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Don't You be My Neighbor: Support for Racial-Exclusion Constitutional Provisions in Mid-19th Century Indiana and Illinois

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Abstract

Racially discriminatory provisions in the U.S. Constitution and southern state constitutions have been extensively analyzed, but insufficient attention has been brought to these provisions when included in northern state constitutions. We examine constitutional provisions excluding blacks from entering the state that were adopted by various northern states in the mid-19th Century. Previous scholarship has focused on the statements and votes of the convention delegates who framed these provisions. However, positions taken by delegates need not have aligned with the views of their constituents. Delegates to state constitutional conventions held in Illinois in 1847, Indiana in 1850 and 1851, and Oregon in 1857 opted to submit to voters racial-exclusion provisions separate from the vote to approve the rest of the constitution. We exploit this institutional feature by using county-level election returns in Illinois and Indiana to test claims about the importance of partisan affiliation, religious denomination, social-welfare policy concerns, labor competition, and racial-threat theory in motivating popular support for entrenching racially discriminatory policies in constitutions. We find greater levels of support for racial exclusion in areas where Democratic candidates polled better and in areas closer to slave-holding states where social-welfare policy concerns would be heightened. We find lower levels of support for racial exclusion in areas (in Indiana) with greater concentrations of Quakers. Our findings are not consistent with labor competition or racial-threat theories.

Keywords

state constitution, referendum, racial exclusion

Introduction

The U.S. Constitution and many of the 50 state constitutions have at various times contained racially discriminatory provisions. The U.S. Constitution barred Congress from abolishing the slave trade for 20 years, required states to help return enslaved persons who fled bondage, and counted enslaved persons as 3/5 of a person when apportioning taxes and determining state representation in the House of Representatives and electoral college.

State constitutions, which have only recently begun to attract the scholarly attention they merit (Dinan, 2006; Tarr, 1998; Williams, 2009), have included an even wider range of racially discriminatory provisions. Although many of these provisions appeared in southern state constitutions and entrenched slavery in various ways in the antebellum era (Herron, 2017), these provisions also appeared in a number of northern state constitutions (Weiner, 2013). Prior to ratification of the 15th Amendment to the U.S. Constitution, most northern state constitutions explicitly limited voting to whites or, in the case of New York, required blacks to hold a certain amount of property in order to vote, while imposing no such property requirement on whites (Liebman 2018, p. 387; Tarr, 1998, pp. 106, 107; Wesley, 1948, p. 166). On a number of occasions from the 1840s to the 1860s, voters in northern states had an opportunity to remove limits on black suffrage but in all but a few cases a majority opted to keep them (Bateman, 2020).

Even after slavery and explicit constitutional restrictions on black voting were eliminated or rendered unenforceable by the post-Civil War amendments to the U.S. Constitution, some state constitutions continued to include racially discriminatory provisions. State constitutions frequently barred interracial marriage and required that schools be racially segregated, at least prior to the 1950s and 1960s when the U.S. Supreme Court invalidated all provisions of this kind. Still other provisions with racially discriminatory effects were added to state constitutions in the 20th century, as with adoption of a 1964 California amendment that authorized racially restrictive housing covenants and was later declared invalid (Reny & Newman, 2018).

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We focus on a particular set of racially discriminatory state constitutional provisions that were adopted in several Midwestern states in the 1840s and 1850s for the purpose of excluding blacks from entering the state. Illinois was the first Midwestern state to adopt such a provision, when framers of the 1848 Illinois Constitution submitted to voters a racial-exclusion provision as one of two separate questions alongside a main constitutional revision question. All were approved. Indiana's 1851 constitution was the next Midwestern constitution to include a racial-exclusion provision, which was submitted to and approved by voters as a separate question, alongside the revised constitution. Oregon became the only western state to adopt such a constitutional provision when framers of the state's inaugural 1859 constitution submitted a racial-exclusion provision alongside the main constitution and voters approved both.

We investigate adoption of the two Midwestern state constitutional provisions, with the intent of identifying patterns of support for, and opposition to, these measures. Related scholarship on this question includes Thornbrough (1957) on the Indiana provision, Meites (2013) on the Illinois provision, and Latzko (2013) and Bateman (2020) on other racially discriminatory constitutional provisions in northern states. These scholars have generally focused on the behavior of state constitutional convention delegates in approving these measures for submission to voters. Various conclusions have been drawn from delegate statements and votes in conventions. However, as several studies of other constitutional questions have shown, votes cast by public officials are not necessarily aligned with public preferences. Consequently, some scholars have sought to investigate determinants of public support for policies by analyzing county-level election returns on referenda in which these policies are placed directly before voters (Costa, 2018; Dinan and Heckelman, 2005; Endersby, 2012; McDonagh & Price, 1985). We follow this line of inquiry for racial exclusion policies.

We analyze county-level election results for the 1848 Illinois and 1851 Indiana referenda to assess various claims about determinants of support for racially exclusionary policies. We consider whether support and opposition fell along partisan lines, with Democrats favoring racial exclusion and Whigs and anti-slavery party members opposing. We also investigate whether voting patterns on these measures were aligned with religious affiliation, and in particular whether opposition was greater in areas more heavily populated by Quakers. We also consider whether racial exclusion was fueled by concerns about economic competition, in which case racial exclusion would attract greater support in areas where black migrants would be more likely to compete for work with current employees and depress wages. We also examine whether racial-exclusion provisions were motivated by concerns that slaveholders in southern states would transport older and infirm slaves to northern states and leave them to the care and charge of local residents, particularly affecting areas closer to slave-holding states. Finally, we investigate the degree of support for racial-threat theories, by considering whether votes in favor of racial-exclusion policies were higher in areas with a greater percentage of black residents.

To preview our conclusions, we generally find similar factors associated with the extent of support for racial-exclusion provisions in both states. The evidence is not consistent with economic-competition or racial-threat theories but offers strong support for the role of partisanship and social-welfare concerns and yields some support for the importance of religious denomination. In particular, racial exclusion is higher in counties where Democratic candidates polled better and in counties closer to bordering slave-holding states where social-welfare concerns would be greater. Additionally, in Indiana, support for racial exclusion was lower in counties with greater proportions of Quakers, who were generally more receptive than other denominations to minorities and preached tolerance to non-Quaker neighbors.

