

DISCUSSION PAPER SERIES

IZA DP No. 13611

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Southern Law-Making**

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## ABSTRACT

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# The Long Shadow of Slavery: The Persistence of Slave Owners in Southern Law-Making\*

This paper documents the persistence of the Southern slave owning elite in political power after the end of the American Civil War. We draw on a database of Texan state legislators between 1860 and 1900 and link them to their or their ancestors' slaveholdings in 1860. We then show that former slave owners made up more than half of nearly each legislature's members until the late 1890s. Legislators with slave owning backgrounds differ systematically from those without, being more likely to represent the Democratic party and more likely to work in an agricultural occupation. Regional characteristics matter for this persistence, as counties with higher soil suitability for growing cotton on average elect more former slave owners.

**JEL Classification:** D72, J62, N31, H4

**Keywords:** wealth inequality, elites and development, US South, intergenerational persistence, slavery

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# 1 Introduction

The end of the American Civil War brought the end of slavery, but it did not bring the end of the Southern planters. To the contrary, their persistence in power is often thought of as one reason for the South's slow growth after the war. Their continued political and economic influence led to institutions that favored an agricultural economy with low wages, low education, and low labor mobility (Acemoglu and Robinson 2006, 2008a, 2008b). In line with this argument, several papers have found a high wealth persistence in the South after the war (Wiener 1976, Wiener 1978, McKenzie 1994, Dupont and Rosenbloom 2017). However, relatively little work has documented the persistence of former slave owners in politics, even though the political choices of the Postbellum South clearly reflected their preferences.

This continuity in political power is the focus of our study, which provides systematic evidence for the persistence of slave owners in politics long after the abolition of slavery. We draw on a dataset of Texan state legislators between 1860 and 1900 and link these legislators to their or their paternal ancestors' census records in 1860. Doing so allows us to calculate the share of each legislature's members that comes from a slave owning background. We find that during the American Civil War nearly all Texan legislators were slave owners. Their share dropped substantially during Congressional Reconstruction, but then rebounded and continued on a slow downward trend of only 0.4 percentage points per year till the end of the century. In 1900, still around 50% of all state legislators came from a slave owning background. The share of legislators with more than 20 slaves was even steadier and does not show any downward trend. In 1900, it stood at 11.5%, just a bit short of its value in 1861. The high persistence in itself is remarkable. It echoes the high persistence of wealth in the Postbellum South and highlights an important mechanism in how the planter elite kept its de facto power: The former slave owners not only continued to exert control over the productive land, they also remained highly influential in politics.

Does it matter for politics whether legislators come from slave owning backgrounds or not? We provide suggestive evidence that the likely answer is yes. Former slave owners have a greater propensity to work in agriculture and are more likely to represent the Democratic party, which at this time constituted the conservative party in the South. Importantly, this holds when controlling for real estate wealth, indicating that it is more than a pure wealth effect.

Finally, we show that at the county-level, the prevalence of slave owning legislators is positively correlated with the importance of the cotton economy. Counties with a higher suitability for cotton elected more former slave owners. Regional socioeconomic characteristics thus might affect the slave owners' rate of persistence.

Our paper adds to a large and growing literature on the political economy of the Post-bellum South. Canonical accounts include Du Bois (1971, writing in 1935), Woodward (1951), Kousser (1974), Wright (1986) and Alston and Ferrie (1999). In recent years, especially Acemoglu and Robinson (2006, 2008, 2008b) have shifted the focus on the planters' persistence in what they term "de facto political power". According to this view, continued control over land allowed the antebellum agricultural elite to keep political control of the South. They used this to also keep control over the labor force by blocking land reforms, disenfranchising black voters, and restricting worker mobility. Consistent with this, Ager (2013) shows that counties with a stronger agricultural elite before the war invested less in human capital after the war and had lower labor productivity.

Several studies have analyzed the economic persistence of the planter class. Wiener (1976, 1978) examined data from 5 counties in Alabama. He showed that the probability of a rich planter family to remain in a county's elite was as high after the Civil War as before. McKenzie (1994) found similar results for 8 counties in Tennessee. Dupont and Rosenbloom (2017) comprehensively analyze the persistence of wealth in both North and South. They find that the rate of persistence of wealthy Southerners was lower than that of their Northern counterparts, but there was still substantial persistence in the South

after the Civil War. None of these studies looks at the persistence of political power. This is done by Ager (2013) who shows that the majority of delegates in the constitutional conventions of Alabama and Mississippi came from the pre-war elite. However, he focusses on only three points in time- 1865 and 1875 for Alabama, and 1865 and 1890 for Mississippi. Our study is to our knowledge the first that analyzes the persistence of slave owners in regular parliaments and over a long time period.

The advantage of this approach is that it covers the whole evolution of Texan political economy: From the Civil War and its immediate aftermath to Congressional Reconstruction, “Redemption”, the Populist Movement and finally the early emergence of the “Solid South”. It is remarkable that during all these times the share of former slave owners in the state parliament was usually between 50 and 70% and never below 30%. Campbell (1974) and Lowe and Campbell (1975) have analyzed the socioeconomic background of the political leaders in Texas before the Civil War. The latter find that 58 and 68% of Texan political leaders held slaves in 1850 and 1860, respectively. While their definition of a political leader is somewhat broader than ours, these values are very similar to what we observe in the 1870s and 1880s, and just a bit above the average in the 1890s. Our results thus indicate that the overrepresentation of (former) slave owners in power hardly changed after the Civil War.

We also show that a higher soil suitability for cotton correlates with electing slave owning representatives. In this respect, our study is related to several other recent contributions on the political impact and legacy of slavery. Hall et al (2018) show that there was a positive effect of slave ownership on fighting for the Confederacy. Logan (2020) uses the within-state distribution of free blacks in 1860 to estimate the causal effect of black policymakers during Reconstruction. He finds that regions with black politicians experienced greater per capita county tax revenue, more land redistribution, and higher black literacy. Finally, an active literature in political science has documented that slavery also mattered in the very long run. Acharya et al (2015, 2016, 2018) show that whites

in regions marked by a greater prevalence of slavery exhibit more conservative political views and higher racial resentment nowadays. For contemporary blacks, a regional heritage of slavery is associated with lower voting turnouts. Much of this persistence can be explained by behavioral path dependence and reinforcing local institutions. Our result that cotton soil suitability positively correlates with the persistence of former slaveowners in power is in line with these findings.

