

American Enterprise Institute

The Project on Fair Representation

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Executive Summary of the Bullock-Gaddie Report
Voting Rights Progress in Arkansas

By Edward Blum

Arkansas, once the center of controversy and symbolism in the confrontation over civil rights, has been quiet in the debate over voting rights. The state is one of two southern states covered neither in whole or in part by Section 5 of the Voting Rights Act. The state has a history of the use of discriminatory devices such as the poll tax, but the levels of voter participation in the 1964 presidential election were sufficiently robust to not trip the VRA trigger.

In the two most critical “voting assessment” categories—voter registration and election participation—blacks in the majority of section 5 states are usually as successful and often, more successful, than blacks in Arkansas.

Currently, African-American voters in Arkansas are nearly as often registered as whites in Arkansas although they register at lower rates than do blacks in Section 5 states. African-American turnout typically trails that for white Arkansans, blacks in the non-South and, over the last decade, blacks in the section 5 South. Black office holding increased substantially over the last three decades and especially since 1993, but black legislative office holding has not increased appreciably in either chamber since the beginning of the 1990s. A brief flurry of black county office holding in the 1970s has been followed by the effective disappearance of blacks from county office for over 20 years. Black officeholders are not evident in congressional and statewide office, though Democrats continue to be highly competitive for the white vote, especially when running as incumbents.

An Assessment of Voting Rights Progress in Arkansas

Prepared for the Project on Fair Representation
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Arkansas and Tennessee are the two southern states never to have been required to request preclearance for election law changes pursuant to Section 5 of the Voting Rights Acts. Arkansas is also distinctive in that it is the least populous southern state and is the smallest state west of the Mississippi River.

Over the last half century the share of Arkansas's population that is African American has declined by approximately one-third. The 1960 Census showed Arkansas to be 22 percent African American. Each of the last two censuses has found the black population to be just under 16 percent.

Despite its small size and relatively small black population (15.6 percent in 2000), Arkansas at one time dominated the civil rights struggle. The first massive unrest surrounding school desegregation erupted in Little Rock at Central High School. When the governor failed to oversee implementation of the court order requiring desegregation, President Dwight Eisenhower sent in federal troops to restore order. Those troops had to remain on duty for an entire school year to protect the black students both in the halls of the schools and from mobs that gathered outside of the facility.

Governor Orval Faubus who wanted to break with tradition and serve more than two consecutive two-year terms as governor did nothing to prevent violent white opposition. Siding with the forces of segregation paid off for Faubus as he won four more terms. In 1958, in the first election held after the Little Rock school protest, Faubus captured his largest vote share, 82.5 percent.

Following Faubus's six terms, a series of progressive governors led Arkansas. The first of these, Winthrop Rockefeller, who was elected in 1966, joined Florida's Claude Kirk as the first two southern Republicans to be elected governors in the South since 1920. Dale Bumpers, David Pryor and Bill Clinton succeeded Rockefeller, with the future president tying the Faubus record by serving a dozen years as chief executive.¹

Although Arkansas has not had to comply with the requirements of Section 5, the state's history includes use of techniques designed to restrict black political participation. The state adopted a poll tax in 1892 and for many years limited participation in the decisive Democratic primary to whites. It did not, however, ever make use of a literacy test or an understanding test.² When ordered to eliminate the white primary, Arkansas established a complicated quadruple primary system that it used in 1946. The quadruple primary separated the nomination of federal and state offices and for each of these offices had a pre-primary something akin to the Jaybird primary used in Texas' Fort Bend County.³ Under this stratagem, only whites would vote in the election that determined the identity of the ultimate office holder. Thus only whites could vote in the pre-primary for both federal and state offices where the field of candidates would be narrowed. Then in the regular Democratic primary, where blacks could participate, the electorate would confront only one candidate per office. V.O. Key reports that except for the heavily black counties along the Mississippi River, African Americans could generally

¹ Faubus would attempt a political comeback, but the emergence of the black electorate and the decline of race as a salient issue limited his ability to garner majority support. See Alexander Lamis, *The Two-Party South*. (London: Oxford University Press, 1988)

² J. Morgan Kousser, *The Shaping of Southern Politics* (New Haven: Yale University, 1974), p. 239.