History of Racial-exclusion Policies in Northern States

In the antebellum era, southern states adopted various constitutional provisions protecting slavery as an institution, most notably by preventing legislatures from abolishing slavery and occasionally barring free blacks from entering the state (Herron, 2017). Missouri was the first state to take the latter step, when framers of Missouri's inaugural 1820 constitution adopted a wide-ranging provision stipulating, in part, that it shall be the duty of the legislature "to pass such laws as may be necessary—To prevent free negroes and mulattoes from coming to and settling in this State, under any pretext whatsoever." (Missouri Constitution, art. II, sec. 26). After much debate, Congress refused to admit Missouri into the Union until the state legislature formally disavowed any intention to enforce this provision, which was a step the legislature took the next year (Bateman, 2018, pp. 120–126). Three decades later, in Kentucky in 1849 and 1850, delegates to a convention charged with crafting a new constitution approved, and voters ratified, a document that included a provision directing the legislature to "pass laws providing that any free negro or mulatto hereafter immigrating to, and any slave hereafter emancipated in, and refusing to leave this State, or having left, shall return and settle within this State, shall be guilty of felony, and punished by confinement in the penitentiary." (Kentucky Constitution, art. I, sec. 2). The Kentucky legislature promptly passed a law implementing this provision and providing that violators would be subject to 5 years in prison.

Outside the South, constitutional provisions barring black migration were debated in a number of states in the antebellum era, but none were enacted until Illinois and Indiana adopted them in the 1840s and 1850s. In both states, statutes had long regulated the presence of black residents (Weiner, 2013). Building on and replacing earlier territorial legislation from 1813 that prohibited free blacks from entering the territory, a year after achieving statehood the Illinois legislature

in 1819 adopted a restrictive black code that was revised on a regular basis during the next three decades. Blacks moving to the state had to provide a certificate of freedom and register this document with the county where they lived. Eventually, blacks who entered the state were required to produce a $1,000 bond designed to ensure they did not become a public charge (Cicero, 2018, pp. 65, 66). In Indiana, the legislature passed a restrictive statute in 1831. Blacks moving to Indiana did not have to produce a certificate of freedom, as in Illinois, but were required to pay a $500 bond to ensure they did not become a public charge and as a guarantee against misbehavior (Thornbrough, 1957, p. 58).

From the late 1830s through the 1850s, many Midwestern states held conventions to revise their constitutions, primarily in response to concerns about debt incurred as a result of internal improvement projects (Dinan, 2006, pp. 68–76; Wallis, 2005). Delegates to these conventions not only sought to prevent legislators from engaging in excessive borrowing but also considered other measures that had not figured prominently in the convention calls but nevertheless surfaced during the conventions, including provisions barring black migration. When the first western conventions were held in the 1840s and 1850s to draft inaugural state constitutions in several states, delegates to these conventions also considered whether to exclude blacks (and Chinese) from entering the state. Debates about adopting racial-exclusion provisions were recorded in constitutional conventions in Pennsylvania in 1837 to 1838 (Agg, 1837, II:199–202; V:443–457), Iowa in 1844 (Shambaugh, 1900, pp. 155, 156), Illinois in 1847 (Cole, 1919, pp. 201–238, 855–863), California in 1849 (Browne, 1850, pp. 48–50, 137–152, 330–340), Indiana in 1850-51 (Fowler, 1850, 438–462, 561–644, 1787–1796, 1816–1819, 1931–1934), Ohio in 1850-51 (Smith, 1851, II:598–604), Iowa in 1857 (Lord, 1857, pp. 129–139), and Oregon in 1857 (Carey, 1926, pp. 361, 362). Only in Illinois, Indiana, and Oregon did convention delegates put forth racial-exclusion provisions as separate measures for a direct vote by the people. We focus on Illinois and Indiana in this study.[1]

Delegates to the 1847 Illinois convention and the Indiana convention held in 1850 and 1851 were concerned primarily with preventing further state borrowing and involvement in internal improvements and updating constitutional provisions regarding the structure and powers of governing institutions (Lousin, 2011, pp. 8, 9; McLauchlan, 1996, pp. 10, 11), but they also debated several matters concerning treatment of blacks. In some cases, delegates opted to maintain the status quo and leave undisturbed existing racially discriminatory provisions. For instance, motions to allow blacks to vote were considered very briefly, with no meaningful debate in Illinois and somewhat more debate in Indiana, and were voted down easily in both conventions, thereby leaving in place existing bans on black suffrage (Cole, 1919, p. 170; Fowler, 1850, pp. 171, 172, 228–254; Kettleborough, 1916, p. 94; Siddali, 2015, pp. 266–267, 298). Meanwhile, no proposals were advanced or adopted in either convention to change existing provisions barring blacks from serving in the state militia (for these militia-provision debates, none of which saw any questions raised about changing the exclusion of blacks, see Cole, 1919, pp. 324, 613, 944; Fowler, 1850, pp. 1337–1339, 1355–1359, 1399, 1425–1426). In one instance, convention delegates briefly considered but rejected a motion to further limit the rights of blacks, when Illinois's convention initially approved a new provision constitutionally entrenching a ban on inter-racial marriage but then reconsidered the vote and left the constitution silent on this matter (Cole, 1919, pp. 871, 873–874). In still another case, convention delegates changed a constitutional provision to become slightly more favorable to blacks, when the Illinois convention made explicit that all slavery was banned, thereby expanding on the prior constitution's less-encompassing provision barring future introduction of slavery but leaving unclear the status of slavery already in existence (Finkelman, 1989, pp. 45, 49).

In contrast with the general lack of sustained discussion or significant changes regarding other racially discriminatory provisions in these two conventions, debate about excluding blacks from entering the state took up 4 days of the Illinois convention (Cole, 1919, pp. 201–238, 855–863) and parts of 7 days of the Indiana convention (Fowler, 1850, pp. 438–462, 561–644, 1787–1796, 1816–1819, 1931–1934).

In both conventions, attention focused partly on the merits of adopting the policy and partly on whether to submit this change to voters separately from other constitutional changes. In Illinois, a motion to approve a racial exclusion provision carried by an 87 to 55 margin (Meites, 2015, p. 282). A racial exclusion provision was approved in Indiana's convention by a vote of 93 to 40 (Thornbrough 1957, p. 67).

Discussion then turned in both conventions to the question of whether to insert a black-exclusion policy in the text of the revised constitution to be submitted for voter ratification or whether to submit this policy as a separate question alongside the main constitutional revision (Siddali, 2015, pp. 2, 267). In Illinois and Indiana, convention delegates chose to separate the racial-exclusion question from the main constitutional revision, primarily fearing that voters who opposed the provision might vote down the entire constitutional revision. James Brockman, an Illinois delegate, said he "was sorry to hear gentlemen throwing out threats that if such a provision was adopted that they would defeat the whole constitution" (Cole, 1919, pp. 219, 220). Another Illinois delegate, Thomas Geddes, acknowledged similar concerns. "He was desirous that some prohibition against the introduction of a black population into the State should be enacted, but he was apprehensive that the insertion of such a provision into the constitution would create much difficulty, and might endanger its final adoption" (Cole, 1919, p. 227). Delegate James Davis explained near the end of the Illinois convention that residents of the southern part of the state "are all in favor of an unqualified prohibition of negro immigration; they do not, as their

delegates well know, want any such provision to be submitted to them separately, they want it to be embodied in the constitution. But, sir, the southern delegates here, in a spirit of compromise, have yielded the well known desire of their constituents, and have agreed to submit to the people the provision in a separate form, in order that if the north had the numerical strength to let them vote it down" (Cole, 1919, p. 861).

