

Who Helps DeShawn Register to Vote? A Field Experiment on State Legislators*

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Abstract

We contribute to the understanding of political inequality in the U.S. by investigating whether state legislators are less responsive to requests for help with registering to vote made by blacks relative to identical requests made by whites. To answer this question we conducted a field experiment in October 2008 where approximately 6,000 state legislators were e-mailed. In the experiment we randomized whether the e-mail was sent using a putatively black alias or a putatively white alias. We also randomized whether the email signaled the sender's partisan preference (Democrat or Republican), or signaled nothing about their partisan preference. At first, we found that Democratic legislators ostensibly do not engage in differential treatment while Republican legislators are more responsive to requests made by the white alias. The majority of this differential treatment persists when partisanship is signaled, indicating that strategic partisan concerns do not completely account for the observed differences. However, taking into consideration the race of the legislators reveals that white legislators of both parties exhibit similar, significant levels of differential treatment against the black alias. Both black and non-black minority legislators do the opposite. This provides evidence that the race of elected officials significantly affects how effectively minorities are represented.

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1. Introduction

Political equality is considered to be one of the defining characteristics of a democracy (Dahl 1956; Verba 2003). Yet in the past American democracy has repeatedly failed to live up to the standard of political equality, especially with regards to its treatment of racial minorities. During much of the nation's history blacks and other minorities were barred from voting (Almaguer 1994; Kim 1999; Klinkner and Smith 1999). Even after the extension of suffrage right to these minorities, whites in many states and localities used devices such as Jim Crow laws to suppress political participation among blacks and other minorities (Holt 1979; Kousser 1999; Parker 1990). Yet, despite progress made in the latter half of the 20th century through such developments as the passage of the Voting Rights Act of 1965, many researchers have reached the conclusion that racial minorities continue to be politically disadvantaged and underrepresented relative to their white counterparts (Fraga 1992; Guinier 1994; Hajnal 2009).

In contrast, other researchers have suggested that racial discrimination against blacks in the political sphere may no longer be a concern in the United States (for review see Hajnal 2009, p. 39), with some going as far as to argue that blacks and other minorities are in fact overprivileged in the political sphere (Thernstrom 1987; Chavez 1992; Butler 1995). More broadly, many Americans have come to share the view that social equality for blacks has arrived or is due to arrive soon. Reflecting on the consequences of Barack Obama's election, the New York Times reported on its front page in May of 2009, for example, that "Voices Reflect A Rising Sense of Racial Optimism" (Saulny 2009). More significantly, highly placed decision-makers have likewise asserted that racial equality in America is imminent. Justice Sandra Day O'Connor wrote for the US Supreme Court in *Grutter v. Bollinger* (2003), for example, that given the trend of racial progress "the Court expects that 25 years from now, the use of racial preferences will no longer be necessary" in university admissions. Six years after *Grutter*, the

role of the Court in appraising the extent to which racial discrimination persists is due to grow again, with the case *Northwest Austin Municipal Utility District Number One v. Holder* examining the constitutionality of the Voting Rights Act of 1965 turning in part on the Court's judgment of whether there exists a "continuing racial discrimination in voting."

Thus, even as institutional actors are being asked to assess the progress of racial equality in the United States, there remains significant uncertainty about whether the political system is still biased against minorities, and even more uncertainty about the source of any such bias. Yet as Verba argues, "of the various ways in which U.S. citizens can be unequal, political inequality is one of the most significant and troubling" (2003: 663). To help understand whether and why racial political inequality is still an important reality in American democracy, we conducted a field experiment in October 2008 where more than 6,000 state legislators were e-mailed and asked for help with registering to vote. In the experiment we randomized whether the e-mail was sent using a putatively black alias or a putatively white alias. We also randomized whether the e-mail signaled the sender's partisan preference (Democrat or Republican), or signaled nothing about the sender's partisan preference. Note that since our analysis asks for help with registering to vote, it focuses on two core principles of democracy – (1) responsiveness, which is key to representation (e.g. Pitkin 1967), and (2) voter registration, which is the bedrock of democracy and historically significant to the United States – any evidence of racial disparities we observe would thus be a cause for real concern. In this regard our results are not very encouraging.

The initial results of our experiment show that, overall, Democrats are equally responsive to the black and white aliases but that Republicans are more responsive to requests made by the white alias. While the rate of differential treatment we observe among Republicans decreases slightly when partisanship is signaled, suggesting that part of the differential treatment may reflect strategic considerations, the majority of the effect remains. We also find that white

legislators of both parties discriminate against the black alias at similar, statistically significant rates while black legislators and legislators of other minority groups do the opposite, responding more frequently to the black alias. This suggests as many have argued that the race of elected officials significantly affects how well minorities are represented. Since, as the US Census data show¹, the majority of blacks are represented by whites in their state legislatures, our results suggest that a significant number of blacks may still face significant barriers to being fully represented in the American political system.

The rest of the paper proceeds as follows. Section 2 discusses our theoretical expectations based on the previous literature. Section 3 then reviews our experimental design, including a description of the sample and the experimental treatments we used. Section 4 reports the results and section 5 concludes with a discussion of the implications of our results for both politics and political science theory.

2. Should Race Affect Legislators' Responsiveness?

In this paper, we test whether legislators exhibit different treatment in constituency service depending on the race of the individual making the request. Given the traditional assumptions about legislators and how they behave, we would not expect to observe them exhibiting differential treatment in how they provide constituency service. Legislators are assumed to be driven by reelection; their primary goal is to keep their seat and they take all the steps possible to achieve that end (Mayhew 1974). Because constituency service does not force legislators to alienate voters by taking unpopular positions, it is considered to be one of the most important tools that they use to achieve their reelection goal (Cain, Ferejohn, and Fiorina 1987; King 1991). Helping constituents not only wins over the voters that are being helped, but more

¹ In our dataset about 60 percent of blacks were represented by a white state legislator.

importantly helps the legislators develop a reputation for getting things done for their constituents both among the social networks of those that they help and their constituency at large. Given the potentially large impact that constituency service can have on legislators' electoral fortunes, we would expect them to treat each request with care and not exhibit any differential treatment.

