Protest Rights, Protest Rates, and Political Accountability

Evidence using Random Judge Assignment

John B. Holbein (BYU)
Elliott Ash (ETH Zurich)
Daniel L. Chen (Toulouse)

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Motivation

▶ A large literature from (virtually) all political science subfields (+ economics) explores the determinants and influences of political protest.

  ▶ e.g. Branton and Martinez-Ebers 2015; Dahl 1961; Eisenger 1973; Francisco 1993, 1996; Lipsky 1968; Madestam et al. 2013; Meirowitz and Tucker 2013; Opp 1990; Verba, Schlozmann, Brady 1995.

▶ However, this literature has rarely used methods for causal inference.

  ▶ **Exception**: Madestam et al. 2013 use rainfall as an instrument for protest attendance at Tea Party protests in April 2010.

  ▶ **Finding**: Madestam et al. find that rainfall decreases protest participation + areas with greater protest rates see increased public support for Tea Party positions and more Republican votes in the 2010 midterm elections.

  ▶ **Limitations:** Do these effects generalize to other forms of protest? Rainfall is not a perfect instrument. (e.g. no first stage for Women's March)

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This Project

- ▶ We leverage the **random assignment of judges** in U.S. Circuit Courts to study the impact of freedom of assembly rulings on...
  - ▶ protests, voter turnout, incumbency rates, and social attitudes toward protest.
- ▶ Data:
  - ▶ **Circuit court freedom of assembly decisions**: original data collection on all circuit court freedom of assembly cases from 1960-1995.
  - ▶ Includes whether claimant prevailed against the government == the direction of the decision (additional/fewer protest rights).
  - ▶ **Judicial characteristics:** federal appeals court attribute data (Zuk, Barrow, and Gryski) and our own data collection
  - ▶ **Atttidues towards protest**: GSS
  - ▶ **Voter turnout**: Leip/McDonald
- ▶ Methods:
  - ▶ Instrumental variables (judge characteristics) + difference-in-difference (state FE, year FE, state time trends)
  - ▶ Lasso methods for selecting the judicial attributes that most influence freedom of assembly rulings

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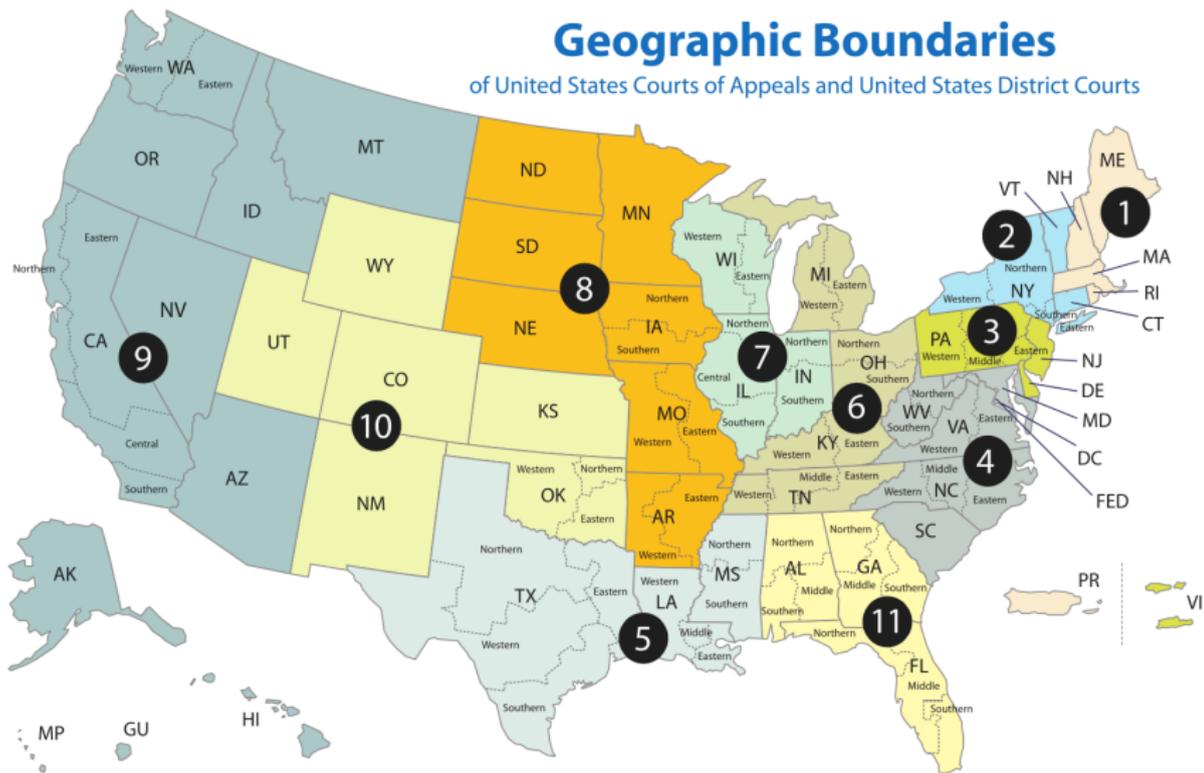
U.S. Circuit Courts of Appeal

- Three layers in the U.S. Federal Court system:
  - Local level (District Court)
  - **Intermediate level (Circuit Court)**
  - National level (Supreme Court).

