Free Land and Black Property Ownership

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1. Introduction

During the 1890s, Cherokee cattleman Zack Foreman struck a deal with the Kansas City Southern Railroad. If Foreman would prepare the roadbed, they would lay the steel. With large cattle herds and his own rail line, Foreman became one of the wealthiest men in Indian Territory. His wealth was exceptional because he had been born a slave. ²

Since emancipation, the wealth of former slaves and their descendents has greatly lagged behind that of whites. Higgs (1982; 1977) found that black total property holdings were just 1/36 those of whites in 1880. This ratio improved slightly to 1/26 by 1890, 1/23 by 1900, but grew to only 1/16 by 1910.³ Although an income gap existed, it was much smaller than the wealth gap at 1/4 in 1867 and 7/20 in 1900. Despite large gains in black income during the past century, the racial wealth gap remains large today and continues to dwarf the income gap. While black households earn approximately half the income of white households, they hold only one-fifth to one-tenth the wealth of white households (Barsky, et al., 2002).

Explanations for the persistent and large racial wealth gap largely fall into two categories. First, racially discriminatory policies in credit markets, labor markets, school

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¹ The Cherokee Nation was located in Indian Territory. Indian Territory, which initially encompassed all United States territory west of the Mississippi (excluding Missouri, Louisiana, and Arkansas), was established in 1834. By the outbreak of the Civil War, the Territory's area had been whittled down to what is now known as the state of Oklahoma. Its western half became Oklahoma Territory in 1890, and it was here that the famous "Sooners" participated in runs for land. The eastern half remained Indian Territory until 1907, when the Oklahoma and Indian Territories merged to form the state of Oklahoma. See map 1.

² J.J. Cape Interview, GFPHC, 88:56-58, Bailey (2008).

³ Higgs uses data from Georgia property tax returns. Margo (1984) extends Higgs work with wealth information for Arkansas, Louisiana, North Carolina, and Virginia. He finds a similar temporal trend to Higgs—blacks accumulated property at a faster rate than whites, but the black-white wealth gap remained large on the eve of World War I. However, Margo's evidence suggests that black wealth grew at a slower rate than Higgs calculated.

finance, and other institutions may have inhibited the ability of blacks to earn income and accumulate wealth (Oliver and Shapiro, 1995; Collins and Margo, 2001; Conley, 2000). The effect of such policies may have amplified the impact of another potential contributor to the large wealth gap—the low initial level of black wealth. During slavery, law and custom prevented most slaves from owning property or other assets (Oliver and Shapiro, 1995). After the Thirteenth Amendment abolished slavery, emancipation grants of "forty acres and a mule" were proposed to remedy the freedmen's lack of capital. They never came to fruition (Foner, 2006), thus ensuring that former slaves entered freedom with little to no wealth and lagging substantially behind whites (Engerman 1982, DeCanio 1979, Conley 2001).

Isolating the contribution of each explanation to the black-white wealth gap can be difficult without variation in policy toward freed slaves. In this paper, I exploit a plausibly exogenous variation in policies of the Cherokee Nation and the southern United States to identify the impact of free land on the black-white wealth gap from emancipation until 1900.⁴ Like other freed slaves in the Cherokee Nation, Zack Foreman possessed a key advantage over blacks in the southern United States: the option of claiming free land. The Cherokee Nation joined the Confederacy in 1861 and was forced during post-war negotiations to declare its former slaves, who were of African descent, citizens with "all the rights of native Cherokees." According to the laws of the Nation,

⁴ Unless explicitly stated otherwise, I define the South as states that joined the Confederacy: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

⁵ John Marshall famously declared the Cherokee Nation a "denominated domestic dependent nation" in *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831). The practical implication of the designation is that the Cherokee Nation had a government that could enact and enforce its own laws and policies. However, all laws and policies could be overridden by the United States Congress. To do this, Congress must explicitly pass legislation contradicting a law or policy. In the absence of such legislation, the Cherokee law stands.

all citizens, including the freed slaves, were guaranteed the right to claim and improve any unused land in the Nation's public domain.⁶ Armed with farming supplies provided by the Department of Interior, many Cherokee freedmen abandoned sharecropping or wage labor to claim their own land after the treating went into effect.

In this paper, I analyze the effects of free land access on the wealth of former slaves in 1880 and 1900. Using data on farm ownership, acreage of land owned, and livestock wealth, I find that racial inequality was significantly smaller in the Cherokee Nation in 1880 than in the southern United States. Additionally, the Cherokee freedmen had absolutely higher levels of wealth than southern freedmen. Using a sample of Cherokee freedmen linked from 1880 to 1900, I then compare their outcomes to blacks in the South. Using data on home ownership and occupation, I find that racial wealth inequality remains smaller in the Cherokee Nation. Additionally, the Cherokee freedmen are again absolutely better off than southern freedmen. These results strongly suggest that distributing free land to former slaves could have lowered long run racial inequality.

2. Theory and Relevant Literature

An 1892 editorial in the *Afro-American Advocate* noted that, "The opportunities for our people in that country [the Cherokee Nation] far surpassed any of the kind possessed by our people in the U.S." Cherokee historians tend to agree with the newspaper's assessment. Daniel F. Littlefield, Jr., author of a seminal work on the Cherokee Freedmen, wrote, "In the succeeding thirty years [after the Civil War], they

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⁶ Once a Cherokee citizen claimed land, the citizen had ownership rights similar to those of typical fee simple ownership. As long as the land was not abandoned, the citizen held heritable usufructuary rights, and the land could be sold, used as collateral for loans, bequeathed in wills, or improved upon. However, only Cherokee citizens were able to hold these rights. See Bloom (2002).

⁷ Feb. 19, 1892, quoted in Littlefield (1978), 69.

developed a life-style that most blacks in the South would have envied (Littlefield 1978, 49)."

This qualitative evidence suggests that the Cherokee freedmen benefited from their access to free land and escaped a pernicious consequence of slavery— persistently low levels of wealth relative to people who had not been slaves. DeCanio (1979) estimated that allocating each freedmen head of household "forty acres and a mule" would have dramatically increased blacks' starting average wealth level to 60% that of whites, and their average incomes at emancipation to about half that of whites. Such emancipation grants of land and the accompanying higher levels of income could have served to dramatically improve the economic status of newly emancipated slaves and decreased the racial wealth gap in the Cherokee Nation.