Similarly, there are good reasons to expect that the characteristics of the legislators should not have an impact on whether they exhibit differential treatment in favor of one race or another. Legislators are usually assumed to be empty vessels that adapt to the characteristics of their constituency in order to maximize their vote share, which in this case means being responsive to all requests. In sum, the traditional view of legislators leads to the expectation that race should not have an impact on the how legislators respond to requests for constituency service.

On the other hand, previous research also suggests that racial discrimination is still present. Field experiments looking at whether racial discrimination exists in securing a job in the work place, have found the existence of significant racial biases (e.g., Bertrand and Mullainathan 2004; Pager and Quillian 2005). Evidence also suggests that racial stereotypes are still widespread (Bobo 2001; see also Sears, Sidanius, and Bobo 2000) and a potent force in American politics (e.g., Carmines and Stimson 1989; Bobo, Kluegel, and Smith 1997; Kinder and Sanders 1996). These factors along with biases from existing institutions (Hajnal 2009) may all lead to a situation where, overall, blacks are being under-serviced and under-represented.

In addition to any effect from these general biases, there are at least two reasons why we might expect legislators to engage in differential treatment based on the race of the individual making the request. First, in part because of the nature of the request that was made, we might observe legislators engaging in differential treatment because of strategic partisan considerations.

As Fenno noted, “Every member has some idea of the people most likely to join his reelection constituency... During a campaign these people will often be ‘targeted’ and subjected to special recruiting or activating efforts” (1978, p. 9). Bartels provides a formalization for this type of argument and concludes that “Rational candidates are impelled by the goal of vote maximization to discriminate among prospective voters, appealing primarily to those who either are likely to vote and susceptible to partisan conversion or reliable supporters susceptible to mobilization (or likely opponents susceptible to demobilization)” (1998, p. 68). Because the request that legislators receive in our experiment is for help with registering to vote, they have exactly the type of opportunity to mobilize or demobilize voters based on how likely they think the voter is to vote for them.

Since in recent decades blacks have consistently voted for Democratic candidates about 90 percent of the time, while whites have typically split their votes more evenly (ANES 2005), Republican legislators receiving an e-mail from someone with a putatively black name would probably infer that he or she is more likely to vote for the Democratic candidate. Republicans therefore might be less responsive to the request for help with registration due to strategic considerations. Likewise, we might expect Democrats to be more responsive to the black alias since a black registered voter is more likely to cast a vote for a Democrat than a white registered voter. Economists refer to strictly rationally based differential treatment as “statistical discrimination,” since it is based on rational expectations given overall statistical trends (e.g. Altonji and Pierret 2001). This stands in contrast to what economists term “taste-based discrimination,” which is based on factors not readily explicable by traditional models of rational choice (e.g. Becker 1957). Rational expectations of how people of different races are likely to vote might lead legislators to discriminate even if they harbor no taste-based biases. Our design

explicitly allows us to disentangle such strategic partisan considerations from other explanations for differential treatment in a way that previous studies have been unable to do.

Second, we might also expect rates of reply to differ across the putatively racial aliases based on the race of the legislators themselves. Much previous research has suggested that legislators who share descriptive characteristics with their constituents may better represent and advocate for their interests and their policy preferences (e.g., Whitby 1997; Canon 1999; Cobb and Jenkins 2001; Whitby and Krause 2001; Chattopadhyay and Duflo 2004; Griffin and Newman 2007; although see Swain 1993). Indeed, one of the main arguments for increasing the number of minorities and women who serve as elected officials is based on the expectation that elected officials better represent those who share the same characteristics such as race and gender (Canon 1999; Mansbridge 1999).

3. The Experimental Design

While this is the first time a field experiment has been used to test the levels of racial political inequality in the American political system, our approach is similar to several experiments that have been conducted in order to measure whether there is discrimination in the job market (Goldin and Rouse 2000; Bertrand and Mullianathan 2004; Pager and Quillian 2005). In this section we describe the specifics of our experimental research design.

3.1. The Aliases – Why Black and White?

We focus on the responsiveness of legislators to blacks as opposed to other racial or ethnic groups for three reasons.² First, there is a long history of unequal treatment of blacks in

² Ideally we would have liked to compare across more racial groups, but because of our small sample we did not think we had enough statistical power to do so. Future research can and should see how the relationship we explore holds across other racial/ethnicity treatments.

the United States. Attempts to understand how and why blacks are treated differently than whites stretch back to the beginning of the republic and continue to this day (e.g. de Tocqueville 1835 (2007); Myrdal 1944 (1995); Smith 1997). In addition, inspired by this history, blacks have been central to scholarship on discrimination. Focusing on blacks will thus allow our results to more easily speak to, be situated in, and respond to existing theory.

Second, blacks have a strong and well-known history of preference for one political party, allowing our experiment to most effectively test the claim that any discrimination we observed would be largely based on strategic partisan considerations. An experiment lacking a group with a well-known and nationally consistent overall partisan preference might not be able to test this claim as effectively.

Finally, as the introduction suggests many consider whether racial discrimination against blacks persists in the American political system to be an open question. While there are many who argue that it is (e.g., Guinier 1994; Kousser 1999; Hajnal 2009), there are others arguing that it is not (e.g., Swain 1993; Thernstrom and Thernstrom 1997).

