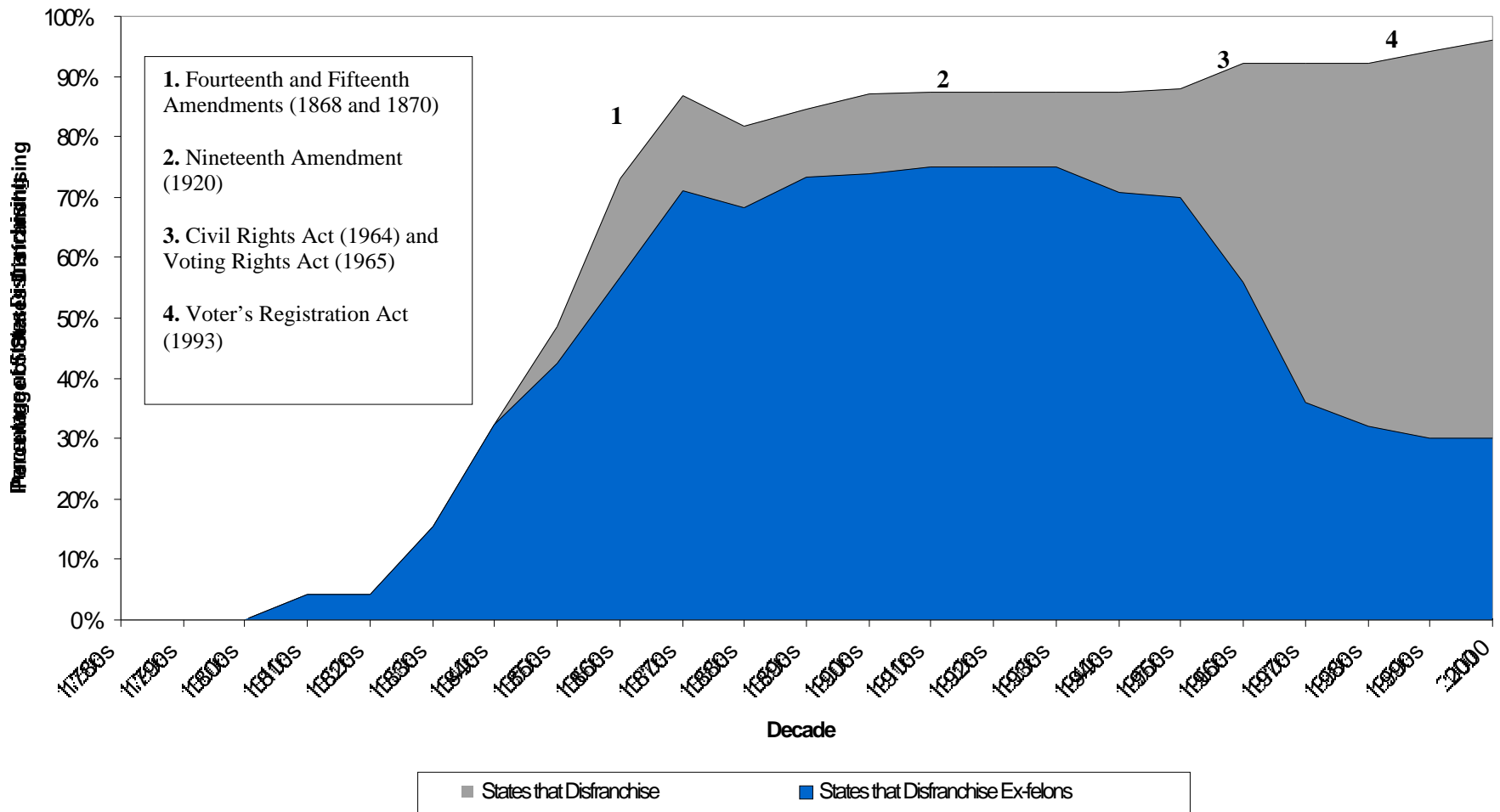


FIG. 1 -- Percentage of States Disfranchising Felons and Ex-Felons, 1788-2000

Hazard Plots for the Passage of Restrictive and Liberal Felon Disfranchisement Laws, 1850-2000

