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D. Stephen Voss
University of Kentucky

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The Phantom Segregationist: Kentucky's 1996 Desegregation Amendment and the Limits of Direct Democracy[1]

D. Stephen Voss
University of Kentucky
dsvoss@uky.edu

Penny Miller
University of Kentucky

Decades after Kentucky abolished *de jure* racial distinctions in education, the state legislature asked voters to strip segregationist language from their venerable constitution. Political elites were stunned when a third of the state's voters, and majorities in five counties, rejected the change. However, the prime culprit for Kentucky's 1996 constitutional amendment vote was not white racism, because African-American voters endorsed segregation at rates similar to whites. Rather, the Kentucky vote offers a particularly clear and particularly dramatic example of the limits of ballot-box policy making. It should alert scholars that highly publicized referenda in high-profile states – the focus of much direct-democracy research – may not be representative of how direct democracy usually operates.

Key Words: Kentucky, state referendum, direct democracy, segregation, constitutional amendment

Kentucky decided in 1996 to purge some embarrassing constitutional provisions left over from the days of racial segregation. More than 40 years after the U.S. Supreme Court had struck down "separate but equal" education, the state legislature finally asked voters whether they wanted to strip references

[1] D. Stephen Voss, a former President of the Kentucky Political Science Association, is Associate Chair and Associate Professor of Political Science at the University of Kentucky. Penny Miller is a retired Professor and former Director of Undergraduate Studies from the same department. The authors would like to thank Paul Blanchard and the late Lee Sigelman and Malcolm Jewell for comments on an earlier draft. Mark Peffley, Gary King, Greg Hager, and Albert Dzur also offered advice along the way. Richard Fording assisted with an early stage of the analysis. The National Committee for an Effective Congress and the Kentucky Board of Elections provided excellent data. And we thank the journal's editors, Michael Hail and Jonathan Pidluzny, for giving this research a home. All the flaws are ours.

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to school segregation from their venerable constitution. "Are you in favor," a constitutional amendment asked, of removing "language requiring that separate schools for 'white' and 'colored' children be maintained?" The constitutional referendum also sought to revoke permission to impose poll taxes, a Jim Crow tool for disenfranchisement. A positive vote would remove the vestigial provisions.

Their proposal seemed destined to attract nearly unanimous support. The constitutional language had lost the force of law more than a generation ago, so no one gained from preserving it. No fringe groups mobilized to block the measure – hardly surprising, given that the state lacks a tradition of "massive resistance" to integration – and publicity leading up to the vote was minimal and entirely laudatory (Martin 1996; *Lexington Herald-Leader* 1996). African Americans widely endorsed the measure, and most evidence suggested that support for discrimination of the kind targeted by the referendum largely had died out among whites as well (Kinder and Sanders 1996, 94-97). Political elites thus were stunned when a third of those voting, and majorities in five counties, rejected the change.[2]

The actual impact of this pro-segregation surprise was minimal. Kentucky's constitutional amendments require only majority support, so the proposal won (Miller 1994, 90). Less clear were the vote's implications. Taken at face value, the strong support for racist symbolism seems to reinforce concerns with trusting civil-rights issues to the voters (Gamble 1997). Such concerns might seem especially warranted in this context, given that Kentucky's electorate was moving to the right during the period – a development that eventually would propel a candidate skeptical of key Civil Rights Act provisions into the U.S. Senate (Voss 2010; Voss and Gross 2011, 154-156). But could Kentucky voters really have been that far behind the times? We doubt it. Kentucky's 1996 vote intrigues us because the results were so unlikely, a warning of systemic failure.

Idealistic conceptions of "direct" democracy promise a form of policy decision making unmediated by elected or appointed elites (Butler and Ranney 1978b, 24-25; Hahn and Kamieniecki 1987, 16, 137). But no mechanism captures opinion without contamination, since someone obviously must frame public choices. We therefore exploit the presence of a voting bloc presumed to support the constitutional change – African-American voters – to assess how well ballot-box policy making captured voter preferences in this critical case.