Empirical evidence suggests that the Cherokee freedmen's initial income and wealth advantages over southern freedmen could have been partially transmitted to the next generation. Solon (1999) reviews several studies that find a significant and positive correlation between the earnings and wealth of parents and those of their children. With twentieth century data, the estimated elasticity of a son's long run labor earnings with respect to his father's long run earnings is typically between 0.3 and 0.5. In other words, family background and environment explain about 40 percent of the variation in labor earnings.

Although historical data that includes the incomes and wealth of both parents and children is rare, there is evidence that the intergenerational correlation of economic status was positive in the nineteenth century. Kearl and Pope (1981) found the

intergenerational correlation to be between 0.09 and 0.21 for income and between 0.10 and 0.34 for wealth. Guest, et al. (1989) found a great deal of occupational inheritance for father-son pairs in 1900. A quarter of laborers, for example, had laborers as fathers, and 59.9 percent of farmers had farmer fathers. Ferrie (2005) collected a linked census sample of fathers in 1880 and sons in 1900; he found levels of occupational inheritability similar to Guest, et al. 29.5 percent of unskilled laborers had unskilled laborers as sons, while 46.6 percent of farmers had farmers as sons. Thernstrom's (1973) community study of Boston between 1840 and 1890 found that around 40 percent of sons were in the same occupational category as their fathers. These studies suggest that land grants could both elevate the economic status of freed slaves and have continued to have a positive impact on both the incomes and occupations of their children.

Theoretical models further suggest that the Cherokee freedmen's jump-start on property acquisition could have had a long run effect on their level of wealth relative to both whites and the descendents of southern slaves. Piketty (2000) develops a basic infinite-horizon model to explore how wealth inequality can be transmitted across generations through inheritance. Each family dynasty i lives in period t and has one child. The income y_{it} of the dynasty consists of both labor and capital income:

$$y_{it} = v_t a_{it} + r_t w_{it}$$
. (1)

The dynasty's labor income is dependent on its wage rate v_t and its productive ability a_{it} . The dynasty's wealth w_{it} and the interest rate r_t determine capital income. The income and wealth of one generation can be transmitted to the next generation through two channels. First, savings can be passed along to a child in the form of inheritance.

Second, productive ability a_{ii} could potentially be influenced through genetics, cultural environment, or parental investment in children

Inheritance can be incorporated into the model as a savings function that dictates the assets one generation will pass onto the next. For an increasing function $S(y_{it})$, the income of one generation is related to the income of the previous by

$$y_{it+1} = v_{it+1} + r_{t+1}S(y_{it}).$$
 (2)

Equation (2) implies that inheritance can lead to the intergenerational income correlation being greater than the intergenerational earnings correlation. Blau and Graham (1990), Smith (1995), Avery and Rendall (1997), Menehik and Jianakoplos (1997), and Gittelman and Wolff (2001) all support that at least some of the current black-white wealth gap is due to differences in inheritance and inter vivos transfers. These finding suggest that distributing land to former slaves could potentially increase the wealth or income of not just the first generation of freedmen, but also serve to quickly lessen inequality through inheritance of, for example, farm land or other capital.

As Becker and Tomes (1979, 1986) first modeled, the productive ability a_{it} of one generation can be influenced by that of the previous generation through two primary channels. Parents and the environment they provide can transmit non-monetary endowments of both culture and genetics. Additionally, parents can invest in their children's human capital development. Either method of ability augmentation could serve to directly increase the income of their children and indirectly increase the wealth of the next generation through savings. Land distribution to former slaves could have decreased racial wealth inequality through either channel. Black farm owners would

have gained knowledge of farm management practices, business contacts, and knowledge of local credit markets. The transmission of this cultural endowment to their children would likely increase their productive abilities. Laband and Lentz (1983) found that farmers who were the children of farmers earned a premium over other farmers, suggesting that family background and experience can positively influence farming productivity.

The increased black income and wealth due to land distribution may have also increased parents' human capital investments in children. Solon (2004) modifies the basic model to explain parental investment in children when borrowing for children's education is limited, but the government publicly funds education. He finds that higher-income parents are more likely to invest in their children's education. If land distribution increased parents' income, then the parents may then pass some of that income along to their children in the form of increased educational opportunities. High levels of public expenditure on education may crowd out this investment. However, as Collins and Margo (2003) discuss, the late nineteenth century was characterized by a decline in the per pupil expenditures for black students relative to white students. Within this paradigm, the ability to self-finance children's education could have served as an important mechanism for their future income growth.

3. Data

To infer the effect of free land access on the wealth of former slaves and their descendents in the Cherokee Nation, I use data from the 1880 Cherokee Nation Census, the 1880 United States, the 1880 United States Census Agricultural Schedules, and the

1900 United States Census. Below, I briefly describe each census sample. Further information is available in the attached data appendix.

The 1880 Cherokee Census was collected by the Cherokee government in the spring of 1880.8 It was available as microfilmed copies of the original, hand-written census manuscripts. I collected and digitized a 60 percent sample of the 1880 Cherokee Census; it includes all blacks in the Cherokee Nation and 50 percent of the rest of the population. The Census enumerators collected "full and complete returns of all persons residing or sojourning in their district," including their "chief productions of agriculture, including number of horses, cattle, hogs, sheep, etc., during the year ending in May 1st 1880."9 As only people listed on the final census rolls were to be considered citizens of the Cherokee Nation, every citizen had an incentive to ensure his or her inclusion on the rolls. The census recorded both the demographic and agricultural data for a family on the same census page. Several measures of wealth are available in the 1880 Cherokee data. For each household, land owned, number of structures owned, and the amount of livestock owned are listed. Additionally, occupation and literacy can provide information on individual social status.

To compare the Cherokee Nation in 1880 to the southern states, I use two preexisting samples. The 1% Public Use Microdata Sample of the 1880 United States Census (1880 IPUMS) contains information from the population schedules—name, age, race, occupation, literacy, family structure, and marital status. It contains no agricultural

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⁸ Cherokee citizens were not included in the United States Census until 1900. They were considered

[&]quot;Indians not taxed" and excluded from U.S. census enumerations.

