

Race, Representation, and the Voting Rights Act

Sophie Schuit Boston University
Jon C. Rogowski Harvard University

Abstract: *Despite wide scholarly interest in the Voting Rights Act, surprisingly little is known about how its specific provisions affected Black political representation. In this article, we draw on theories of electoral accountability to evaluate the effect of Section 5 of the Voting Rights Act, the preclearance provision, on the representation of Black interests in the 86th to 105th congresses. We find that members of Congress who represented jurisdictions subject to the preclearance requirement were substantially more supportive of civil rights–related legislation than legislators who did not represent covered jurisdictions. Moreover, we report that the effects were stronger when Black voters composed larger portions of the electorate and in more competitive districts. This result is robust to a wide range of model specifications and empirical strategies, and it persists over the entire time period under study. Our findings have especially important implications given the Supreme Court’s recent decision in Shelby County v. Holder.*

Replication Materials: The data, code, and any additional materials required to replicate all analyses in this article are available on the *American Journal of Political Science* Dataverse within the Harvard Dataverse Network, at: <http://dx.doi.org/10.7910/DVN/S9MIJU>.

Over fifty years ago, the 89th Congress passed the Voting Rights act (VRA) of 1965. The Act prohibited jurisdictions from implementing barriers to voting and provided for greater enforcement of the right to vote guaranteed by the Fourteenth and Fifteenth Amendments. Upon reflection, President Johnson remarked that the VRA was his greatest achievement¹ from an era that produced “one of the most glittering records of legislative accomplishment in history.”² The VRA earns a place on David Mayhew’s list of “significant” legislation and has also been described as “the most powerful weapon in the civil rights arsenal” (Gerken 2006, 709), which “had fundamental effects on American politics and society” (Rodriguez and Weingast 2003, 1428). As Cox and Miles (2008, 1) elaborate, “the Voting Rights Act has dramatically reshaped the political landscape of the United States . . . it has helped substantially expand political opportunities for minority voters and has

contributed to the radical realignment of Southern politics.” And in even more lucid terms, Issacharoff (2013, 95) writes that the VRA “was pivotal in bringing black Americans to the broad currents of political life—a transformation that shook the foundations of Jim Crow, triggered the realignment of partisan politics, and set the foundations for the election of an African American president.” A voluminous empirical literature attributes the VRA with increased rates of Black voter turnout (Filer, Kenney, and Morton 1991); successful Black candidates elected to municipal office (Sass and Mehay 1995), state legislatures (Grofman and Handley 1991), and Congress (Handley, Grofman, and Arden 1998); and public expenditures in Black communities (Cascio and Washington 2014; Husted and Kenny 1997; Keech 1968).

In this article, we study what Guinier (1991) identified as the third component of *Black electoral success*: the election of public officials who are responsive to Black

Sophie Schuit is Student, School of Law, 765 Commonwealth Avenue, Boston, MA 02215 (sophie.schuit@gmail.com). Jon C. Rogowski is Assistant Professor, Department of Government, 1737 Cambridge Street, Cambridge, MA 02143 (rogowski@fas.harvard.edu).

This is one of a series of articles by the authors, and the ordering of the authors’ names reflects the principle of rotation. An earlier version of this article was presented at the 2014 Conference on Empirical Legal Studies. We thank the Department of Political Science and the Office of Undergraduate Research at Washington University in St. Louis for generous research support. Chris Elmendorf, Jim Gibson, Kevin Quinn, Andrew Reeves, Bertrell Ross, and Doug Spencer provided especially generous feedback. We also thank the Editor and four anonymous reviewers for insightful comments and suggestions.

¹The American Presidency Project, “The President’s News Conference at the National Press Club,” January 17, 1969; available at <http://www.presidency.ucsb.edu/ws/index.php?pid=29355>.

²Editorial, *New York Times*, September 5, 1965.

American Journal of Political Science, Vol. 61, No. 3, July 2017, Pp. 513–526

©2016, Midwest Political Science Association

DOI: 10.1111/ajps.12284

interests. In contrast with other scholarship that carefully examines the ways in which the VRA expanded the opportunities for electing Black representatives (e.g., Black 1978; Fairdosi and Rogowski 2015; Gay 2007; Grose 2005, 2011; Lublin et al. 2009; Swain 1993; Tate 2003; Whitby 1985, 2000; Whitby and Gilliam 1991), we examine the role of the VRA's electoral provisions in advancing the substantive representation of Black interests in Congress. In doing so, we extend scholarship on how the districting principles in the VRA increased the representation of Blacks in Congress and state legislatures (e.g., Grofman and Handley 1991; Handley, Grofman, and Arden 1998; Overby and Cosgrove 1996). Identifying how specific VRA provisions affected patterns of representation is important because political mobilization as a result of the VRA is attributed with increased political influence for Black constituencies (e.g., Combs, Hibbing, and Welch 1984), and thousands of pages of scholarship discuss the legal standards used to evaluate the VRA's provisions (e.g., Hancock and Tredway 1985; Issacharoff 1992; Jones-Correa 2005; Karlan 1991; Persily 2007; Pildes and Niemi 1993; Polsby and Popper 1993). Moreover, the Supreme Court's 2013 ruling in *Shelby County v. Holder* raises new questions about whether specific provisions of the VRA are still necessary to ensure political representation of Black interests.

Focusing on the provisions contained in Section 5, which required jurisdictions that met certain criteria to obtain federal approval before changing their election law, we find that legislators from districts subject to federal preclearance compiled substantially more pro-civil rights voting records compared to members from otherwise similar districts. Moreover, the magnitude of the effect increases with the Black percentage of the district population and with electoral competitiveness. These results are robust to a wide range of model specifications and empirical strategies. Consistent with our hypothesized mechanism, we also report suggestive evidence that the preclearance provision was associated with higher levels of electoral competition. Our findings have important implications for voting rights jurisprudence, the effects of election law on political representation, and the advancement of civil rights policies.

Black Political Participation and the Voting Rights Act

Though the Fifteenth Amendment (ratified in 1870) guaranteed the right to vote to all citizens irrespective of race or color, only about a quarter of eligible Blacks were registered to vote in the South by the mid-twentieth

century (Garrow 1978). In early 1965, the Southern Christian Leadership Conference pressed forward with its plan to force Congress to guarantee voting protections by organizing a demonstration in Selma, Alabama. Soon thereafter, President Johnson presented a voting rights bill to Congress in a national address on March 15, and he signed the Voting Rights Act of 1965 into law on August 6.

