The Long Shadow of Slavery: The Persistence of Slave Owners in Southern Lawmaking

Online Appendix, August 2021

# Appendix A: Linking ancestors across censuses

We manually link ancestors across censuses using the data provided by ancestry.com. Our starting point is the Texas Database, which contains the names of all legislators and their county of residence when elected. Usually, it also contains their birth and death years. Figure 4 gives an example of an entry in the Texas Database. Based on this information, we create a list of potential matches, using the ancestry search engine. The ancestry search engine allows to choose criteria for which candidates to display. For example, matches can be displayed if the birth year matches exactly, within a range of 1 year, within a range of 2 years, within a range of 5 years, within a range of 10 years, or within an even broader definition. To get a first set of candidates, we apply relatively loose criteria, casting a wide net: We look for people that have: 1) a first name with the same initial(s), similar spelling or similar sounding; 2) a last name with a similar spelling or sounding; 3) a birth year within 5 years of the actual birth year; 4) live in the same county as the legislator prior to getting elected.

Based on these criteria, we get a list of candidates that we then manually inspect for a match in the census prior to getting elected. Very often, this leads to a unique match already. Take the example of Leonard Anderson Abercrombie, born 1832, who served from 1887 to 1891 in the 20th and 21st legislatures, residing in Walker County. The last census prior to his election is the 1880, and there is only one match in that census: Leonard Abercrombie, born “Abt 1833”. We consider this a clear match. Unfortunately, not all cases are so clear.

When there are several matches, we look for additional information to identify the correct match. If the Texas Database contains exact birth and death dates, we run those through the findagrave data which are linked to ancestry.com and which contain family links (such as names of spouses, children and parents) or the Texas Death Certificates, which are available for later years and contain data on birth places and parents’ names. For later years, the Texas Database also contains links to PDFs with short biographies of the legislators. These are usually very detailed and contain occupations, names of spouses, parents and sometimes complete lifetime itineraries over all the places the legislator lived in. This allows us sometimes to distinguish between different matches and identify the actual legislators. However, there are exceptions. John G. Bell represented Austin County in the 12th Legislature. Unfortunately, his birth year is not given in the Texas Database. There are 8 possible matches for someone with a name similar to John G. Bell in Austin County in 1870. We can rule out three candidates as they are too young to be elected in 1870, and since John G. Bell is not listed in the Texas Database list of Black legislators, we can rule out two more candidates that give their race as black or mulatto. Even if we were to rule out ”A J Bell” as being too dissimilar in first name, this would still leave us two candidates, ”John G Bell” and ”John Bell”, both old enough to be legislators. Since there is no additional information, we leave this legislator as unmatched.

When there are no matches, we extend the search either by looking at earlier or later censuses, or by loosening our search criteria. If we have additional criteria to verify a potential match, this can also result in a clear match. An example for this is George Wynne Collier, born in 1860, representing Jefferson County from 1897-1899. We could not find a match for him in Jefferson County prior to his election. However according to his biographical sketch in *Texas State Government: a Volume of Biographical Sketches and Passing Comment, 25th Legislature*, he was born on December 8, 1860 in Tyler, Texas. Based on this, we could find his Death Certificate on ancestry.com, which states his father as James G. Collier and his mother’s first name as Elizabeth. Based on this we could find a clear match in 1880 in Tyler County: George W. Collier, 19 years old, son of James G. and Elizabeth W. Collier.

When we have a match of a legislator in the census prior to his election, the next task is to link him to his 1860 entry or his 1860 ancestor. We look for matches based on the information from the Texas Database, but also based on the new information that the census record provides. For example, if a legislator is found in 1870 with wife and children, this family information is also used to find a match 10 years earlier. Information from findagrave or from the detailed biographies are a great help at this stage. Consider the case of Robert Donaldson Allison, who served several terms in the 1870s and 1880s. Allison was born in 1810 and represented Collin County. Using our first set of criteria, we only find one match in the 1870 census, Donaldson Allison, born about 1811 in North Carolina. He is married to a wife Louisa, aged 48 and has three children present, including a son Scott, aged 22. Both wife and son Scott were born in Tennessee. In the 1860 census, we find R D Allison, living in Tennessee, but born in North Carolina in 1811. He is present with a wife Louisa aged 35 and a son Winfield S(cott) Allison, aged 12, both born in Tennessee. Given these family links, this is a clear match. It gets further corroborated by the detailed biography of Allison in the *Sketches of Legislators and State Officers, Fifteenth Legislature, 1876-1878*. This biographical sketch confirms that he was born in North Carolina and that he lived in Tennessee until 1866, when he moved to Texas- all of which is consistent with the information that we found.

Thanks to the additional family information contained in the census record prior to getting elected and thanks to the additional information from findagrave or the house biographies, we can match most of our legislators to the 1860 census with great confidence. In some few cases, we also built a match on the fact that there is nobody similar in the US census. John Wesley Childers is an example for this. He was born in 1841 and represented Cooke County in 1899. We find him both in the 1880 and 1900 census in that county.

From the entry we learn that he was born in Kentucky and married his wife Mary in 1864. From this and the initials of his children, it is easy to find him in the 1870 census, living in Wood County, Texas. The final step to 1860, however, is more difficult, as we know that he only married in 1864. However, thanks to his birth and death date, we can link him to his entry on findagrave, where we learn that he moved to Texas in the mid 1850s.

We therefore run another search for a John Wesley Childers in the 1860 census, living in Texas and born in 1841 in Kentucky. As always, we allow for some uncertainty in terms of birth year and names. It turns out that even within a 10 year range of his birth year, there is only one person from Kentucky with a similar name to his living in Texas, making this again a confident match.

