

Racial Framing and Public Support for Ex-Felon Disenfranchisement

Abstract

It is well documented that framing certain race-neutral policies, such as the death penalty, voter ID laws, and three-strikes laws, in terms of race can increase whites' support for those laws. This study utilized a survey-based experiment to explore the impact of racial framing on voters' support for repealing ex-felon disenfranchisement statutes. White respondents who were told that felon disenfranchisement disproportionately affects blacks were less supportive of restoring felons' voting rights than were those given no racial frame. This impact was concentrated among white Republicans, and the racial frame had a minimal impact on white Democrats' responses to the question. The survey also asked respondents for their opinions about restoring both felons' voting rights and firearm rights. The difference between the control and experimental groups' responses to this question was greater than the difference between the two groups' responses to the question about voting rights alone. Republicans and Democrats responded similarly, with both expressing lesser support for restoring felons' voting and gun rights when the issue was racially framed. Racial threat theory and negative attitudes about blacks help explain why whites became less supportive of ex-felon rights restoration when told that the issue disproportionately affects blacks. The survey also polled blacks, but the frame had a minimal impact on their opinions.

Introduction

All but two US states deny prisoners the right to vote (Brennan Center, 2014). Eleven of those 48 states have “ex-felon disenfranchisement” statutes, which prevent felons from voting even after completing their sentence. These states vary in terms of which specific crimes serve as grounds for disenfranchisement after release from prison, and the process through which individuals can regain their voting rights. In 2010, over 2.6 million Americans living in these 11 states were legally barred from voting due to prior felony convictions (Uggen, Shannon, & Manza, 2012).¹

Like past forms of voter suppression, such as poll taxes and literacy tests, ex-felon disenfranchisement policies disproportionately affect black voting power. The laws are ostensibly race-neutral, in the sense that they do not explicitly mention race, but nevertheless have disparate impacts across racial groups. Blacks constitute about 15% of the total voting-age population in states with ex-felon disenfranchisement laws, but 37% of all disenfranchised ex-felons (Uggen et al., 2012). Including those who were incarcerated at the time, over one in five black citizens of Florida, Kentucky,² and Virginia could not vote in 2010 (Uggen et al., 2012).

Not only do ex-felon disenfranchisement laws disproportionately impact blacks currently, but they also have a history steeped in racial discrimination. Scholars have previously described the use of ex-felon disenfranchisement policies as tools for crippling black voting power, particularly in the post-Civil War South (Goldman, 2004; Figler, 2006; Manza, Uggen, & Behrens, 2008; Mauer, 2011). Higher proportions of blacks among state prison populations were also associated with an increased likelihood that a given state would enact its first ex-felon

¹ In 2005, Iowa Governor Tom Vilsack restored voting rights to all ex-felons through executive order, but Governor Terry Branstad reversed the order in 2011 (Uggen et al., 2012). Iowa, therefore, is not included in these statistics because all ex-felons in that state could vote in 2010.

² In November 2015, Kentucky Governor Steve Beshear signed an executive order that restored voting rights to 170,000 nonviolent ex-felons, changing the percentage of blacks who are unable to vote in Kentucky (Izadi, 2015).

disenfranchisement statute, and a decreased likelihood that a state would repeal ex-felon disenfranchisement laws (Behrens, Uggen, & Manza, 2003). This link bolsters the claim that the laws were, at least previously, prompted by the desire to prevent blacks from voting.

Political leaders at the federal and state levels, motivated in part by calls for racial justice in our nation's elections, have recently advocated for the repeal of these statutes. In April 2014, newly elected Virginia Governor Terry McAuliffe reversed part of his state's ex-felon disenfranchisement law by allowing nonviolent felons to automatically regain their voting rights after completing all terms of their sentence. The political non-profit Floridians for a Fair Democracy (FFD) launched a petition drive in October 2014 to put the repeal of that state's ex-felon disenfranchisement law on the ballot in the 2016 general election (FFD, 2014). During last year's Congressional session, Senator Ben Cardin (D-MD) and Senator Rand Paul (R-KY) introduced separate bills that would have allowed ex-felons to vote in federal elections (S. 2235, 2014; S.2550, 2014).

Politicians have additionally begun discussing a measure that would grant both voting rights and gun-possession rights to ex-felons. Under existing federal law, individuals convicted of federal-level felonies cannot own guns, and those convicted of state-level felonies can only own guns if their state has restored their civil right to possess a firearm (18 U.S.C. § 922). The potential policy represents a compromise between liberals advocating for criminal justice reform and conservatives pushing for Second Amendment protections (Mak, 2015).

Senator Paul and former Attorney General Eric Holder, who seldom agree on political issues, have both emphasized the disproportionate number of disenfranchised blacks when advocating the repeal of ex-felon disenfranchisement laws (Abdullah, 2014; Holder, 2014). However, previous studies suggest that highlighting racial disparities may actually increase

support for laws that disproportionately harm the black community (Gilens, 1996; Gilliam, 1999; Hetey & Eberhardt, 2014; Peffley & Hurwitz, 2007; Wilson, Brewer, & Rosenbluth, 2014). This study adds to existing research regarding the effect of race on public attitudes toward ex-felon disenfranchisement (Behrens et al., 2003; Wilson, Owens, & Davis, 2011) by examining a topic that remains unexplored by scholars: the influence of black racial frames on white and black voters' support for ex-felon disenfranchisement. A "black racial frame" is defined as information or imagery that primes individuals to think about blacks when responding to questions. Specifically, I analyze whether support for ex-felon disenfranchisement laws differs between groups of voters told that the policies disproportionately affect blacks, and those given no racial frame. The results indicate that Senator Paul and former Attorney General Holder would be wise to deemphasize the racially disparate impacts of the laws when campaigning to eliminate them.

Historical Background

The history of ex-felon disenfranchisement in the US dates to the original colonies, with varying philosophic, social, and racial motivations prompting changes to the policies throughout their existence. During the 1600s, English colonists brought with them the concept of "civil death," which dictated that criminals should lose the rights of citizenship, including the right to vote (Manza et al., 2008; Sentencing Project, 2014). These early policies applied only to those crimes perceived as moral shortcomings, such as drunkenness (Brooks, 2004; Manza et al., 2008). Article I, Section 2 of the US Constitution later enshrined states' rights to establish their own qualifications regarding voter-eligibility. During the nation's fledgling years, many states continued the colonial trend of disenfranchising those convicted of specific types of crimes. Legislators of the time based the policies on John Locke's notion that those who break the social contract should not be able to shape society's laws (Brooks, 2004).

The rise of policies that disenfranchised nearly all felons, rather than solely those convicted of a few specific crimes, came in two distinct waves (Manza et al., 2008). The first occurred between 1840 and 1865, during which 16 states established laws that disenfranchised both incarcerated felons and ex-felons. The wave began in the Northeast and ultimately spread to the Midwest and West. The establishment of these disenfranchisement policies corresponded with the adoption of universal white male suffrage in these states. Manza et al. (2008) argue that elites' desire to prevent newly enfranchised propertyless men from voting could have prompted this first wave.