The key provisions of the VRA are Sections 2, 4, and 5. Section 2(a) prohibits the use of voting qualifications that deny the right to vote on account of race or color, while Section 2(b) requires that districting plans do not “dilute” the votes cast by minority voters. Sections 4 and 5 include provisions that pertain to specific jurisdictions. Section 4(b) specifies a coverage formula that identifies these jurisdictions. As originally written, this formula applied to jurisdictions that used a test or device in the November 1964 presidential election to limit the opportunity to register or vote, and in which less than half of the jurisdiction's eligible citizens were registered or voted in the November 1964 election. Section 5 subjects these jurisdictions to the “preclearance” requirement, in which jurisdictions identified under Section 4(b) must receive federal approval before making changes to their election laws or voting procedures.³

Legal scholars argue that Section 5 has been the most crucial provision. For instance, MacCoon (1979, 107–8) argues that Section 5 “has become one of the most useful statutory tools for the enforcement of voting rights,” and Motomura (1983, 190) wrote that it “has emerged as perhaps the most important for the continuing protection of minority voting rights.” With broad support, Congress reauthorized the VRA—including Section 5—most recently in 2006. In 2013, however, the Supreme Court ruled in *Shelby County v. Holder* that Section 4(b) is unconstitutional and held that the coverage formula can no longer be used to subject jurisdictions to preclearance. Writing for the majority, Chief Justice John Roberts observed that voter turnout and registration rates in covered jurisdictions “approach parity” with those in noncovered jurisdictions, and argued that “the conditions that originally justified [the formula] no longer characterize voting in the covered jurisdictions” [570 US _ (2013); available at https://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf (accessed December 5, 2016)]. Thus, because the coverage requirement is “based on 40-year-old facts having no logical relationship to the

³Other important provisions include Section 3(c), the “bail-in” provision; Section 6, which allows the Attorney General to appoint federal examiners to oversee a jurisdiction's registration and voting procedures; and Section 11, which prohibits election officials from refusing to allow a qualified person to vote or to count a voter's ballot, and institutes penalties for voter fraud.

present day,” the Court ruled the coverage formula unconstitutional because “Congress must ensure that the legislation it passes to remedy [voting discrimination] speaks to current conditions.” While the Court did not rule on the constitutionality of Section 5, without a coverage formula the preclearance provision was rendered moot.

In *Shelby County*, the government argued that while racial disparities in registration and turnout may have closed, the preclearance provision of the Voting Rights Act acted as a deterrent for particular jurisdictions to implement election laws with racially disproportionate effects. In making a similar argument, Katz (2014) argues that the requirement for covered jurisdictions to seek federal approval before changing their voting laws likely dissuaded these jurisdictions from considering such changes in the first place. Following the *Shelby* decision, several states that were previously subject to judicial preclearance—including North Carolina and Texas—implemented new voting restrictions that some argue will disproportionately affect Black voters (Herron and Smith forthcoming). The Court’s ruling in *Shelby* and the government’s argument in defense of the coverage formula raise new questions about the effectiveness of the VRA and its necessity in the contemporary United States.

Representation and the Voting Rights Act

Both Sections 2 and 5 of the Voting Rights Act contain provisions to help protect the electoral rights of marginalized groups, but they work through mostly separate mechanisms. Many of the advances in minority representation that are attributed to the VRA, such as increased numbers of Black elected officials, are due to the prohibition of vote dilution in Section 2(b). Under this provision, minority populations could achieve increased substantive representation by electing members of their group to office. Section 5, however, invokes a different mechanism, namely, the protection of voting rights.⁴ Jurisdictions that were subject to federal preclearance were required to demonstrate that a proposed change to election law did not have “discriminatory effect” or “discriminatory purpose.” According to *Beer v. United States* (1976), “discriminatory effect” was defined as *retrogression*, commonly operationalized as any change that reduced the opportunity for minority voters to elect candidates of their

choice. However, this standard was significantly modified by the *Georgia v. Ashcroft* (2003) decision, which allowed jurisdictions to choose whether their claim of nonretrogression was based on either the ability of minority groups to elect candidates of their choice or the degree of overall minority influence.⁵

Proponents of the VRA argued that voting rights were critical for securing political representation. For instance, several days after the VRA of 1965 became law, the Reverend Martin Luther King Jr. made just this argument when addressing the annual convention of the Southern Christian Leadership Conference. King argued that “the Negro community must become fully conscious of its potential political power, of its growing ability to change, through concerted political actions . . . the complexion of Congress and the major parties” (Ninth Annual Convention of the Southern Christian Leadership Conference; Birmingham, AL; August 9-13, 1965). Thus, by eliminating sources of racial bias in ballot access, and by restricting the ability of certain jurisdictions to change their election laws in ways that may have disproportionate effects on minority voters, civil rights leaders argued that the VRA offered the potential for racial minorities (and language minority groups, with the 1975 amendments to the VRA) to exert real influence over political outcomes. Thus, this argument implicates the importance of *protecting ballot access* for increasing Black substantive representation, whereas existing literature has focused mostly on the ways in which redistricting principles have been used to increase Black representation in legislatures.

This argument is quite consistent with scholarship on accountability and representation. In a representative system, elections are the primary means by which citizens influence public policymaking. Citizens can hold elected officials accountable for their behavior, which provides incentives for officials to respond to constituent interests to the extent constituents have access to the ballot box. When Black Americans and other racial and language minorities were systematically denied ballot access, elected officials from those places had little incentive to represent these constituents’ interests. But upon the enactment of the VRA, Black Americans obtained newfound power to exert political control over their elected officials. Members of Congress from these jurisdictions, therefore, had incentives to respond to Black political interests because newly enfranchised Black voters could mobilize against legislators who failed to do so. As Filer, Kenney, and Morton (1991, 393) succinctly argue, “As the number of African Americans who vote increases, one would expect

⁴As noted above, Section 2(a) prohibits the use of voting procedures that result in racial discrimination; however, Section 5 requires jurisdictions subject to preclearance to present an affirmative case and receive approval before making *any* changes to election law.

⁵Grofman (2006) and Canon (2008) provide detailed discussions of the *Georgia* decision’s implications for Section 5 jurisprudence.

government to treat them more favorably.” Because of the greater federal scrutiny around voting access that was afforded districts subject to preclearance, legislators from these areas would have been more supportive of civil rights than legislators representing constituencies that were not covered by preclearance.

Prior research has found support for this general argument in other contexts where voting rights were guaranteed. For instance, the expansion of the franchise in Europe between 1830 and 1938 was associated with increased government spending on infrastructure and internal security (Aidt, Dutta, and Loukoianova 2006). Similarly, women’s suffrage in Europe and the United States was accompanied by increased government expenditures, particularly on social welfare programs targeted to women, and liberalism of legislative voting records (e.g., Abrams and Settle 1999; Aidt and Dallal 2008; Lott and Kenny 1999).

Black voter registration and turnout surged after the VRA was passed (Tate 1993), indicating that Blacks used their guaranteed voting rights to influence government policy. Research on Black political representation declares it “hardly inarguable that political mobilization has brought blacks increased influence over public policy matters” (Combs, Hibbing, and Welch 1984, 424) and concludes that Blacks have secured “better representation and greater policy responsiveness on civil-rights legislation” since the mid-1960s (Whitby and Gilliam 1991, 517). But while previous research focuses on how the creation of majority-minority districts after the VRA increased Black political representation, it is much less clear whether the voting protections of the VRA also led to general increases in Black political representation. As the Supreme Court’s decision in *Shelby* makes plain, documenting the effects of the VRA has important implications for how contemporary courts and political leaders interpret and revise its provisions.

Empirical Strategy

We study the effects of the VRA on Black political representation by focusing on the preclearance provision specified in Section 5. The units of analysis in our study are the legislative voting records of members of the U.S. House. While an ideal research design would allow the researcher to randomly assign congressional districts to the preclearance requirement and compare voting records from members of Congress who represented covered and noncovered territory, we rely on two key sources of variation to identify the effects of the VRA. First, the list of jurisdictions subject to preclearance has changed over the years due to the “bail-in” and “bail-out” provisions. The

bail-in provision is specified in Section 3(c) and allows federal courts to subject jurisdictions that fall outside the coverage formula in Section 4(b) to the preclearance requirement if the jurisdiction has enacted voting laws that are racially discriminatory.⁶ Further, the court determines the length of time the jurisdiction is subject to preclearance. The bail-out provision is found in Section 4(a), which allowed jurisdictions to seek exemption from preclearance if they had not used a voting test or device with discriminatory intent and by showing registration and turnout rates among majority and minority citizens.⁷

Second, just as importantly, the jurisdictions subject to the preclearance requirement were governmental units and included states, counties, and townships, whereas members of the U.S. House are elected from congressional districts. Congressional districts often consist of several counties, and whether one or all of these counties were subject to preclearance enables us to examine whether the effect was stronger in districts in which a larger percentage was covered by the preclearance provision. The disjuncture in boundaries between congressional districts and governmental units also allows us to use redistricting as an additional source of variation, as the redrawing of district lines may move counties from one district and into another. In combination, temporal and geographic variation in the application of preclearance provide the bases for identifying the effect of the VRA on Black representation in Congress.

