

Do Majority Black Districts Limit Blacks' Representation? The Case of the 1990 Redistricting¹

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Conventional wisdom and empirical academic research conclude that majority Black districts decrease Black representation by increasing conservatism in Congress. However, this research generally suffers from three limitations: 1) too low a level of aggregation, 2) lack of a counterfactual and 3) failure to account for the endogeneity of the creation of majority minority districts. I compare congressional delegations of states that during the 1990 redistricting were under greater pressure to create majority minority districts with those under lesser pressure in a difference-in-difference framework. I find no evidence that the creation of majority minority districts leads to more conservative House delegations. In fact, point estimates indicate that states that increased their share of majority Black districts saw their delegations grow increasingly liberal. I find similar results for majority Latino districts in the southwest. Thus I find no evidence for the common view that majority minority districts decrease minority representation in Congress.

I Introduction

In 1994 the Republican Party won a majority of seats in the United States House of Representatives for the first time in 40 years. The credit (or blame depending on political preference) for this feat has been directed, in part, at the large number of majority Black voter districts created in the preceding round of redistricting. The attribution reflects a long and widely held belief that the creation of majority minority districts moves Congress in a more conservative direction. This view has been espoused prior to, during, and now after the 1990 redistricting in the face of more than a decade's worth of post-event data. During the redistricting period, the Republican Party rhetorically and financially supported the creation of the maximum number of majority minority districts possible.² Democratic state legislatures, on the other hand, largely wanted to create fewer majority minority districts than the Justice Department mandated.

Theoretically the impact of majority minority districts on the makeup of the state's congressional delegation is ambiguous, that ambiguity perhaps best illustrated by the fact that both the Republican Party and the NAACP support their creation. Majority Black districts generally elect Black Democratic Representatives, who vote more liberally than their White Democratic counterparts, and thus move the delegation in a more liberal direction. However, the uncertainty of the total impact of majority Black district creation on the ideological leaning of a state's House delegation stems from the impossibility of theoretically quantifying how candidate positioning and constituent vote choice endogenously respond to district configuration.

Thus this question must be adjudicated empirically. And in fact there is a long line of empirical literature, cited by the Supreme Court and election law casebooks (Cox and Holden, forthcoming), supporting the Parties' view that majority minority districts benefit the Republican Party. However, this literature does not directly empirically estimate the impact of a state

² To help maximize the number of majority minority districts created, the Republican National Committee developed and distributed software to minority groups to allow these groups to construct their own redistricting plans to submit to their state legislatures for consideration (Cunningham, 2001). Wrote Republican strategist Lee Atwater (1990), "Where minority districts currently exist, they must be maintained...where minority districts can be created they must be created."

redistricting plan that includes majority minority districts on the party affiliation and voting behavior of the representatives that that state sends to Congress. Instead, many of these studies use cross-sectional and/or panel data on select districts to show that as the percent of Black voters decreases in a district, the likelihood of electing a Republican increases and the voting record of the elected representative moves in a more conservative direction. (See for example Hill 1995, Lublin 1997, Bullock 1995 and Overby and Cosgrove 1996.) The authors then argue that, presumably because of nonlinearities in the relationship between constituent race and representatives' likelihood of voting liberally, the increased liberal voting in districts that gain Blacks is more than offset by the decrease in liberal voting in districts that lose Blacks. Thus these authors posit that there is a tradeoff between Black descriptive (representatives who look like them) and Black substantive (representatives who vote as they would vote) representation. (See for example Swain, 2006). There are three limitations to this type of analysis: 1) The analysis is performed at too low a level of aggregation. Because some districts are moving in a more liberal direction and others in a more conservative direction, one needs to aggregate to the state level to measure the full impact of the state's creation of majority Black districts. In fact, at the state level Shotts (2003) finds that the number of representatives who vote to the left of the congressional median is increasing in the number of majority minority districts.³ 2) These studies generally lack a control state from which we can understand how the state's House delegation would have evolved in the absence of the creation of majority Black districts.⁴ 3) These studies do not account for potential bias due to the endogeneity of the decision to create majority Black districts.

³ Another exception to district level analysis is Cameron, Epstein and O'Halloran's (1996) simulation of the characteristics of post-1990 state level delegations using pre-1990 data. The authors conclude that majority minority districts lead to more conservative state delegations.

⁴ The contention that the increase in conservative voting in the congressional delegations of states that created majority minority districts was matched by an increase in conservative voting in the House as a whole was stated, but not formally tested, by Guinier (1995) and Engstrom (1995).

In this paper, I directly address the question of how majority minority districts impact Black representation. I primarily focus on the southern United States where the Black population is large and the number of majority Black districts increased from six to 20 with the 1990 redistricting. I employ a difference-in-difference design comparing southern states that faced greater pressure to increase their share of majority Black districts with those southern states that faced less pressure. I consider a variety of outcomes: the racial and party make-up of the delegation as well as how liberal their voting record is in general and with respect to those issues that are of greatest concern to minorities. My time frame is the five congressional sessions before and after the 1990 redistricting, which allows for examination of two shocks to the number of majority minority districts: 1) The initial charge to create more majority minority districts and 2) The later order to dismantle more than half of the new creations following court rulings declaring them in violation of White voters' equal protection. Finally, I expand consideration to a second liberal leaning minority: Latinos in the southwest.

I find no evidence that the creation of majority minority districts moved states' delegation in a more conservative direction. While majority Black districts significantly increased the number of Blacks in Congress, they did not significantly increase the number of Republicans or move the delegation's voting record to the right. (In fact point estimates, though mostly insignificant, indicate a leftward movement in the delegation's voting behavior.) This finding holds controlling for state demographics and linear year trends and is robust to varying the definition of treatment and control states. Finally, I find that in the southwest, the creation of majority Latino districts also does not move the delegation in a more conservative direction.

One limitation of this work may be its generalizeability. This is a case study of a single redistricting period. However, it is the redistricting period in this country that saw the largest increase in the number of majority minority districts. The Republican takeover of the House two years after this redistricting is the most cited evidence for majority minority districts increasing

congressional conservatism. I demonstrate that this historical event actually provides evidence against the conventional view.

The remainder of the paper proceeds as follows: In Section II I discuss the limitations of theoretical arguments on the impact of majority Black districts on delegation conservatism. In Section III I provide relevant institutional detail. I detail data and methodology in Section IV, before presenting the empirical results in Section V. I conclude in Section VI.