The final step after an 1860 match is then to link the 1860 ancestor to his slaveholdings. This is typically straightforward, as we already know the ancestor’s county of residence at this point. The only potential issue is that there are several people with a similar name in the same county. For example, we found legislator John W. Daniel in the 1860 census in Smith County, Texas. Based on family members and other corroborating information, we are confident about this match. He is a farmer and owns 6,000 dollars in personal estate. In the slave schedule, we find a J.W. Daniel, who owns 6 slaves. It is plausible that John W. Daniel is identical to this entry in the slave schedule, but to make sure, we check whether there is another potential county resident who could be the owner of these slaves. We find that there is a resident William J Daniel. In such cases, we use the reported wealth as tie-breakers. Wm J Daniel only owns 1,000 dollars in personal wealth, making it very unlikely that he owned 6 slaves. In this case, we are therefore confident that John W. Daniel is indeed the slave owner in question. If the wealth levels of the two men had been more similar, however, we would have treated this as inconclusive and would have coded slave owning as missing information.

As mentioned in the text, only 25 percent of all legislators could not be matched to an 1860 ancestor. Figure 5 plots the match rate by the earliest election decade of a legislator. Not surprisingly, legislators elected in the 1860s have the highest match rate. For these legislators, we simply need to find their own 1860 census entry. The match rate of legislators first elected in the 1870s is a bit lower, but the 1880s value reaches the same level as the 1860 one. The likely explanation for this is that in the second half of the 1880s, biannual collections of biographical sketches of all legislators are available, which again makes it easy to trace these people in the census records. The 1890s display the lowest match rate. There are two reasons that contribute to this. Firstly, more of the 1890 legislators will not have been adults or even born in 1860, meaning that in their case we definitely need to go back at least one generation. Secondly, there are no data from the 1890 census, meaning that for these legislators, more time has elapsed since their election and the last available census prior to their election. However, in spite of all these caveats, the 1890s match rate is still nearly 70 percent.

To ascertain whether non-matches are random or influenced by legislator characteristics, we use legislator characteristics available from the Texas Database for all legislators, matched or unmatched. Table 12 analyzes whether these characteristics can explain the probability of a match. In all regressions, we control for decade of first election fixed effects. In column 1, we then introduce “technical characteristics” that measure the quality of the legislator’s entry in the Texas Database: Whether the birth year information is missing, whether only the initial of the first name is known, and whether the legislator has a middle name or not. Not surprisingly, legislators for whom the Texas Database does not contain birth year information are less likely to get matched. Without birth year information, there are typically more potential matches, making it less likely that a clear match can be found. The same reasoning applies to legislators that are known to the Texas Database only by their first initial. Middle names on the other hand are not found to affect the matching rate. Overall, the F-statistic shows that the three “technical characteristics” clearly have explanatory power. In column 2, instead of the technical characteristics, we include “service characteristics” referring to the legislators’ service in the legislature: whether they ever served as senators and how many terms they served. Only the latter turns out to be significant (and with the expected positive sign), but again the two service characteristics jointly are significantly different from 0. In column 3, we use political characteristics, in other words the party affiliations of the legislators. These turn out to be not statistically significant, neither individually, nor jointly. Column 4, finally, introduces all measures together. As can be seen, conditional on all the variables aforementioned, only the “technical characteristics” appear to be relevant. Thus, holding constant the quality of different legislators’ entries in the Texas Database, the match probability does not depend on party affiliations or the role of the legislator in the legislature. In terms of potential sample selection issues, this is very reassuring.

# Figure 4: Example data entry from “Texas Legislators: Past & Present” Ein Bild, das Text enthält.  Automatisch generierte Beschreibung

Source: Texas Legislative Reference Library: Texas Legislators, Past & Present, <https://lrl.texas.gov/legeLeaders/members/lrlhome.cfm>

Table 12: Determinants of matches

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | (1) | (2) | (3) | (4) | (5) |
| VARIABLES | Legislator matched with ancestor |
| Birth year info missing |  | -0.152\*\*\* |  |  | -0.152\*\*\* |
|  |  | (0.028) |  |  | (0.029) |
| First name only initial |  | -0.117\*\*\* |  |  | -0.120\*\*\* |
|  |  | (0.038) |  |  | (0.038) |
| No middle name |  | 0.010 |  |  | 0.011 |
|  |  | (0.029) |  |  | (0.029) |
| Ever senator |  |  | 0.024 |  | -0.006 |
|  |  |  | (0.027) |  | (0.027) |
| Number of terms served |  |  | 0.030\*\* |  | 0.018 |
|  |  |  | (0.013) |  | (0.014) |
| Share of terms as Republican |  |  |  | -0.009 | 0.018 |
|  |  |  |  | (0.041) | (0.039) |
| Share of terms party unknown |  |  |  | -0.057 | 0.086 |
|  |  |  |  | (0.087) | (0.078) |
| Share of terms as Unaffiliated |  |  |  | -0.044 | -0.050 |
|  |  |  |  | (0.108) | (0.105) |
| Share of terms as Greenback |  |  |  | -0.096 | -0.086 |
|  |  |  |  | (0.157) | (0.144) |
| Share of terms as Populist |  |  |  | 0.011 | 0.071 |
|  |  |  |  | (0.075) | (0.071) |
| First election in 1870s | -0.032 | -0.116\*\*\* | -0.037 | -0.079 | -0.043 |
|  | (0.030) | (0.031) | (0.030) | (0.083) | (0.074) |
| First election in 1880s | -0.009 | -0.109\*\*\* | -0.015 | -0.059 | -0.033 |
|  | (0.030) | (0.032) | (0.030) | (0.085) | (0.076) |
| First election in 1890s | -0.096\*\*\* | -0.133\*\*\* | -0.095\*\*\* | -0.150\* | -0.060 |
|  | (0.031) | (0.031) | (0.031) | (0.086) | (0.077) |
|  |  |  |  |  |  |
| P-value for F-test on joint significance for: |  |  |  |  |  |
| “Technical” characteristics (1-3) |  | 0.000 |  |  | 0.000 |
| “Service” characteristics (4-5) |  |  | 0.011 |  | 0.424 |
| Party affiliation (6-10) |  |  |  | 0.964 | 0.711 |
| Observations | 1,687 | 1,687 | 1,687 | 1,687 | 1,687 |

Source: Authors’ calculation. For data sources, see section “Data” and Online Appendix D.

