

Senate Apportionment as a Source of Political Inequality*

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Abstract

Political scientists have long known that the equal representation of states in the U.S. Senate and where state lines are placed might disadvantage politically relevant groups, granting some citizens greater voting weight in the chamber. However, we lack systematic, longitudinal evidence that identifies the groups disadvantaged by Senate malapportionment, points to the sources of this disadvantage, and probes the policy consequences. I compare each state's liberalism and racial composition with its voting weight in the Senate over time. Additionally, I conduct a first analysis of whether roll call coalitions in the Senate map onto these patterns of state ideological/racial composition.

Political scientists have long recognized that the equal representation of unequally populated states in the U.S. Senate means that some Americans have greater "voting weight" in the institution than others.¹ The residents of less populated states have more *per-capita* seats in the chamber than do the residents of more populous states. However, beyond mere geographic disparities, are politically relevant groups distributed across states in such a way that some groups are disadvantaged? Have these groups changed over time? Do these disparities map onto voting coalitions in the Senate? These are important, and yet understudied, questions. Their significance lies chiefly in their implications for political equality, the extent to which the preferences of each member in a society are given equal weight and consideration in determining government policies (Verba 2003). Some degree of political equality, in turn, has been argued to be a necessary condition for democracy (Verba and Orren 1985, 8). However, the evidence that politically relevant groups, including groups disadvantaged elsewhere in the political process, are made more politically unequal by the Senate's method of apportionment is rather thin and fragmentary (Dahl 1956; Lee and Oppenheimer 1999).

This study asks whether political inequalities are generated by the Constitution's requirement that states be equally represented in the U.S. Senate when groups are not equally distributed across states.² It first recounts prior studies that have touched on this question. I contribute to this literature first by describing whether states' voting weight in the Senate has been systematically related to their ideological/partisan and racial makeup, next by explaining how these relationships arose, and finally by probing whether the potential for political inequality created by these relationships is translated into skewed governmental action on Senate votes. I find that the citizens of states with less voting weight are today more likely to identify with the Democratic Party and to espouse liberal positions on some issues, such as spending on

health care and environmental protection. The citizens of these same states also have been more likely, since 1980, to vote for the presidential candidates of the Democratic Party. However, Senators who hail from states with greater voting weight do not tend in their general (ideological) roll call behavior to oppose Senators who come from states with less voting weight.

Turning to the possibility of racial bias, I find that, since 1960, African Americans have been more likely than whites to reside in states with less voting weight, and that this tendency has become much more pronounced over time. I also find the more recent emergence of a relationship between state voting weight and the proportion of the state's population that is Latino. Finally, on issues of greater importance to racial minorities I find that Senators who represent states with greater voting weight lock horns with Senators representing states with less, and that the former group is less likely to support the positions advocated by civil rights groups. The study concludes by discussing the implications of these findings.

Background

"Political equality refers to the extent to which citizens have an equal voice in governmental decisions" (Verba 2003). Political equality demands first of all that individuals possess an equal right to participate in the "inputs" of the policy process - elections and other means of communicating their preferences to government officials (Verba, Schlozman, and Brady 1995). Political equality also requires an equal ability among citizens to engage in these various forms of political participation (e.g. Verba and Nie 1972). We might also strive for equal consideration of citizens' inputs, that none are "weighted" more than others. As one study put it, "the needs and preferences of no individual should rank higher than those of any other" (Verba, Schlozman, and Brady 1995, 10). It is this final concept of political equality to which

this study relates.³ Do the preferences of ideological liberals and racial minorities have unequal weight in the U.S. Senate, based on the chamber's method of apportionment and its interaction with the dispersion of groups across states?

Judged by the "one person, one vote" standard relied upon in *Wesberry v. Sanders*, the United States Senate is among the most malapportioned legislatures in the world (Lijphart 1984; Samuels and Snyder 2001). Political scientists have been aware for some time that the manner in which the Senate is apportioned allows for political inequities to arise. As Dahl (1956, 115) identified the potential problem, "equal representation of geographical units over-represents [those citizens] concentrated in sparse areas but under-represents those concentrated in heavily populated areas." In other words, two conditions must obtain for the Senate's apportionment method to (dis)advantage a politically-relevant group; 1) states must be unequally populated; and 2) the group must be unequally distributed across states. Working together, these two conditions "introduce[] an element of discrimination among voters" by giving some citizens greater voting weight than others (Buchanan and Tullock 1962, 248). We know that the first condition is met; indeed the severity of the Senate's malapportionment has increased markedly over the last century (Lee and Oppenheimer 1999). One purpose of this study is to examine whether politically relevant groups are distributed across unequally populated states in such a way that these groups have different voting weight in the Senate based on the chamber's apportionment rule.

Of course, there are myriad other causes of political inequality in the Senate beyond malapportionment's interaction with group dispersion. The mere use of electoral districts (such as states) and the shape of those districts has been shown to affect citizens' representation in the House (e.g. Grofman et al. 1992; Cameron, Epstein, and O'Halloran 1996), and may have similar

effects in the Senate. The use of winner-take-all elections also shapes the membership of legislatures, and thus the representation of citizens (e.g. Lee and Oppenheimer 1999). Important as these considerations may be for citizens' representation, it is not the aim of this analysis to account for *all* the factors that affect the political equality of various groups in the Senate relative to their proportion of the population in the nation as a whole, but rather to describe the political inequality that results exclusively from the requirement that unequally populated states each are represented by two Senators when groups are not equally distributed across those states.⁴

How do apportionment-based differences in group voting weight arise and change over time? Dahl (1956, 118) observed that the winners and losers from Senate malapportionment "seem entirely arbitrary." However, because state lines determine whether states will be equally populated and how groups will be distributed across states, control over the drawing of state lines meant that, at least historically, political elites had a hand in determining groups' voting weight (Stewart and Weingast 1992). Today, apportionment-based inequality in the Senate derives more from the residential decisions of individuals and their neighbors. If an individual relocates to a more populated state, or if another individual relocates to their state, in either case the individual's voting weight in the Senate declines (Dahl 2002). Alternatively, differences in the voting weight of groups can be created when citizens residing in states that have greater or less than average voting weight systematically change their political orientations, such as Southern whites' new identification with the Republican Party.

The possibility that some citizens may be disadvantaged in the Senate has caused some concerned observers to ask whether the Senate's apportionment method introduces ideological, partisan, or racial biases in decision making. With respect to ideological/partisan bias, many of the studies that have examined the consequences of the Senate's apportionment method have

focused on its importance for the *party composition* of the chamber. Specifically, Lee and Oppenheimer found that the Senate's apportionment method generally confers seats on the minority party (1999, 115-21). It also has been argued that split party control of the Senate and House in the 1980s was due to the different means of apportioning the chambers (Oppenheimer 1989). Finally, a related literature examines the consequences of malapportionment *within* states on rural areas' voting weight (e.g. Jewell 1962; Ansolabehere and Snyder 2004) and the partisan composition of state legislatures (Erikson 1971).