The second wave occurred after the Civil War, between 1865 and 1900, and was concentrated among former Confederate states (Manza et al., 2008). The passage of the Fourteenth and Fifteenth Amendments, which respectively guaranteed citizenship to the freed slaves and allowed black males to vote, correlated with the enactment of new disenfranchisement laws in Southern states (Manza et al., 2008). Some Southern states specifically tailored their laws to target blacks: those convicted of what were considered 'black crimes' lost their voting rights for life, while those convicted of 'white crimes' retained them (Brooks, 2004). South Carolina's statute, for example, applied to the 'black crimes' of adultery, arson, wife-beating, and attempted rape, but not the 'white crime' of murder (Manza et al., 2008). At Alabama's 1901 Constitutional Convention, the author of a new felon disenfranchisement provision proudly proclaimed that "the crime of wife-beating alone would disqualify sixty percent of the Negroes" (Behrens et al., 2003, p.571).

By 1900, about three-fourths of all existing states had established ex-felon disenfranchisement laws (Manza et al., 2008). Few major changes occurred from 1900 to 1950, but the latter half of the century saw significant liberalization of the policies. Between the late

1950s and early 1970s, twenty-three states either completely eliminated or reduced the scope of their ex-felon disenfranchisement statutes (Manza et al., 2008). Since then, the general trend of removing barriers to ex-felon voting rights has continued (Mauer, 2011). However, the total number of disenfranchised citizens, both in prison and out, has increased by nearly five times since 1976 due to ballooning incarceration rates, bringing the current disenfranchised population to 5.85 million (Sentencing Project, 2014). Over 2.6 million felons who have completed all terms of their sentence remain disenfranchised, with blacks comprising 37% of that total (Uggen et al., 2012).

Only eleven states currently disenfranchise ex-felons. Iowa, Florida, and Kentucky have the most rigid laws in place, permanently disenfranchising all felons regardless of the type of crime committed. Ex-felons in those three states can regain their voting rights only by applying for and obtaining an individual restoration of rights from the state government (Brennan Center, 2014). Between March 2011 and January 2015, just 1,534 ex-felons in Florida regained their voting rights, while over 1.3 million individuals who had completed their sentence remained unable to vote in the state (Sweeney, Choi, Schallom, & Huriash, 2015).

Theoretical Background and Prior Studies

Few studies have directly addressed the impact of racial attitudes on support for ex-felon disenfranchisement (Behrens et al., 2003; Wilson et al., 2011). However, scholars have proposed a variety of distinct theories attempting to explain whites' support for policies that disproportionately harm blacks, such as the death penalty, and opposition to programs that disproportionately benefit blacks, such as welfare. The two prevailing theories are the racial threat hypothesis and the notion that negative racial attitudes fuel whites' policy positions.

The racial threat hypothesis predicts that perceived intergroup competition for resources gives rise to policies that disparately harm certain racial groups (Blalock, 1970; Blumer, 1958; Bobo, 1999; Parker, Stults, & Rice, 2005). Scholars theorize that increasing concentrations of blacks in localized populations result in greater feelings of threat among whites (Blalock, 1970). Perceived threats to white political and economic power, as well as the threat of black-on-white crime, result in white support for social control mechanisms targeted toward blacks, such as restrictions in suffrage and harsh criminal penalties (Behrens et al., 2003; Blalock, 1970; Chiricos, Welch, & Gertz, 2004; Eitle, D'Alessio, & Stolzenberg, 2002).

Another group of scholars support the second main theory, emphasizing that negative attitudes toward blacks contribute to whites' support for policies that harm the black community (e.g., Peffley & Hurwitz, 2002; Wilson et al., 2014). These attitudes stem from overt prejudice as well as beliefs that blacks have inferior work ethics, receive undeserved advantages, and are too demanding (Henry & Sears, 2002). Such beliefs result in support for policies that control blacks, who are perceived as violators of traditional moral values (Green, Staerklé, & Sears, 2006). Wilson et al. (2011) argue that whites with negative racial attitudes support laws that disproportionately restrict black suffrage due to perceptions that blacks are less deserving of the right to vote than other groups. Studies provide strong evidence for the connection between white racial attitudes and support for policies that disproportionately affect blacks (e.g., Bobo & Johnson, 2004), and moderate support for the racial threat hypothesis (e.g., Giles & Buckner, 1993).

Researchers have tested the racial threat hypothesis through various measures, yielding mixed results. Several studies have found positive associations between black population density and whites' support for racially conservative candidates and ballot measures (Giles & Buckner,

1993; Giles & Hertz, 1994; Tolbert & Grummel, 2003). These findings suggest that higher black populations result in greater feelings of threat to political and economic power, motivating preferences for policies and leaders that will alleviate such threats. Other studies that used different statistical methods and demographic measures, however, have directly refuted those conclusions, finding no statistically significant link between the size of black populations and electoral outcomes (Campbell, Wong, & Citrin, 2006; Voss, 1996).

In line with the racial threat hypothesis, scholars have revealed an association between black-on-white crime rates and black arrest levels, even when controlling for the black-on-black crime rate. This finding indicates that the fear of black crime against whites may contribute to harsher policing of black communities (Eitle et al., 2002). Behrens et al. (2003) utilized the racial composition of state prison populations as a measure of racial threat to whites. Their model found that a 10% increase in a state's nonwhite prison population, controlling for various other factors, increased the likelihood that a state would pass its first ex-felon disenfranchisement statute by 50%. They concluded that a higher percentage of black prisoners both increased the likelihood that a state would adopt ex-felon disenfranchisement policies and decreased the odds of repeal. The literature on racial threat, while varied, suggests overall that whites' desire to maintain socioeconomic power and remain free from black crime likely plays a role in electoral and policy outcomes (e.g., Eitle et al., 2002; Giles & Buckner, 1993).

Investigations of public opinion have demonstrated a clear link between white racial attitudes – the second prevailing theory – and support for race-neutral policies that disproportionately affect blacks. A number of studies have concluded that racial prejudice against blacks, measured through survey questions, is a strong predictor of white support for the death penalty, controlling for all other factors (Bobo & Johnson, 2004; Green et al., 2006;

Peffley & Hurwitz, 2002; Soss, Langbein, & Metelko, 2003; Unnever & Cullen, 2007). Similar results have been found regarding white support for other forms of punitive criminal policies, including prison-sentence disparities between crack and cocaine³ (Bobo & Johnson, 2004), three-strikes laws⁴ (Green et al., 2006), and longer prison terms (Peffley & Hurwitz, 2002). Whites who demonstrated greater levels of racial prejudice demonstrated greater support for these punitive laws. Specifically relevant to this study, Wilson et al. (2011) found a strong link between negative racial attitudes among whites and greater support for ex-felon disenfranchisement statutes.

Although the aforementioned punitive criminal policies are race-neutral, crime – and especially violent crime – has become closely associated with blacks (Chiricos et al., 2004; Green et al., 2006; Hurwitz & Peffley, 1997; Peffley & Hurwitz, 2002). Whites who hold negative attitudes toward blacks are thus more likely than others to support criminal penalties perceived as predominantly affecting black populations (Hurwitz & Peffley, 1997; Peffley & Hurwitz, 2002).

Negative attitudes towards blacks also result in diminished support for welfare payments, and greater support for voter ID requirements, which require voters to show valid photo identification at the polls (Gilens, 1996; Wilson & Brewer, 2013). Like criminal policies, welfare payments and voter ID laws have become heavily associated with blacks. Collectively, the survey research demonstrates that white racial attitudes influence support for race-neutral policies that are perceived as disproportionately affecting the black community (e.g., Wilson et al., 2011).

³ In Bobo and Johnson's (2004) study, survey participants were informed that the punishment for crack cocaine possession was 100 times worse than that for powdered cocaine. They were also informed that most of those convicted for crack cocaine use are blacks, while most of those convicted for powdered cocaine use are whites.

⁴ Three-strikes laws are state statutes that impose harsh sentences for three-time felony offenders (Green et al., 2006).