## **2 Historical background**

### **2.1 The Southern planter elite and Reconstruction**

The Antebellum South was marked by great wealth inequality, and much of this wealth was in the form of slaves. In 1860, a sample of Southern farmers showed a Gini coefficient for wealth inequality of more than 0.7. Farmers with slaves on average owned 14 times the total wealth of Southern farmers without any slaves (Ransom 1989, p. 63). While it might be too simplistic to conclude from this that the planters were also politically dominant (Wright 1978, ch.2), slave owners were clearly overrepresented among the political leaders of the Antebellum period (Campbell 1974, Lowe and Campbell 1975). With the end of the American Civil War, the slave owners lost their slaves, but they kept control over the land. Southern planters were able to fend off attempts at land confiscation or redistribution to the freed slaves, and the plantation units often stayed intact (Wright 1986).

Politically, the course of President Andrew Johnson towards the South immediately after the Civil War was lenient. Johnson hoped that loyal Unionists and small farmers would govern the South and lead it back into the Union. However, as put by historian Eric Foner (2006, p.110) “when the South’s white electorate went to the polls in the fall of 1865 [...], it filled the region’s offices with former Confederate generals and public officials”. Frustrated by this, Congress took over. In 1867, it passed the Reconstruction Act

over Johnson's veto. This act divided the South into five military districts and stipulated that the Southern states would not be readmitted before they had accepted universal (male) suffrage (Foner 2006, ch. 4).

In the following elections, propelled by the vote of the freedmen and by many whites abstaining, the Republicans- the party of Abraham Lincoln and slave emancipation- won all over the South. Biracial governments and legislatures became reality in the South, and over the following years, 2,000 blacks held public offices, in spite of Klan violence. The resulting state constitutions affirmed racial equality, provided for state school systems, and for other government programs that heretofore had not existed in the South (Foner 2006, ch. 5). Public support for Congressional Reconstruction waned, however, in the wake of the financial crisis of 1873, and the Federal government loosened its grip on Southern politics. The Democratic Party in the South reconstituted and regained several Southern states, often helped by increasing violence and intimidation of black voters and politicians.<sup>1</sup> The resulting "Redeemer" governments started to turn the wheel backwards. In 1877, as part of the compromise in the close Presidential election, President Hayes ordered Federal troops to stop guarding the statehouses in Louisiana and South Carolina. As a consequence, the last Southern state governments fell to the Democrats, and Congressional Reconstruction ended (Foner 2006, ch. 7). Eric Foner (2006, p. 198f.) quotes one former slave's assessment: "The whole South [...] had got into the hands of the very men who held us as slaves."

The Redeemers' control of the South was not uncontested, though, and black voting did not completely disappear after 1877. However, beginning in the late 1890s, Southern states introduced voting restrictions such as poll taxes or literacy tests. These measures reduced the turnout of black and poor white voters, ensuring a political monopoly of the

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<sup>1</sup>Tolnay and Beck (1995) relate the incidence of anti-black lynchings to economic factors such as cotton price movements and black out-migration. Since then, several recent contributions have added to our understanding of the determinants of lynchings, providing evidence for the importance of labor scarcity (Larsen 2015), adverse labor demand shocks (Christian 2017), and residential segregation (Cook et al 2018). Cook (2014) further shows that violence against blacks decreased their patenting activity.



Democratic party that would last until the 1960s. (Kousser 1974, Foner 2006, ch. 7, Besley et al 2010, Kuziemko and Washington forthcoming). In addition, the disenfranchisement of black voters, together with the Supreme Court's "Plessy vs. Ferguson" decision in 1894, also propelled the enactment of Jim Crow laws and the resulting segregation of blacks and whites (Foner 2006, ch. 7, Naidu 2012).

## 2.2 The case of Texas

At first glance, Texas differed somewhat from the other Southern states. It was the westernmost of the eleven states that in 1861 formed the Confederacy, and also the youngest, having been admitted to the United States only in 1845. It was still a very sparsely populated "frontier" state, but at the same time growing fast: Between 1850 and 1860, the population nearly tripled. Economically, it was not as focussed on cotton as other Southern states, since for example ranching was another important driver of its economy. Still, cotton was the state's most important crop. In 1859, it accounted for more than half the value of the state's entire agricultural output. Cotton was also closely linked to the institution of slavery. The 1850 census counted roughly 58,000 slaves, and this number rose to more than 182,000 by 1860. Eastern and Northeastern Texas in particular was marked by cotton production and slavery. Along with slavery came a hierarchical social system like in the other Southern states, with a small planter elite at the very top. 72 percent of all slaves in Texas belonged to only 7 percent of the Texan population. Generally, inequality was higher in the older counties in the East than in the younger, recently settled areas in the West (Stephens 2010, Moneyhon 2004, ch. 1). Overall, in spite of the state's peculiarities, antebellum Texas was also characterized by a cotton-based economy and a small slave owning elite.

The political development in Texas after the war was also very similar to the other Southern states, but the transition from Congressional Reconstruction to Redemption oc-

curred even faster. The 11th Legislature was the first one elected after the war, in 1866. Elected during Presidential Reconstruction, it contained so many former Confederate officers that it became known as the “Bloody Eleventh” (Handbook of Texas Online 2013). Its conservative stance is exemplified by the fact that it refused to ratify the 13th and 14th Amendments, which abolished slavery, and gave blacks citizenship and equal protection of the laws, respectively. Instead, the 11th Legislature enacted vagrancy and apprenticeship regulations to regulate the labor of freed blacks. Blacks were also precluded from voting, and were not allowed to testify in court against whites (Moneyhon 2004, ch. 4).

Under Congressional Reconstruction, Governor Throckmorton was removed from office by General Griffin in August 1867. A new constitutional convention was called upon. This time, blacks were allowed to vote, and the voter registration was protected by Federal authorities. When the first elections were held under the new constitution, Radical Republicans won a majority in the 12th Legislature. This legislature subsequently ratified the 13th, 14th, and 15th amendments and created a State Board of Education and a state police force. Texas was readmitted to the US Congress in March 1870 (Moneyhon 2004, ch. 5-7).

The policies of the 12th Legislature led to an increased tax burden, which served as a rallying point for the reorganizing Democrats. They won an overwhelming victory in 1872, with majorities both in the State House and Senate. The 13th Legislature subsequently abolished the state police and biracial militia companies, reduced the power of the state school superintendent and redistricted the state so that blacks would find it more difficult to get elected. Many of the laws passed by this legislature reflected the interests of the landowners. For example, by excluding illiterate people from the jury, parliament increased the power of landowners in civil lawsuits with tenants.