³ V.O. Key, Jr., *Southern Politics* (New York: Alfred A. Knopf, 1949): p. 637.

participate during this last-gasp effort to maintain an exclusively white primary selection process.⁴

By 1965 when the Voting Rights Act was first passed, Arkansas did not have a test or device as prescribed by Section 4 of that legislation. Furthermore, the state easily surpassed the requirement that most of its voting age population be registered since the number of registrants prior to the act exceeded 60 percent of the 1960 census voting age population. This included 65.5 percent of the white adults and 40.4 percent of non-white adults.⁵ The number of votes cast in the 1964 presidential election equaled almost 54 percent of the state's adult population as of the 1960 census thus exceeded the threshold for coverage under Section 5 of the Voting Rights Act.

Black Turnout and Registration

Although not subject to Section 5 and therefore not a state to which federal registrars were sent to increase African American registration and not a state carefully monitored by the federal government, Arkansas experienced a substantial increase in black registration immediately after passage of the Voting Rights Act. The U.S. Commission on Civil Rights estimates that Arkansas saw an increase of more than 33,000 African American registrants that brought its share of the non-white adult population registered to vote to 62.8 percent. This was the third highest black registration rate in the South, exceeded by Tennessee and Florida.⁶ While Arkansas had the third highest rate of black registrants, its white registration rate was the third lowest, exceeding only Texas

⁴ *Ibid.*

⁵ U.S. Commission on Civil Rights, *Political Participation* (Washington, DC: U.S. Government Printing Office, 1968), p. 222-223.

⁶ *Ibid.*, p. 223.

and Virginia. In Arkansas it was estimated that 72.4 percent of the white adults had signed up to vote in the immediate aftermath of the Voting Rights Act.

At the time that *Political Participation* was compiled, actual current figures for registration from Arkansas were unavailable so that the post-act figures are estimates. The pre-act figures, however, were compiled from the poll tax receipts that included a racial identifier.

While Arkansas' pre-Voting Rights Act registration rate of 40 percent made it the fourth highest in the South, the state has some problem areas. The 1960 census identified five counties in eastern Arkansas in which a majority of the adult population was non-white. In none of the counties, however, was this reflected in the registration. In each of the majority-black counties most registered voters were white. The share of the adult non-white population registered to vote in these counties was as low as 13.8 percent in Crittenden and reached its highest point in Chicot where 52.6 percent of the adult black population had registered. In four of the counties, Crittenden, Lee, Phillips and St. Francis, most of the adult population had not registered prior to passage of the legislation and therefore had these counties used tests or devices as prerequisites to registration, they would have been made subject to Section 5 preclearance.

While Arkansas once maintained its poll tax records by race, it does not currently keep its registration or turnout data by race. The U.S. Bureau of the Census however conducts large-scale surveys after each federal general election to determine rates of registration and turnout. Beginning with 1980, the Census Bureau figures provide separate estimates for black and white adults by state. While these figures are self-reported and therefore likely over-estimate actual levels of participation, they are the

most reliable figures available in most states and can be used to make comparisons over time and across jurisdictions on the assumption that the inflation is of similar magnitude across time and space. Moreover these figures provide the basis for the kinds of estimates of participation that the Census Bureau used to determine whether registration or turnout rates for jurisdictions were so low as to subject them to the trigger mechanisms included in the Voting Rights Acts of 1965, 1970, or 1975.

Table 1 provides estimates of black and white adult registration rates in Arkansas beginning in 1980. In most years the reported registration of blacks and whites has been quite similar. In all but three years the two figures have been within five percentage points. In 1984, 1986, 1988, 2000 and 2002, the difference in racial registration rates did not exceed one percentage point. The largest differences came in two mid-term election years. In 1990, white registration was 11.8 percentage points above that for blacks and in 1998 white registration exceeded black registration by 14.1 percentage points. In 1984, 1988, 1996 and 2000, African American registration slightly exceeded white registration. Throughout the quarter century covered in Table 1, overall registration rates in Arkansas exceed the 50 percent threshold that triggered coverage by Section 5 in three different versions of the Voting Rights Act.