Racial framing experiments, which are the methods used in this study, demonstrate a clear, causal connection between whites' perceptions of blacks and levels of policy support. The experiments have found that presenting whites with black racial frames increases support for race-neutral policies that disproportionately harm blacks – such as the death penalty and three-strikes laws (Gilliam & Iyengar, 2000; Hetey & Eberhardt, 2014; Peffley & Hurwitz, 2007) – and decreases support for race-neutral policies that disproportionately benefit blacks – such as welfare and prison furloughs⁵ (Gilliam, 1999; Peffley & Hurwitz, 2002). However, these experiments cannot explain whether racial threat or negative racial attitudes account for whites' policy positions. Either theory, or a combination of the two, could successfully explain the results of racial framing experiments.

Several studies have utilized image-based manipulations to create black racial frames before asking participants about their attitudes toward race-neutral policies. For example, white participants presented with an image of a black perpetrator in a news story about crime expressed greater support for the death penalty and three-strikes laws than those presented with a white image (Gilliam & Iyengar, 2000). Scholars have found similar results for other policies. Black images elicit greater support among whites for voter ID laws (Wilson et al., 2014) and New York City's Stop-and-Frisk policy⁶ (Hetey & Eberhardt, 2014), and lesser support for welfare spending (Gilliam, 1999).

Other experiments have employed rhetoric rather than imagery to create black racial frames, and have reached similar conclusions. Peffley and Hurwitz (2007) found that whites demonstrated greater support for the death penalty when provided with a statement asserting that

⁵ Prison furloughs are temporary releases from custody with the goal of helping soon-to-be-released prisoners adjust to life outside prison (Peffley & Hurwitz, 2002).

⁶ New York City's Stop-and-Frisk policy allowed the NYPD to stop hundreds of thousands of citizens and search them for illegal weapons. The vast majority of those stopped were black or Latino (Hetey & Eberhardt, 2014).

the death penalty disproportionately affects blacks. However, Bobo and Johnson's (2004) study of the death penalty and racial disparities in drug-crime sentencing found that highlighting racial inequalities either elicited no change in white policy attitudes or diminished support for policies that disproportionately harmed blacks. Although that study's conclusions diverge from the others, the various racial framing experiments (e.g., Gilliam & Iyengar, 2000), taken together, reveal that emphasizing race tends to increase whites' support for race-neutral policies that negatively impact blacks. They demonstrate that whites' perceptions of blacks, whether based on racial threat or negative racial attitudes, causally contribute to individual policy positions.

These racial framing experiments, however, have not analyzed whether the effect of racial frames varies by party affiliation. Relative to white liberals, white conservatives are more likely to hold negative attitudes towards blacks (Wilson & Brewer, 2013), indicating that partisan groups may exhibit distinct reactions to racial frames. An index of eight questions about racial attitudes taken from the University of Chicago's General Social Survey revealed that 27% of white Republicans and 19% of white Democrats held negative attitudes towards blacks in 2012 (Silver & McCann, 2014). One of the questions included in the index asked whether society spent too much money trying to improve the condition of blacks – 32% of white Republicans agreed with the sentiment, while only 9% of white Democrats did so.

Furthermore, while most framing experiments have solely studied white attitudes, those that have utilized black participants reveal that racial frames have different effects on blacks' opinions relative to whites. Written statements that explain racial disparities have decreased black support for the death penalty and harsh penalties for crack possession (Bobo & Johnson, 2004; Peffley & Hurwitz, 2007). Racial images, in contrast, have had little effect on blacks'

policy attitudes toward the death penalty, three-strikes laws, and voter-ID laws (Gilliam & Iyengar, 2000; Wilson et al., 2014).

Few have directly studied the connection between race and attitudes toward ex-felon disenfranchisement. Studies of general public opinion regarding these laws have found that 60-80% of Americans believe that felons who have completed their sentence should have the right to vote (Manza, Brooks, & Uggen, 2004; Pinaire, Heumann, & Bilotta, 2003). Scholars have additionally demonstrated that negative racial attitudes and population-based racial threat contribute to support for ex-felon disenfranchisement statutes (Behrens et al., 2003; Wilson et al., 2011). However, the effect of black racial framing on support for ex-felon disenfranchisement among whites and blacks remains completely unexplored. This study uses a racial framing experiment to examine whether a causal link exists between racial perceptions and support for ex-felon disenfranchisement policies. This question informs the degree to which advocates of repealing these laws should emphasize race when appealing to the public. More generally, this experiment will contribute to the broad literature about the continuing effect of race on public policy.

Previous research on racial framing (e.g., Peffley & Hurwitz, 2007), as well as the effects of racial threat and negative racial attitudes on support for race-neutral policies (e.g., Behrens et al., 2003; Wilson et al., 2014), guide the hypotheses. If both hypotheses are supported, the experiment would demonstrate a clear connection between racial perceptions and support for limitations on ex-felon rights.

H₁: If white registered voters read about ex-felon disenfranchisement's disparate effect on black voting power, then they will express less support for laws that restore ex-felon rights relative to those not given the black racial frame.

H₂: If black registered voters read about ex-felon disenfranchisement's disparate effect on black voting power, then they will express greater support for laws that restore ex-felon rights relative to those not given the black racial frame.

Methods

Research Design

I utilized a randomized survey-based experiment to determine the impact of black racial framing on white and black voters' support for restoring ex-felon rights. While a survey experiment with all ethnic groups would have been ideal, cost constraints precluded conducting a survey of that scope. I therefore chose the two groups most important for this topic. Whites, due to population size, hold the greatest electoral power over national policy. A significant body of literature (e.g., Green et al., 2006; Wilson et al., 2014) also demonstrates that racial prejudice tends to increase whites' support for laws that disproportionately harm blacks. Additionally, blacks proportionally stand the most to gain from the repeal of restrictions on ex-felon rights. Blacks have also previously demonstrated decreases in support for punitive criminal policies when informed that they disparately impact the black community (Bobo & Johnson, 2004; Peffley & Hurwitz, 2007).

All of the survey participants read this basic sentence about ex-felon disenfranchisement before responding to any questions: "Eleven states have laws that prevent citizens convicted of felony-level crimes from voting after they complete their sentence." The treatment group, but not the control group, additionally read this statement about the disproportionate effect the laws have on blacks: "A disproportionate number of those prevented from voting are African-American. In some states, more than one in five African-Americans cannot vote due to a felony conviction" (see Appendix A for experimental treatment). The statement directly reflects excerpts from a

public speech delivered by former Attorney General Eric Holder, who has advocated against disenfranchisement policies (Holder, 2014).

The manipulation was intended to focus the attention of those in the treatment group to the policy's racially disparate impact, and foster the perception that repealing ex-felon disenfranchisement laws would disproportionately benefit blacks. While other experiments regarding public support for various policies have used pictures of blacks to create racial frames (Gilliam, 1999; Gilliam & Iyengar, 2000; Hetey & Eberhardt, 2014; Wilson et al. 2014), this study employed a racial statement commonly expressed by those who support restoring felons' voting rights. The primary benefit of this experimental model is the potential to demonstrate a causal relationship between information that constituents will likely hear during public discussions about these policies, and citizens' resulting support for the policies.

Data Collection

I employed Survey Sampling International (SSI), a large data-collection company, to field an online national survey in August 2015. The survey garnered 780 total responses from whites, and 539 total responses from blacks. I only surveyed registered voters, as this study sought to understand the effect of racial framing on public opinion within the context of a law's legitimate political prospects.