3.2. Why Registration to Vote?

Likewise, we chose to focus on the issue of registering to vote rather than simply a routine request for constituency service in part because of the significance of this issue for black-white political relations in the U.S. After 1876 and prior to 1965, Jim Crow laws, especially in the South, were enacted to keep blacks from being able to vote, including such things as literacy tests, poll taxes, and property qualifications. The National Voting Rights Act of 1965 aimed to prevent the erection of such barriers by prohibiting any state from creating a “voting qualification or prerequisite to voting, or standard, practice, or procedure ... to deny or abridge the right of any citizen of the United States to vote on account of race or color.”

Just as many have argued social equality for blacks has arrived, as mentioned in the introduction many others have similarly argued that the goals of the Voting Rights Act of 1965 and other political reforms in the realm of political equality have largely been achieved. For example, petitioners in a case before the Supreme Court in 2009, *Northwest Austin Municipal Utility District Number One v. Holder*, seek to strike down part of the Voting Rights Act of 1965. The case turns on whether there exists a “continuing racial discrimination in voting”, with attorneys for the petitioners basing their case in part on the claim that patterns of racial discrimination in American political institutions have largely disappeared. Our results have potentially important implications for such claims.

Finally, we focus on registering to vote because asking for help with registering to vote just one month prior to the 2008 General election also provides the ideal conditions for testing the hypothesis that any observed differential treatment would be due to partisan strategic considerations.

3.3. Why Responsiveness?

Determining whether descriptive representation affects how responsive legislators are to their constituents and not just how they vote is important for three reasons. First, government officials provide individuals an important avenue for access to government services through constituency service. In this experiment, for example, the e-mails asked for help with gaining access to the political process itself. As Young (1990) argues, theoreticians should focus on inequities in the processes by which resources and political power are distributed, not simply the end results of these processes. Second, evidence suggests that when minorities and women view their representatives as more responsive, they participate in politics at higher rates (Bobo and Gilliam 1990; Gay 2001; Tate 2003; Chattopadhyay and Duflo 2004; Griffin and Keane 2006).

Thus if descriptive representation affects the responsiveness of officials, it may in turn affect the political activity of traditionally underrepresented groups. Finally, from a methodological perspective there are advantages to using responsiveness to requests as a dependent variable in studies of descriptive representation rather than official actions such as roll call votes. Numerous theoreticians have pointed out that minority group interests are not monolithic and should not be essentialized (Whitby 1997; Mansbridge 1999; Tate 2003; Hajnal 2009). Yet, as a result, it may be difficult to accurately measure the effect of substantive representation with roll call votes as many previous studies of substantive representation have attempted (e.g. Fleisher 1993; Cameron, Epstein, and O'Halloran 1996; Lublin 1997; Hood and Morris 1998; Hutchings 1998; Canon 1999; Tate 2003). While many such roll call studies address this problem somewhat by focusing on issues with clear benefits to minorities such as civil rights issues, the problem of essentialization remains. Rates of reply to request for constituency service provide a more objective measure of how responsive elected officials are to minorities and thus may deepen our understanding of how descriptive representation leads to substantive representation.

3.4. Treatment Conditions

When emailing the state legislators we manipulated the text in order to signal the race and partisan preference of the e-mail sender. The full text of the e-mail is provided in Box 1. We signaled the race of the e-mail sender by randomizing whether the e-mail was signed by and sent from an e-mail address with the name Jake Mueller or the name DeShawn Jackson. Note that each legislator was sent only one e-mail.

We chose the first names Jake and DeShawn because work by Fryer and Levitt (2004) shows that these names are among the most racially distinct. In other words, of the individuals named DeShawn, almost all of them are black while among the individuals named Jake, almost

all of them are white. Similarly, we chose to use the surnames Mueller and Jackson because data from the 2000 Census showed that these names were, respectively, among the most distinct white and black surnames in the U.S. that were also fairly common (Word, Coleman, Nunziata, and Kominski n.d.).

(Insert Box 1 About Here)

We also signaled the partisan preference of the e-mail sender by having the text of the letter ask whether there was anything the sender needed to do in order to register in future primary elections, where we randomized whether they asked about Democratic primary elections, Republican primary elections, or did not specify a party (see Box 1). Crossing the race treatment with the partisanship treatment gives a total of 6 treatments.³ We designed these treatment manipulations to first measure whether legislators differentially treated blacks and then to test whether there was evidence that any of this differential treatment could be explained by the idea that legislators were simply inferring the partisan preference of the sender from their race. By holding constant the partisan preference of the letter's sender, we can see if the differential treatment we observed was due to strategic partisan considerations and if any residual differential treatment remains that is not attributable to these considerations.

To verify that the larger patterns of partisan support among whites and blacks in the United States were also reflected in the individuals with the names used for the aliases in our study, we examined the distribution of party registration among the individuals with these names in an available voter file (Kentucky's). Shown in Table 1, the data indicate that the last name Jackson and the first name DeShawn are indeed both strong signals of a Democratic partisan

³ When we designed the experiment we included a seventh treatment group which came from the white alias, did not signal partisanship, and included the line "I heard from my pastor at our weekly bible study class that the voter registration deadline is soon." Our purpose in including this treatment was to try to signal that the writer was evangelical and likely to vote Republican. However the problem is that this treatment differs in that the individual is not only signaling religiosity but also that they are part of a social network, both of which could independently affect the likelihood that they got responses. Our results for this treatment are not reported and do not achieve statistical significance for either party against the baseline.

preference. The ratio of people registered as Democrats compared to the number registered as Republicans is 2:1 among people with the last name Jackson and 8:1 among people with the first name DeShawn. In contrast, people with the first name Jake or Jacob and the last name Mueller are split evenly across the two parties. Again, this is strong evidence that legislators are likely to infer that DeShawn Jackson has a Democratic preference, but not have strong prior beliefs about the preferences of someone named Jake Mueller.