(See Table 1)

Immediately below the figures for Arkansas are comparison figures for the non-South. In half of the years black registration in Arkansas was greater than in the non-South although typically the differences were not large. The greatest advantage for Arkansas African Americans comes in 2002 when 62.0 percent of black Arkansans were registered compared with 57.0 percent in the non-South. On the other hand, the greatest

disparity in favor of the non-South African Americans comes in 1990 when 58.4 percent of blacks outside of the South reported registering compared with 50.8 percent in Arkansas.

The bottom of Table 1 presents median figures for the seven southern states initially covered by the 1965 Voting Rights Act.⁷ In the initial years, African Americans in Arkansas registered to vote at rates higher than the median figure for the covered jurisdictions. In 1982 and 1984, the black registration rate in Arkansas ran almost ten percentage points higher than the median state. Even in 1988, the Arkansas figure was 4.2 points higher. Beginning with 1990, the median figure exceeds that in Arkansas except in 1996 when the Arkansas registration rate is less than one percentage point above the median state. On the other hand, in 1990, the median figure is 11 points above the Arkansas registration rate and in 1998 the median figure is more than 16 points higher than in Arkansas. In each of the two most recent presidential years, the median figure for the covered jurisdictions is approximately eight percentage points above that for Arkansas. Thus while the African-American registration rates in Arkansas are fairly close to those for whites in the state and to those for blacks living in the non-South, over the last decade and a half, the median rate of registration for African Americans in southern states subject to Section 5 since 1965 regularly outpace the Arkansas figures and sometimes by substantial margins.

Table 2 presents Census Bureau estimates for turnout. In every year except 2000, African-American turnout is less than that for white Arkansans. The largest disparities come in 1990, 1992 and 1998 when the turnout for whites is approximately 14 percentage

⁷ The seven states are Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Virginia.

points higher than for blacks. The participation rates converge in 1996, 2000, and 2002 when differences are less than 3.5 percentage points. However, in 2004, just under half of the African-American adults voted compared with almost 59 percent of the whites.

(See Table 2)

The familiar seesaw pattern prevails for both races with higher participation rates in presidential than mid-term years. Although the rate at which African Americans turn out sometimes slips below 50 percent in presidential years, the overall turnout rate for the state in presidential elections always exceeds the 50 percent threshold that was the cut point for coverage by the 1965, 1970 and 1975 Voting Rights Acts.

When African-American turnout in Arkansas is compared with that for the non-South, Table 2 shows that blacks outside of the South always report voting at higher rates than did those in Arkansas except in 2002. Frequently the differences are small and in four years are less than one percentage point. The most pronounced difference comes in 1998; 40.4 percent of non-southern blacks compared with 31.1 percent of black Arkansans voted. In 2002, the one year in which higher proportions of blacks in Arkansas than in the non-South went to the polls, the difference is slightly less than five percentage points.

The final set of figures presented in Table 2 provide turnout rates for the median state among the seven states covered by the preclearance provision included in the 1965 version of the Voting Rights Act. In four of the six mid-term elections, the black turnout rate in Arkansas is greater than the median for the seven states. In 1982, Arkansas blacks voted at a rate almost nine percentage points higher than the median figure. On the other hand, in the two mid-term elections in which black turnout was greater in the median

state than in Arkansas, differences were sizable. In 1990, the difference was ten percentage points and in 1998, it exceeded nine percentage points.

Arkansas African Americans also turned out at higher rates than the median state figure in the presidential elections of the 1980s. However, in the four more recent presidential elections, the median state figure exceeds that for Arkansas except in 1996. The greatest differences came in 1992 and 2004 when black turnout in the median state was approximately 12 percentage points above that in Arkansas. The recent trend, particularly in presidential elections, is for black turnout to be greater in the median state than in Arkansas. The pattern for the participation rate in the median state to exceed that in Arkansas also extends to the white electorate where the turnout figure for the median state has been higher in Arkansas in every presidential election beginning with 1988. In contrast, in mid-term elections, the white vote in Arkansas has exceeded the median figure in every year except 1994.

