

BEAT 'EM OR JOIN 'EM? WHITE VOTERS AND BLACK CANDIDATES IN MAJORITY-BLACK DISTRICTS

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INTRODUCTION

Among the most striking features of the legislative record supporting the 2006 renewal of the Voting Rights Act was the attention (or lack of it) paid to analyzing the empirical effect of the federal enforcement regime on racially polarized voting.¹ Congress took great care to note studies examining the administrative behavior of the Department of Justice, changes in the number

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1. See Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, Pub. L. No. 109-246, 120 Stat. 577 (codified in scattered sections of 42 U.S.C. §§ 1973 to 1973bb-1 (2006)).

of minority elected officials, and the frequency that jurisdictions were cited for voting rights violations.² But aside from very general references to patterns of racial polarization, no direct empirical evidence cited in the legislative record assessed the effect of voting rights policy over the last twenty-five years on voter polarization along lines of race.³

Yet racially polarized voting has always been an important part of the debate about the Voting Rights Act. This pattern, in which the voting choices of a community closely track its racial lines, is one of the core problems addressed by the Act. Under section 2 of the Act, for instance, polarized voting is the most significant factor in the prima facie test for vote dilution claims in the federal courts.⁴ Since the early 1990s, the Act's pre-clearance power has been employed to draw majority-black election districts as a partial solution to the polarization problem.⁵ Absent this policy, the preferred candidates of blacks and other protected racial minorities would consistently lose in racially polarized elections.⁶ The change led to the largest increase in the number of black Congressmen since the era of Reconstruction.⁷

Opponents of the "racial redistricting" policy believe this remedy for racial polarization imposes too great a cost on the political system. Their critique is that the policy deepens, rather than remedies, existing racial divides in the electorate. For them, drawing district lines using race as a "predominant factor" impedes the development of the cross-racial political coalitions that ought to exist in an unbiased, multiracial electorate.⁸ This concern is most poignantly expressed in the majority opinion drafted by Justice Sandra Day O'Connor in *Shaw v. Reno*, where she posits that candidates and voters become more racially polarized when district lines classify voters according to race.⁹

If this assessment is accurate, then drawing such majority-minority districts would be troublesome for at least two important reasons. Entrenching

2. See S. REP. NO. 109-295, pt. VIII (2006) [hereinafter SENATE REPORT]; H.R. REP. NO. 109-478, at 18, 36-44, 52-53 (2006) [hereinafter HOUSE REPORT]; See Protecting Minority Voters: The Voting Rights Act at Work 1982-2005, The National Commission on the Voting Rights Act, February 2006, at 95-96 (pointing out that no comprehensive study on racial polarization exists).

3. See SENATE REPORT, *supra* note 2; HOUSE REPORT, *supra*, note 2, 34-35.

4. Voting Rights Act Amendments of 1982, Pub. L. No. 97-205, sec. 3, 96 Stat. 131, 134 (1982) (codified as amended at 42 U.S.C. § 1973(b)); accord *Thornburg v. Gingles*, 478 U.S. 30, 48, 51, 82-83 (1986); *id.* at 83 (1986) (White, J., concurring in part).

5. See, e.g., *Abrams v. Johnson*, 521 U.S. 74, 79-85 (1997); *United States v. Hays*, 515 U.S. 737, 741-42 (1995).

6. See *Thornburg*, 478 U.S. at 65-67.

7. See *infra* Table 1.

8. See, e.g., *Miller v. Johnson*, 515 U.S. 900, 912 (1995) (citations omitted).

9. 509 U.S. 630, 657 (1993).

alliances based upon racial identity—even in pursuit of racial fairness—conflicts with basic principles found in the Voting Rights Act. If it enhances bloc voting according to racial lines, the policy would actually undermine a central enterprise of the law. Further, focusing attention on election outcomes at the expense of encouraging coalition-building might tend to privilege the interests of political candidates over those of voters. This approach to enforcing the law would explicitly run counter to the very text of the Act, which prohibits establishing any right of political candidates (black or white) to win elections.¹⁰

The problem with the racial polarization debate, though, is that there is very little concrete evidence that tests these competing theories as they apply in majority-minority electorates. As of yet, we do not know what happens to racial polarization in these electorates once they are created. Those who would accept Justice O'Connor's view postulate that polarization gets worse after majority-black districts are drawn. But another plausible story is that a pattern of "racial crossover" emerges after these districts are in place. One might expect that over time, whites (who are the numerical minority in these districts) may become more willing to choose black candidates.

As crucial as the question is to voting rights policy, these hypotheses have not yet been tested empirically. In particular, no studies have systematically examined the preferences of voters who live in a majority-black district. Some of the reason for this oversight is related to the lack of analytical tools and the lack of sufficient data to consider the question. Thankfully, the advancement of technology has solved many of the problems that previously stifled research in this area.

To provide an answer, this paper examines the behavior of voters in majority-black congressional districts over time. The main goal is to discover whether white voters are supporting the same candidates that blacks do in majority-black constituencies.¹¹ I analyze precinct returns from Congressional elections in a typical majority-black district over a series of campaigns during the 1990s. In the end, I find that the rate of white support for the "black-preferred" candidate is consistently higher than one would expect in a racially polarized climate. Nevertheless, the level of white support is decidedly less than that of the black community.

10. See 42 U.S.C. § 1973(b). This is the so-called Dole Proviso, which makes clear that, "[N]othing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population."

11. More specifically, this piece assesses the voting decisions of white voters in majority-black constituencies. Countless studies have established the overwhelming levels of support of black voters for the Democratic Party. Thus, the question of interest is whether whites in these districts are willing to support the eventual candidate in a general election contest.

The sections that follow provide context for this study. The first section traces a debate in the scholarship about the connection between race and political opinion, which often informs voting behavior. Even accounting for other important explanatory factors like socio-economic status, education, and region, this research confirms the very stark differences between what blacks and whites think that government ought to do. Scholars in this area have developed competing accounts for this pattern, ascribing this divide either to contrasting political values or, more disturbingly, to racial animus.

The competing explanations have consequences for black-preferred candidates, especially those who campaign in majority-white electorates. In both theoretical models, the candidates' ability to attract support from white voters largely determines their chances for success. The stakes are particularly high when a black candidate is the preferred choice of black voters. When they campaign, "black-preferred" candidates must balance the often competing concerns of being responsive to black political concerns and attracting significant white support.

But because they perceive the problem differently, the two models also adopt distinct views about the appropriate policy response. The political values model would advise that candidates should run more strategic campaigns.¹² The racial animus approach, however, would endorse reshaping district electorates to improve the chances for minority voters and candidates.¹³ The adoption of majority-minority districts reflects the latter approach, but the Supreme Court's warnings in *Shaw* about the social harms associated with gerrymandering have severely limited their use. The theory underlying the Court's doctrine presents a significant, though untested, claim about voter preferences in majority-black congressional districts. To test the hypothesis that racial gerrymandering poses a risk of enhancing racial polarization, this paper examines electoral behavior in majority-black electorates.

I. A RACIAL DIVIDE IN POLITICS

For even the most casual observer of the American political system, the proposition that race influences the way people think about public policy is hardly remarkable. Public surveys almost uniformly reveal that whites and blacks hold divergent opinions on a variety of political matters, from the general to the specific.¹⁴

12. See *infra* notes 20-24 and accompanying text.

13. See *infra* notes 25-32 and accompanying text.

14. See PAUL M. KELLSTEDT, *THE MASS MEDIA AND THE DYNAMICS OF AMERICAN RACIAL ATTITUDES* (2003) *passim*; Vincent L. Hutchings & Nicholas A. Valentino, *The Centrality of*

A few examples illustrate the point. One poll reporting public opinion about basic priorities for government showed this pattern. Most whites in the survey believed the most pressing political issue is the country's moral crisis; black respondents most often listed issues like crime, gang violence and drug policy.¹⁵ In a different survey, more than half of black respondents—compared to 22% of whites—agreed that the government should enhance affirmative action programs.¹⁶ Public views about the criminal justice system are perhaps most clear about the two very different perceptions of reality. In a poll conducted in New York City, about a quarter of whites believed that police brutality against minorities occurs in their city, while 63% of blacks thought so.¹⁷

In fact, this pattern of disagreement even colors cross-racial perceptions: about 79% of white Americans believe that blacks have no problem finding a job, but that proposition is accepted by only 46% of blacks.¹⁸ Even taking into account the very real effects of socio-economic status, these views suggest that there are more deep-seeded reasons for the racial differences in the political sphere.¹⁹

Explaining why race tracks onto these differing views is a point of dispute among political behavior experts. One of the major issues separating the two camps is whether whites who tend to oppose issues that blacks favor do so because of their political ideology or due to underlying racial resentment

Race in American Politics, 7 ANN. REV. OF POL. SCI. 383, 393–96 (2004); Maria Krysan, *Prejudice, Politics, and Public Opinion: Understanding the Sources of Racial Policy Attitudes*, 26 ANN. REV. OF SOC. 135, 137–41 (2000).

15. See DAVID BOSITIS, JOINT CTR. FOR POLITICAL AND ECON. STUDIES, 1997 NATIONAL OPINION POLL: POLITICS (1997).

16. Charlotte Astor, *Gallup Poll: Progress in Black/White Relations, But Race Is Still an Issue*, 2 U.S. SOC'Y & VALUES (1997), available at <http://usinfo.state.gov/journals/itsv/0897/ijse/gallup.htm> (discussing the results of a 1997 Gallup Poll).

17. Dan Barry with Marjorie Connelly, *Poll in New York Finds Many Think Police are Biased*, N.Y. TIMES, Mar. 16, 1999, at A1.