2. Theory

In contrast to the conventional view, economic theory predicts that majority minority districts do not increase congressional conservatism. In fact, the optimal redistricting literature concludes that these districts weakly move a delegation in a more liberal direction.⁵ Gilligan and Matsusaka (1999) model the decision of a partisan gerrymanderer, with no majority minority district requirement and certainty over voter behavior. In order for the gerrymanderer to create the maximum number of winning districts for his party, he must create as many districts as possible in which his party wins by one vote. Shotts (2001, 2002) extends the model to allow for a majority minority mandate. He argues that to a first approximation Blacks are Democrats. Therefore, the majority minority district constraint only binds on those Republican gerrymanderers who in the absence of the majority minority requirement would not create any districts that are majority Democratic.⁶

Friedman and Holden (2008) advance the optimal gerrymandering by allowing for uncertainty. They model the decision of a partisan gerrymanderer faced with a continuum of voter preferences about which the gerrymanderer receives a noisy signal. Absent a majority minority mandate, the authors show that with a sufficiently precise signal the gerrymanderer's optimal

⁵ An exception is Nakao (2011) with a microfounded probabilistic voting model that incorporates a primary in which vote choice is based solely on candidate race. The author finds the mandate reduces the number of congressional seats won by Democrats.

⁶ They gerrymanderer creates no majority Democratic districts because there are enough Republican voters in the state to create only Republican majority districts. The constraint would not bind on Republican gerrymanderers, faced with a minority Republican constituency, who create, in the absence of the mandate, more Democratic majority districts than the number of majority minority districts required by the mandate.

strategy is to “match slices,” of the voting distribution from the outside in. In other words, the gerrymanderer creates the first district by pairing a measure of his party’s most likely supporters with a slightly smaller measure of his party’s least likely supporters. The gerrymanderer repeats the procedure using the remainder of the voter distribution for the second and subsequent districts. Cox and Holden (forthcoming), noting that Blacks are high probability Democrats, point out that the majority minority mandate binds, again, only on a Republican gerrymanderer, who, unconstrained, would pair Black voters with a larger measure of extremely likely Republicans.⁷

Given the theoretical predictions, why does conventional wisdom hold that an increase in the number of majority minority districts results in a net increase in the conservatism of the state’s congressional delegation? The increase in conservatism, according to one argument, stems from the fact that both candidate positioning and constituent turnout and vote choice are endogenous to district configuration. Although endogenous behavioral responses are not modeled in the optimal redistricting literature, there is empirical evidence for their existence. Kan and Yang (2001) show that turnout is increasing in the ideological distance between candidates and that both turnout and vote choice decisions are predicted by feelings (for example, hope, pride, anger, fear) that potential voters hold toward candidates. Washington (2006) demonstrates that White voters are less likely to vote Democratic when the Democratic candidate is Black.

Although proponents of conventional wisdom point to endogenous political responses to argue that majority minority districts increase conservatism, it is not theoretically possible to sign the aggregate effects of all such responses. Not only are the possible responses numerous, they also, to an extent unknown, offset one another, as some districts gain Black voters while others lose Black voters. Thus the theoretical impact of the creation of majority minority districts on

⁷ The conclusions of the optimal redistricting literature are not robust to geographical constraints or to supermajority requirements. In practice during the 1990 redistricting the courts did not allow geographic constraints to impede the goal of increasing the number of majority minority districts; nor were there supermajority requirements.

delegation ideology is ambiguous. Before turning to the empirical evidence on this question, in the next section, I briefly sketch the pertinent institutional details of the Voting Rights Act.⁸

3. Key Institutional Details of the Voting Rights Act

The key fact that I rely on to identify the empirical model is that in the 1990 round of redistricting the Voting Rights Act mandated a greater increase in the number of majority minority districts in covered states than in non-covered states. To be clear, although we speak of some political divisions as covered, the 1965 act forbids discriminatory election procedures nationwide.⁹ Where the law differs by jurisdiction is in regards to Section V of the legislation which mandates preclearance by the United States Department of Justice for any electoral procedure changes, including the decennial reconfiguration of districts for US Congress.¹⁰ Entities in which under 50 percent of age eligible citizens registered or voted in the 1964 presidential election and in which an unlawful test or device was used to determine eligibility for voter registration are today subject to (covered by) Section V. By this criterion the southern states of Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia were placed under Section V. Florida¹¹ and Texas, with their large Spanish speaking populations, were added to that list during the 1975 renewal when Congress added failure to provide electoral materials in a language spoken by more than five percent of the population as a criterion. (Table 1 lists states by coverage status.)

The greater pressure on covered states to increase the number of majority minority districts stems from the 1982 renewal of the VRA. At that time Congress amended the law from

⁸ For a more comprehensive summary please see Washington (2011).

⁹ Discriminatory electoral procedures include, but are not limited to, literacy tests, withholding information from minority voters or potential candidates, eliminating political jurisdictions or redrawing political boundaries to prevent minorities from attaining office.

¹⁰ The preclearance provision was aimed at preventing states from circumventing the spirit of the law as some southern states had done to keep de facto all White primaries after the practice had been disallowed de jure (United States Commission on Civil Rights, 1984). For example, Arkansas, Georgia, Mississippi and South Carolina tried to divorce primaries from state governance so that laws that were binding on the state would not be binding on the primary procedure (United States Commission on Civil Rights, 1968).

¹¹ Only parts of North Carolina and Florida are covered. However, when even one political jurisdiction within a state is subject to Section V, the state's entire congressional redistricting plan must be pre-cleared.

forbidding “discriminatory intent” in electoral procedures to forbidding “discriminatory results” (United States Commission on Civil Rights, 1984). Although the 1965 act had quickly been successful in increasing Black voter turnout, particularly in the south,¹² one result that in 1982 was seen as discriminatory was the small number of Black elected officials, particularly at the federal level.¹³ The Justice Department aimed to solve this imbalance, at least in part, through congressional redistricting. The idea was that states would create majority Black voting districts that would likely elect Blacks as their representatives to Congress. There were different pressures on covered and uncovered states’ redistricting for two reasons: First, because non-covered states already had a greater share of Black representatives, particularly relative to their Black populations, the amendment required fewer changes of these states. (See Table 1 for the number of majority Black districts and representatives, by state, before and after the 1990 redistricting.) Second, because of the need for pre-clearance, covered states generally have to comply with new amendments first. Before being implemented in the 1992 elections, covered states’ 1990 redistricting plans had to be pre-cleared for compliance with all terms of the VRA, including the new standard. Uncovered states would not be judged against the new standard unless and until challenged in a lawsuit (United States Commission on Civil Rights, 2005).

