Race, Political Empowerment, and Minority Perceptions of Judicial Fairness*

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Objective. Recent studies of the impact of black elite electoral success on the system-supporting attitudes of black citizens have yielded mixed, but generally unimpressive, empirical results. We extend this limited research by examining the effects of the presence of black judicial officials on public attitudes toward a state judicial system. Methods. We employ data from a telephone survey of citizens in Mississippi and develop multivariate models to test for the effects of black judges on citizens’ evaluations of the fairness of judges, equity in sentences, and overall impartiality of the state judicial system. Results. We find no systematic evidence that the election of black judicial officials ameliorates the suspicions of the black public regarding the fairness of the state courts. Conclusions. Our findings are in line with other recent studies on the limited effects of black elite electoral success on the attitudes of the black public and generally support a “political reality” model of political trust rather than an “empowerment model.”

Both researchers and casual observers of American politics have long known that African-American citizens have lower levels of trust in political institutions than do whites. In seeking to understand the root causes of this discrepancy, analysts have pointed to two models. The “political reality model” (Foster, 1978; Abramson, 1983; Howell and Fagan, 1988) posits that low levels of trust in the African-American community reflect the objective fact that blacks are at a disadvantaged position in American society, both politically and economically. Alternatively, the “empowerment model” (Abney and Hutcheson, 1981; Bobo and Gilliam, 1990; Gilliam, 1996) holds that at least part of the problem is subjective and symbolic, with blacks displaying less trust because they feel their community is largely shut out of

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a power structure staffed principally by white officials. As Howell and Marshall (1998:361–62) put it, there is a “cogent assumption that blacks will be more trusting of . . . government . . . [with black leadership] because of the expectation of increased government responsiveness to the[ir] concerns.” Mansbridge (1999) agrees, arguing that increased descriptive representation of previously excluded minorities contributes to “the increased empirical (or sociological, or de facto) legitimacy of the polity.” This is true, she argues, because “[e]asier communication with one’s representative, awareness that one’s interests are being represented with sensitivity, and knowledge that certain features of one’s identity do not mark one as less able to govern all contribute to making one feel more included in the polity.”

Studies of minority empowerment, however, have produced quite mixed results regarding the actual, empirical effects of the election of black officials. Generally speaking, earlier studies found that “the presence of highly visible black elected officials raises group pride as group members receive broad psychic benefit from the governing activities of black politicians” (Gilliam, 1996:60). However, more recent studies have yielded far less encouraging findings, sometimes even uncovering negative relationships between the level of minority electoral success at the elite level and feelings of empowerment at the mass level. What is more, the scope of these studies has been quite limited and, therefore, their generalizability suspect. In particular, until fairly recently, most studies of black political empowerment focused on one office, that of big-city mayors. Only in the past few years has this literature expanded to assess the empowerment effects of other offices, most commonly black members of Congress.

In this article, we seek to extend further our understanding of the dynamics of minority political empowerment using a unique data set that examines an as yet unexplored aspect of this phenomenon: the effect of the presence of black judicial officials on minority attitudes toward a state judiciary. Our data, from a statewide survey in Mississippi, allow us to consider the ameliorative effects—if any—of the emerging black professional presence in the legal institutions of a Deep South state. Although Mississippi has one of the largest black populations proportionally in the country and has been the site of considerable black political success in recent decades (Parker, 1990; Bositis, 2001), it is also a state that has historically used its judicial system to enforce a brutal form of second-class citizenship on its black residents, all of which makes it an interesting milieu in which to plumb the effects of minority political empowerment. Among other things, our study will allow us some insights into whether black elite electoral success can help alleviate skepticism in the black public borne of decades of unfair treatment at the hands of the state and local judicial systems.

1Although these models are not mutually exclusive, treating them as alternatives may provide the analytical leverage to examine whether symbolic empowerment alone is effective in increasing minority trust in government and political processes.
Racial Political Empowerment

A variety of studies examining data from the 1970s and 1980s concluded that the election of African-American officeholders enhances group pride by providing visible, positive role models to the black community (see, especially, Preston, 1978; Gurin, Hatchett, and Jackson, 1989; Tate, 1993). In the most important work of this era, Bobo and Gilliam (1990) traced out the political implications of black empowerment. Employing the 1987 General Social Survey, which included a significant oversample of African Americans, they examined the political effects flowing from the presence of a black mayor in the largest city in the primary sampling unit. Although they focused on behavior (particularly levels of participation) rather than attitudes and did not ask questions designed explicitly to assess differentials in the way local governments treated black and white citizens, they did ask respondents: “How much of the time do you think you can trust the local government in [respondent’s local government unit] to do what is right?” For our purposes, their most important conclusion was that African Americans who lived in areas with a prominent black mayor expressed greater trust in “local officials” than did whites of similar socioeconomic status and African Americans who lived in “low-empowerment areas.” Bobo and Gilliam (1990:387) concluded that minority empowerment has “broad and lasting consequences” for black engagement in and positive orientation toward politics.

