

One felon, no vote

The role of racial threat in felon disenfranchisement laws
across the United States

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Abstract

This thesis looks at the role played by racial threat mechanisms in the persistence of felon disenfranchisement laws across the 50 American states. The US has a long history of disenfranchising its felons, and the motivations behind implementation of these laws has been mixed.

The analysis employs two main theoretical frameworks: one of racial threat as an activating mechanism of mass opinion, as well as one of elite mobilization of the white electorate through the exploitation of racial threat mechanisms, to explain the differences between states in strictness of felon disenfranchisement laws. It employs felon disenfranchisement as a type of social control, and tests it as such.

The states were divided into two groups based on strictness of laws, and compared. The theories are translated into six hypotheses, which are tested in two statistical models. The analysis does not find purchase for either of the two models, however, as only one hypothesis is found to be a significant predictor for the felon disenfranchisement behavior of a state.

Key words: Felon disenfranchisement, Group threat theory, Voting rights, Racial resentment, Criminal justice

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1 Introduction

1.1 Background

The topic of this study is felon disenfranchisement and its differences across the 50 American states. Currently, every state but Vermont and Maine have some kind of restrictions on felon voting. Thirty-five states ban felons from voting while in prison and on parole, and 31 of those also disenfranchise those on probation. Four states ban ex-felons from voting for life, while eight states allow for voting post-sentence after fulfilling certain requirements (The Sentencing Project, 2014). Since 1975, 13 states have liberalized their laws, 11 passed further limitations, and three passed both kinds of laws (Manza and Uggen, 2008). The severity of the laws varies across states, and has also fluctuated historically.

As of 2014, 5.85 million people across the US were disenfranchised due to felony convictions, or 2.5 % of the adult population. Out of these, 7.7 % of the black population is disenfranchised, compared to only 1.8 % of the non-black population (The Sentencing Project, 2014). Despite making up only 13% of the American population, around 40 % of the disenfranchised population is black (Brown-Dean, 2007, p. 105). 45% of those currently disenfranchised have completed their sentences (The Sentencing Project, 2014).

The disenfranchised population makes up a significant proportion of the population in certain states. There are six states in which over 7% of the adult population is disenfranchised (Uggen, Larson and Shannon, 2016, p. 3). Scholars have, for instance, claimed that the outcome of the notably close 2000 presidential election could have gone differently if it weren't for Florida's strict felon disenfranchisement laws (Karlan, 2004; Manza and Uggen, 2008).

1.2 History

The history of felon disenfranchisement is mixed. While Brooks (2004) points to the way these laws were implemented with a clear racial goal in eight Southern states during the Reconstruction era, he also finds that more than 80 % of states originally passed these laws seemingly without this bias.

The first wave of felon disenfranchisement laws came at the end of the 1700's and in the early 1800's, Virginia being the first one in 1776. As of 1821, 11 states

had some form of restrictions, but many states followed closely after that (Brooks, 2004, p. 103). Several new states were added to the union in the late 1800's, and most of them adopted felon disenfranchisement laws within a year (Manza and Uggen, 2008, p. 50-51) By the time of the 14th Amendment's ratification in 1868 eighteen states had joined the club (Brooks, p. 103). The laws implemented in this first wave were part of a larger legal heritage from the United Kingdom and Ireland, a consequence of a punitive view of the criminal justice system (Schall, 2006). The act of committing a crime was seen as a break from social norms and criminals had therefore given up their right to participate in the political process (Clegg, Conway and Lee, 2006, p. 5). Implementation of these laws also followed after the decline of property ownership requirements and other restrictions on white male voting in the northeast. After that, the Midwestern states that joined the union adopted laws upon achieving statehood (Manza and Uggen, 2008, p. 51).

The second wave of felon disenfranchisement law implementation was more explicitly racial. It came after the end of the Civil War, meaning after the abolition of slavery. The Fifteenth Amendment was ratified in 1870, as the last of the three "Reconstruction Amendments". It forbade states from denying anyone the vote based on "race, color, or previous condition of servitude" (15th amendment, Section I). In several, especially Southern, states felon disenfranchisement laws, along with a larger package of laws meant to limit African American suffrage, known as Jim Crow laws, were implemented on the heels of the 15th amendment. States that implemented disenfranchisement laws post-15th amendment after not having had any previously included Tennessee, North Carolina, Missouri and Illinois (Manza and Uggen, 2008, p. 50). Most other Confederate states adopted these laws post-Civil War but before the 15th amendment, except for Louisiana and Virginia, which had already adopted them in the first wave (Brooks, 2004).

This history indicates that in the northern states, felon disenfranchisement laws were adopted to make up for the decline of property ownership and similar requirements on white men's suffrage. These laws did nothing to exclude African Americans from the franchise, as they were already excluded, which meant that the laws were more class-motivated than race-motivated. Southern states' adoption of the laws, on the other hand, was much more driven by the emerging political power of the black population (Brooks, 2004; Manza and Uggen, 2008; Karlan, 2004).

Before the Civil War, it is hard to make the case that the enactment of felon disenfranchisement laws was tied to race, because voting was an all-white endeavor in all but six states, and those states did not have large black population. As 19 states adopted new felon voting restrictions in the period between the Civil War and the turn of the century (1865-1900), this could not be said, however. By 2004, 96 % of all states – that is, all the states except Maine and Vermont - had some kind of felon disenfranchisement laws. These were adopted as late as 1996 in Colorado, and 2000 in Massachusetts.

With the enactment of the Voting Rights Act in 1965, most of the laws designed to stop African Americans from voting (Key, 1949) - poll taxes, literacy

tests - were outlawed in one fell swoop. Felon disenfranchisement was not included. Au contraire, the Supreme Court upheld states' rights to enact specific laws excluding felons and ex-felons from the vote as they saw fit in the 1974 case *Richardson v. Ramirez*. The Court determined that felon disenfranchisement laws were permissible under Section 2 of the 14th Amendment, which makes an exemption from states' requirement to ensure the franchise "for participation in rebellion, or other crime" (Karlan, 2004, p. 1154).

2 Purpose and research question

2.1 Purpose

As the study of felon disenfranchisement has become more and more commonplace in the past decade, the fundamental understanding of what makes different laws emerge in different states has been the basic problem. An attempt to tie the phenomenon more clearly to the study of social control may therefore be useful in further deepening the understanding of its relationship to sociological mechanisms.

By incorporating one fairly mainstream theory – racial threat in mass opinion – and one relatively unexplored – racial threat deliberately stoked by political elites – this study aims to bring a new understanding about the mechanisms behind the persistence of felon disenfranchisement. Through the six hypotheses, the models in this study are meant to measure the extent to which felon disenfranchisement conforms to expectations of other social control measures, as they relate to African Americans.

2.2 Research question

How can racial threat mechanisms explain the varying pattern of persistence of felon disenfranchisement laws within the different US states today?

2.3 Key definitions

Felons are a specific subcategory of prisoners, those who have committed crimes in the more serious category - felonies. Felonies are those crimes that are punishable by a year or more in prison, or by the death penalty. The criminal sentenced for a felony is a felon whether or not he or she has actually served more than one year, as long as the potential sentence for their crime was more than one year (18 U.S.C. § 3559, 1987).

Felon disenfranchisement is the practice of denying the right to vote to those who are currently in prison for felonies, as well as, in some states, those who are on probation, parole, or have served their full sentence.

3 Previous research

Though felon disenfranchisement laws have been prevalent in some places ever since the dawn of the republic, scholarly focus has not been pronounced until quite recently. Especially the electoral impact of felon disenfranchisement has remained understudied until the 2000 election, where the close race intensified focus on many different factors that could have swung the election, felon disenfranchisement among them (see for example Manza and Uggen, 2008; Brooks, 2004; Burch, 2012).

3.1 Mass opinion and criminal justice

A focus on mass opinion has previously been found to be especially relevant regarding crime and punitive policies. Sharp (1999) found that criminal policy is one of the areas of public policy where mass-elite responsiveness is the highest. This same connection exists between presidential policy-making and spending – crime policy is, except for Social Security, the area of public policy where the President is most likely to take the popular position (Canes-Wrone and Shotts, 2004). In states with elected Supreme Courts, support for the death penalty has been found to influence the willingness of judges in those states to reverse death penalty convictions. In states where the Supreme Courts are not elected, however, this same connection could not be found (Brace and Boyea, 2008), showing the importance of the electoral component in that equation.