In the 1873 election, which was without the presence of either the federal army or the state police, black turnout declined across the state. The Democrats won both the governorship and the majority of the legislature. In the following years, through laws

and a constitutional convention, the Texan Redeemer Democrats continued with their counterrevolution. They reduced the taxing power of the state government, and virtually abolished the state school system, which the Republicans had intended to be a promoter of social change and general education. In addition, the 14th Legislature also passed the “Landlord and Tenant Act”, which greatly increased the rights of landlords over tenants and their crops. State laws also began to separate facilities for black and white citizens, beginning with railroad wagons (Moneyhon 2004, ch. 9-12).

Kousser (1974) cautioned that the victory of the Redeemer Democrats in the 1870s did not mean that they had uncontested control over the South. There was always the danger that a coalition of blacks and poor whites could oust the Democrats. It was only the passage of suffrage restriction laws in the late 19th and early 20th century that completely sealed off this possibility. The same was true in Texas, where the Greenback movement in the late 1870s, the Farmer Alliance in the 1880s and the Populist Party in the 1890s posed threats for the agricultural elite in power. Using a mixture of concessions to white farmers, violence and intimidation, and appeals to racial solidarity, the Redeemers were able to fend off these attacks (Moneyhon 2004, ch. 12). In 1902 then, after several failed attempts, a poll tax was introduced. This greatly reduced the voter turnout of poor whites and blacks, leaving the Democrats in uncontested power for the next half century (Kousser 1974, pp. 196-209).

### **3 Data**

We start from the database “Texas Legislators: Past & Present” (henceforth: Texas Database) which is maintained by the Legislative Reference Library of Texas. It contains the names, dates of service and other information for all members of the Texan State Legislature since 1846. In addition to legislators’ roles in the legislature (dates of services, district and counties represented, party membership), this database also has biographic

details on the legislators such as their birth years and their residence when elected. In addition, for many legislators, it offers links to further biographical resources such as articles about them from the Texas State Historical Association’s Handbook of Texas or on the genealogy webpage *findagrave*. In the late 1880s and 1890s, this also includes links to biannual publications on the “Personnel of the Texas State Government”, which contained detailed biographical sketches. Figure 1 gives an example of an entry in the Texas Database.

Based on the biographical information in this database, we find the census entries of legislators prior to being elected, using the searchable census records provided by ancestry.com. From there, we trace the legislators back to their own or their patrilineal ancestor’s record in the 1860 census, the last census to record slaveholdings. For all these ancestors, we then collect their 1860 slaveholdings, and their real estate and personal property values. We also record their residence, birth state, birth year, and their occupation, and the number of generations since the 1860 ancestor. Since we focus on legislators serving between 1860 and 1900, for most legislators the difference in generations to 1860 is either 0 or 1: we either find them directly or their parents in 1860. For simplicity, we will refer to the 1860 entry as the “ancestor” of the legislator. Many black legislators were still enslaved in 1860 and hence cannot be matched to an 1860 entry. When we could identify a legislator as black, we coded him as a non-slaveowner and a match.

The aim of this paper is to measure whether legislators come from slave owning families. Because of this, the ancestor will typically be the head of the household in the 1860 census in the patrilineal line from the legislator. However, we count the slaveholdings and wealth levels of all the people in this household that are directly in an ancestral line with the legislator. For example, when both father and mother of the legislator own slaves, we add up their slaveholdings. Similarly, if the legislator himself is present in the 1860 census, lives with his parents and does not yet have a family of his own, but some personal property, we also include his property in the wealth measure. However, we do not include

the property of siblings (unless the sibling is the household head). In a few cases, the household head is a stepfather. In a few other cases, the legislator or one of his ancestors is present with an older household head, but is clearly already of economically active age and already has a family. In these cases, we take the values of this person.<sup>2</sup>

In addition to these ancestral data, we also record the legislators' birth state, and their occupation in the last census prior to being elected. For many legislators elected in the 1890s, this information is missing, since there are no 1890 census records, and many of the legislators were still attending school by the time of the 1880 census.

We could find ancestral data for around 75% of our sample of legislators. This match rate is very high compared to studies that have used automated matching.<sup>3</sup> Battiston (2018), for example, uses a machine learning algorithm to match names from ship passenger lists to census records and has a match rate of around 12%. Abramitzky et al (2014) match people across different censuses and obtain a matching rate of 16% for natives and 12% for immigrants. The reason for our high match rate is the amount of information contained in the Texas Database's links to biographical information. For many legislators (mostly those serving between 1885 and 1893, and from 1897 on), there are very detailed biographical sketches that often contain parents' names and complete lists of past residences, which greatly simplifies the task of finding and verifying census records.

Still, the 25% unmatched legislators pose the question of whether matched and unmatched legislators are inherently different along certain characteristics. Figure 2 plots the match rate by the earliest election decade of a legislator. Not surprisingly, legislators elected in the 1860s have the highest match rate. For these legislators, we simply need to find their own 1860 census entry. The match rate of legislators first elected in the 1870s is a bit lower, but the 1880s value reaches the same level as the 1860 one. The

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<sup>2</sup>There were few cases where either the exact generational link between the legislator and the ancestor, or the precise value of the ancestor's slaveholding, personal or real estate wealth was not obvious. In these cases, we assigned our best interpretation of the available data.

<sup>3</sup>A "match" here is defined as 1 if we could find either the ancestor's occupation in 1860, his slaveholdings, the value of his personal property, or the value of his real estate.

likely explanation for this is that in the second half of the 1880s, biannual collections of biographical sketches of all legislators are available, which again makes it easy to trace these people in the census records. The 1890s display the lowest match rate. There are two reasons that contribute to this. Firstly, more of the 1890 legislators will not have been adults or even born in 1860, meaning that in their case we definitely need to go back at least one generation. Secondly, there are no data from the 1890 census, meaning that for these legislators, more time has elapsed since their election and the last available census prior to their election. However, in spite of all these caveats, the 1890s match rate is still nearly 70%.

To ascertain whether non-matches are random or influenced by legislator characteristics, we use legislator characteristics available from the Texas Database for all legislators, matched or unmatched. Table 1 analyzes whether these characteristics can explain the probability of a match. In all regressions, we control for decade of first election fixed effects. In column 1, we then introduce “technical characteristics” that measure the quality of the legislator’s entry in the Texas Database: Whether the birth year information is missing, whether only the initial of the first name is known, and whether the legislator has a middle name or not. Not surprisingly, legislators for whom the Texas Database does not contain birth year information are less likely to get matched. Without birth year information, there are typically more potential matches, making it less likely that a clear match can be found. The same reasoning applies to legislators that are known to the Texas Database only by their first initial. Middle names on the other hand are not found to affect the matching rate. Overall, the F statistic shows that the three “technical characteristics” clearly have explanatory power. In column 2, instead of the technical characteristics, we include “service characteristics” referring to the legislators’ service in the legislature: whether they ever served as senators and how many terms they served. Only the latter turns out to be significant (and with the expected positive sign), but again the two service characteristics jointly are significantly different from 0. In column 3, we use

political characteristics, i.e. the party affiliations of the legislators. These turn out to be not statistically significant, neither individually, nor jointly. Column 4, finally, introduces all measures together. As can be seen, conditional on all the variables aforementioned, only the “technical characteristics” appear to be relevant. Thus, holding constant the quality of different legislators’ entries in the Texas Database, the match probability does not depend on party affiliations or the role of the legislator in parliament. In terms of potential sample selection issues, this is very reassuring.

