

# The Institutional Determinants of Southern Secession\*

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## Abstract

We use the Southern secession movement of 1860-1861 to study how elites in democracy enact their preferred policies. Most states used specially convened conventions to determine whether or not to secede from the Union. We argue that although the delegates of these conventions were popularly elected, the electoral rules favored slaveholders. Using an original dataset of representation in each convention, we first demonstrate that slave-intensive districts were systematically overrepresented. Slaveholders were also spatially concentrated and could thereby obtain local pluralities in favor of secession more easily. As a result of these electoral biases, less than 10% of the electorate was sufficient to elect a majority of delegates in four of the six original Confederate states. We also show how delegates representing slave-intensive counties were more likely to support secession. These factors explain the disproportionate influence of slaveholders during the crisis and why secessionists strategically chose conventions over statewide referenda.

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When the battle comes in earnest...you will find an element of great weakness in our non-slaveholding population. Think you that 360,000 slaveholders, will dictate terms for 3,000,000 of non-slaveholders at the South—I fear not, I mistrust our own people more than I fear all of the efforts of the abolitionists.

Daniel H. Hamilton, US Marshal for Charleston, S.C, in private correspondence to Congressman William Porcher Miles, February 2, 1860 (Miles Letters, LC).

## 1 Introduction

Recent research on American politics has emphasized the influence of wealth and income disparities over public policy. A variety of mechanisms, including campaign contributions, lobbying, and unequal participation, among others, have been proposed to explain the influence of wealthier voters in the political process.<sup>1</sup> Less attention, however, has been paid to the way in which long-term biases in representation favor economic elites at the expense of less wealthy voters.

In this paper, we investigate this form of elite influence during perhaps the most consequential domestic crisis in U.S. history, the Southern secession movement of 1860-61. The consensus is that this movement was driven by slaveholders due to their fears over the future of slavery in the Union (see e.g., Freehling 2007; McPherson 1988; Potter 1976; Stamp 1980). This explanation has raised an enduring puzzle over why this movement was electorally successful. Although slaves represented a sizable share of all Southern wealth,<sup>2</sup> they were concentrated in the hands of a small minority (according to the 1860 Census, only 10% of adult white males owned approximately 90% of the slaves). Moreover, it has been shown that non-slaveholders, especially those living in the low slave-dependent regions, largely opposed secession.<sup>3</sup> The disproportionate influence of slaveholders during the crisis is emphasized by Key (1984, 6) who argued in his canonical study of Southern

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<sup>1</sup>See Bonica et al. (2013) for a review of these mechanisms.

<sup>2</sup>By 1860, the capital invested in slaves was roughly equal to the value of all farmland and farm buildings in the South. Furthermore, slaves accounted for more than half the agricultural labor force in the seceding states (Ransom 2001).

<sup>3</sup>Although some historians have argued that secession was supported by a broad coal-

politics that the “Impressive—and unfortunate—political victory of the large slaveholders came in their success, despite their small numbers, in carrying their states for war.” How did the slaveholding elite achieve such a radical measure within a democratic framework?

We answer this question by examining the method by which secession was chosen and the electoral rules that facilitated its success. In ten of the eleven states that formed the Confederate States of America, the decision to secede was made in specially convened conventions. Our argument is that although the delegates to these conventions were popularly elected, the system of representation crucially favored slaveholders. Specifically, delegates were elected from single and multi-member districts by plurality voting, a system that is prone to produce distortions when voters are unevenly distributed across space (Erickson 1974; Rodden and Chen 2013). Given the economic geography of slavery, slaveholders were concentrated in slave-intensive counties, where they could obtain local pluralities in favor of secession more easily. Similarly, large “uphill” regions contained relatively few slaves and a substantial share of the non-slaveholding voters. While most opposed secession, the use of winner-take-all districts meant that their surplus votes did not translate into greater representation. In addition, the apportionment employed overrepresented slave-intensive districts, particularly in the Lower South states leading the movement. These factors, which are largely unexplored in the literature, explain in part the electoral success of secessionists.

We use various pieces of evidence to substantiate this argument. First, we derive a new measure of representation using the legislation that stipulated the apportionment of seats in each convention. This measure shows how counties with more slaves per voter, slaveholders per white men, and planters per slaveholder, were all systematically overrepresented. We also show that in all of the seceding states, a majority of non-slaveholders were concentrated in counties electing a minority of representatives. Using the existing returns on the election of delegates, we then investigate how the electoral districts used influenced the behavior of

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tion, which included even those who had no direct stake in slavery (e.g., Huston 2003; McPherson 1988; Stamp 1980), studies exploring the available evidence in various states refute this thesis and confirm the substantial opposition secessionists faced, mostly from the yeoman of the low-slave incidence regions (see e.g., Crofts 1993; Johnson 1977; Key 1984; Lipset 1960).

voters. Specifically, we show that slave-intensive districts, which were much more likely to elect secessionist candidates, were significantly less competitive and associated with high rates of abstention.

In sum, these factors imply that the use of conventions reduced the share of the electorate whose support was necessary to achieve secession. In the Lower South states for which we have information, the effective number of votes from the slave-intensive districts—which elected more than 50% of the delegates to each convention—represented only 7% of the adult white male population in these states.

We consider a number of alternative mechanisms which could explain the success of the movement. Importantly, it is possible that while non-slaveholders largely voted for candidates opposing secession, their representatives changed their position once elected (Williams, Williams, and Carlson, 2002). This is plausible given that voters did not possess the typical mechanism for holding representatives accountable; these were one-off elections without the possibility of reelection. We explore this possibility using an original dataset of roll-call votes in seven different conventions and find that delegates were highly responsive to the slaveholding interests of their constituents. Specifically, we find a strong and positive relationship between the slave labor incidence of constituencies and the likelihood of representatives voting for pro-secession motions. Hence, non-slaveholding constituencies were effectively represented during the crisis.

Another concern is that the (de jure) electoral advantages of slave districts could simply reflect the de facto power of slaveholders and their control over state institutions. We thus study empirically the origins of the electoral system used in the conventions, which mirrored the one of each corresponding legislature. We document how the legislative overrepresentation of slave-intensive counties can be traced back to the early 19th century and for the original states even to the late 18th century. Moreover, this basis of representation was enshrined in each of the Southern states' initial constitutions. Thus, the political inequalities we emphasize were historically associated with the political-economy conflict within states between slaveholders and non-slaveholders and plausibly independent of any preexisting ideology or preference for Southern independence.

The use of conventions was of course endogenous to the politics of each state and in particular to the legislative power of large slaveholders. If the leaders of the movement had the power to pass and implement these special conventions, why did they not vote on inde-

pendence directly in their respective legislatures? We argue that the conventions brought an additional benefit to the movement, and this explains why they were preferred. Namely by using conventions, secessionists hoped to legitimize a highly contentious and radical decision without the uncertainty associated with a referendum. We place this strategy in the context of a distinctive tradition in the South of making constitutional changes without a subsequent popular ratification (Freehling 2007). Accordingly, six of the seven pre-War conventions passed ordinances that were never subject to popular ratification. Thus by following the “best of precedents,” and proceeding in a “constitutional manner” (Rhodes 1892, 272), secessionists tried to legitimize their cause using an existing norm. We show that the public debates at the time are consistent with this argument.

In addition to contributing to our understanding of this critical episode in American history, our argument and evidence are relevant to various other literatures. While there is an extensive literature on how distortions to representation influence the allocation of public resources and fiscal outcomes (e.g., Ansolabehere, Gerber and Snyder 2002; Ardanaz and Scartascini 2013; Dragu and Rodden 2011), or the relationship between partisan votes and seats (e.g., Chen and Rodden 2013), to our knowledge no previous work has analyzed its relationship with secession or with conflict more generally. We expand thus the scope of these literatures showing that this form of political inequality can play a consequential role in macro political outcomes. We also contribute to works on how elites exploit institutional biases in democracy. Most of these studies focus on how multiple pivots can limit redistribution and preserve other unpopular status quo policies (e.g., Krehbiel 1998; McCarty, Poole and Rosenthal 2006). Yet, the secession movement required Southern elites to radically alter the status quo. Our empirical evidence also contributes to a large literature trying to identify the importance of constituents on legislative voting behavior (e.g., Poole and Rosenthal 2011), and to a smaller set of studies exploring the link between “structural” factors and the individual decisions of politicians (e.g., Ziblatt 2008). Lastly, our case has important implications for the political economy literature on secession (e.g., Alesina and Spolaore 1997; Bolton and Roland 1997). While these models admit the possibility of a majority supporting an inefficient political fragmentation, they do not account for a similar minority-led process.<sup>4</sup> Hence our case implies that distortions of representation can greatly

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<sup>4</sup>These models do emphasize that the net benefits of secession are distributed unevenly.

influence the welfare implications of these models.

## 2 Historical Background

While tensions between states over slavery had long existed, Whigs and Democrats competed across all regions and the issue of slavery was largely suppressed from the national debate during most of the Second Party System (1828-1854).<sup>5</sup> This system broke down in the 1850s when disagreement over the spread of slavery led the Whig Party to split (Holt 1992). Soon after the Whigs' demise, the Republican Party, whose primary platform was to ban the spread of slavery into the Western territories, emerged solely in the free states. Due to the much larger population of the Northern states, the Republican presidential nominee, Abraham Lincoln, was able to win a majority of electoral votes as a solely sectional candidate on November 6, 1860.

Soon after Lincoln's election, most slave states convened special sessions of their legislatures to discuss their response to the new administration. By mid-December, six Lower South states separately passed legislation calling for a "convention of the people," a special unicameral legislative body convened specifically to consider their position in the Union. In addition to specifying the apportionment of delegates to these conventions, each legislature empowered these delegations with the ability to decide any measure necessary to protect the state's interests.<sup>6</sup>

In the short timespan between the passing of this legislation and the elections for delegates, two factions emerged. "Immediate secessionists" (hereafter, secessionists) advocated 

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 Yet the decision to secede is taken by a median voter or by a representative regional citizen. Consequently, issues of preference aggregation are not crucial in the analysis.