3.2 The criminal justice system

As a basis for the discussion of race's impact on felon disenfranchisement laws, a more fundamentally fractious relationship between the African American community and the criminal justice system can be laid out. With the rise of mass incarceration, black incarceration rates have skyrocketed, and grown disproportionate to those of white America. Between 1980 and today, the incarcerated population of the US has grown from lying stable at around 300,000 people to now exceeding one million, a disproportionately large part of which has come from the incarceration of black men (Bobo and Thompson, 2006, p. 449; Mauer, 1990).

Inequality between the races in everything from arrest rates (Tonry, 2010) to sentencing (Bushway and Morrison Piehl, 2001) has contributed to this outcome. African American defendants are more likely to receive the death penalty, especially for crimes against white victims (Unnever, Cullen and Lero Jonson, 2008, p. 50), and crimes with black victims generally receive a lighter punishment than those where the victim is white (Paternoster, 1984).

Furthermore, minority youth who commit crimes are more likely to receive harsher treatment as juvenile delinquents (Bishop and Frazier, 1996) than their white counterparts, and less likely to be referred to mental health treatment as opposed to correctional treatment by a court when charged with a crime (Thomas, Stubbe and Pearson, 1999, p. 662). This all lays the foundation for an explanation of why African American men are so overrepresented in the disenfranchised population – they are overrepresented among the incarcerated population to begin with.

3.3 Race and punitive attitudes

Part of this analysis will focus on the application of the *group threat theory* to the specific case of felon disenfranchisement. This theory in specifics will be addressed in the next chapter, but some previous research lends credence to the theory that *group threat*, or the more specific version of it relevant to this case, *racial threat*, may influence the application of criminal justice. Behrens, Uggen and Manza (2003) find that felon disenfranchisement laws have largely been a response to emerging black power historically, especially in the South. Jacobs and Kleban (2003) relatedly conclude that the role played by minority threat in incarceration rates carries over to a number of countries similar to the US - wherever there is a sizable minority population, incarceration rates are higher.

This connection between perceived threat and punitive attitudes has also been established in the economic arena. Where the majority feels threatened economically, especially if there is competition for scarce resources, punitive attitudes increase among the white population (King and Wheelock, 2007). More related to the point of political threat, the size of the African American population in a county can be connected to more severe sentencing outcomes for African American defendants in that county (Wang and Mears, 2010). Further underscoring the specific threat to the white majority aspect of racial threat, a study of South Carolina found black arrest levels go up when levels of black-on-white crime increase, while there was no such relationship for black-on-black crime (Eitle, D'Alessio and Stolzenberg, 2002).

4 Theoretical framework

This thesis aims to look at the persistence of felon disenfranchisement laws over time, and the specific role played by mechanisms of *racial threat* in that process. It will be using a quantitative analysis. Based on two main theoretical frames, three hypotheses for each will be tested. Considering the extensive nature of the study, statistical methods are the best fit for this analysis (Teorell and Svensson, 2007, p. 267).

The analysis will be working with the main overarching theory that felon disenfranchisement laws have been implemented and persisted with the severity that they have due to the racial characteristics of that state's population of felons and ex-felons, and the activation of racial threat mechanisms in response.

Two complementing theories come out of this main framework. One posits that the racial threat mechanisms are activated within the general populace first, and influencing elites from the bottom-up. The other theory takes a top-down approach, assuming that racial threat mechanisms are first activated within the political elites and then exploited.

4.1 Theory 1: Racial threat

The theory of *racial threat* is a more specific application of *group threat theory*. This theory operates in the realm where a majority group feels threatened by a minority group, or more specifically perceive that a "sphere of group exclusiveness" (Blumer, 1958, p. 4) has been breached. It posits that the majority group will then use their available resources to fight back against this new balance, using the instrument of *social control* (Blalock, 1967, p. 109-ff). The theory operates on both an economic and political level, though the focus here will be on the political.

In this specific case, the racial threat theory involves the minority status of African Americans, specifically. Felon disenfranchisement is used as a specific case of social control, as one potential consequence of a racial threat mechanism being activated. From that theory stems a number of hypotheses concerning the connection between racial threat and strict felon disenfranchisement laws.

While there are several strands to racial threat theory, they have been boiled to three main, testable, aspects for the purpose of this study. The first concerns *racial attitudes*, the second *size of minority group*, and the third *stereotypization* of the minority group as criminals.

4.1.1 Hypothesis 1: Racial resentment

H1: States where racial resentment is more prevalent among whites will be more likely to have strict felon disenfranchisement laws.

This is the test of the attitudinal strand of the group threat model. It will help answer the question if there is a correlation between negative views of African Americans among the mass public and stricter felon disenfranchisement laws. Such a correlation would dovetail with the social control theory, connecting negative views towards the black population with increased social control.

Racial resentment has been found to be a powerful predictor of support for the death penalty (Tonry, 2010, p. 289) and punitive attitudes more generally (Unnever, Cullen and Jones, 2008). For that reason, support for this hypothesis would strengthen the case that felon disenfranchisement functions as a type of social control through this mechanism.

The measurement will be derived from Kinder and Sanders' (1996) discussion of racial resentment. They point out the importance of developing a new way of analyzing white racial attitudes for the modern era. While previous notions of African Americans as biologically inferior or fundamentally different from whites have largely become taboo over time, there still remains what has been called *symbolic racism* (Kinder and Sears, 1981), or what Kinder and Sanders more specifically call *racial resentment* (p. 106). This sentiment is harder to pin down, as it is a question of subtler racial biases, based on ideas of African American "culture" - they are stereotyped as less hard-working and dependent on the state.

This attitudinal movement has been mirrored in policy preferences, where there has, over the latter half of the 20th century, been a clear move away from support for obviously segregational practices such as school segregation and laws against interracial marriages (Bobo et al., 2012). For that reason, racial resentment is harder to measure than previous racial sentiment, since racial attitudes are subject to the norms of the day. Kinder and Sanders call it "subtle prejudice" (p. 93). They use as indications of racial resentment answers to six questions on the National Election Survey which are more subtle cues, including

"Irish, Italians, Jewish and many other minorities overcame prejudice and worked their way up. Blacks should do the same without any special favors" (p. 106).

Agreement with this statement is used as an indication of racial resentment. This question alone frames many of the different aspects of whites' more modern racial resentment: "It is part racial stereotype, part normative judgement or evaluation, and part perception of current or future threat" (Bobo et al, 2012, p. 68).

4.1.2 Hypothesis 2: Size of minority group

H2: States with a higher proportion of black citizens are more likely to have strict felon disenfranchisement laws.

The second strand of racial threat theory regards the size of the minority group, and suggests that the perceived threat will increase with the size of the group. Quillian (1995) finds this phenomenon in Europe, and Taylor (1998) and Fossett and Kiecolt (1989) tie white racial attitudes to the size of the black population in the United States. According to racial threat theory, this would be tied to the perception of the threat of black political power to white political hegemony in a state. This would then create a political backlash through social control, in this case taking the shape of felon disenfranchisement. Thus, the size of the black population in a state can be expected to be tied to the severity of felon disenfranchisement laws, if the social control theory is to hold up.

The basic theory behind this hypothesis was outlined by V.O. Key in 1949. He considered racial tensions the basis for all southern politics, arguing that the core of the political South lay in what he called the “blackbelt” areas. These are areas where African Americans make up a significant proportion of the population, where the political struggle consists of whites attempting to maintain control (Key, 1949, p. 5). Since then, numerous studies have shown that support for white nationalist candidates is higher in counties where there is a larger black population. In particular this was shown to be true for segregationist candidate George Wallace’s presidential primary campaign in 1964 (Conway, 1968). Giles and Buckner (1993) looked at this phenomenon in former Klansman David Duke’s run for one of Louisiana’s US Senate seats in 1990, and found a positive relationship.