Other studies examine whether the Senate's apportionment introduces ideological bias in the nation's *public policies*.⁵ These studies tend to assume, rather than show, that states with disparate voting weights have different ideologies and partisan orientations, and proceed to ask if these state groupings square off against each other on roll calls. They generally conclude that "no major issue has divided small states from large states per se at any point in United States history" (Lee and Oppenheimer 1999, 8; Moffett 1895; Woody 1926). For instance, Moffett (1895) showed that on landmark legislation from 1798-1893, very seldom was the average population of the states represented by Senators supporting the legislation much greater/less than the average population of the states represented by the Senators opposed. In contrast, Woody (1926) was interested in the frequency with which a group of Senators representing a minority of the population were on the winning side of legislation. Focusing on the 65th Congress, in which the Senate majority represented a minority of the nation's population, Woody concluded that even under these circumstances just one-third of close votes, and one in eight of all votes, violated this standard.

Other work on apportionment-related policy bias has focused on the Senate's *distributional* policy decisions, without much consideration of how ideological groups are

affected.⁶ “An extensive empirical literature has documented a strong, positive association between a geographical area’s per-capita seats in the legislature and the share of public expenditures it receives” (Ansolabehere, Snyder, and Ting 2003, 471, citing Lee 1998; see also Lee and Oppenheimer 1999; Ansolabehere, Gerber, and Snyder 2002). Empirical studies also have found that industries concentrated in more populated states are disadvantaged in the Senate and thus must seek out coalition partners (Schiller 1999). Meanwhile, theoretical work on malapportionment and public policy has shown that the malapportionment of one chamber in a bicameral legislature can skew policy in the direction of less populous states when the malapportioned chamber uses a supermajority rule, when the chamber can propose bills, and when publicly funded distributive goods are not divisible (Ansolabehere, Snyder, and Ting 2003).⁷

With respect to the possibility of *racial* bias based on the Senate’s apportionment method, the rather limited evidence suggests that minorities have been more likely to reside in states with less voting weight. For instance, Dahl (1956) asked whether the Senate’s apportionment method helped to offset the numerical disadvantage of African Americans and other minority groups. Using data compiled in 1952, he concluded that African Americans appeared to be more likely to reside in states with less voting weight in the Senate. More recently, Lee and Oppenheimer (1999) reached a similar conclusion, that the percentage of the African American and Latino populations in the nation as a whole is quite a bit larger than their population in the country’s median state (see also Baker and Dinkin 1997).⁸

To sum up, early research on the consequences of the Senate’s apportionment method on public policies has tended to assume that state populations covary with state attitudes, behavior, and demographics, without documenting the size of these differences and when and how they

arose. These studies generally find that Senators from states with disparate voting weight tend not to square off against each other on most roll call votes. Instead, prior studies have found that apportionment-based bias in the Senate's policy making is confined to its distributive decisions.

Lee and Oppenheimer (1999, 23) recently observed that “there is room for further research examining the effect of Senate apportionment on interest representation.” This analysis takes up this challenge by returning to the early interest of Dahl and Buchanan and Tullock concerning the consequences of the Senate’s apportionment method, in combination with the way state lines are drawn, on the relative voting weight of various groups. I make a number of contributions to this line of research. First, prior studies do not investigate whether the unequal voting weight of groups such as ideological liberals and African Americans is systematic in a statistical sense. Next, these studies do not demonstrate that the *preferences* of citizens who reside in states with less than average voting weight in the Senate differ from the preferences of citizens with more. Moreover, because these early analyses have been entirely cross-sectional, we do not know whether the extent of racial and other groups’ political inequality has worsened, improved, or remained steady over time. Finally, it has been nearly 80 years since scholars have assessed whether the Senators hailing from states with greater voting weight square off on non-distributional roll calls against Senators from states with less.

Data

I assess the degree to which the Senate's apportionment scheme has interacted with the distribution of groups to affect the representation of ideological and racial groups. This assessment first requires a measure of the relative voting weight, or per-capita seats, that the each state possesses. It also requires attitudinal and behavioral measures of state ideology, and state

demographic measures. Finally, to conduct an analysis of Senate roll calls requires measures that capture Senators' voting patterns.

State Voting Weight

To measure the relative voting weight of each state's citizens, I adopt a metric developed by David and Eisenberg (1961) and subsequently used by Ansolabehere and Snyder (2004). They measured the representation of a county, relative to others within a state, as the county's fraction of seats in the state legislature divided by the county's fraction of the state population. I measure state voting weight (SVW) in the Senate as the ratio of a given state's population and the national average of all state populations in a given year. If a state's population is greater (less) than the national average, its SVW will be less (greater) than 1. Because there are many fewer "overpopulated" states than there are sparsely populated states, the distribution of SVW is positively skewed. I therefore use the natural log of SVW in the analyses that follow. This transformation implies that a state is "fairly" represented when its logged SVW equals zero. In 2000, logged SVW had a mean of .48 and a variance of 1.01.

Attitudes

To measure state attitudes, I follow a number of works that have aggregated individual-level public opinion surveys to develop indicators of state level opinion (e.g. Hill and Hurley 1984; Wright, Erikson, and McIver 1985; Hill and Leighley 1992; Erikson, Wright, and McIver 1993; Brace, et al. 2002; Griffin and Newman 2005). Specifically, I pooled General Social Survey (GSS) data by decade (1981-1990, 1991-2000) within each of the states included in the Survey.⁹ Although the GSS is not designed to draw representative state-level samples, Brace et

al. (2002) showed that it can be aggregated to yield reliable measures of state opinion. To account for measurement error in these measures of state attitudes, I employ an errors-in-variables estimator in estimates of the connection between a state's citizens' attitudes and its voting weight.

One advantage of the GSS is the breadth of topics it covers. I focus on controversial issues, topics that tend also to divide ideological groups, such as whether government funding for African Americans, health care, crime prevention, environmental protection, welfare, and public schools should be increased or decreased. An advantage of concentrating on divisive issues is that such issues are more likely to create variance in state opinion, which will in turn improve the reliability of state opinion measures (Jones and Norrander 1996). I also investigate state differences in partisan identification and ideology (Erikson, Wright, and McIver 1993) as well as abortion attitudes. For the wording of the GSS opinion items, see Appendix A.

Finally, the GSS data was "detrended" to improve the comparability of responses pooled over time. This was achieved by subtracting, from each response, the mean of all responses for each opinion item in a given year. The state mean for an opinion item can therefore take on a positive or negative value. Because all items are coded liberal end higher, a positive state mean indicates a liberal state, and a negative state mean points to a conservative state.

Behavior

To isolate political behavior that reflects upon citizens' preferences, I ask whether the presidential election voting behavior of the residents in states with greater voting weight differs from the behavior of residents in states with less. Specifically, for each of the seven elections coinciding with a Census during the period 1880-2000, I obtain the state Democratic margin, or

the Democratic candidate's percentage of the vote less the Republican candidate's percentage of the vote, as a reflection of support for Democrats. I then relate this measure to each state's voting weight.