Unfortunately, there are a variety of reasons to question such optimistic conclusions, or at least to be skeptical regarding their generalizability. For instance, as noted above, we know more about the empowerment of African Americans in the urban north than we do about their empowerment in the rural south, where more live. At the time of the Bobo and Gilliam study, only three cities (Atlanta, Birmingham, and Richmond) within the borders of the old Confederacy had black mayors and were the largest cities in primary sampling units (PSUs) from which respondents were drawn. Since prior work has shown that minority political mobilization is easier in areas of greater population concentration (see Whitby, 1985, 1987), it is possible that previous studies have overestimated the effects of empowerment by concentrating on urban environments. The studies that have turned their attention to nonurban areas, such as Parker’s (1990) study of Mississippi politics (which concludes that black elected officials help the African-American community by “promoting knowledge and awareness of state and local government, . . . stimulating more black participation in government, and by decreasing the alienation of blacks toward government and political participation”), too often rely on highly impressionistic evidence.

Equally troublesome, the optimistic conclusions of early empowerment studies may be time-bound. Howell and Marshall (1998:362), for instance, have argued that since it relied on 1987 GSS data, the Bobo and Gilliam (1990) study was completed at a most unpropitious time, “the beginning of
a period of the most precipitous urban decline in this century.” With the widespread availability of crack cocaine and other drugs in the late 1980s and early 1990s came a surge in crime of epidemic proportions that lowered the quality of life in many neighborhoods and “diminished the confidence of the black electorate in their black officials” (Howell and Marshall, 1998:363; see also Heilig and Mundt, 1984). As Howell and Marshall put it:

[black] officials represent constituents with arguably the lowest quality of life in the United States and with heightened expectations because of the election of a black leader. Conditions in the cities today may be undermining the legitimacy of black officials with their core constituencies. In short, the conditions that are conducive for black electoral successes are also the conditions most difficult for postelection achievements. (1984:376)

Indeed, subsequent work by Gilliam (1996) suggests that minority solidarity has been overstated on this point and that a new generation of younger black citizens (often attracted by the more confrontational stature of figures such as the Reverends Jesse Jackson and Al Sharpton) feels little sense of empowerment simply because of the presence of “mainstream” black elected officials (such as former Los Angeles Mayor Tom Bradley). Further work by Gilliam and Kaufman (1998) found evidence of an “empowerment life cycle,” with levels of minority political alienation actually growing as black mayors held office longer yet proved incapable of improving the quality of life of their constituents.

Beyond mayoral politics, the little work that has been undertaken of black empowerment at various legislative levels has yielded mixed, but generally unimpressive, results.2 Voss and Lublin’s (2001) study of three congressional races in Georgia and Florida in 1996 produced the most encouraging findings. They examined contests that featured black incumbent members of Congress who had originally been elected from majority-minority districts and who were standing for reelection in 1996 in newly redrawn, non-majority-minority districts that had been modified in the wake of the Supreme Court’s decisions following Shaw v Reno. Scrutinizing turn-out patterns across the three districts, Voss and Lublin found “atypically high Black mobilization” (2001:150) that they interpret as evidence of a significant empowerment effect (see also Bositis, 1998 for similar claims).

2Even less work has been undertaken exploring empowerment dynamics among other minority groups. In a recent paper, Pantoja and Segura (2003) report only limited evidence of an empowerment effect among Latinos. Using survey data of self-identified Latinos in California and Texas, they found that representation by a Latino member in the state assembly had only a “modest” impact on levels of political alienation, but admit the effect was “weaker than anticipated.” Barreto, Segura, and Woods (2004) report somewhat stronger empowerment effects on turnout among Latinos residing in majority-minority legislative districts in southern California.
More recent works, using more extensive data, have found much less evidence of an empowerment effect at the congressional level. Gay (2001) expanded on previous research by examining congressional midterm elections in two cycles (1990 and 1994) in eight states where there were incumbent black House members. Using ecological inference (EI) techniques, she failed to find consistent evidence of a relationship between the presence of a black incumbent on the ballot and higher levels of black turnout, although she did find evidence of substantial demobilization of white voters in districts with black incumbent members of Congress (MCs). In a second paper using National Election Study (NES) data pooled over an 18-year period (1980–1998), Gay (2002) examined individual-level attitudes and found no evidence that representation by a black incumbent member of Congress contributed to warmer feelings either toward the incumbent or toward the Congress as an institution (see also Overby and Palmer, 2003).

Recent work by Tate (2003) echoes the disappointing results reported by Gay. Using the 1996 National Black Election Study (NBES) with its large oversample of African Americans, Tate uncovers no significant relationship between representation by a black member of Congress and the black public’s interest in political campaigns, likelihood of voting, approval of Congress as an institution, or overall trust in government. She starkly concludes (2003:141) that “descriptive representation was not found to be politically empowering” (see also Banducci, Donovan, and Karp, 2004).