To the extent that felon disenfranchisement laws are a reaction to black political power, one would expect there to be a relationship between the size of the African American minority and the severity of laws.

4.1.3 Hypothesis 3: Stereotypization

H3: States where a higher proportion of the current prison population are black are more likely to have strict felon disenfranchisement laws.

The third strand of activation of racial threat mechanisms is the stereotypization of the minority as dangerous. In this hypothesis, the effect of that mechanism is tested through the size of the group of black felons in that state. Hurwitz and Peffley (1997) find support for the theory that white respondents’ stereotyping of African Americans makes them more likely to view them in a biased way in a criminal context. The group characteristics of a group of felons have been found to predict support for their enfranchisement (Manza, Brooks and Uggen, 2004).

If felon disenfranchisement laws are a consequence of activation of racial threat mechanisms, one would expect the size of the black group that conforms to the stereotype of the black criminal to be tied to more severe laws.

4.2 Theory 2: Elite calculation

The second theory is based on the same principle as the *Southern Strategy* from the 1960's, or what has more broadly been called "Dog whistle politics" (see for example Haney López, 2014). In the post-Civil Rights era, the Democratic party became more and more squarely aligned with the Civil Rights movement, and thus with the African American community. The Republican party saw in this development an opening for winning back the South, where the Democratic party had completely dominated since the Civil War. By appealing to the votes of those Southern whites who opposed racial mixing, they were able to gain a foothold in the region (Carmines and Stimson, 1989).

A movement had already begun building in the region in the aftermath of World War II and the New Deal - a "pan-southern white unity" (Feldman, 2009, p. 200) in the face of increasing success of African Americans in the industrial sector - but it was fully mobilized through the Southern Strategy a couple of decades later. Presidential candidate Barry Goldwater in 1964 won the support of Southern whites through coded racial appeals and "talk[ing] about blacks without ever mentioning race" (Haney-López, 2014, p. 20).

Where Goldwater failed to carry that coalition all the way to the White House, Richard Nixon succeeded in the 1968 election. Through open opposition to "forced busing" - a veiled appeal to segregationist sentiments - he rode race-baiting to electoral success, putting the Republican party on the path to becoming the "White Man's Party" in the process (Haney López, p. 21-23).

This theory posits that felon disenfranchisement laws are not a consequence of mass sentiments affecting the political elite decision making from the bottom up, but rather the other way around. Political elites would deliberately be stoking racial threat mechanisms in its white constituents in order to maintain the status quo and keep undesirable voters out of the electorate, as suggested by Blalock (1967, p. 41-42). The theory does not assume any racial animus from these elites per se, but simply a calculation that the Republican Party has nothing to gain from a largely black voter bloc, since they will most likely vote Democrat (Dawson, 1994; Tate, 1993). However, it is not in fundamental opposition to our first theory of racial threat. They complement each other to some degree, and could both be true.

Black voters vote in higher numbers than whites, adjusting for socioeconomic status (Shingles, 1981). Assuming the generally low and similar socioeconomic status of felons, this suggests that black felons or ex-felons would be more likely to vote than their white counterparts. Minorities are also generally over-represented in the criminal justice system, and disproportionately predisposed to vote for the Democratic party. This means that felon re-enfranchisement is likely to produce a large Democratic voting bloc. Even assuming low turnout among the ex-felon population, the effect is likely to be somewhat Democratic (Manza and Uggen, 2008, p. 188-ff).

A look at how disenfranchisement laws have been implemented historically finds elite fear to be a common response to the emergence of mass democracy. After poor white men were allowed to vote in the north in the 1840's due to the decline of property ownership requirements and other similar barriers, there was an upswing in felon disenfranchisement laws in those states (Manza and Uggen, 2008, p. 51). The same thing goes for the Southern states, where this elite fear instead emerged in the wake of the Civil War and black citizenship (Manza and Uggen, 2004, p. 52).

Due to the historical context described above, and the racially polarized nature of the two political parties, this theory will be expected to apply specifically to the Republican party. From the theory, three main hypotheses have been formed, charting party control, black political threat to elites specifically, and white mobilization.

4.2.1 Hypothesis 4: Party control

H4: States dominated by Republican party governance are more likely to have strict felon disenfranchisement laws.

This is the strict test of the connection between elite calculation and felon disenfranchisement. With the theory using the concept of the Republican party as the "White man's party", Republican governance needs to be tied to increasingly strict laws or it will lose its value. Support for this hypothesis alone, on the other hand, does not prove much, as it may just as well show a Republican preference for a "tough on crime" platform more generally.

Generally speaking, most electoral rules can be traced back to partisan concerns and considerations across the democratic world (Boix, 1999). In other words, political actors will shape institutions in their favor when they have the chance. More specifically in support of this theory, Yoshinaka and Grose found that felon disenfranchisement laws were more likely to be repealed under Democratic governance during the period 1960-99 (2005, p. 50). Republican governance safeguarding the preservation of the same laws is the logical flipside of that finding.

This hypothesis tests whether or not that connection holds up across all 50 states within the scope of this model, and if so what role it plays in a bigger model.

4.2.2 Hypothesis 5: Black political threat

H5: States where black political participation is higher are more likely to have strict felon disenfranchisement laws.

This hypothesis is based on the political threat subcategory of racial threat, but aimed specifically at political elites. It is different from H2 in that it measures black political activity specifically, which makes it more interesting from an elite

point of view. Elites are more likely to feel threatened by a population that actually votes, not simply by a largely black population, if it were politically inactive. Likewise, mass opinion will be more concerned with their subjective perception of the number of black people who live in their vicinity. Therefore, this hypothesis measures a different tendency than H2.

4.2.3 Hypothesis 6: White mobilization

H6: States where white political participation is higher are more likely to have strict felon disenfranchisement laws.

This measurement is an indicator of white mobilization into political activity. If this hypothesis holds up, it shows support for a successfully activated sense of racial threat within the white electorate. Giles and Hertz (1994) find that white mobilization to the Republican party increased between 1975-1990 as a consequence of white supremacist David Duke's candidacy for one of Louisiana's US Senate seats, and an increase in the black population. This same flocking to the right can be seen when a black candidate runs against a white candidate (Petrow, 2010).

If felon disenfranchisement is a symptom of elites' sense of racial threat, one would expect white mobilization to be higher in states where those laws are the strongest.

5 Methods

5.1 Model

This study will be using an extensive research method to attempt to answer the research question. In order to chart the possible impact of the independent variables on the dependent variable, a series of t-tests and a logistic regression test will be performed. The t-tests are meant to test for a reason to continue analyzing each variable, and the logistic regression model is there to tie them all together.

A bivariate independent-sample t-test is performed for each independent variable, in order to test whether the mean difference between the two groups is statistically significant. This is done to establish the basic viability of the hypotheses - if there is no significant difference between the two types of laws, that variable will not be useful in predicting felon disenfranchisement laws. If there is a discernible difference, however, the variable is interesting enough to continue analyzing in the regression model. A statistically significant difference between the means of the two groups will be considered the goal the variable needs to meet in order to be included in the regression model.

To determine the relationship between the viable independent variables and the dependent variable more precisely, and measure the level of influence of each independent variable on the dependent variable, a logistic regression analysis will be performed. The regression needs to be logistic since the dependent variable is binary. Those independent variables that were deemed viable in the first step, the descriptive analysis, will here be incorporated into the regression model.

A regression model is useful both in determining the relationships between the variables, as well as the reliability and strength of that relationship. This known certainty, given some specific parameters, is useful in interpreting the results (Teorell and Svensson, 2007, p. 165-166). In this study, the regression model will allow us to determine whether and to what extent the chosen variables can predict the outcome of felon disenfranchisement laws in a specific state.

However, there are some reasons a regression analysis may present false relationships. Two of the main ones are discussed here.

Multicollinearity. This occurs when two or more variables are highly correlated, and may skew the results and make it less likely to obtain a significant result. Relationships that do exist may therefore be harder to discover (Farrar and Glauber, 1967, p. 93). To remedy this, a correlation analysis can be run using statistics software, in order to notice any problems that may occur later in the

model. In this case, however, due to the low number of variables involved, a look at the correlation matrix has sufficed for this analysis.