Three hundred eighty-one white respondents and 268 black respondents received the experimental treatment. The other 399 whites and 271 blacks served as control groups. SSI utilized sampling techniques that ensured the control and treatment groups did not have significant demographic differences in terms of gender, age, income, education, and geographic location. Since the sample was not guaranteed to be nationally representative, I was unable to generalize the level of support for the laws to the entire voting public. The random sample,

however, allowed for causal conclusions regarding the effect of the black racial frame between treatment and control groups.

Public opinion on felon disenfranchisement has previously been measured in a variety of ways. Some studies have asked abstract questions about whether ex-felons should regain the right to vote, without citing any specific federal or state governmental action (Manza et al., 2004; Pinaire et al., 2003). The survey adopted phrasing similar to that used by Wilson et al. (2011), who framed the issue in terms of a law that Congress was considering. The more concrete frame better replicated the political choices citizens face.

All respondents in both the treatment and control groups answered the exact same set of questions (see Appendix B for complete question list). This study utilized two questions to measure respondents' support for laws that restore ex-felon rights. The first presented participants with congressional legislation "that would restore the right to vote in federal elections for nonviolent felons who have completed all terms of their sentence." The statement mirrors a law sponsored by Senator Rand Paul (R-KY) during the 113th Congress (S.2550, 2014).⁷ Participants were asked about their support for such a law on a five-point scale ranging from "strongly support" (5) to "unsure" (3) to "strongly oppose" (1). The second question informed participants that "nonviolent felons who have completed their sentence are also legally prevented from owning a gun," and asked, using the same five-point scale, whether respondents would support "a law that restored nonviolent felons' right to **both** vote in federal elections **and** own a gun after completing their sentence." This question reflects the potential legislative

⁷ Senator Ben Cardin (D-MD) also introduced a bill during the 113th Congress that would have ended ex-felon disenfranchisement (S. 2235, 2014). The terms of Senator Cardin's bill were less restrictive than that of Senator Paul's, calling for rights restoration for all felons, rather than solely nonviolent felons, and the restoration of rights upon release from prison rather than completion of all terms of the sentence. I used Senator Paul's bill as the basis for the survey question because his more narrow provisions are more likely to pass Congress in the future.

compromise between liberals seeking to expand voting rights and conservatives seeking to expand Second Amendment rights (Mak, 2015).

Because of evidence that racial attitudes vary between white Democrats and Republicans (Silver & McCann, 2014; Wilson & Brewer, 2013), the survey also asked respondents about party identification. Participants expressed party affiliation on a seven-point scale ranging from “strong Democrat” (1) to “neither Democrat nor Republican” (4) to “strong Republican” (7).⁸

Data Analysis

I utilized t-tests to determine whether the treatment had an impact on support for repealing felon disenfranchisement among whites and blacks. I divided the dataset into four groups: white control ($n=399$), white treatment ($n=381$), black control ($n=271$), and black treatment ($n=268$). For each group, I estimated the mean level of support for both the first measure (restoration of voting rights alone) and second measure (restoration of both gun and voting rights). I did not include the “unsure” responses when calculating the means, and recoded the data to a four-point scale from “strongly support” (4) to “strongly oppose” (1).⁹ I used t-tests to compare these means between the white treatment and control groups, and the black treatment and control groups. I also found the relative change in percentage support and opposition to restoring felon rights, and included the “unsure” data when calculating these percentages.¹⁰

Using the political background data, I further divided the white control and treatment groups into Democratic and Republican subgroups. Since blacks overwhelmingly identified as Democrats, I could not subdivide blacks by party affiliation. I then analyzed these white

⁸ I adopted question phrasing from the most recent American National Election Studies survey (ANES, 2013).

⁹ I removed the “unsure” category when calculating the mean because it is unknown whether an individual who selects “unsure” is between “support” and “oppose” in terms of their numerical preference or is just unsure what their opinion is. Individuals who are unsure of their opinion should not be included in a mean calculation that aims to reveal a numerical strength of preference for a certain law.

¹⁰ I included the “unsure” category when calculating the percentages since the percentages do not assume that “unsure” has a numerical value. These calculations just seek to measure what proportion, out of all respondents, took a definitive stance either in support or opposition to the proposed laws.

subgroups' responses using the same statistical tests described above, comparing the white Democratic control group ($n=169$, 42% of whites in the control group) to the white Democratic treatment group ($n=157$, 41% of whites in the treatment group), and the white Republican control group ($n=144$, 36% of whites in the control group) to the white Republican treatment group ($n=130$, 34% of whites in the treatment group).

Limitations

The experiment was limited by the narrow set of questions it asked and its exclusion of a wider range of racial groups. The survey should have included general questions about respondents' backgrounds, including gender, age, income, education, and geographic location. SSI indicated that these characteristics would be balanced between the control and treatment groups, but the survey should have directly collected this data in order to confirm such balancing. This data could have been used to determine which specific groups – e.g., older men with low levels of education – were most likely to shift their support in response to the experimental treatment. It would have also been beneficial to include other racial groups, such as Hispanics and Asians, in order to gain a greater understanding of the racial frame's political impact.

As I explain further in the discussion of the results, timing likely affected the survey's outcome, limiting the temporal generalizability of the data. Race has become a particularly salient issue in the national news media during the past year, and likely influenced respondents' answers. If the survey had been administered at a time when racial issues were less prominent, the results may have been different.

Finally, the survey did not inquire about the racial frame's impact on voter mobilization or issue saliency. The survey only captured changes in support, but not changes in the level of

importance individuals ascribed to the issue. For those who already strongly supported rights restoration, for example, the frame may have had no discernible impact on their level of support, but might have made them more likely to attend a public demonstration about voting rights or research a politician's stance on the issue before casting a ballot. The survey did not capture these more nuanced effects, and future studies should design questions with both level of support and issue saliency in mind.

Results

The racial treatment shifted whites' attitudes in the direction predicted when asked about voting rights alone and when asked about voting rights and gun rights together, but had little effect on blacks' opinions of the issues (See Table 1). On the recoded four-point scale (4 indicating strongly support and 1 indicating strongly oppose), whites in the control group expressed a mean level of support of 3.15 for restoring voting rights, while whites in the experimental group had a mean level of support of 3.04 (See Figure 1). This .11 difference was statistically significant at conventional levels ($p=.05$). Understood another way, the percentage of whites responding that they "strongly supported" or "somewhat supported" restoring felons' voting rights decreased by .11% between the control and the experimental groups, and the percentage who stated they "strongly opposed" or "somewhat opposed" restoring voting rights increased by 4.60% from the control to the treatment group (See Figures 2 and 3).