18. Cf. KEITH REEVES, VOTING HOPES OR FEARS? 3 (1997) (reporting statistics regarding opinions on affirmative action).

19. The correlation between race and class status complicates this account. But just as in the political arena, racial bias plays a role in shaping economic opportunity in this country. See MICHAEL DAWSON, BEHIND THE MULE: RACE AND CLASS IN AFRICAN-AMERICAN POLITICS 15-44 (1994). An enduring trend in this economy is the racial stratification of the wealth distribution. For example, the US Census reports that as of 2006, approximately one third of all black children lived below the poverty line compared to less than 15% of white children. U.S. CENSUS BUREAU, HISTORICAL POVERTY TABLES, TABLE 3: POVERTY STATUS OF PEOPLE, BY AGE, RACE, AND HISPANIC ORIGIN: 1959-2006, available at <http://www.census.gov/hhes/www/poverty/histpov/hstpov3.html> (last visited Mar. 28, 2008). In 1990, the rate of black unemployment (a very conservative estimate) was almost two times the rate for whites. See DAWSON, *supra*, at 23 fig. 2.2.

or animus.

According to the first group of scholars, one's feelings about an issue like affirmative action do not necessarily suggest anything about one's underlying opinions about a racial group. Political values are more salient than racial perceptions because they shape an individual's policy preferences.²⁰ In *The Scar of Race*, for example, Sniderman and Piazza present a variety of survey data to argue that political values determine how whites view social policy matters.²¹ Although a small share of white respondents in their study exhibited enmity toward blacks as a group, the writers find that conservative ideology correlates far more strongly with opposition to black-supported political issues.²² After accounting for education levels, the independent effect of bare animus on these responses virtually disappears.²³ In other words, racial hatred and group stereotype play a very minor role in shaping white political opinions. To the extent they observe white opposition to a policy like affirmative action, the writers attribute the findings, "not to beliefs or stereotypes distinctively about blacks but to the broader set of convictions about fairness and fair play that make up the American Creed."²⁴

This work departs from a second line of research that links the racial opinion divide to negative, stereotypical attitudes that whites hold about blacks as a group. As early as the 1940s, survey scholarship observed a connection between white support for race equality policies and the agreement with the principle of black social equality.²⁵ Among the more notable findings, for example, was that white support for blacks was highest among people with the greatest social distance from black communities.²⁶ Opposition to these programs was most evident for those with close contact with black communities.²⁷ As time has passed, though, these studies of group disaffection report a marked decline, in part because the public expression of these views has become less socially acceptable.²⁸

20. See Seymour Martin Lipset & William Schneider, *The Bakke Case: How Would It Be Decided at the Bar of Public Opinion?*, 1 PUB. OPINION 38, 43-44 (1978); Paul Sniderman & Philip Tetlock, *Symbolic Racism: Problems of Motive Attribution in Political Analysis*, 42 J. SOC. ISSUES 129 *passim* (1986).

21. See PAUL SNIDERMAN & THOMAS PIAZZA, *THE SCAR OF RACE* *passim* (1993).

22. See *id.* at 172-73.

23. *Id.* at 48-50.

24. *Id.* at 176.

25. HOWARD SCHUMAN, CHARLOTTE STEEH & LAWRENCE BOBO, *RACIAL ATTITUDES IN AMERICA* 9 (1985).

26. James M. Glaser, *Back to the Black Belt: Racial Environment and White Racial Attitudes in the South*, 56 J. POL. 21, 26-28 (1994).

27. *Id.*

28. See EARL BLACK & MERLE BLACK, *POLITICS AND SOCIETY IN THE SOUTH* 200-08 (1987).

These scholars do not regard the decline of such group-based prejudices in surveys as an entirely positive development, however. Even though they are not voiced, this group argues that negative opinions about blacks can still inform political opinion in more subtle ways. Their central claim is that overt disaffection has now been displaced by a more nuanced form of racial animus, called symbolic racism. With symbolic racism, resentment toward a group manifests itself when respondents reject certain public policies associated with that group.

Kinder and Sanders, authors of *Divided by Color*, make this case using the results of policy surveys of blacks and whites.²⁹ Their surveys indicate a marked drop in white support for social policies that they generally perceive as helping non-white groups.³⁰ According to their study, ideology is a less important predictor of opinions about these policies than cues for group resentment. "Racial resentment is not the *only* thing that matters for race policy" they claim, "but by a fair margin racial resentment is the most important."³¹ Parallel research suggests that the effect of white prejudice may be isolated to specific policy areas or to certain racial contexts, but the thrust of the theory associates prejudice with white political opinions.³²

The point of laying out these contrasting models of political opinion is not to stake out a position in this debate. Rather, the goal is to note how these models rest on different conceptions of the political gulf between the opinions of blacks and whites. Attributing the contrasting views to political ideology, Sniderman and Piazza claim that the ordering of an agreed-upon set of values is at issue; they see voter decisions about candidates and policies as contingent on whether they conform to the voter's values.³³ Thus, if a policy favored by blacks appeals to values that whites prioritize, then one would likely observe fewer differences in political opinion.³⁴

On the other hand, the symbolic racism scholars would view this proposal with great skepticism. Their model indicates that a far more rigid

29. See DONALD R. KINDER & LYNN M. SANDERS, *DIVIDED BY COLOR* 124 (1996).

30. *Id.*

31. *Id.* (some emphasis omitted).

32. See, e.g., Lawrence Bobo, *Whites' Opposition to School Busing: Symbolic Racism or Group Conflict?*, 45 J. PERSONALITY & SOC. PSYCHOL. 1196, 1197 (1983) (positing that white opposition to busing was based on self-interested perceptions of group conflict rather than symbolic racism); David O. Sears, Colette van Laar, Mary Carrillo, & Rick Kosterman, *Is it Really Racism? The Origins of White Americans' Opposition to Race-Targeted Policies*, 61 PUB. OPINION Q. 16, 37-39 (1997).

33. See SNIDERMAN & PIAZZA, *supra* note 21, at 176.

34. Paul Peterson, *A Politically Correct Solution to Racial Classification*, in CLASSIFYING BY RACE 3, 8 tbl. 1.1 (Paul Peterson ed., 1995).

belief system about groups is at work in shaping public opinion.³⁵ If stereotype and resentment toward a group are informing how a voter thinks about policy, then voters will be primarily concerned with finding out which racial group benefits from it. In fact, the perceived messenger promoting the idea and its potential beneficiaries might possibly overwhelm the content of the message itself. With so little malleability in the political opinion, simple adjustments in presentation will not suffice. In fact, the best possible solution for managing this gap may be simply to acknowledge its presence and minimize its influence.

II. MAJORITY RULE AND RACIAL MINORITIES

This debate has implications beyond the realm of social/psychological theory; it also has close linkage to the discourse about electoral behavior in racially diverse settings. The public's policy preferences are expressed in elections, where the voters evaluate candidates based on the issues they find important. Importantly, though, our electoral system awards governing power based on majority votes. Majority preferences dictate electoral outcomes, which leaves distinct minority concerns with very little influence on the governing strategy of the people who win.

This fact may pose little trouble where, as James Madison postulated, the electorate features political coalitions that are dynamic and cross-cutting.³⁶ But this is not the case where racially polarized voting exists. Race is the single factor that determines political viewpoints, which means that the distinct preferences of the racial minority group are never likely to prevail without majority support. In these circumstances, how can black voters and their preferred candidates give effect to distinct political preferences?

A. Black Voters in Majority-White Districts

Contemporary Southern politics have realigned such that party affiliation quite closely tracks racial divisions in many jurisdictions.³⁷ White

35. See generally *supra* notes 25-32 and accompanying text.

36. THE FEDERALIST No. 10, at 45 (James Madison), in THE FEDERALIST WITH LETTERS OF "BRUTUS" (Terrence Ball ed., 2003) ("Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens. . .").

37. See EARL BLACK & MERLE BLACK, THE RISE OF SOUTHERN REPUBLICANS 382 (2002). Several studies confirm that the political gulf is at least as wide in this region as anywhere in America. See Harold W. Stanley, *Southern Partisan Changes: Dealignment, Realignment or Both?*, 50 J. POL. 64, 81-84 (1988); Nicholas A. Valentino & David O. Sears, *Old Times There Are Not Forgotten: Race and Partisan Realignment in the Contemporary South*, 49 AM. J. POL. SCI. 672, 677-84 (2005).

Southerners, in particular, have shifted en masse from affiliating with the Democratic Party during the 1950s to the Republican Party in the current era.³⁸ For members of the black community, a minority group with a distinctly liberal/progressive political leaning on most issues,³⁹ advancing a preferred political agenda in this setting presents a challenge. Absent significant support from white voters, blacks cannot affect the outcome of general elections. The number of whites who will agree with the positions supported by blacks simply is not large enough.

If blacks cannot elect their most preferred candidates, then they are left with two possible roles to play in majority-white settings: king-maker or compromiser. In a closely divided contest, blacks can function as a “swing vote” and offer their support to the candidate who will be more responsive to their concerns. In less divided situations, however, blacks can coalesce with other groups to obtain concessions on a few of the policies they desire most.

Abigail Thernstrom finds that both of these strategies present viable positions for any minority group in a majoritarian election system.⁴⁰ Since no voters are guaranteed representation, the best that a minority can expect is to influence politics.⁴¹ Thernstrom’s concept of coalition politics is consistent with James Madison’s image of a dynamic electorate with multiple, cross-cutting interests and a robust set of coalitions. Just as any other minority or special interest, blacks can meaningfully participate in and, at times, effectively control elections.

But this recommendation comes with at least two critical constraints that Thernstrom does not acknowledge. First, this kind of coalition politics only works when multiple preferences are present within the white majority. Where one party or preference consistently prevails, there is no incentive for the majority group to concede any preferences to obtain minority support. This is a potential weakness in the Madisonian model of democracy, which relies upon shifting political alliances. Majority viewpoints are privileged, but the majority cannot be legitimate when it regularly excludes distinct minorities. The dangers associated with static majorities are at the heart of Madison’s warnings about the political faction. Just as a minority group may not be entitled to full representation, it should not be totally prevented from obtaining any representation.