Faulty model. Spurious relationships may be uncovered in the regression model, especially if the model is leaving out important variables. This risk can be reduced through the introduction of additional variables that explain other aspects of the phenomenon of interest.

5.1.1 Dependent variable

Severity of felon disenfranchisement laws is the dependent variable. For that purpose, the states are divided into two groups according to this value. The group with *weak* laws is comprised of the states with no laws and those with laws banning current felons from voting. This may seem counterintuitive, but comes out of both practical considerations and international comparison. The selection of states with no felon disenfranchisement laws is simply too small to make a useful analysis (only two states). Also, laws banning current felons from voting are quite a common practice internationally, existing in 80 % of countries (Beckman, 2009, p. 120).

This sets them apart from the group of states with *strong* laws, made up of both states where felons on probation or parole are barred from the franchise, as well as those with lifetime bans. The severe scale also covers some ground between these two. Some states, for instance, have laws that allow felon voting a certain number of years after their sentence is concluded. Others allow voting again after the ex-felons have gone through some specific bureaucratic procedure.

The definitions used by the Sentencing Project in categorizing the different states' laws are also used here. They categorize the different restrictions into five categories instead.

Type of restrictions	Number of states in category
No restrictions	2
Prison	15
Prison & parole	4
Prison, parole & probation	18
Prison, parole, probation & post-sentence - some or all	12

(The Sentencing Project, 2016)

For the purposes of this study, these five categories are merged into two. The first two - No Restriction and Prison - make up the group with *weak* laws, totaling 17 states (more specifically, 16 states and District of Columbia). The *strong* group

includes the other three categories, totaling 34 states. The complete lists of states in each category are available in the Appendix.

5.1.2 Limitations

Due to modeling reasons, the District of Columbia will be excluded from the analysis. The theoretical basis of the racial threat hypothesis is the size of a *minority population* specifically. This is consistent with the size of the African American population (less than 50%) in all the units but one - in District of Columbia, African Americans actually make up a majority of the population (50,7%) (US Census Bureau, 2010). At that point, the black community is big enough that policies and laws can be expected to reflect their opinions, rather than that of the white population.

In other words, the black population is no longer a minority, and it is no longer a question of a majority of whites perceiving the African American community as a minority threat. For that reason, DC will not be included.

States are used as units, since that is the smallest geographical level at which felon disenfranchisement laws differ. Previous studies of racial resentment and black threat have used county-level data (see for example Giles and Buckner, 1993; Giles and Hertz, 1994), which would have been more precise. However, since laws do not vary across counties, such a comparison would be useless in this case.

5.1.3 Time period

This analysis uses very recent data, which has its limitations when applied to policies that are decades old at the least. While this approach has limits in its ability to lay bare a causality relationship, it does allow for a more extensive analysis than would have otherwise been possible. Within the framework of a thesis, a longer view would have been too time intensive to plausibly cover, while maintaining the 50-state overview and the same number of hypotheses.

The time periods for each dataset are not exactly the same, either, which simply comes down to availability of data. Most of the variables are slow-moving, including black population and incarcerated population, which means that inclusion of an additional year cannot be expected to make a significant difference. The one variable that has been averaged over a number of years, however, is racial resentment, which due to its survey nature can be expected to change more from year to year. For that reason, the four-survey average described below was used.

For most variables, recency was the guiding light. All the Census data is taken from the last available dataset. The Ranney Index is calculated for 2007-2011, which is the more recent period for which that data is available.

5.1.4 Independent variables

There are six different independent variables, but they will be measured in the same way. Five of them are percentages, while H4 is an index value, but for ease of visualization they have all been converted to a scale that runs from 0 to 1.

5.2 Data

The analysis will use secondary data from several different sources, including the United States Census Bureau and the General Social Survey. All of them are publicly available, universally credible data sources. Due to the use of government data, this analysis has the benefit of severely minimize the problem with missing data. The main problem in this area arose in the General Social Survey data on racial resentment, where “Not applicable” and just plain non-answer were both options. This was ameliorated to an extent by the selection of data from several different surveys over several years.

5.2.1 Hypothesis 1: Racial resentment

H1: States where racial resentment is more prevalent among whites will be more likely to have strict felon disenfranchisement laws.

Variable name in SPSS: “Racial resentment”.

This data is taken from the General Social Survey, averaged over the period between 2008 and 2014 (NORC, 2014). The analysis is based on a model built by Kinder and Sanders (1997), designed to measure *racial resentment*. It was specifically meant to measure the subtle racism inherent in the term racial resentment, and distinguish it from the less prevalent explicit racism. They used the 1986 American National Election Survey (ANES) to find a measure of racial resentment, using six questions that carry subtle racial cues. These questions took the form of statements, with which the respondents indicated their level of agreement. These are:

1. Most blacks who receive money from welfare programs could get along without it if they tried.
2. Over the past few years, blacks have gotten less than they deserve.
3. Government officials usually pay less attention to a request or complaint from a black person than from a white person.
4. Irish, Italian, Jewish and many other minorities overcame prejudice and worked their way up. Blacks should do the same without any special favors.
5. [In past studies, we have asked people why they think white people seem to get more of the good things of life in America - such as better jobs and more money - than black people do. These are some of the reasons given by both blacks and whites.] It’s really a

matter of some people not trying hard enough; if blacks would just try harder they could be just as well off as whites.

6. Generations of slavery and discrimination have created conditions that make it difficult for blacks to work their way out of the lower class.

(Kinder and Sanders, 1997, p. 107).

However, since this analysis is done on the state level, state level data is needed. The ANES is not designed to be representative on the state level. Data from the General Social Survey is therefore used instead. The questions used are selected on how well they approximate the considerations aimed at by Kinder and Sanders. These questions are:

1. Irish, Italians, Jewish and many other minorities overcame prejudice and worked their way up. Blacks should do the same without special favors. (GSS code “wrkwayup”).
2. In general, how close do you feel to blacks? And in general, how close do you feel to whites? (GSS code “closeblk” and “closewh”, respectively).
3. [On the average, African Americans have worse jobs, income and housing than white people. Do you think these differences are...] ...Because most African Americans just don’t have the motivation or willpower to pull themselves up out of poverty? (GSS code “racdif4”).
4. [The second set of characteristics asks if people in the group tend to be hard-working or if they tend to be lazy] Where would you rate blacks in general on this scale? Where would you rate whites in general on this scale? (GSS code “workblks” and “workwhs”, respectively).

Some of these questions are exactly the same as in the Kinder and Sanders model (Question 1), or very similar (Question 3 and 4), while some improvisation was necessary to fill in the blanks where the General Social Survey does not cover the area of racial attitudes as well as the ANES does. Question 2 is, therefore, included at the suggestion of Bobo et al. (2012, p. 66).

The percentages for each individual question will then be calculated for the *white* respondents in every survey between 2008-2014. These are averaged for every individual survey, of which there are four, taken every even-numbered year. These are consequently averaged into a single number for each area, which can then be used in the overall analysis. The basis for inclusion in the “racial resentment” group is listed below:

1. Answered on a five-point scale from *Agree Strongly* to *Disagree Strongly*. The “Agree strongly” group is counted.
2. Answered on a nine-point scale between *Not at all Close* and *Very Close* for blacks and whites, respectively. The group that reports feeling closer to whites by 3 or more points is counted (Bobo et al., 2012, p. 66).
3. Answered as a choice between *Yes* or *No*. The group that answered “Yes” is counted.
4. Answered on a seven-point scale from *Hardworking* to *Lazy*. The group that deems whites 2 or more points more hard-working is counted.

For all of these questions, the options “Don’t know” and “Not Applicable” were also available. These were all treated as unviable, and excluded from the analysis. The same went for no answer.