⁹Cherokee Advocate, January 28, 1880.

information. Note that it also contains no numerical wealth or income data. Literacy and occupation data can provide an indication of economic status.

I also use the sample collected by Roger Ransom and Richard Sutch for their book *One Kind of Freedom (1KF)*. This sample of farmers in 1880 was constructed by matching farmers listed on the 1880 United States Agricultural Schedules to their respective entries on the 1880 Population Schedules. The sample contains farms from all Confederate states except Arkansas. Therefore, any analysis with this sample will exclude Arkansas. For each farm, the schedules include several measures of wealth. Those that are comparable to the 1880 Cherokee Census include farm size and the amount of livestock owned. Additionally, the tenure status of the farmer is listed. Farms of various types, including owners, fixed renters, and sharecroppers, were enumerated on the agricultural schedules. Only owners actually owned the land on which their farm was located.

To analyze the intergenerational impact of free land access on former slaves, I link individuals from the 1880 Cherokee Census to the 1900 United States Census. To assist in this linkage, I use auxiliary information collected on citizens in the Cherokee Nation between 1899 and 1907. With the passage of the Curtis Act in 1898, the U.S.

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¹⁰ Not all southern counties were included in the *One Kind of Freedom* sample. Instead, Ransom and Sutch divided the South into economic regions and chose sample counties from each region. The use of sampling weights during estimation should ameliorate the effect of the non-random sampling. A completely random sample of southern farms would have been preferable, but the cost of creating such a sample was prohibitive.

¹¹ The agricultural and population schedules required matching because, unlike the 1880 Cherokee Census, the 1880 United States Census recorded household demographic data on one schedule (the population schedules) and farming information on separate agricultural schedules. Because the agricultural schedules contain only the name and not the race of the farmer, farmers must be linked from their agricultural schedule to their population schedule in order to identify a farmer's race. Details of the rigorous procedures Ransom and Sutch used to ensure that matches were made correctly and that data was entered correctly are documented in "Appendix G: Data Appendix" of *One Kind of Freedom*.

Congress established a plan to abolish the Cherokee government, allot land to each Cherokee citizen, and open all remaining land to settlement.¹² A special commission was sent to the Cherokee Nation to determine eligibility for allotments. Applicants were then sorted into different lists (now commonly referred to as Dawes Rolls) according to race and eligibility for citizenship.¹³ Besides listening to applicants' claims, the commission was also charged with locating every single person eligible for Cherokee citizenship and accounting for all people included on the 1880 Cherokee Census. Their task was facilitated by the incentive structure in place—inclusion on the list guaranteed each person land. Only people on these lists would receive an allotment of land when Indian Territory became the state of Oklahoma.¹⁴ Furthermore, those who already owned land had to enroll to *keep* their land.

When an individual was placed on a list, information about the person and his or her family was recorded on a separate card. For freedmen, this information included name, age, sex, familial relationship to others on the card, year of tribal enrollment, and current location. Additionally, the names of the person's former slave owner, mother's former slave owner, and father's former slave owner were noted. The card's unique identification number was then recorded next to the individual's entry on the original 1880 Cherokee Census. People who were proven to have died in the intervening years were denoted "DEAD" on the census rolls. Of the 1,788 freedmen in my sample of the

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¹² The Curtis Act, as it is commonly referred, was officially called the "Act for the Protection of the People of Indian Territory." Besides the Cherokee Nation, four other Indian nations (Choctaw, Chickasaw, Creek, and Seminole) were affected by the Act. An earlier act, the 1887 Dawes Severalty Act, applied to the remaining tribes in Indian Territory and legislated the extinguishment of their governments and the allotment of their lands. These acts were part of a larger movement to open the Indian and Oklahoma Territories for white settlement.

¹³ Freedmen were included on a separate roll from Cherokees by blood. Additionally, there was also a roll of freedmen who had doubtful Cherokee citizenship.

¹⁴ The amount of land allotted and the terms of allotment varied with race and percentage of Cherokee blood.

1880 Census, only 12 were not located by the Dawes Commission. 578 were confirmed to have died. 27 people had card numbers that were illegible on the 1880 census, an additional 157 were classified as "doubtful" Cherokee citizens and had their information recorded on a different list, and 82 had inaccessible Dawes Cards. For the remaining 932 Cherokee freedmen, the detailed demographic and family member information provides an invaluable asset in locating that person in the 1900 United States Census. The linked dataset currently includes 789 freedmen linked from the 1880 Cherokee Census and 1,875 family members, for 2,664 total individuals, and 470 households. The linkage rate was 84 percent.

To examine the potential convergence in outcomes between Cherokee and southern freedmen in 1900 and the level of racial wealth inequality, I combined this linked sample of Cherokee freedmen with a sample of southern households drawn from the 1900 IPUMS with Indian oversample.¹⁵ The 1900 United States Census contains several types of information that can be used to examine economic status. For each person, the census records information on education (literacy, school attendance, and months enrolled in school) and occupation. Additionally, for each household, the census records if the home is a farm, if the home is owned or rented, and if the home is mortgaged.

4. Empirical Strategy

Economic theory suggests that the gap between black and non-black wealth levels would have been smaller if former slaves had received free land when emancipated. That

¹⁵ IPUMS provides two samples for 1900—a standard 1-in-100 sample and a 1-in-100 sample that includes 1-in-5 sampling of the American Indian Schedules. Because the Cherokee Nation's population was relatively small in 1900, I opt to use the Indian oversample.

is, for a given measure of mean or median wealth \overline{K} , the racial gap would be smaller in the Cherokee Nation that in the South:

$$\overline{K}_{non-black}^{South} - \overline{K}_{black}^{South} > \overline{K}_{non-black}^{Cherokee\ Nation} - \overline{K}_{black}^{Cherokee\ Nation}$$

Additionally, blacks in the South should have lower absolute levels of mean wealth than blacks in the Cherokee Nation:

$$\overline{K}^{South}$$
 < $\overline{K}^{Cherokee\ Nation}$

The impact of free land on mean wealth levels may be present at both the extensive and intensive margins. That is, blacks in the Cherokee Nation may be more likely to possess a given form of wealth and may also possess higher levels of wealth.