<sup>5</sup>The crisis began in earnest with the Wilmot Proviso (1846), a failed bill that called for the prohibition of slavery in new territories. Soonafter, California was admitted alone as a free state. This disrupted the federal-level commitment in the Senate to sectional equality between free and slave states (Weingast 1998).

<sup>6</sup>Elster (1995) classifies this type of convention as one in which the legislature places no "upstream constraints" on its scope or power.

for their state to unilaterally secede. A separate faction, which became known as “Cooperationists,” was a coalition of unionists, moderates, and pro-slavery supporters who, at a bare minimum, opposed unilateral secession. Their primary platform was that Southern grievances with the free states should be addressed as a bloc, which would lower the chances of a costly conflict and strengthen their bargaining position (Crofts 1989; Potter 1976). Cooperationists also asserted that any decision by a convention would only take effect if voters ratified it via referendum (Freehling 2007, 464; Barney 1974, 198).<sup>7</sup>

Private correspondences between secessionist leaders reveal that they harbored serious doubts about the popularity of their movement and thus opposed a secession referendum. This is candidly explained by Alfred Aldrich, member of the South Carolina (hereafter, SC) legislature in a letter to one of the state’s US Senators, James H. Hammond, about the strategy secessionist should follow: “I do not want to see another attempt to vote a revolution. The thing is absurd & can’t be done...If the question must be referred back to the people...it will be an utter failure.” A month later he reiterated his concerns about a referendum: “I do not believe the common people understand it, in fact, I know they will not understand it; But whoever waited for the common people when a great move was to be made?” (Hammond Papers, LC)

Alternative mechanisms, such as holding a collective Southern convention, were also seen as harming the prospects of the movement. Anticipating that a Southern majority would oppose secession, William Gist, the secessionist governor of SC, wrote on the 8th of November, 1860, to Mississippi’s governor “do not ask for a Southern Council, as the Border & non-acting States would out vote us & thereby defeat action. Let your State immediately assemble in Convention” (as cited in Freehling 2007, 446).

The creation of a convention and the later unilateral declaration of independence, was the route followed by the first states to secede. For instance, the SC legislature voted on November 13, 1860 to hold elections for delegates on December 6 to a convention that would convene on December 17. This convention voted unanimously to secede from the Union on December 20. By the end of January, 1861, five more Lower South states (Florida-FL,

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<sup>7</sup>According to Potter (1976, 495), cooperationists “set, as a prerequisite to secession, such a high degree of unanimity that they seemed unwilling to secede at all...(therefore) secessionists regarded Cooperationists as Unionists.”

Alabama-AL, Mississippi-MS, Georgia-GA and Louisiana-LA) had declared their independence following the same mechanism. These states later formed the Confederate States of America in early February of 1861. Soon after Texas (TX), the last Lower South state, approved a similar ordinance in a convention and joined the Confederacy in March of 1861.<sup>8</sup>

The path of the Upper South states to joining the Confederacy was crucially different. In particular, voters in each state were given the opportunity via referendum to either determine whether to hold conventions at all, or subject any secession resolution to a posterior ratification. For example, in North Carolina (NC) and Tennessee (TN) voters rejected the holding of a convention, initially defeating the movement in these states. This rejection was anticipated by a secessionist leader in NC in a letter to one of the state's Congressmen by saying "You cannot unite the masses of any Southern state much less those of N.C. against the Union & in favor [of] slavery alone" (as cited in Crofts, 1989, 132). In this case, holding such a referendum was a compromise reached when secessionists could not obtain the supermajority required by the state's constitution to call a convention. This was seen as a defeat by those who hoped to rush the state "out of the Union without giving the people an opportunity to determine their fate" (Harris 1988, 37).

In Virginia (VA), the legislature called for a convention but also held a referendum on whether a convention's decision would require popular ratification. The inclusion of this provision caused a "heated debate" in the legislature (Wooster 1962, 141). Voters later approved the proposed posterior ratification by a wide margin. Although Missouri (MO) remained in the Union, the process was similar. According to Wooster (1962, 225), "as originally proposed, the convention bill would have provided for a convention with unlimited power, but (anti-secessionist)...were able to secure adoption of an amendment

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<sup>8</sup>The process in TX was somewhat different. First, pro-Union Governor, Sam Houston, refused to call a special session of the legislature, the convening of which was necessary to create a convention. As a result, secessionists privately called for an extralegal convention. Questioning the legitimacy of this decision, unionists "failed to put forward a slate of candidates in the county elections of convention delegates" (Buenger 1983, 299). Hence, a sizeable share of the counties did not hold elections, at all, and roughly 25% percent of the counties did not send delegates to the convention (Wooster 1962).



providing that any action changing the relationship of Missouri to the Union would not be valid until approved by the state’s voters.” A convention in Arkansas (AR) voted against secession making such ratification unnecessary.

The federal government did not recognize the states’ right to secede, and refused to surrender all federal property in the seceded states. Conflict began on April 12, 1861, with the firing on Fort Sumter in Charleston (SC), and Lincoln’s subsequent call on April 15 for troops to suppress the movement. This altered significantly the costs and benefits of secession since avoiding war was no longer a possibility. Thus, in these states the choice of whether to secede or not after April 15, 1861, was then more about which side of the war voters and representatives preferred their state to fight for.<sup>9</sup> In the weeks following Lincoln’s call, AR, NC, and VA, seceded using similar mechanisms as in the Lower South. VA and AR passed secession ordinances in their previously convened conventions on April 17 and May 6, respectively. The NC General Assembly called for an autonomous convention to be held; it unanimously chose to secede on May 20.<sup>10</sup>

### 3 The Political Advantage of Slave Owners

In this section, we analyze how the system of representation used in the conventions favored slaveholding constituencies. We provide evidence of two sources of distortion. First, the apportionment of delegates systematically over-represented districts with a high concentration of slaves. We demonstrate this using an original dataset of delegates and their corresponding constituency in each state holding a convention. Second, despite being a majority, the economic geography of slavery meant that many non-slaveholders tended to

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<sup>9</sup>This change in the context is vividly expressed in a speech to the VA Convention by delegate, James Dorman on April 17. Despite voting against secession on April 4, Dorman said “The issue is now upon us; we must fight; and the question is, which side will we take...That side is the South” (*Proceedings of the Virginia State Convention of 1861*, 4:119).

<sup>10</sup>TN was the only Confederate state in which the state General Assembly passed a direct statute on secession.

be located in electoral districts with few slaves. These districts, where non-slaveholders significantly outnumbered slaveholders, only elected a minority of delegates. In contrast, slaveholders were more efficiently distributed across the high slave counties which comprised a majority of delegates. These factors explain why secessionists in each state believed that a sovereign convention would enhance the chances of their movement.

### 3.1 Political Inequality in the Conventions

An important source of distortion in the representation of slave interests originated in the apportionment of the conventions. We demonstrate this using a measure of local representation based on the number of delegates each district elected. This information was coded from the individual pieces of legislation passed in late 1860 and early 1861 stipulating the apportionment of each convention. In all cases, the basis of representation was based on the apportionment of each corresponding legislature.<sup>11</sup> We focus on the founding members of the Confederacy (AL, FL, GA, LA, MS, and SC), whose choice to secede precipitated the conflict.

Following Ansolabehere, Gerber and Snyder (2002), we use a measure of representation which is relative to the “fair” level of each particular state (which they call the Relative Representation Index-*RRI*). Formally, this measure is:

$$RRI_i = \frac{D_{j(i)}/N_{j(i)}}{D_j/N_j}, \quad (1)$$

where the subscript  $j(i)$  indicates that district  $i$  is located in state  $j$ .  $D$  is the number of delegates and  $N$  denotes the voting population. This index creates a common metric across conventions by normalizing the representation of each locality by the voting power specific to each state. Individuals in districts with an index of less (more) than 1 were under-represented (over-represented) in their convention. An index value close to one corresponds to a level of representation consistent with the “one person, one vote” principle. We take

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<sup>11</sup>For instance, representation in the FL, GA, LA, and SC conventions equaled the combined number of representatives and senators apportioned to each county in the state legislature. In AL and MS apportionment was equal to the number of representatives in each state’s lower house.

the log to reduce the weight of outliers and the right skew of this variable and use the adult white male (hereafter AWM) population as a proxy for the number of eligible voters.

In Figure 1 we present two regression models predicting this index based on the level of local slave prevalence. Each model controls for factors that are usually associated with legislative malapportionment and potentially correlated with slave intensity. Namely, we include a set of demographic factors such as the total population, the level of urbanization, and the population density (given the 1860 county size in sq. km.). We control as well for the share of the district’s white population who were foreign born which could influence the size of the electorate. These demographics are taken from the 1860 Census and the county size was calculated using the Atlas of Historical County Boundaries (Newberry Library, Chicago). In all models we also include state fixed-effects; therefore all coefficients have a within-state interpretation.

We begin taking the slave population, as a proportion of total district population, as the main predictor of representation in the conventions.<sup>12</sup> This variable captures in a simple way the importance of slavery for the district-level economy. The left panel presents a partial-regression leverage plot with the predicted *RRI* on the y-axis against the predicted 1860 slave share on the x-axis. Each marker corresponds to a single district in the corresponding state. The estimated slope of 1.34 (S.E.=0.09) indicates that each percentage point increase in a district’s slave prevalence was associated with a greater than 1% increase in the district’s relative representation index. This implies that a district having 65% of its population enslaved (i.e., one standard deviation above the sample mean), is predicted to have a *RRI* 0.28 log points above that of the average district.<sup>13</sup> In terms of over-representation, the magnitude of this difference is substantial—such district is predicted to have a representation per voter that is more than twice the “fair” level in the particular state. Conversely, a district with a slave share of 21% (one standard deviation below the mean slave share), is highly underrepresented with a predicted *RRI* of just 0.65. The corresponding regression estimates are reported in the Appendix, Table A1.