Data and Methods

To characterize legislative voting behavior on civil rights issues, we used the Policy Agendas Project to identify every roll-call vote related to civil rights that was held in the House between the 86th (1959–60) and 105th (1997–98) congresses.⁸ We first examined those votes coded under the category *Civil Rights, Minority Issues, and Civil Liberties*. Because the VRA primarily (though not exclusively) addressed voting restrictions that related to race, we excluded votes that related to individual pri-

⁶For instance, Alaska, Arizona, and Texas were subject to preclearance beginning in 1975 due to the bail-in provision.

⁷Between 1984 and 2013, 196 jurisdictions, mostly in Virginia, successfully bailed out of preclearance coverage.

⁸The data used here were originally collected by Frank R. Baumgartner and Bryan D. Jones, with the support of National Science Foundation (NSF) grant numbers SBR 9320922 and 0111611, and are distributed through the Department of Government at the University of Texas at Austin. Neither the NSF nor the original collectors of the data bear any responsibility for the analysis reported here. The roll-call votes used to create this measure are included in Supplementary appendix A in the supporting information.

TABLE 1 Civil Rights Voting Records by Congress

Congress	Roll Calls (N)	Legislators (N)	Covered Districts (N)	Mean (Overall)	Mean (Republicans)	Mean (Democrats)
86th	7	385	0	0.68	0.74	0.64
87th	4	400	0	0.71	0.79	0.64
88th	7	207	0	0.56	0.45	0.65
89th	18	417	52	0.57	0.38	0.66
90th	9	213	26	0.69	0.68	0.69
91st	9	419	55	0.48	0.37	0.56
92nd	25	414	83	0.50	0.40	0.56
93rd	17	430	87	0.38	0.24	0.48
94th	23	421	119	0.58	0.32	0.72
95th	11	427	119	0.35	0.38	0.34
96th	19	427	121	0.55	0.39	0.64
97th	9	407	119	0.65	0.47	0.80
98th	8	423	119	0.67	0.37	0.85
99th	3	424	110	0.63	0.27	0.89
100th	16	420	109	0.76	0.51	0.94
101st	13	420	108	0.67	0.30	0.92
102nd	14	407	107	0.60	0.27	0.81
103rd	8	427	118	0.58	0.04	0.94
104th	14	423	114	0.38	0.13	0.67
105th	10	427	118	0.58	0.26	0.92

Note: The column labeled “Roll Calls” indicates the number of civil rights–related roll-call votes used to score legislative voting records in each congress. “Covered Districts” describes the number of congressional districts in the sample that contained a jurisdiction subject to federal preclearance under Section 5 of the Voting Rights Act. The entries in the columns labeled “Mean” characterize the average civil rights support scores, which range from 0 to 1 and describe the percentage of votes on which legislators voted to expand (rather than restrict) civil rights.

vacy, or discrimination on the basis of physical or mental handicap or disease. Thus, within the *Civil Rights, Minority Issues, and Civil Liberties* category, we included all votes from the *Ethnic Minority and Racial Group Discrimination* and *Voting Rights, Participation, and Related Issues* subcategories, and most votes from the *General* subcategory. We then coded legislators’ votes based on whether they voted to expand or restrict civil rights.⁹ This resulted in a sample of 244 bills. For each legislator in each congress, we generated a civil rights support score, calculated as the percentage of these roll calls on which legislators voted to expand civil rights.¹⁰ Table 1 shows the descriptive statistics of this measure.¹¹

⁹In a few instances, it was impossible to discern whether a “yea” vote was a vote to expand or restrict civil rights, and exploring the voting records of key legislators did not reveal any clear patterns. These votes were omitted from the analysis.

¹⁰Abstentions were treated as votes to restrict civil rights.

¹¹We included only those members of Congress who served in the entire congress and represented single-member districts, and thus the number of representatives included in any given congress is often less than 435.

Overall, the civil rights support scores correlate well with other measures of legislative voting behavior. The correlation between the civil rights scores and the first dimension of DW-NOMINATE scores is -0.67 , indicating that more conservative DW-NOMINATE scores are associated with lower levels of support for the pro-civil rights position on legislation. Interestingly, however, the correlation is higher between the civil rights scores and the second-dimension of the DW-NOMINATE scores for the earlier years in the study. For instance, in the 86th and 87th congresses, the correlation between the civil rights scores and the second-dimension DW-NOMINATE scores is -0.61 and -0.53 , respectively, compared with -0.27 and -0.18 , respectively, for the first-dimension DW-NOMINATE scores. Thus, the civil rights voting scores appear to reflect many of the same considerations that Poole and Rosenthal (1997) argue contributed to the relevance of the second ideological dimension during the civil rights era. However, by the end of the period under study, the civil rights scores only weakly correlated with the second dimension ($r = -0.09$ in the 105th House), whereas its association with the first

dimension was considerably stronger ($r = -0.89$ in the 105th House).

The civil rights support scores also correlate highly with legislative voting on bills supported by the National Association for the Advancement of Colored Persons (NAACP) and the Leadership Conference for Civil and Human Rights (LCCR). Unfortunately, the 101st, 102nd, and 104th were the only congresses under study for which NAACP legislative scorecards were also available; however, the correlations for Democrats across these three congresses are 0.73, 0.76, and 0.78, respectively, and the correlations for Republicans are 0.90, 0.84, and 0.48. Adjusted interest group scores (Groseclose, Levitt, and Snyder 1999) yield similar results.¹² The correlations between the civil rights support scores and the adjusted NAACP scores are 0.94 and 0.95 for the 104th and 105th congresses, respectively; the correlations between the civil rights support scores and the mean-adjusted NAACP scores are 0.92 and 0.94, respectively, for the 104th and 105th congresses. Similar patterns are found when comparing the civil rights support scores with LCCR scores. Examining the 91st through the 105th congresses, the correlation between the civil rights support scores and the nominal LCCR scores is 0.83, and 0.80 and 0.79 when comparing them with the adjusted and mean-adjusted LCCR scores, respectively. Thus, these multiple comparisons provide broad support for the use of the civil rights support scores as a basis for evaluating the behavior of legislators on issues related to race and civil rights.

We used this measure to evaluate how well members of Congress represented the interests of Black constituents, where high values of the civil rights support scores indicate greater representation of Black interests. The use of this measure avoids many of the difficulties in measuring Black representation that are found in previous work. First, we believe it is more plausible to assume that Black constituents support expanded civil rights than it is to assume that Blacks have homogenous preferences over the distribution of federal or state resources (e.g., Cascio and Washington 2014). By focusing specifically on issues related to civil rights, our measure also offers an improvement over other work that uses an overall measure of the conservatism or liberalism of representatives' voting records (Combs, Hibbing, and Welch 1984). And finally, by focusing on all civil rights roll-call votes cast during this time period, we avoid the selection issues that are associated with using legislative scorecards issued by

interest groups such as the NAACP and LCCR (Whitby and Gilliam 1991).