To estimate the difference in the racial wealth gaps for a given year t, I estimate a difference-in-difference specification of the general form:

$$K_{it} = \beta_{ot} + \beta_{1t}Black_{it} + \beta_{2t}CN_{it} + \beta_{3t}(Black_{it} \times CN_{it}) + \gamma_t X_{it} + \varepsilon_{it}$$
 (3)

 K_{it} denotes a measure of wealth for a given household i in year t. The vector X_{it} includes various demographic and geographic controls. Black is an indicator variable equal to 1 if a farmer's race is black and takes the value of 0 otherwise. β_1 measures the location invariant effect of being black on the level of wealth measure K. The K0 variable is 1 if a household is located in the K1 Cherokee Nation and 0 if in the southern United States. Its coefficient, K2, measures the effect of living in the K2 Cherokee Nation relative to living in the South for a non-black on outcome K3, the coefficient on the interaction term,

measures the difference in the gaps. Since the omitted category is a non-black in the South,

$$\beta_3 = \{E[Y_i | black = 0, CN = 0, X_i] - E[Y_i | black = 1, CN = 0, X_i]\} - \{E[Y_i | black = 0, CN = 1, X_i] - E[Y_i | black = 1, CN = 1, X_i]\}$$

A positive and significant estimate of β_3 suggests that the black-white gap for farmers was smaller in the Cherokee Nation than in the United States for the outcome of interest.

In order interpret to β_3 as measuring the effect of free land access on the wealth level of former slaves and their descendents, two conditions must hold. First, the differences in land policy towards freedmen between the southern United States and the Cherokee Nation must not reflect differences in underlying attitudes or be otherwise correlated with institutions that could influence wealth acquisition. Second, the racial wealth gap must have been similar in both locations before the policy difference emerged.

a. Differences in land policy do not reflect differences in attitudes

Cherokee land policy was not the result of a more favorable opinion of blacks in the Cherokee Nation than in the South. Instead, it reflected the Cherokee Nation's lack of bargaining power during postwar negotiations with the United States.

On June 23, 1865, Cherokee General Stand Watie, the last Confederate general still fighting, surrendered to Union representatives. Peace negotiations began between three parties: The United States, the Confederate Cherokees, and Union loyalist Cherokees. The Federal government played the latter two groups off each other in order

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to gain an advantage during negotiations. The future of the Cherokee's former slaves played a prominent role in these postwar discussions. Full citizenship for their former slaves was not desired by any group of Cherokees. Some Cherokees believed that, since the former slaves had been freed by the United States, the United States should be responsible for removing all freedmen from the Cherokee Nation and absolving the Cherokees of any responsibilities towards their former slaves. Others called for the freedmen to be moved to a segregated area of Indian Territory.¹⁶

The United States was not supportive of these proposals. The Department of Interior was already providing rations and other assistance to freedmen in the Cherokee Nation and had no desire to continue to do so.¹⁷ Brevet Major General John B. Sanborn, who was assigned by the Department of the Interior to supervise relations between freedmen and their former owners, felt that if the former Indian slaves should have all the "rights, interests, and annuities of Indians," they would choose to stay in Indian Territory and would not become the problem of the United States (Littlefield 1978, 20).¹⁸ The Cherokees were forced to accede to the Federal government's wishes, and in July of 1866, the Cherokee's former slaves became official citizens of the Nation.¹⁹ Politics, and not differing attitudes, was responsible for this policy difference.

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¹⁶ See Letter from John B. Sanborn to James Harlan, January 5, 1866.

¹⁷ This task was undertaken by the Freedmen's Bureau within the southern United States. However, the Freedmen's Bureau did not have jurisdiction within the Cherokee Nation.

¹⁸ Abel (1925) and Debo (1970) have both argued that the United States was had an additional motivation—to cause disruption within the Cherokee Nation by forcing the Nation to treat its slaves better than the southern states did.

¹⁹ Resistance to the Cherokee freedmen's citizenship continues to the present day, and the freedmen's citizenship was revoked in 1992. Only in May of 2006 did the Cherokee Supreme Court finally rule that the Cherokee Nation was legally and constitutionally obligated to grant their freedmen citizenship. The citizenship was short-lived, and in March of 2007 a referendum vote in the Cherokee Nation again revoked the freedmen's citizenship. The matter has returned to the courts.

With citizenship, the Cherokee freedmen had three very important advantages over their southern counterparts. First, each freed Cherokee slave could claim as much land in the public domain as he or she was able to use. Second, because General Sanborn assisted the freedmen in becoming "reasonably well supplied with farming implements and seed," freedman who claimed land had some working capital to start a farm. (Littlefield (1978), 23). Third, the U.S. government enforced the Cherokee freedmen's property rights. That is, once a freedman claimed land, Sanborn and his assistants assured that whites or Cherokees did not attempt to remove them from that land. The Cherokee freedmen, most of whom had initially entered into sharecropping contracts just like many southern freedmen, stopped working the land of others. By the next season, many of the former Cherokee slaves had established their own farms.

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²⁰ To claim land, a Cherokee citizen was required to put a fence around his plot and then use the land. The fence requirement served to make claimed land immediately distinguishable from unclaimed land. When a Cherokee freedmen wished to start his own farm, he simply needed to identify the land he wished to claim and put up a fence.

²¹ There was one piece of legislation that attempted to provide free land to southern freedmen. The Southern Homestead Act of 1866 made land in the 5 southern public lands states of Alabama, Arkansas, Florida, Louisiana, and Mississippi open for homesteading. The Freedmen's Bureau was charged with administrating the program. While the goal of this legislation may have been noble, it suffered from, "poor preparation, clumsy administration, local opposition, and corruption (Hoffnagle 1970, 612)." The amount of available public lands was large and comprised about 1/3 of all land in these 5 states. By October of 1869, 11,633 homesteads had been applied for. Around 4,000 of these applicants were black (or about 0.27% of the total black population of these 5 states). Many of these applicants had their homesteads fail. Why did so few freedmen families take advantage of the free land? First, homesteads could only be applied for in person at a designated office, usually located in the state capital. Mississippi did not have a land office until August of 1868. The travel costs for applying alone may have persuaded many freedmen not to apply. Second, the maps used to select homesteads were old or non-existent, and locating a homestead site could be difficult and, at times, impossible. Freedmen were often personally required to hire and pay surveyors to locate their homesteads, a practice which added further costs and difficulties. Third, public lands were often not located near areas where freedmen lived, and many may have chosen to remain near family and friends than venture to a far off location that lacked a support network in the case of farming failure. Fourth, nothing was provided for freedmen except the land. Selected freedmen received transportation to the home site and one month's food. Supplies, equipment to clear the land, seed, livestock, food to eat until the first harvest, etc., were all the freedmen's responsibility. Fifth, crop failures in 1866 and 1867 contributed to the failure of many homesteading attempts. Sixth, white hostility dissuaded freedmen from taking homesteads. The rate of failure was so high that General O.O. Howard, Superintendent of the Freedmen's Bureau, eventually began to discourage freedmen from taking homesteads. Of the 4,000 homesteads applied for, 3,000 were in the state of Florida. This high number was a response to a change in Florida's policies towards black homesteaders. Rations were promised to all