In order to analyze whether the persistence of slave owners in power is related to the importance of the slave economy, we create a county-level panel. For a given county, we calculate the share of all legislators that represented this county and that were slave owners. We then relate this measure to the county’s soil suitability for cotton. For this, we use data from the FAO-GAEZ database (2012) to calculate a county’s average soil suitability for cotton based on its 1860 area, using shapefiles from NHGIS (Manson et al 2017). These values measure the agro-climatically attainable yield for rain-fed cotton under intermediate inputs, in 100 kg/ha. Since our starting point are slave owners in the 1860s, we focus only on counties that are in existence throughout our entire period of analysis, from 1860 to 1900.<sup>4</sup>

One problem with this approach is that many electoral districts extend over several counties, creating spatial dependence. In addition, electoral districts frequently change, making aggregation of counties to electoral districts difficult. We therefore address the spatial dependence in two ways. Firstly, we focus exclusively on members of the state house and drop all senators, whose districts are considerably larger.<sup>5</sup> We also drop large house districts, defined to contain more 12 counties or more (the 75th percentile of the distribution of counties per district). Secondly, we create an artificial grid of size 100x100km and assign counties to this grid depending on their 1890 centroid, and then cluster by this grid (Bester et al 2011). Table 2 shows summary statistics for cotton suitability and

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<sup>4</sup>However, our panel is unbalanced due to missing information for some county x decade cells.

<sup>5</sup>The median senator represents 4 counties, the median house representative 2.

for our two measures of slave owner persistence: The share of legislators per county and decade whose ancestor was a slave owner, and the share of legislators whose ancestor had more than 20 slaves.

## 4 Assessing the persistence of slave owners in the Texas Legislature

Table 3 shows cross-sectional summary statistics of the matched legislators. As can be seen, agriculture and law are the two most common occupations prior to having been elected. Nearly 70% of all legislators were working in either of these professions. The majority of legislators were Democrats. Party affiliations here are averaged over a legislator's total service, i.e. a value of 0.5 for the Democrats means that the given legislator served half of his terms as a Democrat. The vast majority of legislators never changed party affiliation, but there are some exceptions. Only around 8% of all legislators' terms were spent as Republicans, and even fewer with the Populist or Greenback parties, which, however, were only active for short time periods. Around 20% of legislators' terms have no party information- this high value is due to the first three legislatures in our sample (elected in 1861, 1863, and 1866, respectively), for which the Texas Database has no party information altogether. On average, 0.5 generations are between the legislator and the 1860 census ancestor, meaning that in most cases, the match is based on the legislator himself or his parents. This is also in line with the birth years of the legislators and the ancestors, which are separated by around half a generation.

Did legislators come from high socioeconomic backgrounds? The fact that nearly a third of them worked as lawyers, attorneys or judges indicates so. Further evidence for this comes from Table 4. It shows different wealth measures of legislators' ancestors and compares them to Texan state averages in 1860 which were obtained from Haines (2010). More than 53% of all legislators had slave-owning ancestors. Comparing this to the base-



line population is not straightforward, since the reference population is not obvious. We therefore show two comparisons: In Column 3, we show the ratio of total Texan slaveholders to the number of families. Column 4 instead shows the ratio of slaveholders to the number of white men aged 20 or more. The two shares differ somewhat, but both are substantially below the prevalence of slaveholders among the ancestors of legislators. Thus, the ancestors of the men that became Texan legislators between 1860 and 1900 were considerably more likely to own slaves than the general Texan population in 1860. When looking at certain thresholds, a similar pattern emerges: While 7% of all Texan families had 10 slaves or more in 1860, 23% of all legislator ancestors had. Moneyhon (2004, p. 11) puts the threshold for belonging to the planter class at 20 slaves. Throughout Texas in 1860, less than 3% of all families satisfied this criterion, but nearly 10% of all legislators had a planter background. In addition, legislators also descended from ancestors that owned more real estate, and more property in general. Texan legislators come even from a selected background out of all slaveholders in the state: While the average Texan slaveholder owned 8.3 slaves, the average slave owning ancestor of a legislator had more than 13. Perhaps most strikingly, while 10 slaves was the 75th percentile of slaveholdings in the whole of Texas, 42% of all slave owning ancestors had 10 or more. Clearly, legislators came from a higher than average socioeconomic background- they were typically from occupations of high standing, and their families in 1860 on average were richer than the average and more likely to own slaves.

The fact that more than half of all legislators elected between 1860 and 1900 came from families that owned slaves in 1860 in itself already shows the persistence of this class in power. Figure 3 shows this in more detail by plotting the share of legislators with slave owning backgrounds per legislature. During the American Civil War, the vast majority of Texan legislators came from a slave owning family. This share then declined over the 40 years between 1860 and 1900, but still remained at around 50% by the late 1890s. A clear drop is observed for the 12th Legislature which was elected in 1869, the only such election

that took place in Texas during Congressional Reconstruction. The resulting legislature is a clear outlier. The 13th Legislature, elected in 1872, brought the Democrats back to power and also increased the share of former slave owners in the legislature back to around 60%, a level around which it then stabilized for the following decade. Over the whole time period, there is a slow, but visible decline in the share of legislators from slave owning backgrounds. To illustrate this, Figure 3 also displays the fitted line of a simple regression of the share of a legislature that has a slave owning background on time. The resulting linear time trend is estimated to be statistically significant and negative, but not very large. It indicates that on average, the share of legislators with a slave owning background declined by only 0.4 percentage points per year, or 4 percentage points by decade.

Figure 4 displays the share of legislators with large slave holding backgrounds (10 or more) over time. This variable fluctuates more and shows even less of a downward trend than the share of legislators with any slave holding background. There is no drop immediately after the Civil War, consistent with the conservative stance of the 11th Legislature, which was elected in 1866 and voted 70-5 against ratification of the 14th Amendment (Moneyhon 2004, p. 52). The share then drops in the 1870s, but by 1900 is still at 25%. Consistent with this, the linear trend is estimated to be a mere -0.03 percentage points per year and is not statistically significant.