The key independent variable is an indicator for whether the member of Congress represented a district whose territory was covered by the preclearance requirement as a result of the original VRA of 1965 or any of its later amendments, or on the basis of whether it was covered under the bail-in provision.¹³ For our main analyses, we use a conservative approach to identify those members of Congress who represented districts where the preclearance requirement was in effect. Namely, we consider a Congress member's district to be covered under Section 5 if *any* portion of the member's district was a covered jurisdiction.¹⁴ Because some districts were composed entirely of counties and towns that were subject to preclearance, while only a portion of other districts contained jurisdictions that were subject to preclearance, this coding strategy is likely to underestimate the coefficient for the preclearance indicator. For instance, Clyde Township in western Michigan had been covered by the preclearance requirement since 1976. According to the 1970 Census, Clyde Township had a population of approximately 1,600, and thus only a very small portion of the congressional district that included Clyde was affected by the preclearance requirement; districts in other states, however, were composed entirely of jurisdictions or were located in entire states that were subject to the preclearance requirement.

Statistical Models

We estimate a series of linear regressions to examine the effect of the preclearance requirement on Black representation. Our model takes the form

$$y_{ijt} = \beta_0 + \beta_1 \text{VRA Coverage}_{it} + \mathbf{X}_{it}\Omega + D_t + S_j + \epsilon_{ijt}, \quad (1)$$

where i , j , and t index legislators, states, and congresses, respectively. The legislator's civil rights support score is y_{ijt} ; *VRA Coverage* is an indicator for whether the district was subject to the preclearance provision under the VRA; and \mathbf{X} is a matrix of other covariates (discussed below) that may also affect support for civil rights. Because the data presented in Table 1 show considerable

¹²Adjusted interest group scores for the NAACP and the LCCR were obtained from Tim Groseclose's webpage at <http://www.sscnet.ucla.edu/polisci/faculty/groseclose/Adj.Int.Group.Scores/>.

¹³We relied primarily on Hancock and Tredway (1985) to identify covered jurisdictions and supplemented with information available on the Department of Justice website: http://www.justice.gov/crt/about/vot/misc/sec_4.php and http://www.justice.gov/crt/about/vot/sec_5/covered.php (accessed July 9, 2014).

¹⁴A complete list of all congressional districts we considered to be covered by the preclearance requirement can be found in Supplementary Appendix B.

temporal variation in the level of pro-civil rights voting behavior, we included indicators, denoted by D_t , for each congress. We also include indicators for each state, S_j , to account for other state-level characteristics that influence legislators' voting records. Thus, by including indicators for both congresses and states, Equation (1) accounts for both temporal and geographic differences in support for civil rights legislation and uses within-state variation in coverage to identify the effect of preclearance coverage.¹⁵ Finally, β_0 and ϵ_{ijt} are constant and error terms, respectively. To account for correlations in the error term within incumbents who served in multiple congresses, we cluster all standard errors on legislators.

We collected data to characterize several other district characteristics that may also explain differences in legislators' support for civil rights. We include controls for the Black percentage of the district population and used the district's support for the Democratic presidential candidate in the most recent election as a measure of district preferences. We also included indicators for whether the member of Congress was a Republican or an Independent (Democrat is the omitted category), and the competitiveness of the district, measured by the margin of victory in the previous presidential election, multiplied by -1 so that larger numbers indicate more competitive districts. Finally, to distinguish effects from the preclearance provision from effects that resulted from increased levels of descriptive representation, we also included an indicator for districts represented by a Black legislator.

Our main hypothesis is assessed by evaluating the coefficients for β_1 . If the VRA generated increased support for civil rights legislation from legislators who represented districts that were subject to the preclearance provision, then we expect the coefficient for β_1 to be positive and statistically significant. Two features weigh against finding positive results, however. First, while the assignment of preclearance to jurisdictions was not randomly determined, the jurisdictions that *were* subject to preclearance were found to exercise racially discriminatory election policies. To the extent that members of Congress who represented these jurisdictions reflected the attitudes of state and local officials who implemented these policies, legislators from districts with covered territory likely would exhibit *lower* support for civil rights legislation, which would thus result in a negative estimate for β_1 . Second, the preclearance requirement mostly blocked jurisdictions from implementing rather small-scale changes to elections, such as closing or changing

¹⁵Portions of many states (including, as Appendix A indicates, AK, AZ, CA, CO, CT, FL, HI, ID, MA, MI, NY, NC, and OK) were subject to VRA coverage within the same congress as the VRA's coverage was expanded and jurisdictions bailed in or not.

TABLE 2 Voting Rights Act Coverage and Legislative Voting Behavior

Independent Variables	(1)	(2)	(3)
VRA Coverage	0.124* (0.019)	0.129* (0.016)	0.132* (0.016)
Democratic		0.041* (0.004)	0.045* (0.004)
Presidential Vote			
Republican		-0.334* (0.008)	-0.333* (0.008)
Independent		-0.153 (0.090)	-0.137 (0.086)
Percent Black			-0.158* (0.043)
Competitiveness			0.030* (0.005)
Black Legislator			0.135* (0.029)
(Intercept)	0.553* (0.099)	0.639* (0.079)	0.665* (0.080)
N	7,938	7,938	7,938
Clusters	3,471	3,471	3,471
MSE	0.301	0.238	0.237

Notes: Entries are linear regression coefficients and standard errors, clustered by House member. The dependent variable is legislators' support for civil rights legislation. State and Congress fixed effects are also included but not reported.

*p < .05, two-tailed tests.

the locations of polling places. It is not altogether clear, therefore, that the magnitude of the differences in election laws between jurisdictions that were and were not subject to preclearance would have manifested in significant differences in legislative voting behavior.

Results

Table 2 shows our main results. Our first model, shown in column 1, regresses legislators' support for civil rights legislation on the indicator for preclearance coverage and includes the congress and state fixed effects. The coefficient for *VRA Coverage* is positive and statistically significant, and it indicates that legislators from districts subject to preclearance provision had civil rights support scores 12 percentage points higher than legislators from districts that were not subject to preclearance. We find similar results when including the covariates described above. The results in column 2 reflect the inclusion of controls

for district Democratic presidential vote share and indicators for the legislator's partisanship. Finally, Model 3 shows results when including Black percentage of the district population, the competitiveness of the most recent House race, and indicators for districts represented by a Black legislator. The results from these latter two models indicate that legislators who represented territory subject to preclearance had civil rights support scores 13 percentage points higher than legislators who did not represent territory that was covered by the preclearance provision.

The coefficients for the other covariates, meanwhile, are generally consistent with expectations. Across the first two models, support for civil rights legislation decreases as the percentage of the Black population increases (though the coefficient is not statistically significant in the third column). As previous work has argued, this is likely due to representation of many southern districts by conservative Democrats and later, Republicans, where Black constituents also composed a large proportion of the district population.¹⁶ Models 2 and 3 show that Republican legislators demonstrated substantially less support for civil rights legislation compared with Democratic members of Congress, whereas the coefficients for Independents (of whom there were only a few) are indistinguishable from zero. These models also show that legislators granted higher support for civil rights legislation as their district's support increased for Democratic presidential candidates. Support for civil rights legislation was greater in more competitive districts, and Black legislators supported civil rights legislation at higher rates than non-Black legislators.