Relations between the Cherokees and their former slaves were not perfectly harmonious after the passage of the treaty. After receiving complaints from Cherokee freedmen, the Senate sent a special committee to Indian Territory in 1885 to investigate the conditions of freedmen in Indian Territory. The published report details ill will towards the freedmen. A Missouri lawyer who spent time in Indian Territory testified that,

[The freedmen] do not enjoy the same rights and privileges that the balance of the nation do... Their general treatment is very much like it has been of the colored people in the South in the past... I should say that their treatment has been about like that of the colored people in Louisiana, Mississippi, and the other Southern States.²²

William Boudinot, the Executive Secretary of the Nation, stated unequivocally that, "It is the policy of the nation that the two races should be separated." The freedmen before the committee complained that they were denied access to the vote, were treated unfairly in jury trials, and had access to either no or poor quality schools. There were also complaints, both to the special committee and in separate petitions, that violence was perpetrated against the freedmen by Cherokees. These are all situations southern freedmen faced and suggest that many Cherokees and southerners held similar attitudes towards their former slaves.

b. Racial Wealth Gap Initially Similar

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black homesteaders who fenced in 10 or more acres of land by April of 1868. However, in July of 1868, the United States Congress decided to terminate the Freedmen's Bureau in Florida, which essentially ended the promised rations and contributed to the failure of many homesteads (Hoffnagle 1970, 627-628). The SHA was officially repealed on July 4, 1876. For more information on the SHA, see Pope (1962) and Hoffnagle (1970).

²² Condition of Certain Indian Tribes (1886), 3

²³ Condition of Certain Indian Tribes (1886), 76

Slaves in the southern United States had very limited levels of wealth and were generally legally prohibited from owning property or other assets (Oliver and Shapiro, 1995). Although free blacks were in general poor, some were able to accumulate some property. Frazier (1932) estimated that total black property ownership in 1860 was around \$50 million dollars.

Like their southern counterparts, blacks in the Cherokee Nation had limited opportunities to accumulate property or other forms of wealth during slavery. Before emancipation, laws prohibited slaves from owning any property. Contemporary accounts provide no evidence that these laws were not enforced. Free blacks also had severe restrictions placed on their ability to own property, and an 1840 law largely prohibited black ownership of cattle, horses, hogs, and physical improvements.²⁴ The few blacks who did own such property had it seized and sold at public auction. Following a slave rebellion in 1842, the Cherokee Nation passed a series of laws designed to limit the freedoms of free blacks within the Nation. The only free blacks who were allowed to remain in the Nation were freed slaves who had been owned by a Cherokee citizen. All others were forced to leave. Manumission was rare in the Cherokee Nation, and there were very few freed slaves. These laws ensured that the Nation's free black population in 1865 was small and lacking in property ownership.²⁵

Because blacks in both the Cherokee Nation and the South had low levels of wealth, any differences in the racial wealth gaps would be due to the wealth levels of non-blacks. Evidence suggests that this was not the case. As George Butler, a southerner

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²⁴ Physical improvements refer to physical structures such as buildings, sheds, and fences.

²⁵ Cherokee Nation slaves laws are available in Goodell(1853) pp. 417 – 420; Laws of the Cherokee Nation (1852); and Laws of the Cherokee Nation (1868).

and the Cherokee's representative from the Superintendency of Indian Affairs, reported in 1859, "From their general mode of living, the Cherokees will favorably compare to their neighbors in any of the states."26 Although data on agriculture and livestock are scarce for both the Cherokee Nation and the South in the years before the Civil War, I assembled all the available comparable information in Table I.²⁷ The Cherokee Nation had fewer slaves per capita, and this lower level of slaves per capita is consistent with other slave states not in the cotton South. The values of livestock owned per capita are quite similar, and indicate that initial levels of livestock wealth were similar. The acreage per capita calculations are not exactly comparable. Only acres in cultivation were available for the Cherokee Nation, while the southern data reflect improved acres. Improved land was defined as land that was, "cleared and used for grazing, grass, or tillage, or which is now fallow, connected with or belonging to the farm (United States Census, 1853)." At 4.4 acres per capita, the Cherokee acreage was 1.84 lower per capital than the southern acreage. Part, if not all, of that difference can be attributed to the different acreage definitions used.²⁸

5. Wealth Inequality in 1880

I first examine the impact of free land on racial wealth inequality in 1880. By this year, the Cherokee freedmen had fourteen years to take advantage of their free land and accumulate additional wealth. Table II reports 1880 farm ownership rates. In the

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²⁶ Butler, Report of the Commissioner of Indian Affairs (1859), 19.

²⁷ The southern data in the table were found from the 1860 United States Census of Agriculture. The Cherokee Nation data were reported in an 1859 Commissioner of Indian Affairs Report. With the exception of the number of slaves, these data were estimates, not actual counts.

²⁸ Ideally, I would like to compare the time trends of these measures of agricultural activity in the Cherokee Nation and the South. However, I am limited by the availability of appropriate historical data and have been only able to located comparable date for a given year.

Cherokee Nation, there was no racial difference in the likelihood of owning a farm.