The 1990 redistricting process in all southern states was controlled by majority Democratic legislatures. Although they did not want to, the Democratic legislators in the covered states understood that they were mandated to create more majority Blacks districts.¹⁴ And so they did. In North Carolina the Democratic legislature submitted a plan to the Justice Department that increased the number of majority Black districts from zero to one; Georgia submitted a plan that increased the number of majority Black districts from one to two. However, both plans, like the

¹² Two years following passage, Black voter registration rates in all southern states exceeded 50 percent, compared with a low of less than eight percent in Mississippi just prior to the legislation’s passage. Black voter turnout increased commensurately (United State Commission on Civil Rights, 1968).

¹³ Blacks comprised 20 percent of the population in the south but only 3 percent of US representatives.

¹⁴ This anticipation was partly due to a successful challenge of Arkansas’ 1980 state legislative districting plan. In 1989, a federal judge ruled for the plaintiffs not because the plan discriminated against Blacks, but because a plan more favorable to the election of Blacks could be drawn (Bullock and Dunn, 1999).

plan from Virginia, a state with a Black governor, were rejected by the Department of Justice on the grounds that even more majority Black districts could be created, as evidenced by alternative plans submitted by Republican legislators, the NAACP and the ACLU (Cunningham, 2001). After all the revisions and final approvals, the number of majority Black districts grew from three to 16 in covered southern states, with increases in every covered state except one.¹⁵ The number of majority Black districts increased by one in the uncovered states.

Following this exogenous (to the will of the state legislature) increase in the number of majority Black districts, there was an exogenous decrease, that I will, to a limited extent, also use for identification. The decrease was a result of legal challenges to these new districts filed by White voters who argued that districts created to protect the rights of Black voters, violated the equal protection of Whites. These plaintiffs eventually prevailed. Within six years of the initial 1990 redistricting, seven of the 13 new majority-Black districts (spanning five of eight southern covered states that had created them) were redrawn such that Blacks were no longer a majority.

After laying out data and methodology, I ask whether this increase in Black majority districts was accompanied by a decrease in substantive representation, as often argued.

4. Data and Methodology

In order to evaluate the impact of majority minority districts on minority representation I create the following measures.

Descriptive Representation: As descriptive representation simply considers whether representatives share demographic characteristics with their constituents, I measure the level of Black descriptive representation by calculating the share of the state's representatives who are Black.¹⁶ (Means and standard deviations for all outcome variables can be found in Table 2.)

¹⁵ Mississippi with a 20 percent Black population and five districts both before and after the 1990 census already had one district. Increasing to two, should the second have elected a Black to Congress as well, would have increased the fraction Black in the delegation above the fraction Black in the population.

¹⁶ This information was collected using the Congressional Research Service's *African American Members of the United States Congress: 1980-2008* available at

Substantive Representation: A group is represented substantively when the representative works to promote the political goals of the group. This is a more nebulous concept to measure than descriptive representation. Thus I present a variety of measures.

- 1) Democratic Representatives: In two-party elections, Black Americans vote for the Democratic candidate 70 to 90% of the time (McDermott 1998). During the sample period, 79 percent of Southern Black National Election Studies (NES) respondents self-reported as Democrats; 45 percent of White southerners did the same. Thus the first substantive measure is representatives' party affiliation.
- 2) Americans for Democratic Action (ADA) Scores: Black NES respondents identify as significantly more liberal than non-Blacks, even controlling for party. Therefore the second measure of substantive representation is the representatives' Americans for Democratic Action scores.¹⁷ The ADA, a liberal leaning organization, typically selects 20 pieces of legislation in each chamber in each year and awards congress members five points for each vote in agreement with the organization's position. Scores range from 0 (completely conservative) to 100 (completely liberal). Across the sample period, House Democrats averaged a score of 75, while Republicans averaged 13.¹⁸
- 3) DW-nominate scores: ADA scores have been criticized for focusing on only the most polarizing votes (Snyder, 1992) and for their lack of comparability over time. Therefore in addition to the ADA scores, I employ Poole and Rosenthal's (2007) cross-year comparable DW-nominate scores which determine a legislator's relative conservatism based on all roll call votes with sufficient within vote variation. I multiply the score by -1 so that, like the other representation measures, higher scores mean more liberal records.

<http://senate.gov/reference/resources/pdf/RL30378.pdf> and the United States House of Representative's Black Members in Congress website <http://baic.house.gov/>.

¹⁷ Available at <http://www.adaction.org/pages/publications/voting-records.php>.

¹⁸ I do not adjust ADA, LCCR and CBC scores for comparability across years as prescribed by Groseclose, Levitt and Snyder (1999). Such an adjustment would be inappropriate in this analysis because it relies on restrictions to the evolution of a representative's mean preferences across years. I want to allow a representative's voting record to evolve freely with district composition.

- 4) Leadership Conference for Civil Rights (LCCR) scores: While on average Blacks are more liberal than non-Blacks, there are some issues for which the liberal view is not the Black view.¹⁹ The LCCR, another liberal leaning interest group, calculates a voting score, based on 10-20 votes per congressional session that it considers crucial to promoting civil rights. This score may better capture the issues of importance to Black Americans than the more general DW nominate and ADA scores.
- 5) Congressional Black Caucus (CBC) scores: Proposed by Cameron, Epstein and O'Halloran (1996), a second measure of voting on issues of greatest importance to Black Americans is the extent to which a representative votes the position of the Congressional Black Caucus when the Caucus itself is in agreement. Founded in 1969 by the then thirteen Black members of Congress, the CBC has as its goals "to positively influence the course of events pertinent to African Americans and others of similar experience and situation, and to achieve greater equity for persons of African descent in the design and content of domestic and international programs and services."²⁰

The correlation amongst these substantive representation measures ranges from .57 (share Democratic and average ADA score) to .90 (share Democratic and DW nominate).