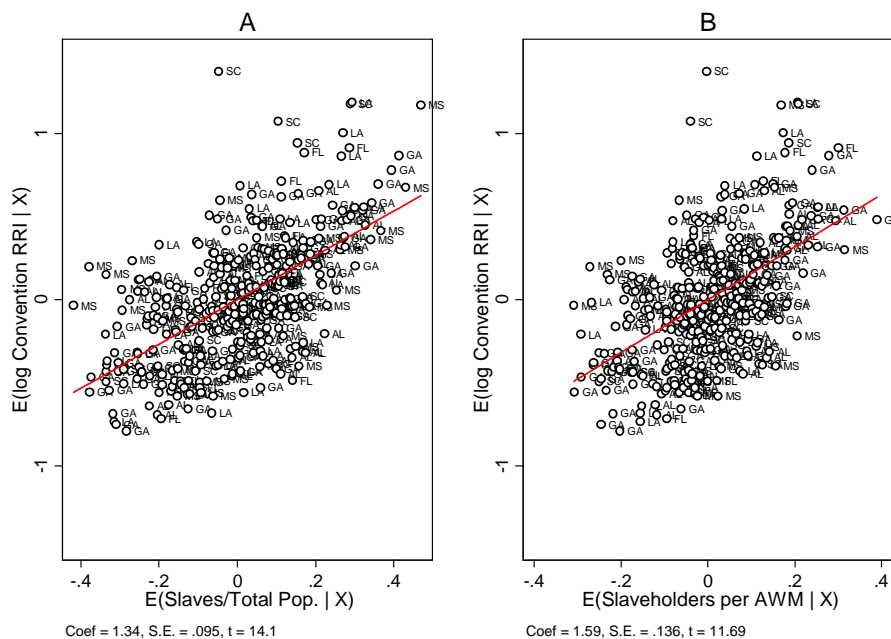
In panel B, we use the number of slaveholders as a proportion of the AWM population.

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<sup>12</sup>For multi-county districts we calculated weighted averages based on total population.

<sup>13</sup>This difference represents more than 60% of the standard deviation of the empirical distribution of the (log) *RRI* in the sample.

Figure 1: Convention Representation and Slavery’s Prevalence



*Notes:* Partial regression leverage plots with the predicted convention (log) *RRI* (vertical axis) against predicted district-level (A) slave share (slaves/population), (B) slaveholders share (slaveholders/AWM); both calculated using the 1860 Census. Each dot represents a single district. All models partial out the effect of (log) population, urban rate, share of foreign born, and population density (total population / district area).

As opposed to slave share which captures the importance of slavery for the local economy, this measure captures the breadth of slaveownership among the electorate. The estimated slope is again positive and highly significant. The point estimate of 1.59 (S.E.=0.14) implies that a district where half of its voters are slaveholders will have a predicted *RRI* score of 2.26, which is almost twice the relative representation score of the mean district in the sample (where slaveholders comprised roughly one third of the electorate). The difference in magnitude with a district one standard deviation below, where slaveholders represented only 17% of the voters, is more than 3-fold.

In our Online Appendix we explore the robustness of these results (Tables OA2-3 and Figures OA1-2). First, we perform a sensitivity analysis excluding outliers and taking each convention separately. We find that the positive association between slave prevalence

and over-representation is almost identical when outliers are removed and consistent across states. Second, we expand our list of controls and include other economic characteristics of constituencies (e.g., size of the manufacturing sector). Importantly, we control for local economic inequality using a measure of land inequality. All our estimates are robust to the inclusion of these additional controls. Lastly, we use alternative measures for the prevalence of slave labor, in particular for the incidence of large slaveholdings. We use the 1860 Census Slave Schedule to estimate the number of planters per AWM and the average slaveholding across districts.<sup>14</sup> These measures are consistent with our main findings.

### 3.2 The Political Geography of Slavery

It is well known that in majoritarian systems the degree to which representation reflects the preferences of the electorate depends on the distribution of voters across districts (e.g., Cox and Katz 2002; Chen and Rodden 2013; Erickson 1974). If voters with similar preferences are concentrated, then the surplus supporters above the plurality threshold do not result in greater legislative representation.<sup>15</sup> Similarly, these systems will benefit minority groups or small parties if their supporters are more concentrated than their ratio for the polity as a whole (Calvo and Rodden 2015). This was particularly relevant to an election dividing the electorate across slave ownership lines as natural endowments strongly conditioned the location of large-scale slavery.<sup>16</sup> This spatial concentration of slave labor meant that slaveholders were efficiently distributed such that they could fabricate pluralities in enough districts to constitute a majority of representatives. In addition, large swaths of the South contained many districts with few slaves and where most voters were non-slaveholders. This

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<sup>14</sup>We follow the norm in the literature and define planters as slaveholders owning 20 or more slaves (e.g., Kolchin 1993).

<sup>15</sup>For example, scholars argue that Democrats in the US are inefficiently concentrated in urban areas, leading to fewer representatives than their share among the electorate (e.g., Chen and Rodden 2013).

<sup>16</sup>For instance, studies have shown that slave prevalence in 1860 is highly correlated with soil suitability to cotton and climate suitability to the transmission of malaria parasites (e.g., Bertocchi and Dimico 2014).

“unintentional gerrymandering” resulted in a powerful electoral advantage for slaveholders.

[Table 1 about here]

In Table 1 we illustrate this bias in the election of convention delegates. Column (1) first reports the average non-slaveholder-to-slaveholder ratio for each of the original six Confederate states.<sup>17</sup> Although slaves constituted nearly 50% of the total population in these states, there were on average 2.3 non-slaveholding AWM for every one slaveholder. To show the inefficient concentration of non-slaveholders we sort counties from lowest to highest slave share and create two groups, each containing half of the non-slaveholding AWM. The inefficient spatial distribution of non-slaveholders is evident. In the low slave share districts (column 2), there were approximately 5.1 non-slaveholders for every slaveholder. Yet, these districts only elected on average 33% of the convention delegates. Column (3) shows that in the remaining counties there were on average only 1.4 non-slaveholders for every slaveholder. This occurs because slaveholders were efficiently concentrated in these districts. As reported in column (4), nearly 80% of the slaveholding population lived in these highest slave-share counties. The electoral advantage of this is shown in Column 5, as these most enslaved counties selected on average two-thirds of the delegates in each state’s convention. This uneven distribution of slave ownership was particularly pronounced in the three Lower South states with the greatest AWM populations (AL, GA and LA). Half of each state’s non-slaveholders lived in counties in which there were more than 5 non-slaveholders for every slaveholder.

### 3.3 A Biased System of Representation

Finally, in columns (6) and (7) we combine the spatial distribution of slave ownership with the apportionment of each convention to summarize the electoral advantage of high slave-dependent districts. We first construct a set of “minimal winning districts,” which is

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<sup>17</sup>We calculate the number of non-slaveholders by subtracting the slaveholders from the AWM population of each county. While rare, there were instances of non-AWM who were slaveholders (e.g., widows and free blacks). Yet, the Census data does not allow us to differentiate them.

defined as a subset of the most enslaved districts electing a simple majority of delegates. As shown in column (6), nearly half of the electorate of these districts were slaveholders (in SC, the first state to secede, the number of non-slaveholders is exactly the same as the number of slaveholders). While these districts contained only 41% of the AWM population of these states (column 7), they had 64% of its slaveholders and 78% of its planters (and 75% of its slaves). Hence, it is not surprising that these localities overwhelmingly elected secessionist candidates. Indeed, as we show below, nearly 90% of the delegates from these counties voted for secession in their convention. Since secessionists only needed a plurality in these minimal winning districts, the electorate effectively deciding on secession was very small. That is, due to the electoral system, the choice to rupture the Union with all of its foreseeable consequences was effectively made by a plurality of voters in an area containing 16% of the eventual Confederacy's electorate.

## 4 Conventions and Popular Support

We now use the election results for convention candidates to investigate how the electoral system in each state effectively lowered the level of support necessary to obtain an elected majority in favor of secession. In the Lower South states for which there are records, secessionist candidates received approximately 49% of the popular vote in GA (Johnson 1977), 52% in LA (Dew 1970), 56% in AL (Denman 1933), and 57% in MS (Rainwater 1938).<sup>18</sup> Based on these figures, historians have argued that while the Lower South electorate was divided, a majority in each state supported the movement (e.g., Barney 1974; Stamp 1980; McPherson 1988; Fogel 1994).

In this section, we show that these vote aggregates are not an accurate measure of the underlying support for secession as the use of plurality districts influenced the participation of voters. First, we document the steep decline in turnout in these elections. We characterize this decline by the low level of electoral competitiveness of many districts and argue

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<sup>18</sup>In the Upper South states having similar (pre-War) elections, the existing records reveal that secessionists were clearly a minority. In NC, secessionist candidates obtained approximately 40% of the popular vote (Kruman 1983) while in TN they received only 22% (Crofts 1989).

that this is partly explained by the electoral system used in each state. Specifically, voters residing in districts expected to be uncompetitive, such as those in high slave-dependent districts voting in favor of secession, had a lower incentive to turnout compared to a state referendum in which all votes are counted equally towards an aggregate state tally. In addition, opposing candidates were less likely to enter races in districts in which there was little chance of winning. We show that these mechanisms negatively affected turnout, but were a more important influence in the high slave-dependent counties won mostly by secessionists.

## 4.1 Turnout

Historians have long noted that turnout in the elections for convention delegates was very low, particularly in the Lower South (e.g., Johnson 1977; Barney 1974; Freehling 2007). We illustrate this by taking the 1860 presidential election turnout as a benchmark, which provides a lower bound for the number of eligible voters in each district. This election occurred less than two months prior to all the elections for delegates and provides a plausible counterfactual for the potential participation under a statewide referendum.<sup>19</sup> Relatively complete and quantifiable district-level returns exist for four Lower South states: AL, GA, LA, and MS (returns are missing for only 2% of the delegates).