67.8% of all Cherokee black male heads of households owned a farm while 70.4% of all non-black male heads did. The difference in these two ownership rates is not statistically significant. There was a significant gap in the southern black and white farm ownership rates. The southern data do not allow for a direct calculation of the percentage of farm owners, but information from the 1880 IPUMS and 1KF samples can be combined to make an estimate. The IPUMS data reveals that 43.4% of black male household heads in the rural South were farmers. In the 1KF sample, 28.4% of black farmers owned their land. The remainder engaged in some for of tenancy arrangement, such as sharecropping or fixed rental. The total implied black farm ownership rate is 12.3%—less than a fifth of that in the Cherokee Nation. 70.7% of non-black male household heads in the rural South were farmers, and their land ownership rate was 73.7%. The implied total non-black land ownership rate is 52.1%. This is over four times the South's black land ownership rate.

These calculations indicate the effect of free land access on former slave's farm ownership rates was quite large. Because the southern calculations require the use of two separate datasets, regression analysis to estimate the difference in racial wealth gap cannot be used. However, an estimate of the unconditional difference in the gaps, can be calculated as

$$(52.1-12.3) - (70.4-67.8) = 37.2\%$$

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²⁹ Recall the 1880 United States Census Population Schedules include no direct information on farm ownership. However, for farmers, agricultural information was included on a separate agricultural schedule. For each farmer, the schedule would indicate if the farmer owned his farm or leased it.

This difference in large and suggests that access to free land was associated with a substantial closing of the racial gap farm ownership.

To further test the hypothesis that racial wealth inequality was smaller in the Cherokee Nation than in the South, I use farm-level data for male heads of households from the 1880 Cherokee Census and the 1880 U.S. IKF sample. By restricting the analysis to farmers, I am able to estimate numerical differences in wealth inequality using data on land and livestock ownership. The trade-off for these estimates is the exclusion of non-farm households. The focus on farm families is less restrictive in 1880 than it would be today. According to the 1880 IPUMS, 91.3% of all southerners lived in rural areas. 92.7% of black southerners lived in rural areas. Furthermore, 70.02% of black male heads of households were involved in agriculture as either farmers or agricultural laborers. An additional 26.6% of black male household heads were classified solely as laborers and were likely involved in agriculture at some level. Rural southern whites were similarly concentrated within agriculture, with 76.6% being employed as farmers or in other agricultural occupations.

The sample statistics reported in Table I suggest that wealth inequality as measured by acres of land owned was much lower for farmers in the Cherokee Nation than in the South. I assume that tenant and sharecropping farmers own no acreage. Black farmers in the Cherokee Nation owned 24.68 acres of land on average, which is more than three times as much as the 9.37 that southern black farmers owned. In the Cherokee Nation, freedmen farmers owned on average just over two-thirds the land of non-blacks. This finding is consistent with DeCanio's (1979) estimate that granting former slaves "forty acres and a mule" would raise black wealth to about 60% that of

white wealth. Southern black farmers lagged much further behind and had only 17% the acreage of white farmers.

To further examine how the availability of free land influenced the racial gap in farm size, I estimate equation (3) where $K_{i,1880}$ is farm acreage owned. The large proportion of farmers who own no land contributes a great number of zeros to the sample. Additionally, they also introduce to skewness and fat tails of the distribution. Due to these factors, I first use median regression on levels (Altonji and Dorazelski, 2002). Columns (1) to (3) of Table III report the results. The baseline estimate is in column (1). Column (2) includes controls for difference in land and soil quality.³⁰ Column (3) adds controls for literacy and farmer's age as a quadratic. In all three specifications, the interaction term is positive and statistically significant at approximately the 1 percent level. The interaction term is also large in magnitude, and access to free land is associated with a shrinking of the racial gap in median farm size between 15.92 and 20.5 acres. The coefficient estimate on black is consistently large, negative, and statistically significant. In the fully-controlled specification, black farmers in the South own farms that are, on median, 20.8 acres smaller than those of non-blacks in the South. The median black farm size in the South is also statistically significantly smaller than the median black Cherokee farm in all specification. The median Cherokee freedmen farmer owns 28 more acres of land the median black farmer in the South in specification (3).

Columns (4) through (6) of Table III report results for ordinary least squares regression with the natural log of farm acreage as the dependent variable. In order to

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³⁰ Soil types are taken from the soil map included in *Tenth Census of the United States, Volume 5, Report on Cotton Production in the United States (1880)*. Because cotton was grown in Indian Territory, the map includes soil types for the Cherokee Nation.

include farmers who own no land, I add 1 to the amount of acreage owned for all farmers before taking the natural log. The results are consistent with the findings of the median regression. Black farmers own are significantly disadvantaged relative to non-blacks, with farms that are between 77 to 84% smaller on average. Additionally, the Cherokee freedmen remain absolutely and significantly better off than southern freedmen with respect to estimated average farm size and racial inequality.

While acreage was an important aspect of a farmer's wealth, working capital to use with land was a critical element for economic success. While Cherokee freedmen were able to claim their acres, they were not granted the second part of the famous saying: a mule. If they were able to successfully farm land and accumulate wealth, then they should have been able to accumulate wealth in the form of livestock to remedy their initial lack of work animals.

To examine livestock wealth, I estimate equation (3) where $K_{i,1880}$ is total value of livestock on a farm. This is calculated as the summed values of all horses, cattle, mules, sheep, and swine in 1880 dollars. Columns (1) to (4) of Table iv report the results of median regressions with levels. Blacks in the Cherokee Nation consistently have statistically significant higher levels of livestock wealth than blacks in the Cherokee Nation. In the baseline specification (Column (1)), their wealth is higher by \$190. When controls for soil, age, and literacy are included, the wealth advantages grow dramatically to over \$300. The estimated wealth gap is also significantly smaller in the Cherokee Nation than in the South and varies from \$41 to \$45 in the first three specifications.

If the Cherokee freedmen's advantages were related to their free land, then including a measure of land wealth should lessen the impact of being in the Cherokee

Nation for former slaves. In Column (4), I add a covariate for acreage owned. As predicted, the coefficients on the Cherokee Nation and interaction terms are attenuated. The Cherokee freedmen have estimated wealth that is now \$235 higher than southern freedmen. Although the wealth gap remains smaller in the Cherokee Nation, the difference is now less pronounced at \$21.