Our results show that black voters endorsed segregation almost as often as their white peers did. We interpret this stunning result to mean that most of

[2] The exact vote was 563,864 to 274,438, a vote of 67.3% in favor. The amendment lost in Clinton, Jackson, Laurel, Martin and Monroe counties (Associated Press 1996).

the support for segregation appeared unintentionally. The problem in Kentucky was not the majority's lack of respect for minority rights, but the failure of elites to structure the choice clearly and the inability of the majority to communicate preferences through the ballot box. Even if readers do not accept our assumptions about the intentions of black voters and how they inform our understanding of white intentions, though – even if they persist in believing that most Kentucky voters knew what they were doing – the event offers a troubling warning about the dangers accompanying direct democracy.

POPULAR WISDOM, POPULAR PREJUDICE: THE THEORY

The Anglo-American political tradition features little role for the ballot box, beyond the occasional need to toss out untrustworthy officials (Bachrach 1967, chap. 3; Pateman 1970, 3-14). Voting was not designed to determine policy, for the masses were not thought capable or willing to engage in deliberation (Bachrach 1967, 31-32; Butler and Ranney 1978b, 34; Cronin 1989, chap. 1-2; Natchez 1985, 28-34). This republican vision has not fared well with the passage of time, however – a result stemming less from philosophical victories than from an erosion of barriers (Cronin 1989, 174-76; Natchez 1985, 156, plus chap. 1). Contemporary voters enjoy much greater policy input than they have historically (Hahn and Kamieniecki 1987, 137; Ranney 1978).

Less clear is whether the public capacity for self-rule has kept pace with opportunities. The American public knows next to nothing about who determines policy, nor do they reveal even the most rudimentary knowledge one would require to form well-reasoned preferences (c.f., Brodie 1995). Ignorance, however, is not the same thing as incapacity. A significant stream of research has buttressed public claims to greater participation (Cronin 1989, 87-89; Gerber 1996; Hahn and Kamieniecki 1987, 24; Price 1975, 248). Some survey researchers have worked assiduously to illustrate the rationality and sophistication underlying political behavior (Abramson et al. 1992; Lau and Redlawsk 1997; Lupia 1994; Page and Shapiro 1993; Stimson 1991).

Unfortunately, most surveys possess only limited potential for evaluating public capacity. They do not replicate the incentives and informational needs of a real plebiscite. Leaving aside any sampling and measurement concerns, or limits on how many people appear in any one geographical area,[3] surveys are necessarily artificial. Few probe decision-making processes. Those gauging knowledge may hit respondents up for information long before a real decision is necessary (Cronin 1989, 71; Gelman and King 1993; Lee 1978, 111-112).

[3] This is not to imply that polls are deceptive, only that they also must make choices about sampling and question wording, and therefore are no more pristine than propositions. Voss, Gelman, and King (1995) discuss the geographical spread of polls, and Voss and Lublin (2001) show how attempting to get narrow geographical estimates out of national polls can go wrong.

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One virtue of participation is supposed to be its educative role, but poll respondents have neither time nor incentive to prepare (Bachrach 1967, 99-103; Butler and Ranney 1978b, 33; Pateman 1970, 24-44).[4] Experimental research, meanwhile, can simulate real opportunities for participation, but a laboratory environment finesses collective-action problems that sap regular motivation.

Judging among abstract arguments about public capacity, therefore, is hampered by the difficulty with subjecting them to definitive empirical test. Verification within genuine voting behavior would be a valuable contribution. Sadly, very few elections are so clear cut that we know whether the results misrepresent voter intentions. A few studies, in which researchers measured intent retrospectively, provide the only tests of real-life voter capacity, and the findings are not positive (Hensler and Hensler 1979, 106; Magleby 1984, 144).

KENTUCKY'S DESEGREGATION AMENDMENT: A CRITICAL CASE

The paucity of evidence explains why Kentucky's 1996 amendment is so valuable. The vote was over whether to remove vestigial provisions from the state constitution. These provisions, while not active law, offered nothing to African Americans. Even separationist or militant black voters are resistant to Old South symbolism.[5] No voice in Kentucky – white or black, credible or otherwise – spoke against the referendum. Thus, it appears to provide a rare example when we can assume how one portion of the electorate would have voted with full information.