A strong showing by a third-party candidate that draws support disproportionately from the supporters of one of the parties could distort this measure. However, there was no substantial third party presidential candidate in 1880, 1900, or 1940. Eugene Debs' Socialist candidacy in 1920 received more than 10% of the vote in but a single state (Wisconsin), and 3% of the vote overall. In 1960, only in Louisiana and Mississippi did a substantial number of voters support the states' rights ticket, the most successful alternative to the major parties. John Anderson's 1980 campaign did not appear to disproportionately draw the support of voters of a certain ideological or partisan bent (e.g. Abramson, Aldrich, and Rohde 1982; Gold 1995). Finally, Ralph Nader's 2000 candidacy attracted as many as 11% of the votes cast in Alaska, but received less than 3% of the national vote, not enough to substantially distort this measure of Democratic support.

Demographics

Although the Senate's apportionment scheme might disadvantage a myriad of definable demographic groups, this study will be concerned with groups historically disadvantaged elsewhere in the political process, in particular racial minorities. Has the Senate's malapportionment helped to offset these groups' disadvantages, or has it compounded them? *African Americans* are an obvious group to evaluate, due to their legal disfranchisement for much of the nation's history, the rarity with which African Americans have been elected to state-wide offices such as the Senate, and economic obstacles to their political equality. African

Americans are thought to possess less “voting power” (Bartels 1998), and to be “captured” by the Democratic Party (Frymer 1999), such that “few disagree that blacks continue to be underrepresented in federal, state, and local government” (Guinier 1994, 8). *Latinos* are another racial group that appears to suffer from political inequality, also due to the dearth of Latinos in Congress and Latinos’ economic status, and often due to their citizenship status and language barriers (de la Garza and Desipio 2004).¹⁰ One study even concluded that there is “little or no direct or indirect substantive representation of Latinos” (Hero and Tolbert 1995, 648). African Americans and Latinos also belong to other groups, and these memberships may compound or offset any inequality in voting weight we uncover based on race. In particular, I examine whether *urban* residents are more likely to reside in states with less voting weight, and also whether African Americans and Latinos are more likely than whites to reside in urban states.¹¹ In sum, I ask whether the Senate’s apportionment scheme advantages or disadvantages African Americans, Latinos, and urban residents by according these groups less voting weight.¹²

My state demographic data were obtained from the Bureau of the Census. The percentage of a state that is African American and that resides in urban areas was available for each of the 1870 to 2000 censuses. Each state’s Latino population was available only for the 1980 to 2000 censuses.

Roll Calls

To probe whether a state’s voting weight is related to the voting behavior of its Senator, I employ two types of roll call voting statistics. Senators’ W-NOMINATE scores measure Senators’ aggregate roll call behavior in a single term on all non-unanimous votes. If a state’s voting weight in 2000 predicts its Senators’ W-NOMINATE scores in the 107th Congress, this

would demonstrate that Senators hailing from states with greater voting weight lock horns with Senators from states with less voting weight on a wide variety of ideological issues. I also examine the subset of votes that are most salient for racial minorities. Leadership Conference on Civil Rights (LCCR) scores measure Senators' propensity to support the positions of the LCCR, a pro-civil rights advocacy organization. Because the LCCR also advocates on behalf of groups other than racial minorities, just ten of the fourteen LCCR votes in the 107th Senate were used to measure Senators' propensity to support the LCCR on roll calls.¹³

Results

I present four categories of results. I first examine whether the states with less voting weight in the Senate are also more likely to be populated by policy liberals and citizens who identify with and vote for the Presidential candidates of the Democratic Party. Finding that they are, I then assess whether the potential for ideological bias this creates maps onto the aggregate roll call voting patterns of the Senate. I then assess whether states with less voting weight are more likely to be populated by racial minorities and other groups that may contain many racial minorities. Finally, I conduct a first analysis of whether Senators from large and small states oppose each other on votes most salient for racial minorities.

Ideology and Political Equality

In this section, I relate each state's logged SVW to the attitudes of the state's citizens as measured by the General Social Survey. As noted above, the GSS data are pooled by decade, aggregated to the mean, and detrended, and then compared to the state's voting weight in that decade. There are several caveats to this basic setup, however. First, because the GSS sampled

in just 32 states in the 1970s, I only pool data from 1981-1990 and 1991-2000. Second, because post-2000 GSS data are too sparse to model attitudes in 2000, I compare 1990-2000 survey data to states' voting weight in 2000. Finally, an examination of the data revealed two states, Delaware and Iowa, which were twice as Democratic as the next most Democratic state. These estimates of state partisanship seem implausible, given the measures observed in prior studies (e.g., Erikson, Wright, and McIver 1993), and because the measure of partisanship in these states is based on less than 200 cases (the state average is nearly 900). I conclude that these measures are not representative of the attitudes in these states and do not include Delaware and Iowa in the analyses of state attitudes.¹⁴

Because these attitudes are aggregated from opinion surveys, they are measured with error. I assessed their reliability using a generalizability coefficient as discussed in Jones and Norrander (1996).¹⁵ I then incorporated these measures of reliability into an errors-in-variables framework (e.g. Bartels 1993). All liberal/Democratic responses are coded higher, so negative coefficients indicate that liberal/Democratic attitudes are more prevalent in states with less voting weight. The results of these estimations and the reliabilities used are reported in Table 1.

These results reveal that individuals residing in states with less voting weight are quite consistently more liberal and more likely to identify with the Democratic Party. While individuals residing in states with less voting weight were only more ideologically liberal in the 1980s, in these same states individuals were more consistently liberal in their willingness to spend money on the environment, health care, and improving conditions for African Americans. Finally, individuals residing in states with less voting weight in the Senate were more likely to identify with the Democratic Party in the 1990s.¹⁶

Table 1

To illustrate the extent to which Democratic states have less voting weight and how this came about, Figures 1(a) and (b) plot the relationship between state Democratic identification and logged SVW in 1980 and 2000, respectively. Democratic states are those with a mean identification greater than zero on the x-axis. States with less than average voting weight are those with SVW less than zero on the y-axis. Figures 1(a) and (b) suggest that one reason Democratic identifiers are now more likely to reside in states with less than average voting weight is that Southern states, many of them with greater than average voting weight in the Senate (AL, AR, LA, MS, SC), have moved toward greater identification with the Republican Party (e.g. Black and Black 2002). At the same time, several states with less than average voting weight (e.g. CA, IL, NY, NJ) have moved toward greater identification with the Democrats.

Figure 1

The next ideological attribute of states that I relate to their voting weight is their residents' voting behavior in presidential elections. Specifically, I examine the seven presidential elections held in a Census year from 1880 to 2000 and ask whether states that favored the Democratic nominee at the ballot box had less voting weight in the Senate. To measure support for the Democratic nominee, I subtracted the Republican, two-party percentage of the popular vote from the Democratic, two-party percentage of the popular vote. I then

correlated logged SVW and this measure of Democratic candidate support for each of the seven elections. To account for the unique electoral history of the American South, I repeated these correlations for all Nonsouthern states. The results of these two series of correlations are displayed in Figure 2.