White respondents demonstrated lesser overall support for restoring felons' voting and gun rights together, and the question also elicited a stronger reaction to the racial treatment. The white control group expressed a mean level of support of 2.13, while the experimental group's mean was 1.96 ($p=.02$) (See Table 1 and Figure 1). The percentage of whites expressing support for restoring both voting and gun rights decreased by 5.74% between the control and the

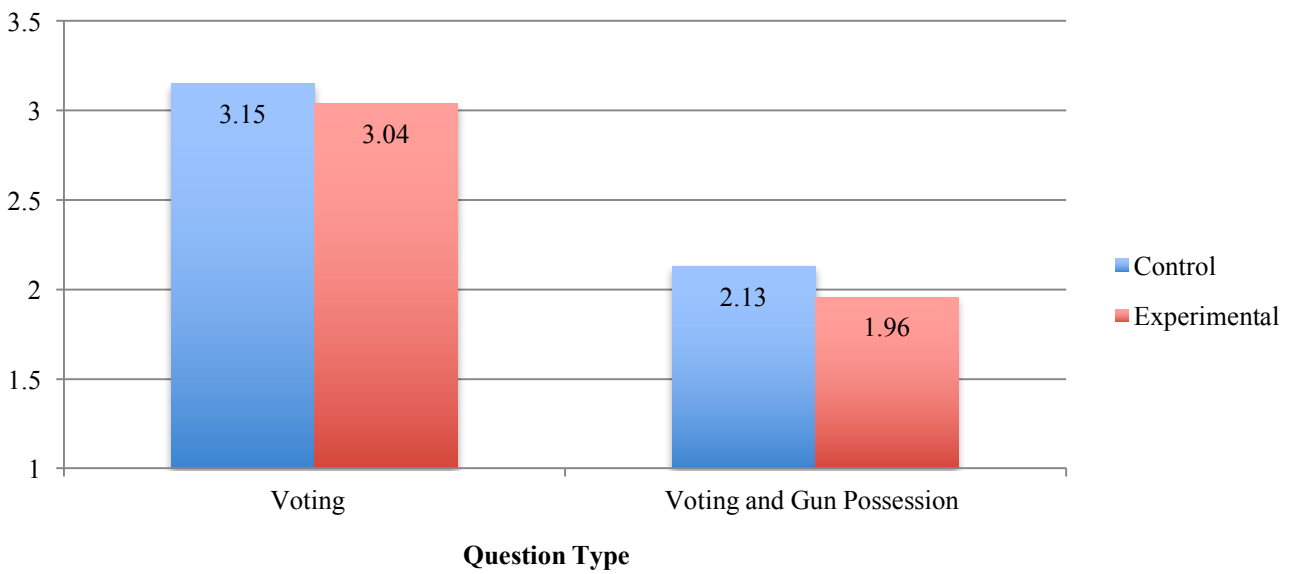
experimental groups, and the percentage who stated they opposed restoration increased by 8.74% from the control to the treatment group (See Figures 2 and 3). As the figures show, the decrease in support among whites for both bills captured by the four-point scale disproportionately came from a greater number of respondents expressing opposition, rather than fewer expressing support. The racial frame, therefore, primarily made individuals feel more negative about rights restoration, rather than less positive.

Table 1. Overall Mean Support for Restoration of Felon Rights

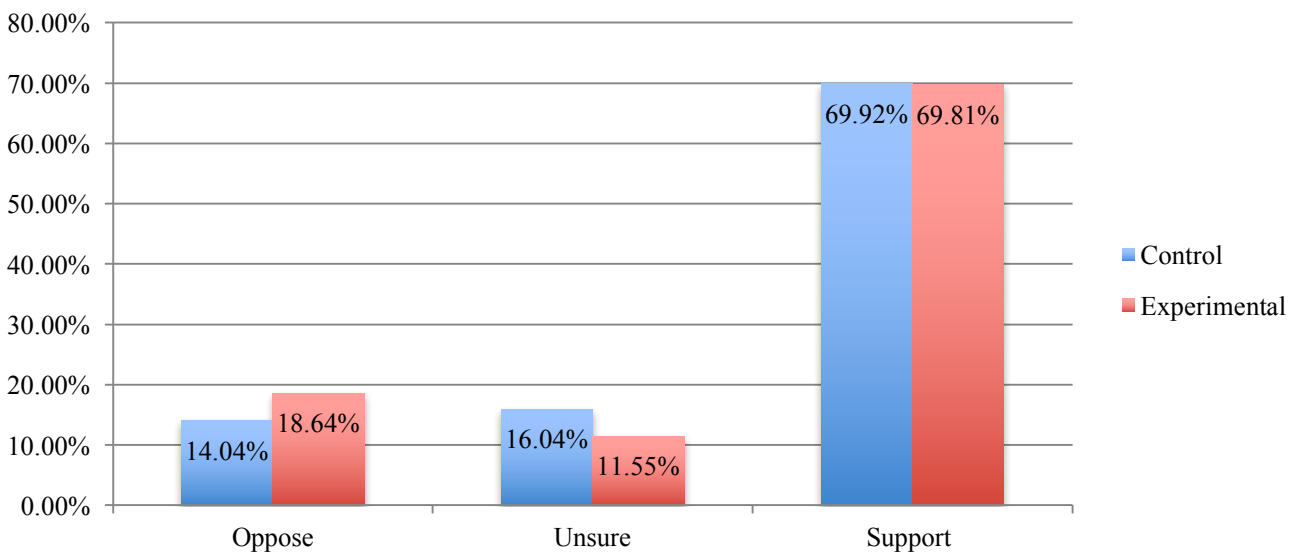
	Control	Experimental	Difference
Whites			
Voting	3.15	3.04	-0.11**
Sample Size	335	337	
Blacks			
Voting	3.54	3.59	0.05
Sample Size	247	247	
Voting and Gun Possession	2.35	2.31	-0.04
Sample Size	215	200	

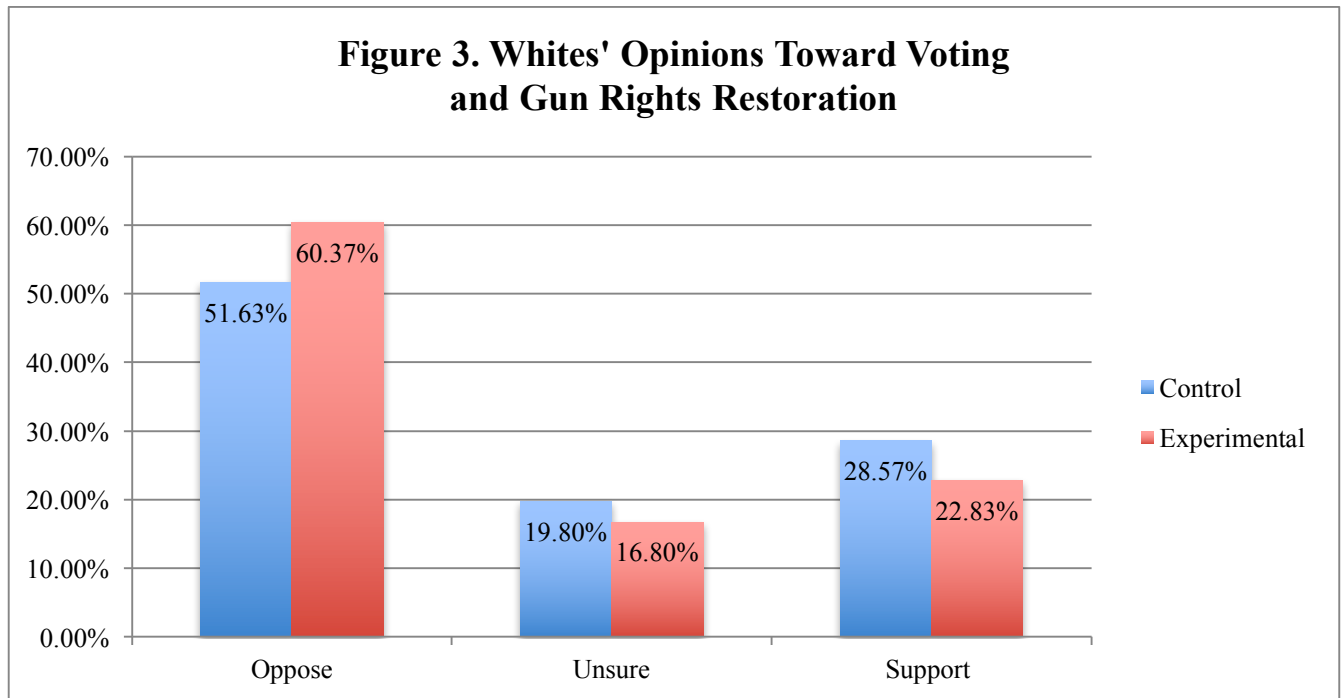
*p < 0.10, **p < 0.05

**Figure 1. White Mean Support
For Rights Restoration**



**Figure 2. Whites' Opinions Toward
Voting Rights Restoration**





The racial treatment had a comparatively small impact on blacks' opinions. Support for voting rights restoration was .05 greater in the experimental group relative to the control, and support for gun rights restoration was .04 lower (See Table 1). Neither difference was statistically significant. It should be noted, however, that blacks demonstrated greater overall support for both forms of rights restoration relative to whites.