No surveys on the referendum exist to confirm this impression. To check the validity of our judgment, therefore, we interviewed a half dozen of Kentucky's civic leaders, people who came as close as possible to being authorities on the state's black community. These interviews, conducted by Penny Miller in the late 1990's while memories were fresh, consistently returned the same response. All agreed that African-American sentiment uniformly favors removing the vestiges of Jim Crow from Kentucky law. Some were offended to learn that we'd encountered scholars during the review process who would be so out of touch that they'd suggest otherwise.

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[4] Polling organizations sometimes call a telephone number more than once, but the purpose is never to give respondents time to think. Rather, these "callbacks" are restricted to residences where the selected respondent was initially unavailable (Brady and Orren 1992, 61-65; Voss, Gelman and King 1995, 108-110).

[5] We have little reason to think that Kentucky blacks find segregationist symbolism any more appealing than those in Louisiana, who overwhelmingly rejected the statewide candidacies of former Klansman David Duke (Palmquist and Voss 1997, 14). Assuming that blacks should have opposed segregation seems much less demanding, for example, than assuming that all informed consumers oppose insurance-industry preferences on complex initiatives (Lupia 1994, 69, 72).

Beverly Watts, Executive Director of the Kentucky Human Rights Commission, told us flatly, "I wouldn't be able to find any African American who would want to keep that language." Her statements were mirrored by Prof. Gerald Smith, a practicing minister who headed the University of Kentucky's program in African-American Studies. "Informed African Americans would have voted to remove the racist language," Smith said. Barbara Curry, Lexington's Commissioner of Social Services since 1978, said that it would be a mistake to confuse support for public agitators such as Louis Farrakhan with support for using the law to keep children of different races apart. "I do know of voters who are skeptical about whether integration is working," Curry explained, "but I've never met any black person who thinks black children should be forced out of white schools by the state," as mandated by the old constitutional language.

Porter "P.G." People directed the Lexington Urban League for a generation. He unreservedly rejected any notion that the constitutional referendum faced a clandestine groundswell of black opposition. "In all of my 30 years of leadership with the Urban League and in other civil rights leadership roles, I am convinced that the African-American community would not be desirous of keeping Jim Crow language in the Constitution," People said. "Any black voter who understood the amendment would have voted in support of it." Thus, we feel confident about the underlying preferences of a large voter base appearing in the data, and can use this knowledge to judge the success of Kentucky's referendum process.

The amendment possessed traits characteristic of ballot measures in many other states. Unlike plebiscites that have commonly received scholarly attention,[6] for example, the Kentucky amendment operated in relative obscurity, with press coverage "thin and late" (c.f., Cronin 1989, 83). Only three members of the state senate opposed final passage of the measure, and no groups mobilized on the issue. Democratic State Sen. Tim Shaughnessy, the lead amendment sponsor, was unaware of any publicity campaign against it. The wording, composed by professional attorneys with the state's legislative services office, stands out for being legalistic and confusing – remove one word from the amendment and the meaning reverses – but semantic gymnastics in the voting booth are the rule rather than the exception with ballot propositions (c.f., Butler and Ranney 1978a, 17; Cronin 1989, 208-209; Hahn and Kamieniecki 1987, 22; Lee 1978, 113; Lupia 1994, 65; Magleby 1984, 118-120, 144). The 1998 South Carolina amendment to strip anti-miscegenation language from the state constitution contained a similar twist in sentence logic, for example.

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[6] For example, the measures studied by Lupia (1994, 64) addressed an immediately relevant matter of public policy. Interested parties spent more than $82 million to sway voters (1994, 65).