Figure 2 shows the average district-level support for secessionist and cooperationist candidates, respectively, as a share of 1860 presidential turnout.<sup>20</sup> As shown in the third bar (left panel), on average a fourth of those who voted in the 1860 presidential election failed to turnout in the election of delegates. We further disaggregate counties won by secessionist and cooperationist candidates, respectively. In the secessionist counties (middle panel), which combined elected 55% of the delegates, more than a third of the voters who turned out in the presidential election abstained in the respective convention election. This is

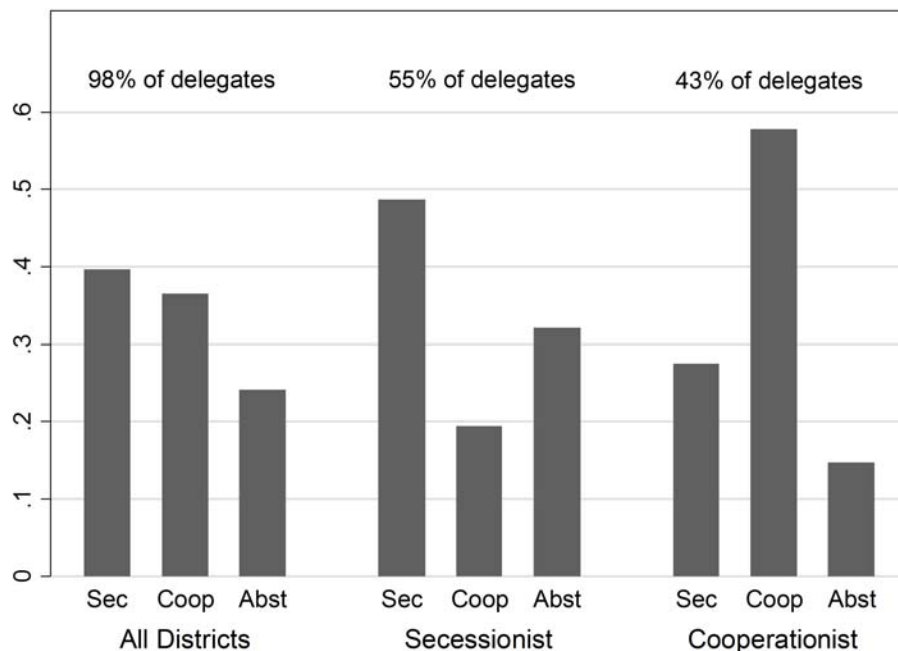
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<sup>19</sup>Because of the electoral college, and the rules adopted by each state, presidential elections are akin to a referendum to determine which candidate is to be awarded the state's electoral votes.

<sup>20</sup>In a few districts the presidential vote is not available so we use the turnout of the most recent gubernatorial race. For wards of New Orleans, we use the qualified voters registered in 1858. See Data Appendix for a detailed explanation and sources.



Figure 2: Voter Participation Election of Delegates



*Notes:* Each bar represents the average district-level vote, as a share of 1860 presidential turnout, in the elections for convention delegates in AL, GA, LA and MS. "Sec" and "Coop" is the vote received by secessionist, and cooperationist candidates, respectively. "Abst" is the average abstention (benchmark is the 1860 presidential turnout). Middle panel takes the sample of districts in which the highest vote was obtained by a secessionist candidate. Right panel are districts in which a cooperationist candidate received the highest vote.

more than twice the average abstention in counties won by cooperationist candidates (right panel).<sup>21</sup> The result of this steep decline in participation is that the majorities in these conventions were elected by 28% of the votes cast in the preceding presidential election and by only 21% of the AWM population in these states.

## 4.2 Local Competitiveness

While many causes have been offered for the decline in turnout, such as poor weather (Johnson 1977), voter intimidation (Williams 2008), resignation that secession was inevitable (Barney 1974), and collective action problems inherent to the heterogeneous cooperationist

<sup>21</sup>The  $p$ -value of the difference in means is less than 0.0001.

coalition (Freehling 2007; Johnson 1977), none has been able to account for the variation observed within states. For instance, approximately 10% of counties in these four states experienced a decline in turnout of more than 50%. Yet, 10% also witnessed an *increase* in turnout.

Theoretically, district demographics could partially explain this variation in participation. As is well known, the use of plurality voting to select representatives out of geographic districts is associated with low turnout (e.g., Jackman 1987), particularly in non-competitive districts (Eggers 2015).<sup>22</sup> This is very relevant given the high spatial concentration of slaves. Namely, in districts having a high share of slaves the likelihood of electing a secessionist candidate was high. Similarly, the likelihood of electing a cooperationist representative was high in the low-slave-share districts. This implies that many of these local races were unlikely to be competitive. The electoral returns bear out this effect. The average margin of victory was 44%, and in only 15% of counties in these states was the election decided by 10 percentage points or less.<sup>23</sup>

In Figure 3 we provide systematic evidence of the positive association between local competitiveness and the participation in these elections. Again, we take the 1860 presidential election turnout as a benchmark. The left panel (A) presents a partial regression plot with the predicted change in turnout between these elections in the y-axis and a predicted measure of district competitiveness in the x-axis.<sup>24</sup> By measuring the change within each

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<sup>22</sup>The standard argument is that non-competitive districts are perceived as “safe seats” where the election outcome locally is highly predictable. This discourages participation given some non-negligible cost of voting.

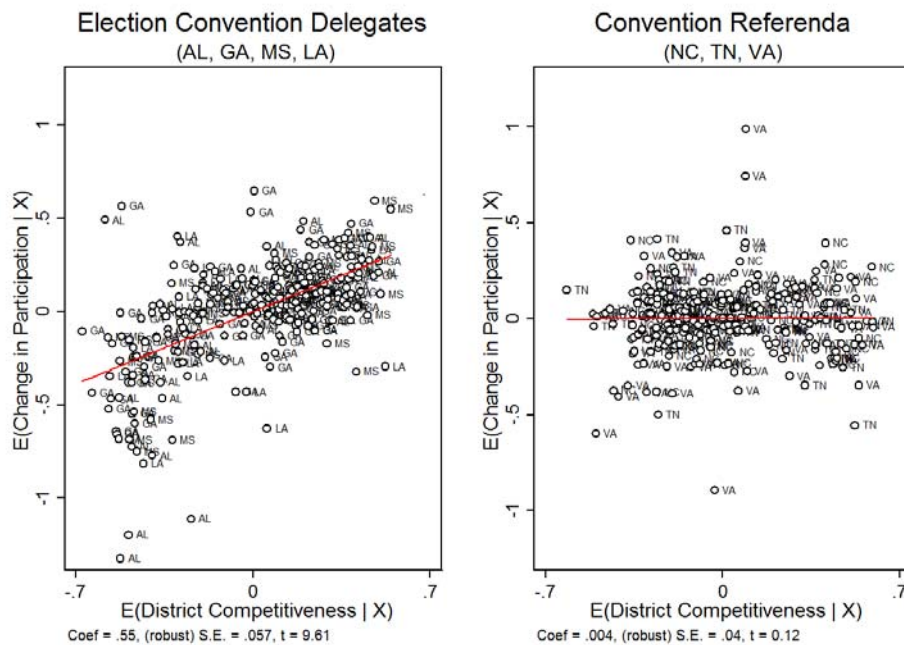
<sup>23</sup>Specifically, on average, 27.9% of the votes were wasted (cast for the losing candidate), 44% were surplus (cast for the winning candidate but not necessary to win the local race), and only 28.1% were effective (needed to win the election).

<sup>24</sup>Explicitly, competitiveness in district  $i$ , state  $j$ , is measure by

$$1 - \left| \% \text{ vote for secessionists}_{ij} - \% \text{ vote for cooperationists}_{ij} \right|.$$

Thus a value of 1 represents a perfect parity between the two positions and as the index

Figure 3: Change in Turnout, Secession and 1860 Presidential Election



*Notes:* The dependent variable in model is the district-level change in voter participation between i) the elections for convention delegates (left panel), or, ii) the secession referenda (right panel) and the 1860 Presidential election. The main explanatory variable is: 1—(margin of victory)—(in each respective election). Each model controls for slaveholders share, the effective number of parties in the presidential election, and includes state fixed effects.

county we are able to control for many unobserved factors that may affect turnout. We partial out as well the impact of prior competitiveness by controlling for the Laakso and Taagepera (1979) effective number of parties index in the presidential election. In addition, we include a set of demographics which could condition both participation and competitiveness (e.g., the number of slaveholders in the electorate and the total population) and to control for unobserved state-level factors we include state fixed effects.<sup>25</sup>

This figure indicates a strong positive and highly significant correlation between district approaches 0 the district becomes less competitive.

<sup>25</sup>Expectations about the overall support for the movement in the state may have negatively influenced the participation locally. For instance, a member of the SC Legislature argued that turnout was low among Unionist in low-slave dependent regions because “The

competitiveness and change in turnout. The slope coefficient of 0.55 (S.E. = 0.046) implies that a one-standard-deviation increase in the competitiveness of a district is associated with an increase in participation of 17.5 percentage points between these elections. Compared to the mean decline in turnout (33%) the magnitude of this increase is very substantial. This relationship is not driven by any particular outlier, in fact once we identify and exclude outliers the positive slope is more precisely estimated (see Figure OA3).

Further evidence that these plurality districts conditioned voter behavior comes from the Upper South states that held (pre-War) referendums on questions pertaining to secession. In NC for instance, where voters were asked whether or not they wanted their state to hold a secession convention, turnout declined by only 3% compared to the 1860 presidential election. Similarly, in VA voters were asked whether a secession decision by the proposed convention should only go into effect if ratified subsequently by a popular vote, county turnout fell on average 2.3 percentage points. Overall, the average decline in turnout in the referenda for which data is available (NC, TN, and VA) was below 5%. This key difference in participation between these referendums and the election of convention delegates in the Lower South is shown in the right panel, Figure 3. As can be seen, the relationship between the closeness of the local result and the change in turnout is insignificant. This makes sense as votes for a losing candidate count for nothing, while every vote in a referendum adds to the aggregate state tally.

### 4.3 Candidate Entry

An additional electoral factor associated with the low turnout in the elections of delegates is the high number of districts with candidates running unopposed. This potentially had a negative impact on participation as the strategic choice by candidates of whether or not to run should affect the number of votes cast, as the opposition voters have no representatives to vote for. Overall, around 10 percent of the seats in these conventions were elected from uncontested districts which contained 9% of the AWM in these states. This is particularly relevant for districts won by secessionist candidates as approximately 12.5% of them were uncontested (these districts contained 7.4% of the AWM population of these states). By

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Union men thought it was a foregone conclusion that the State would secede, & it was not worth their while to go to the polls (as quoted in Sinha (2003: 242).”

comparison, approximately 5.7% of the districts won by cooperationists were uncontested (these districts contained only 1.4% of the AWM of these states).