Note: Robust standard errors in parentheses, \*\*\* p<0.01, \*\* p<0.05, \* p<0.1

Figure 5: Share of legislators matched to ancestor by decade of first election



Source: Authors’ calculation. For data sources, see section “Data” and Online Appendix D.

# Appendix B: Further Results

Figure 6 shows the share of Democrats among our matched legislators over time. As mentioned in the text, the Texas Database contains no party information prior to the 12th Legislature in 1870, so we omit this time period. The pattern afterwards shows the progressive stance of the 12th Legislature in 1870, but also the rapid shift in power back to the Democrats afterwards. Throughout most of the 1880s and 1890s, the Democrats control more than 90 percent of the seats, and the only sizable drop is during the mid 1890s, when the Populist party was active.

In Table 13, we present further evidence that legislators with slave owning backgrounds differ from those without, complementing the analysis in section 5. We examine differences in occupation prior to being elected, and the likelihood of being in the senate rather than the house. For simplicity, we continue to use the same legislator-legislature panel also used in section 5. We find that legislators with slave owning backgrounds are not differentially likely to work in law prior to being elected, but considerably more likely to work in agriculture. These results get stronger for more restrictive definitions of the slave owning elites, and for the planter class, we also find a negative correlation with having worked in law. We do not find any difference regarding house or senate membership.

In Table 14, we repeat the analysis of Table 6, but additionally control for the inverse hyperbolic sine of the legislator’s 1860 real estate wealth. One problem with this, as already noted, is that we do not have this data for the black legislators that were still enslaved in 1860. Reassuringly, the point estimates are very similar to those in columns 4-6 in Table 6. Conditional on party choice, real estate wealth does not seem to be a confounder in this analysis.

In columns 9 and 10 of Tables 10 and 11, we introduced all our county level correlates at the same time. Since both tax revenue per capita and black officeholders during Reconstruction were proxies for the local intensity of Reconstruction, we only included one of them. Following the causal chain outlined in Logan (2020), we chose to include only black officeholding. For completeness, Table 15 shows the same results, but including tax revenue per capita instead. The effect of cotton production becomes considerably weaker in this specification, while our qualitative conclusions for local wealth persistence and the intensity of Reconstruction stay the same.

As discussed in the text, in our county-level cross-sectional dataset, we have addressed the issue of counties belonging to time-variant larger electoral districts by removing observations from very large districts, and by clustering standard errors on an artificial 100x100km grid. To assess the sensitivity of our results to these choices, Tables 16-18 redo the analysis of Tables 7, 10 and 11, but using the usual Eicker-Huber-White robust standard errors. Standard errors are usually a bit lower in this case, but with exceptions. Tables 19-21 also redo this part of the analysis, but without dropping large legislative districts from the slave owner county shares. Again our results are very similar to the baseline ones.

Table 13: Slave owning background and legislator characteristics

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |
| VARIABLES | Occupation prior to election | Senator | Occupation prior to election | Senator | Occupation prior to election | Senator |
|  | Law | Agriculture |  | Law | Agriculture |  | Law | Agriculture |  |
|  |  |  |  |  |  |  |  |  |  |
| Slave owner | 0.038 | 0.062\* | 0.039 |  |  |  |  |  |  |
|  | (0.034) | (0.034) | (0.028) |  |  |  |  |  |  |
| $\geq 10$ slaves |  |  |  | 0.005 | 0.103\*\* | 0.044 |  |  |  |
|  |  |  |  | (0.039) | (0.041) | (0.033) |  |  |  |
| $\geq 20$ slaves |  |  |  |  |  |  | -0.112\*\* | 0.239\*\*\* | 0.053 |
|  |  |  |  |  |  |  | (0.053) | (0.058) | (0.050) |
|  |  |  |  |  |  |  |  |  |  |
| Observations | 1,558 | 1,558 | 1,827 | 1,553 | 1,553 | 1,822 | 1,553 | 1,553 | 1,822 |
| Clusters | 1058 | 1058 | 1247 | 1055 | 1055 | 1244 | 1055 | 1055 | 1244 |

Notes: Regressions control for legislature fixed effects and a dummy for being black. Standard errors, clustered at the legislator level, in parentheses, \*\*\* p<0.01, \*\* p<0.05, \* p<0.1

Source: Authors’ calculation. For data sources, see section “Data” and Online Appendix D.