Cameron, Epstein and O'Halloran (1996) argue that these various voting scores can be thought of as probabilities of voting liberally. As probabilities, these scores can be averaged meaningfully by state/congressional term to create the likelihood that the average member of the delegation is supportive of the views that minority voters support. Thus I collapse these measures to state/congressional terms means. I focus on the mean and not the median because I am interested in the extent to which the House delegation represents or reflects the positions of Black

¹⁹ Eric John Narcisse (in Cunningham, 2001) argues that abortion, gay rights, school prayer and the death penalty are such issues.

²⁰ Goals taken from <http://www.cbcfinc.org/About/CBC/index.html>. Data on roll call votes is available at www.voteview.com. I present results using only ballots in which the CBC itself is in at least 80 percent agreement. Results are robust to moving to 100 percent agreement.

voters. Given Blacks' position in the left tails of the population's ideological distribution, Black voters are never going to share the bliss point with the median voter in congress. Nonetheless, the more liberal is the Congress as a whole the more likely is the introduction of legislation that minorities support and the greater likelihood of its passage given logrolling.

The fact that the state/congressional term, rather than the district, is the unit of observation is the key difference between this study and most previous work on the impact of majority minority districts. The difference in results stems from aggregation and not from data differences. When I run regressions of outcomes on district percent Black controlling for district and time effects, I replicate previous findings that as the percent of Black residents increases so too does the likelihood of electing a Black, a Democrat and a more liberal leaning representative. However, as argued previously, such an analysis does not answer the question of how majority minority districts shape a state's House delegation because the creation of these districts increases the percentage of Blacks in some districts while decreasing percent Black in others. I also note that when I include the square of percent Black in these same regressions the square enters positively and significantly. As the Black population increases the congressperson votes increasingly liberally at an increasing rate. The non-linearity suggest that moving Black voters from one district to another would increase average liberalism as the increase in liberalism in the receiving district is greater than the decrease in liberalism in the sending district. This previews my findings that in the aggregate, point estimates indicate that the creation of majority minority districts increases the liberal leaning of the state's House delegation.

I focus on ten congressional sessions. The 98th-102nd (1983-1992) fall in the period before elections based on the 1990 redistricting; the 103rd -107th (1993-2002) congresses fall in the post period. I limit attention to 15 southern states²¹ and run regressions of the form of:

$$(1) \text{ Outcome}_{st} = \alpha + B_1(\text{vra}) + B_2(\text{post}) + B_3(\text{vra}*\text{post}) + \gamma_s + \delta_t + \mathbf{X}_{st} + u_{st}$$

²¹ While there is no fixed definition of southern states, to better control for historical and cultural influences, I focus on the 15 former slaveholding states.

where *Outcome* is one of the five representation measures laid out above. *VRA* is an indicator for whether the state falls under Section V of the Voting Rights Act. Because of judicial review, these states faced greater pressure to construct a 1990 redistricting plan that included more majority minority districts. *Post* is an indicator for the period in which 1990 census redistricting applies. The interaction *post*vra* is the key independent variable of interest. A positive significant B_3 in the specification for Black descriptive representation and negative significant B_3 's in the specifications for Black substantive representation would indicate that the common wisdom is correct: The majority minority districts created in the 1990s had the perverse impact of increasing Black descriptive representation while decreasing Black substantive representation. This pattern of coefficients would support the view that the creation of majority Black districts moves the state's congressional delegation in a more conservative direction. γ_s and δ_t are a vector of state and congressional term fixed effects respectively, which control for fixed differences in states' political climates and for session to session movements in regional political leanings.

The assumption that allows for the interpretation of B_3 as the causal impact of majority minority districts on the composition of the state House delegation is that absent the increase in majority minority districts in the covered states, the two sets of states would have seen their representatives' parties and voting behavior evolve in similar patterns, conditional on control variables. To increase the credibility of that assumption I include X , a vector of time varying state level controls which include percent Black in the population and the percent of the state delegation that is new in the most basic specification. Representatives with a larger share of Black voters tend to vote more liberally. (See Grose, 2005 for a summary of this literature.) New representatives have also been shown to vote differently than veteran members (Stratmann, 2000). In what I refer to subsequently as specification 2, this vector is expanded to include demographic characteristics that predict the state's political leaning: state poverty, high school graduation and employment rates and these measures for the state's Black population in

particular.²² These additional covariates are calculated using March Current Population Survey data. Specification 3 includes the covariates of the previous specification in addition to state*year linear trends to allow for states to be trending differently politically overtime.

Standard errors are clustered at the state level to allow for serial correlation and dependence within state observations. Because small numbers of clusters tends to lead to over rejection of the null, I follow Cameron, Gelbach and Miller (2008) in determining significance based on a t distribution with degrees of freedom one less than the number of clusters.

5. Results

The basic results are illustrated in Figure 1. Panel A shows the large increase in majority minority districts that occurred in covered states between the 102nd and 103rd congresses. Where uncovered states (dotted line) increased their share majority minority districts an average of two percentage points, the covered states (solid line) increased from an average of five to an average of seventeen percent majority minority districts across these two congresses. Court challenges decreased that share in the 105th and 106th congresses. Nonetheless, after the 103rd Congress the share of majority minority districts in covered states does not fall below that of the uncovered states or below the pre-period share in covered states. The mandate to increase the share of majority minority districts had the lasting impact of doing exactly that.

The goal of the majority minority district mandate was to increase the number of Blacks in congress. It worked, panel B shows. The share of Black representatives among uncovered districts remained basically flat across the ten congresses. In the covered states there was a small increase in share Black in the pre-period as the result of majority Black districts created in the

²² In the tabled results I do not control directly for the political leaning of the state population so as not to control away any endogenous political behavior response that might lead to a correlation between majority minority districts and conservative leaning of the congressional delegation. One concern with such an omission is that in the post period the voters of the covered districts may want the delegation to move in a relatively more liberal direction while the creation of the majority minority districts is pulling the delegation in a more conservative direction and because of these opposing forces I obtain a null finding. However, this concern is assuaged by two findings 1) Results are robust to the inclusion of the Democratic share of the two party presidential vote and 2) By both the presidential vote and the NES liberal conservative scale covered districts are relatively more conservative in the post period.