Illinois and Indiana voters approved each of the measures submitted by their respective conventions. Illinois voters overwhelmingly approved the main constitutional revision in 1848, by a 60,585 to 15,903 margin. They also approved a separate racial-exclusion provision, 50,261 to 21,297, and a separate mill-tax provision increasing property taxes to help pay down the state debt, by a vote of 41,349 to 30,945. Similar support was found in Indiana, where voters in a special election in 1851 approved the main constitutional revision, 113,230 to 27,638, and the racial exclusion provision, 113,828 to 21,873.

The Illinois and Indiana racial-exclusion provisions differed in their wording. The Illinois provision directed the state legislature to enact laws barring black migration. The provision read in its entirety: "The general assembly shall, at its first session under the amended constitution, pass such laws as will effectually prohibit free persons of color from immigrating to and settling in this State; and to effectually prevent the owners of slaves from bringing them into this State, for the purpose of setting them free." (Illinois constitution 1848, art. XIV). Illinois legislators did not act as promptly as they were directed to do by this constitutional provision; but in 1853 the legislature passed a statute implementing the constitutional mandate and barring blacks from entering the state (Cicero, 2018, p. 119).

Indiana's provision stated, in simpler and more direct language: "No negro or mulatto shall come into or settle in the State, after the adoption of this Constitution" (Indiana constitution 1851, art. XIII). The Indiana legislature implemented this constitutional provision by passing an 1851 law that provided for fines of up to $500 for employers who hired blacks in violation of the ban on further black migration and also for blacks who violated this policy. The law also required that any black persons residing in the state prior to November 1851 register with the clerk of their county (Thornbrough, 1957, p. 69).

Explaining Adoption of Racial-exclusion Constitutional Provisions

Scholars who have sought to explain adoption of racial-exclusion provisions have generally relied on arguments and votes in the conventions that framed them (Meites, 2015, p. 282; Thornbrough, 1957, pp. 67, 68). There are only a few mentions of patterns in county-level election results (Meites, 2015, p. 284; Thornbrough, 1957, p. 68) but we have not found any previous quantitative analysis.

In both Illinois and Indiana, the opportunity to ratify new constitutions followed roughly 2 years after votes to hold conventions to draft these constitutions, and turnout rates held steady. Electorates on the votes for ratifying the overall constitution and the separate clauses represent over 90% of the total votes cast on the convention call in each of the states, as seen in Table 1.

The new constitutions and racial-exclusion provisions were supported by fairly similar margins in the two states, as described earlier; but as shown in Table 2, counties exhibited significant variation in support for the racial-exclusion provision. In fact, variation across counties in Illinois was significantly higher for voting on the racial exclusion clause than approving the new constitution or the mill tax clause. The racial-exclusion clause attracted less than 1% *support* in Hardin county but less than 1% *opposition* in Saline county. In Indiana, maximum support came from Dubois county, representing a peak in support in excess of 99%, but the floor, found in Steuben county, was 30%, higher than the level of support recorded in 10 counties in Illinois. The distribution of county-level support for the racial exclusion clause in each state is shown in Figure 1.

To explain county-level variation in each of these states, we consider several hypotheses discussed below. Our dependent variable is the percentage of votes cast in favor of adoption of the racial-exclusion provision, although, as discussed below, we also ran regressions using a logistic transformation to account for observations in the tails of the 0 to 100 distribution where marginal effects might be over-estimated. All demographic data are taken from the 1850 Census unless otherwise noted. Voting data for Illinois are taken from *Illinois Election Returns 1818-1848* and for Indiana come from *Indiana Election Returns* 1816-1851.[2]

Scholars have generally found that support and opposition to racial exclusion in the conventions fell along partisan lines. Democrats were more likely to speak in favor of racial-exclusion policies; Whigs were more likely to oppose these policies; and anti-slavery parties such as the Liberty Party and Free Soil Party were particularly strong in opposing these policies (Meites, 2015, p. 282). Thornbrough (1957, p. 67) is an exception in concluding that the vote on racial exclusion in the Indiana convention "did not follow party lines."

To test for partisan influence on the popular vote for the exclusion clauses, we construct vote shares for the Democratic candidate for governor as a percentage of votes cast for the Democrat, Whig, and third party candidates for governor in the 1846 (Illinois) or 1849 (Indiana) elections.[3]

Some studies also point to religious affiliation as explaining divisions in support for racial-exclusion policies. Quakers (also known as Friends) were particularly active in opposing racial-exclusion policies (Weiner, 2013, p. 43) and helping blacks move from southern states and settle in northern states, especially Indiana (Thornbrough, 1957, p. 33). Several other religious denominations had at earlier times stressed racial equality; however, by the time these racial-exclusion policies were debated in mid-19th century conventions, "Friends stood virtually alone as Methodists, Baptists, and

Table 1. Turnout Statistics.

	Total Number	% of voter eligible population	% of governor votes	% of call for convention votes	% of constitution votes	% of mill tax votes
Illinois						
Eligible (white, male, 21+) voting population (1850)	201,705					
Governor votes (1846)	100,846	50.00				
Call for convention votes (1846)	77,960	38.65	77.31			
Constitution votes (1848)	76,488	37.92	75.85	98.11		
Mill tax clause votes (1848)	72,294	35.84	71.69	92.73	94.52	
Exclusion clause votes (1848)	71,558	35.48	70.96	91.79	93.55	98.98
Indiana						
Eligible (white, male, 21+) voting population (1850)	218,260					
Governor votes (1849)	147,290	67.48				
Constitution votes (1851)	140,868	64.54	95.64			
Call for convention votes (1851)	138,918	63.65	94.32	98.62		
Exclusion clause votes (1851)	135,701	62.17	92.13	96.33	97.68	

Table 2. County-Level Referendum Support Descriptive Statistics.

	Mean	Median	Std Dev	Minimum	Maximum
Illinois					
Convention	76.96	82.65	20.49	12.78	100.00
Constitution	80.99	82.45	13.48	28.82	99.19
Mill tax	55.77	56.26	18.66	18.21	94.81
Racial exclusion	73.16	82.08	24.67	0.89	99.74
Indiana					
Convention	59.76	59.49	12.82	32.34	91.26
Constitution	82.25	84.65	12.86	41.83	100.00
Racial exclusion	84.50	90.23	14.73	30.27	99.73

Presbyterians jettisoned antislavery doctrines in efforts to evangelize the South" (Frost, 1978, p. 54).