Studies of the empowering effects of other political offices are rare, but have likewise produced discouraging findings. Bullock and Scicchitano, for instance, surveyed registered voters in six southern state senate districts (three with a black incumbent, three with a white incumbent) to assess voters’ awareness of the race of their legislators. Using both bivariate and multivariate techniques, these authors concluded that “black voters represented by an African American senator are significantly less likely to know their senator’s race” than those represented by a white incumbent (2001:460, emphasis added), a finding that is difficult to reconcile with the expectation that “black senators provide symbolic benefits to African Americans” (2001:457).

In this study, which focuses on black attitudes toward the judicial branch in a Deep South state, we extend the literature on racial empowerment in several important ways. First, since we examine attitudes in the State of Mississippi, we shift the focus somewhat away from its traditional concentration on high-profile, big-city, usually northern mayors. Such a concentration is unfortunate for a number of reasons. Though, as noted above, seminal works in this area have concentrated on black mayors in the north, some 55 percent of the nation’s African-American citizens live in the south (McKinnon, 2001). Indeed, of the 96 counties in the United States where blacks constituted at least 50 percent of the population, 95 are in the south. Since it is in such areas of high black population that black electoral success is most likely, inattention to the south risks overlooking significant aspects
of the racial-empowerment phenomenon. The urban focus itself is problematic since it might skew the results in a systematic fashion. Population density can have a profound impact on a community’s ability to organize, with demographically more concentrated groups finding political interaction and coordination easier (Whitby, 1985, 1987). More dispersed, less urbanized minority populations, such as those common in the rural areas and small cities of the south (93 of the 95 southern counties in which blacks constitute at least 50 percent of the population are in “nonmetropolitan” areas (McKinnon, 2001)), might well reap less of a “psychic benefit” from minority empowerment than do their urban counterparts.

Second, in the tradition of Bullock and Scicchitano (2001), our focus on “lower-level” offices will help flesh out the impact of black political empowerment more broadly and beyond those high-profile offices that have been the focus of most previous research. This is important because, simply put, though the elections of African Americans to big-city mayoral posts or to the halls of Congress are undoubtedly important events, the diminishingly small number of such positions means that an exclusive focus on them risks ignoring the larger phenomenon. Of the 9,101 black elected officials in the United States, only 39 (0.4 percent) are members of Congress and 454 (5 percent) are mayors.4 There are far more black state legislators (597), city council members (3,538), state and local judges (658), and school board members (1,866) (Bositis, 2001). A fuller appreciation of black political empowerment requires that we begin to assess the impact of winning these offices on the attitudes of the black public, for they are far more representative of the real political environment than are a relative handful of congressional and mayoral seats.

Third, our analysis will allow us insights into how minority political empowerment impacts the supposedly least political of our political branches. This strikes us as important for several reasons, not least because the judiciary is increasingly the part of government with which Americans have the most personal experience. Figures from the Department of Justice, for instance, indicate that five out of every six Americans will be the victims of “an attempted or completed violent crime [defined as rape, robbery, and assault] at least once during [their] life,” and that one of every 100 men and 323 women will be the victim of murder (Bonczar and Beck, 1997). In fact, in our sample of the Mississippi population, over half of all respondents (52 percent) reported that they had personally had some direct involvement with the court system, either as a member of a jury, party to a lawsuit, or witness in a trial. More pointedly, for a growing number of Americans, experience with the judicial branch has very negative consequences. In 1997, for

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3In this regard it is worth noting that of the nation’s 9,101 black elected officials in 2000, 62 percent were in the 11 states of the old Confederacy and fully 38 percent were in the Deep South states of Alabama (756), Georgia (611), Louisiana (705), Mississippi (892), and South Carolina (534) (Bositis, 2001:14).

4Of these, only 30 (0.3 percent) are mayors of cities with more than 100,000 residents.
instance, there were well over 1.7 million persons behind bars in the nation’s federal and state prisons and local jails, for an overall incarceration rate of 212 per 100,000 citizens, one of the highest in all of recorded human history. Mississippi, it is well worth noting, had the nation’s fifth highest incarceration rate in 1997: almost double the national average at 505 per 100,000 state residents. In Mississippi, as elsewhere in the United States, a disproportionate percentage of prison inmates are racial and/or ethnic minorities, with non-Hispanic blacks comprising well over 40 percent of the total nationally (Gilliard and Beck, 1998) and almost 75 percent of those incarcerated in Mississippi (Department of Justice, 1997). In fact, if current incarceration rates continue as projected, it is estimated that nationwide an African-American male born in the late 1990s has a 29 percent chance of going to jail or prison at some point during his lifetime (Bonczar and Beck, 1997). As many others have noticed, African Americans are also more likely than Caucasians to be on death row. Nationally, almost 41 percent of those on death row are non-Hispanic blacks; in Mississippi, the percentage is almost 60 percent (Maguire and Pastore, 1997). Against this statistical backdrop, it is not surprising that there is growing evidence that black and white Americans have very different perceptions of the quality of justice meted out by the American judicial system, disparities highlighted over the past decade by the disparate reactions in the two communities over the state and federal trials held pursuant to the police beating of Rodney King, the criminal and civil trials of O. J. Simpson, and the contentious issue of racially-based jury nullification (see the controversy spawned by Butler, 1995). Since all courts—federal, state, and local—have only limited resources for enforcing their rulings and rely largely on the public’s voluntary compliance (see Tyler, 1990), narrow and racially polarized trust in court fairness could weaken the public’s willingness to abide by their rulings and have potentially serious consequences for the credibility of the judicial system. In this light, evidence that the growing presence of black faces among the district attorneys, judges, and other judicial officials who staff the nation’s courts has a fortifying effect on the perceptions of the black community would be encouraging news.