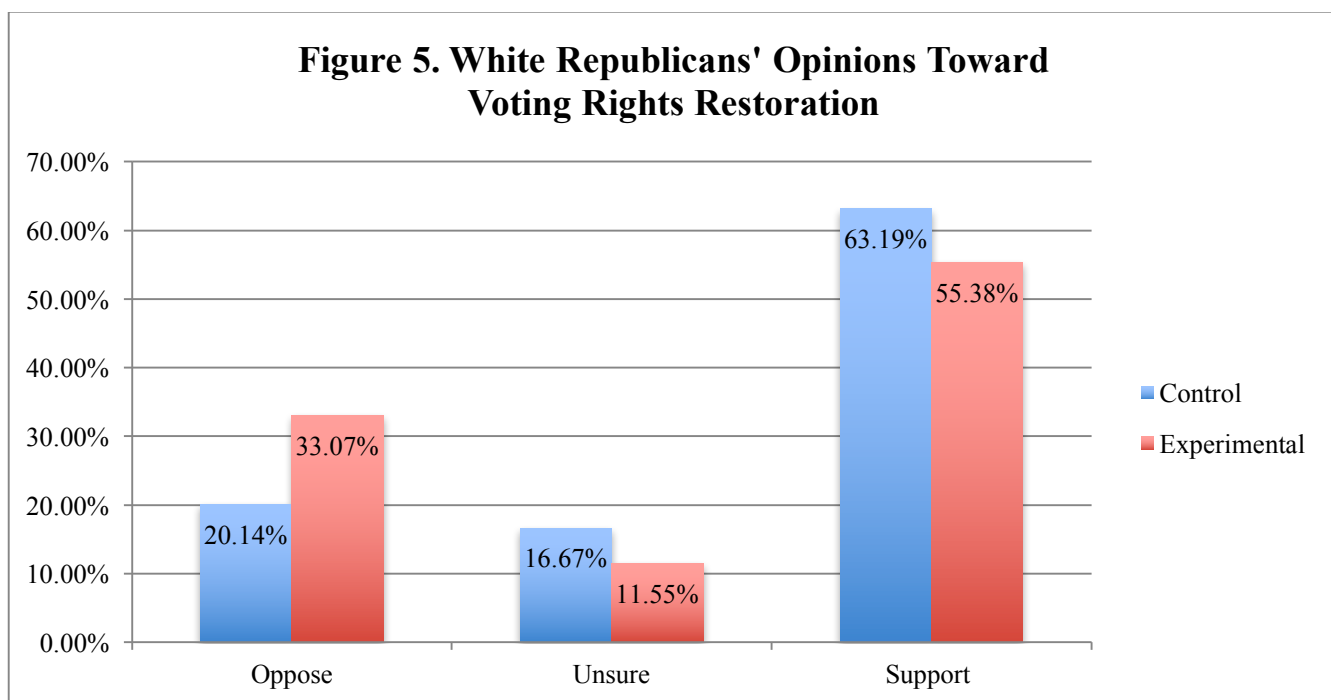
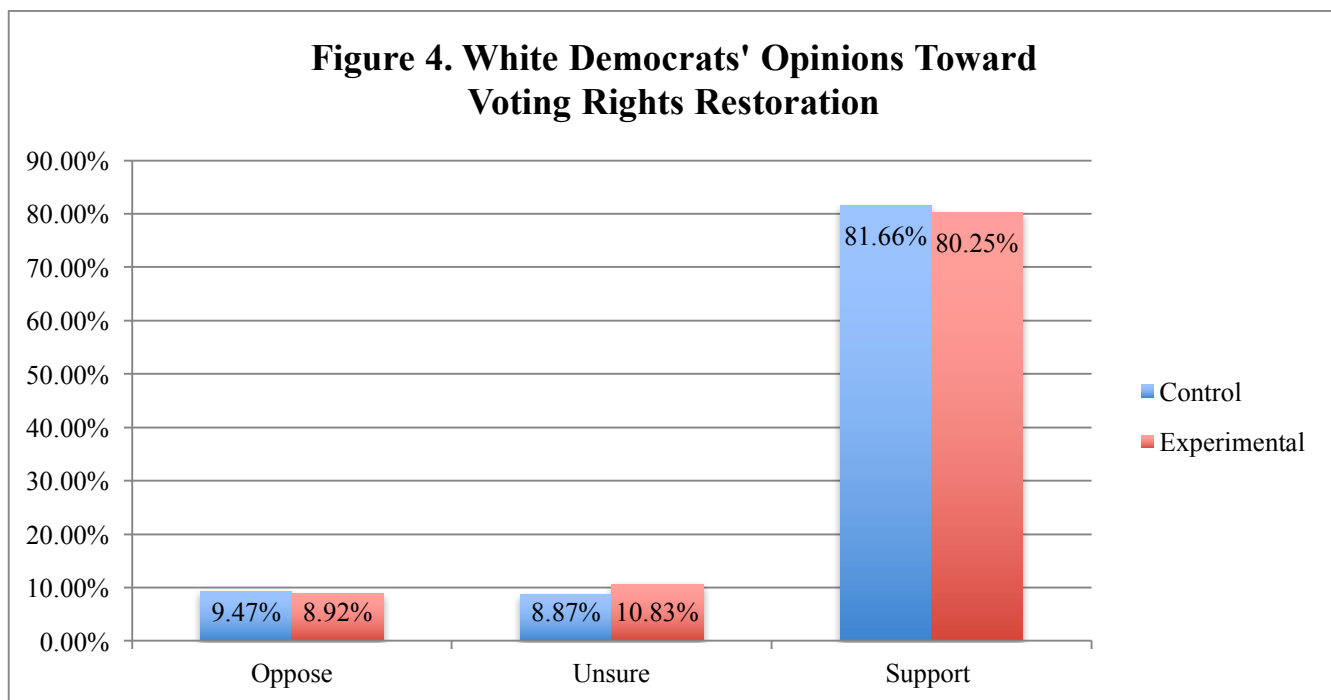
Separating whites' responses based upon party identification revealed greater detail behind the numbers. In the control and experimental trials, white Democrats were more supportive of both proposed rights restoration laws than were white Republicans (See Table 2). Both Democrats and Republicans exhibited lesser support for restoring felons' voting rights in the experimental trial relative to the control. This drop in support, however, was more pronounced among Republicans, whose support for voting rights restoration decreased by 0.24 when exposed to the racial treatment. The decrease in support among white Democrats was only .04, and was not statistically significant. In terms of percentages, the racial frame decreased

white Democratic support for voting rights restoration by 1.41%, and decreased opposition to restoration by .55% (See Figure 4). Among white Republicans, the experimental treatment decreased support for voting rights restoration by 7.81%, and increased opposition by 12.53% (See Figure 5).