(Table 1 about here)

3.5. The Sample

Our sample includes all of the valid e-mail addresses for state legislators in the US that were available online through state legislative websites in September 2008. Initially we were able to collect the e-mail addresses of the legislators in all but four of the states: Idaho, New Jersey, Oregon, and Texas. In these four states, state legislators can only be contacted by using a webform similar to the one that is used for contacting members of the U.S. Congress. Of the remaining 46 states, we subsequently had to exclude observations from Missouri and Indiana. We excluded Missouri because there was an error in the data input process that ultimately led us to send each legislator in Missouri two separate e-mails. Thus, some Missouri legislators received e-mails from both Jake Mueller and DeShawn Jackson. We excluded Indiana from the analysis because rather than sending responses separately, many legislators simply forwarded the e-mail to a shared legislative assistant who then answered both aliases at the same time on their collective behalf. Since we could not identify which legislators forwarded the message, we cannot correctly code the outcome variable for the Indiana legislator.

It is important to remember that we are treating state legislators' e-mail addresses and not necessarily the state legislators themselves. The response (or lack thereof) to any of the e-mails

that we sent may have come from someone other than the legislator, such as a staff member. However, we did use the official e-mail addresses that the legislators themselves give on their state's legislative website for use in contacting them; so, even if the legislators themselves did not respond to all of our e-mails, the persons who did respond did so in an official capacity on the behalf of the legislators. Additionally, there is no evidence for a heterogeneous treatment effect in more highly professionalized legislatures, indicating that this concern is unlikely to threaten the external validity of our results.

3.6. Experimental Execution and Responsiveness Measurement

Once we collected the data, we assigned legislators to treatment groups using block randomization by state, legislative chamber, political party, and whether the legislator was up for reelection or not. This method balances the number of legislators sharing these characteristics across treatment groups, although each observation was still equally likely to be assigned to each of the treatment groups.⁴ We then sent out the e-mails on the first weekend of October because several of the states' voting registration deadlines were the following week. We wanted to send the e-mails before these deadlines passed but also during the time when the legislators were busy with the campaign season so that they could use that extra level of activity as an excuse for ignoring the e-mail if they chose.⁵ In addition, by sending out e-mails just weeks before the 2008 General election, we ensured that the strategic considerations we tested for were at their

⁴ To test the robustness of our randomization scheme, we tested for any differences among the other observables on which we did not block: the legislative district's total population, the racial composition of the district, the race of the legislator, and the Squire (2007) index of state legislative professionalism. The results of our randomization check indicate that our randomization scheme was highly successful, $\chi^2(52) = 30.03$, $p = .9966$.

⁵ We believe this was successful since even among legislators who ultimately did reply, several noted the business of the campaign season as a reason for the lateness of their response. The following example comes from a legislator in Alaska in response to the Jake alias: "I apologize that your message arrived in the midst of my e-mail account being bombarded with messages from around the world about Sarah Palin. In our efforts to clear these messages, I fear we overlooked your message..."

highest salience for legislators.⁶

After sending the e-mails, about 5 percent of them immediately bounced back as undeliverable because the e-mail addresses were no longer valid. For the analysis we limit the sample to the e-mails that were successfully sent out and use as our dependent variable whether the state legislator responded at all by November 4th, election day in 2008. The advantage of this measure is that it is objective: did the legislator reply or not? One potential criticism of this approach is that it might not detect the full extent of differential treatment, since legislators practicing differential treatment might still reply but not provide any information that would be helpful with registering to vote. Consequently, we also collected data on whether the text of the responses sent by state legislators were helpful, the length of the responses' text in words, and the date of the responses, and found that, while we reach the same general conclusions when using that alternative dependent variables, there is no evidence that the legislators used these tactics to conceal additional differential treatment.⁷

⁶ Because we sent all of the e-mails at the same time, the time between when legislators received the e-mail and the voter registration deadline differed across states. Since the partisan composition of legislatures also varies across states, one potential concern is that any differences we observed between the parties might simply be the result of differences in how long each group had to respond before the voter registration deadline came, perhaps altering the political environment or considerations of the legislators heterogeneously across parties. To see if this was a concern we graphed, by party, the cumulative density by how many days before the voter registration deadline the legislators were sent the e-mail request. These results are available upon request and show that there are almost no differences between the parties. Republicans had an average of 13 days to respond to the e-mails before the voter registration deadlines in their states while Democrats had 13.4 days. These results increase our confidence in the results since 0.4 days is not enough to be driving any of the differences we observe between the two parties.

⁷ We decided to code these variables as a precaution because some of the responses, as the examples below illustrate, indicated that the legislators might have been practicing differential treatment even though they did respond. However, we did not uncover any systematic evidence that legislators intentionally sent unhelpful replies.

- 1) "County Election Board would be a great start."
- 2) "U need to go to courthouse and register then u will be able to vote. Good luck."
- 3) "Mr. Jackson:

You may register legally at your county clerk's office in the county of your residence. Or, if you wish to be registered at some residence for which you are not legally qualified, wish to register after the deadline, or become a voter in any other unlawful way, you can contact Mr. Obama's group, ACORN, and they will register you regardless of your qualifications.

Cordially,
[redacted]"

4. Results

4.1 Partisanship and Strategic Considerations

Table 2 reports the full experimental results broken down by political party⁸ and establishes that state legislators of both parties are more responsive to their fellow partisans.⁹ Republicans were 4.3 percentage points ($p=0.10$) more responsive to emails with a Republican signal than to those with a Democratic signal, while Democrats were 5.1 percentage points ($p=0.03$) more likely to respond to e-mails with the Democratic signal compared with e-mails containing the Republican signal. Thus legislators of both parties did exhibit differential treatment in favor of fellow partisans because of strategic partisan considerations.