The Census did not directly enumerate the religious background of respondents but did include the number and accommodations of churches stratified by denomination. We proxy for Quaker influence by the accommodations of (i.e., the number of seats in) Quaker churches relative to the total county population.

Economic competition is also thought to have played a role in adoption of racial-exclusion policies, because "some wage workers feared labor competition from African-Americans, who could only command reduced wages due to racist hiring policies" (Weiner, 2013, p. 42). Daniel Crumbacker argued in Indiana's convention held in 1850 and 1851, "It should be our true policy to encourage and foster the labor of this country. . . Now, I would ask gentlemen, if we flood the state with free negroes, bring them into competition with white male and female labor, if it will not degrade it. It certainly will" (Fowler, 1850, p. 566). As Berwanger (1967, p. 34) noted in his study of Midwestern attitudes toward blacks in the antebellum era, "economic rivalry between unskilled Negro and white laborers in midwestern urban areas produced tension."

The argument that support for excluding blacks may have been motivated by protection of the domestic labor force is centered around the claim that areas with higher levels of manufacturing, generally though not always found in urban areas, would experience greater impacts on their labor markets. We therefore include variables to represent the importance of manufacturing to the labor force, limited skills, and urbanization. We proxy for labor interests by the number of persons employed in manufacturing as a percentage of the county population. Because the influx of black migrants would have a larger impact on labor markets of low skill work, we use the percentage of the white population counted as illiterate in each county, with an expectation of greater support for racial exclusion in areas with higher proportions of illiterate residents. Urban and rural designations were not used until the 1860 Census. We measure urbanization as the percentage of the county population residing in a city having

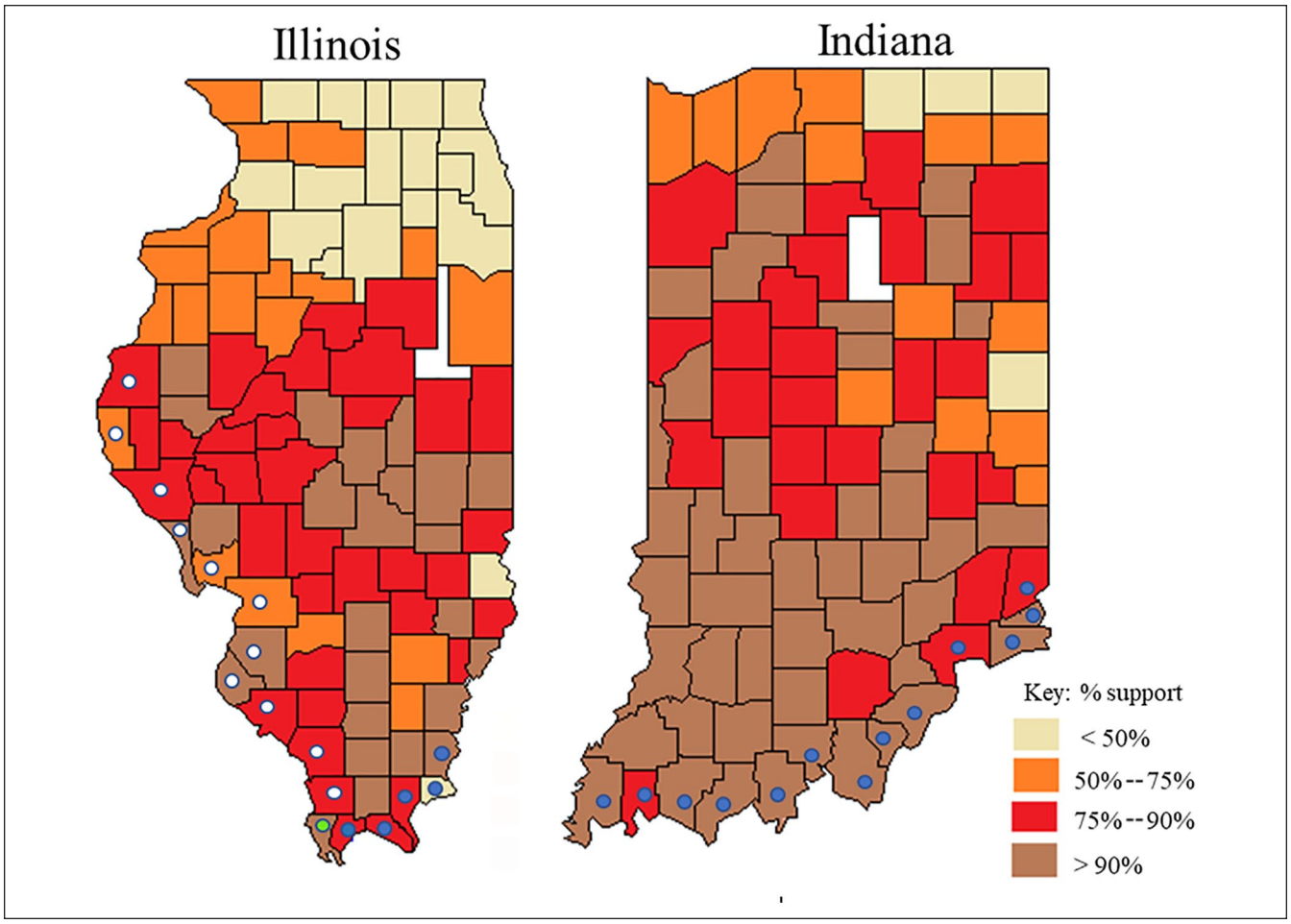

Figure 1. Racial exclusion clause support by county in Illinois and Indiana.
Note. Blue dot indicates county bordering Kentucky; white dot indicates county bordering Missouri; green dot indicates county bordering Kentucky and Missouri.

a population of at least 2,000 persons. We also ran regressions lowering the threshold to 1,500 persons. These generated qualitatively similar results.

Still another prominent explanation for adoption of racial-exclusion policies focuses on concerns about southern slaveholders bringing older and infirm slaves to northern states and leaving them to become a charge to the public. These concerns were advanced frequently during this period (Meites, 2015, pp. 279, 280; Weiner, 2013, p. 42). Delegate William C. Kinney of St. Clair County expressed this concern in the Illinois convention when he remarked that "the present question was one in which his county felt a very lively interest. It was situated near St. Louis; they had already nearly 500 free colored persons collected there from Missouri." After noting that neighboring states had adopted racial-exclusion policies, Kinney asked about black residents of these states. "Where, then, do they go? They cannot reside in those States, and they all come into Illinois," especially when they "get old" and their "owners emancipate them and send them into this State" (Cole, 1919, pp. 216, 217).