In many political settings, some have concluded, black Americans appear

38. BLACK & BLACK, *supra* note 37, at 35 fig. 1.6. *See generally* JAMES M. GLASER, THE HAND OF THE PAST IN CONTEMPORARY SOUTHERN POLITICS (2005).

39. BLACK & BLACK, *supra* note 37, at 244–49.

40. *See* ABIGAIL THERNSTROM, WHOSE VOTES COUNT? 234 (1987).

41. *Id.*

to stand in the very untenable position of the excluded minority: "Blacks are still the pariah group: the systematic losers in the political marketplace."⁴² Without the political tools of discourse or compromise, elected officials and the policies that they pursue only reflect the will of the majority. "While pluralist theories of democracy do contemplate minority losses, they do not necessarily envision a minority that never wins."⁴³ Madison himself characterized this situation as majority tyranny.⁴⁴ For these reasons, racial minorities may be far more isolated compared to conventional types of political minorities envisioned by those who founded the Republic.

As for using compromise as an exclusive strategy, the recommendation poses different limitations. Political influence, while important, simply assures that a group will be heard—not heeded—by the majority. For powers like agenda setting, influence may make little difference. The minority might raise issues that otherwise go overlooked by others. A group that relies on influence to advance its agenda faces the danger of subjecting its own interests to those of others. And where compromise becomes one-sided, the value of negotiation rings quite hollow. Representation by proxy, where members of other groups act on behalf of a particular minority in politics, has limitations associated with authenticity as well. A group's concerns might be advocated differently, perhaps even more persuasively, by a member from that group in government.

Especially when a group's political interests have been systematically excluded from the politics, authentic representation in government is crucial to cultivating a norm of fair play. Often, these perceptions of governmental legitimacy can have profound effects on the rates of minority participation.⁴⁵ Relying on minority influence alone forecloses these benefits of authentic representation. Further, it implies that black political interests, unlike those of whites, are subject to consent or revision by the white majority. In any event, white voters ultimately determine the outcome of political contests. Blacks may play a part in the electoral process, but it is more often a supporting rather than a defining role.

42. LANI GUINIER, *TYRANNY OF THE MAJORITY* 37 (1994).

43. *Id.* at 60.

44. THE FEDERALIST No. 51, at 254 (James Madison), in *THE FEDERALIST WITH LETTERS OF "BRUTUS,"* *supra* note 36 ("If a majority be united by a common interest, the rights of the minority will be insecure.").

45. See Sidney Verba, Kay Lehman Schlozman & Henry Brady, *Race Ethnicity and Political Participation*, in *CLASSIFYING BY RACE*, *supra* note 34, at 354, 361 ("The contrast in choice of activity may reflect the fact that African Americans are as politically mobilized and involved as the white portion of the population but have not received—or do not perceive themselves to have received—full acceptance.").

B. Black Candidates in Majority-White Settings

The racial differences in political opinion also mean that black candidates face substantial obstacles in majority-white settings. As Thernstrom concedes, "In jurisdictions where blacks are a minority, black candidates will obviously lose if they gain no white support."⁴⁶ Black candidates commonly receive strong support from black voters when they run for office, but they often get very little of the available vote from whites in the electorate. This trend is most pronounced in the South, which has a long record of unsuccessful black candidates in majority-white settings.⁴⁷ The various accounts for this trend hearken back to the earlier debate about what drives white political preferences.

Those confident about the potential for coalition-building find fault with the decisions and strategies of black candidates. Aside from having less political experience, name-recognition and financial connections,⁴⁸ black candidates make strategic miscalculations about these electorates. These candidates tend to focus on the wrong market of voters to win. Instead of engaging the larger white community, they spend too much time mobilizing black voters. And that strategy often has a negative effect on whites. "Because blacks tend to be more liberal than whites on many issues," argues Carol Swain, "in the absence of further information whites tend to assume that black candidates are liberal."⁴⁹

By contrast, successful black candidates have to convince white voters that they can represent the entire community. With a more unifying approach, a black candidate can attract enough whites to carry an election. The electoral successes of black candidates like Chicago Mayor Harold Washington,⁵⁰ U.S. Congressmen Ron Dellums (California),⁵¹ J.C. Watts (Oklahoma),⁵² Alan Wheat (Missouri)⁵³ and Katie Hall (Indiana)⁵⁴ help illustrate the argument.

46. THERNSTROM, *supra* note 40, at 215.

47. Lisa Handley & Bernard Grofman, *The Impact of the Voting Rights Act on Minority Representation: Black Officeholding in Southern State Legislatures and Congressional Delegations*, in *QUIET REVOLUTION IN THE SOUTH: THE IMPACT OF THE VOTING RIGHTS ACT 1965-1990*, at 335, 336-37 (Chandler Davidson & Bernard Grofman eds., 1994).

48. See GARY JACOBSON, *THE POLITICS OF CONGRESSIONAL ELECTIONS* 38-39, 98-99, 122-27, 132-34 (6th ed. 2004).

49. CAROL SWAIN, *BLACK FACES, BLACK INTERESTS* 209 (1993).

50. PAUL KLEPPNER, *CHICAGO DIVIDED: THE MAKING OF A BLACK MAYOR 186-239* (1985).

51. See MICHAEL BARONE & GRANT UJIFUSA, *ALMANAC OF AMERICAN POLITICS 1994*, at 113 (1993).

52. See MICHAEL BARONE & RICHARD E. COHEN WITH CHARLES E. COOK, JR., *ALMANAC OF AMERICAN POLITICS 2002*, at 1256-58 (2001).

53. See BARONE & UJIFUSA, *supra* note 51, at 744-45.

54. See generally Robert A. Catlin, *Organizational Effectiveness and Black Political Participation: The Case of Katie Hall*, 46 *PHYLON* 179 (1985).

Each campaign succeeded because of a message that dispelled white apprehensions. "It is instructive that the black candidates who have been most successful in winning white support typically have provided the voters with plenty of information about themselves."⁵⁵ Even after the Court invalidated some black-majority districts,⁵⁶ black incumbents have continued to win running in white-majority electorates.⁵⁷ The message is that bi-racial coalitions are possible for black candidates who can demonstrate their willingness to work with white voters.

Not all writers share the optimism about minority political success in majority-white districts. As one scholar has observed, "It takes more than having the right message. The right messenger must deliver it."⁵⁸ And there is evidence that voters continue to take account of the messenger's color. One-quarter of white voters indicated in one survey that they would not vote for a black presidential candidate under any circumstances.⁵⁹ If there are enough voters possessing such unyielding candidate preferences, then black candidates can never expect to compete reasonably.

Critics of the candidate-centered explanation argue that in the South, where these political conditions exist, demographics are crucial to the chances for blacks to win. In this region, no non-incumbent black candidate has won a race for Congress in a majority-white district.⁶⁰ This trend strongly suggests that a large black voter population is necessary for a black candidate to have a reasonable chance of winning. Reeves explains that presenting a race-neutral and unifying public image is only tenable in certain settings: "[W]here there are very few blacks living in one's congressional district, a [Gary] Franks or [J.C.] Watts has a greater chance of getting elected, for there is no sizable black constituency to moderate the black candidate's stance on race."⁶¹ Where nearly a quarter of the population is black, confronting race is often unavoidable. District voters, the press, and opponents can call attention to issues that are beyond the control of any single candidate.

55. SWAIN, *supra* note 49, at 209.

56. See, e.g., *Bush v. Vera*, 517 U.S. 952, 956-57 (1996); *Shaw v. Hunt*, 517 U.S. 899, 901-02 (1996); *Miller v. Johnson*, 515 U.S. 900, 927-28 (1995).

57. See BARONE & COHEN, *supra* note 52, at 439-41, 444-45 (noting Sanford Bishop, Jr.'s victories in 39% black Second Congressional District of Georgia and Cynthia McKinney's victories in 33% black Fourth Congressional District of Georgia).

58. JAMES GLASER, *RACE, CAMPAIGN POLITICS, AND THE REALIGNMENT IN THE SOUTH* 179 (1996).

59. REEVES, *supra* note 18, at 29.

60. See DAVID LUBLIN, *THE PARADOX OF REPRESENTATION* 112-13 (1997). The pair of blacks who did win, Cynthia McKinney and Sanford Bishop, were first elected in majority-black districts in Georgia. The Supreme Court invalidated them in *Miller*. See *Miller*, 515 U.S. at 909, 927-28.

61. See REEVES, *supra* note 18, at 101.

III. MAJORITY-MINORITY DISTRICTS: RACIAL COMPETITION OR COALITIONS?

How do white voters respond when legislators create majority black constituencies? In some respects, the electoral dynamics are the reverse of the usual majority white constituency. Candidates for office are less dependent on the support of white voters because they are the minority. Absent severely different rates of turnout, the median voter in an election is likely to be a black voter. Winning handily among black voters, therefore, can compensate for anemic support among white voters. But what choices do black and white voters make in elections? Two conflicting predictions emerge from the foregoing discussion about white political attitudes and black campaign strategies.

Critics of majority-black districts say that racial polarization defines district politics. The "ethnic enclaves" destroy the social goods that are inherent to Madisonian politics. Gone, they suggest, are the deliberation, coalitions, and compromise that characterize a healthy and competitive process. And virtually all the blame is attributed to the "artificially" large number of black voters in the election district. For example, the excessive majorities shield minority candidates from the rough-and-tumble of politics by creating a safe seat. Political campaigns therefore lose their relevance, since black voters almost always support the black candidate. As a result, political incumbents from these districts have fewer incentives to reach across racial lines or moderate their messages.⁶²

The Supreme Court in *Shaw* appears to share this concern:

When a district . . . is created solely to effectuate the perceived common interests of one racial group, elected officials are more likely to believe that their primary obligation is to represent only the members of that group, rather than their constituency as a whole. This is altogether antithetical to our system of representative democracy.⁶³

The Court went even further in its analysis of what happens to the electorates when race defines a political community. Justice O'Connor noted a deeper fear that majority-black districts would affect voter behavior as well:

Racial classifications of any sort pose the risk of lasting harm to our society. They reinforce the belief, held by too many for too much of our history, that individuals should be judged by the color of their skin. Racial classifications with respect to voting carry particular dangers. Racial

62. See SWAIN, *supra* note 49, at 47-59. Note the description of Michigan Congressman George Crockett's representation of his 72% black Detroit District, which suggests his lack of attention to the substantive concerns of white constituencies. *Id.* at 50-59.