#### 4.4 Did Abstainers Opposed Secession?

Our evidence suggests that if the Lower South states would have allowed referendum procedures, overall turnout would have increased and perhaps even a majority would have voted against secession. This counterfactual is consistent with a historical literature on the crisis downplaying the popularity of the movement and arguing that only a minority in each state supported it (e.g., Potter 1942; Escott 1992; Freehling 2007). As Potter (1942, 208) claims, “At no time during the winter of 1860-1861 was secession desired by a majority of people in the slave states...Furthermore, secession was not basically desired even by a majority in the lower South.”

Although we lack the evidence necessary to systematically investigate these arguments, many works provide suggestive evidence that abstainers tended to oppose secession and were intimidated by secessionists, especially in the slave-intensive counties (e.g., Barney 2011; Sinha 2003; Williams 2008). For instance, a cooperationist in MS said “I knew many who were in favor of the Union, who were intimidated by threats, and by the odium attending it, from voting at all” (as cited in Barney 1974, 269).<sup>26</sup> For these reasons some historians have claimed that the elected pro-secession majorities in the Lower South states reflected substantial voter fraud and intimidation (e.g., McCurry 2010).

The argument that abstention was systematically influenced by coercion fits broadly with the more conventional view that the slaveholding elite used “the traditional powers of their planter oligarchy” to overcome the will of the non-slaveholding majority during the crisis (Donnelly 1965, 81).<sup>27</sup> Yet, the use of voter suppression is largely complementary

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<sup>26</sup>Similarly, a cooperationist in Texas wrote that secession was achieved by the “reign of terror of a “ferocious minority...I only dared protest as strongly and I thought prudent...accordingly I did not vote” (as cited in Freehling 2007, 459)

<sup>27</sup>As Acemoglu and Robinson (2006) argue, this traditional (*de facto*) power of slaveholders could be explained not only by their control over the economic system but also by their greater education and ability to act collectively.

to our institutional argument. While these tactics may have helped slaveholders to obtain pluralities in the high-slave districts, it would have been much more costly, if not impossible, to employ in the low-slave districts.<sup>28</sup> Moreover, since secessionists only needed to win pluralities in districts comprising a majority of delegates, the geographic scale of where they may have needed to employ these tactics was significantly reduced. That is, the conventions localized political competition and significantly lowered the share of (swing) voters secessionists needed to intimidate in order to obtain a majority of delegates.

## 5 Representation in the Conventions

In this section we analyze the voting behavior of delegates in the conventions. Since the final choice on secession was transferred from the voters to representatives, a relevant question is whether delegates effectively represented the economic interests of their constituents. In particular, delegates could have been more responsive to the interest of large slaveholders implying an additional source of distortion. Although some historical accounts have discussed the relationship between slavery and the secession ordinances (notably Wooster 1962), no previous work, to our knowledge, has systematically explored the voting behavior of delegates or tested whether they faithfully represented the economic interests of constituencies. We explore this using a comprehensive list of votes in various conventions and test whether the delegate-level support for the movement was divided across the slave ownership structure of constituencies. Overall, we find that delegates were responsive to both high and low slave-dependent constituencies.

### 5.1 Data

Using the official journal of each convention, we coded all roll-calls where we could infer the revealed position on secession and match each delegate to their constituency. We restrict the analysis to votes that occurred prior to the firing on Fort Sumter (April 15, 1861), since as mentioned, the costs and benefits of secession were altered significantly by the

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<sup>28</sup>As the relatively high turnout and lopsided victories in favor of cooperationists indicate, these tactics were either not used or were ineffective in the low-slave districts.

onset of hostilities.<sup>29</sup> Ten states held a convention prior to April 15, 1861. From these, seven records were available and suitable for our analysis: five Lower South states which seceded unilaterally in their convention (FL, AL, GA, MS, and LA), and two Upper South states (AR and VA) in which a majority of delegates rejected such motion.<sup>30</sup> Hence our analysis comprises seven independent legislative bodies. In total, we coded 27 motions and resolutions involving 920 delegates and 3,213 individual votes. The precise resolutions, their description, and the final vote tally in each is presented in the Data Appendix.

Each coding includes the vote on the final ordinance.<sup>31</sup> While pre-ordinance motions were not identical across states, in the Lower South conventions the substance and sequence of the votes is similar. The first entailed a motion on whether the state had the right or an obligation to secede given the threat of Lincoln's election. Cooperationists would then offer an alternative to either delay the vote or to organize a Southern-wide convention to bargain with the North as a unified regional bloc. When this alternative was voted down, cooperationists would then put forth a resolution that the convention's decision should not take effect until ratified by the people. Additional votes before the final ordinance include other motions such that the convention's decision would not go into effect until a stipulated number of neighboring states also seceded. In all cases, we were able to identify at least two roll calls that grouped delegates into clear pro- and anti-secession camps.<sup>32</sup>

Our main explanatory variable is the slave share in each electoral constituency. As explained, this measure captures the direct economic interest of slaveholders and the pos-

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<sup>29</sup>This means that, for instance, we analyze the vote on secession of the Virginia convention held on April 4th, but do not include the subsequent votes in the same convention held on April 17th.

<sup>30</sup>In the SC convention there was only one roll call (not recorded) before the final vote on secession. The secession ordinance was passed with unanimous support. We cannot include MO for the opposite reason (i.e., secession was nearly unanimously rejected). We exclude TX for reasons discussed in footnote 8.

<sup>31</sup>Specifically, the last vote we coded was the final vote on secession.

<sup>32</sup>In the Upper South conventions, fewer pre-final votes took place since a majority used procedural methods to prevent secession resolutions from reaching the floor.

sible indirect interests of non-slaveholders. Yet, slave incidence is potentially correlated with many local features which could have directly altered the cost and benefits of secession. Hence, we control for a number of economic factors such the level of non-agricultural wealth which we proxy by using population density in 1860. Similarly, local commercial connections and access to markets could have shaped the willingness to secede (Noe 1994), which we control for by calculating the railway coverage circa 1860 (normalized by county area). We created this measure using the GIS data on historical railway lines from the University of Nebraska’s Center for Digital Research in the Humanities. Slave prevalence is also commonly associated with wealth inequalities thus our slave measure could pick up the effect of local inequality leading to an omitted variable bias. To address this, in all models we control for land inequality using a Gini index similar to the one employed by Nunn (2008). All models also include the (log) size in square km and the (log) total population of the district as independent controls to account for scale effects.

We control for some delegate-specific characteristics that may have influenced their position on secession and override the importance of their constituents’ interests. Primarily, a delegate’s personal economic interest in slavery may crucially influence his vote. To allow for this possibility, we control for the number of slaves each delegate owned in 1860. Our main source for this measure is the Slave Schedule of the Census, which lists slaveholdings by private individuals. Each record was located manually using Ancestry.com, which allowed us to identify the information using the name of each delegate. Ideally, we would control for the ideology and party affiliation of delegates as well. For instance, we would like to estimate and control for an ideological score based on previous voting records. Unfortunately, systematic information on the party affiliation of representatives is not available, nor do we have previous voting records in other legislatures. Our second best strategy is to complement delegates’ slaveholdings with other personal characteristics using the biographical information collected by Wooster (1951; 1954; 1956; 1958). This information includes the age, occupation, birth place, the value of real property of delegates, it is available for 4 of the 7 conventions analyzed. Summary statistics of all the variables are presented in our Online Appendix.



## 5.2 Results

We investigate the statistical relationship between the delegate-level support for secession and the slave dependence of their constituents using a series of logit models where the dependent variable is an indicator for either a “*yea* (1)” or a “*nay* (0)” on each motion (*yea* represents a pro-secession position).<sup>33</sup> In addition to the characteristics described above, we include a full set of motion fixed effects. In all models, standard errors are clustered at the delegate level and robust to arbitrary heteroskedasticity.<sup>34</sup>

Figure 4 summarizes our estimates. We plot the corresponding marginal effect, and its 95% confidence interval, of district slave share on the likelihood of a pro-secession vote in each convention (Table A2 shows the corresponding regression output).<sup>35</sup> All models include the same set of controls. The estimate on slave share for all conventions is positive and highly statistically significant. The magnitude of these effects is also large. For instance, the estimated effect for FL implies that a delegate from a county one standard deviation above the mean slave share is expected to have around 0.22 more chance of voting for secession than a delegate from the “average county” of this state. The point estimates for the other Lower South states (MS, LA, AL, and GA), are remarkably similar and precisely estimated. These indicate an elasticity of support for secession with respect

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<sup>33</sup>This model can be interpreted as an approximation of a general latent utility model of the form

$$\begin{aligned}
 u_i^*(\phi) &= \beta \mathbf{w}_i^\phi + e_i^\phi \text{ for } \phi \in \{0, 1\} \\
 y_i &= 1 \{u_i^*(1) > u_i^*(0)\},
 \end{aligned}$$

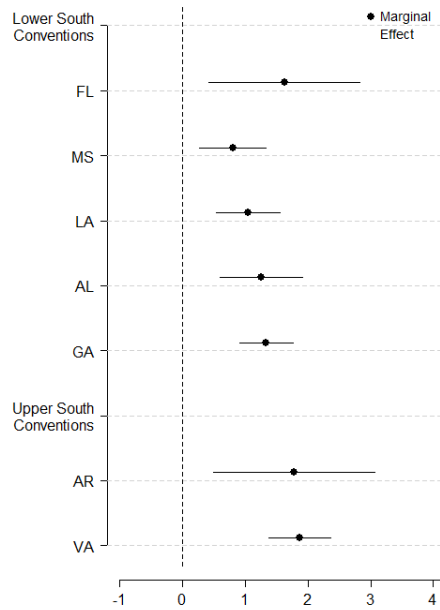
where  $\{\mathbf{w}_i^\phi\}_i$  is a set of covariates and  $\{e_i^\phi\}_i$  a set of errors such that  $e_i^1 - e_i^0 | (\mathbf{w}_i^1, \mathbf{w}_i^0) \sim F$ . The pdf of  $F$  is continuous and symmetric around zero.