Table 14: Voting behavior conditional on real estate wealth

|  |  |  |  |
| --- | --- | --- | --- |
|  | (1) | (2) | (3) |
| VARIABLES | Voting progressively |
|  |  |
| Slave owner | -0.032 |  |  |
|  | (0.041) |  |  |
| $\geq 10$ slaves |  | -0.120\*\* |  |
|  |  | (0.049) |  |
| $\geq 20$ slaves |  |  | -0.044 |
|  |  |  | (0.029) |
| Democrat | -0.592\*\*\* | -0.585\*\*\* | -0.597\*\*\* |
|  | (0.056) | (0.055) | (0.053) |
| IHS (Real estate wealth) | 0.004 | 0.005 | 0.002 |
|  | (0.008) | (0.007) | (0.007) |
|  |  |  |  |
| Observations | 1,138 | 1,138 | 1,138 |
| Clusters | 129 | 129 | 129 |
| Notes: Voting progressively captures support for the Republicans’ Reconstruction measures. Regressions control for bill fixed effects. Standard errors, clustered at the legislator level, in parentheses, \*\*\* p<0.01, \*\* p<0.05, \* p<0.1Source: Authors’ calculation. For data sources, see section “Data” and Online Appendix D. |

Table 15: Joint correlations

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | (1) | (2) | (3) | (4) |
| VARIABLES | Share of counties‘ legislators with a background of |
|  | Slave owning | Owning 20 slaves or more |
|  |  |  |  |  |
| Cotton prod. 1870 | 0.122 | 0.131 | -0.016 | -0.054 |
|  | (0.248) | (0.239) | (0.135) | (0.131) |
| Total Wealth persistence 1860-70 | -0.259 | -0.341 | -0.717\*\*\* | -0.866\*\*\* |
|  | (0.358) | (0.406) | (0.247) | (0.265) |
| Land Wealth persistence 1860-70 | 0.740 | 0.734 | 0.435 | 0.501 |
|  | (0.448) | (0.470) | (0.280) | (0.300) |
| Tax revenue pc 1870 | -0.047 | -0.070 | -0.064\* | -0.069\*\* |
|  | (0.050) | (0.052) | (0.033) | (0.034) |
|  |  |  |  |  |
| Observations | 111 | 100 | 111 | 100 |
| Clusters | 41 | 39 | 41 | 39 |
| Notes: Robust standard errors, clustered at 100x100km grid cells, in parentheses. The outcomes code the share of all legislators elected after 1871. The restricted sample removes counties whose are between 1860 and 1890 changed by more than 25 percent. Cotton production in 1870 is measured in bales per acre of improved land. Local wealth persistence is measured as the share of 1860 county residents in the top wealth quartile that still are present in the county's top wealth quartile in 1870, based either on total or real estate wealth. Observations are weighted by the number of matched legislators. \*\*\* p<0.01, \*\* p<0.05, \* p<0.1Source: Authors’ calculation. For data sources, see section “Data” and Online Appendix D. |

Table 16: Voting for slave owners and education spending, robust standard errors

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | (1) | (2) | (3) | (4) | (5) | (6) |
| VARIABLES | Relative term length 1918 | Relative teacher salaries 1918 | Log educ spending per enrolled student |
|  |  |  |  |  |  |  |
| Slave owner | -0.186\*\* |  | -0.185\*\* |  | -0.629\*\*\* |  |
|  | (0.089) |  | (0.077) |  | (0.172) |  |
| $\geq 20$ slaves |  | -0.258\* |  | -0.214 |  | -0.687\*\* |
|  |  | (0.147) |  | (0.133) |  | (0.303) |
|  |  |  |  |  |  |  |
| Observations | 118 | 118 | 122 | 122 | 100 | 100 |
| Notes: Robust standard errors in parentheses. Observations are weighted by the number of matched legislators. \*\*\* p<0.01, \*\* p<0.05, \* p<0.1Source: Authors’ calculation. For data sources, see section “Data” and Online Appendix D.Relative term length refers to the ratio of the lengths of the school year (measured in days) of black schools relative to white schools in the county. Relative teacher salaries are defined as the ratio of the average annual black teacher salary to the average annual white teacher salary. Spending per enrolled student is defined as the ratio of total school expenditures to the sum of black and white student enrollment. |

Table 17: County-level correlates of slave owning legislators, robust standard errors

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
| VARIABLES | Share of counties‘ legislators with a slave owning background |
|  |  |  |  |  |  |  |  |  |  |  |
| Cotton prod. 1870 | 0.580\*\*\* | 0.634\*\*\* |  |  |  |  |  |  | 0.538\*\* | 0.545\*\* |
|  | (0.208) | (0.228) |  |  |  |  |  |  | (0.229) | (0.242) |
| Total Wealth Persistence 1860-70 |  |  | -0.241 | -0.339 |  |  |  |  | -0.409 | -0.454 |
|  |  |  | (0.354) | (0.381) |  |  |  |  | (0.370) | (0.406) |
| Land Wealth Persistence 1860-70 |  |  | 1.145\*\*\* | 1.158\*\*\* |  |  |  |  | 0.923\*\* | 0.923\*\* |
|  |  |  | (0.364) | (0.375) |  |  |  |  | (0.391) | (0.399) |
| Tax revenue pc 1870 |  |  |  |  | -0.081\* | -0.105\*\* |  |  |  |  |
|  |  |  |  |  | (0.045) | (0.048) |  |  |  |  |
| Black officeholders |  |  |  |  |  |  | -0.033 | -0.032 | -0.130\*\*\* | -0.124\*\*\* |
|  |  |  |  |  |  |  | (0.033) | (0.035) | (0.041) | (0.042) |
|  |  |  |  |  |  |  |  |  |  |  |
| Restricted Sample | No | Yes | No | Yes | No | Yes | No | Yes | No | Yes |
| Observations | 134 | 121 | 126 | 113 | 113 | 101 | 148 | 131 | 123 | 111 |
| Notes: Robust standard errors, clustered at 100x100km grid cells, in parentheses. The outcomes code the share of all legislators elected after 1871. The restricted sample removes counties whose are between 1860 and 1890 changed by more than 25 percent. Cotton production in 1870 is measured in bales per acre of improved land. Local wealth persistence is measured as the share of 1860 county residents in the top wealth quartile that still are present in the county's top wealth quartile in 1870, based either on total or real estate wealth. The presence of black officeholders is measured by a dummy for whether the county had any black officeholders between 1867 and 1871. Observations are weighted by the number of matched legislators. \*\*\* p<0.01, \*\* p<0.05, \* p<0.1Source: Authors’ calculation. For data sources, see section “Data” and Online Appendix D. |