These concerns took on renewed importance after Kentucky in its 1850 constitution and subsequent legislation vowed to punish free blacks who remained in the state with 5 years' imprisonment. Delegates to Indiana's convention held in 1850 and 1851 repeatedly referred to this recently adopted Kentucky policy and argued that it was important for Indiana, a neighboring state, to respond by barring migration of blacks (Fowler, 1850, esp. 234, 238, 247, 446–447, 633, 642, 1934). As delegate Daniel Read explained: "What is our situation in Indiana? We are surrounded by slave States and consequently have, and are always liable to have a constant immigration from those States both of fugitive slaves and of free persons of color. Slaveholders are always anxious to get rid of their old, decrepit, and superannuated slaves, and they are also anxious to be freed from the presence of the free blacks. Hence it is natural that both these classes should cross the Ohio River from Kentucky and settle in this State as well as in Ohio." After noting Kentucky's recently adopted constitutional ban on free blacks, Read concluded that adoption of Kentucky's stringent provision necessitated adoption in Indiana of "a clause

in the new Constitution prohibiting the future emigration of blacks into this state" (Fowler, 1850, p. 247).

The 17 counties in Illinois bordering the slave states of Missouri or Kentucky (indicated by dots in Figure 1) averaged 8.0% points higher support for adopting a racial-exclusion policy compared to the (unweighted) average of the other Illinois counties. The difference is even more dramatic for the 12 Illinois counties bordering Missouri (white dots and green dot) which showed an average level of support 8.9% points in excess of the six counties sharing a border with Kentucky (blue dots and green dot),[4] and 12.0% points higher than the average of the remaining counties in the state. We expect that as the distance from the border increases concerns about supporting aged and infirmed free blacks will decrease. We therefore include a variable measuring the distance in number of miles to the nearest county bordering a slave-holding state. We allow heterogeneity by including separate measures for distance to counties bordering Kentucky or Missouri.

In Indiana, support for racial exclusion for the 13 counties bordering Kentucky (indicated by blue dots in Figure 1) was 8.9% points greater than for the rest of the state. Because Kentucky is the only slave-holding state bordering Indiana, regressions for the Indiana sample only include the distance to the nearest county bordering Kentucky.[5]

Scholars have also viewed support for racial-exclusion policies as explainable by racial-threat theory. After considering various explanations for adoption of Illinois's provision and finding some support for economic concerns about freed slaves becoming a charge to the public, Meites (2015, p. 284) concluded nevertheless that "The best explanation seems to be power and prejudice." This sort of explanation, rooted in whites' concerns about proximity to blacks, has also proved useful in explaining voting patterns on 20th century racially discriminatory provisions (Reny & Newman, 2018). We measure the size of the black population by calculating the percentage of the county population composed of free blacks.

Regression Analysis of County-level Votes on Racial Exclusion Clauses

Let P_i stand for the percentage of votes in county i supporting the exclusion clause. We first assume the simple linear relationship

$$P_i = X_i C + v_i \quad (1)$$

where X_i is a matrix of explanatory variables, C is a vector of coefficients to be estimated, and v_i is a random error term. Because we are relying on aggregate data, care must be taken when interpreting the estimated coefficients. For example, the coefficient for Quakers is expected to be negative in part because Quakers are presumed to be less likely than others to support racial exclusion and would be voting "no." Additionally, larger Quaker populations could spur greater opposition to racial exclusion by others because non-Quakers would be more likely to encounter Quaker ideals in these areas and possibly swayed to vote "no." We cannot identify *which voters* are behaving differently based on the aggregate data; we can only determine if certain county demographics are correlated with the level of support for the racial-exclusion measure.

Baseline Estimates

We present initial Ordinary Least Squares (OLS) estimates in Table 3, using the percentage of the county votes cast in favor of adopting the racial exclusion measure as the dependent variable.[6] The first column uses Illinois counties as the sample. None of the county demographic characteristics we consider are statistically significantly related to the level of support for the constitutional provision for racial exclusion. For this specification, only the proximity of a county to a slave-state border county is a significant factor. While proximity to either Kentucky-bordering or Missouri-bordering counties has a significant impact, we reject equivalence; a county would need to be two and one-half times as far from the closest Kentucky-bordering county to have the same impact as its distance from a Missouri-bordering county. Lake county, in the northeast corner of Illinois, resides roughly 218 miles from the nearest county bordering Missouri (Hancock) and 321 miles from the nearest county bordering Kentucky (Gallatin). On the basis of geography alone, Lake county is predicted to support racial exclusion at a rate of 71.5 percentage points lower than Alexander county (which borders both Kentucky and Missouri). This comparison *underestimates* by 12 percentage points the difference which actually exists (98.3 vs. 14.6).

In contrast, as presented in column III, estimates to explain variation among Indiana counties provide some support for multiple claims regarding passage of racial-exclusion policies beyond simply distance from the border. Counties with higher proportions of Quakers recorded lower support for racial exclusion. Counties that leaned more heavily toward the Democratic candidate in the previous year's gubernatorial election supported racial exclusion by greater margins, with a partisan marginal impact nearly three times that found for Illinois. Counties in Indiana bordering Kentucky supported racial exclusion by 11% points more than a county 100 miles from the closest county bordering Kentucky. The significance of the border-proximity measure, lending support to the theory of concern regarding an influx of aged and infirmed former slaves who could become a charge to local residents, has a similar magnitude as the proximity effect in Illinois for Kentucky.

The cumulative effects can be quite large. Consider Wayne county, Indiana, where half of the church accommodations were in Quaker churches, and where the 1849 Democratic gubernatorial candidate had his poorest showing (35%; whereas the 15% captured by the Free Soil candidate represented his highest out of all counties). Wayne borders Ohio to

Table 3. Determinants of Support for Racial Exclusion Clause.