African American Office Holding

At the time of the first survey of black elected officials Arkansas had 55. Two-thirds of these served on school boards and most of the remainder held municipal offices. None served as a county official. As Table 3 shows, across the next 32 years, the number of African Americans holding office in Arkansas increased more than nine fold and exceeded 500 by the beginning of the 21st century. Most officeholders since the mid-1980s have served in cities. The large number of black municipal officials in Arkansas is attributable to the numerous small towns that dot the state. In the most recent enumeration approximately one-fourth of the black officeholders in Arkansas sat on

school boards. Table 3 shows approximately two dozen blacks in county offices during the latter part of the 1970s and then the number drops abruptly to zero.

(See Table 3)

African Americans in Congress

Arkansas is the only southern state not to have sent an African American to Congress since the onset of the Civil Rights Movement. With a black population of less than 20 percent and with only four congressional districts, it would be difficult to create a majority-black district. While having a population that is majority African American is no longer a requirement for electing blacks to public office in much of the South, parts of Arkansas are so Republican that it might be difficult to create a district in which a black and white coalition could elect an African American to Congress. The Third District that fills the northwest corner of the state has been represented by a Republican for decades.

Currently the district that has the greatest black concentration is the Fourth District that spreads across the southern half of the state. As of the 2000 census, the Fourth District was just under one-quarter African American. It currently is represented by a Democrat who defeated the incumbent Republican in 2000. In 1998, an African American, Judy Smith, ran in the Fourth District which at that time was 26.6 percent black. Smith managed 42 percent of the vote which was a stronger showing than the Democratic nominee of 1996 but weaker than the 1994 challenger to the Republican incumbent. Smith gave up a seat in the legislature to make the run.

African American State Legislators

The first African Americans in modern time to enter the Arkansas legislature did so following the redistricting necessitated by the 1970s census. In 1973 the legislature had one black senator and three black representatives. Since Arkansas is not subject to Section 5, the federal government was not in a position to require that it redraw its districts in order to enhance the likelihood of electing minority legislators. The Senate did not gain an additional African-American senator until a redistricting prior to the 1990 election prompted by a voting rights suit brought under Section 2. This redistricting carried out at the very end of the 1980s, which relied upon Census data almost ten years, resulted in blacks winning three Senate districts. As Table 4 shows, as of 2006 Arkansas continues to have three African-American senators.

(See Table 4)

In the House, the number of African-American members grew slightly until the 1989 court ordered redistricting. With the new districts of that plan, the number of black representatives jumped from five to nine. A tenth black representative won with the new plan based upon the 1990 census. Over the last dozen years, the number of African American House members has increased gradually and currently stands at 13. With 13 percent of the House membership, Arkansas blacks are slightly underrepresented in a state which the Census Bureau estimated to be 14.7 percent African American in its voting age population as of 2004.

African Americans in Statewide Office

Arkansas has not elected an African American to a statewide constitutional office. It has had African Americans serving on its Supreme Court, a body chosen through non-partisan elections. The African-American justices were initially appointed, so no black justice was initially elected to the court without the implicit advantage of holding the seat. There are currently no African-American justices on the court although an African American has indicated that he will likely seek a position on the Supreme Court in 2006.

Racial Voting Patterns

Regression estimates of voter preferences in U.S. House races held in presidential years do not reveal extensive racially polarized voting (see Table 5). White and black preferences differ in less than half (three of eight) of the elections for which estimates for both races could be derived. In four contests, white and black majorities lined up behind the same candidate and in the eighth contest, the African-American vote split evenly between the two candidates.