63. *Shaw v. Reno*, 509 U.S. 630, 648 (1993).

gerrymandering, even for remedial purposes, may balkanize us into competing factions; it threatens to carry us further from the goal of a political system in which race no longer matters⁶⁴

What is so provocative about this claim is that the lack of competition in the white community is what led to this policy. Black political interests in the South were ignored because whites were largely unwilling to endorse black-preferred candidates or concerns.⁶⁵ The Court's analysis, though, focuses instead on the few whites who live in majority-black districts.⁶⁶ More importantly, the substantive conclusion is supported by nothing more than an unsubstantiated assumption. While rhetorically powerful, the prediction is based upon no evidence for the proposition that these districts are marked by competing racial factions.⁶⁷

There are also elements of majority-black districts that just as strongly suggest why coalitions might prosper between racial groups. Even though they are not a majority, white voters still make up not less than a fifth of every district's population.⁶⁸ A crowded primary contest might advantage white voters, whose support would be crucial in deciding the winner.

Even where there are only two candidates in the contest, one can imagine rational reasons for white voters to support the black preferred candidates who compete in majority-black districts. White voters might choose a black candidate who has the support of most black voters, for example, due to the inevitability of the outcome. A white voter might reason that it is better to join the winning side and receive more of the candidate's attention once he assumes office.

And nothing suggests that the newly elected black officials are any less responsive to white constituents than white officials are. Quite the opposite is true. Research has demonstrated that, in other settings, white voters report overall satisfaction with the service of a black incumbent politician.⁶⁹ The Congressional Black Caucus (CBC), in fact, derided the Court's notion that its members would do anything less than fulfill their duty to represent their whole constituency:

The implication that white representatives elected from white-majority

64. *Id.* at 657.

65. FRANK R. PARKER, *BLACK VOTES COUNT: POLITICAL EMPOWERMENT IN MISSISSIPPI AFTER 1965*, at 34–35 (1990); *cf. id.* at 132–36 (discussing effects in Mississippi of increased black participation in politics).

66. *Shaw v. Reno*, 509 U.S. at 648.

67. *See id.* at 648.

68. *See REEVES, supra* note 18, at 96–97 tbl. 6.1.

69. *See* Zoltan L. Hajnal, *White Residents, Black Incumbents, and a Declining Racial Divide*, 95 AM. POL. SCI. REV. 603, 609–10 (2001).

districts can adequately and fairly represent the interests of their minority constituents, but that African Americans or other minorities cannot represent the interests of white constituents, is indefensible. In fact, this nation's experience has been to the contrary: for centuries many white legislators at all levels of government acted against the interests of their African-American constituents.⁷⁰

The CBC's argument suggests a close linkage between the idea of racial pluralism and substantive representation. There is no reasonable basis for expecting that black elected officials would be less willing than their white counterparts to represent the interests of their entire district. Further, majority-black constituencies, like majority-white constituencies, would offer just as much opportunity for coalition-building among voters. And that behavior might increase over time with a winning candidate who is favored by both racial groups.

Nevertheless, the Supreme Court's musing about these districts poses an empirical question that has not yet been considered in the literature. Do white voters choose to support black candidates in majority-black districts? If so, is that support sizable? The threat of increased racial polarization is an important one, perhaps just as much as the under-representation of minority political interests. The answer to this question also sheds light on the political behavior of white voters in bi-racial contests. Most importantly, the information helps to assess the role of majority-minority districts as a voting rights policy.

A. Methods, Data and Analysis

Measuring the voting behavior of a racial group calls attention to the existing studies on racial polarization. Investigations of this sort have been a part of political science for some time, but their tools are not often applied in studies of congressional elections. The most important findings have often come from scholars who study municipal elections, relatively smaller in size.⁷¹ These jurisdictions are far smaller and more stable than those of

70. Brief of the Congressional Black Caucus as Amicus Curiae in Support of Appellants at 38 n. 28, *Miller v. Johnson*, 515 U.S. 900 (1995) (Nos. 94-631, 94-797, and 94-929).

71. See, e.g., Marisa A. Abrajano et al., *A Natural Experiment of Race-Based and Issue Voting: The 2001 City of Los Angeles Elections*, 58 POL. RES. Q. 203, 203 (2005); Rory Allan Austin, *Seats That May Not Matter: Testing for Racial Polarization in U.S. City Councils*, 27 LEGIS. STUD. Q. 481, 481-82 (2002); Charles S. Bullock III, *Racial Crossover Voting and the Election of Black Officials*, 46 J. POL. 238, 239, 241-42 (1984); Zoltan L. Hajnal, *White Residents, Black Incumbents, and a Declining Racial Divide*, 95 AM. POL. SCI. REV. 603, 605 (2001); Tim R. Sass & Stephen L. Mehay, *The Voting Rights Act, District Elections, and the Success of Black Candidates in Municipal Elections*, 38 J. LAW & ECON. 367, 369-70, 375-76 (1995); Sharon D. Wright Austin & Richard T. Middleton IV, *The Limitations of the*

congressional districts, which change following each census count. Local government campaigns are relatively better suited for longitudinal studies of race and voter preference.⁷² The few large-scale analyses of racial polarization, such as those of counties or states, are almost all products of federal litigation under section 2 of the Voting Rights Act.⁷³

A further limitation on these studies is more of a methodological one—the fallacy of ecological inference.⁷⁴ Since voting is secret, the only reliable information researchers have is an aggregate total reported by the registrar.⁷⁵ These figures only total all choices made in an electorate, and they therefore conceal variations among subgroups in the district.⁷⁶

A more concrete example may prove helpful. Suppose that two candidates are competing to become mayor of a city with one hundred eligible voters, sixty who are white and forty who are black. Suppose further that every eligible voter casts a ballot on Election Day, and the winning candidate receives 60% of the ballots and 40% go to the loser. Knowing only that four out of every ten (or 40%) voters in the city were black, one might be tempted to conclude that voting preferences rigidly followed racial lines. Of course, an election without any racial cross-over is a possibility (though a practically unlikely one). But a less racially polarized pattern of voting is *equally* supportable on this result. The sixty-forty outcome would also have occurred had the 40% of voters included both black and white citizens. With only aggregate (or marginal) information, how can we measure the preferences of each racial group?

A common answer to this problem is the use of surveys and exit polls, but both can be prohibitive in terms of time and cost. Especially with racial questions, both forms of sampling are also vulnerable to misreporting.⁷⁷

Deracialization Concept in the 2001 Los Angeles Mayoral Election, 57 POL. RES. Q. 283, 283–85 (2004).

72. See Thomas F. Pettigrew, *When a Black Candidate Runs for Mayor: Race and Voting Behavior*, in PEOPLE AND POLITICS IN URBAN SOCIETY 95, 95–96 (Harlan Hahn ed., 1972); see also David Haywood Metz & Katherine Tate, *The Color of Urban Campaigns*, in CLASSIFYING BY RACE, *supra* note 34, at 262, 262–63.

73. See, e.g., KLEPPNER, *supra* note 50, at xv. Some of the scarcity follows from the lack of data to derive reliable estimates.

74. See GARY KING, A SOLUTION TO THE ECOLOGICAL INFERENCE PROBLEM: RECONSTRUCTING INDIVIDUAL BEHAVIOR FROM AGGREGATE DATA 4 (1997).

75. See *id.* at 3.

76. *Id.*

77. The 2008 presidential primary in the state of New Hampshire offers the best example of exit polling that can overestimate the performance of candidates. See Andrew Kohut, Op-Ed, *Getting It Wrong*, N.Y. TIMES, Jan. 10, 2008, at A31 (“[G]ender and age patterns tend not to be as confounding to pollsters as race, which to my mind was a key reason the polls got New Hampshire so wrong.”). For inconsistent exit polls of black support for George Bush in the

Correlation studies, representing a second approach, measure polarization using variations in precinct returns and comparing them to variations in the racial makeup of each precinct.⁷⁸ Correlation works best in capturing changes in this relationship over successive elections. Yet the problem with this method, as social science often reminds, is that correlation does not demonstrate causation. Finally, various regression methods on precinct returns have been the most preferred estimation tool. These methods, too, are subject to serious bias, especially if the relationships between race and vote preferences do not easily fit in a constant, linear model.⁷⁹

This study adopts, instead, one of the more recent proposed solutions to this problem: King's method of ecological inference (EI). King introduces and demonstrates this method in *A Solution to the Ecological Inference Problem*.⁸⁰ This analysis takes advantage of variation among the known aggregate totals to derive estimates for unknown quantities of interest at the individual level.⁸¹ Importantly, EI relies on actual data from elections as opposed to the secondary self-reporting done in exit polls.⁸² This approach also avoids aggregation problems that may follow from assumptions in many regression analyses.⁸³ The model works especially well for studies of electoral behavior of districts using known information at the precinct level.

In Tables 2 and 3, *infra*, the variables in bold print are the marginals, the aggregate information that is typically known to the researcher.⁸⁴ In this model, T_i represents the proportion of all registered voters in each precinct who voted (and $1-T_i$ is the share that stayed home). The share of registered voters who are black is denoted by X_i (with $1-X_i$ being the share of white registered voters). The subscript i denotes the precinct number in any single calculation.⁸⁵

Using the known information about the size of each racial group and their overall turnout levels, this method provides reliable estimates of how

2004 election, see PollingReport.com, *Election 2004*, <http://www.pollingreport.com/2004.htm> (last visited Feb. 13, 2008) (14% of black voters for Bush); Roper Center for Public Opinion Research, *U.S. Elections: How Groups Voted in 2004*, http://www.ropercenter.uconn.edu/elect_2004/voted_04.html (last visited Mar. 26, 2008) (11% of black voters for Bush).