(Table 2 About Here)

Table 2 also shows that while legislators from both parties were more likely to respond to the Jake alias than the DeShawn alias when partisanship was not signaled, the magnitude of this difference varies across the parties. Democratic legislators were only 2.6 percentage points more likely to respond to the Jake alias than the DeShawn alias, a difference that falls well short of statistical significance ($p=0.42$). Republican legislators, on the other hand, were 8.1 ($p=0.02$)

⁸ The first column supplies the response rates when partisanship was not signaled while the second and third columns, respectively, supply the response rates when the Republican and Democratic partisan signals were included in the e-mails. The next to last row in each section of Table 2 then gives the difference in the response rates between the Jake and DeShawn aliases for that particular partisan signal. These values are calculated so that positive values indicate a differential treatment in favor of Jake and negative values a differential treatment in favor of DeShawn. The last row gives the combined race differential when pooling the observations for which partisanship was signaled. The second to last column in each section gives the difference between the response rates between the Republican and Democratic partisan signals for that particular alias, while the last column pools the party differential for both the Jake and DeShawn aliases. Positive values in these columns indicate differential treatment in favor of the Republican signal while negative values indicate differential treatment in favor of the Democratic signal. P-values (two-tailed) are reported below the coefficients.

⁹ We also conducted a series of robustness tests for the results in Table 2 including controlling for different combinations of characteristics of the legislators, their district, and their state. At the individual level we included dummy variables controlling for the legislator's race/ethnicity and whether or not they were up for reelection in November 2008, at the district level we controlled for the district's population in 100,000s, and at the state level the Squire Index of state legislative professionalism (Squire 2007), whether the state is in the American political South. The results were robust to all of these alternative empirical models. Full results available upon request.

percentage points more likely to respond to the request from the Jake alias than from the DeShawn alias. Put differently, the experimental counterfactual implies that about 1 in 12 constituents named DeShawn would not receive a reply to a request for help with registering to vote from their Republican state legislator that they would have otherwise received had they been named Jake.

This pattern is consistent with the possibility that state legislators may be using the race of the individual to infer something about their partisanship. In particular, since blacks have consistently voted for Democratic candidates about 90 percent of the time (see also Table 1 in Section 3), while whites have typically split their votes, Republican legislators receiving an e-mail from someone named DeShawn are likely to infer that he is someone who is likely to vote for Democratic candidates.

Our design allows us to investigate whether this strategic consideration explains the differential treatment that Republican legislators exhibited in favor of the Jake alias since we also randomized what type of partisan preference the e-mail signaled. If the differential treatment we observed were due entirely to strategic considerations on the part of the state legislators based on their expectations about the partisanship of the e-mails' senders, we would expect the rates of response to each racial alias to be identical when they share the same partisan signal.

However, section (a) of Table 2 also shows that Republicans continue to reply less to the black alias by 4.8 percentage points ($p=0.06$) even when strategic partisan considerations should no longer play a role because the sender has indicated their partisan preference.¹⁰ Though the difference in differences indicates that about 3.3 percentage points, or about 40 percent of the

¹⁰ It is possible that our design may have missed some of the effect of strategic discrimination. In addition to partisanship, an individual's race might be a cue for several different characteristics such as their potential behavior in party primaries, preferences across certain issues that are not explained completely by partisanship, their proclivity to vote, or their income level. We cannot isolate all of the things that legislators might be inferring from the race of the individual or the aliases that we employed. While such concerns may have played a small role in the persistence of discrimination, one would still expect the effect of inferred partisanship itself to dwarf these concerns, especially less than one month away from the 2008 General election.

original effect, may be due to this strategic partisan consideration, this difference in the differences between the coefficients is not statistically significant. While there is thus some evidence that strategic considerations may partially motivate the patterns of discrimination that we observed, the effect of the sender's race that we uncovered in the previous subsection remains significant for Republicans even when the partisan signal should render strategic partisan considerations moot.¹¹

In sum, the design of our experiment has allowed us to isolate the purely strategic partisan concerns that we conjectured might lead legislators to discriminate. Our evidence suggests that even though such strategic concerns may be responsible for some of the differential treatment we observed against the black alias, the majority of this differential treatment remains and is still statistically significant. Republicans continued to discriminate against the black alias when compared to the white alias even when partisanship was held constant. We find this despite the fact that our design was successful in eliciting strategic partisan behavior by legislators of both parties against those from the opposite party when compared to their fellow partisans.

4.2. Descriptive Representation and the Composition of the Parties

In the previous subsection, we found that the differential treatment we observed among Republicans persisted when our experimental design should have rendered strategic partisan

¹¹ One potentially troubling pattern is that, compared to when no affiliation is signaled, Republican legislators respond less frequently overall when the Jake and DeShawn aliases are paired with the Republican affiliation signal compared to when there is no signal about partisanship. We might expect that learning that someone is a fellow partisan should actually increase the overall response rates. However, recall that the emails signaled partisanship by asking the legislator for information on voting in partisan primaries. While the letter that does not signal partisanship also asks about primaries, it does not specify a specific party's primary. Asking directly for instructions on how to vote in the Republican primary in particular may imply a threat to vote against the legislator in the next primary that lowers response rates. However, as long as this effect is not heterogeneous across the treatment names, such that the DeShawn alias' mention of Republican affiliation implies more or less of this threat than the Jake alias', this should not affect the validity of our results. Besides the fact that there is no theoretical reason to expect the effect of the implied threat to be heterogeneous across names, the fact that we observe almost exactly the same degree of differential treatment when there is no reason for a Republican legislator to feel an implied primary threat (i.e. when Democratic affiliation is signaled) suggests that a heterogeneous treatment effect is not at work.

considerations moot. We also found that while Democrats, like Republicans, responded less to members of the other party compared with members of their own, they did not appear to engage in any differential treatment on the basis of race. Here we explore the possibility that the level of differential treatment we reported is lower for the Democrats in part because of the racial composition of the legislators in their party.