Table 18: County-level correlates of planting class legislators, robust standard errors

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
| VARIABLES | Share of counties‘ legislators with a background of owning 20 or more slaves |
|  |  |  |  |  |  |  |  |  |  |  |
| Cotton prod. 1870 | 0.277\*\* | 0.286\*\* |  |  |  |  |  |  | 0.187 | 0.139 |
|  | (0.125) | (0.139) |  |  |  |  |  |  | (0.182) | (0.191) |
| Total Wealth Persistence 1860-70 |  |  | -0.643\*\*\* | -0.760\*\*\* |  |  |  |  | -0.656\*\*\* | -0.761\*\*\* |
|  |  |  | (0.210) | (0.208) |  |  |  |  | (0.222) | (0.227) |
| Land Wealth Persistence 1860-70 |  |  | 0.521\*\* | 0.540\*\* |  |  |  |  | 0.418 | 0.465 |
|  |  |  | (0.218) | (0.229) |  |  |  |  | (0.282) | (0.285) |
| Tax revenue pc 1870 |  |  |  |  | -0.074\*\* | -0.079\*\* |  |  |  |  |
|  |  |  |  |  | (0.029) | (0.032) |  |  |  |  |
| Black officeholders |  |  |  |  |  |  | 0.015 | 0.021 | -0.032 | -0.023 |
|  |  |  |  |  |  |  | (0.021) | (0.022) | (0.025) | (0.025) |
|  |  |  |  |  |  |  |  |  |  |  |
| Restricted Sample | No | Yes | No | Yes | No | Yes | No | Yes | No | Yes |
| Observations | 134 | 121 | 126 | 113 | 113 | 101 | 148 | 131 | 123 | 111 |
| Notes: Robust standard errors, clustered at 100x100km grid cells, in parentheses. The outcomes code the share of all legislators elected after 1871. The restricted sample removes counties whose are between 1860 and 1890 changed by more than 25 percent. Cotton production in 1870 is measured in bales per acre of improved land. Local wealth persistence is measured as the share of 1860 county residents in the top wealth quartile that still are present in the county's top wealth quartile in 1870, based either on total or real estate wealth. The presence of black officeholders is measured by a dummy for whether the county had any black officeholders between 1867 and 1871. Observations are weighted by the number of matched legislators. \*\*\* p<0.01, \*\* p<0.05, \* p<0.1Source: Authors’ calculation. For data sources, see section “Data” and Online Appendix D. |

Table 19: Voting for slave owners and education spending, all legislative districts

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | (1) | (2) | (3) | (4) | (5) | (6) |
| VARIABLES | Relative term length 1918 | Relative teacher salaries 1918 | Log educ spending per enrolled student 1925 |
|  |  |  |  |  |  |  |
| Slave owner | -0.154 |  | -0.205\*\* |  | -0.682\*\*\* |  |
|  | (0.102) |  | (0.100) |  | (0.217) |  |
| $\geq 20$ slaves |  | -0.166 |  | -0.198 |  | -0.886\*\*\* |
|  |  | (0.133) |  | (0.156) |  | (0.325) |
|  |  |  |  |  |  |  |
| Observations | 119 | 119 | 123 | 123 | 101 | 101 |
| Clusters | 44 | 44 | 45 | 45 | 45 | 45 |
| Notes: Robust standard errors, clustered at 100x100km grid cells, in parentheses. Observations are weighted by the number of matched legislators. \*\*\* p<0.01, \*\* p<0.05, \* p<0.1Source: Authors’ calculation. For data sources, see section “Data” and Online Appendix D.Relative term length refers to the ratio of the lengths of the school year (measured in days) of black schools relative to white schools in the county. Relative teacher salaries are defined as the ratio of the average annual black teacher salary to the average annual white teacher salary. Spending per enrolled student is defined as the ratio of total school expenditures to the sum of black and white student enrollment. |

Table 20: County-level correlates of slave owning legislators, all legislative districts

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
| VARIABLES | Share of counties‘ legislators with a slave owning background |
|  |  |  |  |  |  |  |  |  |  |  |
| Cotton prod. 1870 | 0.485\*\* | 0.535\*\* |  |  |  |  |  |  | 0.490\*\* | 0.498\*\* |
|  | (0.237) | (0.247) |  |  |  |  |  |  | (0.216) | (0.229) |
| Total Wealth Persistence 1860-70 |  |  | -0.234 | -0.318 |  |  |  |  | -0.377 | -0.414 |
|  |  |  | (0.342) | (0.377) |  |  |  |  | (0.305) | (0.337) |
| Land Wealth Persistence 1860-70 |  |  | 0.938\*\* | 0.954\*\* |  |  |  |  | 0.796\*\* | 0.792\*\* |
|  |  |  | (0.377) | (0.393) |  |  |  |  | (0.358) | (0.366) |
| Tax revenue pc 1870 |  |  |  |  | -0.065 | -0.091\*\* |  |  |  |  |
|  |  |  |  |  | (0.039) | (0.042) |  |  |  |  |
| Black officeholders |  |  |  |  |  |  | -0.046 | -0.042 | -0.128\*\*\* | -0.123\*\*\* |
|  |  |  |  |  |  |  | (0.033) | (0.032) | (0.041) | (0.039) |
|  |  |  |  |  |  |  |  |  |  |  |
| Restricted Sample | No | Yes | No | Yes | No | Yes | No | Yes | No | Yes |
| Observations | 134 | 121 | 126 | 113 | 113 | 101 | 149 | 131 | 123 | 111 |
| Clusters | 47 | 46 | 46 | 44 | 41 | 39 | 52 | 50 | 45 | 44 |
| Notes: Robust standard errors, clustered at 100x100km grid cells, in parentheses. The outcomes code the share of all legislators elected after 1871. The restricted sample removes counties whose are between 1860 and 1890 changed by more than 25 percent. Cotton production in 1870 is measured in bales per acre of improved land. Local wealth persistence is measured as the share of 1860 county residents in the top wealth quartile that still are present in the county's top wealth quartile in 1870, based either on total or real estate wealth. The presence of black officeholders is measured by a dummy for whether the county had any black officeholders between 1867 and 1871. Observations are weighted by the number of matched legislators. \*\*\* p<0.01, \*\* p<0.05, \* p<0.1Source: Authors’ calculation. For data sources, see section “Data” and Online Appendix D. |