78. BERNARD GROFMAN, LISA HANDLEY & RICHARD G. NIEMI, *MINORITY REPRESENTATION AND THE QUEST FOR VOTING EQUALITY* 85 (1992).

79. See John K. Wildgen, *Social Alchemy in the Courtroom: The "Double Regression" Hoax*, 74 SOC. SCI. Q. 471 *passim* (1993).

80. KING, *supra* note 74.

81. *Id.* at 7-8.

82. See *id.* at 12-13.

83. See *id.* at 39-52.

84. See *id.* at 31.

85. KING, *supra* note 74, at 29.

voter behavior varies for groups within each precinct (quantities of interest).⁸⁶

The goal of the analysis is to derive estimates for the quantities in the center of the table: β_i^b represents the black turnout rate and β_i^w represents the rate for whites.⁸⁷ The process provides more detail about how turnout rates differ for racial groups, for instance, with the knowledge of each precinct's racial makeup and the percentage of people who voted.⁸⁸ In fact, a number of studies using the method have investigated this very issue.⁸⁹

The goal of the present study, though, is to take this analysis of voter behavior a step beyond describing turnout in majority-black districts. Instead of asking if whites were more likely to participate than blacks, the goal here is to determine what portion of whites supported the black-preferred candidate in these elections. This process requires, first of all, some information about the number of people of each racial group who actually voted. Additionally, this data needs to include a separate measure of turnout for each racial group. Table 2, *infra*, displays the relationship among the variables in this study, as discussed above.

In the revised, voter choice version of the EI model, shown in Table 3, *infra*, the known quantities refer *only to the voters in each precinct who participated in the election*. Applying the model to voting behavior, three aggregate quantities are necessary: the share of votes from each precinct supporting the Democrat and the Republican (T_i' and $(1-T_i')$, respectively); the proportion of blacks and whites who voted in each precinct (X_i' and $(1-X_i')$, respectively); and the total number of people in each precinct who voted (N_i').

To reiterate, the concern for this paper is about actual voter choice—that is, the level of white voter support for black candidates running in majority-black districts. The goal here is to determine how many whites agreed with blacks on a preferred candidate in these races. In a racially polarized climate, the level of white support should be quite low. This process requires, first, information about the number of people who actually voted. Additionally, this data needs to include known quantities measuring the turnout rate for each racial group.

South Carolina is one of only a few states that keep track of voter turnout

86. See generally *id.*

87. *Id.* at 31 & tbl. 2.3.

88. See *id.* at 21.

89. See, e.g., Bullock, *supra* note 71, at 239, 241–42; Ernesto Calvo & Marcelo Escolar, *The Local Voter: A Geographically Weighted Approach to Ecological Inference*, 47 AM. J. POL. SCI. 189, 190–91 (2003); Claudine Gay, *The Effect of Black Congressional Representation on Political Participation*, 95 AM. POL. SCI. REV. 589, 592–93 (2001); Baodong Liu, *Racial Contexts and White Interests*, 23 POL. BEHAV., 157, 164–65 (2001).

figures by racial group.⁹⁰ This information eliminates the uncertainty about estimating turnout rates for each racial group across precincts.⁹¹ The data used in this paper consist of the official election returns and demographic data from the precincts in South Carolina's only majority-minority district, the Sixth Congressional district.⁹²

The Sixth Congressional district was redrawn by the federal courts in 1992⁹³ with approximately 355 voting precincts, each of which figures into the analysis.⁹⁴ Since its inception, the district itself has included pockets of both rural and urban communities, connecting the largely black precincts of Columbia, Charleston and Orangeburg. The demographic profile of this district was not very different from many new black-majority districts established in other states. Almost 62% of this district's total population was African-American in 1992,⁹⁵ and blacks were roughly 58% of the voting age population.⁹⁶ Almost half the district's population was rural⁹⁷ and the local economy focused on agriculture.⁹⁸ Economically, the population was

90. See SOUTH CAROLINA ELECTION COMMISSION, ELECTION REPORT 2005-2006, at 14, 25, 40 (Apr. 4, 2007), available at <http://www.scvotes.org/files/2006%20Election%20Report.pdf>.

91. KING, *supra* note 74, at 151-54. King outlines a two-stage estimation process for deriving estimates of voter choice when racial breakdowns of turnout is unavailable. For the purposes of this study, however, I use the more conservative approach of taking known quantities of turnout to create estimates of white voter behavior.

92. See generally *infra* Table 1.

93. *Burton v. Sheheen*, 793 F. Supp. 1329, 1367-69 (D.S.C. 1992), *vacated sub nom.* *Statewide Reapportionment Advisory Comm. v. Theodore*, 508 U.S. 968 (1993). Though the Supreme Court vacated the lower court's redistricting plan, the state legislature reenacted the court's plan. See An Act to Amend Section 7-19-40, Code of Laws of South Carolina, 1994 S.C. Acts No. 321 (codified at S.C. CODE ANN. § 7-19-40 (2006)); *Statewide Reapportionment Advisory Comm. v. Beasley*, 99 F.3d 134, 135-36 (4th Cir. 1996).

94. See S.C. CODE ANN. §§ 7-7-190, -210, -220, -260, -270, -320, -370, -400, -410, -520, 7-19-40 (1993).

95. See U.S. CENSUS BUREAU, 1990 CENSUS OF POPULATION AND HOUSING, DETAILED TABLES: RACE (1990), available at http://factfinder.census.gov/home/saff/main.html?_lang=en (move cursor over the "Data Set" tab on left of page and click "Decennial Census." Then select the "1990 Census" tab, and select "1990 Summary Tape File 1 (STF-1) – 100-Percent data." Click on the "Detailed Tables" link at the right. Under the pull-down menu for "geographic type," select "Congressional District-105th," then choose "South Carolina," and "District 6" in subsequent pull-down menus. Click "Add," and then, "Next." Choose table "P006.Race," click "Add," and then, "Show Result.").

96. See U.S. CENSUS BUREAU, 1990 CENSUS OF POPULATION AND HOUSING, DETAILED TABLES: AGE (1990), available at http://factfinder.census.gov/home/saff/main.html?_lang=en (follow instructions, *supra* note 95, but select tables "P011.Age," "P012C.Age," and "P012D.Age.").

97. See U.S. CENSUS BUREAU, 1990 CENSUS OF POPULATION AND HOUSING, DETAILED TABLES: URBAN AND RURAL (1990), available at http://factfinder.census.gov/home/saff/main.html?_lang=en (follow instructions, *supra* note 95, but select table "H004. Urban and Rural.").

98. See BARONE & UJIFUSA, *supra* note 51, at 1160-61

relatively poorer than congressional constituencies elsewhere in the state.⁹⁹ Thus, District Six serves as an appropriate case to investigate the behavior of white voters in these circumstances.

Since 1992, the Sixth District has been represented by the current House Democratic Whip Jim Clyburn, who is black and hails from Sumter County.¹⁰⁰ Clyburn has been a fixture in South Carolina politics, having served on the state's Human Services Commission under governors of both parties. According to the *Almanac of American Politics*, Clyburn won his first congressional race with 65% of the vote against a white Republican named John Chase.¹⁰¹ In fact, the congressman ran slightly ahead of the Southern Democrats at the top of the ticket that year—Bill Clinton and Al Gore.¹⁰² While Clyburn's voting record in the House is solidly more liberal than others in the South Carolina delegation, it is quite moderate compared to the ratings of Democrats nationally.¹⁰³

B. Analysis

A first look at voting behavior in District Six focuses on its collection of precincts, which include a mix of small and large black populations. In the data from the 1992 election, the total number of votes cast was 202,388, including 111,411 black votes and 90,977 white votes from the 355 precincts in District Six.¹⁰⁴ Figure 1, *infra*, plots the percentage share of black voters in each precinct against that precinct's overall voter turnout in 1992; the diameter of each circle on the plot is proportional to the relative size of its corresponding precinct. Notice that a fairly dense cluster of points flows from the upper left part of the graph (precincts where there are few blacks) toward the lower right portion of the graph (precincts where almost every voter is black). Most of the precincts appear to be racially heterogeneous, since they are located in the middle of the graph. The downward slope of the data indicates that as the black population increases in each precinct, voter turnout steadily declines. The model's estimate of the linear relationship between race and turnout is represented by the line intersecting the left vertical axis (with

99. Compare *id.* at 1161 with *id.* at 1150, 1152, 1154, 1157, 1159.

100. See MICHAEL BARONE & RICHARD E. COHEN, *ALMANAC OF AMERICAN POLITICS* 2008, at 1476-77 (2007).

101. BARONE & UJIFUSA, *supra* note 51, at 1162.

102. *Id.* at 1161-62.

103. See BARONE & COHEN, *supra* note 100, at 1476-77.

104. Data for the study is reported by the South Carolina State Election Commission, which produces this information each election cycle. See South Carolina State Election Comm'n, Voter History, http://www.scvotes.org/statistics/voter_history (last visited April 14, 2008). The results of the analysis are on file with the author.

entirely white districts) at 0.80 and the right axis (with homogenous black districts) at 0.58. The two other lines represent 80% confidence intervals. According to these estimates, turnout in largely white districts is more than twenty percentage points higher on average than in homogenous black districts.