However, as we turn to the empirical examination of empowerment effects in a state judicial system, our review of the literature convinces us that our expectations ought to be sober ones. Although it would be heartening to find significantly higher levels of trust among black citizens served by more judicial officials from their community, the weight of recent studies cautions against such optimism in light of the political realities that often undermine impacts of political empowerment.

5This compares with a state black voting age population of about one-third.
6In contrast, the figure for white males is under 5 percent.
7Such concerns may be of even greater import at the state and local levels—where the vast majority of cases begin and end (see Glick, 1993) and where most judges are elected rather than appointed—than at the federal level.
Data and Models

We are fortunate to have access to a unique data set regarding public attitudes toward the judicial system in Mississippi and capitalize on that opportunity to offer an initial analysis of empowerment effects in a southern, judicial environment. While we make no claims that this is a typical state and are cautious in extrapolating from any single-state sample, it is worth noticing that Mississippi has several characteristics that make it an interesting venue for a study such as this one. First, of course, is the relative size of the state’s African-American population. With a black voting age population of 33 percent, statewide surveys yield unusually large subsamples of African Americans, which facilitate analysis and obviate the need for the type of oversampling required in national studies (for a description, see, e.g., Gibson and Caldeira, 1992). Second, and relatedly, since the “quiet revolution” triggered by passage of the Voting Rights Act, Mississippi has become a high minority empowerment area. According to figures compiled by the Joint Center for Political and Economic Studies, Mississippi has more black elected officials (892) than any other state; in fact, Mississippi accounts for almost 10 percent of the 9,101 black elected officials nationwide (Bositis, 2001). At least in terms of the formal offices associated with political power, African Americans in Mississippi have been very successful over the past 20 years and it is precisely in such areas of high minority empowerment that Gilliam (1996) suggests looking for evidence of positive effects on public attitudes.

The data used in this study were collected by the University of Mississippi’s Social Science Research Laboratory (SSRL) under a contract with the Supreme Court of Mississippi’s Committee on Bias in the Courts. In turn, this was part of a larger project undertaken by the SSRL for the state’s Judicial Advisory Study Committee and Administrative Office of the Courts. The data were collected in phone surveys conducted between August 7–15, 1995, on a randomly selected sample of households within the state. In all, 1,243 eligible households were contacted, of which 671 completed the survey, yielding a response rate of 54 percent. Of these 671 respondents, 177 (26 percent) are African Americans.

The survey explored a wide range of issues related to the state judicial system, including the behavior of a variety of types of officials involved in the administration of justice and the overall fairness of the system. In this regard, it is worth noting that at the time of the study, there were 40 African Americans in the state’s lower courts who were black. Although blacks form the majority of the lower courts in Mississippi, they clearly face significant challenges. The more significant point is that the state’s judicial system is one of the few places where African Americans have made substantial progress in gaining access to positions of authority and influence. The data suggest that these gains have led to positive changes in public attitudes toward the judicial system.
Americans holding important, elective positions in state and local judicial institutions in Mississippi: one member of the state supreme court, one member of the court of appeals, 10 circuit court judges, five chancery court judges, one county court judge, and 22 justice court judges. The fact that these judicial officials served in particular geographical districts gives us cross-sectional leverage to examine whether or not citizens’—especially black citizens’—assessments of the justice system were influenced by the presence of minority officials in the judicial power structure in the area in which they live.

To test the impact of minority empowerment, we created a series of multivariate, ordered logistic regression models. The dependent variables in these equations are respondents’ answers to three questions related to their perceptions of whether various aspects of the state judicial system operate in a color-blind manner. Although these questions are not as broad as those used in some other studies of the attitudinal effects of empowerment, they do tap into one of the public’s cardinal expectations of the judiciary. If minority empowerment has an ameliorative effect, we would expect minority respondents to evince greater trust in the fairness of the judicial system in those areas where there are more African Americans in positions of judicial authority.