1980 redistricting. These districts were represented by White incumbents. When the incumbents retired, Blacks won these seats. In contrast to this smaller pre-period increase there is a large stark increase in percent Black in the covered states between the 102nd and 103rd congresses. Share Black increased from an average of five to an average of 17 percent as all the newly created Black districts sent Blacks to congress. The fall in the percent of Black representatives (in the 105th) is much smaller than the fall in percent majority Black districts shown in Panel A. Even after several majority Black districts were dismantled, all but one of the new Black representatives, now incumbents, continued to be reelected to congress. The mandate clearly increased the share of Blacks in the covered state's delegations.

Was this increase in descriptive representation accompanied by a decrease in substantive representation? The remaining panels of the table indicate that the answer to this question is no. Panel C illustrates what those who argue that majority minority districts aid Republicans often note: the share of Democratic representatives in the covered delegations decreased in the post-mandate period. However, the figure also demonstrates that the decline in Democratic share was similar (and in fact slightly greater) in the uncovered states. Panel D substitutes ADA scores for party. Here we see that average liberal rating remains basically flat in the covered states, while falling in the uncovered states. Again, covered states appear relatively more liberal in the post period. Thus Figure 1 suggests that the increase in majority minority districts was accompanied by a relative increase in Blacks in the delegation but not in conservatism.

The figure further provide support for the identifying assumption of the quantitative analysis that follows. To identify the causal impact of majority minority districts I assume that treatment and control states would have seen similar trends in the party mix and voting patterns of their legislative delegations in the absence of the increase in majority minority districts in treatment states. Panels C and D demonstrate that in the pre-period (before the increase in majority minority districts in treatment states in the 103rd congress) the two groups of states saw similar trends in their delegations' behavior. While one can never prove the identifying

assumption, I note that given the results that follow, in order to maintain that the majority minority districts created in the 1990s increased delegations' conservatism one would have to argue that the results are biased in a liberal direction. In other words, one would have to believe, that in the absence of the increase in majority minority districts, treatment states—historically more antagonistic toward Blacks—would have trended in an even more liberal direction relative to controls. This seems unlikely.

In the first column of Table 3 I present estimates from regressions of the form of (1). The share of Black representatives in the average state delegation increased by a significant 13 percentage points in covered states relative to uncovered states in the post period, indicates the first cell. (Each cell in the table presents the estimated coefficient for *vra*post* from a different regression.) The result is robust to including additional demographic controls (column 2) and linear state trends (column 3). In the remaining rows I examine Black substantive representation. As demonstrated in the second row there is no evidence that the creation of majority minority districts was accompanied by a decrease in Democrats in the delegation. In fact, point estimates, across the three specifications, while insignificant, indicate an increase of five to 13 percentage points. In the next row I examine the impact of majority minority districts on the liberal leaning of the votes of the state's delegation. Once again point estimates indicate an increase in liberalism, here about $\frac{3}{4}$ of a standard deviation. Similarly there is an increase of about a half of a standard deviation in liberalism when measured using the DW nominate score. Turning to the issues of particular interest to the Black community as captured by the LCCR and CBC scores, I find a similar pattern of insignificant yet consistently positive increases in liberalism. While standard errors in the Democratic and CBC specifications are large and I cannot reject substantial decreases in liberalism by these measures, the tighter point estimates for the remaining substantive representation measures coupled with the fact that all point estimates are positive provides additional evidence against the contention that majority minority districts move delegations in a more conservative direction.

To put the point estimates in perspective it is helpful to note that the increase in the ADA score is higher than expected based solely on the change in party composition. The 13 percentage point increase in share Democratic (column 3) times 62, the difference in average ADA score between Democrats and Republicans in my sample period, yields an 8 point expected increase in average ADA. The larger actual increase in ADA score is due in part to the fact that majority minority districts result in the election of Black Democrats who are more liberal than the White Democrats they replace. Further evidence of this is the fact that there is not a simple mean shift in the voting record in the treated delegations. There is an increase in voting dispersion as well. The final row of the table presents results using the standard deviation of ADA score as an outcome and shows a positive (and significant in two specifications) coefficient on *vra*post*.

The remainder of the table examines the robustness of the finding that an increase in majority Black districts in a state is accompanied by an increase in the share Black in the state's delegation, but not an increase in the conservative leaning of that delegation. In the fourth column I demonstrate robustness to moving from measuring the impact on the average state to the impact on the average Black resident, by weighting observation by the Black population in the state/year.

In the final columns of the table I examine robustness to alternative definitions of treatment and control states. In column 5 I eliminate the Civil War's Border States. The fact that these states were not part of the confederacy suggests that their historic relationship with Blacks may be different from states of the deeper south. In column 6 I limit the treatment states to Texas and Florida, the two southern states which fall under Section V not because of past transgressions against Black voters but because of a failure to offer Spanish language electoral materials. I once again include Border States. This specification matches treatment and control states, neither of which in 1965 was judged as having discriminatory voting practices against Black Americans. In the final column of the table instead of classifying states based on Section V status, I consider a state as under pressure to create majority minority districts if the share of Black Representatives in the last congressional session before the 1990 redistricting is less than the share Black in the

population and if another Black Representative could be added without increasing the number of Black Representatives over parity.²³ (“Rough proportionality,” Cox and Holden, forthcoming, argue makes it less likely that a court would require the state to create an additional majority minority district.) The finding that majority Black districts significantly increase the fraction of Black representatives in the delegation, but do not significantly increase conservatism is robust to the three alternative definitions of treatment and control status.

Thus far, I have focused on the impact of the mandated increase in majority minority districts. While the focus on this simple dd is driven by power considerations, in an additional robustness check I consider a second exogenous shock to the share of majority Black districts: the court ordered dismantling of several majority Black districts. Under the theory that majority minority districts increase conservatism, the dismantling should lead to an increase in liberalism in the state’s delegation. To test whether such an increase occurs, I run, on the full sample, an expanded version of equation 1 in which I include the triple interaction of covered, post and a dummy for the 105th-107th congresses (which follow the dismantling). As shown in Table 4, I find no evidence of such an increase. Point estimates while insignificant, show a positive association between more (fewer) majority minority districts and more liberalism (conservatism).

Although I focus on a single redistricting, there is more than one minority group affected. In a final robustness check, I examine the impact of the increase in majority Latino voter districts in the southwest on the representation of Latinos, another liberal leaning minority group protected under the Voting Rights Act.²⁴ To make the analysis as comparable as possible to that for Black voters in the south, I focus attention on seven states in which Latinos have a long history because

²³ Under this definition two states change treatment/control status. Maryland, uncovered, with 12.5 percent Black representatives, a 25 percent Black population and eight districts is pressured. Mississippi, covered, with 20 percent Black representatives, 36 percent Black population and 5 districts, is not pressured.