	(I)	(II)	(III)	(IV)
State	Illinois	Illinois	Indiana	Indiana
Constant	105.12*** (12.92)	56.28*** (20.25)	78.03*** (8.45)	53.55*** (9.32)
Democratic support	0.09 (0.15)	0.23 (0.17)	0.24* (0.13)	0.17 (0.12)
Free black residents	−2.42 (1.83)	−1.96 (1.43)	−0.50 (1.73)	−0.32 (1.58)
Quakers	−0.71 (2.79)	−0.39 (2.41)	−0.41*** (0.10)	−0.33*** (0.11)
Illiterate	−0.29 (0.24)	−0.38 (0.25)	0.28 (0.18)	0.23 (0.15)
Manufacturing	−5.51 (4.26)	−4.86 (4.35)	0.34 (1.14)	0.28 (1.06)
Urban	0.13 (0.24)	0.15 (0.24)	0.03 (0.05)	0.09 (0.07)
Least distance to county bordering Kentucky	−0.08** (0.04)	−0.06 (0.04)	−0.11*** (0.03)	−0.15*** (0.03)
Least distance to county bordering Missouri	−0.21*** (0.04)	−0.19*** (0.04)		
Support for new constitution		0.45*** (0.15)		0.37*** (0.11)
Coefficients on least distance: KY = MO	3.29* ($p = 0.07$)	3.59* ($p = .06$)		
Number of counties	98	98	89	89
Mean, dep. var.	72.9	72.9	84.4	84.4
Adjusted R^2	0.44	0.49	0.33	0.39
F-statistic	10.90***	15.58***	14.47***	13.83***

Note. Dependent variable is percentage of county votes in favor of ratifying racial exclusion clause. Coefficient estimates from OLS estimation with heteroskedasticity-robust standard errors in parentheses.
*,**,***Indicates significance at the 10, 5, 1 percent levels.

its east but is only 50 miles from the northernmost county bordering Kentucky (Dearborn). Compared to Warrick county, which borders Kentucky and was devoid of any Quakers and two-thirds of the voters supported the Democrat for governor, Wayne county would be predicted to support the racial exclusion provision by 33.3% points less, matching very closely (97.5 vs. 62.5) the true 35% point differential.

Our results point to more factors affecting levels of support for racial exclusion in Indiana than Illinois but the differences may be less stark than they initially seem. The evidence in both states is consistent with racial exclusion being supported in part by concerns about older and infirm blacks becoming a public charge. Another similarity is the lack of association with the proportion of black residents or manufacturing employment, urbanization, or illiteracy. We therefore do not support theories based on racial threat or labor market arguments for either state.

The key differences found between the two states would seem to be that counties with higher concentrations of Quakers and lower concentrations of Democratic voters were associated with significantly less support for racial exclusion in Indiana but not in Illinois. However, the difference in significance regarding religion may simply be due to Quaker populations being quite meager or non-existent throughout Illinois and thus they may have had insufficient numbers to affect support levels to a notable degree. The estimated coefficient for Quakers is actually larger in the Illinois sample but the standard error indicates it is much less precisely estimated. This is not surprising, given that the mean number of Quaker accommodations per capita in Indiana was exceeded in Illinois by only two counties. Finally, declaring a significant association for partisanship in Indiana but not in Illinois requires acceptance of a 10% error in Indiana, which represents a lower level of confidence than for the slave-holding-state proximity effect or Quaker effect.

Controlling Support for the Main Constitutional Revision

The main constitutional revisions appeared first on the Illinois and Indiana ballots. These new constitutions contained little meaningful change in policies toward blacks and were not regarded by voters as racially progressive or regressive. Nevertheless, some voters may not have drawn a distinction between adopting a new constitution and adopting a constitutional provision, viewing them as part of a package. Votes cast for the separate racial-exclusion provision therefore may not reflect preferences strictly on racial exclusion but may also capture constitutional conservatism.

In considering the relationship between voting on the new constitution and racial-exclusion provision, only one county in Indiana (Ohio) and two counties in Illinois (Monroe and Du Page) failed to record majority support for the new constitution. Four counties in Indiana and 18 counties in Illinois did not record majority support for the racial-exclusion clause (none of which recorded majority opposition to the new constitution). There is no meaningful correlation in Indiana, where the correlation coefficient $\rho = .05$ ($p = .64$). Yet there is a statistically significant relationship in Illinois where $\rho = .39$ ($p < .01$).

To avoid possibly conflating county-level support for racial exclusion with support for constitutional reform in general, in columns II and IV we include as an additional variable county support for the first question on the ballot to replace the existing constitution by ratifying the new constitution. In Illinois, support for adopting racial exclusion is positively and significantly correlated with support for ratifying the new constitution, even after controlling for other county characteristics. The intercept term coefficient is cut in half, consistent with a constant effect across counties. Additionally, proximity to the Kentucky border loses significance whereas proximity to the Missouri border remains significant, further strengthening the previous interpretation that those living nearer to Missouri viewed entry of older and infirm former enslaved persons as a bigger threat where it had already begun, than in Kentucky where it was alleged by a delegate to be a likely feature in the future.

In the Indiana county sample, inclusion of county support for ratification of the new constitution does not appreciably affect significance levels of any other coefficients, including distance from a county bordering Kentucky, which is the only slave state that Indiana borders. Surprisingly, the relationship between support for ratifying the new constitution and support for the racial-exclusion provision is now statistically significant at better than 1%. It is important to note we do not interpret the significant association as causal; its purpose is merely as a control. It may well be endogenous in that adoption of the racial clause required both measures to pass.

Outliers

Although we found strong evidence that in Indiana support for racial exclusion drops as distance from a Kentucky-bordering county increases, once we controlled for support for ratifying the new constitution, we did not find a similar effect in Illinois. Support for racial exclusion in Illinois drops as distance from a Missouri-bordering county increases, but distance from a Kentucky-bordering county has no effect. Hardin county, in the southeast corner of Illinois, may provide a clue to this discrepancy. Of the 224 recorded votes cast in Hardin county, only two are in favor of the racial-exclusion provision. This is not just the lowest percentage among the border counties, but in the entire state. Along with Crawford county on the eastern border, they are the only counties outside of the northern portion of Illinois that did not register majority support for this provision, and they are surrounded by counties ranging in support from 84.4% to 99.7%. The two counties appear to be outliers, possibly even misrecorded by reversal of their "yes" and "no" votes in the official returns

To check robustness to the outliers, in Table 4 column (I) we report estimates from a regression sample for Illinois without Hardin and Crawford counties. The results are similar to the first regression, but the marginal impact of each mile away from Missouri is halved, and there is a slight increase in the impact of each mile away from Kentucky to the point that they have now converged. The Wald test statistic presented below the variable coefficient estimates is small enough that we cannot reject the null of equivalence in the coefficients for distance from Kentucky and Missouri. We impose the restriction in column (II) by assigning to each county the lesser of the two distances. The only substantive difference we find is that the Democratic vote share is now marginally statistically significant, with a magnitude and level of confidence similar to what was found in the first regression for Indiana.