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11 In Mississippi, each of these offices is elective. The supreme court is the state’s “court of last resort.” The nine justices on the supreme court are elected for seven-year terms from three districts. At the time of the survey, Justice Fred Banks was the court’s only African-American member, representing the First District, which bisects the center of the state running from the southern half of the Delta, through Jackson, and then to the Alabama border. The court of appeals is an intermediate appellate court with judges elected from districts that were co-terminus with the state’s five congressional districts during the 1990s. In 1995, one African American sat on the court of appeals, representing the Second Congressional District. Circuit courts have original jurisdiction over all criminal and civil matters not explicitly granted to other courts. Circuit court judges are elected from 22 districts and serve four-year terms of office. Chancery courts have original jurisdiction over many civil areas, including divorce, equity, probate, and, in some cases, juvenile matters. Seventeen of the state’s 82 counties have county courts, which exercise exclusive jurisdiction over issues of eminent domain, partition of personal property, juvenile matters, and unlawful entry, and that share with the circuit and justice courts certain other felony jurisdictions. County court judges are elected for four-year terms. Chancery court judges are elected from 20 districts, serve four-year terms, and serve as chancellors. Justice courts in Mississippi have exclusive civil jurisdiction over small-claim matters (up to $1,000) and concurrent criminal jurisdiction with circuit courts over more minor criminal matters. Each county is divided into justice court districts, and justice court judges serve four-year terms. One of the state’s 22 elected district attorneys was also black, but data limitations preclude us examining the impact, if any, of citizen attitudes toward this level of the judicial system.

12 Studies of minority political empowerment have been characterized by marked dissimilarities in their modeling schemes, largely due to limitations on available data. This includes choice of dependent variables (some use aggregate measures of actual behavior, others individual measures of self-reported behavior, others attitudes), the extensiveness and choice of independent variables, and the manner in which these independent variables are operationalized. Given the nature of our data and the diffuse nature of the literature, our choices of dependent and independent variables seem reasonable. Ideally, we would have liked to analyze separately the responses of those African Americans in the sample who were knowledgeable about the race of judicial personnel in their localities. Unfortunately, our data do
Specifically, these questions asked respondents to evaluate judges on whether or not they treat all defendants equally regardless of race, whether or not criminal sentences are meted out without regard to race, and, in general, whether the state judicial system treats everyone fairly regardless of race. All these variables are coded on a four-point scale ranging from “strongly disagree” to “strongly agree,” with higher scores indicating greater skepticism regarding the fairness of the system or its constituent parts. Respondents who refused to answer any question or who volunteered that they did not know enough to make a judgment are treated as missing data.

The exact wording of the questions used in the dependent variables, along with summary descriptive statistics broken down by race, are found in Table 1. As the comparisons of means for white and black respondents clearly indicate, on all three of these measures African Americans in our sample displayed significantly less confidence in the fairness of the judicial system in Mississippi. From the behavior of judges, to the apportionment of sentences, to the overall fairness of the state judicial system, blacks were considerably more skeptical than whites regarding the purported color-blindness of justice.

On the right-hand side of the equations, we include a number of independent variables to help us account for the variance observed among the respondents. Naturally, we begin with race, which we treat as a dichotomous variable (whites = 0, blacks = 1; all others are treated as missing data). We add to this the item of greatest interest to this study, a variable tapping the success of black judicial elites around the state in securing judgeships. This variable is a scale created by summing the number of all elected black judges (i.e., state supreme court, court of appeals, circuit courts, county courts, and justice courts) serving each respondent’s county of residence in 1995. This scale ranges from 0 (for roughly 30 percent of our respondents) to 8 (for the 11 percent of respondents living in Hinds County, site of Jackson, the state’s capital and largest city), taking on higher values for respondents who live in counties where African Americans occupy a greater number of high-ranking elected positions in the judicial hierarchy. This variable also has an associated interactive term, which is designed to capture the impact of black elite empowerment on the attitudes of African Americans in the general
population. This interactive term is calculated by multiplying the judges scale by race, which yields a variable that takes on the magnitude of the empowerment variable if the respondent is black and 0 if the respondent is white. This will allow us to determine whether there are systematic differences in the evaluations of African Americans living in high-minority empowerment areas and all other respondents (i.e., whites and African Americans living in areas without black judicial officials). Ceteris paribus, if the empowerment hypothesis is correct, we would expect those African Americans living in areas with more black professionals in the legal system to display higher levels of trust in the fairness of the judiciary.

Following previous work in this and related areas of public opinion, we also include a battery of control variables (Caldeira and Gibson, 1992; Gibson and Caldeira, 1992; Olson and Huth, 1998; Overby and Palmer, 2003). These begin with a set of standard demographic measures. Education is based on years of formal education collapsed into a six-category variable (i.e., no high school diploma, high school graduate, junior college degree, college degree, master’s degree, terminal professional degree), where higher scores indicate more formal education. Income is based on self-reported 1994 pretax household incomes collapsed into a nine-category variable based on increments of $10,000 and ranging from less than $10,000 to more than $80,000; higher scores reflect higher incomes. Age is real age in years calculated by subtracting self-reported birth years from 1995. Fourth, we include a gender variable, coded as males = 0, females = 1. Our expectations regarding these variables are straightforward. Ceteris paribus, we