Table 21: County-level correlates of planting class legislators, all legislative districts

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
| VARIABLES | Share of counties‘ legislators with a background of owning 20 or more slaves |
|  |  |  |  |  |  |  |  |  |  |  |
| Cotton prod. 1870 | 0.296\*\* | 0.297\*\* |  |  |  |  |  |  | 0.188 | 0.133 |
|  | (0.123) | (0.131) |  |  |  |  |  |  | (0.141) | (0.134) |
| Total Wealth Persistence 1860-70 |  |  | -0.606\*\*\* | -0.714\*\*\* |  |  |  |  | -0.605\*\*\* | -0.707\*\*\* |
|  |  |  | (0.217) | (0.233) |  |  |  |  | (0.204) | (0.225) |
| Land Wealth Persistence 1860-70 |  |  | 0.540\*\* | 0.545\*\* |  |  |  |  | 0.427\* | 0.470\* |
|  |  |  | (0.222) | (0.240) |  |  |  |  | (0.248) | (0.262) |
| Tax revenue pc 1870 |  |  |  |  | -0.069\*\* | -0.074\* |  |  |  |  |
|  |  |  |  |  | (0.034) | (0.038) |  |  |  |  |
| Black officeholders |  |  |  |  |  |  | 0.018 | 0.024 | -0.030 | -0.021 |
|  |  |  |  |  |  |  | (0.021) | (0.022) | (0.025) | (0.025) |
|  |  |  |  |  |  |  |  |  |  |  |
| Restricted Sample | No | Yes | No | Yes | No | Yes | No | Yes | No | Yes |
| Observations | 134 | 121 | 126 | 113 | 113 | 101 | 149 | 131 | 123 | 111 |
| Clusters | 47 | 46 | 46 | 44 | 41 | 39 | 52 | 50 | 45 | 44 |
| Notes: Robust standard errors, clustered at 100x100km grid cells, in parentheses. The outcomes code the share of all legislators elected after 1871. The restricted sample removes counties whose are between 1860 and 1890 changed by more than 25 percent. Cotton production in 1870 is measured in bales per acre of improved land. Local wealth persistence is measured as the share of 1860 county residents in the top wealth quartile that still are present in the county's top wealth quartile in 1870, based either on total or real estate wealth. The presence of black officeholders is measured by a dummy for whether the county had any black officeholders between 1867 and 1871. Observations are weighted by the number of matched legislators. \*\*\* p<0.01, \*\* p<0.05, \* p<0.1Source: Authors’ calculation. For data sources, see section “Data” and Online Appendix D. |

# Figure 6: Share of Democratic members of the Texas Legislature, 1870-1900



Source: Authors’ calculation. For data sources, see section “Data” and Online Appendix D.

# Appendix C: Coding Votes

The results presented in Section 5 are using data from the roll-call votes reported in the House and Senate journals for the respective years and sessions. We digitized those data, collecting the name of the legislators who voted for or against each of the laws and matched them with the data on slave-ownership.

Our aim was to focus on laws that allow us to determine the voting legislators’ stance on Reconstruction. We therefore selected laws that were crucial to the Republican Reconstruction program and later to the Redeemers’ undoing of Reconstruction. Among the laws enacted by the 12th Legislature, Moneyhon (2004, pp. 130-135) mentions several laws as having been particularly controversial at their time. These include the militia bill, police bill, two school laws, a law restricting the carrying of firearms, a law that allowed the (Republican) governor to fill vacant public offices until the next election, and two bills that, respectively, created a board of voter registrars and postponed the election date by another year.[[1]](#footnote-1) When the Democrats regained the majority with the 13th legislature, they “carried out what amounted to a virtual counterrevolution, even though they could never completely reverse the changes that had taken place during Reconstruction” (Moneyhon 2004, p. 89). Among the measures taken, Moneyhon (2004, p. 189f., 203) notes repealing the police bill, passing new militia and school bills, changing election laws that transferred supervisory power from the state to the counties, and gerrymandering electoral districts so that blacks would struggle to get elected. Other measures were clearly intended to help planters and hurt the rights of black farmers, such as a law that prevented illiterate people from serving on juries, an attempt to allow landlords to fence their properties, and attempting to pass a landlord and tenant act that gave the landlords considerable power over their tenants’ crops.

Unfortunately, we could not find recorded votes for all the bills mentioned by Moneyhon. Especially in the 13th Legislature, the House and Senate Journals often simply state that bills were passed, without detailing the votes. For the bills where the votes were indeed recorded by name, we managed to match on average 67.64 percent of all the votes in those two legislatures using the legislator’s name or slight variation of it (to account for possible typos in the Journals or in the Census) and, when necessary, the district they represented. This amounts to 82 (over 131) legislators of the 12th Legislature and 87 (121) of the 13th Legislature. In the following, we give some background on the laws, how we coded a yes vote, and our justification for it.