A familiar problem arises with the General Social Survey data, however. The respondents’ state codes are not available to the general public, which means they cannot be used in this analysis. The data is available divided into regions, however, which can be used as an imperfect but usable approximation. These racial resentment values will thus be calculated for an entire region, and the same value will be used for every state in that region. The configurations of the specific regions, and their internal similarities regarding the severity of the felon disenfranchisement laws is presented in the Appendix. There are limitations to doing the analysis this way, but given a strong interest in including the racial resentment concept in the analysis, this was the closest approximation that could be reached.

5.2.2 Hypothesis 2: Size of minority population

H2: States with a higher proportion of black citizens are more likely to have strict felon disenfranchisement laws.

Variable name in SPSS: “State pop black”.

This measurement simply uses the percentage of the population made up of African Americans, taken from the most recent Census, in 2010 (US Census Bureau, 2010). These percentages are calculated for every state and the District of Columbia in every Census (that is, every ten years), and are a stable, reliable measurement of the population.

5.2.3 Hypothesis 3: Stereotypization

H3: States where a higher proportion of the current prison population is black are more likely to have strict felon disenfranchisement laws.

Variable name in SPSS: “Institutionalized group quarters pop black”.

Data from the American Community Survey (ACS) from the Census Bureau, table S2601A for 2014 (US Census Bureau, 2014 (1)). This survey displays the *group quarters* number for each individual state, which includes all those who live in some kind of group quarters, as opposed to in their private homes. These numbers then break down into *non-institutionalized* and *institutionalized* population. The prison population makes up the “institutionalized population” part of that number. The ACS breaks that number down by race, so that the proportion of prisoners who are black in each state can be used for this analysis.

5.2.4 Hypothesis 4: Party control

H4: States dominated by Republican party governance are more likely to have strict felon disenfranchisement laws.

Variable name in SPSS: “Party control”.

The Ranney Index of party control was originally developed by Austin Ranney in 1976, but the numbers used here were calculated on a more recent version. The original Ranney Index uses three indicators of party success, and averages them over the period in question. These are:

“The percentage of the popular vote for the two parties’ gubernatorial candidates, the percentage of seats held by the parties in each house of the legislature, and the length of time plus the percentage of time that the parties held both the governorship and a majority in the state legislature.” (Hershey, 2013, p. 29-30).

The more recent version was calculated over the years 2007-2011 by Holbrook and La Raja (2012, p. 88). They used these same three factors to calculate an index for each state between 0 and 1, where 0 indicates absolute Republican control, and 1 absolute Democratic control. The full set of indices are available in the Appendix.

5.2.5 Hypotheses 5 and 6: Black political threat and white mobilization

H5: States where black political participation is higher are more likely to have strict felon disenfranchisement laws.

H6: States where white political participation is higher are more likely to have strict felon disenfranchisement laws.

Variable names in SPSS: “Black pop voting” and “White pop voting”, respectively.

The data for these two hypotheses is gathered from the same source: The Census Bureau’s Voting and Registration numbers from 2014, table 4b of the P20 report (US Census Bureau, 2014 (2)). The percentages of each population that voted in the 2014 elections are reported in that table, broken down by race.

This dataset was chosen because of its recency, as well as the fact that it covers an election year without a presidential election. This means that the numbers more approximate a normal local election, which are the ones more relevant to state level political elites. It also eliminates the impact of presidential election coattail and national wave effects, which are more pronounced in presidential election years.

A problem in the Voting and Registration data is that some states have a very small black population. This results in the real number of black voters being close enough to zero that the Census reports the number as “zero or approximating zero”. This is true for Vermont, Montana and Idaho. For the purposes of this

analysis, therefore, those percentages had to be reported as zero, though that is probably not the actual percentage.

However, while the actual percentage of the black eligible that votes may not be exactly zero, the political power of the black population in these states is still very close to zero. For instance, Vermont, which is one of the states where the number of black voters is effectively zero, only has a total black population of approximately 4000 people (US Census Bureau, 2010) to begin with. For that reason, these inaccuracies may not be as skewing as they could have been.

6 Results

6.1 T-test for equality of means

The results will here be presented in brief, as a longer discussion will follow in the next chapter.

Element	Weak laws		Strong laws		t	p
	Mean	SD	Mean	SD		
Racial resentment	.318869	.0359020	.352826	.0431282	-2.731	<0.01
State pop black	.06606	.079169	.12294	.096876	-2.046	<0.05
Prison pop black	.15475	.160436	.26159	.154488	-2.254	<0.05
Party control	.54231	.153581	.45918	.150443	1.811	Not significant
Black pop voting	.27775	.133669	.33329	.104517	-1.601	Not significant
White pop voting	.46688	.068497	.41968	.069665	2.246	<0.05*

Table 6.1. Results of t-tests.

*Result opposite to expected relationship.

The initial t-tests lend support to three of six hypotheses. All three of the hypotheses associated with the “elite calculation” theory can thus be discarded at this stage. Two of them saw a statistically insignificant difference in the mean values of the two groups, while the test for H6 actually found a statistically significant difference in the means, but in the opposite direction to the expected one. All three of them will therefore be discarded, and the focus of the regression model will be on the first three hypotheses, those associated with the “racial threat” theory.

For the three hypotheses that were upheld in this t-test, this result means that the entire span of the confidence interval at a 95 % confidence level was above zero. For H1, the confidence level was even higher, at 99%. This meant that the null hypothesis - no difference between the two groups - could be rejected for

those hypotheses. For H4 and H5, this was not the case, and thus the difference between the two groups is not statistically significant.

6.1.1 Correlation

		Constant	Racial resentment	State pop black	Institutionalized group quarters pop black
Step 1	Constant	1.000	-.990	.150	.148
	Racial resentment	-.990	1.000	-.116	-.220
	State pop black	.150	-.116	1.000	-.882
	Institutionalized group quarters pop black	.148	-.220	-.882	1.000

Table 6.2. Correlation matrix.

This is the correlation matrix for those variables that were considered viable, and will be included in the regression model. Most of the correlations are nothing to worry about, but there is a trouble spot in the intersection between “Institutionalized group quarters pop black” and “State pop black” – their correlation is 88.2% - which makes intuitive sense. For that reason, the regression analysis will be run twice, once with each of these two variables, to see which model is the best predictor.

6.2 Regression model

The regression model was run twice, first with the independent variables *Racial resentment* and *Institutionalized group quarters pop black*, and then with the variables *Racial resentment* and *State pop black*. The results are presented in the tables here below.

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1 ^a	Racial resentment	18.731	12.559	2.224	1	.136	136364486.000
	Institutionalized group quarters pop black	1.284	3.113	.170	1	.680	3.609
	Constant	-5.772	3.761	2.355	1	.125	.003

Table 6.3. Variables in the equation, first regression model.

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1 ^a	Racial resentment	19.624	12.328	2.534	1	.111	333003472.600
	State black pop	1.893	5.858	.104	1	.747	6.640
	Constant	-5.978	3.760	2.527	1	.112	.003

Table 6.4. Variables in the equation, second regression model.

The first thing one notices about these numbers is the abnormally large Exp-number for the racial resentment variable. The reason is a case of *quasi-complete separation* for that variable - the separation of values on the racial resentment variable between the two categories is almost complete. Ironically, this makes this variable a good predictor of felon disenfranchisement laws, but it also makes the exact analysis of their relationship very difficult.

Essentially, the problem is that when complete separation occurs, the regression coefficient strives towards infinity. This is because of the fact that in a situation with complete separation, the maximum likelihood estimate theoretically does not exist. Since the separation in this case is quasi-complete, the coefficient is instead just very large. That is also the reason why the standard error is so large in this case.

Because of this separation, the maximum likelihood estimate simply cannot be used for anything in this analysis. There needs to be some degree of overlap in the datasets in order for a usable maximum likelihood number to be reached (Albert and Anderson, 1984, p. 2). The separation at issue is of course a clear sign that there is a relationship between the independent and dependent variables, but the exact nature of that relationship cannot be determined. A separation like this can also be a consequence of a small sample size (UCLA, 2016), which may be true for this situation as well. There are ways to adjust for this issue, but as the purpose of this analysis is to uncover the relationship between the independent variable and felon disenfranchisement laws, the racial resentment variable will be left here. A relationship has been established, which is sufficient for the analysis at hand.