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To the extent Kentucky's referendum deviated from typical experience, the differences would tend to improve voter performance. No media circus distorted the cognitive process a voter faced. Information costs for the measure were low. The 1996 Kentucky ballot contained no other amendments, initiatives or statutory referenda, so the burden was insufficient to induce "ballot fatigue" (Bowler, Donovan and Happ 1992). Nor did the amendment share the stage with any highly controversial items, so we have little reason to suspect that voters were particularly likely to ease the process by rejecting all measures summarily (c.f., Cronin 1989, 85). The policy at issue was neither technical nor exceptionally complex, as is often the case with ballot measures (Helburn and Barnum 1978; Hensler and Hensler 1979; Lupia 1994, 65; Scott and Nathan 1970). All voters needed to understand was that the amendment stripped empty segregation provisions from the state constitution, and that they should vote for it if they favored that goal.

Further, the Kentucky case gets around a common concern in the direct democracy literature. Bowler and Donovan (1998) propose that uninformed voters rationally vote "No" on a provision when they are content with the policy status quo, avoiding unintended consequences of a measure they might not understand. However, we know of no knowledgeable scholar who would propose that blacks are mostly satisfied with the status quo in either American race relations or racial policy (see, e.g., Kinder and Sanders 1996, 17). Therefore, not even their theory, which is extremely generous to uninformed voters, would lead to a prediction that African Americans would have voted in favor of the pro-segregation position intentionally.

In sum, Kentucky's 1996 amendment provides a useful opportunity to assess plebiscites, a case in which we can assume the "right answers" for a group of voters *a priori*, yet one that is not distorted by complexity, manipulation, a crowded ballot, or high information costs. If the vote misrepresented public sentiment, then the breakdown must have occurred somewhere in the regular direct-legislation process found in Kentucky – from the implementation stage, when political elites framed public choices, to the flow of political information, to the balloting.

Pulling the Hood off Kentucky's Segregationists: The Analysis

We know that Kentucky's high vote in favor of segregation stems from a combination of two sources: intentional support for racist symbolism, and voter error. The task we face is determining how heavily to weight each source. This is a difficult burden, because it requires us to estimate not only how people voted, but also how they *intended* to vote. The key to finding an answer is assuming (1) that all black votes for Jim Crow segregation were accidental, an assumption that (in light of the previous section) seems virtually

unassailable, and (2) that the pattern of error among blacks tells us something about how many whites voted in error as well.

Gary King's (1997) solution to the ecological inference problem can estimate racial voting behavior accurately, so long as population figures and election returns are available at a low level of aggregation (Palmquist and Voss 1996; Voss 2004). Precinct-level returns were readily available, as were racial registration data for the year before. We tied the 1995 registration figures to the 1996 election results one county at a time. Occasionally, a county's precincts lined up by name, with no changes apparent. More often, we had to collapse some precinct data to the level of towns or magisterial districts to ensure that the units were comparable. In a few of cases we had to give up and treat the county as a single unit. The result was 1,905 reliable observations.[7]

Losing information about white voting through this matching procedure is acceptable, because Kentucky's black population is small enough to make estimating white behavior easy. Losing information on black preferences was more serious, since so much hinges on how well we estimate the behavior of that small population. Therefore, we confirmed the precinct history for heavily black areas through follow-up contact with county registrars. We are confident that almost every major concentration of black voters in the state was identified properly.

King's method requires two steps: first estimating turnout, then estimating the choices among those who voted (Voss and Lublin 1998). We estimated statewide opposition to the amendment, broken down by race, using a simple version of King's method. Our raw results were disturbing.

Estimated white support for segregation was 32.7% (standard error of 0.06). Estimated black support was 32.7% (standard error of 1.2) – exactly the same![8] Unless a substantial portion of Kentucky's black population were secretly nostalgic for the Old South by 1996, an interpretation that the states black leadership dismissed as absurd, then these results strongly suggest that many people did not realize they were endorsing segregation and poll taxes.

We can confirm the extremely high level of support for segregation among African Americans by checking the vote within all-black precincts. As Table 1 reveals, these predominantly black precincts contained large numbers of phantom segregationists. Among precincts that were more than 95% black, the pro-segregation vote was just shy of that found statewide. The election returns were mathematically impossible without massive levels of pro-segregation voting by African Americans.