Table 2. White Mean Support for Felon Rights by Party ID

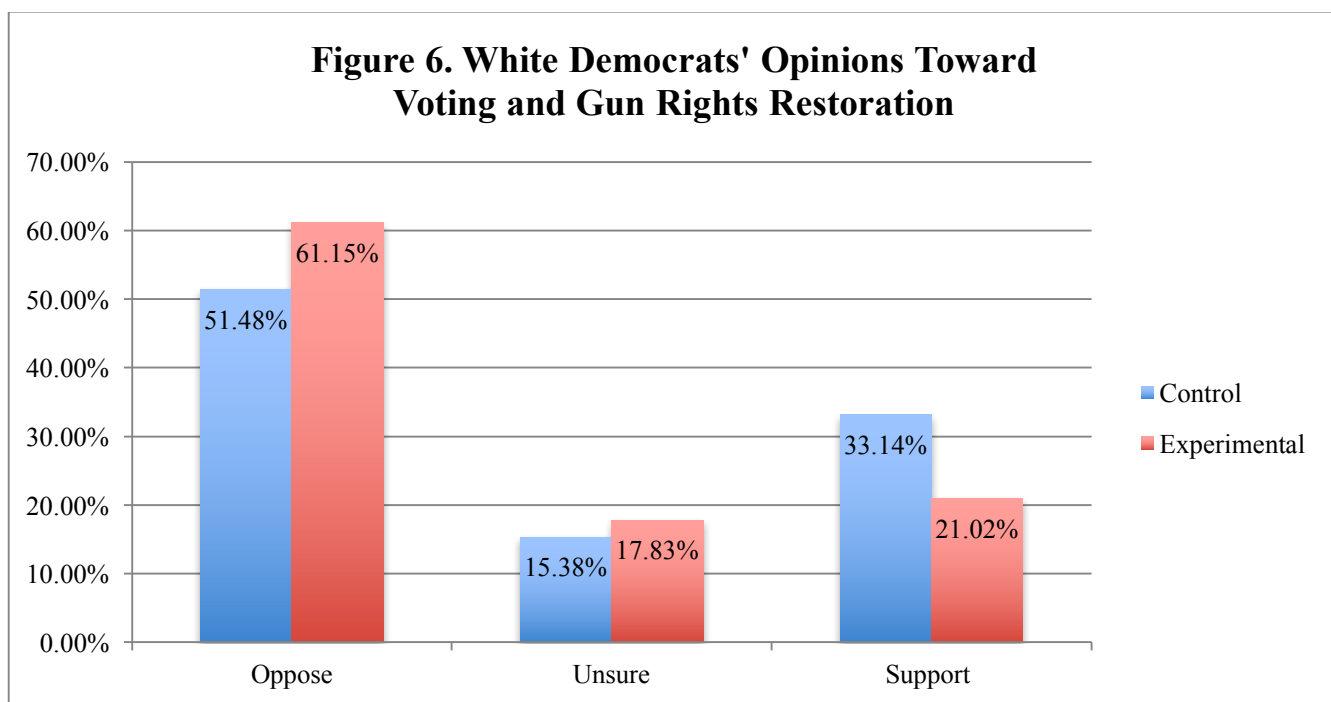
	Control	Experimental	Difference
Democrats			
Voting	3.36	3.32	-0.04
Sample Size	154	140	
Republicans			
Voting	2.9	2.66	-0.24**
Sample Size	120	115	
Voting and Gun Possession	2.04	1.87	-0.17
Sample Size	117	111	

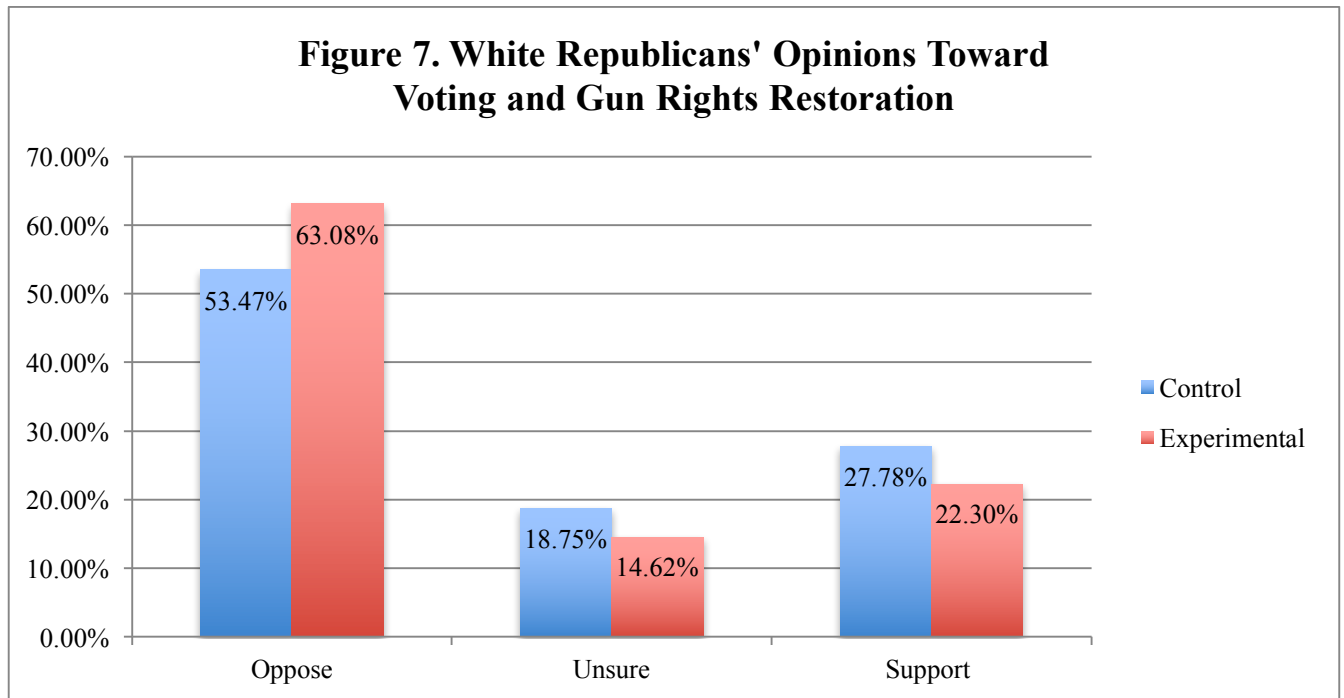
*p < 0.10, **p < 0.05



While Republicans' response to the racial frame was more pronounced than Democrats' with respect to voting rights considered in isolation from firearm possession, white Democrats and Republicans responded similarly to the racial frame when gun rights were added to the

hypothetical bill. The racial frame decreased support for the law that would restore both voting and gun rights by 0.23 among Democrats and 0.17 among Republicans (See Table 2). Expressed as percentages, Democratic support for the law dropped by 12.12% and opposition increased by 9.67% in reaction to the experimental treatment, while Republican support dropped by 5.48% and opposition increased by 9.61% (See Figures 6 and 7). White Republicans thus behaved similarly across the two questions in response to the racial frame, with support for both proposed laws decreasing by approximately the same degree. White Democrats, in contrast, exhibited a nominal decrease in support for voting rights restoration, but a significant drop in support for a law that would restore both voting rights and gun rights.