These results are robust across a wide range of additional supplementary analyses. First, in contrast with our

between-districts approach presented above, we also estimated models in which we identify the effects of Section 5 coverage based on *within-district* changes in preclearance. This approach allows us to examine how the federal preclearance requirement affected legislative voting behavior holding constant the boundaries and population of the district. While this approach is better suited for identifying causal effects, it comes at some cost; namely, due to redistricting, the effects of preclearance can only be identified using changes in preclearance coverage that occur in a given redistricting cycle. Moreover, in the wake of *Baker v. Carr*, virtually every state redistricted at least once (and sometimes multiple times) in the 1960s, which complicates our efforts to identify continuity in congressional district lines during this decade. Thus, we reestimated the models shown above in Table 2, but focused on congresses elected in 1972 (the 92nd Congress), after redistricting occurred with the 1970 Census, and later. To estimate these models, we included redistricting-specific district fixed effects and indicators for each congress within a redistricting cycle, rather than the year and state fixed effects included in Model 3 of Table 2. The results from these models are virtually identical to those shown above, and indicate that the results shown in Table 2 are not due to unobserved or unobservable differences between congressional districts that may have also affected legislators' support for civil rights legislation.

We also used genetic matching to alleviate concerns about lack of common support on observed covariates. This generated a sample of 948 districts that were not subject to preclearance and 1,648 districts with covered territory. In addition to the covariates included in Table 2, we also matched districts on median income and urban percentage of the population.¹⁷ After preprocessing the data (Ho et al. 2007), we then reestimated the models shown above. The results once again support the findings in Table 2.

Importantly, the results reported in Table 2 do not appear to be a consequence of redistricting patterns that resulted in the "bleaching" of Republican districts by clustering Black voters within a few Democratic districts.¹⁸ We reestimated the models shown in Table 2 but excluded observations from states that were partially covered by Section 5. The results are strongly consistent with those shown in Table 2.

¹⁶We further explored several other ways of characterizing the relationship between Black population and support for civil rights legislation. First, though Grofman et al. (1992) conclude that the relationship between Black population and congressional liberalism is minimal on balance, they present evidence that the relationship may be curvilinear. Thus, we estimated models in which we included the squared value of district Black population. However, the main term as well as the squared term are both negative, though neither of them reaches statistical significance. Following Lublin (1997, 1999), we also considered the possibility that the relationship between Black population and civil rights support changes once Black population reaches 40% of the district population. Thus, we estimated models in which we included an indicator for districts where the Black population was 40% or greater, and its interaction with Black percentage of the population. In this case, the interaction term was positive, suggesting that the relationship between Black population and civil rights support may differ based on whether a district's Black population composes more or less than 40% of the total population, but it does not reach statistical significance. In all of these models, the coefficients for *VRA Coverage* remain positive and statistically significant.

¹⁷The matching procedure substantially improved balance across all covariates.

¹⁸Scholars have reached conflicting conclusions about whether the concentration of Democratic voters into majority-minority districts has had negative consequences for Democratic representation in Congress (e.g., Handley, Grofman, and Arden 1998; Lublin 1997; Lublin and Voss 2000; Schotts 2001).

The Voting Rights Act and the South

In additional analyses, we also find that the preclearance provision increased Black representation in the South as well as in other places around the country. Identifying the effect of the Voting Rights Act in the South is an obvious question of interest given the Supreme Court's contention in *Shelby* that the coverage formula was no longer necessary given advances in racial parity in the South over the last 50 years.

First, we used the district fixed effects approach described above to compare legislators' voting records from Texas districts (which were not initially covered) with the states of the Deep South (Alabama, Georgia, Louisiana, Mississippi, and South Carolina). Though Texas is not traditionally considered part of the Deep South, its demographics and history of discrimination in many ways mirrored conditions found in its southern neighbors.¹⁹ The coefficient for *VRA Coverage* is 0.16 ($SE = 0.05$), indicating that requiring preclearance for Texas jurisdictions was associated with a substantively large increase in support for civil rights legislation among legislators from that state relative to legislators from the Deep South. Second, we used the genetic matching procedure to identify otherwise comparable "treated" and "control" districts in the South, and we found that legislators from districts subject to preclearance were significantly more supportive of civil rights legislation than legislators whose districts were not subject to preclearance ($t = 2.35$, $p < .02$). Thus, on the basis of these results, the data indicate that the preclearance provision was at least as effective in the South as it was in other parts of the country.

Extensions

We conducted a series of additional tests to explore alternative explanations to the interpretation we provided above. First, the results shown in Table 2 are not simply an artifact of increased liberalism among members of Congress over the same time period. We replicated the analysis shown in Table 2 but instead focused on foreign policy—a policy domain that was plausibly unaffected by the VRA. We scored each legislator's foreign policy voting record according to key votes on foreign policy and trade

agreements identified by the Americans for Democratic Action (ADA) annual scorecard, which resulted in an average of 5.5 votes per congress.²⁰ Legislators were scored based upon whether they voted in the way advocated by the ADA, where higher scores indicate more liberal voting patterns on foreign affairs.²¹ The results provide little evidence that the findings displayed above are due simply to an overall increase in the liberalism of legislators' voting records. The coefficients for *VRA Coverage* are all positive and statistically significant, but they are considerably smaller in magnitude than the coefficients shown in Table 2. These results suggest that while the preclearance provision may have led to the election of more liberal legislators, its effect was more limited for foreign policy than it was for civil rights.²²

Our results are strengthened when we distinguish those congressional districts with large portions of covered territory from those that were not covered at all. We distinguished those districts that we judged to be "substantially" covered from those that were "partially" covered.²³ We then estimated the models shown in Table 2 separately. The coefficients for *VRA Coverage* are all positive, but they are significantly larger for districts that were "substantially" covered than they are for districts that were "partially" covered.²⁴ These results provide evidence of a dose-response relationship, in which greater exposure to "treatment" (the breadth of territory subject to preclearance) is associated with an outcome (support for civil rights legislation) of greater magnitude, providing some leverage in interpreting these results in a causal manner.

The findings are also quite robust to a range of other approaches. First, because the number of civil rights votes varied by congress, we reestimated the models in Table 2 but included only those congresses for which at least 5, 10, and 15 civil rights roll-call votes were held. Second, we estimated models using president fixed effects rather than Congress fixed effects. We also estimated models in which the dependent variable is characterized as the logged value of the civil rights voting score, and when accounting for

¹⁹House of Representatives Report No. 94-196 (May 8, 1975) concluded, "Texas also has a long history of discriminating against [Mexican Americans and blacks] in ways similar to the myriad forms of discrimination practiced against blacks in the South." The report further documents that the only reason Texas was not covered under the initial VRA or its 1970 extension was because it employed restrictive voting devices other than literacy requirements.

²⁰We excluded votes related to military acquisitions and spending.

²¹These scores are summarized in Table C-1 in the supporting information.

²²These results are shown in Table C-2 in the supporting information.

²³This distinction was made on the basis of geographic overlap between counties and congressional districts, where congressional districts comprising less than 50% of covered jurisdictions were judged to be "partially" covered.

²⁴These results are shown in Table C-3 in the supporting information.

higher-order relationships between both Black percentage of the population and district competitiveness, and civil rights support. In addition, we estimated models that included only southern states, and districts represented by non-Black legislators. Across these alternative specifications, characterizations, and subsets of districts, we obtain results that continue to support the inference that preclearance under the VRA significantly increased legislators' support for civil rights legislation.

Finally, the results shown in Table 2 are remarkably persistent over the time period examined. To explore the possibility that preclearance had a large effect in the immediate aftermath of the VRA's passage, and then diminished over time, we interacted the indicator for legislators from covered territory with the congress-specific indicators. The results indicate that the preclearance requirement had a significant effect on Black representation long after its passage.

Representation, Civil Rights, and the Voting Rights Act

We explored a proposed mechanism for the findings observed above and studied how the characteristics of a legislator's district conditioned the effect of the VRA. First, the VRA should have had a larger effect among legislators in districts with larger Black populations and in which legislators' electoral fortunes depended more heavily on Black support. Similarly, legislators in severely uncompetitive districts would have had little incentive to support civil rights policies at greater rates because there would have been little threat of a credible electoral challenger, whereas legislators from districts in which partisan support was more evenly divided would have greater incentives to provide support for civil rights policies.