Figure 2

Examining first the trend for all states, there is a weak negative correlation until 1960, but beginning in that year and accelerating thereafter state voting weight became systematically, negatively correlated with Democratic Party support. The pattern for states outside the South is quite different prior to 1960, showing a positive (but not statistically significant) relationship between SVW and support for Democratic candidates. By 1960, though, the states outside the South and the country as a whole exhibited a more similar relationship. Today, the residents of states with less voting weight are more likely to vote for the Democratic Party's presidential candidates.

To probe the causes and magnitude of this relationship, I compared the presidential election voting patterns in 2000 to those in 1940 (see Figures 3(a) and (b)). Like Figures 1(a) and (b), these Figures reflect the "sorting out" of voters into political parties in the latter half of the 20th Century, as many conservative Southern white voters came to vote increasingly for Republicans, and the base of the Democratic Party became consolidated in the (highly populated) Northeast, upper Midwest, and Pacific Coast. Specifically, in 1940 there was a weakly positive

relationship between state voting weight and Democratic voting in Nonsouthern states, and a weakly negative relationship among all states. In 2000, this relationship was more sharply negative for all states and Nonsouthern states. Democratic voters are now more likely to reside in states with less voting weight, these Figures show, based on changing patterns of state presidential voting.

Figure 3

Liberals and Democrats may be more likely to reside in states with less voting weight, but how do these disparities map onto the voting coalitions in the Senate? As a first analysis of this question in the modern era, I compared Senators' first dimension W-NOMINATE scores for the 107th Senate and their state's voting weight in 2000. If a state's voting weight predicts its Senators' roll call decisions, this would demonstrate that the ideological and partisan inequalities in voting weight I have described are consequential – that these inequalities map onto the voting divisions within the Senate. However, regressing Senators' "first dimension" W-NOMINATE scores on logged SVW in 2000 reveals that large- and small-state Senators do not systematically oppose each other on the wide variety of issues captured by these scores ($p = .41$) (see Appendix B). Liberals are still potentially disadvantaged by having less voting weight in the Senate, but current voting coalitions on most roll calls tend not to align with these differences in voting weight.

In sum, my analysis of the potential and presence of ideological bias in the Senate reveals that the residents of states with less than average voting weight also tend to be more liberal and to identify with and vote for the candidates of the Democratic Party. This is not to say that the interests of these groups are or are not pursued by politicians. Senators do not weight the preferences of constituents equally, but rather give special heed to the interests of their supporters (Fenno 1978). Looking at Senators' voting patterns, I do not find evidence of ideological/partisan bias, although as long as state voting weight and the attitudes of states covary, such bias remains a possibility. One explanation for the absence of ideological bias is that states' voting weight does not appear to be strongly related to Senators' partisan affiliations. The correlation of logged SVW and Senators party affiliations is only .09. Given the inability to predict Senator partisan affiliation based on state voting weight, and the prevalence of party cohesion on roll calls, it is not particularly surprising that state voting weight does not predict Senators' voting behavior on the broad array of ideological issues captured by NOMINATE scores.

Race and Political Equality

How do the "politically relevant characteristics" (Verba, Schlozman, and Brady 1995) of each state, in particular the proportion of its population that is a racial minority, relate to the state's voting weight in the Senate? I examine the voting weight of African Americans and Latinos, and because these groups may also be more (or less) likely to reside in states that are more urbanized, the voting weight of urban residents.¹⁷ To examine whether these demographic groups have been disadvantaged by the Senate's apportionment rule, I correlated state demographic data with logged SVW by decade from 1870 to 2000. Because these estimates are

merely intended to ascertain whether demographic groups are more likely to reside in states with less voting weight as a descriptive matter, rather than explaining SVW, correlations are appropriate. Negative correlations indicate that as the size of the demographic group in a state increases, the state's voting weight in the Senate declines.

The results of these estimations (see Figure 4) show that it was not until 1960 that African Americans were systematically more likely to reside in states with less voting weight in the U.S. Senate. The emergence of this relationship is likely attributable to the migration of African Americans from the rural South to Northern urban centers, "one of the largest and most rapid mass internal movements of people in history" (Lemann 1991, 6; see also McAdam 1982; Goodwin 1990). In 1940, half of the nation's African Americans lived in the rural South (Lemann 1991). Between 1910 and 1960, the rate of increase in total African American population in the non-South was more than 600%, compared to 29% in the South, as more than 5 million African Americans left the region (McAdam 1982, 77-78). Nearly 9 in 10 of these migrants settled in seven, already populous states -- Pennsylvania, New York, Illinois, New Jersey, Michigan, Ohio, and California. African American migration thus had the effect of increasing the African American population in already populous states, increasing the total population of these destination states, and decreasing the African American and overall population of southern states, all of which strengthened the negative relationship between states' African American populations and their voting weight in the Senate. Thus, the movement of African Americans from a region in which they were essentially disenfranchised until 1964 to localities where they could much more easily vote also had the perverse effect of simultaneously decreasing their voting weight in the Senate. The large-scale migration of African Americans

ended in 1970 (Lemann 1991, 6), consistent with the leveling off of the relationship between state voting weight and the African American proportion of the population observed in Figure 4.

Figure 4

The emergence of systematic, apportionment-based political inequality among Latinos in 2000 also would appear to stem from demographic and residential patterns. The sixteen Metropolitan Statistical Areas and Primary Metropolitan Statistical Areas with the largest Latino populations in 1980 experienced "by far the greatest numerical growth in numbers" over the next 20 years, adding nearly 7 million Latinos (Suro and Singer 2002, 4). Nearly all of these MSAs and PMSAs are located in states with less than average voting weight, including California, Texas, Florida, New York, and Illinois. Significantly, the growth of the Latino population in these MSAs and PMSAs was four times greater than the growth rate of non-Latinos, representing 79% of the total population growth in these areas (Suro and Singer 2002, 4).

States with less voting weight became systematically more urban in 1920. The 1920 Census was the first in which the country's urban population (51.2%) outnumbered its rural population (48.8%). This year also marks Congress' lone failure to reapportion the House of Representatives after each Census, as the Constitution requires (Schmeckebier 1941).¹⁸ The rural states that stood to lose seats in the House favored increasing the size of the chamber, as had been done in the past, while the urban states that stood to gain from reapportionment favored a fixed chamber size (Eagles 1990). "Running through many of the specific points of disagreement over reapportionment in the 1920s . . . were explicitly stated conflicts between

urban and rural interests and between their representatives" (Eagles 1990, 118). In 1929, the House stalemate over reapportionment was resolved, with the reapportionment law providing for a fixed chamber and automatic reapportionment after each subsequent Census. Figure 4 shows that about the same time more urban states won the battle over apportionment in the House, they became systematically unequal in the Senate.