But what of the candidate preferences of the South Carolinians who voted in District Six? The next step of the analysis takes the “voter choice” version of the EI model to derive estimates for the share of blacks and whites in each precinct who voted for Democratic candidates. Overall, one can develop an estimate of the level of support throughout the district.¹⁰⁵ A first clue about this issue comes from Figure 2, *infra*, which summarizes the estimates of black support for the Democratic nominee for Congress. This time, the overall picture is a tight cluster of circles that gradually rises as it proceeds toward the upper right part of the graph. A precinct’s share of Democratic votes, the plot indicates, tends to increase as its number of black voters rises. The expected value line intersects the vertical axis at 0.78 on the left (where the precinct’s share of blacks is zero) and approximately 0.94 on the right (where there are almost entirely blacks). This finding, of course, is quite consistent with the observation that black voters remain among the core constituencies within the Democratic coalition.

The fit of the expected value line and confidence intervals relative to the data also gives an idea about the amount of deterministic information that is available from these data. Generally speaking, more narrow confidence intervals indicate a more reliable estimate. Recall that the left side of the graph in Figure 2 includes largely white precincts and the right side, largely black precincts. Compared to Figure 1, fewer predominantly white precincts lie within the confidence intervals in Figure 2, primarily because so many high-proportion black precincts are heavily Democratic. As a check, the data set was adjusted to ensure that the model could produce confident estimates for white Democratic support.¹⁰⁶ The more narrow range of the confidence intervals for the high-proportion black precincts in Figure 2 suggests that the model’s estimates of the black Democratic vote will prove much more reliable.

Transferring these data onto a tomography plot helps to illustrate how the EI model uses deterministic information from precincts to derive its estimates.

105. See KING, *supra* note 74, at 31.

106. In fact, several attempts were made to adjust for this problem. Two suggestions proposed by King are to omit data points at particularly high levels that might cause the model to over-predict a known effect and to run covariates. See *id.* at 184-88. After trying both approaches, the model’s fit did not change.

A tomography plot linearly projects each point noted in the previous figure (a given black population share and Democratic support) in either direction on the graph.¹⁰⁷ Each line's path represents the range of all possible values for Democratic support for whites and blacks (the parameters of interest).¹⁰⁸ The absolute bounds of the parameters of interest for each precinct are represented by an individual line in Figure 3.¹⁰⁹

Take any line and follow it to the place where it intersects the axes. The left endpoint's coordinates are the minimum values for both parameters, and the coordinates of the right endpoint are the maximum values. The steep, vertical lines at the right side of the graph indicate predominantly black precincts. Notice that most of the lines radiate from the right vertical axis at an angle. This information provides the basis for the "method of bounds," the process that drives King's model.¹¹⁰ Many of the precinct lines intersect the axes at different points, meaning that the range of possible values for those precincts is much narrower than 0 and 1 (the scope of the entire graph).

By locating the portion of the plot where most of the lines intersect, the model offers a realistic estimate of where most of the actual parameter values in each precinct lie.¹¹¹ The two dark curves superimposed on the right side of this graph represent the model's truncated bivariate normal distribution at the 50% and 95% confidence levels. This is the EI model's estimate of the most likely values for the actual parameters in each precinct. Notice that the curves cut off a section of the precinct lines on the graph described earlier. These curves are calculated to include the portion of each line that likely contains the true values for $\beta'_i{}^b$ (black Democratic support) and $\beta'_i{}^w$ (white Democratic support) for each precinct.

Imposing these curves on the graph narrows the range of possible values for our parameters of interest in each precinct quite substantially.¹¹² The posterior distribution for each precinct is found by taking any line's intersection with the contour and then following each endpoint to the axis. The average of these estimates across the entire district can be reported as the mean posterior distribution. The mean posterior bounds for blacks who chose the Democrat are 0.6155 and 0.9789; for the level of Democratic support among whites, the values are markedly lower (between 0.2466 and 0.6882). These measures suggest that there is a significant level of white support for the black candidate for Congress. At worst, about one out of every four

107. *See id.* at 81-82.

108. *See id.*

109. *See id.*

110. *See KING, supra* note 74, at 13.

111. *See infra* Figure 3.

112. *See KING, supra* note 74, at 81.

whites in District Six voted for Representative Clyburn in 1992. While the range of values for black support for Clyburn was much higher (the lowest possible level of support indicated by this model is 62%), this evidence indicates that whites did cross racial lines in significant numbers.

With this information, the model can provide specific point estimates for white support in each precinct. Figure 4, *infra*, is a histogram showing the point estimates across all precincts in the analysis; this step allows a view into the level of white support across the district. Most precincts are near the 35% level, with very few exceeding the 50% range. Across the entire district, less than a majority of whites voted for the black candidate for Congress.¹¹³ The mean of this distribution, which is 0.33, indicates that about a third of whites supported the black candidate in 1992. Finding that one out of every three whites crossed racial lines suggests that coalition politics is at work. A typical election involving racial polarization would have drawn less than 10% of white support for the black candidate.¹¹⁴

But knowing that a third of whites supported the black Democrat is not especially meaningful without some means of comparison. How does this measure compare to the level of black support for the candidate? Not surprisingly, white support for the Democrat was not as robust relative to the black community. Recall that the first look at the model revealed that the level of black support for Representative Clyburn was somewhere between 69% and 98%.¹¹⁵ Consistent with that finding, examination of the point estimates reveals that blacks were some of the most loyal Democrats in District Six.¹¹⁶ Figure 5, *infra*, is an analogous histogram of Democratic support among black voters at the precinct level, and the support is overwhelming. In more than a few precincts, the Democratic candidate received nearly 100% of the black votes cast in the election.

Another way to understand this finding is to examine white voter preferences in the congressional election compared to their preferences in other types of contests. Since race is often intertwined with ideology, one could argue that the lack of white support for Democrats in District Six may have more to do with politics than with race. One means of testing this

113. See *infra* Figure 4.

114. See, e.g., Laughlin McDonald et al., *Georgia, in QUIET REVOLUTION IN THE SOUTH* 85 (Chandler Davidson & Bernard Grofman eds., 1994) (noting the polarized mayoral election in which Andrew Young won less than 10% of white votes, compared to his previous showing of 25% when he won a race for a House seat less than a decade before). See also James W. Loewen, *Racial Bloc Voting and Political Mobilization in South Carolina*, 19 REV. BLACK POL. ECON. 23 (1990).

115. See *supra* text following note 112; see also *infra* Figure 3.

116. See *infra* Figure 3.

possibility is to examine white behavior for other contests in the same election. If race unduly influenced the choices of white voters, then one would expect to find that Democratic support should be slightly higher in other races that do not include a Democratic candidate who is black. An identical EI analysis applied to the returns for U.S. President in District Six shows that white support is slightly higher than the level for Congress. The district-wide mean for white support for Democrats in 1992 was about 38%, which is not statistically different from the estimate of their support in the Congressional race.

The final graph, Figure 6, *infra*, summarizes the EI estimates of the district's white Democratic support throughout the 1990s in both Congressional and statewide races. This presentation places the U.S. House elections within District Six in a more comparative context. The top line tracks the estimated percentage of District Six whites who chose Democrats in statewide contests (alternately for U.S. President and for Governor in off-years). The bottom line tracks their preferences for the U.S. House in District Six over the same years. As mentioned above, the first election shows a level of white support that is only slightly higher in the national race. After 1992, the lines diverge. In 1994, white support for Representative Clyburn dropped considerably. The model estimates that an average of only 14% of whites voted for the Democratic candidate. However, white support also dropped for the Democratic candidate for Governor as well. Because both statewide and district races followed the same trend, one might ascribe these figures to the sluggish turnout rates that are characteristic of off-year elections.

Estimates from the 1996 elections—a presidential year—show a noticeable rise in white support for all ballot contests. While white support for Democrats did not return to 1992 levels, whites still voted in significant numbers to re-elect Representative Clyburn in District Six. Approximately one in four white voters in District Six voted to send Clyburn back to Washington. A slightly greater portion of white voters supported a second term for President Clinton; he won about 27% of the white votes cast in this district.¹¹⁷ While this outcome is still lower than the rate of support observed in the 1992 elections, this finding runs counter to what one would expect if District Six tended to erode voter cooperation across racial lines.

The last two elections of the decade appear to repeat the general pattern of voter behavior described above.¹¹⁸ White support for the Democratic candidate for Congress takes a dip in the mid-term year, but it then returns to more typical levels in 2000. This time, however, the mid-term dip is far less

117. See *infra* Figure 6.

118. See *infra* Figure 6.

severe than it was in 1994. The low point for Democratic support in the Congressional race of 1998 is 23%, and that figure improves to 28% by the 2000 election. White votes for Democrats in the statewide races, by contrast, show a more consistently positive trend. In 1998, the rate of white support in the Governor's race was 30%,¹¹⁹ and the figure for the Presidential race two years later rose to 33%.¹²⁰ And in both of these elections, the statewide Democrats won more of the white votes cast in District Six than Representative Clyburn did.¹²¹

C. Discussion

The principal finding from this analysis weighs against the claims in *Shaw* about enhanced racial polarization.¹²² In its first election, whites living in District Six supported the black candidate in significant (though not overwhelming) numbers. The EI model estimates that about a third of their votes went to Representative Clyburn. The candidate very comfortably won his first race by combining these votes with strong support from the black community. Based on this first election, there is evidence that some white voters are willing to support a candidate who appeals to their interests. No evidence of the kind of social division predicted in *Shaw* appeared through several manipulations of the data from this race.

While the returns from 1994 seem to counter the cooperation theory, the overall trend during this period suggests that the drop in white support that year might be an exception. There are certainly factors that help to explain why this election outcome is so different from the others. For instance, the 1994 campaign was a midterm election year, and it included an especially unfriendly political climate for Democrats nationwide. Given the well-documented realignment of many white Southern voters away from the Democratic Party that year, the significant drop in white support for Representative Clyburn may not be so surprising.¹²³ In any event, the data show that the negative trend was short-lived. White support was again in the 20% range in the next election, and it remained there throughout the remainder of the decade.