### TABLE 1
Evaluations of the Fairness of the Mississippi Judicial System, by Race

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Mean Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Mississippi judicial system treats everyone fairly regardless of race or ethnic background.</td>
<td></td>
</tr>
<tr>
<td>Whites ( (N = 427) )</td>
<td>2.07</td>
</tr>
<tr>
<td>Blacks ( (N = 145) )</td>
<td>1.72*</td>
</tr>
<tr>
<td>Mississippi judges usually treat all defendants fairly, regardless of their race or ethnic background.</td>
<td></td>
</tr>
<tr>
<td>Whites ( (N = 394) )</td>
<td>2.65</td>
</tr>
<tr>
<td>Blacks ( (N = 159) )</td>
<td>2.30*</td>
</tr>
<tr>
<td>In Mississippi, defendants found guilty of similar crimes receive similar sentences regardless of their race or ethnic background.</td>
<td></td>
</tr>
<tr>
<td>Whites ( (N = 400) )</td>
<td>2.49*</td>
</tr>
<tr>
<td>Blacks ( (N = 163) )</td>
<td>2.15*</td>
</tr>
</tbody>
</table>

*Racial difference is significant at 0.0001 or beyond.

**NOTE:** Cell entries are mean scores based on a four-point scale ranging from “strongly disagree” (1) to “strongly agree” (4).
expect African Americans, those with lower levels of formal education, those with smaller household incomes, women, and younger respondents to be more skeptical regarding the fairness of the state judicial system.

In addition to the demographic variables, we include a variety of other control variables in our models. These measures of system approval, judicial experience, and knowledge have become rather common fare in studies of public opinion regarding the judiciary. First, we include a measure of general approval of the state political system. Respondents were asked “in general” whether they “approve[d] or disapprove[d]” of the manner in which the governor was doing his job and the state legislature was doing its job. Those who expressed approval were coded 1, all others were coded 0. Responses from these two questions were then summed to create a single scale ranging from 0 to 2, where higher scores represent higher levels of approval of other state political institutions. Second, we created two variables based on respondents’ knowledge of the judicial system. One involves knowledge of procedure and is computed using respondents’ ability to answer correctly two questions: “Does the Mississippi state Supreme Court have the right to overrule the decisions of other courts in Mississippi?” and “In determining whether someone is guilty or innocent, which side bears the burden of proof, the defense or the prosecution?” Respondents who answered both questions correctly were coded 2; those who answered only one correctly were coded 1; those who could answer neither correctly were coded 0. The other knowledge variable concerns awareness of the personnel who staff the judicial system. Respondents were asked if they could recall the names of justices on the state supreme court, judges on the state circuit courts, or their local district attorneys. They were given one point on a scale for each correct name they recalled, with higher scores indicating greater familiarity with judicial officials. Third, we developed a scale based on personal experience with the judicial system. Respondents were queried as to whether they had ever served on a jury, been party to a lawsuit, or been a witness in a judicial proceeding. Positive answers on each question were coded as 1, negative answers as 0, and “don’t knows” were treated as missing data. This yields a scale ranging from 0 to 3, where higher scores indicate greater personal experience with the judicial system. Fourth, in order to control for class-based rather than race-based effects, we also included a variable grounded in public perceptions of the effects of wealth on the dispensation of justice. Respondents were asked to respond to the following statement: “Everyone receives equal justice in Mississippi courts, regardless of how wealthy they may be.” Responses were coded on a four-point scale from “strongly disagree” (1) to “strongly agree” (4); respondents who either refused to answer or volunteered that they did not know enough to respond were treated as missing data.

As expected, there is some correlation between these two measures of knowledge; however, the level is small enough ($r = 0.26$) to alleviate concerns about multicollinearity.
Again, our expectations concerning these variables are straightforward. Holding other conditions constant, we expect that greater levels of general political approval, knowledge of judicial processes and personnel, and experience with the judicial system, as well as a belief that justice is not class determined, will all be associated with less skepticism about the fairness of the state judicial system and, hence, higher levels of diffuse support.¹⁴

Results

The results from our models are summarized in Table 2. It is worth noticing, first, that in two of the three equations, the coefficient for race generates a robustly significant and negatively signed coefficient, indicating (as did the bivariate models) that African Americans in Mississippi are considerably more suspicious of the fairness of the state’s judicial operations than are similarly situated white citizens, even after controlling for a variety of other relevant factors.¹⁵

Turning our attention to the empowerment terms, as the first column indicates, the presence of African-American judges makes little difference in general public perceptions of the fairness of judges in the State of Mississippi. Since the coefficient for the interactive term is small in comparison with its standard error, this is true also for black citizens served by the state’s black judges; apparently, black citizens within the jurisdictions having a larger number of black judges feel no greater sense of fairness from the bench than do those served by a larger number of white judges. This pattern is essentially repeated in each of the other models, where statistically insignificant coefficients are found for both the presence of black judges and the interactive empowerment terms in the equations for sentencing and overall systemic fairness. In no case does a coefficient for either of these variables even approach a liberal level of statistical significance and in most cases the standard errors are larger than their MLE coefficients.¹⁶

¹⁴These expectations seem reasonable to us **ex ante**, but they are not entirely unproblematic. The experience measure, for instance, does not differentiate between those who had positive and those who had negative experiences with the state judicial system, which might certainly bear on expectations. The knowledge questions, too, might be subject to other expectations. As Pantoja and Segura (2003:448) observed, “a cynic would expect information to be positively related to alienation, whereas an optimist would expect the reverse.”