²⁴ Sixty-one percent of southwestern Latino respondents to the NES during the sample period identified as Democrats. Among non-Latinos the figure was 47 percent.

they were formerly parts of Mexico.²⁵ Of the seven, Arizona, Texas and California are covered, while Colorado, Nevada, New Mexico and Utah are not. (See Table 5 for a list of sample states and their share of majority Latino districts and representatives over time.) Although the results are noisier, as shown in Table 6, the finding that majority minority districts do not increase conservatism is robust to a change from Black to Latino districts.²⁶

6. Conclusion

With the 1982 renewal, Congress amended the Voting Rights Act in a manner that encouraged the creation of more majority minority districts. Both civil rights group and the Republican Party saw the amended legislation as a boon to their cause. In fact the Republican Party and many political scientists see the increased majority minority districts as responsible at least in part for the Republicans' winning back control of the House in 1994. Thus the common view is that majority minority districts trade off descriptive representation for substantive representation. They increase the fraction of minorities in Congress, while moving Congress in a more conservative direction.

I find that this trade off did not exist following the redistricting that resulted in the largest increase in majority minority districts in US history. While majority Black districts increased the number of Blacks in congress, they did not increase the number of Republicans or produce more conservative state delegations. In fact, most point estimates indicate an increase in delegation liberalism both for majority Black districts in the south and for majority Latino districts in the southwest. In summary, I find no support for the view that majority minority districts decrease minority representation.

²⁵ The results are robust to weighting states by Latino population and to changing the sample to states whose 1990 population was at least 10 percent Latino.

²⁶ Please see Washington (2011) for graphical Latino results.

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Table 1: Change in the Number of Majority Black Districts and Black Representatives in Southern States across Congresses

	Reason	1990 Section V	102 nd Congress (pre-1990 redistricting)		103 rd Congress (post-1990 redistricting)		107 th Congress (post-1990 redistricting)	
			1990 percent Black	Majority Black Districts	Black Representatives	Majority Black Districts	Black Representatives	Majority Black Districts
<i>States Under VRA Section V</i>								
Alabama	Blacks	25	0/7	0/7	1/7	1/7	1/7	1/7
Florida	Latinos	14	0/19	0/19	3/23	3/23	2/23	3/23
Georgia	Blacks	27	1/10	1/10	3/11	3/11	1/11	3/11
Louisiana	Blacks	31	1/8	1/8	2/7	2/7	1/7	1/7
Mississippi	Blacks	36	1/5	1/5	1/5	1/5	1/5	1/5
North Carolina	Blacks	22	0/11	0 ^a /11	2/11	2/12	1/12	2/12
South Carolina	Blacks	30	0/6	0/6	1/6	1/6	1/6	1/6
Texas	Latinos	12	0/27	1/27	2/30	2/30	0/30	2/30
Virginia	Blacks	19	0/10	0/10	1/11	1/11	1/11	1/11
<i>States not Under VRA Section V</i>								
Arkansas		16	0/4	0/4	0/4	0/4	0/4	0/4
Delaware		17	0/1	0/1	0/1	0/1	0/1	0/1
Kentucky		7	0/7	0/7	0/6	0/6	0/6	0/6
Maryland		25	1/8	1/8	2/8	2/8	2/8	2/8
Missouri		11	1/9	2/9	1/9	2/9	1/9	1/9
Tennessee		16	1/9	1/9	1/9	1/9	1/9	1/9

Sources: 1990 percent black from census using American Fact Finder. Majority minority districts, based on the racial makeup of the population at the time of the 1990 census, from various issues of the *Almanac of American Politics* and Grofman, Handley and Lublin (2000-2001). Black members of Congress from the Congressional Research Service's *African American Members of the United States Congress: 1980-2008* available at <http://senate.gov/reference/resources/pdf/RL30378.pdf> and the United States House of Representative's Black Members in Congress website <http://baic.house.gov/>.

Notes: ^aEva Clayton (D-NC) served during only two months of the 102nd congress, following the death of the incumbent.

Table 2: Summary Statistics of Average State Representative Characteristics (Standard Deviation in Parentheses)

	All Southern States	All Southern States (Black Population Weighted)	Non Border States	Excluding Black Treatment	Former Mexican Territory States
Black	.088 (.090)	.103 (.090)	.086 (.086)	.074 (.082)	
Latino					.098 (.153)
Democratic	.558 (.213)	.554 (.181)	.565 (.176)	.556 (.225)	.404 (.202)
ADA score	37.7 (12.6)	37.0 (10.4)	34.9 (8.2)	42.4 (13.9)	33.7 (14.3)
DW-nominate score ^a	-.048 (.135)	-.059 (.124)	-.058 (.118)	-.029 (.141)	-.16 (.182)
LCCR score	49.3 (14.0)	48.0 (11.8)	46.5 (10.7)	53.7 (14.9)	
Agreement with CBC	.622 (.088)	.616 (.078)	.608 (.072)	.638 (.096)	
Standard Deviation of ADA score	30.8 (7.4)	31.8 (7.0)	30.4 (7.2)	31.8 (7.1)	34.9 (12.5)
Agreement with Latino congress persons					.630 (.104)
States in Sample:	AL, AR, DE, FL, GA, KY, LA, MD, MO, MS, NC, SC, TN, TX, VA	AL, AR, DE, FL, GA, KY, LA, MD, MO, MS, NC, SC, TN, TX, VA	AL, AR, FL, GA, LA, MS, NC, SC, TN, TX, VA	AR, DE, FL, KY, MD, MO, TN, TX	AZ, CA, CO, NM, NV, TX, UT

Notes: In the first two columns of statistics N=150, with the exception of standard deviation where N=140. Delaware has only one representative. In the third column N=110, in the fourth N=80 (70) an in the final column N=70.

^aDW-nominate scores are multiplied by negative 1 so that higher scores on this measure, like the other representation measures, indicate more liberal voting.