Have African Americans and Latinos been more or less likely than whites to reside in more urban states, compounding or perhaps alleviating their race-based inequality in the Senate? To assess this, I correlated the percentage of a state's population that is African American with the percentage of the state's population that resides in urban areas for each decade from 1870 to 2000. In the latter part of the 19th Century through the first half of the 20th Century, there was a fairly strong negative relationship between these two proportions ($r = -.43$ in 1870, $-.47$ in 1910, and $-.31$ in 1950, all $p < .05$). Since 1950, however, there has not been a statistically significant relationship between the proportion of a state that is urban and the proportion that is African American, and the correlation between the two proportions has plummeted in magnitude ($r = .01$ in 2000). When this trend is compared with the trend of race-based inequality among African Americans portrayed in Figure 4, it is striking that the first decade in which African Americans were systematically more likely to reside in states with less voting weight, 1960, was also the first decade in which African Americans were not less likely to reside in urban states. In 1960, African Americans lost their voting weight advantage based on their tendency to reside in rural states, and also gained a voting weight disadvantage based on their racial group membership. Conducting a parallel analysis for Latinos from 1980-2000 revealed no systematic relationship between the percentage of a state's population that is Latino and the percentage of the state's population that resides in urban areas.

To illustrate the association between the percentage of a state's population that is African American and its relative voting weight, Figure 5 plots this relationship in 2000. The figure also includes lines of quadratic fit for all states and Nonsouthern states (minus border states Delaware and Maryland). Because SVW is logged, a state with a negative SVW has less than average voting weight in the Senate. Among states outside the South, there is a steep, relatively linear drop-off in the voting weight of states with substantial African American populations (10-16%), compared to states with smaller African American populations. When the handful of states with the largest African American populations (>20%) are included, nearly all located in the South, the relationship becomes quadratic. In sum, African Americans generally are more likely to reside in states with less voting weight, but the continuing residence of substantial African Americans in Southern states with less voting weight helps to alleviate some of this disparity. Looking to the future, if states such as Georgia and North Carolina continue their rapid population growth, and racial residential patterns remain stable, the relationship among all states will begin to look more like the relationship among Nonsouthern states.

Figure 5

Finally, I assess whether the potential for racial bias in policy making created by the correspondence of state voting weight and state racial composition is translated into actual bias through the voting coalitions of Senators. To do so, I regress Senators' propensity to oppose the LCCR's position in the 107th Senate on their state's logged voting weight. The results of this

estimation reveal that Senators hailing from states with less voting weight are more likely to support the positions of the LCCR ($p = .06$, one tailed test). Accounting for state racial composition and Senators' party affiliations continues to improve the fit of this relationship (for full results of these estimations see Appendix B). To get a substantive sense of the strength of this relationship, Figure 6 plots the connection between Senators' propensity to support the LCCR's positions in the 107th Congress, and their state's voting weight in 2000. According to the Figure, Senators who hail from the states with the least voting weight supported the position of the LCCR about 20% more often than Senators who hail from the states with the most voting weight. This results in Senate decisions that are skewed in the direction of Senators who oppose the positions of the LCCR. A somewhat lesser tendency to support the LCCR's position among Democrats who represent states with greater voting weight than is the case among their Democratic colleagues representing larger states appears to contribute substantially to this relationship.

Figure 6

To sum up, I find that African Americans (since 1960) and Latinos (beginning in 2000) tend to reside in states with less voting weight. I also find that the Senators who represent states with greater voting weight tend to oppose Senators who hail from states with less voting weight on issues salient for racial minorities, with the former group tending to thwart minorities' interests. In particular, it appears that Democratic Senators who represent states with greater

voting weight less consistently support the LCCR's positions, compared to Democratic Senators who represent more populous states.

Conclusion

Using attitudinal, electoral, and demographic data, this study has shown that the Senate's apportionment scheme working in combination with state boundaries has increasingly come to underweight the preferences of ideological liberals, Democrats, African Americans, and Latinos. This state of affairs creates the possibility that policies are biased against the preferences of these groups. These potential biases are not realized on the broad array of votes that take place in the Senate, suggesting that ideological liberals are not disadvantaged by the Senate's malapportionment (though this remains a future possibility). However, on votes of greatest concern for racial minorities, state differences in voting weight appear to map onto the voting coalitions in the chamber. In sum, racial minorities tend to reside in states with less voting weight, and Senators from these states are most likely to vote in support of racial minorities' interests.

This final set of results is cause for concern among those advocating enhanced representation of racial minorities' interests. Observers have long believed that racial minorities' interests are underrepresented in governmental decisions (Guinier 1994; Hero and Tolbert 1995). In addition, commentators have documented the many, often unique obstacles to political equality these groups still confront such as their numerical minority status in most electoral districts, their disproportionate voting power based on patterns of party support (Bartels 1998), their linguistic and citizenship barriers, their generally lower rates of political participation and engagement (Verba, Schlozman, and Brady 1995), the infrequency with which they are targeted

for mobilization (Piven and Cloward 1988; Rosenstone and Hansen 1993), and dilution of their voting strength based on districting and electoral rules (Guinier 1994, Lijphart 1997), to name just a few. This study adds to the list of reasons that we should be concerned about political inequality among racial minorities - the Senate's apportionment method appears to skew decisions these groups care about most in a direction adverse to their interests.

These results also suggest that the Senate's decisions on some issues may be trending in a conservative direction, relative to the House. That the Senate is generally more liberal than the House is a belief with a long pedigree (Froman 1963; Kernell 1973; Grofman, Griffin, and Glazer 1991). These studies, which focus on the era of Democratic dominance in Congress, consistently conclude that the median Senator is more liberal than the median Representative. The notable exception in these studies is civil rights legislation, where the Senate has for some time appeared to be more conservative (Froman 1963).¹⁹ The results of this analysis suggest that the Senate's relative conservatism on civil rights issues may have grown since Froman wrote.²⁰ Moreover, if the Senate's ideological relationship to the House is changing, this could have important implications for inter-chamber relations in Congress. For instance, we should expect to observe more disputes in conference committees trying to hammer out compromises on legislation affecting civil rights.

For now, we can conclude that given the current residential patterns of certain historically disadvantaged groups and the attractiveness of liberalism and the Democratic Party for certain parts of the country, these interests have the potential of being disadvantaged in the Senate. Moreover, the patterns of conflict in the Senate appear to map onto some of these differences in citizens' voting weight, creating racial bias in the Senate's decisions and perhaps the final policies of the nation's government as well.

Appendix

A. Question Wording of General Social Survey

Abortion: Please tell me whether or not you think it should be possible for a pregnant woman to obtain a legal abortion for any reason.

Ideology: We hear a lot of talk these days about liberals and conservatives. I'm going to show you a seven-point scale on which the political views that people might hold are arranged from extremely liberal--point 1--to extremely conservative-- point 7. Where would you place yourself on this scale?