Since this is only a quasi-complete separation, as opposed to a complete one, the "do nothing" strategy is an option. Leaving the variable in the model would not have worked for a model where one variable was completely separated, but in this case that is the best option. The other alternative is to remove the variable from the model, but that may skew the result in a damaging way (UCLA, 2016). By leaving the separated variable in the model, no damage is done to the other variables in the model. For that reason, we can proceed to look at the other two variables.

The other half of the tables are more traditional. In the first table, the Sig-value lets us know that the variable "Institutionalized group quarters pop black" is not a statistically significant predictor within this model. The same goes for the "State pop black" variable in the second table. In other words, the racial resentment variable is the only one supported by the analysis.

7 Discussion

The theories through which this study attempted to understand the phenomenon of felon disenfranchisement were twofold.

Theory 1: Racial threat as an influence on mass opinion.

Theory 2: Political elites deliberately stoke racial threat mechanisms for political gain.

7.1 Theory 1: Racial threat

The racial threat theory stood on three legs in this analysis. The table below charts the expected relationship between these three independent variables, and the dependent variable strength of felon disenfranchisement laws.

	Racial resentment	Size of black population	Size of black felon population
Expected relationship	+	+	+
Results	+ (unclear strength)	No relationship	No relationship

Table 7.1 Expected and actual results of tests, theory 1.

The major chunk of the racial threat could not be proven in this model. While there was some connection – though an actionable number of its strength could not be found – between level of racial resentment among the white population of a state and strictness of felon disenfranchisement laws, the two consequent hypotheses were not supported. In other words, the tests found support for the *attitudinal* strain of the racial threat theory, but not those that regarded *size of minority population* and *stereotypization*.

The assumption at the base of these hypotheses was that if felon disenfranchisement could be construed as a type of social control, these three variables would be solid predictors of strength of laws. This theory did not hold up, however. The implications of this finding are hard to pin down. To the extent that this is simply a case of a model ill-fitted for this analysis, there are numerous possibilities. The lack of a relationship between the size of the black population and felon disenfranchisement does appear quite a blow to the racial threat theory, however. Size of the black population has previously been found to be a good predictor of other types of social control as brought on by minority threat

mechanisms (see for example Conway, 1968; Fossett and Kiecolt, 1989; Giles and Buckner, 1993; Giles and Hertz, 1994; Taylor, 1998). The lack of a measurable connection between those two variables is therefore hard to explain, and may indicate that felon disenfranchisement does not fit within the frame of social control.

The stereotypization variable is easier to question, however. Size of black felon population is far from the only conceivable indicator of the level of stereotypization of the black population. The size of the black prison population may not be at all visible to the residents of that state. Other tests could focus more squarely on the stereotypization mechanism by measuring, for instance, the level of crime in specifically black neighborhoods, or the number of arrests for crimes that are most visible to the general public – drug dealing, for instance. For these reasons, this study does not disprove the stereotypization aspect of racial threat theory in the case of felon disenfranchisement.

While there was a significant connection found between level of racial resentment and our dependent variable, the limits of the measurement of the racial resentment variable also should not go without mention in this discussion. Racial resentment data was, as previously discussed, not gathered at the state level, but rather divided into slightly larger regions, and averaged over the states within that region. While the flawed data was accepted as a best-available solution to the problem for the purpose of the analysis, this variable had the biggest methodological challenges. Still, the study lends some plausibility to a connection between racial resentment and felon disenfranchisement.

Whether or not the problem lies with the notion of felon disenfranchisement as a type of social control, or this specific model, is not clear from this study.

7.2 Theory 2: Elite calculation

The second theory, elite calculation, was also tested in three different ways. The table below charts the expected and the actual relationship between the three independent variables and the dependent variable.

	Party control	Black pop voting	White pop voting
Expected relationship	-	+	+
Results	No relationship	No relationship	-

Table 7.2. Expected and actual results of tests, theory 2.

The second theory was even more worse for wear after actual testing. None of the three hypotheses came out the way they were expected to according to the model. While the *party control* and *black political threat* measurements did not

significantly differ within the groups, the *white mobilization* variable actually showed a connection, though it went in the opposite direction to the expected one.

“Political exploitation for political gain” (Blalock, 1967, p. 41) as a response to minority threat is a much less explored theory than our first theory. This test does not lend any support to it in connection to felon disenfranchisement, though there are may still be reason to further test the theory.

The results for the party control variable are surprising. Even without the background of racial threat and “dog whistle politics”, the Republican party more generally construes themselves as the “law and order” party, and a connection can be plausibly expected between Republican governance and a stricter view of a whole slew of criminal justice policies. This result may be a question of a measured time period that was too short, though. An analysis that can cover party control variables for the whole period between 1965 and today may show a different result. Previous studies lend support to an expectation of such an outcome (see for example Yoshinaka and Grose, 2005).

Both hypotheses 5 and 6 are flawed operationalizations of the phenomena they are meant to measure, and some reasons for this will be discussed here.

The first problem with interpreting turnout numbers is that there is an obvious connection between the strict felon disenfranchisement laws and percentage voting. The Census does not take a percentage out of all the enfranchised voters in a state, but rather all of the citizens in that state. Despite urgings to the contrary, the Census still counts those incarcerated as residents of the state in which they are incarcerated, rather than where they lived prior to incarceration (Cohn, 2010). This means that states with maximum-security prisons, for instance, where felons are banned from voting, will have a bigger disenfranchised population right off the bat. Even more difficult to chart, states with stricter laws will have a bigger population of disenfranchised ex-felons. This means that a potentially existing relationship may have been obscured. Miles (2004), for instance, finds this effect to be large enough to actually impact voter turnout numbers. This factor was not adequately accounted for in the operationalization.

Another skewing factor for both variables is the fact that both those variables expected increased turnout to strengthen felon disenfranchisement laws. While those assumptions had their basis in a theoretical reasoning, other problems arise. Since felon disenfranchisement laws and other “tough on crime” policies are generally Conservative platform ideas, one would expect them to primarily be enacted by the Republican party. However, increased turnout instead tends to produce more Democratic-leaning voters, which would counteract this effect (Hansford and Gomez, 2010). That relationship may be more convincing if the model had found support for hypothesis 4 about the connection between Republican party control and stricter laws, though.

All in all, while the results for the party control variable were surprising, the measurement of both hypotheses 5 and 6 was flawed enough that the inconclusive results for those variables should not be taken as detrimental to the overarching theory. Measurements in future studies of black political threat should instead use variables like black political organization, or access to local government as

operationalizations. Those are factors that should properly incentivize political elites to curtail this power base, if indeed that is an instinct.

Further analysis of white mobilization should focus on the relationship of the white electorate to the Republican party specifically in this same context, rather than just general mobilization. The original intent of this study was to use the variable *white registration with the Republican party*, but data availability made that specific test impossible in this context. If an increased flocking towards one's own group in the face of racial threat among white Americans can be found, and that instinct is sufficiently exploited by political elites, one would expect that to be the result (see for example Giles and Buckner, 1993; Giles and Hertz, 1994; Haney López, 2014; Kinder and Sanders, 1996; Petrow, 2010).

Additional focus should also be given to the messaging of political elites around felon disenfranchisement specifically. Establishing a direct connection of that kind to legal outcomes would be a good basis for further study of these mechanisms, though it did not fit within the constraints of this model.

8 Conclusion

The purpose of this study was to determine the applicability of two general racial threat theories to the specific case of felon disenfranchisement, in the process construing felon disenfranchisement as a type of social control within the framework of those theories.

Using a quantitative method, six hypotheses, used as indicators of the two main frameworks, were tested in relation to strength of felon disenfranchisement laws, in order to answer the research question *How can racial threat mechanisms explain the varying pattern of persistence of felon disenfranchisement laws within the different US states today?*

The two theories were 1) Racial threat as an influence on mass opinion and 2) Political elites deliberately stoke racial threat mechanisms in the populace for political gain. Based on the results of the analysis in this study, almost no support for the two theories could be found. The lone variable *racial resentment* could be linked to strength of felon disenfranchisement laws, but the other five hypotheses were rejected.