¹⁵In the third model of general system fairness, the significance of the racial variable is wiped out by the inclusion of the interactive term; when that term is removed from the model (not reported), race itself is robustly significant. The sensitivity of race in this model may be related to the fact that more whites and fewer blacks opted to answer the survey question tapping general system fairness (see Table 1). The drop in sample size in the multivariate models appears to be the result of an unusual pattern of nonoverlapping non-responses across the variables. An examination of the distribution of the cases actually included in the multivariate analyses indicates nothing to make us suspect that missing data undermine the robustness of our findings.

¹⁶In preliminary analyses not reported here, we experimented with various other permutations of our measures of empowerment. Specifically, we calculated measures tapping the
The fact that our interactive empowerment terms never rise to the level of statistical significance implies that the presence of black professionals in the judicial system has had little impact on the black community’s perceptions of the system’s fairness; the fact that these coefficients consistently carry negative signs suggests that if there is any limited effect in the black community from the election of black judges it has been toward greater rather than lesser proportion of all judges serving a particular county who were black and a ratio comparing the proportion of black judges in a county to the county’s percentage of black citizens. For each variable, we also calculated an associated interactive term to capture the impact of these alternative specifications on black respondents. In none of the six equations does any of these alternative measures of empowerment rise to the level of statistical significance, although the interactive term associated with the ratio of judges to population comes close (p ≤ 0.06). Overall, the stability of these findings convinces us that our measures of empowerment adequately capture the dynamic of this phenomenon.

### TABLE 2

<table>
<thead>
<tr>
<th>Variable</th>
<th>Fairness of Judges</th>
<th>Fairness in Sentencing</th>
<th>Fairness of System</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race</td>
<td>-0.95***</td>
<td>-1.01***</td>
<td>-0.46</td>
</tr>
<tr>
<td>Education</td>
<td>0.01</td>
<td>0.02</td>
<td>0.01</td>
</tr>
<tr>
<td>Income</td>
<td>-0.04</td>
<td>-0.10*</td>
<td>-0.04</td>
</tr>
<tr>
<td>Age</td>
<td>0.01</td>
<td>0.04</td>
<td>0.0004</td>
</tr>
<tr>
<td>Gender</td>
<td>-0.08</td>
<td>-0.11</td>
<td>-0.45***</td>
</tr>
<tr>
<td>Knowledge of judicial system</td>
<td>0.17</td>
<td>-0.13</td>
<td>-0.06</td>
</tr>
<tr>
<td>Experience with judicial system</td>
<td>0.51***</td>
<td>0.03</td>
<td>0.19</td>
</tr>
<tr>
<td>Knowledge of judicial personnel</td>
<td>-0.07</td>
<td>-0.24*</td>
<td>-0.12</td>
</tr>
<tr>
<td>Approval of state institutions</td>
<td>0.55***</td>
<td>0.33**</td>
<td>-0.35**</td>
</tr>
<tr>
<td>Belief in class-blind justice</td>
<td>1.50***</td>
<td>0.71***</td>
<td>1.10***</td>
</tr>
<tr>
<td>Black judges</td>
<td>0.09</td>
<td>-0.01</td>
<td>0.02</td>
</tr>
<tr>
<td>Interactive empowerment terms</td>
<td>-0.13</td>
<td>-0.03</td>
<td>-0.09</td>
</tr>
<tr>
<td>N</td>
<td>406</td>
<td>407</td>
<td>390</td>
</tr>
<tr>
<td>Pseudo $R^2$</td>
<td>0.19</td>
<td>0.09</td>
<td>0.10</td>
</tr>
</tbody>
</table>

*p ≤ 0.10; **p ≤ 0.05; ***p ≤ 0.01.

**Note**: Cell entries are MLE coefficients; associated standard errors are in parentheses.
than less cynicism regarding the dispensation of justice. It would appear that the success of black elites at winning election as judges in the State of Mississippi has not (yet, at least) translated into more sanguine attitudes among the rank and file of the black citizenry. On the other hand, if there is a silver lining in this cloud of data, it is that—contra Gay (2001)—the emergence of black judicial officials does not appear to have resulted in a significant white backlash. Although they never approach traditional levels of statistical significance, in two of the three models, the coefficients for the judges variable carry positive signs. We conclude from this that while a more prominent black presence on the bench may do little to reassure black citizens, that presence in the state’s courtrooms has not significantly alienated white citizens, which is certainly an encouraging sign.17