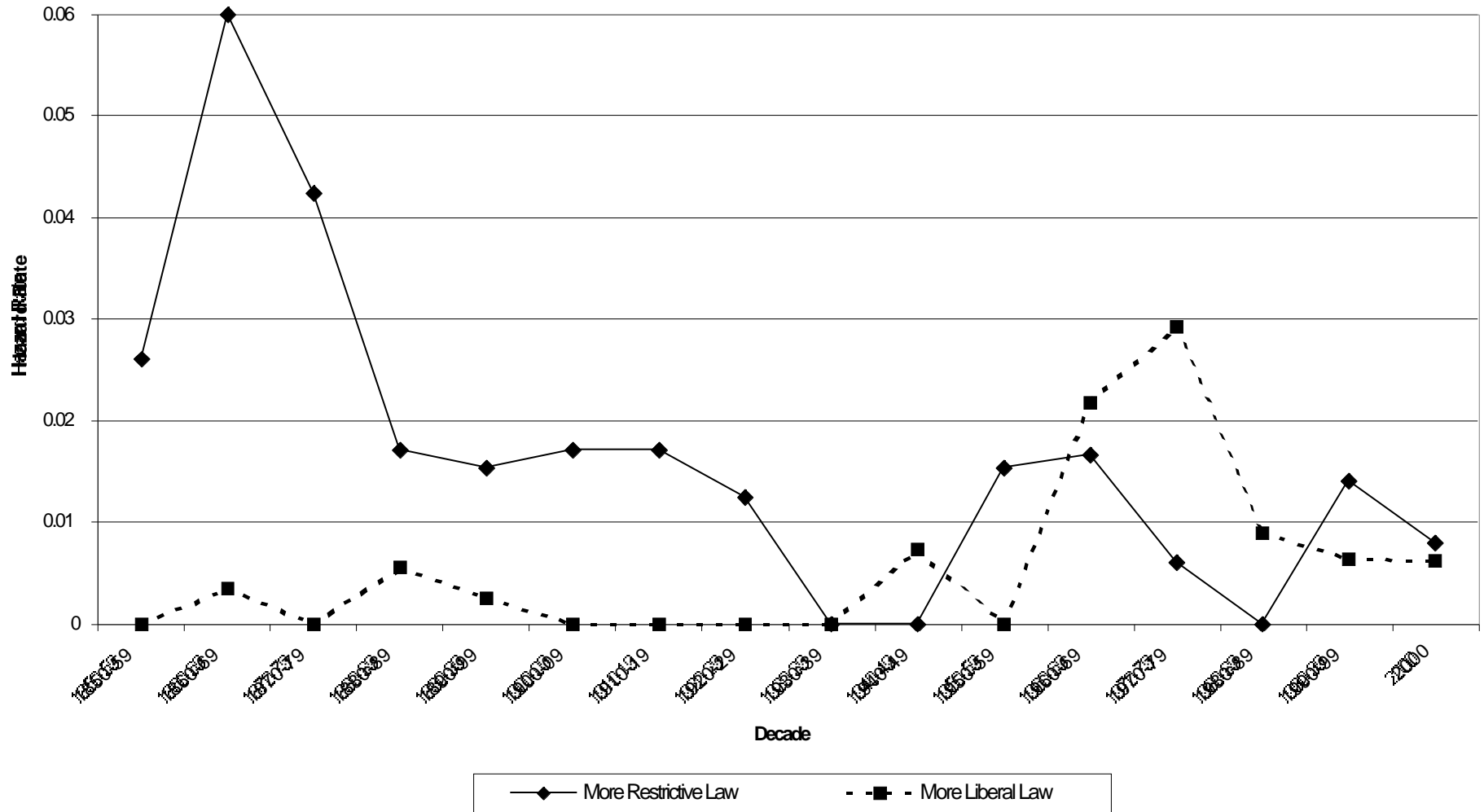


FIG. 2 -- Restrictive and Liberal Changes to State Felon Disfranchisement Laws by Decade, 1788-2000.