<sup>34</sup>Hence, our inferences are robust to any form of serial correlation arising from time-invariant characteristics not included such as ideology or racial prejudice.

<sup>35</sup>Given the small number of motions available and the lack of “bridge” legislative bodies, we do not estimate a pooled model using all the conventions.

to constituency slave share of approximately 1.<sup>36</sup>

Figure 4: The Effect of Local Slave Incidence on Secession Votes



*Notes:* Each dot corresponds to the marginal effect of 1860 slave share in a logit model predicting the delegate-level likelihood of casting a pro-secession vote. Horizontal lines are 95

The results for the two Upper South conventions (AR and VA) are very similar. The marginal effect estimate of 1.78 (S.E.=0.65) for AR implies that a representative from a county having a slave share one standard deviation above the state mean is approximately 29% more likely to cast a pro-secession vote. For such a delegate in the VA convention, the magnitude of this effect is 39%. These estimates suggest that the behavior of delegates was similar across states and that the positive influence of slave labor dependence was not particular to the Lower South, although as we know, state-level prevalence of slavery was significantly lower in the Upper South region.

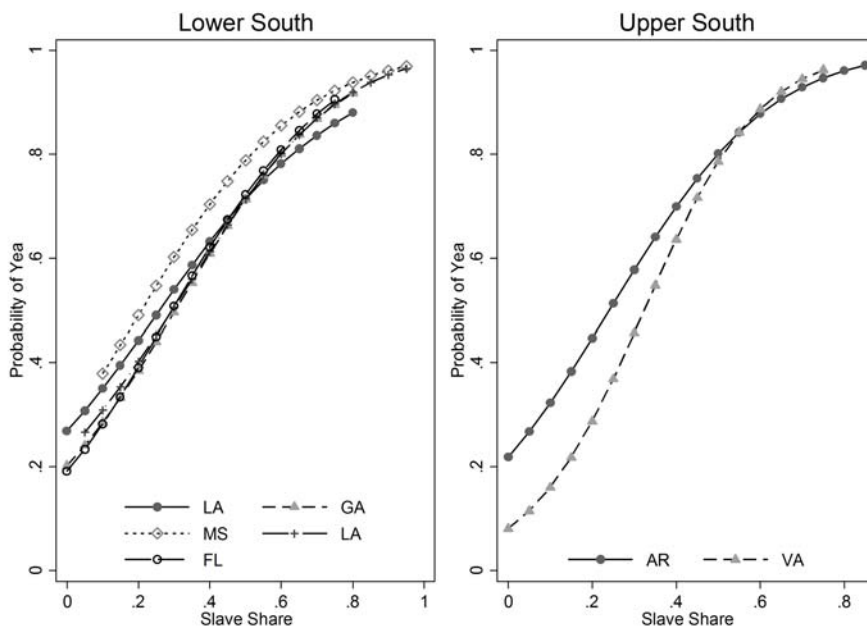
To provide a more illustrative idea of the magnitude of these effects, we present the predicted probabilities of the observed pro-secession votes across the within-sample vari-

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<sup>36</sup>An elasticity of 1 in this setting is not economically meaningful but serves as a benchmark across states. The logit marginal effects are: 0.8 (S.E. = 0.3) for MS, 1.05 (S.E.=0.3) for LA, 1.2 (S.E.=0.3) for AL, and 1.3 (S.E.=0.2) for GA.

ation on district slave share for each convention in Figure 5. In all models we hold all the other explanatory variables at their local mean. The monotonic and positive effect of slave incidence on the likelihood of delegate support is clear in all the conventions. For instance, a delegate representing a district in the bottom 25th percentile of the slave share distribution in GA has an (average) predicted probability of 29% of casting a pro-secession vote. This probability rises to 85% for a delegate representing a district in the top 25th percentile. The predictions for the voting behavior of delegates in the two Upper South conventions are remarkably similar (e.g., a delegate in AR coming from a district in the bottom 25th percentile votes affirmatively with a probability of 24% while one representing a district in the top 25th does so with a probability of 87%).

Figure 5: Predicted Probability of Casting a pro-Secession Vote



### 5.3 Robustness

In our Online Appendix we explore the robustness of our estimates. First, while the vote on the final ordinance tended to be lopsided, pre-ordinance votes were generally closely contested. With the exception of MS, the average support for the pre-ordinance motions indicate that much smaller majorities in AL (54%), GA (55%), FL (58%), and LA (68%)

avored secession.<sup>37</sup> This suggest that the final votes contained a significant degree of strategic behavior by delegates.<sup>38</sup> To account for this, we perform a sensitivity analysis excluding the final vote from the sample in each convention. As expected, the estimated effects of slave share excluding the final vote is generally bigger and more precisely estimated. In addition, we run our models taking only the final vote roll-calls and find that the effect is smaller, more noisy, and for some conventions is not even statistically significant (Table OA4). Second, we augment the set of controls to account for additional economic, political, and cultural factors which could be associated with slavery. For example, we control for other potentially relevant economic characteristics, such as the size of the manufacturing sector, which could be negatively correlated with slavery and alter the benefits of separation. Lastly, we use the number of slaveholders (as % of the AWM population) as an alternative explanatory variable. Overall, the association between local slave incidence and support for immediate secession in these conventions is robust to the inclusion of additional controls and to these other specifications (Tables OA5-6).

## 6 The Persistence of Southern Malapportionment

As explained above, the system of representation used in all conventions closely mirrored the existing system to select state legislators. Thus, the electoral constituencies we have studied so far were not created during the crisis. Yet, the legislative representation in 1860 could reflect, however implausible, a successful attempt by secessionists to manipulate state

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<sup>37</sup>These figures represent the average share of delegates making a pro-secession vote across all pre-ordinance roll-calls.

<sup>38</sup>The leader of the cooperationists in the AL convention, Jeremiah Clemens, articulated this strategic behavior in a speech prior to the final vote: “I believe your Ordinance to be wrong—if I could defeat it I would; but I know I cannot. It will pass, and, when passed, it becomes the act of the State of Alabama...[A]lthough as a member of this convention I opposed your Ordinance...my name shall stand upon the original vote, and side by side with you I brave the consequences. I vote in the affirmative. (as cited in the *New York Times*, January 28, 1861).”

institutions anticipating the sectional crisis. We now investigate some historical correlates to demonstrate this is highly unlikely. First, we show that the legislative malapportionment of the seceding states can be traced back to the late 18th century and persisted throughout the first half of the 19th century. Second, we show how the early concentration of slave labor is associated with the initial patterns of legislative representation in these states. Therefore, the overrepresentation of slave districts in the early 1860s was unlikely associated with any long-standing preference for secession or with any possible political manipulation in the midst of the crisis.

In Table 2 we present the relationship between legislative representation and a number of historical variables. Legislative representation is measured the same way we measured the relative representation of districts in the secession conventions.<sup>39</sup> Since states entered the Union at different times, each model varies in the number of states included. All models include state fixed effects and controls for the previously used district-level factors that might be correlated with state-level representation (e.g., total population, share of urban population, and foreign-born white population in 1860, respectively).

[Table 2 about here]

Column (1) shows the simple bivariate relationship between the representation of districts in the convention and their corresponding legislative representation in 1860. The nearly perfect correlation indicates that the electoral system of the legislatures was indeed used in the conventions. In next columns we then predict the 1860 legislative representation using the exact same measure in 1830.<sup>40</sup> This model reveals a positive and highly significant association which demonstrates that counties that were overrepresented in 1860 were similarly overrepresented thirty years earlier. The fit of this model ( $R^2 = 0.48$ ) also indicates the high degree of persistence in these electoral systems. These results are nearly

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<sup>39</sup>Namely, we identify the statutes or provisions specifying the apportionment of each legislature for each decade year between 1790 and 1860. As each state legislature was bicameral, we follow Ansolabehere, Gerber and Snyder (2002) and take the average across chambers.

<sup>40</sup>Due to their later admission, FL and TX are not included in this sample.

identical when we restrict the sample to the Lower South states that lead the secession movement (column 3). We then explain the 1840 representation with the “initial representation” corresponding to the apportionment stipulated in each state’s initial constitution.<sup>41</sup> As seen, districts that were originally overrepresented in the late 18th century and early 19th century were still significantly overrepresented in the 1830s (columns 4 and 5).

In the last two columns we explore the relationship between the initial level of representation and early patterns of slave labor concentration. First, we estimate a model taking the district-level slave share in 1790, the first census-year following independence (column 6). The coefficient of 1.94 (S.E. = 0.17) on this variable indicates that each percentage point increase in a district’s slave share was associated with a nearly 2% increase in the initial *RRI*. This implies that a district having half of its population enslaved in 1790 (approximately one standard deviation above the mean district) is predicted to have an initial *RRI* 0.36 log points above that of the average district. Second, the 1790 Census provides the number of slaveholding households, which we use to calculate the share of households who do not own slaves. Column 6 shows that this alternative measure of slave prevalence is strongly and inversely correlated with the initial overrepresentation validating our previous result.

Unfortunately, we cannot investigate whether the spatial distribution of non-slaveholders and slaveholders was similarly biased over time. The Census only collected data on slave ownership in 1790 and 1860, and in the seceding states, the 1790 records are only available for NC and SC. The existing data for these states indicates that the bias in favor of slave districts was present from the nation’s founding. In each state, the share of the state’s AWM who were slaveholders was approximately 27%. Yet, half of SC’s non-slaveholders resided in districts comprising 19% of the state’s house seats and 22% of the state’s senate seats. In these counties, the non-slaveholder to slaveholder ratio was approximately 4. In the remaining counties, which comprised roughly 80% of the SC’s legislative seats, slaveholders were concentrated such that this ratio was approximately 1. Slaveholders in NC were similarly distributed such that they were concentrated in counties which comprised a large majority of the legislative seats.

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<sup>41</sup>For GA, NC, SC, and VA we proxy the initial apportionment using the 1790 apportionment. For TN we use 1800 and for AL, LA, and MS we use the 1820 values.