This result does call into question the construction of felon disenfranchisement as a type of social control, and perhaps point to a lack of usefulness in that type of analysis. Some well-established indicators of racial threat were rejected categorically.

There is also reason to believe that a differently structured model may show a different result. The theory of racial threat as a politically motivated strategy may have had a different result with more precisely measured indicators. The racial threat as an influence on mass opinion theory also had flaws, and a different result may be possible there as well.

While the analysis was largely inconclusive, it does point to a lack of scientific understanding of felon disenfranchisement as a process. Its role within the study of social control has not yet been established, though more research has been focused on the phenomenon lately.

9 References

- 18 United States Code § 3559, 1987.
- 15th Amendment to the Constitution, 1870.
- Albert, A. & Anderson, J.A. 1984, "On the Existence of Maximum Likelihood Estimates in Logistic Regression Models", *Biometrika*, vol. 71, no. 1, pp. 1-10.
- Beckman, L. 2009, *The Frontiers of Democracy - The Right to Vote and its Limits*, Palgrave and Macmillan, London.
- Behrens, A., Uggen, C. & Manza, J. 2003, "Ballot Manipulation and the 'Menace of Negro Domination': Racial Threat and Felon Disenfranchisement in the United States, 1850-2002", *American Journal of Sociology*, vol. 109, no. 3, pp. 559-605.
- Bishop, D.M. & Frazier, C.E. 1996, "Race Effects in Juvenile Justice Decision-Making: Findings of a Statewide Analysis", *The Journal of Criminal Law and Criminology*, vol. 86, no. 2, pp. 392-414.
- Blalock Jr, H.M. 1967, *Toward a Theory of Minority-Group Relations*, John Wiley & Sons Inc, New York, NY.
- Blumer, H. 1958, "Race Prejudice as a Sense of Group Position", *The Pacific Sociological Review*, vol. 1, no. 1, pp. 3-7.
- Bobo, L.D., Charles, C.Z., Krysan, M. & Simmons, A.D. 2012, "The Real Record on Racial Attitudes" in *Social Trends in American Life - Findings from the General Social Survey since 1972*, ed. P.V. Marsden, Princeton University Press, Princeton, New Jersey, pp. 38-83.
- Bobo, L.D. & Thompson, V. 2006, "Unfair by Design: The War on Drugs, Race, and the Legitimacy of the Criminal Justice System", *Social Research*, vol. 73, no. 2, pp. 445-472.
- Boix, C. 1999, "Setting the Rules of the Game: The Choice of Electoral Systems in Advanced Democracies", *American Political Science Review*, vol. 93, no. 2, pp. 609-624.
- Brace, P. & Boyea, B.D. 2008, "State Public Opinion, the Death Penalty, and the Practice of Electing Judges", *American Journal of Political Science*, vol. 52, no. 2, pp. 360-372.
- Brooks, G. 2004, "Felon Disenfranchisement: Law, History, Policy, and Politics", *Fordham Urban Law Journal*, vol. 32, no. 5, pp. 101-148.
- Brown-Dean, K. 2007, "Permanent Outsiders: Felon Disenfranchisement and the Breakdown of Black Politics" in *The Expanding Boundaries of Black Politics*, ed. G.A. Persons, 2nd edn, Transaction Publishers, New Brunswick, pp. 103-120.

- Bushway, S.D. & Morrison Piehl, A. 2001, "Judging Judicial Discretion: Legal Factors and Racial Discrimination in Sentencing", *Law & Society Review*, vol. 35, no. 4, pp. 733-764.
- Canes-Wrone, B. & Shotts, K.W. 2004, "The Conditional Nature of Presidential Responsiveness to Public Opinion", *American Journal of Political Science*, vol. 48, no. 4, pp. 690-706.
- Carmines, E.G. & Stimson, J.A. 1989, *Issue Evolution: Race and the Transformation of American Politics*, Princeton University Press, Princeton, NJ.
- Chung, J. 2016, *Felony Disenfranchisement: A Primer*, The Sentencing Project, Washington DC.
- Clegg, R., Conway III, G.T. & Lee, K.K. 2006, "The Bullet and the Ballot? The Case for Felon Disenfranchisement Statutes", *Journal of Gender, Social Policy & the Law*, vol. 14, no. 1, pp. 1-26.
- Cohn, D. 2010, February 11, 2010-last update, *Counting Prisoners in the 2010 Census* [Homepage of Pew Research Center], [Online]. Available: <http://www.pewsocialtrends.org/2010/02/11/counting-prisoners-in-the-2010-census/> [2016, 12/29].
- Conway, M.M. 1968, "The White Backlash Re-examined: Wallace and the 1964 Primaries", *Social Science Quarterly*, vol. 49, no. 3, pp. 710-719.
- Dawson, M.C. 1994, *Behind the Mule: Race and Class in African-American Politics*, Princeton University Press, Princeton, NJ.
- Eitle, D., D'Alessio, S.J. & Stolzenberg, L. 2002, "Racial Threat and Social Control: A Test of the Political, Economic, and Threat of Black Crime Hypotheses", *Social Forces*, vol. 81, no. 2, pp. 557-576.
- Farrar, D.E. & Glauber, R.R. 1967, "Multicollinearity in Regression Analysis: The Problem Revisited", *The Review of Economics and Statistics*, vol. 49, no. 1, pp. 92-107.
- Feldman, G. 2009, "Southern Disillusionment with the Democratic Party: Cultural Conformity and "The Great Melding" of Racial and Economic Conservatism in Alabama during World War II", *Journal of American Studies*, vol. 43, no. 2, pp. 199-230.
- Fossett, M.A. & Kiecolt, K.J. 1989, "The Relative Size of Minority Populations and White Racial Attitudes", *Social Science Quarterly*, vol. 70, no. 4, pp. 820-835.
- Giles, M.W. & Buckner, M.A. 1993, "David Duke and Black Threat: An Old Hypothesis Revisited", *The Journal of Politics*, vol. 55, no. 3, pp. 702-713.
- Giles, M.W. & Hertz, K. 1994, "Racial Threat and Partisan Identification", *American Political Science Review*, vol. 88, no. 2, pp. 317-326.
- Haney López, I. 2014, *Dog Whistle Politics: How Coded Racial Appeals Have Reinvented Racism and Wrecked the Middle Class*, 1st edn, Oxford University Press, New York, NY.
- Hansford, T.G. & Gomez, B.T. 2010, "Estimating the Electoral Effects of Voter Turnout", *The American Political Science Review*, vol. 104, no. 2, pp. 268-288.

- Hershey, M.R. 2013, *Party Politics in America*, 15th edn, Pearson, Upper Saddle River, New Jersey.
- Holbrook, T. & La Raja, R. 2012, "Parties and Elections" in *Politics in the American States*, eds. V. Gray, R. Hanson & T. Kousser, 10th edn, CQ Press, Washington, DC, pp. 63-104.
- Hurwitz, J. & Peffley, M. 1997, "Public Perceptions of Race and Crime: The Role of Racial Stereotypes", *American Journal of Political Science*, vol. 41, no. 2, pp. 375-401.
- Jacobs, D. & Kleban, R. 2003, "Political Institutions, Minorities, and Punishment: A Pooled Cross-National Analysis of Imprisonment Rates", *Social Forces*, vol. 82, no. 2, pp. 725-755.
- Karlan, P.S. 2004, "Convictions and Doubts: Retribution, Representation, and the Debate over Felon Disenfranchisement", *Stanford Law Review*, vol. 56, no. 5, pp. 1147-1170.
- Key, V.O. 1949, *Southern Politics in State and Nation*, 2nd edn, University of Tennessee Press, Knoxville.
- Kinder, D.R. & Sanders, L.M. 1996, *Divided by Color: Racial Politics and Democratic Ideals*, The University of Chicago Press, Chicago.
- Kinder, D.R. & Sears, D.O. 1981, "Prejudice and Politics: Symbolic Racism Versus Racial Threats to the Good Life", *Journal of Personality and Social Psychology*, vol. 40, no. 3, pp. 414-431.
- King, R.D. & Wheelock, D. 2007, "Group Threat and Social Control: Race, Perceptions of Minorities and the Desire to Punish", *Social Forces*, vol. 85, no. 3, pp. 1255-1280.
- Manza, J., Brooks, C. & Uggen, C. 2004, "Public Attitudes Toward Felon Disenfranchisement in the United States", *Public Opinion Quarterly*, vol. 68, no. 2, pp. 275-286.
- Manza, J. & Uggen, C. 2008, *Locked Out: Felon Disenfranchisement and American Democracy*, Oxford University Press, Oxford, New York.
- Manza, J. & Uggen, C. 2004, "Punishment and Democracy: Disenfranchisement of Nonincarcerated Felons in the United States", *Perspectives on Politics*, vol. 2, no. 3, pp. 491-505.
- Mauer, M. 1990, *Young Black Men and the Criminal Justice System: A Growing National Problem*, The Sentencing Project, Washington, DC.
- Miles, T.J. 2004, "Felon Disenfranchisement and Voter Turnout", *Journal of Legal Studies*, vol. 33, no. 1, pp. 85-129.
- NORC at the University of Chicago. 2014, GSS Data Explorer. [Online]. Available: <https://gssdataexplorer.norc.org> [2016, 11/27]
- Paternoster, R. 1984, "Prosecutorial Discretion in Requesting the Death Penalty: A Case of Victim-Based Racial Discrimination", *Law & Society Review*, vol. 18, no. 3, pp. 437-478.
- Peffley, M. & Hurwitz, J. 2002, "The Racial Components of "Race-Neutral" Crime Policy Attitudes", *Political Psychology*, vol. 23, no. 1, pp. 59-75.