## 12th Legislature

### Militia

Full title: *An Act to Provide for the Enrollment of the Militia, the Organization and*

*Discipline of the State Guards, and for the Public Defense* (Gammel 1898, Volume 6, pp.

185-190)[[2]](#footnote-2)

Coding: yes= progressive, no= conservative

This bill created a reserve militia consisting of most able-bodied citizens, black or white. It also gave the governor the possibility to declare martial law and install military tribunals.

Similar measures had been used in neighboring Arkansas to subdue the Ku Klux Klan. Democrats fervently opposed the bill, Republicans argued that it was necessary to fight Klan violence (Moneyhon 2004, p. 129f.) Given this, we coded a yes vote on this bill as progressive. We have both Senate and House votes for this bill.

### State Police

Full title: *An Act to Establish a State Police, and Provide for the Regulation and*

*Government of the Same* (Gammel 1898, Volume 6, pp. 193-195)

Coding: yes= progressive, no= conservative

This bill created a state police force, and “would have spurred an equal debate except that it was buried in the uproar over the militia”(Moneyhon 2004, p. 132). We therefore also coded it as a progressive law. We have both House and Senate votes for it.

### Firearm Bills

Full title: *An Act Regulating the Right to Keep and Bear Arms* (Gammel 1898, Volume 6, p. 237)

*An Act to regulate the Keeping and Bearing of Deadly Weapons* (Gammel 1898, Volume

6, p. 927-929)

Coding: yes= progressive, no= conservative

The first bill was passed by the 1st Called Session of the 12th Legislature in 1870, the second one by the Regular Session in 1871.

In the first case, we could not find recorded votes for the bill that was actually passed, which was Senate Bill No. 20 and which was passed by both chambers without recording names. However the House recorded names on House Bill No. 297. According to the Senate Journal (1st Called Session 1870, p. 597), “many of the provision of this bill are in an accord with a bill heretofore passed by the Senate”, meaning Senate Bill No. 20. Because of this, we recorded the votes for House Bill No. 297.

In the second case, we could find recorded votes both for the House and Senate.

Moneyhon (2004, p. 132) only mentions one law that “restricted the carrying of firearms away from the frontier.” and notes it among the 12th Legislature’s controversial measures.

Since both laws restricted the carriage of firearms, we coded them both as progressive.

### Voter registration

Full Title: *An Act to Provide for the Registration of Voters* (Gammel 1898, Volume

6, p. 198-205)

Coding: yes= progressive, no= conservative

This law prescribed that voter registration be done by registrars appointed by the governor. The idea behind this was to make voter registration a state level matter, rather than leave it to local county officials. As such it was promptly undone by the 13th Legislature. (Moneyhon 2004, p. 132, p. 190). Given this, we coded it as progressive. The Senate passed the law without recording names, but we collected the votes in the House.

### Election date

Full Title: *An Act to Provide for the Mode and Manner of Conducting Election, Making Returns, and for the Protection and Purity of the Ballot-Box* (Gammel 1898,

Volume 6, p. 302-313)

Coding: yes= progressive, no= conservative

Among other things, this law moved the election date from 1871 to 1872, extending the term of the Republican-led legislature (Moneyhon 2004, p. 132). We therefore coded it as progressive. We have recorded votes for both the House and Senate for this law.

### School bills

Full Title: *An Act to Establish a System of Public Free Schools for the State of Texas* (Gammel 1898, Volume 6, p. 287-292)

*An Act to Organize and Maintain a System of Public Free Schools in the State of Texas* (Gammel 1898, Volume 6, p. 959-962)

Coding: yes= progressive, no= conservative

The 12th Legislature passed two schooling laws, one in August 1870 (1st Called Session), the other in April 1871 (Regular Session). According to Moneyhon (2004, p. 132-135), the first law created a state board of education with a state superintendent. It proved somewhat ineffective, however, and was therefore supplemented by the April 1871 bill. We recorded votes for both schooling bills in both chambers, and coded both as progressive.

### Vacancies

Full Title: *An Act to Provide for the Appointment by the Governor of Certain Officers to Fill Vacancies* (Gammel 1898, Volume 6, p. 191-192)

Coding: yes= progressive, no= conservative

This bill gave the governor the authority to appoint people to many public vacancies until the next election (Moneyon 2004, p. 132). We view this as another attempt of the Republican majority to consolidate its position and coded it as progressive. We have recorded votes both for the Senate and House.

## 13th Legislature

### State Police Repeal

Full title: *An act to repeal an act entitled an act to establish a State police and provide for the regulation and government of the same, approved July 1st, 1870; also, to repeal an act entitled an act to amend an act entitled an act to establish a State police and provide for the regulation and government of the same, approved May 2, 1871.* (Gammel 1898,

Volume 7, p. 493)

Coding: No= progressive, yes= conservative

This bill repealed the 12th Legislature’s state police bill. We could not find recorded votes for the bill’s first passage. However, Governor Davis vetoed the bill, so that a second vote took place, this time with recorded votes. The House voted with 58 to 7 votes to overturn the governor’s veto, the Senate with 18 to 8. Given that the bill repealed one of the key measures of the 12th Legislature and was passed over the Governor’s veto, a no vote is coded as progressive.

### School System

Full title: *An act to establish and maintain a system of free public schools in the State of Texas* (Gammel 1898, Volume 7, pp. 536-547)

Coding: No= progressive, yes= conservative

This bill abolished the state school board, reduced the power of the state superintendent and instead decentralized power to local school boards. It also reduced the minimum term length from ten to four months (Moneyhon 2004, p. 189). Governor Davis vetoed the bill, stating that it would abolish uniformity of system and that the term period reduction would “put an end to the public schools on a scale of efficiency and permanency in any respect worthy of our State.” (House Journal 1873, p. 1113). Given all this, we coded a no vote as progressive. We could not find recorded votes for the law’s first passage, but names were called for when the legislature overrode the governor’s veto, voting 68 to 8 in the House and 23 to 7 in the Senate.