None of the Indiana counties are outliers in the sense of Hardin and Crawford counties in Illinois in being so different from all their neighboring counties in the share of votes cast in favor of racial exclusion. Hardin and Crawford in Illinois are also outliers in having an 80 percentage point or more differential between the share of the votes supporting the two constitutional questions. No other county in either state matches that differential. Figure 2 indicates the location of counties in each state with support levels for racial exclusion and the new constitution that are more than 20 percentage points different in either direction. As previously mentioned, only four counties in Indiana opposed the racial-exclusion clause, one of which fell just shy (Randolph = 49.0%). The other three (Steuben, Lagrange, Elkhart) are the only Indiana counties which reported below 40% support for exclusion and 40 percentage points or higher greater support for the new constitution. We treat these three counties as outliers for Indiana and drop them from the regression sample. Comparing estimates in Table 4 column IV to the full sample estimates for Indiana in the last column of Table 3 shows no appreciable impact from dropping those observations.

Non-linearities

While Hardin and Crawford counties in Illinois may be the only true outliers in (lack of) support levels, several other observations may not fit the implicit assumption of linearity of the coefficient estimates. Six other Illinois county observations are in the lower tail of the distribution ($<20\%$) of support for the exclusion clause whereas 48 observations reside in the upper tail ($>80\%$), and for Indiana the minimum level of support for racial exclusion is approximately 30% while 65 counties exceed 80% support. These skewed distributions might lead to an overestimate of the marginal effects in the tail ranges when linearity is assumed. Based on the Illinois estimates in column (II) and the Indiana estimates from column (IV), three counties in each state are predicted to exceed 100% support.

To account for these concerns, we now assume county support follows a logistic distribution, which maps as a flattened "S-curve" with linear marginal effects in the mid-range of the 0 to 100 scale and smaller slopes in the tails. The logistic model assumes

$$P_i = \frac{100}{1 + e^{-X_i B}} \tag{2}$$

Table 4. Robustness Checks.

	(I)	(II)	(III)	(IV)	(V)
State	Illinois	Illinois	Illinois	Indiana	Indiana
Estimation	OLS	OLS	Logistic	OLS	Logistic
Constant	62.88*** (16.50)	31.87** (15.56)		60.13*** (8.10)	
Democratic support	0.13 (0.13)	0.29* (0.15)	0.27* (0.16)	0.16 (0.10)	0.28*** (0.10)
Free black residents	−1.79 (1.17)	0.10 (1.05)	−0.44 (0.97)	−0.37 (1.57)	0.63 (0.98)
Quakers	0.96 (1.02)	1.62 (1.27)	1.22 (0.98)	−0.41*** (0.10)	−0.28*** (0.07)
Illiterate	−0.28 (0.20)	−0.01 (0.19)	0.23 (0.23)	0.13 (0.11)	−0.00 (0.10)
Manufacturing	0.86 (2.08)	0.00 (2.04)	−1.20 (2.16)	0.46 (0.99)	−0.30 (0.68)
Urban	−0.12 (0.18)	−0.18 (0.18)	−0.06 (0.19)	0.05 (0.05)	−0.01 (0.05)
Least distance to county bordering Kentucky	−0.11*** (0.03)			−0.11*** (0.02)	−0.09*** (0.02)
Least distance to county bordering Missouri	−0.15*** (0.03)				
Least distance to county bordering slave state		−0.21*** (0.03)	−0.17*** (0.03)		
Support for new constitution	0.44*** (0.13)	0.50*** (0.14)	0.37** (0.17)	0.30*** (0.09)	0.28*** (0.07)
Coefficients on least distance: KY = MO	0.67 ($p = .42$)				
Change to specification	Drop outliers	Impose equality restriction	Non-linear	Drop outliers	Non-linear
Number of counties	96	96	96	86	86
Mean, dep var	74.38	74.38	74.38	86.11	86.11
Adj. R^2	0.64	0.58	0.49	0.40	0.41
F-statistic	17.25***	19.12***	15.81***	16.64***	11.13**

Note. Dependent variable is percentage of county votes in favor of ratifying racial exclusion clause in columns I, II, IV, and transformation of same percentage in columns III and V. Coefficient estimates from OLS in columns I, II, IV, and estimated marginal effects of one unit change evaluated at the means of the other variables in place of coefficient estimates in columns III and V. Logistic regressions also include intercept (not reported). Heteroskedasticity-robust standard errors in parentheses for all estimates.
*,**,***Indicates significance at the 10, 5, 1 percent levels.

so that regressions take the form

$$Y_i = X_i B + u_i \tag{3}$$

where $Y_i = ln\left(\frac{P_i}{100 - P_i}\right)$ is referred to as the logit of P_i, B is a vector of coefficients to be estimated, and u_i is a random error term. Here, the coefficient vector B represents marginal effects on the logit of P_i which is not directly comparable to previous estimates generated from (1) where the dependent variable was P_i. We therefore report in columns (III) and (V) estimates of the marginal impact on P_i and their associated standard errors computed using the delta method.[7]

For a particular variable x_k,

$$\frac{\delta P_i}{\delta x_{i,k}} = 100 P_i \left(100 - P_i\right) B_k. \tag{4}$$

Because (4) is non-linear in P_i, marginal effects on the percentage supporting exclusion are not constant across the range of data. As an approximation to the average marginal effect, we evaluate (4) at the sample mean values.

Comparing estimates from columns (II) and (III) reveals that the logistic transformation does not affect the signs or significance for any coefficient estimates pertaining to Illinois counties. The largest impact is on support for the new constitution where a 1 percentage point increase for ratifying the constitution is now associated with closer to a one-third rather than one-half percent point increase in support for the racial-exclusion provision. This suggests that the marginal impact was over-estimated under the assumption of constant marginal effect, although recall that we do not consider this association to be causal regardless.

Comparing columns (IV) and (V), the findings suggest that incorporating non-linearity is more important in Indiana, where the effect of changing the proportion of Quakers is now nearly halved, and at the same time the effect of Democratic support nearly doubles and is now statistically significant at a high level of confidence. None of the other variables are affected. Including back the three county observations labeled as outliers for Indiana yields qualitatively similar results. Outliers appear to be more important in Illinois but little is gained by estimating a logistic distribution. Outlier observations do not significantly affect the results in Indiana but allowing for variable impacts through a logistic transformation reveals a partisan effect hidden by an assumption of linearity.