Previous research has suggested that legislators who share characteristics with their constituents may be more likely to better represent and advocate for their interests and their policy preferences (Whitby 1997; Canon 1999; Cobb and Jenkins 2001; Whitby and Krause 2001; Chattopadhyay and Duflo 2004). While this literature is typically concerned with whether the legislators vote in line with their constituents' preferences, we might also expect such legislators to be more responsive to constituents who share their race. If this were true we would expect white Democrats and Republicans to exhibit differential treatment in favor of the Jake alias, but black and possibly other minority Democrats and Republican to exhibit differential treatment in favor of the DeShawn alias. Since minorities constitute 20.4 percent of the Democratic legislators in our sample, but only 2.5 percent of their Republican counterparts,¹² part of the reason that we observe Democrats exhibiting less of a differential treatment than Republicans may be that the behavior of the large number of minority Democrats conceals or “balances out” the behavior of white Democrats in a way that is not possible for Republicans because of the small number of minority, Republican legislators.

(Table 3 About Here)

¹² We identified which legislators were black and members of other minority groups (Latino, Arab-American, Native American, and Asian-American) by using, respectively, the directories created by the National Conference of Black State Legislators, the National Association of Latino Elected Officials, the Arab American Institute, the National Caucus of Native American State Legislators and the UCLA Asian American Studies Center.

Table 3 reports the reply rates broken down by the race and party¹³ of the legislator when no partisan preference is signaled.¹⁴ Section (a) of Table 3 gives the results for Democrats and shows that the effect of the black alias has significant heterogeneity based on the race of the legislator. White Democrats were 6.8 percentage points more likely to respond to the Jake alias than they are to the DeShawn alias ($p=0.07$), while black Democrats were 12.8 percentage points more likely to respond to the DeShawn alias, though the latter result is not statistically significant ($p=0.15$). However, holding constant the overall differences between black and white legislators' rates of reply and considering the interaction term that captures the difference in the difference in reply rates between white and black Democratic legislators reveals an effect that is significant at conventional levels. With these differences held constant, white Democrats were 19.7 percentage points less likely to respond to the DeShawn alias than their black counterparts ($p=0.04$).¹⁵

Similarly, Democratic legislators of any minority group (including blacks) were also more likely to respond to the DeShawn alias than the Jake alias by 16.5 percentage points ($p=0.02$). Holding constant the overall differences in responsiveness between white legislators and those of any minority group, this represents a 23.4 percentage point difference in rates of

¹³ The minority Republicans are not displayed because there were not enough observations from which to draw conclusions. Those interested in viewing the full results of the experiment including the results for the minority Republicans and the treatment groups that included partisan affiliation broken down by both race and party are directed to Table 4 in the Appendix.

¹⁴ As with Table 2, we conducted a series of robustness tests for the results in Table 3 including controlling for whether the legislator was up for reelection in November 2008, the district's population in 100,000s, the Squire Index of state legislative professionalism (Squire 2007), and whether the state is in the American political South. The results were robust to these alternative models. Full results available upon request.

¹⁵ Two other patterns evident from Table 3 are that Republican legislators were more likely to respond than Democratic legislators overall regardless of treatment group and that black Democrats responded far less overall to every treatment group than any other group of legislators. From the perspective of a strict social welfare analysis, one might argue that this means blacks are actually better off when represented by Republicans and whites. Our results are thus subject to multiple interpretations. However, note that there are many factors that may lead legislators to be more or less responsive such as the frequency with which their own constituents use e-mail, the socioeconomic composition of the district, and the occupation of the representative themselves (many legislators responded from their personal e-mail addresses). As we did not experimentally manipulate legislators' race or party, we cannot observe the counterfactual of how, for example, white legislators would have responded if elected in the types of districts in which black legislators are elected. However, we can say with confidence that many white legislators would not have responded to the Jake alias' request had it instead been sent from the DeShawn alias.

differential treatment between minority Democrats and their white counterparts ($p < 0.01$).

Interestingly, this pattern holds even for only non-black minority Democrats, who responded to the DeShawn alias more frequently by 23.8 percentage points ($p = 0.04$), 28.8 percentage points more than their white counterparts ($p = 0.02$).¹⁶

Recall that when we estimated the level of differential treatment for Democrats as a whole (see Table 2), we found that they were only 2.6 percentage points more likely to respond to the Jake alias than they were to the DeShawn alias. As Table 3 shows, this misses significant heterogeneity that exists within the Democratic Party. Among white Democrats the level of differential treatment in favor of the white alias is nearly triple the original size that we estimated. Notably, this amount of differential treatment is comparable to the amount of differential treatment we observe among white Republicans, shown in section (b) of Table 3. Part of the reason that we observe Democrats, on average, exhibiting less of a differential treatment towards Jake than their Republican counterparts has to do with the racial composition of party officials. The black and minority legislators in the Democratic Party exhibit a differential treatment in favor of DeShawn that helps to balance out the differential treatment of Jake exhibited by white Democratic legislators. When comparing white Republicans and white Democrats, the differences in their levels of differential treatment is far smaller, less than one percentage point.

5. Discussion

In October 2008 we conducted a field experiment to test whether legislators'

¹⁶ One potential point of criticism is that since districts with more minorities are more likely to elect minorities (a pattern that indeed holds in our data), the amount of minorities in a district might be the actual explanatory cause and the race of the legislator merely associated with this variable (see Grose 2005). However, using census data on the racial composition of state legislative districts, we find no evidence for a heterogeneous treatment effect. In fact, the coefficient is in the opposite direction – the more minorities in a district, the more differential treatment we observed among white Democrats, though this finding was not statistically significant.

responsiveness to a request for help with registering to vote depended on the race of the e-mail sender. We found that Republican legislators responded about 8 percentage points more frequently to requests sent by a black alias compared to requests made by a white alias. Democrats were also more responsive to the white alias, though only by 2.6 percentage points. Subsequent analysis showed that when the e-mail signaled partisanship about 60 percent of differential treatment remained, indicating that while purely strategic concerns may matter they do not explain all of the observed differential treatment. We also found that both Republicans and Democrats exhibited a differential treatment in favor of their fellow partisans. We then found that the black and minority legislators in the Democratic Party exhibited significant differential treatment in favor of the black alias that helped to balance out the differential treatment of Jake exhibited by white Democratic legislators. The difference between rates of differential treatment of white Republicans and white Democrats was negligible, with both groups responding less to the putatively black alias by about 7 percentage points.