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[7] King's method (1997, 149-51) is not distorted by using units of observation with highly varied populations. Quantities of interest are weighted by the number of voters in each areal unit.

[8] The comparability of these two figures is in no sense required by King's solution (1997, 92-94).

Table 1. Incidental Black Support for Segregation

Homogeneous Precinct Analysis

COUNTY	PRECINCT	Total Registration	% Democrat	Black % of Registered Voters	Segregation Vote %
FAYETTE	A130 OAKWOOD	438	90.0	98.2	26.5
FAYETTE	A115 GREEN ACRES	532	87.9	98.1	37.7
JEFFERSON	N113 PRECINCT 113	635	86.7	97.8	29.5
FAYETTE	A109 DOUGLAS WASH	672	81.1	97.5	42.1
JEFFERSON	M132 PRECINCT 132	1,063	88.2	97.5	27.5
JEFFERSON	N112 PRECINCT 112	574	88.5	97.4	31.5
SIMPSON	D103 HARRISTOWN	416	95.0	97.4	9.3
JEFFERSON	N111 PRECINCT 111	652	86.5	96.9	31.1
JEFFERSON	M101 PRECINCT 101	465	87.7	96.8	22.1
JEFFERSON	N125 PRECINCT 125	381	90.4	96.6	36.8
CHRISTIAN	A104 STJOHN ACT BDLG	769	94.5	96.2	28.3
JEFFERSON	M106 PRECINCT 106	599	84.2	96.2	30.7
JEFFERSON	M107 PRECINCT 107	779	86.5	96.1	32.0
JEFFERSON	M103 PRECINCT 103	1,172	85.7	96.1	30.6
JEFFERSON	N122 PRECINCT 122	729	87.0	95.9	39.4
JEFFERSON	C105 PRECINCT 105	557	85.5	95.9	41.4
JEFFERSON	M110 PRECINCT 110	614	90.8	95.8	35.9
JEFFERSON	N109 PRECINCT 109	1,009	88.8	95.6	38.6
JEFFERSON	M104 PRECINCT 104	728	86.3	95.6	25.8
JEFFERSON	N108 PRECINCT 108	1,322	86.2	95.5	32.2
JEFFERSON	M129 PRECINCT 129	350	84.1	95.4	48.1
JEFFERSON	N119 PRECINCT 119	740	86.2	95.4	42.8
JEFFERSON	N118 PRECINCT 118	1,116	87.4	95.1	36.6
JEFFERSON	M102 PRECINCT 102	634	81.0	95.0	52.1
JEFFERSON	O103 PRECINCT 103	644	90.4	94.9	39.6
JEFFERSON	C110 PRECINCT 110	812	86.7	94.8	40.6
JEFFERSON	N107 PRECINCT 107	1,220	88.5	94.6	40.6

Note: The "segregationist vote" in these homogeneous precincts is *not* an estimate, but the actual opposition to the 1996 amendment. The % Democratic in each precinct was computed using all registered voters, not just those committed to a major party. This list only includes predominantly black precincts whose approximate 1996 racial breakdown could be confirmed with the county. The average segregation vote, for precincts more than 95% black, was 34.4%; the *weighted* average with Simpson County removed is 32.5%, just shy the overall statewide figure.

King's Ecological Inference Solution

	Without Covariates Segregation		*With Racial Density Covariate* Segregation	
Race	Vote %	Std. Err.	Vote %	Std. Err.
Whites	32.7	0.1	33.0	0.1
Blacks	32.7	1.2	29.4	2.4

Note: This "segregation vote," broken down by race for the entire state, was estimated using Gary King's solution to the ecological inference problem. It relies on distributional assumptions about how voting varies from precinct to precinct, but does not directly assume how whites or blacks voted, either in general or relative to each other.