Table 3 displays the results when testing these hypotheses. The covariates interacted with *VRA Coverage* are centered at their means for ease of interpretation. The estimates displayed in column 1 examine how the effect of the VRA was conditioned by the racial composition of the district. We interacted the indicator for VRA coverage with the Black percentage of the legislator's district. The coefficient for coverage under the VRA is positive and statistically significant, indicating that preclearance coverage was associated with greater support for civil rights legislation among legislators who represented districts that contained the average percentage Black population. The coefficient on the interaction term, however, is positive, large in magnitude, and statistically significant, indicating that legislators from districts covered under the VRA were substantially more supportive of civil rights legislation as

TABLE 3 The Voting Rights Act and Representation

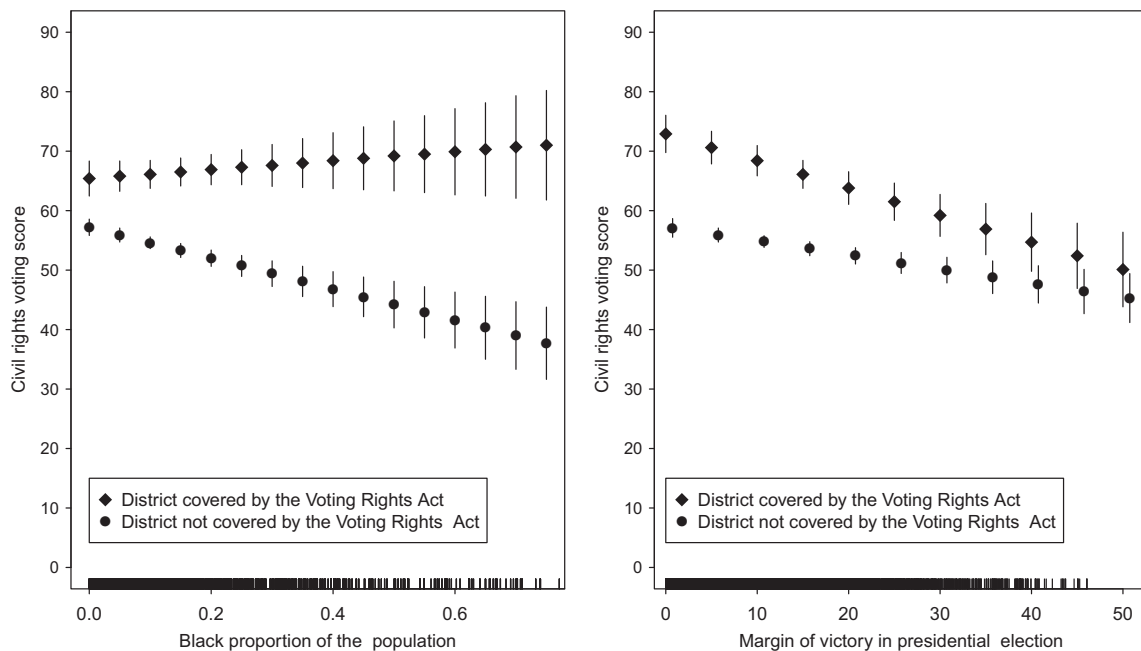
Independent Variables	(1)	(2)
VRA Coverage	0.119* (0.015)	0.135* (0.016)
Percent Black	-0.260* (0.047)	-0.159* (0.043)
VRA Coverage × Percent Black	0.335* (0.074)	
Electoral Competitiveness	0.027* (0.005)	0.024* (0.005)
VRA Coverage × Electoral Competitiveness		0.022* (0.009)
Democratic Presidential Vote	0.048* (0.004)	0.044* (0.004)
Republican	-0.333* (0.008)	-0.334* (0.008)
Independent	-0.134 (0.083)	-0.137 (0.086)
Black Legislator	0.132* (0.028)	0.137* (0.029)
(Intercept)	0.655* (0.079)	0.640* (0.082)
N	7,938	7,938
Clusters	3,471	3,471
MSE	0.236	0.237

Note: Entries are linear regression coefficients and standard errors, clustered by House member. The dependent variable is legislators' support for civil rights legislation. State and Congress fixed effects are also included but not reported.

* $p < .05$, two-tailed tests.

the proportion of Black constituents increased. The estimates in column 2 present results from a similar model in which preclearance coverage was interacted with the competitiveness of the district. The coefficient for the interaction is positive and statistically significant, indicating that the effect of the VRA on legislators' support for civil rights was greater in more competitive districts. Thus, in the main, the VRA significantly increased support for legislators from districts subject to its preclearance provision, and the magnitude of this effect was greater in districts with larger Black populations and more competitive electoral environments.

Figure 1 graphically displays the substantive relationships described by the results reported above. The plot on the left shows how support for civil rights legislation was associated with the percentage of the Black population in the district, holding constant all other variables in the model. Districts subject to preclearance coverage are shown with diamonds, and districts that were not subject

FIGURE 1 Substantive Effects of the Voting Rights Act

Note: Plots show the predicted civil rights voting scores for legislators from districts whose territory was and was not subject to preclearance under the Voting Rights Act. The left plot shows how the effect of the Voting Rights Act is conditioned by the Black percentage of the population, and the right plot shows how the effect of the Voting Rights Act is conditioned by the competitiveness of the district, measured by the margin of victory in the most recent presidential election. The points represent the estimated voting scores, and the vertical lines are the 95% confidence intervals. The tick marks along the x-axes show the distributions of districts along those values.

to coverage are shown with circles. The vertical bars are the 95% confidence intervals, and the hash marks along the x-axis show the distribution of the Black percentage of the population across districts. Across all values along the x-axis, legislators' support for civil rights legislation differed significantly depending on whether the district was subject to coverage under Section 5. However, among districts with larger Black populations, the effect of VRA coverage increased dramatically. Among legislators from districts that were one-fourth Black, the effect of preclearance coverage on support for civil rights legislation was approximately 17 percentage points; this increased to nearly 25 percentage points among legislators who represented districts in which the Black population was 50%.²⁵

The plot on the right shows how electoral competitiveness conditioned the effects of the VRA. The x-axis shows the margin of victory in the most recent presidential election. As the plotted points shown with a circle indicate, among legislators from districts that were not subject to coverage under the VRA, voting behavior on civil rights legislation was hardly sensitive to the level

of electoral competitiveness, as increasing the degree of electoral competitiveness from the lowest to the highest increased civil rights support scores by only about 5 percentage points. However, voting behavior on civil rights among legislators from districts that *were* covered by the VRA was strongly conditioned by the level of electoral competitiveness. Among districts where the presidential election was decided by 5 percentage points, for instance, the difference in civil rights support based upon preclearance coverage was approximately 15 percentage points. However, among districts where the election was decided by 25 percentage points, the effect of preclearance coverage was about 10 percentage points.

Though not dispositive, these results provide suggestive evidence that the VRA not only increased the level of support for civil rights legislation, but that it also had broader implications for the electoral environment. Not only did the VRA increase support for civil rights legislation among legislators from districts subject to its preclearance requirement, but it was also associated with especially large increases in support civil rights legislation among legislators whose electoral fortunes were most closely tied to their voting records on civil rights. As votes from historically marginalized groups increased

²⁵We find the same substantive patterns when including the squared value of Black percentage of the population in our models (and its interaction with VRA Coverage).

in importance, legislators were more responsive to those groups' interests. These conditions thus provided incentives for legislators to support civil rights legislation when their districts were covered under the preclearance provision of the VRA. In additional models, we find that districts subject to the preclearance requirement were approximately 5 percentage points less likely to feature an uncontested congressional race, and approximately 4 percentage points more likely to be decided in a close contest.²⁶ While this pattern may have been primarily a response to the mass enfranchisement of Blacks following the Voting Rights Act of 1965, it is also possible that the preclearance provision played an additional role in facilitating greater levels of electoral competition.