### Redistricting

Full title: *An act making a new apportionment of the representative and senatorial districts of the State of Texas* (Gammel 1898, Volume 7, pp. 495-499)

Coding: No= progressive, yes= conservative

According to Moneyhon (2004, p. 190) this bill “redistricted the state in such a way that African Americans found it more difficult to gain political office”. Given this, we coded a no as the progressive stance. Named votes were not recorded in the senate, but in the House.

### Landlord and tenants

Full title: *An act concerning landlords and tenants* (not enacted by the 13th Legislature)

Coding: No= progressive, yes= conservative

This bill did not became law during the session of the 13th Legislature, as Governor Davis vetoed it and could not be overridden. A similar bill was passed by the 14th Legislature and considerably increased the power of landlords over their tenants’ crops and property (Moneyhon 2004, p. 203). This intention of the bill is also apparent from Governor Davis’s veto statement: “If this act becomes a law, that class can keep nothing sacred against the rapacity of the landlord. The tenant’s supply of daily food for his family and himself, his furniture and bedding, his tools of trade, the very clothes on his back, all belong to the landlord.” As a result, we coded a no as the progressive stance. We could not find named votes for the act’s first passage, but the attempt to overturn the governor’s veto was recorded by name. It passed in the House with 50 to 14 votes. In the Senate, however, it only reached a simple majority of 11 to 10, falling short of the two-thirds majority needed to override the veto.

## 26th Legislature

The 26th Legislature voted on two resolutions (one in the House, one in the Senate) that aimed at introducing poll taxes as a prerequisite for voting. We collected whether a legislator voted yes on the vote in his respective chamber. These measures were clearly understood to restrict suffrage. Representative Beaty, for example, stated: “I vote ‘no’ on the poll tax amendment; first, that it is a step toward property qualification. If the amendment had carried it would have been but a few years until a bill would have been passed disfranchising a voter unless he paid taxes on $500 worth of property-that is the law in several states now. [...] I will join this House in passing a bill to make all men pay their taxes, but I will not be a party to a bill to oppress one class of citizens and relieve the more fortunate and wealthy. Equal rights to all and special privileges to none.” Representative Allen of Hopkins similarly justified his “nay” vote: “The suffrage of the people should not be curtailed. [...] A precedent [...] being established, there is no limit to which this policy could not be extended, until the government would be confined to the control of the favored and wealthy few.”

### House Resolution

Full title: *House Joint Resolution No. 28, to amend Section 1, of Article 6, of the Constitution of the State of Texas, relating to suffrage, and making the payment of a poll tax a prerequisite to the exercise of the right of suffrage*

This resolution was not adopted, receiving 50 yes votes and 50 no votes.

### Senate Resolution

Full title: *Senate Joint Resolution No. 5, amending Article 6, Section 2, of the Constitution of the State of Texas, requiring all persons subject to a poll tax to produce their poll tax receipts at any election at which they offer to vote, and fixing the time of payment of said tax.*

This resolution was passed with 18 votes in favor and 11 against, but narrowly failed to reach the necessary two-thirds majority.

# Appendix D: Variable definitions

Variable Description and Source

|  |  |
| --- | --- |
| Share of 1860 Texan families that were slave owners | Based on Haines (2011). Ratio of slave owners to the total number of families |
| Share of 1860 Texan white males that were slave owners | Based on Haines (2011). Ratio of slave owners to the number of white males aged 20 or above |
| Personal /Real estate Wealth per family in 1860 | Based on Haines (2011), Ratio of total personal or real estate wealth to the number of families |
| Personal /Real estate Wealth per white male in 1860 | Based on Haines (2011). Ratio of total personal or real estate wealth to the number of white males aged 20 or above |
| Slave holdings per slave owner in 1860 | Based on Haines (2011). Ratio between the number of slaves and the number of slave owners |
| Relative black school term length 1918 | From Carruthers and Wanamaker (2019). Ratio of the average school year lengths for black students relative to white students |
| Relative teacher salaries 1918 | From Carruthers and Wanamaker (2019). Ratio of black teachers’ annual salaries to white teachers’ annual salaries |
| Education spending per enrolled student in 1925 | From Carruthers and Wanamaker (2019). Ratio of total education spending to the number of enrolled students (independendent of race) |
| Cotton production 1870 | From Haines (2011). Ratio of the number of bales of cotton produced to the number of acres in improved land |
| Total/Land Wealth persistence 1860-1870 | Own calculation based on the 1860 and 1870 full count censuses (Ruggles et al 2020) and linking files from Abramitzky et al (2020). Defined as the share of white males aged 25-39 in 1860 that were in their county’s top quartile in total/land wealth lived in the same county in 1870 and were still in the top wealth quartile |
| Tax revenue per capita 1870 | Based on Haines (1870). Amount of county taxes divided by total population |
| Black officeholders during Reconstruction | Based on Logan (2019a, 2020). Defined as a dummy for whether the county had any black officeholder that entered office between 1867 and 1872. We count both first and second county, if both exist. |

Table 22: Variable definitions

# ADDITIONAL REFERENCES

Gammel, Hans Pater Mareius Neilsen. *The Laws of Texas 1822–1897*, Volumes 6 and 7. Austin: Gammel Book Company, 1898.

1. Moneyhon also mentions an act to publish state business in newspapers, but we don’t see this as having a clear bearing on Reconstruction and therefore did not collect votes on this law. The same holds for railroad bills that split within party lines. [↑](#footnote-ref-1)
2. Gammel’s book paginates within session, but we decided to use the overall page in the volume. [↑](#footnote-ref-2)