Adjusting for Aggregation Bias

These simple figures may seem to imply that no whites were racially motivated, given that naïve statewide estimates were identical for blacks and whites, but we shy away from that interpretation. Aggregation bias likely skewed these basic estimates. The logic is straightforward: ecological analysis gives special weight to African-American voters in all-black neighborhoods (King 1997, 85-90); voters in all-black neighborhoods are lower in socioeconomic status than blacks in more diverse precincts; voters with lower status err more frequently when voting for referenda (Cronin 1989, 66, 76-77). Thus the simple analysis would overestimate the number of black segregationists by using error rates from predominantly black precincts to help derive those for more diverse locales. An outlying all-black precinct, Harristown in Simpson County, strongly confirms this suspicion. Only 9% of voters in this mostly middle-class, well-educated black constituency opposed the amendment. Their low error rate may be more common in racially mixed precincts.

Fortunately, King's technique allows us to model how segregationist voting shifted among blacks as the precinct's racial composition changed (King 1997, 168-183). We did so, as portrayed in a previous incarnation of this research (Voss 2000, 238), and found that blacks were significantly less likely to endorse segregation if they lived in whiter locales. We estimate that perhaps 36.3% of African-American voters endorsed segregation in predominantly black precincts, but only about 31.8% did so where blacks formed half of the pool, and only 27.3% erred in almost all-white environments.[9]

This covariate analysis indirectly picked up a relationship between education and black errors, as we confirmed through linear regression (Voss 2000, 239).[10] An educated populace clearly exhibits less voter error ($p < .02$ on the slope coefficient). An estimated 30.3% of blacks endorsed segregation in a county where only a quarter of black adults had a high-school education; the figure drops to about 27.2% if three-quarters of the black population reached that level. As indicated in Table 1, the statewide voting estimates, adjusted to reflect this aggregation bias, become 29.4% among blacks (standard error of 2.4) and 33% among whites (standard error of 0.1). These figures hardly offer

[9] Our covariate analysis used relatively conservative priors, but they resulted in reasonable estimates. For example, white voting in mixed-race precincts tended to be within a standard error of voting in a county's other precincts. If we were overestimating the black segregation vote it is likely that variation across each county's precincts would have been larger. Looser priors on the level of bias never dropped the proportion of black segregationists below a fifth of those voting.

[10] The line is the result of a regression weighted by the black proportion of the voting-age population, so that counties with few blacks would not skew the slope. The regression's stats: constant of .316, slope of -.00056 (t=2.51), n=109 (because 11 counties have so few blacks no county education data are available on them), Root Mean Square Error of .04.

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a reprieve for the referendum process. Our analysis still indicates that more than a quarter of black voters were phantom segregationists.

Adjusting for Political Resources

Determining how many whites accidentally endorsed segregation is a sketchier enterprise, with answers necessarily shaped by the assumptions one makes. Rather than presume everyone cast faulty votes at equal rates – which would mean that 33–29.4 = 3.6% of whites favored segregation – we made the more-limited assumption that the white error rate varied with personal traits in roughly the same way as the black rate. This allowed us to adjust for a racial gap in socioeconomic resources. Specifically, we regressed the black vote for segregation on black per capita income, black high-school graduation rates, the level of urbanization, the portion of the labor force in professional occupations, and the proportion of families with more than one worker (details on the data appear in Voss 2000, chap. 10). The model fit the data decently, with a root mean square error of only 3.3 percentage points (see Table 2).

Table 2. County-Level Model of the Black Segregation Vote

Explanatory Variable	Expected Sign	Coefficient (t-stat)	p Value
% high-school grads, blacks 25+ years old	(–)	–.0004 (–1.3)	.21
Black per capita income (thou.)	(–)	–.0028 (–1.1)	.29
% population urban	(–)	.0002 (1.7)	.09
% professional of labor force	(–)	–.0015 (–1.4)	.15
% families with 2+ workers	(–)	–.0019 (–3.3)	.00
Intercept		0.4426 (14.5)	.00
observations		109	
R^2 (adjusted)		.223 (.184)	
Root MSE		.033	

Note: The black vote for segregation, a proportion, was estimated using Gary King's solution to the ecological inference problem. The regression was weighted by the black percentage of voting-age county residents, which resulted in more accurate within-sample predictions than other possible weighting schemes we tried. Coefficients are reported with four digits because of the dependent variable's small scale; t-statistics appear in parentheses rather than standard errors for the same reason. Multicollinearity keeps standard errors relatively large in the model, but jointly the demographic variables allow a moderate fit with the data, as illustrated by the R^2 and root mean square error–which is what matters for forecasting purposes.