Finally, Figure 5 looks at the planter elite, those owning 20 slaves or more. Recall that in Texas, less than 3% of all families belonged to this bracket. Yet, before the American Civil War, between 10 and 15% of all legislators belonged to this group. Again there is a sharp drop for the 12th Legislature in 1870, during Congressional Reconstruction. There is also again a quick rebound after the end of Congressional Reconstruction, and afterwards the share fluctuates around its pre-war mean until the 1890s, when we see another decrease, followed by an increase by 1900. This could indicate the success of the Populist party during those years, which presumably had fewer large slave owners among

its members. The linear trend is estimated to be -0.08 percentage points per year and is not statistically significant.

Overall, it becomes apparent that the former slave owning elite did not only keep its “de facto power”. Slave owners and their ancestors were also powerful in a “de jure” sense, forming a majority in the Texas State Legislature until at least the late 1890s.

## 5 Does a legislator’s background matter?

The fact that former slave owners and their descendants formed a majority in the Texan State Legislature long past the end of slavery is interesting in its own right. It provides further evidence on one important channel through which the old elite managed to keep its de factor power. By keeping control over the state parliament, the former slave owners could make sure that the laws reflected their political views. However, this assumes that legislators with slave owning backgrounds actually had different political views than the average Southern legislator. Perhaps former slave owners were just the most vocal supporters of policies that also would have been supported by state politicians who did not belong to the antebellum elite?

The graphical evidence in Figure 3 seems to suggest a correlation between slave owner prevalence and the policies of a legislature. The 11th and 13th Legislatures, elected in 1866 and 1872, both were marked by policies favoring wealthy whites: abolition of the state police force, restrictions on labor mobility, refusal to ratify the Reconstruction Amendments. They also both had slave owner shares of around 60%. The 12th Legislature, on the other hand, with its more progressive policies, also had the lowest share of slave owners during our period of observation. Similarly, the two legislators that introduced poll tax laws in 1899, which ultimately led to the introduction of a poll tax (Kousser 1974, p. 205), are both in our matched dataset. Their fathers were no large planters in 1860, but each of

them owned one slave.

We therefore next turn to a quantitative analysis of whether legislators with slave owning backgrounds differ from those without. To do so, we examine differences in party membership, occupation prior to being elected, and the likelihood of being in the senate rather than the house. Several of these variables vary for a given legislators over time (e.g. being a senator, and to some extent also party affiliation). We therefore create a legislator-legislature panel and run regressions of the form

$$y_{it} = \alpha + \beta SlaveryBackground_i + X_i' \gamma + \tau_t + \epsilon_{it}$$

where  $y$  are the outcome variables detailed above. *SlaveryBackground* is a dummy for being either from a family with any slave holdings, with more than 10 slaves, or with more than 20 slaves. These numbers roughly correspond to the top quartile and top decile of slaveholdings among Texan slave owners.  $\tau$  are legislature fixed effects that control for average changes over time, and  $X$  are legislator specific control variables: The legislator's birth year, the birth year of the ancestor in 1860, and dummies for the number of generations elapsed between the legislator and the ancestor. Results from these regressions are shown in Table 5. Panel A uses a dummy for any slave holdings in 1860 as main explanatory variable, Panel B uses a dummy for slave holdings above 10, and Panel C a dummy for slave holdings above 20.

Legislators with slave owning backgrounds are not differentially likely to work in law prior to being elected, but considerably more likely to work in agriculture. Party-wise, former slave owners are less likely to be Republicans. Given the role of the Democratic party in the Postbellum South, this is not surprising. It confirms the notion that the Democratic party best represented the interests of the landed elite and indicates that former slave owners on average are more conservative than other legislators. The results regarding large slave owners are usually less precise than for the simple slave owning

dummy, which reflects the lower variation in the large slaveholder dummy variables. In terms of point estimates, the occupation results get stronger for more restrictive definitions of the slave owning elite, while the party results become weaker. Still, the point estimates remain economically significant. Slave owners might have been more likely to become senators, but the respective estimate is imprecise and hence not statistically significant.

One issue with the previous results is that in the context of the Postbellum US South, slave ownership might conflate two different aspects of legislator behavior: On the one hand, we use it as a measure of being part of the Antebellum socioeconomic elite. On the other hand, slavery is also a measure of simply being wealthy. This poses the question whether the differences we observe are due to being former slave owners, or due to just coming from a wealthy background. To analyze this, Table 6 repeats the analysis of Panel A in Table 5, but additionally includes the value of real estate owned by the ancestor in 1860. Real estate wealth is very skewed, and we would ideally use its natural logarithm. This is problematic since many ancestors report no wealth at all. We therefore use the inverse hyperbolic sine transformation (Johnson 1949, Burbidge et al 1988) of real estate wealth, which has become a common practice in such cases. As can be seen, pure real estate wealth does not seem to matter, conditional on being a slave owner. Slave owning backgrounds, however, affect both party choice and the probability of working in agriculture, albeit the precision of the latter result is reduced.

## 6 Slavery and the persistence of slave owners

Do regional characteristics contribute to or harm the persistence of former slave owners in power? To analyze this question, we turn to our county-decade panel. We hypothesize that regions with a greater reliance on slave labor and the cotton economy before the war had a more entrenched planter elite and thus were more likely to continue electing slave

owners after the Civil War. This hypothesis is supported by the results of Acharya et al (2016), who find a persistent effect of slavery on political and racial attitudes. At the same time, it should be noted that regions with a more intense slave economy also had more black voters after the war and thus potentially more political opposition to former slave owners. To empirically investigate this, we relate the fraction of all legislators that represented a given county during our period of analysis to the county's soil suitability for cotton. This variable is determined by geographic and climatic conditions and therefore arguably exogenous in the regression that we are running. However, it should be viewed as a catch-all, reduced form measure of the South's cotton economy.

Table 7 presents the results of this analysis. We relate decadal averages of our outcome variables to the county's soil suitability for cotton, controlling for decade fixed effects. Column 1 shows a positive and significant correlation between cotton suitability and the prevalence of slave owners in power. Increasing the potential cotton yields of a county by 100kg/ha would increase the share of slave owners elected by roughly 6 percentage points. In column 3, we perform the same analysis for the share of legislators that belonged to the planter elite, coming from families with 20 or more slaves. Again we find a positive and statistically significant effect. One potential problem with these county-level results is that Texan counties underwent substantial territorial changes between 1860 and 1890, especially in the Western part of the state. In columns 2 and 4, we therefore repeat the previous analysis, but drop all counties whose area between 1860 and 1890 changed by more than 25%. As can be seen, this matters little for our results.