Discussion and Conclusions

Highlighting the racially disparate impact of ex-felon disenfranchisement and restrictions on felon firearm ownership is an ineffective strategy at convincing the public – and especially white Republicans – to overturn these laws. Whites are less likely to support rights restoration after being prompted with a racial frame, and blacks demonstrate a negligible change in support.

The racial threat hypothesis, as well as the relationship between negative attitudes towards blacks and policy positions, can explain why white respondents, and especially white Republicans, became less likely to support automatic restoration of voting rights after exposure to the racial frame. Respondents, pursuant to conceptions of racial threat (Blalock, 1970; Blumer, 1958; Bobo, 1999; Parker, Stults, & Rice, 2005), may have perceived a disproportionate influx of black voters as a danger to their racial group's status, thus prompting resistance to changing the status quo. The attitude that blacks are less entitled to voting rights than whites could also

have contributed to the disparity between the control and experimental groups (Wilson et al., 2011).

Additionally, beliefs that blacks are too demanding and already receive undeserved legal advantages (Henry & Sears, 2002) may have diminished support for automatic voting rights restoration in the treatment group. This theory is especially likely to have contributed to the results in light of the historical context in which the survey was administered. The rise of the Black Lives Matter movement, and its highly televised protests in Ferguson, Baltimore, and elsewhere, brought race to the center of political conversations as blacks demanded equal treatment by police and the criminal justice system more generally. The year's racial focus fomented a belief among some that blacks are too demanding for legal protection, which may have contributed to a negative backlash when respondents read the racial frame. Some whites, frustrated with blacks' demands for equality and the subject's continued prevalence in the media, may have become more resistant to restoring felons' voting rights when it was framed in terms of racial inequality.

The disparate effect of the racial treatment on white Republicans' and Democrats' support for voting rights restoration has two potential explanations. First, Republicans are more likely to have negative attitudes towards blacks (Silver & McCann, 2014), and are thus more likely to react negatively when a facially race-neutral law is presented in the context of racial inequity.

The second explanation is based more on political calculation than racial attitudes. In a 2014 poll, Pew (2015) found that 80% of Blacks identified as Democrats while only 11% identified as Republicans. In the 2012 presidential election, the New York Times (2012) reported that 93% of black voters selected President Obama over Mitt Romney according to exit polling.

White Republicans, therefore, have a political incentive to oppose restoring felons' voting rights that white Democrats lack, and this calculation may have contributed to Republicans' stronger negative reaction to the racial frame. However, it is unlikely that political calculation alone could explain the distinct reaction between Republicans and Democrats. If it did, then white Democrats, according to their own political interests, should have demonstrated an increase in support for restoring felons' voting rights equal to white Republicans' decrease in support. In contrast, white Democrats exhibited a slight decrease in support for rights restoration. While political calculus might have been a small factor driving the two groups' responses, it is more plausible, given the survey data and evidence of distinctions between Republicans and Democrats on racial issues, that racial attitudes and perceived threat played the primary roles in driving white Republicans to respond more negatively to the experimental treatment than white Democrats.

The question about restoring both voting rights and gun rights prompted a stronger response to the racial frame. White Democrats and Republicans exhibited similar reactions, with Democrats demonstrating a slightly greater drop in support for rights restoration. Asking about gun rights exposed perceptions of racial threat and negative racial attitudes that lay dormant when white respondents, and specifically white Democrats, were asked about voting rights. Whites strongly associate blacks with violent crime (Green et al., 2006; Hurwitz & Peffley, 1997; Peffley & Hurwitz, 2002). Even though the survey asked specifically about voting and firearm rights for nonviolent felons, framing gun possession rights in racial terms still likely prompted stereotypes of violent black criminals. Conceptions of the armed black criminal and the fear of black crime are more salient than concerns about blacks demanding greater voting rights. Adding firearm possession to the hypothetical congressional bill prompted a stronger

response to the racial frame, as racial stereotypes and fears of blacks played greater roles in whites' responses.

The racial frame's minimal impact on blacks' responses conflicts with prior studies, which have found that written explanations of racial disparities significantly decrease blacks' support for laws that disproportionately harm the black community (Bobo & Johnson, 2004; Peffley & Hurwitz, 2007). The racial frame's negligible impact has a variety of potential explanations. With regard to voting rights, two main theories are plausible. First, support for overturning the law was already so high among blacks in the control group that there was little room for support to increase further. Second, given the history of race-neutral limitations on black suffrage, black respondents may have already conceptualized ex-felon disenfranchisement in racial terms, even when not prompted with a racial frame. The racial frame also had a negligible impact on blacks' support for the bill that combined voting and gun rights. Although the bill would disproportionately benefit the black community in terms of legal rights, black respondents may not have found it favorable that a disproportionate number of those regaining gun rights would be black. Because of patterns of racial housing segregation, the racial frame implied that disproportionately more guns would flow into black communities, which may have counterbalanced the benefit of greater racial equality with respect to firearm rights.

The specific reasons for the racial frame's observed effects are not definitively apparent. However, it is clear that emphasizing the disparate racial impact of restricting felon voting and firearm rights does not increase support for eliminating those restrictions. Among blacks, the effects of racial framing are negligible, while among whites framing the issue in racial terms decreases support for rights restoration. The findings regarding whites' attitudes corroborate similar racial framing studies on the death penalty (Gilliam & Iyengar, 2000; Peffley & Hurwitz,

2007), three-strikes policies (Gilliam & Iyengar, 2000; Hetey & Eberhardt, 2014), and voter-ID laws (Wilson et al., 2014). In many cases, highlighting racial inequality will not increase support for ridding our society of laws that have significant racially disparate impacts. It will more often have the exact opposite effect, increasing support for the laws that racial justice advocates seek to eliminate.

Civil rights advocates who work toward repealing felon disenfranchisement laws should thus couch their rhetoric in race-neutral terms. Although racial justice activists believe that enhancing racial equality in our nations' elections is a compelling reason to eliminate disenfranchisement policies, it is one that is best left unstated when convincing others to repeal these laws.

Appendices

Appendix A: Experimental Frames

Control Group

11 states have laws that prevent citizens convicted of felony-level crimes from voting after they complete their sentence.

Treatment Group

11 states have laws that prevent citizens convicted of felony-level crimes from voting after they complete their sentence.

A disproportionate number of those prevented from voting are African-American. In some states, more than one in five African Americans cannot vote due to a felony conviction.

Appendix B: Survey Questions

Congress has previously considered legislation that would restore the right to vote in federal elections for nonviolent felons who have completed all terms of their sentence. Would you support or oppose a law that restored nonviolent felons' right to vote in federal elections after completing their sentence?

- (5) Strongly Support
- (4) Somewhat Support
- (3) Unsure
- (2) Somewhat Oppose
- (1) Strongly Oppose

In most states, nonviolent felons who have completed their sentence are also legally prevented from owning a gun. Would you support or oppose a law that restored nonviolent felons' right to **both** vote in federal elections **and** own a gun after completing their sentence?

- (5) Strongly Support
- (4) Somewhat Support
- (3) Unsure
- (2) Somewhat Oppose
- (1) Strongly Oppose

Generally speaking, do you usually think of yourself as a Democrat, Republican, or neither?

- (1) Strong Democrat
- (2) Not a very strong Democrat
- (3) Closer to the Democratic Party
- (4) Neither Democrat nor Republican

- (5) Closer to the Republican Party
- (6) Not a very strong Republican
- (7) Strong Republican

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