APPENDIX TABLE A
ORIGINS OF AND CHANGES TO STATE FELON DISFRANCHISEMENT LAWS¹

<i>State</i>	<i>Year of Statehood</i>	<i>Year of First Felon Disfranchisement Law^{2, 3}</i>	<i>Major Amendments^{3,4}</i>
Alabama	1819	1867 [^]	
Alaska	1959	1959*	1994
Arizona	1912	1912*	1978
Arkansas	1836	1868	1964
California	1849	1849*	1972
Colorado	1876	1876*	1993, 1997
Connecticut	1788	1818	1975, 2001
Delaware	1787	1831	2000
Florida	1845	1868 [^]	1885
Georgia	1788	1868	1983
Hawaii	1959	1959*	1968
Idaho	1890	1890*	1972
Illinois	1818	1870 [^]	1970, 1973
Indiana	1816	1852 [^]	1881
Iowa	1846	1846*	
Kansas	1861	1859*	1969
Kentucky	1792	1851 [^]	
Louisiana	1812	1845 [^]	1975, 1976
Maine	1820		
Maryland	1788	1851	1957, 2002
Massachusetts	1788	2000	
Michigan	1837	1963	
Minnesota	1858	1857*	
Mississippi	1817	1868	
Missouri	1821	1875 [^]	1962
Montana	1889	1909	1969
Nebraska	1867	1875	
Nevada	1864	1864*	
New Hampshire	1788	1967	
New Jersey	1787	1844	1948
New Mexico	1912	1911*	2001
New York	1788	1847	1976
North Carolina	1789	1876	1970, 1971, 1973
North Dakota	1889	1889*	1973, 1979
Ohio	1803	1835 [^]	1974
Oklahoma	1907	1907*	
Oregon	1859	1859*	1961, 1975, 1999
Pennsylvania	1787	1860	1968, 1995, 2000
Rhode Island	1790	1841	1973
South Carolina	1788	1868	1895, 1981
South Dakota	1889	1889*	1967
Tennessee	1796	1871	1986
Texas	1845	1869 [^]	1876, 1983, 1997
Utah	1896	1998	
Vermont	1791		
Virginia	1788	1830 [^]	
Washington	1889	1889*	1984
West Virginia	1863	1863*	
Wisconsin	1848	1848*	1947
Wyoming	1890	1890*	

NOTE. -- *Disfranchised felons at statehood; [^]First State Constitution gave legislature power to restrict suffrage

¹ Based on authors' canvass of state constitutional and statutory histories; full details available upon request.

² Many states disfranchised for specific crimes before amending laws to disfranchise for all felony convictions.

³ Years listed are according to the year of legal change, rather than year the change became effective.

⁴ "Major" amendments are those that have changed which groups of felons are disfranchised. Most states have changed the wording of disfranchisement laws in ways that generally do not affect who is disfranchised.

APPENDIX TABLE B
Correlations between Independent Variables

	% Nonwhite population	% Nonwhite males	% Nonwhite prison	% Idle white males	Dem. gov. (1840-1869)	Dem. gov. (1870-2000)	State population	Incarceration rate
% Nonwhite males	.90***							
% Nonwhite prison	.73***	.66***						
% Idle white males	.12***	.11**	-.05					
Democrat governor (1840-1869)	.15***	.16***	-.09**	.38***				
Democrat governor (1870-2000)	.27***	.23***	.32***	-.20***	-.25***			
State population	.04	.03	.26***	-.14***	-.16***	.05		
Incarceration rate	.26***	.19***	.40***	-.16***	-.22***	.14***	.24***	
Time since statehood	.14***	.10***	.44***	-.28***	-.29***	.23***	.48***	.38**
Decade	.01	-.02	.30***	-.41***	-.46***	.26***	.41***	.50***
Northeast	-.33***	-.32***	-.26***	-.09*	-.05	-.12***	.10**	-.14***
Midwest	-.35***	-.30***	-.24***	-.03	-.01***	-.21***	.06	-.14***
South	.69***	.62***	.61***	.23***	.14***	.27***	-.05	.15***
West	-.12***	-.11**	-.21***	-.16***	-.10**	.01	-.11**	.11**

NOTE. -- * $p < .05$ ** $p < .01$ *** $p < .001$