While the estimated racial wealth gap in the Cherokee Nation is consistently estimated to be smaller in the Cherokee Nation than in the South for both acreage and livestock wealth, the true magnitude of the difference in the racial gaps may be understated due to the likely exclusion of many poor southern freedmen. The vast majority of non-farming blacks in the South were employed in low-skill, low-wage occupations. According to the 1880 IPUMS, 85.1% of non-farming black male heads of household in the South were laborers. The picture for non-blacks was more different. 35.6% were laborers in the South, with remainder working primarily in white collar or skilled trade occupations. In the Cherokee Nation, 82.9% of non-farming blacks were laborers. The comparable figure for non-blacks was 68.24%. Because laborers typically were poorer than farmers, including these non-farmers would likely drag down wealth levels in both the South and the Cherokee Nation. The amount of the decrease would be proportionate the share of laborers in the population. The high landownership rate of Cherokee blacks placed a limit on the number of laborers—only 26.7 percent of male household heads over 18 were laborers. The corresponding figure for the South was 48.16 percent. The inclusion of these laborers would likely decrease the average black income in the South more so than in the Cherokee Nation and cause the difference in the racial wealth and income gaps to increase.

6. Wealth Inequality in 1900

To examine wealth inequality in 1900, I combined the linked sample of Cherokee freedmen with a sample of southern households drawn from the 1900 IPUMS with Indian oversample.³¹ Table v provides summary statistics for the black populations in the South and Cherokee Nation.³² These raw means suggest that the Cherokee freedmen continued to have significant advantages over southern freedmen. Cherokee freedmen exhibit higher levels of human capital and socioeconomic status than southern freedmen. At 58 percent, the Cherokee adult literacy rate is 21 percentage points higher than that of southern freedmen. Additionally, the Cherokee heads of household are more likely to be farmers (71 percent vs. 56 percent). Although the definition of farmer in the census was very broad, there was a large practical distinction between farmers who worked others' land (as sharecroppers or tenants) and farmers who worked their own land. While a direct measure of farm tenancy does not appear in the population schedules of the 1900 U.S. Census, home ownership is likely highly correlated with land ownership. Using this measure suggests that the Cherokee freedmen farmers were much better off than southern farmers. 90.23 percent of adults in farming households owned their homes, while only 28.34 percent of farming southern blacks households did. In general, all black adults in the Cherokee Nation are much more likely to live in an owned house than a rented house (84 percent vs. 24 percent).

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³¹ IPUMS provides two samples for 1900—a standard 1-in-100 sample and 1-in-100 sample that includes 1-in-5 sampling of the American Indian Schedules. Because the Cherokee Nation's population was relatively small in 1900, I opt to use the Indian oversample.

³² Because all of the Cherokee Nation was considered rural, the southern IPUMS sample is restricted to include only people living in rural areas. Only a relatively few blacks lived in urban areas.

These sample statistics support the hypothesis that the Cherokee freedmen's access to free land improved their outcomes and those of their children for several decades following slavery.

To estimate the relative racial wealth inequality in the Cherokee Nation and the South, I focus on a key measure of wealth acquisition: home ownership. I estimate a variant of equation (3) using a probit specification:

$$Pr(K_i = 1) = \Phi(\beta_o + \beta_1 B lack_i + \beta_2 C N_i + \beta_3 (B lack_i \times C N_i) + \gamma X_i + \varepsilon_i)$$
 (4) where K_i takes a value of one if a household is reported as owning its home.

Estimates for difference in the gap for measures of economic status appear in Columns (1) through (3) of Table VI. Marginal effects are reported, and robust standard errors are used. The analysis is restricted to heads of households. In all specification racial wealth inequality remains lowers in the Cherokee Nation than in the South. The difference in the racial homeownership rates between the two areas is 35 percent for the baseline specification, which is both large and statistically significant. Additionally, the Cherokee freedmen are absolutely better off than southern freedmen and have significantly higher estimated home ownership rates in each specification. These results are robust to the inclusion of controls for state (Column (2)), quadratic of age, literacy, family size, and being male. The only notable change in estimated coefficients for the fully controlled specification concerns the Cherokee Nation indicator variable. In the baseline specification, being in the Cherokee Nation affords a 24 percent higher chance of owning a home. However, this effect severely decreases when state-level controls are included and disappears entirely in the fully-controlled specifications.

An alternate measure of economic success is occupation. I repeat the above estimation with the dependent variable taking on a value of one if the head of household is a farmer. Results are reported in Columns (4) through (6) of Table VI. In all three specifications, the estimated coefficients suggest the blacks in the Cherokee Nation are more likely to be farmers that southern freedmen. Additionally, the racial occupation gap is between 14 and 22 percent smaller in the Cherokee Nation than in the South. Southern blacks are appear to face obstacles in becoming farmers and are 10 to 13 percent less likely to become farmers than southern whites.

7. Conclusion

How would the distribution of free land have affected the large racial wealth gap that has persisted for almost a century and a half? In this paper, I developed an empirical strategy to exploit a plausibly exogenous idiosyncratic variation in policies of the Cherokee Nation and the southern states to identify the impact of

free land on racial wealth inequality. After documenting evidence that racial wealth inequality was similar in the Cherokee Nation and the South on the eve of the Civil War, I then examined various measures of wealth and status in 1880 and 1900. I found that racial wealth inequality was much lower in the Cherokee Nation than in South in 1880. Not only were the racial gaps between farm ownership rates and acreage owned smaller in the Cherokee Nation than in the South, but Cherokee freedmen were also absolutely better off than southern freedmen. I think compared a sample of blacks in the Cherokee

Nation that were linked from 1880 to 1900 to blacks in the South. I again found strong evidence that racial wealth inequality was lower in the Cherokee Nation that in South. These results strongly suggest that free land could have had a lasting impact on racial wealth inequality.

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Table I: Comparison of Cherokee Nation and southern United States, 1860

	Cherokee Nation	United States
Panel A: Slave populations, 1859		
Sampling rate	100	5
Total population enslaved (%)	15	32.27
Female (%)	50.7	49.69
Mean age	19.15	20.13
Fugitives	0	14
Manumitted	0	17
Mean slaveholding	6.57	9.72
Median slaveholding	5	5
Panel B: Agricultural information, 1859		
Acreage (total)	102500*	56832153**
Acreage per capita	4.4	6.24
Total value of listed	2884350	1081679455
livestock (1859 dollars) ***		
Livestock per capita (1859 dollars)	122.68	118.82
Panel C: Freedmen populations, 1880		
Female (%)	51.12	50.46
Mean age	19.65	20.92
Percent married****	64.73	70.81
Percent female headed households	33.96; 26.13****	18

Sources: Cherokee Nation slave data is from the 100% sample of 1860 Slave Schedules for the Cherokee Nation. U.S. slave data is from the 1860 Slave PUMS. Cherokee Nation agricultural data is from an 1859 Commissioner of Indian Affairs Report. U.S. agricultural data is from 1860 United States Census of Agriculture. 1880 freedmen data is from 1880 Cherokee Census and 1880 IPUMS sample of the southern states. The South includes all states that joined the Confederacy.