The previous results show average effects over all 4 decades under analysis, which might mask considerable heterogeneity. To address this heterogeneity, we interact cotton suitability with decadal dummies. Since we also continue to include decadal fixed effects, this is the same as running separate bivariate regressions per decade. The resulting coefficients and confidence intervals are displayed in Figure 6. The coefficient on the importance of cotton suitability is relatively stable, the only exception being an increase

during the 1880s.

Overall, counties that are more suitable for cotton cultivation are more likely to have legislators with slave owning backgrounds. Areas whose geography is conducive to slave labor thus display a stronger persistence of the former slave owning elite in power, which is consistent with the findings of Acharya et al (2015, 2016 2018) on the long-run effects of slavery.

## 7 Conclusion

In this paper, we have examined the persistence of former slave owners in Southern politics after the American Civil War. Using a rich database of Texan State Legislators and census records from *ancestry.com*, we have linked more than 1,200 legislators to their ancestors and their slaveholdings in 1860. This has allowed us to document the great persistence of the former slave owning elite in Texan Postbellum law-making: Even though only 21% of Texas's 1860 adult white male population owned slaves, slave owners represented more than half of each legislature's members until the late 1890s. During the brief episode of Congressional Reconstruction, the share of slave owners in the legislature declined substantially, but then rebounded immediately after its end. On average, the share of former slave owners in the legislature declined by only 0.4 percentage points per year, or 4 percentage points per decade. For large slave owners, the rate of decline is even lower.

We have also shown that legislators with slave owning backgrounds differ from those without: They are more likely to work in agriculture, and are affiliated with the Democratic party to a greater extent. Finally, we have documented that the importance of cotton, proxied by its aggroclimatic suitability, can help explain variation in the degree of slave owner persistence. Examining the role of other local socioeconomic conditions for

the persistence of the old elite should be a fruitful avenue for future research.



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# Tables and Figures

**William L. Adkins**  
 Full Name: William Lucius Adkins  
 Date of birth: October 18, 1859  
 Date of death: Deceased, date unknown

- [Terms of Service](#)
- [Biographical Notes](#)
- [Committee Information](#)

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**Terms of Service** [top](#)

Chamber	District	Dates of Service	Legislatures	Party	City/County	Note Counties in District
H	67	Jan 13, 1891 - Jan 10, 1893	22nd <sup>(1)</sup> <sup>(2)</sup> <sup>(3)</sup>	Democrat	Columbus / Colorado	Colorado

(1) District 22 comprised of Lamar and Fannin counties; District 67 comprised of Colorado county; District 79 comprised of Llano, San Saba, Concho, McCulloch, Coleman, and Runnels counties, p. 11, Acts 1882, 17th Legislature, 1st C.S., ch. 13, *Apportionment Laws of Texas, 1836-1950*, 1950.  
 (2) House roster shows W.L. Adkins representing District 67, p. 1088. *House Journal*.  
 (3) Shows W.L. Adkins representing District 22, Coleman county; home post office Columbus [in Colorado county]. *Texas Legislative Manual*.

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**Biographical Notes and Resources** [top](#)

**Biographical Sketches**  
 Portrait and biographical sketch. *Personnel of the Texas State Government with Sketches of Representative Men of Texas, 22nd Legislature*, 1892.

**Composite Photographs on Display in the Capitol**  
[22nd session composite photo of House members \(Ground floor elevator vestibule, north wall. GW.V3\)](#). *State Preservation Board*.

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**Committee Information** [top](#)

22nd R.S. - 1891  
[Civil Courts of Appeal, Locations for Holding](#)  
[Constitutional Amendment to Judiciary Article](#)  
[Constitutional Amendments](#)  
[Jefferson Davis](#)  
[Judicial Districts](#)  
[Penitentiaries](#)  
[Public Lands and Land Office](#)  
[Representation and Apportionment on Congressional Districts](#)  
[Roads, Bridges and Ferries](#)

Figure 1: Example data entry from “Texas Legislators: Past & Present”