## 7 Why Conventions?

The evidence presented thus far indicates that the conventions were advantageous to slaveholders and were an important component of the strategy for achieving secession. Given that the electoral system employed to select delegates used the existing legislative districts and apportionment, the anticipated effect of this mechanism was surely evident and should have therefore been opposed by anti-secessionist members of the each state's legislature.<sup>42</sup> If the passage and implementation of these conventions implies that a majority of legislators in each state was in favor of secession, why was it not voted upon directly in the various legislatures? We argue that secessionists saw the conventions as an important process for legitimizing this highly consequential choice, but without the risks associated with a statewide referendum. We use the national debates regarding the admission of Kansas as a slave state to briefly demonstrate that the use of conventions to bypass majority opposition had a distinct tradition in the South.

Holding elections for convention delegates entailed electoral risks, and many secessionists demanded to vote expediently on this in the state legislatures.<sup>43</sup> Yet, many also questioned the legitimacy and consequences of doing so, as this would violate a long-held norm regarding the fundamental distinction between constitutional and statutory law (e.g., Dodd 1910; Green 1930). As Tarr (2000, 69) explains, "The notion that a legislature, even if a 'full and free representation of the people', might lack sufficient authority to act for the people reflected a recognition, present from the outset, that [state] constitutions differed from ordinary statutes and that greater popular input and control were required for their adoption." Alexander Stephens, future Vice-President of the Confederacy, invoked this norm in

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<sup>42</sup>Indeed, as we described above, state legislators opposed to secession vigorously fought against the creation of these conventions (e.g., Crofts 1989; Harris 1988; Johnson 1977; Wooster 1962).

<sup>43</sup>This concern was expressed in a letter from a SC legislator to Congressman M.L. Bonham: "many...are in favor of declaring SC out of the Union, by enacting a law to that effect. They know that if the people should decide against them, it will be decisive against separate state action for all time to come" (Bonham Papers, SCL).

a speech to the GA legislature in November of 1860, when he said, “the Legislature is not the proper body to sever our Federal Relations....Sovereignty is not in the Legislature (as cited in Freehling and Simpson 1992).”

While the use of conventions for constitutional reforms was institutionalized across all states, the Southern states deviated from Northern states in terms of not requiring a posterior ratification by voters (Tarr 2000). Instead, these states developed a norm which Freehling (2007, 133) describes as the “Southern gospel of a state convention’s absolute sovereignty.” Thus, when Stephens in the same speech admonished the GA legislature, “you have no power to act, and must refer this question to the people....We, the people are the sovereigns”, he argued for the necessity of receiving popular consent for such a consequential decision. Yet, his concept of “the people” did not conform to an exercise of direct democracy but to this Southern norm of representative democracy. As he explained, “[I] know of no way to decide great questions affecting fundamental laws except by representatives of the people.”

An example of the strategic use of this tradition was revealed in the debates regarding that admission of Kansas to the Union in 1857 and 1858. This episode is particularly interesting because it shows how a convention was previously used to bypass perceived majority opposition to bringing a slave state *into* the Union. A sectional conflict occurred when a convention in Kansas requested admission to the Union without submitting the proposed constitution to the territory’s voters for ratification.<sup>44</sup> When the Presidentially-appointed territorial governor opposed the admission, MS Congressman, prominent jurist, and future delegate to the MS secession convention, Lucius Lamar, wrote to the US Secretary of the Treasury Howell Cobb that it was a “shameless abandonment of our right...[to] oppose the admission of a slave state, merely because her constitution was not submitted to the people” (Cobb Letters, LC). On the question of the “propriety of submitting the constitution for ratification”, Alexander Stephens similarly wrote to Cobb that, “I have nothing to say, because...it is the right of the convention to do it or not, as they please (Stephens Letters, LC).” Cobb, a future secessionist and the first President of the Provisional Confederate

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<sup>44</sup>Specifically, the convention determined that slaves already brought into the territory were permitted to remain as slaves, and this decision was not submitted for voter ratification (Freehling 2007: 134).



Congress, responded to Stephens that “refusing to submit the constitution to the people for ratification...will produce the most dangerous crisis we have yet had on the Kansas question. The reply can be made with overwhelming power that the refusal to submit was the result alone of a fear that a majority would condemn it” (Cobb Letters, LC).

The ensuing debates in Congress on the Kansas issue in early 1858 revealed the divide between free and slave states on the unlimited powers of conventions. In a speech to the US Senate, New York (NY) Senator, Preston King, claimed that if Kansas were admitted, then “the sovereign right of the people is denied, and the sovereign right of a convention is affirmed...[The question] is no less vital to the people of every State now in the Union, because it is the question where sovereignty resides, whether in representative bodies, or in the people.” Stephen Mallory, senator from FL, challenged King’s premise by arguing that the free states’ objections “could be summed up in this: the constitution framed at Lecompton was not submitted to the vote of the people, and it does not reflect the will of the people of Kansas. Let me ask, sir, who are the people of Kansas? The senator from NY says that the people means the majority. I deny any such doctrine.” In his famous “Cotton is King” speech to the Senate in March, 1858, SC Senator James Hammond began by stating that the free states would admit Kansas if “this constitution embodied the will of the people of Kansas...the only question is, how that will is to be ascertained, and upon that point, we differ. In my opinion the will of the people of Kansas is to be sought in the act of her lawful convention elected to form a constitution, and no where else.”

We therefore interpret the creation of the secession conventions as a calculated risk necessary to legitimize the movement. Why would secessionists care about the perceived legitimacy of the mechanism implemented? Of particular relevance, legitimacy has been found to increase support for war (Levi 1997) and lower the need to use coercive measures (Tyler 2006). Secession would likely lead to conflict, and the mobilization of non-slaveholders would be critical to the South’s prospects for independence. In the same speech, Stephens articulated this logic: “The greatest curse that can befall a free people is civil war. Let all these matters be submitted to a convention of the people, and when the will of the majority of the people has thus been expressed, the whole State will present one unanimous voice in favor of whatever may be demanded.”

## 8 Conclusion

In this study, we investigate how elites exploited Southern representative institutions to allow a small minority to choose secession for their states. Specifically, we argue that the choice of state legislatures in the Lower South to use conventions instead of referenda was strategically chosen to bypass perceived opposition to the secession movement of 1860. Our results indicate that the geographic intensity of slavery was related to significant distortions to representation that greatly magnified the electoral power of high slave-intensity regions.

Our argument, of course, does not preclude the possibility that conflict over slavery would have occurred regardless of Lincoln's election. Economic historians have shown that slavery was thriving and there were no signs of an impending economically-determined demise (Fogel 1994). Slaveholders' concerns would only grow more acute with the ability of an anti-slavery administration to use federal patronage to build a Republican Party in the South (Freehling 2007). This suggests that slaveholders harbored significant suspicions of the Southern non-slaveholding majority's commitment to protect slavery and may indicate that conflict was unavoidable.

There was also open talks of irregular measures to overthrow the state governments if secession was thwarted politically. The extra-legal convention held in TX is a notable example. Despite these possible *de facto* mechanisms, there is substantial evidence that secessionists believed it was important to secede by legal means. As we have argued, they tried to legitimize their cause using an established legal norm. Coups and other non-democratic methods would have therefore hurt the cause of mobilizing support, especially among the nonslaveholding majority.

Yet, the choice to not risk rejection in a referendum may have ultimately undermined secessionists' goal. For instance, Olken (2010) demonstrated that direct democracy increases the legitimacy of public decisions, even if they were the same as made by representative democracy. This is relevant to the outcome of the Civil War since scholars have questioned why an area the size of the South was overwhelmed in such a short period of time (e.g., Bearman 1991). Many historians have argued that internal dissension, in particular, class conflicts, contributed more to its collapse than military defeat by a superior adversary (Beringer et al. 1986; Escott 1978; Freehling 2001; Williams 2008). This dissension is demonstrated by the fact that more than 10% of the soldiers from the Confederate states

fought for the Union and desertion became an increasing problem as the war dragged on (Freehling 2001). Beringer et al. (1986) observed that, “After three years of essentially successful defense against powerful invading forces these prolonged strains proved more than Confederate nationalism could bear. . . Confederates by thousands of individual decisions, abandoned the struggle for and allegiance to the Confederate States of America.” This weakness was particularly pronounced in the low slave regions. Bearman (1991), for instance, found that in NC, soldiers from the persistently underrepresented ‘uphill’ regions were nine times as likely to desert as those from the heavily enslaved piedmont, even when controlling for slaveholdings and wealth of the soldiers. The representative institutions of the South allowed slaveholders to dominate politics but could not force the yeoman to fight indefinitely for their dream of an independent slave republic.

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Table 1  
Spatial Distribution of Slave Ownership, 1860

	Non-Slaveholders to Slaveholders			% of State Slaveholders	% Convention Delegates	Non-Slaveholders to Slaveholders	% of State AWM
	All Districts (1)	Low Slave Share (2)	High Slave Share (3)	High Slave Share (4)	High Slave Share (5)	Minimal Winning (6)	Minimal Winning (7)
Alabama	2.5	5.7	1.6	77.6	64	1.3	43.7
Florida	2.6	4.6	1.9	74.5	61.6	1.5	47.1
Georgia	2.2	5.2	1.4	78.1	62.1	1.2	42.6
Louisiana	3.5	11.6	2.1	85.3	84.3	1.1	27.8
Mississippi	1.7	2.9	1.2	70.6	60.2	1.1	45.9
South Carolina	1.5	2.5	1.2	73.1	74.7	1.0	44.8
All	2.3	5.1	1.4	78.2	67.2	1.2	41.3
Districts	375	141	234	234	234	174	174

*Notes:* the ratio of non-slaveholders to slaveholders (columns 1-3, 6), the share of slaveholders (column 4), and the share of AWM (column 7) is calculated from the 1860 Census. The set of “Minimum winning” districts (columns 6-7) is based on a simple majority of delegates in each convention sorting counties from highest to lowest slave share.