Table 3: Impact of Increased Majority Minority Districts on State Representative Characteristics

	Full Sample			Black Population Weighted	Non- Border States	Excluding Black Treatment	Treatment Based on Distance from Parity in 102nd
	1	2	3	4	5	6	7
Black	.134** (.028)	.14** (.03)	.1* (.041)	.081 (.052)	.12** (.029)	.067 (.047)	.156** (.022)
Democratic	.052 (.124)	.067 (.14)	.13 (.147)	.051 (.069)	.092 (.058)	.242 (.192)	.162 (.143)
ADA score	9.6 (5.8)	11.0 (6.8)	13.2 (7.7)	9.2+ (3.8)	15.4** (4.6)	16.3 (10.1)	14.5+ (7.7)
DW nominate score ^a	.069 (.052)	.071 (.059)	.105 (.062)	.081+ (.039)	.158+ (.074)	.134 (.094)	.111+ (.062)
LCCR score	9.3 (5.7)	10.0 (6.4)	17.4 (9.0)	11.8* (4.9)	17.3** (4.4)	20.3 (12.5)	16.8* (9.1)
CBC score	.049 (.041)	.055 (.05)	.067 (.063)	.032 (.032)	.06 (.035)	.119 (.078)	.081 (.063)
Standard Deviation of ADA score ^b	8.9* (3.0)	8.4* (3.1)	4.8 (4.7)	3.8 (4.0)	0.3 (6.6)	-4.5 (4.0)	4.0 (5.0)
Income, education, employment controls	No	Yes	Yes	Yes	Yes	Yes	Yes
State-year trends	No	No	Yes	Yes	Yes	Yes	Yes
N	150	150	150	150	110	80	150

Notes: Each cell presents the coefficient on covered*post from a different regression. All specifications include state and congressional term fixed effects and controls for percent of state population that is Black and percent of state delegation that is new. Standard errors clustered at the state level. Significance levels determined based on t_x distribution where x is defined as the number of clusters less one.

^aDW-nominate scores are multiplied by negative 1 so that higher scores on this measure, like the other representation measures, indicate more liberal voting.

^bDelaware has only one representative so standard deviation of ADA is undefined. Therefore N is 140 using this outcome for full sample, black population weighted and treatment based on distance from parity. N is 70 in excluding Black treatment specification. Because Delaware is a border state there is no change in sample size to the no border state specification.

+ Statistically significant at 10 percent level.

*Statistically significant at 5 percent level.

**Statistically significant at 1 percent level.

Table 4: Impact of Increased and Decreased Majority Minority Districts on State Representative Characteristics

Outcome:	Democrats			ADA		
	(1)	(2)	(3)	(1)	(2)	(3)
Covered*post	.112 (.142)	.132 (.149)	.117 (.151)	12.2 (7.6)	13.6 (8.0)	12.5 (7.3)
Covered*post*(105-107)	-.103 (.085)	-.109 (.072)	-.104 (.093)	-4.3 (7.9)	-4.3 (6.0)	-6.3 (5.6)

Notes: All specifications include state and congressional term fixed effects and controls for percent of state population that is Black and percent of state delegation that is new. Specification 2 also includes controls for state poverty, high school graduation and employment rates and those measures for state Black population. Specification 3 includes those controls plus state/year linear trends. Standard errors clustered at the state level. Significance levels determined based on t_x distribution where x is defined as the number of clusters less one. $N=150$.

Table 5: Change in the Number of Majority Latino Districts and Latino Representatives in Southwestern States across Congresses

	Reason Section V	1990 percent Latino	102 nd Congress (pre-1990 redistricting)		103 rd Congress (post-1990 redistricting)		107 th Congress (post-1990 redistricting)	
			Majority Latino Districts	Latino Representatives	Majority Latino Districts	Latino Representatives	Majority Latino Districts	Latino Representatives
<i>States Under VRA Section V</i>								
Arizona	Latinos	19	0/5	0/5 ^a	1/6	1/6	1/6	1/6
California	Latinos ^b	26	4/45	3/45	6/52	4/52	6/52	6/52
Texas	Latinos	26	5/27	4/27	7/30	5/30	6/30	6/30
<i>States not Under VRA Section V</i>								
Colorado		13	0/6	0/6	0/6	0/6	0/6	0/6
Nevada		10	0/2	0/2	0/2	0/2	0/2	0/2
New Mexico		38	0/3	1/3	0/3	1/3	0/3	0/3
Utah		5	0/3	0/3	0/3	0/3	0/3	0/3

Sources: Latino population from *The Hispanic Population: Census 2000 Brief*, May 2001. Majority minority districts, based on the racial makeup of the population at the time of the 1990 census, from various issues of the *Almanac of American Politics*. Latino Members of Congress from the Library of Congress' *Hispanic Members of Congress* at <http://www.loc.gov/rr/hispanic/congress/>.

Notes: ^aEdward Pastor (D-AZ) elected in the middle of the 102nd Congress in a special election.

^bKings, Merced and Yuba counties are covered for failure to provide bilingual materials. Monterey and Yuba are covered because of the use of an illegal test or device.

Table 6: Impact of Increased Majority Latino Districts on State Representative Characteristics

	(1)	(2)	(3)
Latino	.165 (.117)	.209 (.124)	-.009 (.04)
Democratic	.047 (.047)	.028 (.058)	.202+ (.104)
ADA score	4.8+ (.2.2)	4.8 (4.6)	14.6 (8.2)
DW nominate score ^a	.019 (.047)	-.005 (.071)	.136 (.078)
Agreement with Congressional Latinos	.058 (.033)	.064* (.023)	.147+ (.071)

Notes: Each cell presents the coefficient on covered*post from a different regression. All specifications include state and congressional term fixed effects and controls for percent of state population that is Latino and percent of state delegation that is new. Specification 2 also includes controls for state poverty, high school graduation and employment rates and those measures for state Latino population. Specification 3 includes those controls plus state/year linear trends. Standard errors clustered at the state level. Significance levels determined based on t_x distribution where x is defined as the number of clusters less one. $N=70$.