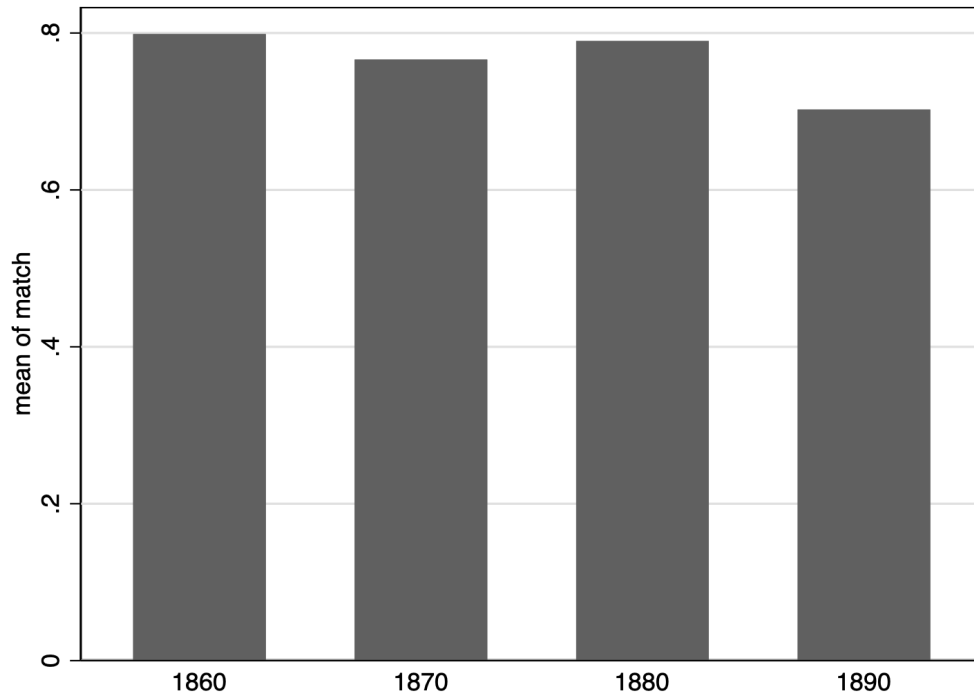


Figure 2: Share of legislators matched to ancestors by decade of first election

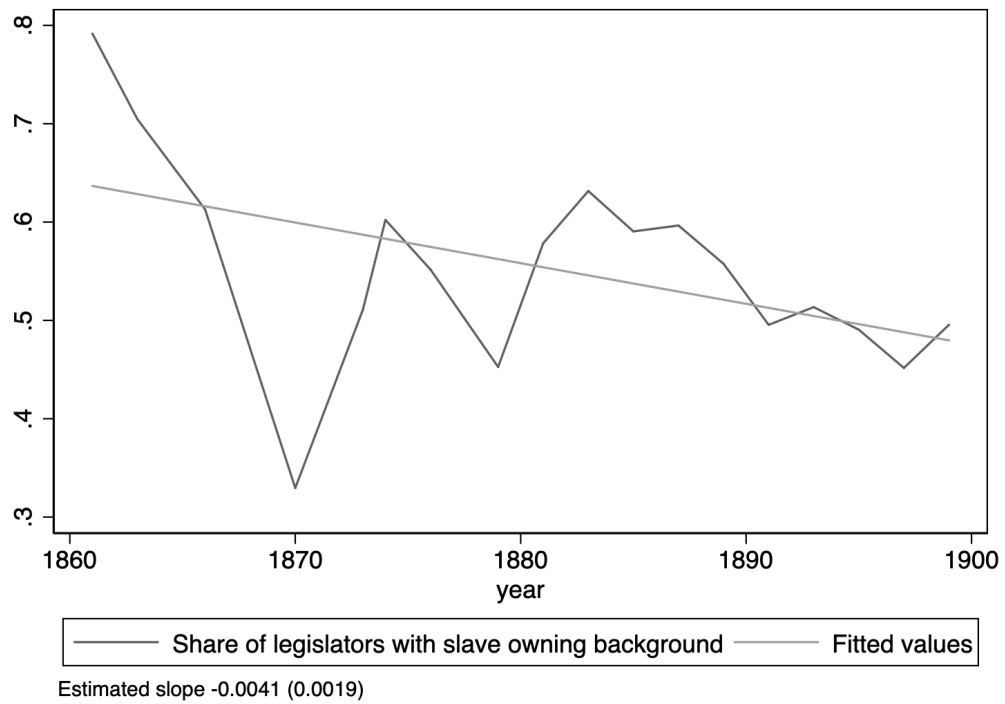


Figure 3: Share of Texan legislators with a slave owning background, 1860-1900



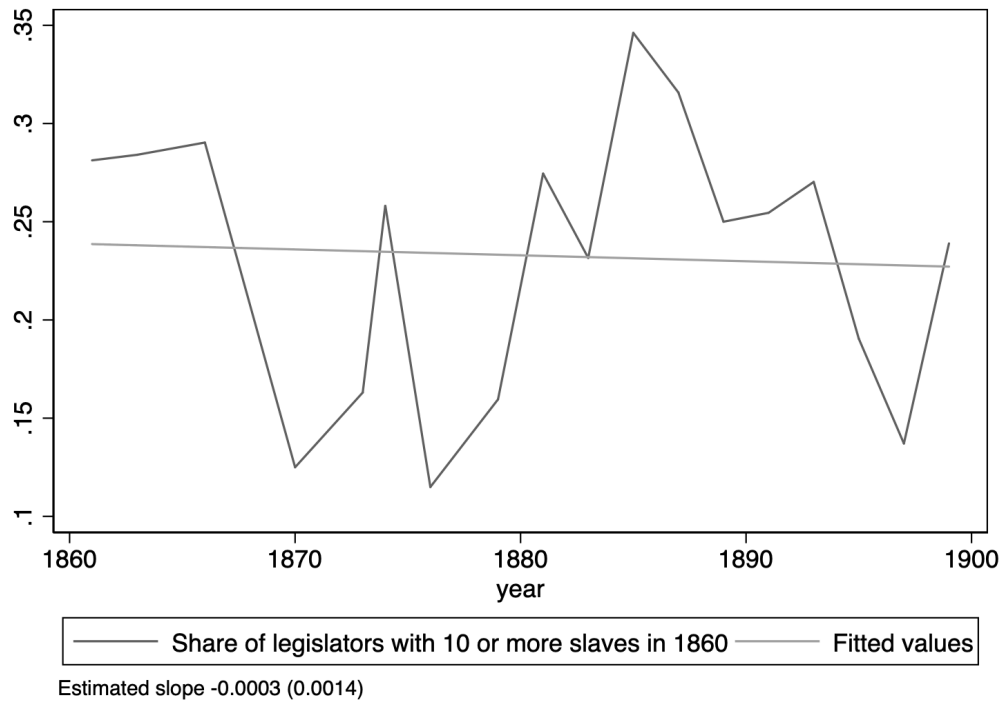


Figure 4: Share of Texan legislators with a large slave holding background, 1860-1900



Figure 5: Share of Texan legislators with a planter background, 1860-1900

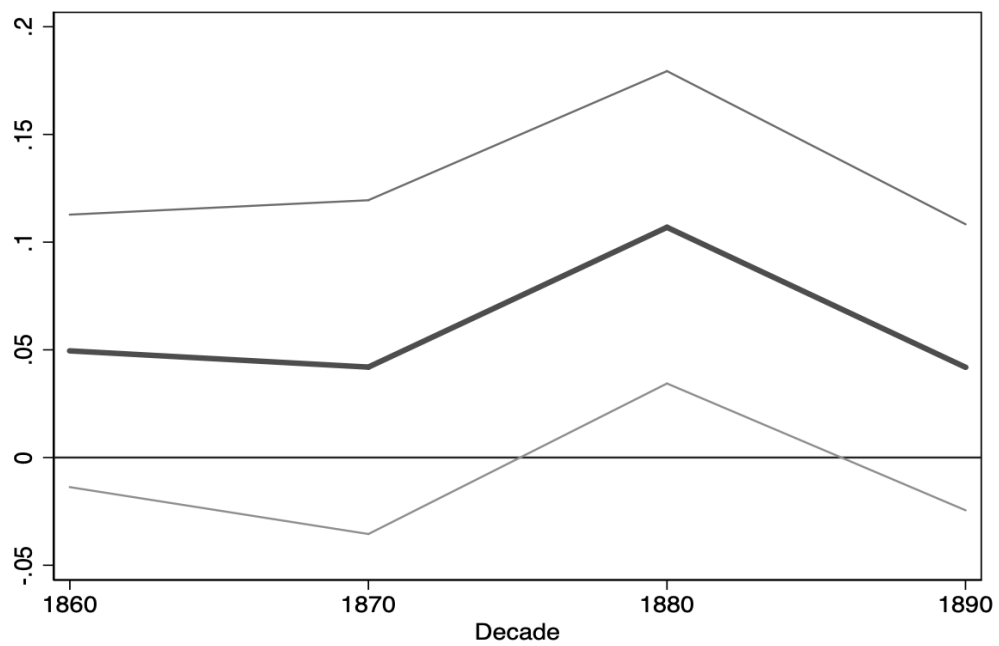


Figure 6: Regression coefficient of a county's share of legislators with slave owning background on cotton suitability over time