Discussion and Conclusions

In this study, we have extended the analysis of the effects of minority political empowerment to examine the impacts of black judicial officials on the black community’s assessment of legal fairness in the State of Mississippi. Much in line with the results of recent studies of black state legislators and members of Congress, we uncover no empirical evidence that the mere presence of black judges has a significant ameliorative effect on the relevant attitudes of the black public. Indeed, if there is evidence of any effect, it is of a perverse impact, lowering the black public’s assessment of the fairness of some aspects of the justice system.18

Several explanations suggest themselves to account for our null findings. First, it is possible that judicial politics are simply below the public’s political radar. Even in states like Mississippi where judges are elected rather than appointed, it is quite likely that judges have lower profiles than other political officeholders, such as members of Congress, mayors, or even state legislators. This suggests that even a relative abundance of African-American judges (or, by extension, other judicial officials such as district attorneys) may not make the black community feel empowered in any substantively important way. If this is the case, as a society, we may have to curtail our

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17 Overall, the pseudo $R^2$s indicate that the models account for between 9 and 19 percent of the variance observed in the public’s assessments of the fairness of judges, sentences, and the system as a whole, numbers that compare favorably to other subnational studies (see Gilliam, 1996; Gilliam and Kaufman, 1998).

18 In preliminary analysis (not reported), we experimented with the inclusion of a three-way interactive term tapping the impact of a larger number of black judges on the attitudes of black respondents living in “high empowerment areas” who were also more knowledgeable about the Mississippi judicial system. Although this three-way term produced some tantalizing evidence of the possibility of a statistically significant perverse effect among the most attentive stratum of the black community, concerns about the data (including limited variation), the instability of the results, and the difficulty in interpreting such complicated interaction effects convinced us to exclude it from the principal analysis. We hope to return to this dynamic in future work.
expectations regarding the short-term impacts of minority empowerment. It may well be the case that significant positive effects—to the extent they are realized at all—may be limited to only the most high-profile offices and that further gains to be made below that level are limited because of the relative public inattentiveness to politics even when it involves politicians with whom they share important demographic characteristics.

Second, it could be that our findings are a result of the time period of our study. As Gilliam (1996) and others have noted, it can take “an extended period of time” after the first election of black officials for feelings of empowerment to develop among rank and file members of the minority community. This is notable because Mississippians have only a short historical experience with minorities as legal professionals. The first African American to serve on a trial court of general jurisdiction was Reuben Anderson in 1982, appointed to fill a vacancy on the circuit court (Seventh District). Three years later he received another distinction with his appointment as the first black to sit on the state supreme court (a position he would successfully campaign to retain in the elections of 1986). As a result, at the time of our study, black Mississippians had only been able to see black faces on the bench for a little over a decade, which may not be long enough for feelings of real empowerment to develop. Of course, this also speaks to societal expectations and cautions against presuming there will be immediate ameliorative effects on public perceptions from the appointment or election of African-American elites to political offices.

Third, it could be that the traditional minority-empowerment hypothesis is simply incorrect (or at least largely overclaimed) and that the political reality thesis provides a more accurate model of the real world of racial politics. In this regard, it is worth echoing the quotation from Howell and Marshall (1998) cited earlier: “the conditions that are conducive for black electoral successes are also the conditions most difficult for postelection achievements.” One of the bitter ironies of political life in Mississippi—and largely true in other parts of the United States as well—is that African Americans today enjoy the greatest levels of electoral success in precisely those areas (i.e., the “black belts” of the south) where they faced the harshest discrimination and where they were effectively shut out of politics only 40 years ago (see Key, 1949). Residual animosity or discouragement from that experience coupled with continuing white economic domination and white political backlash in black-belt areas (see Glaser, 1994) may conspire to undercut the ameliorative effects of contemporary political empowerment in ways that are perhaps most pointed in the Deep South but operative in many other places. Because of such factors as high incarceration rates, the

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19This possibility has long been countenanced in the urban politics literature. See, for instance, Preston (1976:128) on the “two-edged sword” facing African-American mayors; see also Nelson and Meranto (1977:337). Guinier (1994) famously makes the point even more broadly.
historical inability of the judicial system to deal with “black on black” crime, and highly publicized racial incidents. African-American attitudes toward the judiciary may have hardened in ways that render them highly resistant to improvement even in the face of a growing black presence in the judicial hierarchy—and, perversely, it may be exactly in places were black electoral success is most probable that objective conditions cause black disenchantment, frustration, and alienation to crest.20

Whatever the underlying reason for our findings, they add to a growing corpus of work with similarly disheartening null or contrary findings and, with them, suggest the need for a necessary corrective in our understanding of the impact of minority empowerment. Although some have spoken in the optimistic parlance of deterministic certainty regarding the positive effects of elected black officeholders, our findings are far less encouraging and suggest that such effects are conditional; that they do not hold for all institutions, in all places, and at all times; and that the empowerment of black elites may undercut rather than reinforce system-supportive attitudes in the black public.

REFERENCES


20If this is true, it is probably exacerbated by constraints peculiar to the judiciary (e.g., precedential sanctity, sentencing guidelines) that might render minority judges less able than other black elected officials to deliver policies popular in the African-American community.