Three estimations suggest that most blacks preferred the Republican candidate. In one instance it is in a district with a GOP incumbent, and the other times it was in a part of Arkansas where blacks had supported Republican Winthrop Rockefeller's gubernatorial campaigns. It is estimated that in House District 2 in 1996 and 2000 the Democratic incumbent failed to attract the bulk of the black vote and won reelection

based on white support.⁸ All six Democrats who commanded majority support from whites were incumbents.

(See Table 5)

Arkansas exit polls since 1996 reproduced in Table 6 reveal racial differences in six of seven recent contests. The African-American vote in Arkansas is less cohesive than is frequently observed elsewhere as it reaches 90 percent only three times including two presidential elections. In the 1998 gubernatorial election the black vote splits almost evenly with a bare majority supporting the Democratic nominee, Bill Bristow. Most whites vote Republican although in 1998, 53 percent of the whites helped send Blanche Lincoln to the U. S. Senate. Two years earlier, native son Bill Clinton won a plurality of the white vote. In 2004 when Lincoln won reelection, the exit poll estimates that she took 49 percent of the white vote although given the error term associated with the poll, it is possible that she was the choice of most white voters. Thus it is possible that black and white preferences differed on as few as three of the seven contests if the actual share of the black vote for Bristow was less than 50 percent and the actual white vote gave Lincoln a majority in 1996.

Democrats did best among whites in the 1996 presidential election and the 1998 and 2004 Senate elections. They performed worst among whites in the 1998 gubernatorial campaign and the 2004 presidential campaign, falling below 40 percent in both contests.

(See Table 6)

⁸ These regression estimates are made using county-level data. Potential problems are the small number of counties in District 2 (8 for the 1996 and 2000 elections) and the distribution on the independent variable. The range in the black population is from 1 to 43 percent, so that the estimate for preferences in a 100 percent black county involves a great deal of extrapolation.

Conclusion

African-American voters are nearly as often registered as whites in Arkansas although they register at lower rates than do blacks in Section 5 states. African-American turnout typically trails that for white Arkansans, blacks in the non-South and, over the last decade, blacks in the Section 5 South. Black office holding increased substantially over the last three decades and especially since 1993, but black legislative office holding has not increased appreciably in either chamber since the beginning of the 1990s. A brief flurry of black county office holding in the 1970s has been followed by the effective disappearance of blacks from county office for over 20 years. Black officeholders are not evident in congressional and statewide office, though Democrats continue to be highly competitive for the white vote, especially when running as incumbents.

TABLE 1

REPORTED REGISTRATION BY RACE IN ARKANSAS AND OUTSIDE THE SOUTH, 1980-2004

	1980	1982	1984	1986	1988	1990	1992	1994	1996	1998	2000	2002	2004
ARKANSAS													
Black	62.6	63.3	71.2	62.5	68.0	50.8	62.4	56.0	65.8	51.8	60.0	62.0	63.7
White	67.4	65.3	70.8	63.5	67.9	62.6	67.8	61.0	64.5	65.9	59.5	62.9	67.1
Non-South													
Black	60.6	61.7	67.2	63.1	65.9	58.4	63.0	58.3	62.0	58.5	61.7	57.0	NA
White	69.3	66.7	70.5	66.2	68.5	64.4	70.9	65.6	68.1	63.9	65.9	63.0	NA
Seven-State Median													
Black	61.4	53.6	62.2	66.5	63.8	61.9	64.5	59.0	65.5	68.0	68.6	67.6	71.1
White	67.0	62.5	67.0	65.8	68.5	63.6	70.8	63.9	70.4	67.9	68.2	66.2	72.3