One of the arguments often advanced for increasing the number of women and minority legislators through mechanisms such as minority-majority state legislative districts is that elected officials do a better job representing people with whom they share racial and gender characteristics (Canon 1999; Mansbridge 1999). Similarly, previous research has suggested that black constituents participate in politics at higher rates when black legislators represent them because they believe black legislators are more responsive to their concerns (Bobo and Gilliam 1990; Gay 2001; Tate 2003). While there is ongoing debate about the effectiveness and unintended consequences of some mechanisms designed to increase the number of minority elected officials (e.g. Cameron, Epstein, and O'Halloran 1996; Epstein and O'Halloran 1999; Gay 2007), our results provide direct support for the broader argument that how effectively minorities are represented does depend on the race of their representatives. Our results thus also

provide strong evidence for the claim that increasing the number of minorities in government would result in American political institutions that are more responsive to minorities.

As we found that non-black minorities were significantly more likely to respond to the DeShawn alias, our findings also prompt further exploration of whether the benefits of descriptive representation – traditionally defined as one minority group being represented by a member of that same group – might also operate when one minority is represented by another minority of a different background.

We also found that strategic partisan considerations and the racial compositions of districts cannot fully explain the reason that legislators discriminate. While our experiment was successful in eliciting partisan bias from members of both parties, we continued to observe differential treatment by race when holding these partisan considerations constant. However, we do find that the amount of differential treatment that Republicans practice decreases by about 40 percent when partisanship is signaled, indicating that they may infer that someone with the name DeShawn is highly unlikely to vote Republican and act in a strategic partisan manner to try to keep these voters from the polls. While this finding is not statistically significant, it should motivate future research since it offers some evidence that legislators are using the characteristics of voters to make inferences about their partisan preferences. Prior research has shown that voters use characteristics of candidates and incumbents, such as gender, to make inferences about their ideology (e.g., Koch, 2000, 2002; Dolan 2004), but, at least to our knowledge, this is the first research to test whether elected officials engage in similar behavior.

On a related note, claims made in the debate over Voter ID laws (see Brennan Center 2008; Barnes 2008) that legislators may be willing to take action to suppress partisan turnout receive some support from our results; however, our results also indicate that legislators of both parties might be inclined to limit minority turnout for reasons unexplained by these groups’

partisan preferences alone. While these results do not prove what motives were behind the passage of Voter ID laws, for example, they do raise concern that regardless of their party the very legislators responsible for crafting the ways that citizens interact with American political institutions display a willingness to discriminate against minorities when they seek access to these institutions. Similarly, our results cast significant doubt on the claims of the petitioners in *Northwest Austin Municipal Utility District Number One v. Holder* that patterns of racial inequality do not persist in the American political system. Our experiment reveals the opposite – legislators of every racial group exhibit detectable levels of differential treatment.

More generally, it is possible that the legislators are using the names to infer something other than partisanship from the names. For example, Fryer and Levitt (2004) argue that the artifacts of social class implied by distinctively racial names in particular might have driven the results of some other experimental studies, similar to ours, such as Bertrand and Mullainathan (2004) that have sought to uncover racial bias through the use of such names. We cannot rule out the possibility that the true causal effect is due to inferred economic disparities. However, even then we believe these findings are important since differential responsiveness for whatever reason is problematic for democracy.

Race still matters in American politics – both for elected officials and their constituents. While the election of Barack Obama as the United States’ first African-American president is an auspicious development for race relations in America, our politics are still not color blind.

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Box 1. E-mail Sent to State Legislators

From: *[Treatment Name]*
To: **[Legislator's E-mail Address]**
Subject: A Question on Registering to Vote

Dear **[Representative/Senator]** **[Legislator's Last Name]**,

My name is *[Treatment Name]* and I'm trying to figure out how to register to vote for the upcoming election. I heard that the voter registration deadline is soon.

Who should I call in order to register? Also, is there anything special I need to do when I register so that I can vote in future *[blank/Democratic/Republican]* primary elections?

Thanks,
[Treatment Name]

Note: Bolded items were manipulated across e-mails. Items in italics were assigned randomly based on the treatment group.

Table 1. Party Registration of Actual Individuals with the Experimentally Manipulated Names

	First Name DeShawn	Last Name Jackson	First Name Jake/Jacob	Last Name Mueller
Republican	9.7%	30.9%	44.2%	43.5%
Democrat	80.6%	63.0%	46.7%	45.7%
Other/Independent	9.7%	6.1%	9.1%	10.8%
N	72	8,249	2,282	538

Table 2. Rates of E-mail Response by Party, Treatment Name, and Partisanship Signal

(a) Republican Legislators					
	No partisanship	Republican	Democrat	Party Differential	
Jake	67.0%	63.1%	58.5%	4.0	Combined 4.3 [^] (<i>p</i> =0.10)
Mueller	N=364	N=366	N=357	(<i>p</i> =0.28)	
DeShawn	58.9%	58.0%	54.0%	4.5	
Jackson	N=360	N=362	N=361	(<i>p</i> =0.21)	
Race	8.1*	5.1	4.5		
Differential	(<i>p</i> =0.02)	(<i>p</i> =0.16)	(<i>p</i> =0.22)	4.8 [^] (<i>p</i> =0.06) Combined Effect	