- Petrow, G.A. 2010, "The Minimal Cue Hypothesis: How Black Candidates Cue Race to Increase White Voting Participation", *Political Psychology*, vol. 31, no. 6, pp. 915-950.
- Quillian, L. 1995, "Prejudice as a Response to Perceived Group Threat: Population Composition and Anti-Immigrant and Racial Prejudice in Europe", *American Sociological Review*, vol. 60, no. 4, pp. 586-611.
- Schall, J. 2006, "The Consistency of Felon Disenfranchisement with Citizenship Theory", *Harvard BlackLetter Law Journal*, vol. 22, no. 1, pp. 53-93.
- Sharp, E.G. 1999, *The Sometime Connection: Public Opinion and Social Policy*, 1st edn, State University of New York Press, Albany, New York.
- Shingles, R.D. 1981, "Black Consciousness and Political Participation: The Missing Link", *The American Political Science Review*, vol. 75, no. 1, pp. 76-91.
- Tarling, R. 2009, *Statistical Modelling for Social Researchers*, 1st edn, Routledge, Milton Park, United Kingdom.
- Tate, K. 1993, *From Protest to Politics: The New Black Voters in American Politics*, Harvard University Press, Cambridge.
- Taylor, M.C. 1998, "How White Attitudes Vary with the Racial Composition of Local Populations: Numbers Count", *American Sociological Review*, vol. 63, no. 4, pp. 512-535.
- Teorell, J. & Svensson, T. 2007, *Att fråga och att svara*, 1st edn, Liber, Malmö.
- The Sentencing Project. *Fact Sheet: Felony Disenfranchisement*, 2014, The Sentencing Project, Washington DC.
- Thomas, W.J., Stubbe, D.E. & Pearson, G. 1999, "Race, Juvenile Justice, and Mental Health: New Dimensions in Measuring Pervasive Bias", *The Journal of Criminal Law and Criminology*, vol. 89, no. 2, pp. 615-670.
- Tonry, M. 2010, "The Social, Psychological, and Political Causes of Racial Disparities in the American Criminal Justice System", *Crime and Justice*, vol. 39, no. 1, pp. 273-312.
- UCLA. *FAQ: What is complete or quasi-complete separation in logistic/probit regression and how do we deal with them?* 2016, [Homepage of UCLA: Statistical Consulting Group], [Online]. Available: www.ats.ucla.edu/stat/mult_pkg/fag/general/complete_separation_logit_models.htm [2016, 12/27].
- Uggen, C., Larson, R. & Shannon, S. 2016, *6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016*, The Sentencing Project, Washington, DC.
- United States Census Bureau. 2010, *Community Facts*. [Online] Available: <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF> [2016, 11/25]
- United States Census Bureau. 2014 (1), *American Community Survey: Data Profiles 2014*. [Online] Available: www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2014/ [2016, 11/26]

- United States Census Bureau. 2014 (2), Voting and Registration in the Election of November 2014. [Online] Available: [/www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-577.html](http://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-577.html) [2016, 11/25]
- Unnever, J.D., Cullen, F.T. & Jones, J.D. 2008, "Public Support for Attacking the "Root Causes" of Crime: The Impact of Egalitarian and Racial Beliefs", *Sociological Focus*, vol. 41, no. 1, pp. 1-33.
- Unnever, J.D., Cullen, F.T. & Lero Jonson, C. 2008, "Race, Racism, and Support for Capital Punishment", *Crime and Justice*, vol. 37, no. 1, pp. 45-96.
- Wang, X. & Mears, D.P. 2010, "A Multilevel Test of Minority Threat Effects on Sentencing", *Journal of Quantitative Criminology*, vol. 26, no. 2, pp. 191-215.
- Yoshinaka, A. & Grose, C.R. 2005, "Partisan Politics and Electoral Design: The Enfranchisement of Felons and Ex-Felons in the United States. 1960-99", *State & Local Government Review*, vol. 37, no. 1, pp. 49-60.

10 Appendix

10.1 States by dependent variable

WEAK felon disenfranchisement laws	STRONG felon disenfranchisement laws
District of Columbia, Hawaii, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Vermont	Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, Wyoming

10.2 States divided by regions (for GSS data)

Northeast Region

- *New England Division*: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont (5 / 6 states belong to WEAK category).
- *Middle Atlantic Division*: New Jersey, New York and Pennsylvania (2 / 3 belong to STRONG category).

Midwest Region

- *East North Central Division*: Illinois, Indiana, Michigan, Ohio and Wisconsin (4 / 5 belong to WEAK category).
- *West North Central Division*: Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota and South Dakota (6 / 7 belong to STRONG category).

South Region

- *South Atlantic Division*: Delaware, District of Columbia, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia and West Virginia (7 / 9 belong to STRONG category).
- *East South Central Division*: Alabama, Kentucky, Mississippi and Tennessee (4 / 4 belong to STRONG category).

- *West South Central Division*: Arkansas, Louisiana, Oklahoma and Texas (4 / 4 belong to STRONG category).

West Region

- *Mountain Division*: Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah and Wyoming (6 / 8 belong to STRONG category).
- *Pacific Division*: Alaska, California, Hawaii, Oregon and Washington (3 / 5 belong to STRONG category).

10.3 Ranney Index values

Ranney party control index 2007-2011

0 = full Republican control; 1 = full Democratic control

State	Index
Massachusetts	0,758
West Virginia	0,722
Arkansas	0,717
Hawaii	0,717
Maryland	0,701
Washington	0,644
Delaware	0,640
New Mexico	0,621
Rhode Island	0,620
New York	0,620
Colorado	0,620
Illinois	0,615
New Hampshire	0,609
Oregon	0,605
North Carolina	0,602
Connecticut	0,602

New Jersey	0,589
Iowa	0,588
Vermont	0,583
California	0,579
Minnesota	0,551
Montana	0,540
Wisconsin	0,532
Maine	0,523
Kentucky	0,523
Alabama	0,512
Mississippi	0,500
Nevada	0,484
Pennsylvania	0,475
Michigan	0,470
Louisiana	0,437
Virginia	0,435
Ohio	0,426
Tennessee	0,413
Oklahoma	0,377
Indiana	0,371
Missouri	0,370
Arizona	0,339
South Carolina	0,324
Alaska	0,322
Texas	0,311
Georgia	0,304

Kansas	0,295
Florida	0,292
South Dakota	0,263
Nebraska	0,261
North Dakota	0,248
Wyoming	0,246
Utah	0,199
Idaho	0,194

(Holbrook and La Raja, 2012, p. 88)