Party Identification: "Generally speaking, do you think of yourself as a Republican, Democrat, Independent, or what?"

Spending items: All items ask Respondents: "We are faced with many problems in this country, none of which can be solved easily or inexpensively. I'm going to name some of these problems, and for each one I'd like you to tell me whether you think we're spending too much money on it, too little money, or about the right amount."

African Americans: "improving the conditions of blacks"

Crime: "halting the rising crime rate"

Education: "improving the nation's education system"

Environment: "improving and protecting the environment"

Health Care: "improving and protecting the nation's health"

Welfare: "welfare"

B. Complete Results of Estimations

Table B-1

Table B-2

Tables

Table 1: State Attitudes and Voting Weight, 1980-2000

GSS Pool <i>ln(SVW)</i>	1981-1990		1991-2000		1991-2000	
	<i>1980</i>	<i>r</i>	<i>1990</i>	<i>r</i>	<i>2000</i>	<i>r</i>
Party ID	-.45 [.36]	.91	-1.26* [.51]	.81	-1.21* [.21]	.81
Ideology	-2.36* [.81]	.80	.03 [.85]	.82	.14 [.86]	.82
Abortion	-.99 [1.42]	.92	-.27 [1.48]	.84	-.42 [1.50]	.84
<i>Spending</i>						
African Americans	-1.53 [1.62]	.71	-3.98* [1.61]	.56	-3.98* [1.64]	.56
Environment	-4.50* [1.46]	.71	-7.06* [2.14]	.53	-6.91* [2.20]	.53
Crime Prevention	-11.55* [5.46]	.30	-9.68* [3.64]	.29	-9.50* [3.75]	.29
Welfare	-.74 [1.37]	.73	2.19 [2.13]	.58	2.24 [2.15]	.58
Health Care	-6.85 [2.55]	.61	-8.82* [4.07]	.29	-8.68* [4.16]	.29
Education	-10.43* [3.44]	.46	-1.02 [5.82]	.31	-.83 [5.89]	.31
N	39		42		42	

Notes: Dependent variable is logged SVW. Each cell entry represents the result of a bivariate errors-in-variables regression at the indicated level of reliability. Bracketed entries are standard errors. * denotes $p < .05$. Reliability coefficients noted in columns 2, 4, and 6.

Table B-1: Senator NOMINATE Scores and
State Voting Weight, 107th Senate

ln(SVW)	.055 [.067]
Constant	-.077 [.076]
N	101

* denotes $p < .05$.

Table B-2: Senator LCCR Scores and
State Voting Weight, 107th Senate

	(1)	(2)
ln(SVW)	-.042 [.027]	-.030* [.012]
Republican	---	-.503* [.021]
State Percent African American	---	-.179 [.124]
Constant	.504* [.030]	.762* [.022]
N	100	100

* denotes $p < .05$.

Figures

Figure 1(a): State Democratic Identification and Voting Weight, 1980

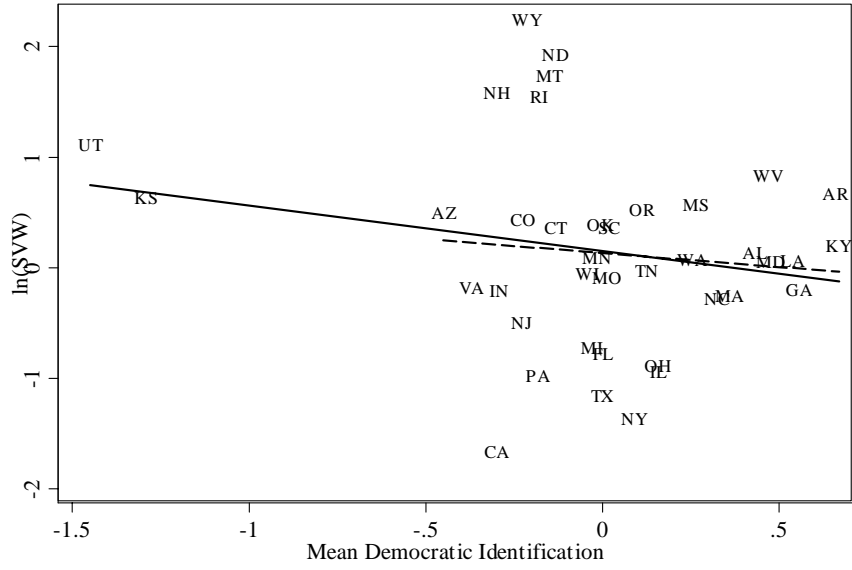


Figure 1(b): State Democratic Identification and Voting Weight, 2000

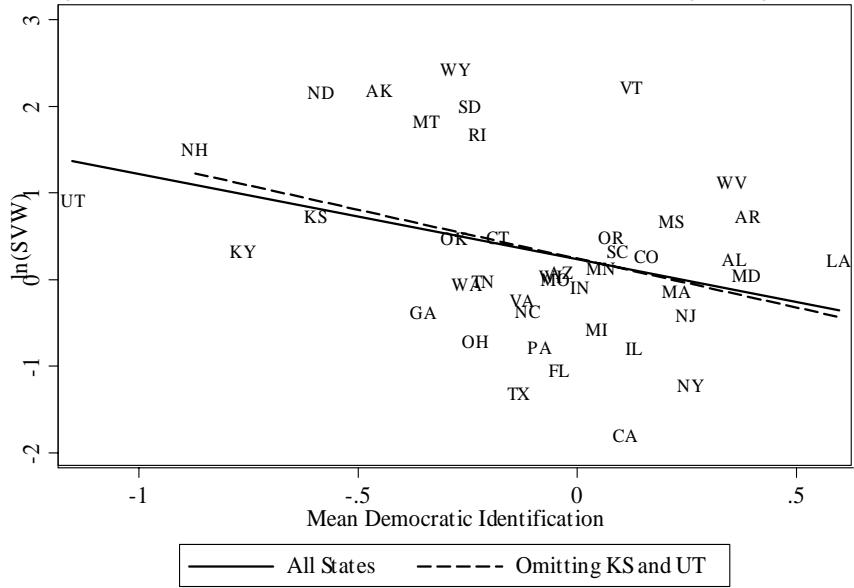
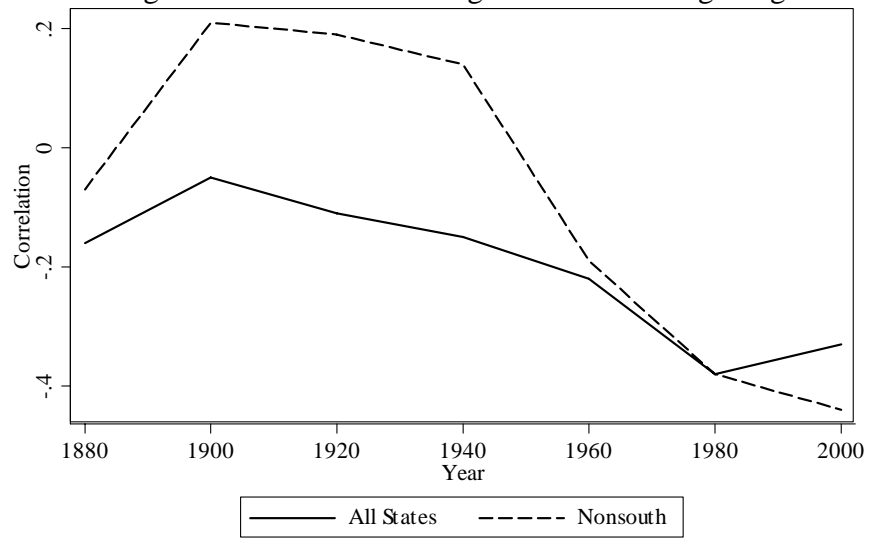