Table 2  
Persistence and Determinants of Southern Political Inequality

Dependent Variable:	Convention <i>RRI</i>	Legislative <i>RRI</i> 1860		Legislative <i>RRI</i> 1830		Initial Legislative <i>RRI</i>	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Legislative <i>RRI</i> , 1860	0.98*** (0.02)						
Legislative <i>RRI</i> , 1830		0.54*** (0.05)	0.57*** (0.06)				
Initial Legislative <i>RRI</i>				0.37*** (0.05)	0.51*** (0.08)		
Slave Share, 1790						1.98*** (0.17)	
% Non-Slaveholding Households, 1790							-1.43*** (0.37)
<i>R</i> <sup>2</sup>	0.83	0.48	0.61	0.44	0.61	0.83	0.51
Districts	770	424	195	238	92	180	86
Sample	Confederate States	Confederate States	Lower South	Confederate States	Lower South	Original States	Original States

*Notes:* Each column reports an OLS estimate (robust standard errors in parenthesis). In models (1)-(3) we control for log total population, urbanization rate, and foreign-born population share, all from 1860. Models (4)-(7) control for the log total population in the respective decade. All models include state fixed effects. Confederate states: AL, AR, FL, GA, LA, MS, NC, SC, TX, and VA. Lower South states: AL, GA, LA, MS, and SC. Original states: GA, NC, SC, and VA.

## Data Appendix

Table DA1. District-level Variables and Sources

Variable	Description	Source
Relative Representation Index ( <i>RRI</i> )	Representation of individuals in the conventions and in the state legislatures. See text for details.	Created by authors using the US Census, state constitutions, and statutes on apportionment (various years).
Slave Share	Number of slaves in a district as a proportion of total population.	US Census (various years.)
Slaveholders Share	Number of slaveholders in the district as a proportion of the adult white male (AWM) population.	US Census (1860)
Slaveholding Inequality	Gini coefficient of slave ownership. We aggregate the slaveholdings categories of the Census into: i) 1 to 9, ii) 10 to 19, iii) 20 to 49, iv) 50 to 99, v) 100 to 499, vi) 500 or more slaves, and use the median value in each to estimate the total number of slaves correspondingly.	US Census (1860)
Planters Share	Number of AWM in the district owning 20 or more slaves, as a proportion of the AWM population.	US Census (1860)
Population Density	District population over size (in sq.mi.).	Atlas of Historical County Boundaries, Newberry Library (various years).
Railway Coverage, 1860	Railroad milage over district size (in sq.mi.).	Center for Digital Research in the Humanities, University of Nebraska
Land Inequality	Gini coefficient of land ownership. We aggregate the farm acreage categories of the Census into : i) 3 to 9, ii) 10 to 19, iii) 20 to 49, iv) 50 to 99, v) 100 to 499, vi) 500-999, and vii) more than 1000 acres, and use the median acreage in each to estimate the total number of farms correspondingly.	US Census (1860)
Delegates Slaveholdings	Number of slaves owned by delegates to the conventions of AL, AR, FL, GA, LA, MS, VA.	US Census slave schedules in 1860 as provided by Ancestry.com.
Delegate Characteristics	Birth place, age, occupation, and real and personal property of delegates to the conventions of AR, FL, GA and LA, as collected by Wooster.	Wooster (1951, 1954, 1956, 1958)
Political Competition in 1860	Effective Number of parties in the 1860 Presidential Election.	Clubb, Flanigan, and Zingale (2006)

Table DA2. District-level Electoral Returns and Sources

State	Vote Description	Date of Election	Source
MS	Elections for delegates to the convention	Dec. 20, 1860	Rainwater (1938)
AL	Elections for delegates to the convention	Dec. 24, 1860	Denman (1933)
GA	Elections for delegates to the convention	Jan. 2, 1861	Johnson (1972)
LA	Elections for delegates to the convention	Jan. 7, 1861	Dew (1970)
VA	Referendum of whether a convention decision to secede requires voter ratification	Feb. 4, 1861	<i>Journal of the Acts and Proceedings of a General Convention of the State of Virginia, Doc. IX</i> (Richmond: Wyatt M. Elliot, 1861)
TN	Referendum on whether the state should call a secession convention	Feb. 9, 1861	Tennessee State Library and Archives – Record Group #87
NC	Referendum on whether the state should call a secession convention	Feb. 28, 1861	State Archives of North Carolina. Election Returns on Constitutional Questions, 1861

Table DA3. Convention Roll-Calls Description

<b>Alabama</b>	
Vote Description	yeas/nays
1. Convention President (p. 5)	53/45
2. State troops transferred to FL to seize Federal forts (p. 27)	53/45
3. Minority Report offering Southern Convention to redress grievances (p. 40)	54/48
4. Ordinance shall not go into effect until the 4th day of March, 1861, and not then unless the same shall have been ratified and confirmed by a direct vote of the people (p. 41)	54/44
5. Report of the majority and the Ordinance of Secession, as amended (p. 44)	61/39
<b>Florida</b>	
Vote Description	yeas/nays
1. Allison Amdt to McIntosh Rs: If GA and AL do not secede, then FL only secedes if it is submitted to the people (p. 28)	42/27
2. Ward Amdt. Secession should not take place until FL knows what GA and AL do (p. 29)	39/30
3. Ordinance does not take effect until ratified by voters (p. 29)	41/26
4. Morton Rs: Vote on Secession Should wait for the official AL decision (p. 30)	41/28
5. Vote on Secession Should wait until January 18 (p. 30)	40/29
6. Ordinance of Secession (p. 32)	62/7
<b>Georgia</b>	
Vote Description	yeas/nays
1. Nisbet Rs: It is the right and duty of GA to secede from the Union and form a Southern Confederacy (p. 20)	166/130
2. Hill Motion: replace secession ordinance with Johnson Resolution-Cooperation resolution of Southern Convention and other demands (p. 32)	164/133
3. Ordinance of Secession (p. 35)	208/89
<b>Louisiana</b>	
Vote Description	yeas/nays
1. Rozier Rs: Cooperation resolution-Southern Convention and other demands (p. 15)	106/27
2. Fuqua Rs: If North tries to coerce any state that seceded back into the Union, then LA will defend the seceded states (p. 16)	73/47
3. Bienvenu Rs: Choice of Convention does not take effect until ratified by the voters (p. 17)	84/43
4. Ordinance of Secession (p. 18)	113/17
<b>Mississippi</b>	
Vote Description	yeas/nays
1. Yerger Amendment: Southern convention and conditional Union (p. 14)	78/21
2. Alcorn Amendment: Ordinance does not go into effect until AL, GA, FL, and LA shall also all secede (p. 14-15)	74/25
3. Brooke Amendment: Ordinance shall not take effect until ratified by the voters (p. 15)	74/25
4. Ordinance of Secession (p. 16)	84/15

(cont.)

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<b>Arkansas</b>	
Vote Description	yeas/nays
1. Hanly Amdt: Amdt to another resolution in which secession would take effect upon voter ratification (p. 82)	35/39
2. Vote to postpone Yell Amdt: Vote to indefinitely postpone a vote on the following proposal: dissolve the Union in the Convention and then submit it to the people for ratification, and ordinance only goes into effect if ratified by the people (p. 82)	33/36

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<b>Virginia</b>	
Vote Description	yeas/nays
1. Convention President (p. 7-8)	54/70
2. Amdt on Secession (p. 136)	54/73
3. Harvie Amdt: Ordinance resuming the powers delegated by Virginia to the Federal Government (p. 136)	45/88

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## Appendix Tables (supporting results)

Table A1. Determinants of Political Inequality in the Conventions

Dependent Variable: (log) District <i>RRI</i> Secession Convention				
	Lower South States		Original Confederate States	
Panel A	(1)	(2)	(3)	(4)
Slave Share <sub>1860</sub>	1.04*** (0.11)	0.84*** (0.11)	1.46*** (0.10)	1.34*** (0.10)
$R^2$ [Obs]	0.26 [492]	0.31 [488]	0.59 [361]	0.60 [359]
Panel B	(5)	(6)	(7)	(8)
Slaveholders/AWM <sub>1860</sub>	1.34*** (0.16)	1.06*** (0.15)	1.79*** (0.14)	1.59*** (0.13)
$R^2$ [Obs]	0.24 [492]	0.29 [488]	0.52 [361]	0.55 [359]
Controls	no	yes	no	yes

*Notes:* Each column presents a district-level OLS model with robust standard errors in parentheses. All models control for (log) total population and state fixed effects. Even numbered models control for urban population rate, foreign-born population share, and population density, all from the 1860 Census. \*\*\* p<0.01.



Table A2. Secession Roll-call Votes and Slave Incidence (Logit Estimates)

Convention:	FL		MS		LA		AL		GA	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Slave Share <sub>1860</sub>	9.05*** (2.96)	7.56** (3.00)	5.18*** (1.94)	5.15** (2.02)	7.26*** (1.70)	6.91*** (1.71)	6.53*** (1.60)	5.69*** (1.71)	5.39*** (0.88)	5.82*** (0.98)
$p$ - $R^2$	0.161	0.185	0.102	0.102	0.250	0.252	0.372	0.383	0.167	0.172
Delegates	67	67	96	96	128	128	100	100	295	295
Observations	400	400	382	382	501	501	496	496	880	880
County Controls	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Delegate Slaveholdings	no	yes	no	yes	no	yes	no	yes	no	yes
Convention:	AR		VA							
	(11)	(12)	(13)	(14)						
Slave Share <sub>1860</sub>	10.46*** (2.40)	7.14*** (2.61)	6.70*** (1.09)	8.19*** (1.19)						
$p$ - $R^2$	0.361	0.401	0.316	0.336						
Delegates	74	74	144	143						
Observations	148	148	361	358						
County Controls	yes	yes	yes	yes						
Delegate Slaveholdings	no	yes	no	yes						

*Notes:* Robust standard errors clustered at the delegate level in parentheses. \*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ . Dependent variable in all columns is the delegate-level likelihood of a pro-secession vote in the different conventions. County controls include: (log) total population, (log) area, population density, land inequity measured by a Gini index, and railway coverage circa 1860. Delegate slaveholdings refers to the exact number of slaves owned by each delegate according to the 1860 Slave Schedule, US Census. All models include a full set of motion fixed effects. See Data Appendix for detailed description of the motions used and sources.