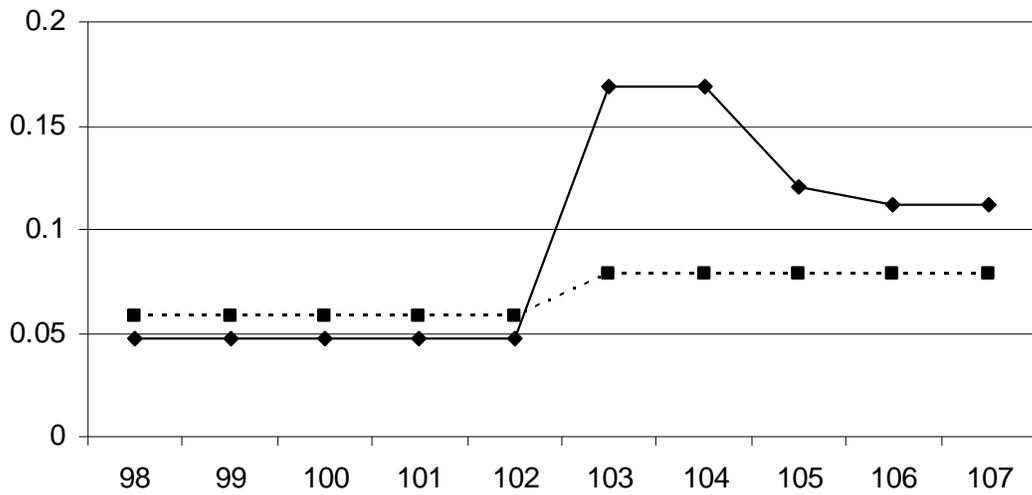
^aDW-nominate scores are multiplied by negative 1 so that higher scores on this measure, like the other representation measures, indicate more liberal voting.

+ Statistically significant at 10 percent level.

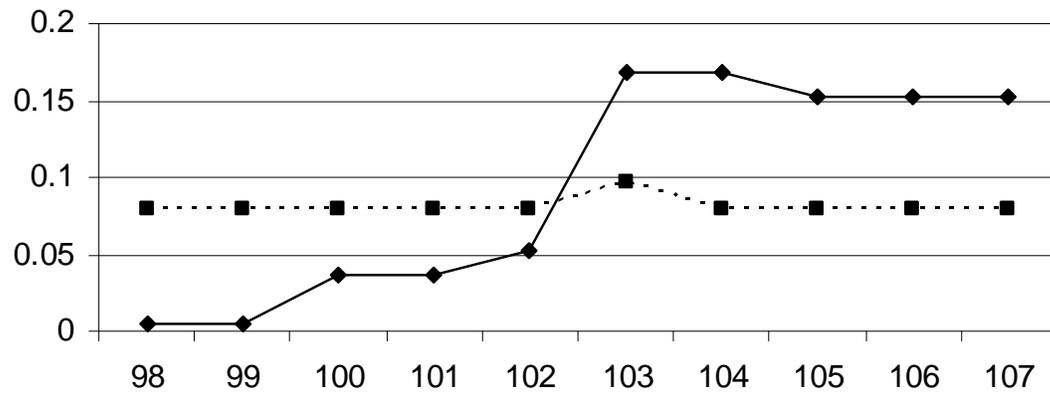
*Statistically significant at 5 percent level.

Figure 1: Change in Characteristics of Southern State Districts and Representatives over Time, by State Voting Rights Act Status

A: Majority Black Districts



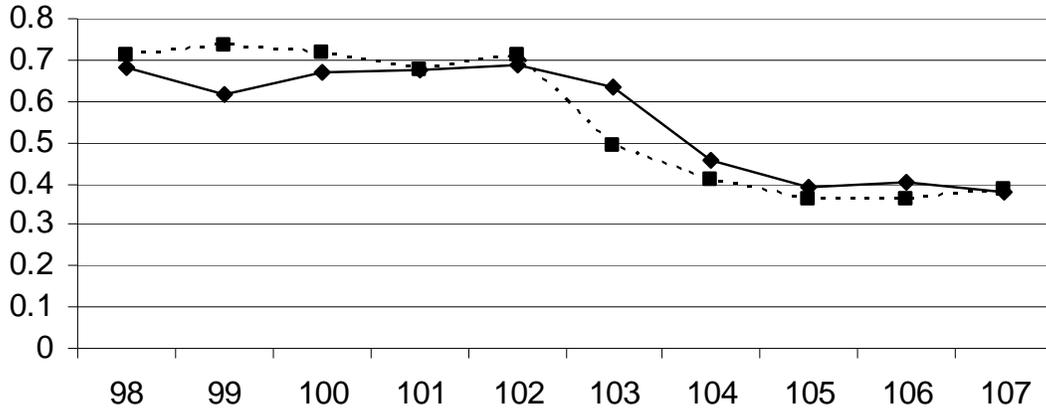
B: Black Representatives



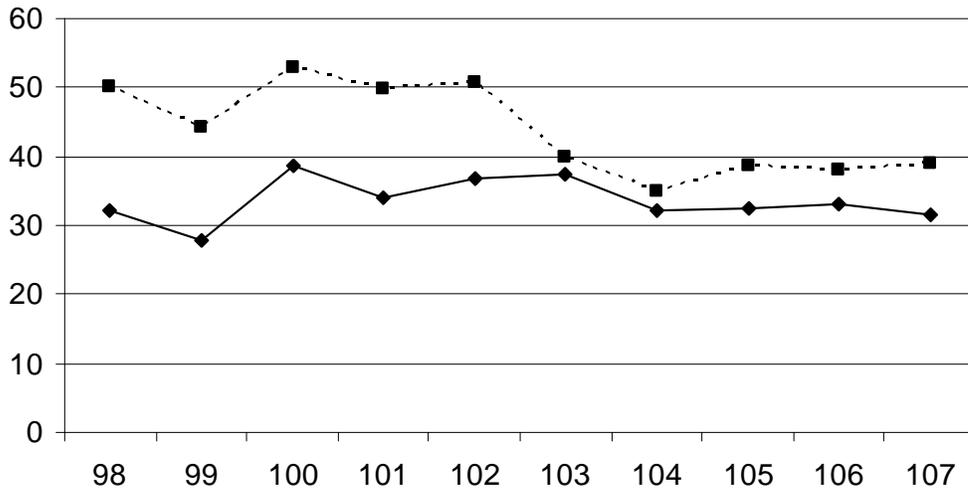
Notes: ■ represent states not included in Section V of the Voting Rights Act; ◆ represent covered states. X axis demarcates congressional sessions.

Figure 1 (continued): Change in Characteristics of Southern State Districts and Representatives over Time, by State Voting Rights Act Status

C. Democratic Representatives



D. Average ADA Scores



Notes: ■ represent states not included in Section V of the Voting Rights Act; ◆ represent covered states. X axis demarcates congressional sessions.