Conclusion

As a newly elected senator from South Carolina, Strom Thurmond's filibuster of the 1957 Civil Rights Act cemented his reputation as a staunch advocate for states' rights. Just two decades and a party switch later, some prominent Black leaders suggested that Thurmond had undergone a change of heart from his Dixiecrat days. When Thurmond stood for reelection in 1978, Isaac Williams, head of the South Carolina NAACP, remarked that "we don't care what the senator did in the 40s and 50s but how he is representing us in 1978."²⁷

The analyses in this article highlight one potential explanation for Thurmond's conversion. In analyzing congressional voting behavior over four decades and across nearly 250 civil rights roll-call votes, we find that legislators from districts that were subject to federal preclearance under the VRA were substantially more supportive of civil rights policies. The Voting Rights Act helped realize the hopes of civil rights leaders and proponents of voting rights reforms who believed that ensuring the right to vote would increase government responsiveness to racial and language minorities. By guaranteeing the voting rights of Black constituents, Section 5 created the incentives for elected officials to better represent Black interests. Moreover, these effects persisted long after the VRA was passed, casting doubt on the majority's opinion in *Shelby County v. Holder* that "things have changed" and that the issues addressed by the VRA are "decades-old problems." To the contrary, preclearance under the VRA

appeared to substantially increase Black representation in the contemporary era.

The results highlight the potential for relatively small-scale changes in election law to generate quite different patterns of political representation. Though the Department of Justice has rejected thousands of potential changes to election law over the last 50 years from jurisdictions that were required to first obtain preclearance, the vast majority of these changes concerned, for instance, the locations of polling places. Previous research has shown that geographic proximity to polling places can have major effects on voter turnout (Gimpel and Schuknecht 2003; Haspel and Knotts 2005), and the findings reported here demonstrate that relatively subtle changes like these can significantly affect legislators' representation of constituent interests.

While the findings indicate that the preclearance requirement is associated with increased levels of support for civil rights legislation, the legislative voting records analyzed in this study do not exhaust the ways legislators represent Black interests. Indeed, as Dawson (1994, 2001) and others have shown, Blacks tend to have fairly homogeneous views on a range of policy areas, such as economic, housing, and social welfare policies, that are not captured by the civil rights measure employed here. The data used in this article also do not address myriad other ways in which legislators represent their constituents by, for instance, procuring federal resources, performing constituent service, and sponsoring legislation. The Strom Thurmond example raises questions about whether legislators may be able to cast votes on more symbolic forms of legislation, or else secure support through constituency service, without addressing their constituents' substantive interests in more substantively meaningful ways. Future research could further explore how election laws, including the provisions of the VRA, affect Black political representation across a wider range of outcomes of interest. In addition, while the electoral protections provided by the Voting Rights Act may have affected Black attitudes toward government (e.g., Rogowski and Schuit 2016), the potential for policy feedback effects of the VRA is an important area for further research.

Finally, the results of this study support some tentative conclusions about the potential effects of the *Shelby County* decision. Mere hours after the decision was issued, Texas enacted its voter identification law that had previously been denied approval by the Department of Justice. Later in summer 2013, North Carolina implemented an even more wide-ranging set of voting restrictions that seems likely to disproportionately reduce turnout among Black voters (Herron and Smith forthcoming). These changes may reduce the political representation

²⁶These results are displayed in Table C-4 in the supporting information.

²⁷Quoted in Crespino (2012, 283).

of Black constituents in Congress. While we believe that political institutions that increase the representation of historically marginalized groups are desirable, our results do not allow us to address the possible impact of other, alternative preclearance formulas. This remains an important task for future research, particularly as Congress contemplates revisions to the original formula.

References

- Abrams, Burton A., and Russell F. Settle. 1999. "Women's Suffrage and the Growth of the Welfare State." *Public Choice* 100(3): 289–300.
- Aidt, Toke S., and Bianca Dallal. 2008. "Female Voting Power: The Contribution of Women's Suffrage to the Growth of Social Spending in Western Europe (1869–1960)." *Public Choice* 134(3): 391–417.
- Aidt, Toke S., Jayasri Dutta, and Elena Loukoianova. 2006. "Democracy Comes to Europe: Franchise Extension and Fiscal Outcomes 1830–1938." *European Economic Review* 50(2): 249–83.
- Black, Merle. 1978. "Racial Composition of Congressional Districts and Support for Federal Voting Rights in the American South." *Social Science Quarterly* 59(3): 435–50.
- Canon, David T. 2008. "Renewing the Voting Rights Act: Retrogression, Influence, and the 'Georgia v. Ashcroft Fix.'" *Election Law Journal* 7(1): 3–24.
- Cascio, Elizabeth U., and Ebonya Washington. 2014. "Valuing the Vote: The Redistribution of Voting Rights and State Funds Following the Voting Rights Act of 1965." *Quarterly Journal of Economics* 129(1): 379–433.
- Combs, Michael W., John R. Hibbing, and Susan Welch. 1984. "Black Constituents and Congressional Roll Call Votes." *Western Political Quarterly* 37(3): 424–34.
- Cox, Adam B., and Thomas J. Miles. 2008. "Judging the Voting Rights Act." *Columbia Law Review* 108(1): 1–54.
- Crespino, Joseph. 2012. *Strom Thurmond's America*. New York: Hill and Wang.
- Dawson, Michael C. 1994. *Behind the Mule: Race and Class in American Politics*. Princeton: Princeton University Press.
- Dawson, Michael C. 2001. *Black Visions: The Roots of Contemporary African-American Political Ideologies*. Chicago: University of Chicago Press.
- Fairdosi, Amir Shawn, and Jon C. Rogowski. 2015. "Candidate Race, Partisanship, and Political Participation: When Do Black Candidates Increase Black Turnout?" *Political Research Quarterly* 68(2): 337–49.
- Filer, John E., Lawrence W. Kenny, and Rebecca B. Morton. 1991. "Voting Laws, Educational Policies, and Minority Turnout." *Journal of Law and Economics* 34(2): 371–93.
- Garrow, David J. 1978. *Protest at Selma: Martin Luther King, Jr., and the Voting Rights Act of 1965*. New Haven, CT: Yale University Press.
- Gay, Claudine. 2007. "Legislating without Constraints: The Effect of Minority Districting on Legislators' Responsiveness to Constituency Preferences." *Journal of Politics* 69(2): 442–56.
- Gerken, Heather K. 2006. "A Third Way for the Voting Rights Act: Section 5 and the Opt-In Approach." *Columbia Law Review* 106(3): 708–52.
- Gimpel, James G., and J.E., Schuknecht. 2003. "Political Participation and the Accessibility of the Ballot Box." *Political Geography* 22: 471–488.
- Grofman, Bernard. 2006. "Operationalizing the Section 5 Retrogression Standard of the Voting Rights Act in the Light of Georgia v. Ashcroft: Social Science Perspectives on Minority Influence, Opportunity and Control." *Election Law Journal* 5(3): 250–82.
- Grofman, Bernard, and Lisa Handley. 1991. "The Impact of the Voting Rights Act on Black Representation in Southern State Legislatures." *Legislative Studies Quarterly* 16(1): 111–28.
- Grose, Christian R. 2005. "Disentangling Constituency and Legislator Effects in Legislative Representation: Black Legislators or Black Districts?" *Social Science Quarterly* 86(2): 427–43.
- Grose, Christian R. 2011. *Race and Representation in Washington and at Home*. New York: Cambridge University Press.
- Groseclose, Timothy, Steven D. Levitt, and James M. Snyder. 1999. "Comparing Interest Group Scores across Time and Chambers: Adjusted ADA Scores for the U.S. Congress." *American Political Science Review* 93(1): 33–50.
- Guinier, Lani. 1991. "The Triumph of Tokenism: The Voting Rights Act and the Theory of Black Electoral Success." *Michigan Law Review* 89(5): 1077–1154.
- Hancock, Paul F., and Lora L. Tredway. 1985. "The Bailout Standard of the Voting Rights Act: An Incentive to End Discrimination." *The Urban Lawyer* 17(3): 379–425.
- Handley, Lisa, Bernard Grofman, and Wayne Arden. 1998. "Electing Minority-Preferred Candidates to Legislative Office: The Relationship between Minority Percentages in Districts and the Election of Minority-Preferred Candidates." In *Race and Redistricting in the 1990s*, ed. Bernard Grofman. New York: Agathon Press, 13–38.
- Haspel, Moshe, and H. Gibbs Knotts. 2005. "Location, Location, Location: Precinct Placement and the Costs of Voting." *Journal of Politics* 67: 560–573.
- Herron, Michael C., and Daniel A. Smith. Forthcoming. "Race, Shelby County, and the Voter Information Verification Act in North Carolina." *Florida State University Law Review*.
- Ho, Daniel, Kosuke Imai, Gary King, and Elizabeth Stuart. 2007. "Matching as Nonparametric Preprocessing for Reducing Model Dependence in Parametric Causal Inference." *Political Analysis* 15(3): 199–236.
- Husted, Thomas A., and Lawrence W. Kenny. 1997. "The Effect of the Expansion of the Voting Franchise on the Size of Government." *Journal of Political Economy* 105(1): 54–82.
- Issacharoff, Samuel. 1992. "Polarized Voting and the Political Process: The Transformation of Voting Rights Jurisprudence." *Michigan Law Review* 90(7): 1833–91.
- Issacharoff, Samuel. 2013. "Beyond the Discrimination Model on Voting." *Harvard Law Review* 127: 95–126.
- Jones-Correa, Michael. 2005. "Language Provisions under the Voting Rights Act: How Effective Are They?" *Social Science Quarterly* 85(3): 549–64.
- Karlan, Pamela S. 1991. "Undoing the Right Thing: Single-Member Offices and the Voting Rights Act." *Virginia Law Review* 77(1): 1–45.