Source: Various post-election reports by the U.S. Bureau of the Census

TABLE 2

REPORTED TURNOUT BY RACE IN ARKANSAS AND OUTSIDE THE SOUTH, 1980-2004

	1980	1982	1984	1986	1988	1990	1992	1994	1996	1998	2000	2002	2004
ARKANSAS													
Black	50.8	47.7	56.9	43.3	49.6	34.5	46.4	34.5	50.6	31.1	52.2	44.0	49.4
White	58.6	54.3	61.5	47.9	57.3	48.2	60.7	43.1	52.1	45.0	49.0	46.1	58.6
Non-South													
Black	52.8	48.5	58.9	44.2	55.6	38.4	53.8	40.2	51.4	40.4	53.1	39.3	NA
White	62.4	53.1	63.0	48.7	60.4	48.2	64.9	49.3	57.4	45.4	57.5	44.7	NA
Seven State Median													
Black	48.9	38.9	54.8	42.0	47.7	44.6	58.1	33.8	49.9	40.4	57.2	42.2	62.1
White	58.3	41.7	59.1	45.8	58.4	42.6	63.4	46.2	56.4	40.5	60.4	44.8	62.2

Source: Various post-election reports by the U. S. Bureau of the Census

TABLE 3
 NUMBERS OF AFRICAN-AMERICAN ELECTED OFFICIALS
 IN ARKANSAS, 1969-2001

Year	Total	County	Municipal	School Board
1969	55	0	15	37
1970	55	0	14	37
1971	76	0	32	38
1972	97	0	44	48
1973	141	1	67	50
1974	150	19	74	52
1975	171	21	80	65
1976	209	35	92	74
1977	218	29	102	77
1978	223	30	105	79
1980	227	30	106	83
1981	218	0	100	81
1984	296	0	150	101
1985	317	0	169	121
1987	319	0	181	92
1989	318	0	188	85
1991	351	0	196	102
1993	380	0	214	100
1995	No Report from the Joint Center in 1995			
1997	484	2	260	147
1999	504	5	292	125
2001	502	8	290	122

Source: Various volumes of the *National Roster of Black Elected Officials* (Washington, D.C.: Joint Center for Political and Economic Studies).

TABLE 4

RACIAL MAKE UP OF THE ARKANSAS GENERAL ASSEMBLY, 1965-2005

Year	Senate		House	
	Number	Percent	Number	Percent
1965	0	0	0	0
1967	0	0	0	0
1969	0	0	0	0
1971	0	0	0	0
1973	1	2.86	3	3.00
1975	1	2.86	3	3.00
1977	1	2.86	3	3.00
1979	1	2.86	3	3.00
1981	1	2.86	4	4.00
1983	1	2.86	4	4.00
1985	1	2.86	4	4.00
1987	1	2.86	4	4.00
1989	1	2.86	5	5.00
1991	3	8.57	9	9.00
1993	3	8.57	10	10.00
1995	3	8.57	10	10.00
1997	3	8.57	10	10.00
1999	3	8.57	12	12.00
2001	3	8.57	13	13.00
2003	3	8.57	13	13.00
2005	3	8.57	13	13.00

TABLE 5

ECOLOGICAL REGRESSION ESTIMATES OF WHITE AND BLACK VOTER
SUPPORT FOR DEMOCRATS IN CONTESTED ARKANSAS CONGRESSIONAL
ELECTIONS, 1996, 2000, 2004

Year/District	Incumbency	White	Black	Dem Win?
1996				
House 1	D	51.7	81.8	Yes
House 2	D	51.6	45.8	Yes
House 3	R	40.6	No estimate	No
House 4	R	34.6	46.6	No
2000				
House 1	D	56.9	99.7	Yes
House 2	D	59.0	48.6	Yes
House 4	R	46.3	87.7	Yes
2004				
House 1	D	64.6	>100.0	Yes
House 2	D	57.0	50.0	Yes
House 3	R	43.7	No estimate	No

TABLE 6

EXIT POLL RESULTS FOR BLACK AND WHITE VOTER SUPPORT FOR
DEMOCRATIC CANDIDATES, 1996-2004

Year	Contest	Black	White
1996	President	90	49*
	US Senate	79	43
1998	Governor	52	38
	US Senate	73	53
2000	President	40	55
		84	41
2004	President	94	36
	US Senate	96	49

* Bill Clinton won a plurality of the white vote as whites gave Bob Dole 41 percent of their vote with 9 percent going to Ross Perot.

Source: VNS Exit Polls, various years.