Figure 2: Democratic % Margin and State Voting Weight



Correlations for both groups of states significant at $p < .05$ in 1980 and 2000

Figure 3(a): Democratic % Margin and State Voting Weight, 1940

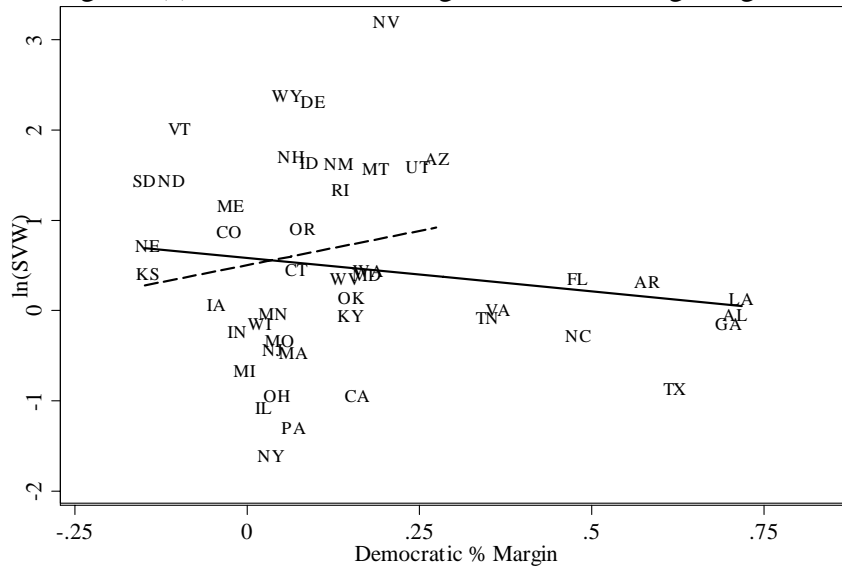


Figure 3(b): Democratic % Margin and State Voting Weight, 2000

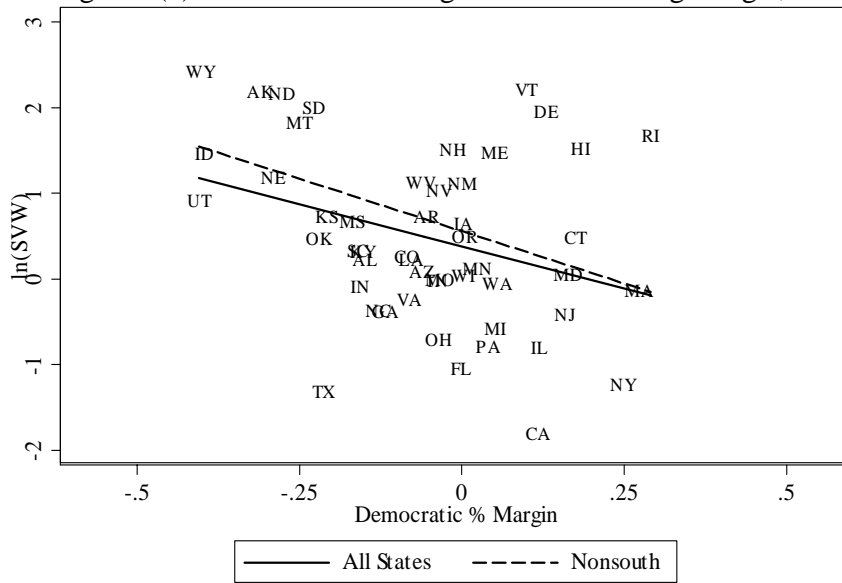
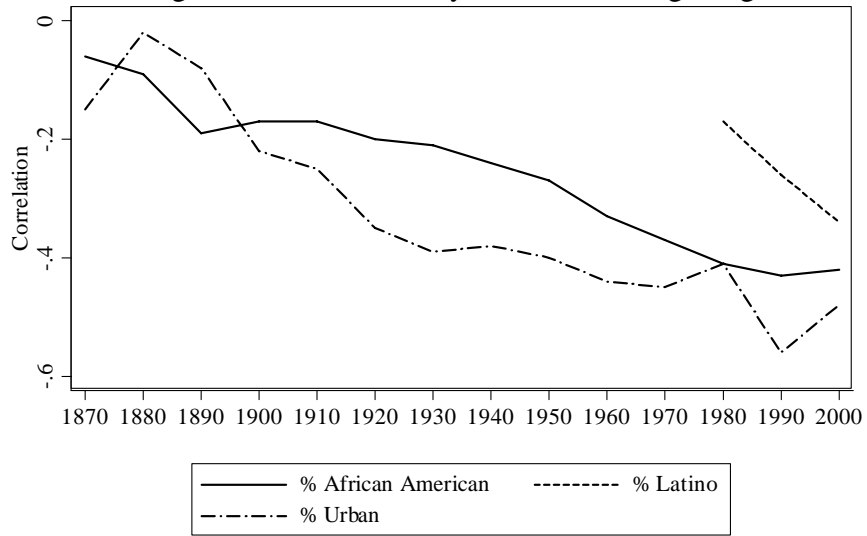