We estimated county-level error rates for whites by (1) substituting white data for the two racially specific explanatory variables, (2) computing predicted values from the coefficients, and finally (3) computing a statewide white error

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rate by summing county estimates according to the size of their population (Voss and Miller 2001, 73-74). Even after using this method to adjust for greater white socioeconomic resources, we find that only 6.4% of whites statewide intentionally voted to keep segregation in the Kentucky constitution. That figure represents our best guess.

Assuming the Worst

Of course, the 6.4% estimate still does not consider that some racist whites may have accidentally voted *against* segregation, so it could be too low. We expect that the error rates were mostly one-sided, for several reasons. First, voters usually oppose a proposition when they are in doubt about its meaning (Bowler and Donovan 1998). Second, the amendment contained the word "tax," and that may have pushed confused voters to oppose it. Third, assuming that the error rate is equivalent in both directions would result in highly questionable county-level findings. For example, it would indicate that the five counties with a majority endorsing segregation actually intended to give much stronger support than they did. However, we can consider the effect of assuming that white racists erred at the same rate as tolerant whites, and that the data are tainted with phantom tolerance just as they are filled with phantom segregationism. Using the computation explained in Voss (2000, appendix 10A, reproduced here in appendix 1), our estimate of the percentage that wanted to support segregation would be $(.33 - .266) / (1 - 2 * .266) = 13.7$. Even this unduly pessimistic approach would mean that only 13.7% of Kentucky's white voters intended to support segregation, still fewer than did so accidentally.[11]

CONCLUSION

News coverage of the Kentucky constitutional referendum attributed opposition to benighted racial attitudes in all-white rural counties.[12] The Associated Press (1996) quoted a hair dresser as saying, "Clinton County is a

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[11] Only plausibility stops the analyst from taking this to the extreme and assuming that all whites either voted for segregation or wanted to. Data cannot prove otherwise. Regardless of how high one pushes the racism estimate, though, no heroic assumptions redeem the referendum process.

[12] The received scholarly wisdom is just the opposite. Scholars (Giles and Buckner 1993; Giles and Hertz 1994; Glaser 1994) usually attribute racial conservatism to the presence of large minority populations, not their absence. This hypothesis has not enjoyed strong empirical support in contemporary data (Green, Strolovitch, and Wong 1998; Lublin and Voss 1999; Voss 1996a; Voss and Lublin 2000), but all evidence indicates that the failure results from contrary urban attitudinal patterns (Voss 1996a). Both supporters and opponents of the "racial threat hypothesis" agree that it still applies to rural areas (Giles and Buckner 1996; Voss 1996b).

racist county, to be honest with you." The county is almost entirely white and, she concluded, "I think they like it the way it is." Rev. Louis Coleman, a vocal civil-rights activist, sounded a word of caution about reading too much into the returns, but added meaningfully that he has "had complaints from some of the five counties" opposing the amendment. Early the next year, reporters stressed the overlap between pro-segregation voting and the failure of counties to shut down for Martin Luther King Day (Mead 1997).

Our analysis indicates that the real lesson of this vote had little to do with Southern race relations, or with how voters think about civil-rights claims in public policy. Rather, the Kentucky experience reveals just how unreliable – and even dangerous – government by plebiscite can be, especially when publicity is low. A poorly worded amendment proposal was sufficient to result in a quarter of Kentucky's voters accidentally endorsing racial segregation. Even if one is uncomfortable concluding that few whites intentionally embraced Jim Crow, because of the assumptions required to produce our estimate, there is the glaring fact that as many as a third of African Americans supported it. Voters did not educate themselves about what the ballot amendment meant, yet cast a vote on the issue anyway. How many more voters research their options when faced with more-complex choices? Our guess is, very few. Nor do we have much faith that informal social networks or low-information shortcuts somehow funnel behavior into "rational" outcomes. Rather, we suspect that systematic error goes undetected only because few plebiscites are as transparent as the peculiar case we have examined.