- Katz, Ellen D. 2014. "Dismissing Deterrence." *Harvard Law Review* 127(6): 248–52.
- Keech, William R. 1968. *The Impact of Negro Voting: The Role of the Vote in the Quest for Equality*. Chicago: Rand McNally.
- Lott, John R., and Lawrence W. Kenny. 1999. "Did Women's Suffrage Change the Size and Scope of Government?" *Journal of Political Economy* 107(1): 1163–98.
- Lublin, David. 1997. *The Paradox of Representation: Racial Gerrymandering and Minority Influence in Congress*. Princeton, NJ: Princeton University Press.
- Lublin, David. 1999. "Racial Redistricting and African-American Representation: A Critique of 'Do Majority-Minority Districts Maximize Substantive Black Representation in Congress?'" *American Political Science Review* 93(1): 183–86.
- Lublin, David, Thomas L. Brunell, Bernard Grofman, and Lisa Handley. 2009. "Has the Voting Rights Act Outlived Its Usefulness? In a Word, 'No.'" *Legislative Studies Quarterly* 34(4): 525–53.
- Lublin, David, and D. Stephen Voss. 2000. "Racial Redistricting and Realignment in Southern State Legislatures." *American Journal of Political Science* 44(4): 79–810.
- MacCoon, John P. 1979. "The Enforcement of the Preclearance Requirement of Section 5 of the Voting Rights Act of 1965." *Catholic University Law Review* 29(1): 107–28.
- Motomura, Hiroshi. 1983. "Preclearance under Section 5 of the Voting Rights Act." *North Carolina Law Review* 61(2): 189–246.
- Overby, L. Marvin, and Kenneth M. Cosgrove. 1996. "Unintended Consequences? Racial Redistricting and the Representation of Minority Interests." *Journal of Politics* 58(2): 540–50.
- Persily, Nathaniel. 2007. "The Promise and Pitfalls of the New Voting Rights Act." *Yale Law Journal* 117(2): 174–254.
- Pildes, Richard H., and Richard G. Niemi. 1993. "Expressive Harms, 'Bizarre Districts,' and Voting Rights: Evaluating Election-District Appearances after *Shaw v. Reno*." *Michigan Law Review* 92(3): 483–587.
- Polsby, Daniel D., and Robert D. Popper. 1993. "Ugly: An Inquiry into the Problem of Racial Gerrymandering under the Voting Rights Act." *Michigan Law Review* 92(3): 652–82.
- Poole, Keith T., and Howard Rosenthal. 1997. *Congress: A Political-Economic History of Roll Call Voting*. New York: Oxford University Press.
- Rodriguez, Daniel B., and Barry R. Weingast. 2003. "The Positive Political Theory of Legislative History: New Perspectives on the 1964 Civil Rights Act and Its Interpretation." *University of Pennsylvania Law Review* 151(4): 1417–1542.
- Rogowski, Jon C., and Sophie Schuit. 2016. "Democratic Legitimacy and the Voting Rights Act." Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL.
- Sass, Tim R., and Stephen L. Mehay. 1995. "The Voting Rights Act, District Elections, and the Success of Black Candidates in Municipal Elections." *Journal of Law and Economics* 38(2): 367–92.
- Shotts, Kenneth W. 2001. "The Effect of Majority-Minority Mandates on Partisan Gerrymandering." *American Journal of Political Science* 45(1): 120–35.
- Swain, Carol M. 1993. *Black Faces, Black Interests: The Representation of African Americans in Congress*. Cambridge, MA: Harvard University Press.
- Tate, Katherine. 1993. *From Protest to Politics: The New Black Voters in American Elections*. Cambridge, MA: Harvard University Press.
- Tate, Katherine. 2003. *Black Faces in the Mirror: African Americans and Their Representatives in the U.S. Congress*. Princeton, NJ: Princeton University Press.
- Whitby, Kenny J. 1985. "Effects of the Interaction between Race and Urbanization on Votes of Southern Congressmen." *Legislative Studies Quarterly* 10(4): 505–17.
- Whitby, Kenny J. 2000. *The Color of Representation: Congressional Behavior and Black Interests*. Ann Arbor: University of Michigan Press.
- Whitby, Kenny J., and Franklin D. Gilliam Jr. 1991. "A Longitudinal Analysis of Competing Explanations for the Transformation of Southern Congressional Politics." *Journal of Politics* 53: 504–18.

Supporting Information

Additional Supporting Information may be found in the online version of this article at the publisher's website:

Appendix A: Civil Rights Vote Descriptions

Appendix B: Congressional districts subject to preclearance

Appendix C: Robustness checks and extensions

Table C-1: Foreign Policy Voting Records by Congress

Table C-2: Voting Rights Act Coverage and Legislative Voting Behavior on Foreign Policy

Table C-3: Distinguishing Levels of Coverage under the Voting Rights Act

Table C-4: Electoral Competition and the Voting Rights Act