(b) Democratic Legislators					
	No partisanship	Republican	Democrat	Party Differential	
Jake	55.1%	51.1%	52.7%	-1.6	Combined -5.1* (<i>p</i> =0.03)
Mueller	N=448	N=454	N=442	(<i>p</i> =0.63)	
DeShawn	52.4%	51.3%	59.9%	-8.5**	
Jackson	N=446	N=448	N=451	(<i>p</i> =0.01)	
Race	2.7	-0.2	-7.1*		
Differential	(<i>p</i> =.424)	(<i>p</i> =0.94)	(<i>p</i> =0.03)	-3.7 (<i>p</i> =0.11) Combined Effect	

Notes: [^]Sig. at the 0.10 level (two-tailed), *Sig. at the 0.05 level (two-tailed), **Sig. at the 0.01 level (two-tailed). A positive difference in the race differential rows indicates a lower response rate towards the DeShawn alias compared to the Jake alias, while a negative difference indicates a higher response rate towards the DeShawn alias compared to the Jake alias.

Table 3. Rate of E-mail Response, By Experimental Condition, Party, and Race of Legislator

State Legislator Group	Treatment Name		Percentage Point Difference
	Jake Mueller	DeShawn Jackson	
(a) Democratic Legislators			
White Legislators	61.2%	54.3%	6.8 [^]
	N=363	N=348	(<i>p</i> =0.07)
Black Legislators	29.1%	41.9%	-12.8
	N=56	N=62	(<i>p</i> =0.15)
Other Minorities (Excluding Blacks)	31.4%	55.3%	-23.8*
	N=35	N=38	(<i>p</i> =0.04)
Any Minority (Including Blacks)	29.4%	45.9%	-16.5*
	N=85	N=98	(<i>p</i> =0.02)
(b) Republican Legislators			
White Legislators	66.9%	59.3%	7.6*
	N=356	N=351	(<i>p</i> =0.04)

Notes: [^]Sig. at the 0.10 level (two-tailed), *Sig. at the 0.05 level (two-tailed), **Sig. at the 0.01 level (two-tailed),.

Appendix

Table 4. Full Experimental Results, By Race and Party of Legislator

(a) White Republicans					
	No partisanship	Republican	Democrat	Party Differential	
Jake	66.9%	62.5%	59.5%	-3.0	Combined -3.7 (<i>p</i> =0.16)
Mueller	N=356	N=352	N=348	(<i>p</i> =0.41)	
DeShawn	59.3%	57.9%	53.5%	-4.4	
Jackson	N=351	N=354	N=353	(<i>p</i> =0.24)	
Race	7.6*	4.6	5.9		
Differential	(<i>p</i> =0.04)	(<i>p</i> =0.21)	(<i>p</i> =0.11)	5.3* (<i>p</i> =0.04) Combined Effect	
(b) Black and Non-Black Minority Republicans					
	No partisanship	Republican	Democrat	Party Differential	
Jake	75.0%	78.6%	22.2%	-56.4***	Combined -25.7 (<i>p</i> =0.11)
Mueller	N=8	N=14	N=9	(<i>p</i> <0.01)	
DeShawn	44.4%	62.5%	75.0%	12.5	
Jackson	N=9	N=8	N=8	(<i>p</i> =0.62)	
Race	30.6	16.1	-52.8*		
Differential	(<i>p</i> =0.22)	(<i>p</i> =0.46)	(<i>p</i> =0.03)	-12.2 (<i>p</i> =0.45) Combined Effect	
(c) White Democrats					
	No partisanship	Republican	Democrat	Party Differential	
Jake	61.2%	58.3%	56.3%	-2.1	Combined 2.1 (<i>p</i> =0.42)
Mueller	N=363	N=355	N=352	(<i>p</i> =0.58)	
DeShawn	54.3%	56.1%	62.1%	6.1^	
Jackson	N=348	N=362	N=375	(<i>p</i> =0.10)	
Race	6.8^	2.2	-5.9		
Differential	(<i>p</i> =0.06)	(<i>p</i> =0.55)	(<i>p</i> =0.11)	-1.9 (<i>p</i> =0.47) Combined Effect	
(d) Black Democrats					
	No partisanship	Republican	Democrat	Party Differential	
Jake	29.1%	18.8%	24.1%	5.3	Combined 13.2* (<i>p</i> =0.03)
Mueller	N=55	N=64	N=54	(<i>p</i> =0.49)	
DeShawn	41.9%	22.4%	44.0%	21.6*	
Jackson	N=62	N=58	N=50	(<i>p</i> =0.02)	
Race	-12.8	-3.7	-19.9*		
Differential	(<i>p</i> =0.15)	(<i>p</i> =0.62)	(<i>p</i> =0.03)	-11.2^ (<i>p</i> =0.06) Combined Effect	
(e) Non-Black Minority Democrats					
	No partisanship	Republican	Democrat	Party Differential	
Jake	30.0%	37.1%	61.1%	24.0*	Combined 16.8^ (<i>p</i> =0.06)
Mueller	N=30	N=35	N=36	(<i>p</i> =0.04)	
DeShawn	52.8%	50.0%	57.7%	7.7	
Jackson	N=36	N=28	N=26	(<i>p</i> =0.58)	
Race	-22.8^	-12.9	3.4		
Differential	(<i>p</i> =0.06)	(<i>p</i> =0.32)	(<i>p</i> =0.79)	-4.4 (<i>p</i> =0.63) Combined Effect	

Notes: ^Sig. at the 0.10 level, *Sig. at the 0.05 level, **Sig. at the 0.01 level. A positive difference in the race differential rows indicates a lower response rate towards the DeShawn alias compared to the Jake alias, while a negative difference indicates a higher response rate towards the DeShawn alias compared to the Jake alias.