Obviously, Kentucky's 1996 vote on segregation involved a single constitutional amendment in one particular state. Readers may be reluctant to draw firm conclusions from a single case, and we agree. No doubt the error rate also would have been somewhat lower, for example, in a state that mails information pamphlets directly to voters, detailing their choices. But social science is an incremental process, and this case is a valuable addition to the accumulating literature. It poses an unusually clear-cut example of widespread voter misunderstanding, fueling skepticism about the general capacity of voters to handle even low-cost voting decisions. And the Kentucky approach to referenda is not as atypical as one might wish. Similar results appeared in the 1998 South Carolina referendum on vestigial anti-miscegenation provisions, for example, in which ballot language also imposed a double negative (Voss and Miller 2001).

Of course, the spin we have placed in this discussion relies on our assumption that all black votes for segregation were unintentional. More than one reviewer of previous drafts has pointed to Louis Farrakhan, suggesting that he might have been indicative of a growing black desire for racial separation and that Kentucky's vote may have expressed this rising militancy. Unfortunately, we have no ironclad proof to contradict such an Ivory Tower

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view of black opinion. We rely instead on the wisdom and experience of those who worked within the states black community as part of their daily lives.

Regardless, a more-pessimistic impression of black intent does not undermine our argument that the Kentucky case sounds a troublesome warning. To find in the election returns sweeping evidence of growing intolerance on both sides of the racial divide would only reinforce our central claim: that political scientists should keep a jaundiced eye turned toward America's "new democracy" (Fiorina, Peterson, and Voss 2005), with its direct democracy and public influence over policy, which has evolved heedless of the lessons of constitutional theory. The egalitarian march of history has awarded increasing weight to popular will, with the policy process warping to accommodate increased responsiveness, but there is little evidence that the American public is any more capable of bearing this responsibility than it was a couple of centuries ago.

APPENDIX 1

Using King's ecological inference method, allowing the black vote for segregation to vary with racial density (1997, 174-79), I estimated that 33% of Kentucky's white voters endorsed segregation. That figure includes two sets of people: those who support the symbolism of segregation, and those who made an honest mistake in the voting booth. We can portray the segregation vote as a weighted sum of those two components:

$$\beta_w = \gamma_{tw}\beta_e + \gamma_{rw}(1-\beta_e)$$

where β_w represents the observed white vote proportion for segregation, γ_{rw} is the proportion of whites who intended to support Jim Crow symbolism (i.e., racist whites), $\gamma_{tw} = 1-\gamma_{rw}$ is the proportion of whites who intended to *oppose* segregation (i.e., tolerant whites), and β_e represents the proportion of whites who voted the wrong way from what they intended. Note that this formula relies on the assumption that both groups err at the same rate, despite my suspicion that confused voters are far more likely to reject a referendum (one can adjust this basic equation to reflect any plausible assumption about how error rates compare across the two categories).

Because the proportion of tolerant whites is the complement of the proportion of racist whites, I can substitute for γ_{tw} and solve the equation for γ_{rw}, the rate at which voters intended to promote segregation:

$$\beta_w = (1-\gamma_{rw})\beta_e + \gamma_{rw}(1-\beta_e)$$
$$\beta_w = \beta_e - \gamma_{rw}\beta_e + \gamma_{rw} - \gamma_{rw}\beta_e$$
$$\beta_w - \beta_e = \gamma_{rw} - 2\gamma_{rw}\beta_e$$
$$\beta_w - \beta_e = \gamma_{rw}(1-2\beta_e)$$
$$\gamma_{rw} = \frac{\beta_w - \beta_e}{1-2\beta_e}$$

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