Figure 4: Race, Urbanicity, and State Voting Weight



p<.05 for % African American post-1960, % Latino 2000, and % Urban post-1920

Figure 5: Percent African American and State Voting Weight, 2000

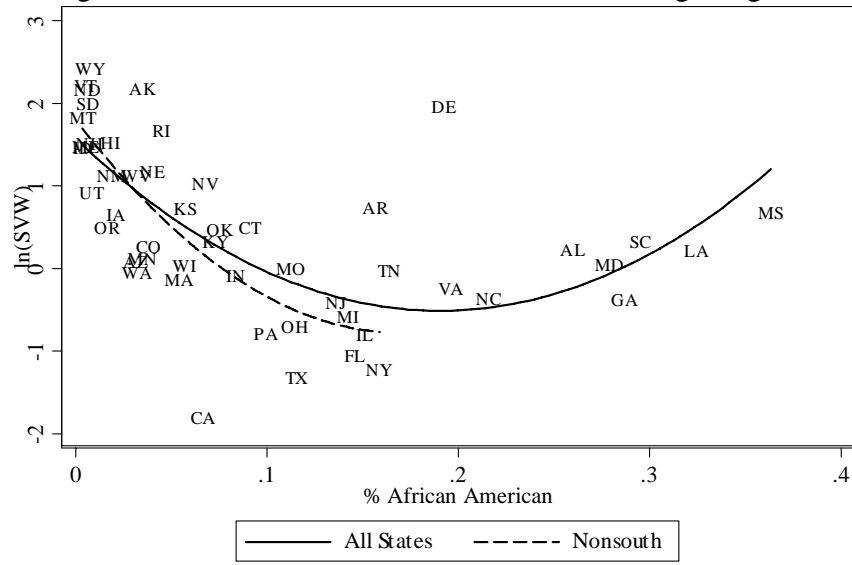
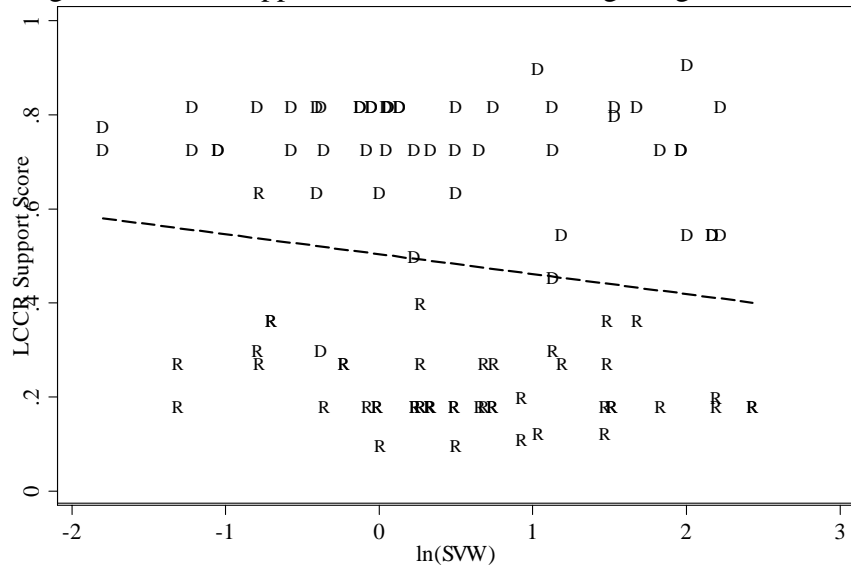


Figure 6: LCCR Support Score and State Voting Weight, 107th Senate



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¹ “The inequality of representation in the Senate,” according to Woody (1926, 248), is “always a subject more or less disturbing to logical minds.”

² Article I, section 3. In this analysis, mention of the "consequences of the Senate's apportionment rule" implies interest in the interaction of this rule with the manner in which politically relevant groups are distributed across states.

³ A final requirement of political equality relates more directly to citizens' relationship to governmental "outputs." Namely, political equality demands "equality in [governmental] response" (Verba 2003, 665).

⁴ A related literature explores the impact of Senate apportionment on the composition of the Electoral College and thus the College’s relative representation of various groups (e.g. Bartels 1998).

⁵ A related literature asks how legislative malapportionment within states affects public policies (e.g. Key 1956; Dye 1965).

⁶ Of course, the ability of states with greater voting weight to acquire a disproportionate share of public funds, as Lee and Oppenheimer (1999) demonstrate occurs, would still be a concern even if the preferences of citizens do not vary systematically with state voting weight.

⁷ Several studies have shown that in the conference committees that seek to resolve House/Senate differences over bills, the Senate's position influences the final version of the legislation that is sent to the President at least as much, and perhaps more than, the House's position (e.g. Fenno 1966).

⁸ Lee and Oppenheimer (1999, 7) emphasize, however, that they “are not directly concerned with the ways Senate apportionment overrepresents some interests and underrepresents others.” While they claim

that "[t]o show that Senate apportionment affects the representation of interests would be to demonstrate the obvious" (7) this study shows *which* interests are disadvantaged, and how this has changed over time.

⁹ The GSS does not currently sample from Hawaii, Idaho, Maine, Nebraska, Nevada, and New Mexico, and in previous years did not sample in additional states.

¹⁰ However, Latinos' attitudes can differ widely based on their country of origin/ancestry.

¹¹ I also examined whether African Americans have been more likely to reside in states with a lower per capita income. I found that in the middle part of the 20th Century, there was a fairly strong negative relationship between the proportion of a state's population that was African American and the state's per capita income ($r = -.45$ to $-.57$). By 2000, however, the correlation had weakened to $-.05$. Moreover, comparing state per capita income with the state's voting weight shows no systematic relationship until 2000, with wealthier states possessing somewhat greater voting weight. So, when African Americans were more likely to reside in poorer states, poorer states did not have less voting weight. By the time that poorer states had less voting weight, African Americans were no longer more likely than other racial groups to reside in poorer states.

¹² By implication, this study also probes whether certain groups (whites, rural residents, conservatives) are overrepresented in the Senate, though the presentational focus will be on underrepresented groups.

¹³ Specifically, I aggregate LCCR roll calls 1-4, 6-8, and 11-13 into a mean. For a description of these roll calls, contact the author.

¹⁴ Erikson, Wright, and McIver (1993) excluded Nevada from their study on similar grounds.

¹⁵ The generalizability coefficient ranges from 0 to 1. Jones and Norrander (1996, 302) classify values over .7 as "highly reliable," between .6 and .7 as "moderately reliable," and below .6 as "unreliable."

¹⁶ Using an updated version of Erikson, Wright, and McIver's pooled CBS/New York Times data (1976-1993), I probed the robustness of these results. Using this measure of state partisanship, I again found that states with less voting weight were more likely to be Democratic ($r = -.32$, $p = .03$).

¹⁷ Note that it is not necessary for racial minorities to reside in urban areas for this to obtain – these groups need only reside in states that are more urban.

¹⁸ Article I, section 2, clause 3.

¹⁹ Various accounts for the Senate's reputed liberalism include the manner in which the chamber is organized (Froman 1963; Grofman et al. 1991); the size of Democratic majorities in each chamber (Kernell 1973; Grofman, et al. 1991); the role of the Senate as policy innovator (Kernell 1973); and the demographic makeup of the median state compared to the median House district (Froman 1963). With regard to the last of these explanations for Senate liberalism, Froman observed that more Representatives hailed from districts that were less "non-white" and less urban than was the median state.

²⁰ Indeed, commentators recently have begun to question the Senate's reputed liberalism. Writing in 1994, prior to the arrival of Republican majorities in both chambers of Congress, a journalist wrote, "We can't raise our wages. We can't get health insurance. No aid to cities. And why? The Senate votes it down" (Geoghegan 1994, 17, quoted in Lee and Oppenheimer 1999).