- Circuit Courts:
  - 11 regional Circuits, 3-9 states each – rulings binding **only in those states.**
  - Adjudicate disputes at common law, constitutional law, and interpretation of federal statutes.
  - Mandatory review. Vast majority (98%) of decisions are final.
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Geographic Boundaries
of United States Courts of Appeals and United States District Courts

Protest Caselaw

▶ In the United States, the Right to Peacefully Assemble is guaranteed by the First Amendment.

▶ The right to assemble is not, however, absolute.

▶ Over time the federal appellate courts have made decisions regarding the time, place, and manner of peaceful assembly.
   ▶ How the police can/cannot interact with peaceful protestors
   ▶ Protest rights and anti-loitering statutes
   ▶ Permit requirements for protests
   ▶ Can protests take place around airports, schools, military bases, abortion clinics, etc.?

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Judge Biographical Characteristics

- Data on judge biographical characteristics comes from Appeals Court Attribute Data, Federal Judicial Center, and own data collection (Chen and Yeh 2013):

Variable	Mean Prob.
Female	0.1485
Black	0.0655
Non-white	0.1057
Protestant	0.387
Catholic	0.28070
Evangelical	0.088
Jewish	0.13681
Secular	0.0303

- **Also**: political party of appointing president, education, previous government experience, birth cohort, etc.
  - for lasso selection of instruments include full set of interactions (Catholic Democrat, female Republican, etc.)

Protest Activity Data

- Dynamics of Collective Action database constructed by McAdam et al.
  - Microdata on 23,000 protest events for the years 1960 through 1995
  - Right now we are working with the number of protests that occur in a given circuit/year.
  - In the future, we may collect data and form estimates on the number of people attending the protest.

Second-stage estimating equation

$$Y_{ict} = \alpha_{ict} + \rho\, Law_{ct} + \beta_1 X_{ict} + \beta_2 W_{ct} + \varepsilon_{ict}$$

- Y_{ict}, outcome measure for state i in circuit c at year t (e.g. log number of protests, turnout).
- Law_{ct}, measure of pro-assembly-protection decisions:
  - Average of pro-claimant decisions ($+1$), pro-government decisions (-1), and no decision (0) in circuit c at time t.
  - ρ, main coefficient of interest.
  - Assumes that effects of pro-claimant and pro-governments decisions are opposite in sign but equal in absolute value relative to the baseline of no case.
- α_{ict} state/time fixed effects and state trends.
- X_{ict} state characteristics (e.g. GDP) or individual characteristics (e.g. gender).
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First-stage estimating equation

$$Law_{ct} = \alpha_{ict} + \phi Z_{ct} + \gamma_1 X_{ict} + \gamma_2 W_{ct} + \eta_{ict}$$

- Law_{ct}, measure of pro-assembly-protection decisions
- Z_{ct}, optimal instruments:
  - Realized characteristics of judges assigned to religion cases.
  - Selected for post-Lasso 2SLS using the method in Belloni et al. (2012)
- Standard errors clustered by circuit (Barrios et al. 2012); similar estimates for clustering by state or circuit-year

First Stage: Effect of Judge Type on Protest Law Decisions

Lasso-selected Instruments	Effect on Pro-Claimant Decision Direction					
	(1)	(2)	(3)	(4)	(5)	(6)
Minority Democrat	0.388**	0.388**	0.341**	0.171	0.278*	0.145
	(0.113)	(0.112)	(0.0935)	(0.110)	(0.0912)	(0.124)
Prosecutor Republican	0.964**	0.964**	0.987**	1.120*	1.324**	1.354**
	(0.234)	(0.232)	(0.261)	(0.395)	(0.275)	(0.374)
N	84	286	286	286	286	286
R-sq	0.0524	0.527	0.567	0.578	0.604	0.609
Fixed Effects			X	X	X	X
Expectations				X		X
Trends					X	X
Drop *ct* without case	X					

Circuit-year regressions for first stage effect of lasso-selected instruments (dummy for racial-minority Democrat, and dummy for former-prosecutor Republican).

2SLS Effect of Pro-Protest Decisions on Log Protests

	OLS	Naive IV	Lasso IV
Average five-year effect	0.00258	0.186*	0.292**
P-value of five-year effect	0.539	0.0256	0.00358
Average lead effect (placebo)	0.145	0.00543	0.669
P-value of leads (placebo)	0.134	0.0124	0.186
Anderson-Rubin F statistic		.	818.4
N	705	705	705
R-Sq	0.364	0.322	0.207

Summary statistics on lead (placebo) and lag (effect) coefficients from circuit-year regressions. Columns give ordinary least squares (1), naively selected instruments (2), and lasso-selected instruments (3).

Robustness Checks

	No Trends	Expect Control	No Ind Control	No Weights
Five-year effect	0.533**	0.292**	0.533**	0.0895**
P-value	0.0000929	0.00358	0.0000929	0.000295
Lead (placebo)	0.990	0.669	0.990	1.073
P-value (placebo)	0.705	0.186	0.705	0.288

Coefficients move around, but effect is robust to the standard battery of robustness checks.

Summary and Discussion

- A random increase in pro-claimant assembly precedent is associated with an increase in protest rates.
  - Takeaway: the cost of protesting affects protest participation

- **Next steps**
  - Does voter turnout change in response to exogenous increases in protests?
  - Do attitudes toward protest change in response to exogenous increases in protests?
  - Do politicians respond to exogenous increases in protests?
  - Do other types of court decisions influence protests?
  - Write the darn paper. (Thanks for your patience.)