^{*} Acreage in cultivation

^{**} Improved Acres

^{***} Livestock types include sheep, mules, horses, and cattle.

^{****} Percent married, spouse either absent or present, for people age 20 and over.

^{*****} First result is for all families; second result is for all families except people listed as single.

Table II: Farm Ownership in the Cherokee Nation and the South, 1880

	Farmers who owned land (%)			nold heads who armers (%)	Implied farm ownership rate (%)	
	Black	White	Black	White	Black	White
Cherokee	100	100	67.8	70.4	67.8	70.4
South	28.4	73.7	43.4	70.7	12.3	52.1

Source: Date are from 1880 Cherokee Census sample, 1880 IPUMS, ad 1KF sample. South includes all states that joined the Confederacy except Arkansas.

Table III: Farm Acreage Owned in the Cherokee Nation and the South, 1880

Acres Owned		Quantile Re	gresion			OLS	
	1	2		3	4	5	6
Black	-28.00***	-27.00***		-20.80***	-1.86***	-1.54***	-1.51***
	[0.42]	[0.38]		[0.47]	[0.04]	[0.06]	[0.06]
Cherokee Nation	-2.00**	13.00***		12.09***	0.65***	1.09***	1.40***
	[0.77]	[1.75]		[0.82]	[0.04]	[0.09]	[0.07]
Black x Cherokee Nation	18.00*** [2.04]	20.50***		15.92*** [1.32]	1.43*** [0.09]	1.36*** [0.08]	1.32*** [0.08]
Controls for							
Soil Type		X		X		X	X
Age of Farmer				X			X
Literacy				X			X
Observations	12123		12123	12015	12123	12023	12015
Pseudo/Adjusted R-squared	0.0902		0.0938	0.0984	0.18	0.2	0.25

Standard errors are reported in brackets. For the OLS results, robust standard errors are reported, and sampling weights are used. Sample includes male heads of household in the Cherokee Nation and 1KF.

^{***} p<0.001, ** p<0.01, * p<0.05

Value of Livestock	Median Regression				OLS			
	1	2	3	4	5	6	7	8
Black	-91.07***	-89.03***	-63.50***	-26.66***	-1.04***	-1.04***	-0.77***	-0.41***
	[2.83]	[2.97]	[3.81]	[2.79]	[0.04]	[0.04]	[0.05]	[0.05]
Cherokee Nation	149.65***	131.05***	261.99***	214.23***	0.70***	0.96***	1.33***	0.99***
	[3.74]	[10.42]	[6.67]	[4.87]	[0.04]	[0.10]	[0.07]	[0.07]
Black x Cherokee Nation	41.61***	45.27***	45.54***	21.94**	0.77***	0.77***	0.72***	0.39***
	[10.17]	[10.07]	[10.64]	[7.75]	[0.12]	[0.12]	[0.11]	[0.11]
Controls for								0.07***
Soil Type		X	X	X		X	X	X
Age of Farmer			X	X			X	X
Literacy			X	X			X	X
Acres Owned				X				X
Observations	12123	12123	12015	12015	12123	12123	12015	12015
Pseudo/Adjusted R-squared	0.07	0.09	0.11	0.22	0.1	0.16	0.2	0.29

Table IV: Livestock Owned in the Cherokee Nation and the South, 1880

Standard errors are reported in brackets. For the OLS results, robust standard errors are reported, and sampling weights are used. Sample includes male heads of household in the Cherokee Nation and 1KF.

^{***} p<0.001, ** p<0.01, * p<0.05

Table V: Comparison of Cherokee Nation and southern United States, 1900

	Adults over 18						
		Cherokee Nation	ı		South		
	N**	Mean	Std. Dev.	N**	Mean	Std. Dev.	
Literate (%)	1374	54.11	0.5	26007	36.64	0.48	
Age	1241	35.88	14.92	24347	36.62	15.21	
Male (%)	1334	53.14	0.5	26007	50.5	0.5	
Female Headed							
Household (%)	1368	12.94	0.34	26007	11.15	0.31	
Head is Farmer	1374	71.9	0.45	26007	55.88	0.5	
(%)	1374	71.9	0.43	20007	33.00	0.5	
Farmer own							
home (%)	901	90.23	0.29	14823	28.34	0.45	
Head Owns							
Home (%)	1374	77.37	0.42	26007	24.02	0.43	

^{**} Difference is sample sizes is due to missing data.

^{***} Heads with no response to this question are excluded

Table VI: Home Ownership and Occupation in the Cherokee Nation and the South, 1900

	Own Hou	se = 1		Occupation is Farmer=1			
	1	2	3	4	5	6	
Black	-0.37***	-0.34***	-0.28***	-0.13***	-0.13***	-0.10***	
	[0.01]	[0.01]	[0.01]	[0.01]	[0.01]	[0.01]	
Cherokee Nation	0.24***	0.04*	0.02	0.06***	0.08***	0.07***	
Cherokee I tation	[0.01]	[0.02]	[0.02]	[0.01]	[0.02]	[0.02]	
	0.35***	0.39***	0.34***	0.14***	0.22***	0.21***	
Black x Cherokee Nation	[0.02]	[0.05]	[0.07]	[0.02]	[0.06]	[0.06]	
Controls for							
State		X	X		X	X	
Age of Head			X			X	
Literacy			X			X	
Family Size			X			X	
Male			X			X	
Head is Farmer			X				
Observations	33703	33703	33664	33703	33703	33664	
Pseudo/Adjusted R-squared	0.1	0.12	0.19	0.01	0.02	0.08	

Robust standard errors are reported, and sampling weights are used. Sample includes heads of household in the Cherokee Nation and the South.

^{***} p<0.001, ** p<0.01, * p<0.05