Conclusion

Provisions adopted in several mid-19th century state constitutions to exclude blacks from entering the states have not attracted as much attention as other racially discriminatory

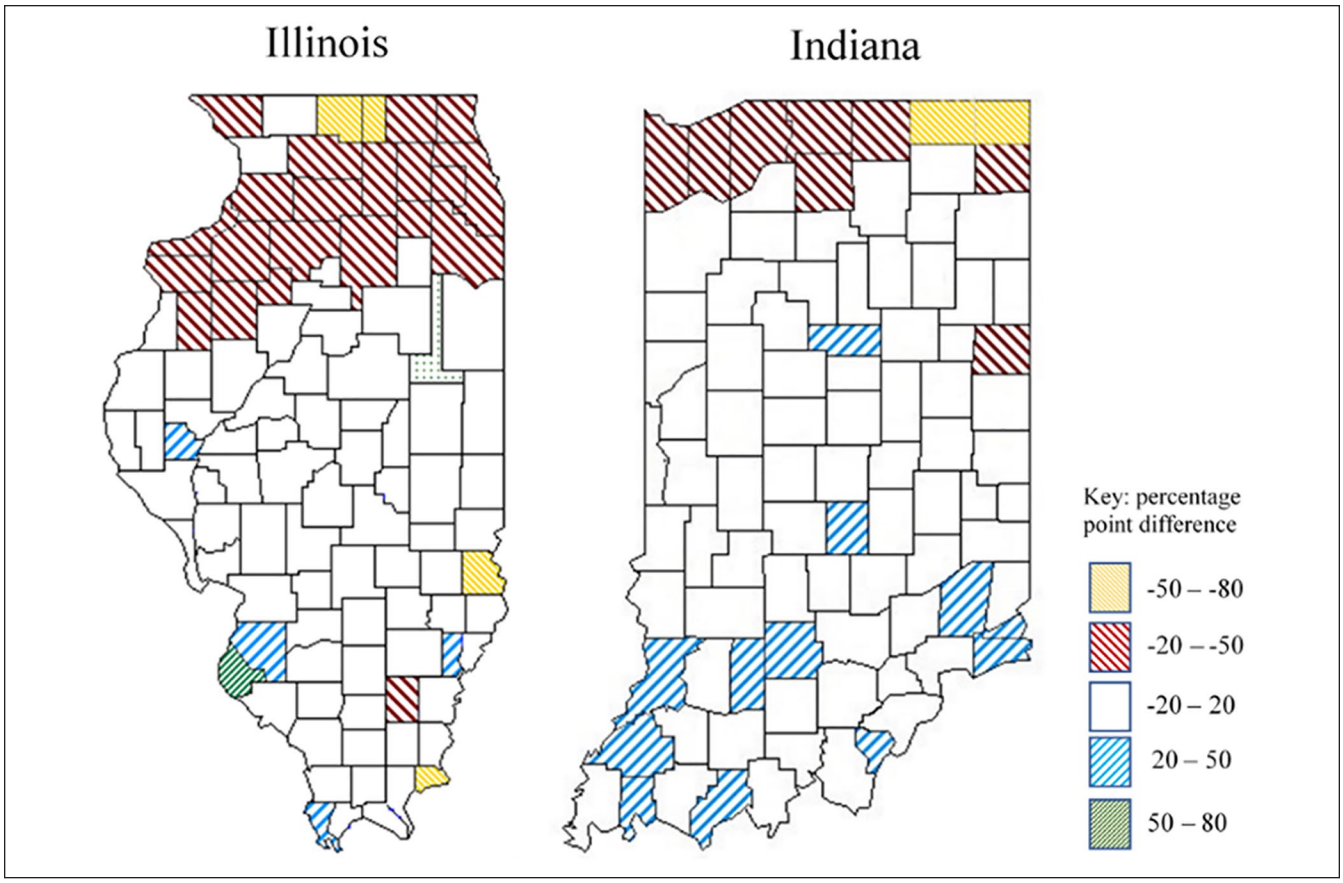

Figure 2. Support for racial exclusion provision minus support for ratifying new constitution.

provisions in 19th and 20th century American state constitutions. Along with adopting constitutional provisions protecting slavery, preventing blacks from voting, and segregating schools, several constitutions also barred blacks from entering the state. Examining these racial-exclusion provisions in this study contributes to a better understanding of the wide range of ways American constitutions have denied equality to blacks.

Another contribution of this study is to focus on racially discriminatory constitutional provisions outside of the South. In recent years, scholars have taken a renewed interest in the many constitutional provisions in northeastern and Midwestern states limiting black suffrage. In fact, few states allowed blacks to vote prior to ratification of the Fifteenth Amendment to the U.S. Constitution. Moreover, when voters were given an opportunity to amend their state constitutions to remove these limits on black voting, they almost always rejected these efforts. Our method of quantitative analysis complements recent narrative studies of referenda on black suffrage limitations in the northeast and Midwest in the mid-19th century.

Most important, our work leads to a better understanding of the factors associated with greater or lesser support for racial-exclusion provisions. Past analysis of the records of state constitutional conventions generated various claims about who supported and opposed these measures, but without determining whether convention delegates' speeches and votes were representative of public sentiment.

Our analysis of voting on racial-exclusion policies offers little support for explanations rooted in racial-threat or economic-competition theories. County-level support for racial-exclusion provisions is not significantly associated with the percentage of black residents, manufacturing employment, urbanization, or illiteracy.

Our findings are consistent with other explanations. Party affiliation played a role, with Democratic areas much more supportive than areas where Whigs and anti-slavery parties were strong. Proximity to slave-holding states also played a role. Areas closer to slave-holding states exhibited higher support for racial-exclusion measures than those further away, consistent with voters responding to claims that slaveholders were transporting blacks to free states and leaving them to the care and charge of border and near-border counties. Additionally, in Indiana, counties with greater concentrations of Quakers were robustly associated with a reduction in support for racial exclusion, in a possible combination of direct opposition by Quakers when they voted and the influence their public opposition had on how others voted.

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Notes

1. We do not analyze county votes from the Oregon election because there were fewer than 20 counties at the time. In contrast, there were over 90 counties in Illinois and in Indiana.
2. Adams county (IL) was split in 1843 with part of the area designated as Marquette county, renamed as Highland county in 1846 and then remerged back into Adams in 1848. Voting data for Adams in 1846 and 1848 would not represent the same areas, so we add Marquette (1846) or Howard (1848) votes to the Adams vote totals.
3. In Illinois, the Democratic candidate received 58.20%, the Whig candidate 36.7% and the Liberty candidate 5.1%. In Indiana, the Democratic candidate received 52.3%, the Whig candidate 45.6%, and the Free Soil candidate 2.1%. Neither election included an incumbent.
4. Alexander county (green dot) borders both Missouri and Kentucky.
5. Distances for slave state border counties are set to zero for the state they border, and (in Illinois) measured the same as other counties for the slave state they do not border. Alexander county has a distance value of zero for both Kentucky and Missouri. In both Illinois and Indiana we measure distance by the fewest number of miles from county seat to county seat as estimated on the website distancecalculator.net.
6. All estimates in Tables 3 and 4 utilize standard errors robust to heteroskedasticity.
7. For details on the delta method, see Greene (2003, pp. 108, 109).

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