VARIABLES	(1)	(2)	(3)	(4)	(5)
	Legislator matched with ancestor				
1) Birth year info missing		-0.156*** (0.028)			-0.156*** (0.029)
2) First name only initial		-0.115*** (0.038)			-0.119*** (0.038)
3) No middle name		0.005 (0.029)			0.006 (0.029)
4) Ever senator			0.023 (0.027)		-0.007 (0.027)
5) Number of terms served			0.031** (0.013)		0.018 (0.014)
6) Share of terms as Republican				-0.009 (0.041)	0.020 (0.039)
7) Share of terms with party unknown				-0.057 (0.087)	0.089 (0.078)
8) Share of terms as an Unaffiliated				-0.044 (0.108)	-0.049 (0.105)
9) Share of terms as Greenback				-0.096 (0.157)	-0.086 (0.143)
10) Share of terms as Populist				0.011 (0.075)	0.070 (0.071)
First election in 1870s	-0.032 (0.030)	-0.117*** (0.031)	-0.038 (0.030)	-0.079 (0.083)	-0.043 (0.074)
First election in 1880s	-0.009 (0.030)	-0.112*** (0.032)	-0.015 (0.030)	-0.059 (0.085)	-0.033 (0.076)
First election in 1890s	-0.096*** (0.031)	-0.134*** (0.031)	-0.095*** (0.031)	-0.150* (0.086)	-0.059 (0.077)
P-value for F-test on joint significance for:					
“Technical” characteristics (1-3)		0.000			0.000
“Service” characteristics (4-5)			0.009		0.397
Party affiliation (6-10)				0.964	0.692
Observations	1,687	1,687	1,687	1,687	1,687
Robust standard errors in parentheses					
*** p<0.01, ** p<0.05, * p<0.1					

Table 1: Determinants of matches

	Mean	Standard deviation	Obs.
Share slave owning legislators	0.491	0.294	536
Share legislators with more than 20 slaves	0.085	0.147	536
Potential Cotton yields (in 100kg/ha)	5.596	1.152	536

Table 2: Summary statistics at the county level

	Mean	Std dev	Obs.
Legislator BY	1,837.829	15.394	1,251
Ancestor BY	1,821.462	10.893	1,226
Legislator's occ. prior to election was in agric.	0.393	0.489	1,089
Legislator's occ. prior to election was in law	0.301	0.459	1,089
Share of overall term as Democrat	0.693	0.454	1,282
Share of overall term as Republican	0.083	0.274	1,282
Share of overall term as Populist	0.022	0.147	1,282
Share of overall term as Greenback	0.005	0.070	1,282
Share of overall term with Unknown Party	0.185	0.381	1,282
Share of overall term as Unaffiliated	0.012	0.099	1,282
Generations since 1860 ancestor	0.502	0.535	1,231

Table 3: Summary statistics

	Mean	Standard deviation	Obs.	State of Texas 1860 average	
				Reference population:	
				All families	White men aged 20+
Slave owning ancestor	0.539	0.499	1,246	0.285	0.206
No. of slaves owned by ancestor	7.204	15.393	1,243	2.378	1.721
Share of ancestors with slave holdings $\geq 10$	0.228	0.420	1,243	0.073	0.053
Share of ancestors with slave holdings $\geq 20$	0.099	0.299	1,243	0.028	0.020
Value of ancestor's personal estate	10,866.545	27,714.502	1,227	3,412.10	2,469.92
Value of ancestor's real estate	8,160.064	19,437.170	1,224	2,489.76	1,802.27
Slaves owned cond. on owning slaves	13.406	18.920	668		8.345
More than 10 slaves cond.on owning slaves	0.425	0.495	668		0.255
More than 20 slaves cond.on owning slaves	0.184	0.388	668		0.099

Table 4: Legislators and average wealth

	(1)	(2)	(3)	(4)	(5)
Panel A	Occupation prior to election Law	Agriculture	Democrat	Republican	Senator
Slave owner	0.034 (0.036)	0.065* (0.036)	0.049*** (0.016)	-0.039*** (0.012)	0.035 (0.030)
Observations	1,499	1,499	1,719	1,719	1,719
Legislators	1016	1016	1174	1174	1174
Panel B					
$\geq 10$ slaves	-0.012 (0.039)	0.110*** (0.041)	0.020 (0.016)	-0.022** (0.011)	0.032 (0.035)
Observations	1,494	1,494	1,714	1,714	1,714
Legislators	1013	1013	1171	1171	1171
Panel C					
$\geq 20$ slaves	-0.116** (0.051)	0.227*** (0.055)	0.013 (0.022)	-0.022 (0.013)	0.044 (0.052)
Observations	1,494	1,494	1,714	1,714	1,714
Legislators	1013	1013	1171	1171	1171

Regressions control for legislature fixed effects, dummy variables for the number of generations between the legislators and the 1860 ancestor, and the birthyears of both the legislators and the 1860 ancestor.

Standard errors, clustered at the legislator level, in parentheses.

\*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$

Table 5: The relationship between legislator characteristics and slave owning backgrounds

VARIABLES	(1)	(2)	(3)	(4)	(5)
	Occupation prior to election Law	Agriculture	Democrat	Republican	Senator
Slave owner	0.040 (0.041)	0.053 (0.039)	0.053*** (0.016)	-0.049*** (0.013)	0.034 (0.033)
IHS(Real estate wealth)	-0.001 (0.005)	0.004 (0.005)	-0.002 (0.002)	0.003* (0.002)	0.001 (0.005)
Observations	1,488	1,488	1,706	1,706	1,706
Legislators	1008	1008	1164	1164	1164

Regressions control for legislature fixed effects, dummy variables for the number of generations between the legislators and the 1860 ancestor, and the birthyears of both the legislators and the 1860 ancestor.

Standard errors, clustered at the legislator level, in parentheses.

\*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$

Table 6: Slave ownings and real estate wealth

VARIABLES	(1)	(2)	(3)	(4)
	Share of counties' legislators with background of slave owning		owning 20 or more slaves	
Cotton suitability	0.062*** (0.019)	0.063** (0.024)	0.034*** (0.009)	0.038*** (0.012)
Restricted sample		X		X
Observations	555	498	555	498
Clusters	52	50	52	50

Robust standard errors, clustered at 100x100km grid cells, in parentheses. The restricted sample removes counties whose are between 1860 and 1890 changed by more than 25%.

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

Table 7: County-level correlates of slave owning legislators