The polarization theory is also quite difficult to defend in light of white support for Democrats in other elections. White support for Representative

119. See *infra* Figure 6.

120. See *infra* Figure 6.

121. See *infra* Figure 6.

122. See *supra* notes 63-67 and accompanying text.

123. See, e.g., Charles S. Bullock III et al., *The Consolidation of the White Southern Congressional Vote*, 58 POL. RES. Q. 231, 231-32 (2005).

Clyburn was moderate throughout this decade, and (with the exception of 1994) it closely tracked white support for the Democratic Party in statewide races. In a racially polarized electorate, one might expect to see a huge difference between white support of statewide candidates and the support for the black congressional candidate. While the Democratic candidates for President and Governor ran ahead of Representative Clyburn among whites, the difference was not immense. Moreover, the general trend of the lines tracing both the statewide and congressional support over these elections was positive. A polarized electorate would have produced a consistently low or even a decreasing level of white support. Neither of those patterns emerged in this data.

Taken together, these findings provide a solid basis for dismissing the empirical claims in *Shaw* about increased racial polarization. Based on the evidence from the District Six elections, whites account for a reliable and important part of the electoral coalition that keeps Representative Clyburn in office. This level of support, while not huge, demonstrates that race does not sharply divide the electorate in the district. A black-preferred candidate in a racially polarized electorate would not have been able to win even half the percentage of white voters that Clyburn has managed to attract.

Some may argue that winning between 20% and 30% of white voters in a single district is insufficient to make the conclusion that racial cooperation exists in the district. To be sure, one would need to collect additional information about the activities of voters in the district between elections to establish that durable bi-racial coalitions exist. For example, one might survey white voters to examine their reasons for supporting the black candidate and the extent to which their views about specific political issues would help to confirm what the foregoing analysis suggests.

However, the significance of the finding in the present study becomes readily apparent by placing the results in context. In the 2000 presidential election, George W. Bush won less than 10% of the votes cast by blacks nationwide.¹²⁴ This performance was among the worst Republican performances among black voters in the modern era.¹²⁵ If a future Republican candidate managed to secure three times Bush's 2000 share of the black vote (roughly equal to Representative Clyburn's level of support among white voters in District Six), pundits and strategists alike would hail that candidate as a success in bridging the racial divide. Seen in this light, the evidence here persuasively dispels a key claim of the skeptics of racial redistricting.

124. See Michael H. Cottman, *The GOP's Man With a Mission; Md. Party Chief Michael Steele Hopes to Draw More Blacks into the Fold*, WASH. POST, May 10, 2001, at B1.

125. See *id.*

TABLES AND FIGURES

| TABLE 1: SOUTHERN MAJORITY-MINORITY CONGRESSIONAL DISTRICTS, 1991 | | | | |
|---|------------------------|-----------------------------|-----------------------|-------------|
| District | Black Total Population | Black Voting Age Population | Incumbent, 1992 | First Drawn |
| Alabama 7 | 67% | 64% | Earl Hilliard (D) | 1991 |
| Florida 3 | 55% | 50% | Corrine Brown (D) | 1991 |
| Florida 17 | 59% | 54% | Carrie Meek (D) | 1991 |
| Florida 23 | 52% | 46% | Alcee Hastings (D) | 1991 |
| Georgia 2 | 57% | 52% | Sanford Bishop (D) | 1991 |
| Georgia 5 | 62% | 57% | John Lewis (D) | 1981 |
| Georgia 11 | 64% | 60% | Cynthia McKinney (D) | 1991 |
| Louisiana 2 | 61% | 56% | William Jefferson (D) | 1981 |
| Louisiana 4 | 67% | 63% | Cleo Fields (D) | 1991 |
| Mississippi 2 | 63% | 58% | Mike Espy (D) | 1984 |
| North Carolina 1 | 57% | 53% | Eva Clayton (D) | 1991 |
| North Carolina 12 | 57% | 53% | Melvin Watt (D) | 1991 |
| South Carolina 6 | 62% | 58% | James Clyburn (D) | 1991 |
| Tennessee 9 | 59% | 54% | Harold Ford (D) | 1981 |
| Texas 18 | 51% | 49% | Craig Washington (D) | 1971 |
| Texas 30 | 50% | 47% | Eddie Johnson (D) | 1991 |
| Virginia 3 | 64% | 61% | Robert Scott (D) | 1991 |

| TABLE 2: THE ECOLOGICAL INFERENCE MODEL FOR TURNOUT ¹²⁶ | | | |
|--|-----------------|-----------------|-------------------|
| Race | Voting Decision | | Registered Voters |
| | Vote | No Vote | |
| Black | β_i^b | $1 - \beta_i^b$ | X_i |
| White | β_i^w | $1 - \beta_i^w$ | $1 - X_i$ |
| | T_i | $1 - T_i$ | |

In Table 2, T_i represents the proportion of registered persons who voted; $1 - T_i$ represents those who did not vote. X_i represents the proportion of registered voters who are black; $1 - X_i$ represents white voters. Subscript i indicates precinct number in any single calculation. "The goal is to infer the quantities of interest, β_i^b (the fraction of blacks who vote) and β_i^w (the fraction of whites who vote), from the aggregate variables X_i and T_i"¹²⁷

126. This table is taken from KING, *supra* note 74, at 31.

127. *Id.* at 31 tbl. 2.3.

| TABLE 3: THE ECOLOGICAL INFERENCE MODEL FOR VOTER CHOICE | | | |
|--|-----------------|--------------------|----------------------|
| Race of Voter | Voting Decision | | Participating Voters |
| | Democrat | Republican | |
| Black | $\beta'_i{}^b$ | $1 - \beta'_i{}^b$ | X'_i |
| White | $\beta'_i{}^w$ | $1 - \beta'_i{}^w$ | $1 - X'_i$ |
| | T'_i | $1 - T'_i$ | |

In Table 3, an adaptation of King's table,¹²⁸ T'_i represents the proportion of registered voters who voted Democrat; $1 - T'_i$ represents those who voted Republican. X'_i represents the proportion of registered voters who are black; $1 - X'_i$ represents white voters. Subscript i indicates the precinct number in any single calculation. The goal of this adaptation is to infer the quantities of interest, $\beta'_i{}^b$ (blacks who voted Democrat) and $\beta'_i{}^w$ (whites who voted Democrat) from the aggregates X'_i and T'_i .

128. See *supra* Table 2.

Figure 1: Precinct Turnout in South Carolina's Sixth District, 1992

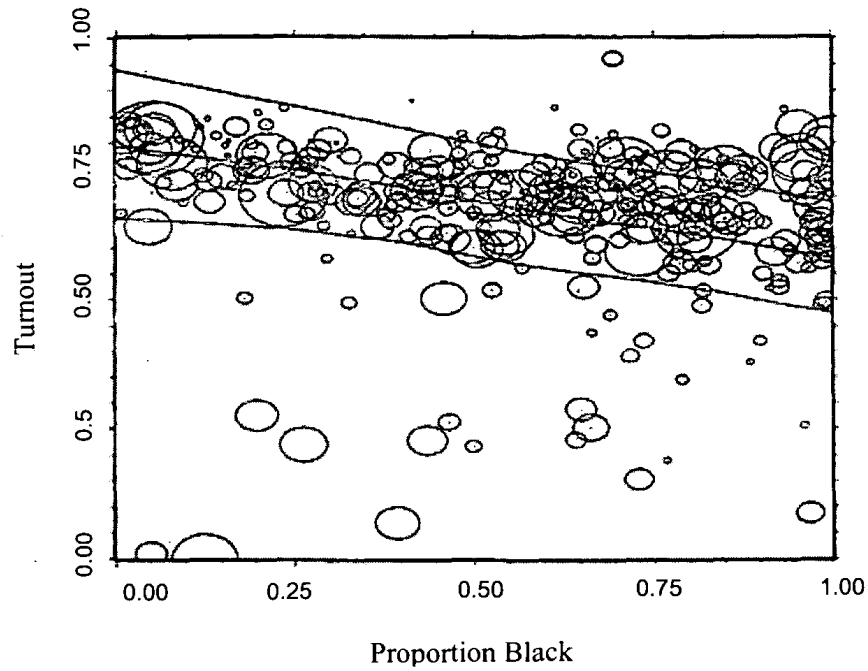


Figure 1 is taken from the 1992 congressional election in District Six. It plots the relationship between overall voter turnout in a precinct and the proportion of black voters in each precinct. The diameter of each circle is proportional to the overall size of the district. The lines denote the 80% level confidence.

Figure 2: Democratic Votes in South Carolina's Sixth District, 1992

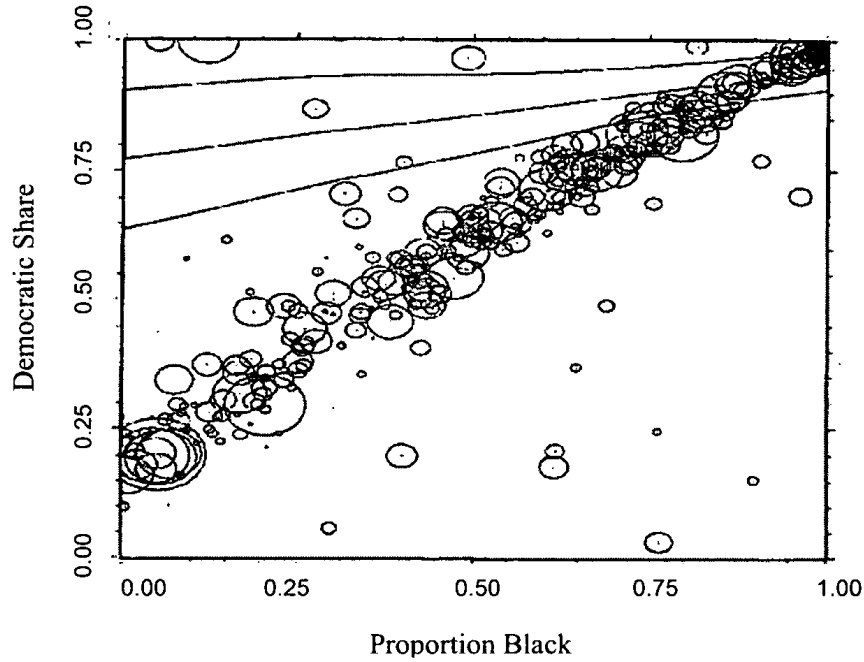
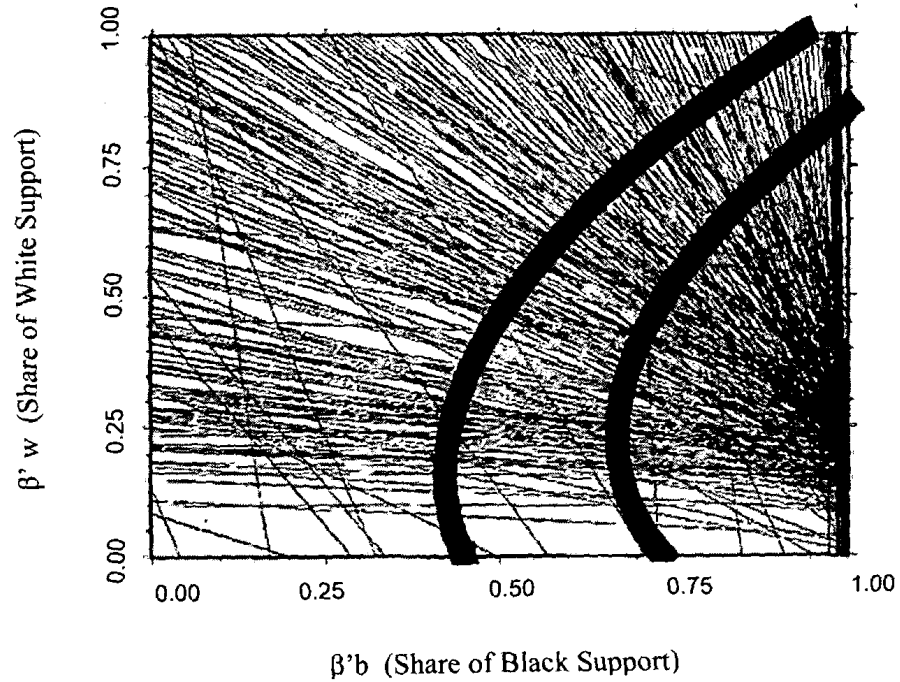


Figure 2 is taken from the 1992 congressional election for District Six. It plots the relationship between the proportion of black voters in a given precinct and the proportion of that precinct that voted for the Democratic candidate. The expected value line estimates that the percentage of the Democratic share of total votes will increase as the black proportion of the voting population increases. The lines represent the 80% level of confidence.

Figure 3: Tomography Plot with EI Bounds for Democratic Support in South Carolina's Sixth District, 1992



Each line in Figure 3 represents the possible voting distributions in each precinct, defining the possible range of rates of Democratic support in each precinct for each racial group. The two darkened, black lines represent the truncated bivariate normal distribution at the 50% and 95% confidence intervals, and are calculated to include the portion of each line that most probably contains the actual values for $\beta' b$ and $\beta' w$.

Figure 4: White Votes for Democratic Candidate in District Six, 1992

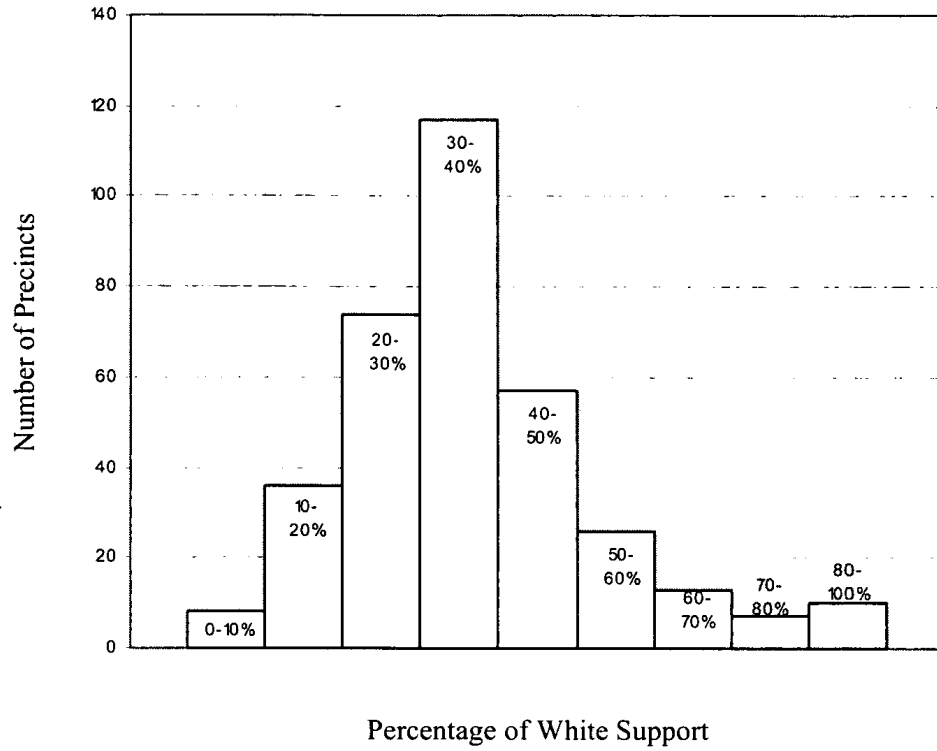


Figure 4 plots the estimated white support for the Democratic candidate for Congress in each District Six precinct. The results are based on analyses calculated *supra* in Figures 1 through 3.

Figure 5: Black Votes For Democratic Candidate in District Six, 1992

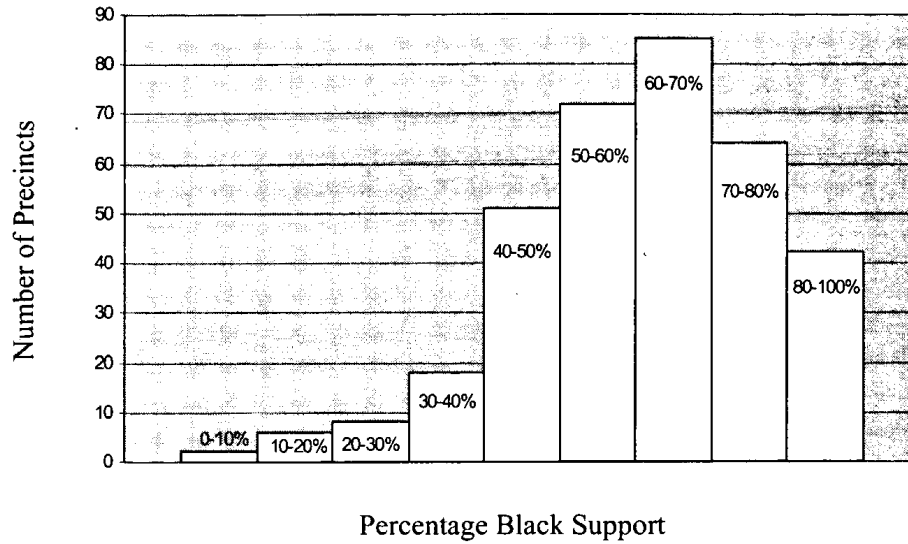


Figure 5 plots the estimated black support of Democratic candidates for each precinct in District Six in 1992. The results based on analyses calculated *supra* in Figures 1 through 3.

Figure 6: District Six White Support for Democrats, 1992-2000 Elections

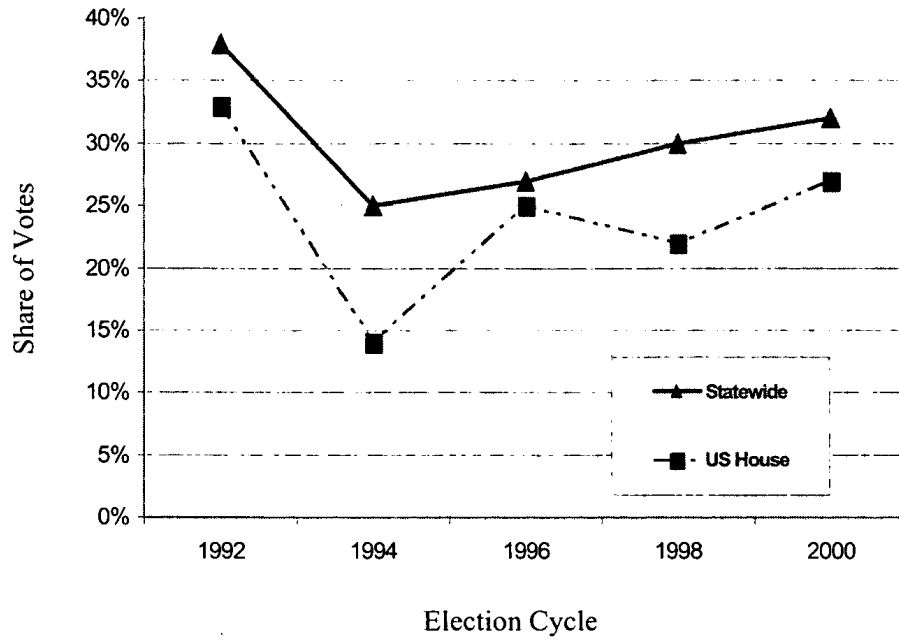


Figure 6 compares the estimated white support for Democratic candidates in South Carolina's Sixth Congressional district during the 1990s. The dashed line represents U.S. House races and the solid line represents statewide races for President and Governor (in off years). U.S. House estimates are taken from the analyses calculated in Figures 1-3, *supra*.

* * *