Representation and Backlash: A Reassessment

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Note: This "paper" is a combination of two chapters for a book and is therefore fairly long. Some of the literature review also appears earlier in the book and therefore is not repeated here. My apologies for any confusion this may cause.

Abstract: My project reassesses previous research on representation by exploring the potential positive and negative impacts of descriptive representation in the policy process with updated data. Specifically, I examine the influence of openly LGBT state legislators on the amount and types of LGBT-related state legislation introduced from 1992 to 2007. The findings suggest that higher LGBT representation in state legislatures does lead to greater substantive representation. However, the results also suggest that descriptive representation is associated with a policy backlash. Additional analysis reveals that the net policy influence of increased LGBT representation is positive for the LGBT community.

Chapter 5: Translating Descriptive Representation into Substantive Representation

> "It was a big thrill to stand in the state reception room with the governor and my colleagues in the gay caucus and a lot of our colleagues in the Legislature and see that signed into law. ... It's very satisfying to make some forward progress on that issue."
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> --Openly gay Washington State Representative Jamie Pedersen discussing the 2007 signing of the domestic partner recognition bill he sponsored (McGann 2007).

In this chapter, I expand on the qualitative analysis from Chapter 4 and use quantitative multivariate analysis to explore whether the presence of LGBT state legislators produces substantive representation in state legislatures. Recall that since 1974 at least 129 state legislative seats have been held by LGBT legislators. Although this number is small, descriptive LGBT representation in state legislatures has been dramatically increasing since 1996, as have the number of LGBT-related issues on state political agendas (Haider-Markel 2007; Ogmundson 2005; Smith and Haider-Markel 2002; Wyman 2002). And as the case studies in Chapter 4 suggest, as more LGBT legislators have come to serve in particular state legislatures, legislation favorable to the LGBT community has increasingly been introduced and adopted.

To more systematically investigate this issue, I examine the influence of openly LGBT elected officials on the number and type of LGBT-related bills introduced in state legislatures, the legislative outcome of these bills, and the adoption of specific LGBT-related policies in the states. The analysis proceeds in two parts. First, I revisit theoretical arguments concerning political representation and outline the processes by which descriptive representation might engender substantive representation. Second, I make use a broader theory of state policy consideration and adoption in quantitative models of legislative bill introduction and policy adoption to examine the impact of descriptive representation.

The findings of the qualitative and quantitative analyses suggest that LGBT representation in state legislatures is more than descriptive. Even when accounting for the state legislature ideology, interest group strength, and public opinion, among other factors, the presence of LGBT state legislators does influence the number and type of LGBT-related bills introduced in state legislatures, the legislative outcome of these bills, and the adoption of specific LGBT-related policies in the states.

Substantive Political Representation and State Legislatures

If an elected official clearly belongs to or identifies with a particular ethnic, racial, or religious group, it can be argued that the group has achieved descriptive representation (Bratton 2002; Eulau and Karps 1977; Fox 1997; Kuklinski 1979; Swain 1993). If a group achieves descriptive representation, many infer that the elected official will pursue the policy interests of the group he or she identifies with, thus achieving substantive representation (Bratton 2002; Fox 1997; Saltzstein 1989; Swain 1993; Thomas 1994). Although substantive representation also may be achieved by electing sympathetic elites (Browning, Marshall, and Tabb 1984; Haider-Markel, Joslyn, and Kniss 2000), descriptive representation is often viewed as the most reliable way to achieving substantive representation in government (Gerber, Morton, and Rietz 1998; Ogmundson 2005).

As discussed in Chapter 1, a considerable body of research has accumulated on substantive representation of group interests in the policy process. In general, much of the research on female and ethnic and racial descriptive representation suggests that increased

descriptive representation leads to increased substantive representation in the policy process. In other words, as groups such as African-Americans have achieved greater levels of greater levels of political incorporation, policy benefits to the Black community have followed. However, a body of research finds little linkage between descriptive and substantive representation and many have suggested that measurement issues abound in this literature (Menifield 2001; Santos and Huerta 2001; Takeda 2001).

At the state and national level much of the research on racial and ethnic minority finds a connection between descriptive and substantive representation (Tate 2003). A number of studies suggest that bill sponsorship by African-American legislators is significantly different from that of white legislators (Bratton 2005; Bratton and Haynie 1999; Haynie 2000; Swers 2002; Tate 2003). Grose's (2005) analysis of roll call voting found that Black legislators increase substantive representation of the Black community, even when effectively controlling for Black population within the constituency. Likewise studies of roll call voting in Congress tend to demonstrate that Black legislators voting patterns mesh with Black interests (Meinfield and Jones 2001). In addition, Bratton's (2001) analysis of bill co-sponsorship in several states suggests that African-American legislators differ in the kinds of bills that they sponsor, and in some states, African-American legislators can have more success in achieving bill passage depending who else sponsors the bill. African-American legislators were most successful when they collaborated with white counterparts. Bratton's (2006) analysis of Latino legislators in several states finds that bill sponsorship by Latinos does differ from non-Latinos, even when accounting for constituency characteristics.

Studies of women in state legislatures almost consistently suggest that increased female descriptive representation leads greater substantive representation. In one early study Thomas (1991, 974) found that female legislators were more likely "to introduce and successfully steer legislation through the political process that addresses issues of women, children, and the family." Interestingly, this pattern was partly determined by context—"women appear to be more likely to introduce and pass distinctive legislation in situations in which they may find support-in this case, circumstances of increased numbers, or support from the creation of women's legislative caucuses (974)." In other words, as the number of female legislators increase, and/or their mobilization increases within the legislature, there is a positive punctuation in that individual women in those legislatures are more likely to pursue women's issues. Female legislators also tend to be more liberal in their voting records and more supportive of women's rights, generous social welfare policies, family leave policies, environmental protection, and gun control (Boles and Scheurer 2007; Carroll 2001; Dodson and Carroll 1991; Epstein, Niemi and Powell; Reingold 2000; Swers 1998, 2001, 2002; Thomas 1989, 1991, 1994; Thomas and Welch 1991).

Bratton and Ray's (2002) analysis suggests that the relationship between descriptive and substantive representation may be non-linear (see also Bratton 2005; Menifield and Gray 2001). They find that increases in descriptive representation matter most when innovative policies are first being considered and when women have achieved over 30 percent representation in local legislatures. And Kathlene's (1994) analysis of female state legislator behavior on committees suggests that as female representation on committees increases, male legislators become more aggressive in their language and women tend to respond by speaking less often. The presence of female committee chairs did shape committee dynamics differently than when male chairs were present, but it did not decrease the verbal aggressiveness of male legislators.

However, one should not assume that descriptive representation leads to substantive representation simply because elected representatives that identify with a group are introducing and championing proposals that benefit the group--there may be additional dynamics at play. Indeed, simply having representatives of a group in a policymaking body may influence other decision makers' attitudes about the group and subsequent support for policy proposals related to the group (Barrett 1995, 1997; Bratton 2002; Browning et al. 1984; Hawkesworth 2003; Rayside 1998; Wahlke 1971; Yoder 1991). In a role model capacity, elected representatives of a group may likewise influence public perceptions of the group, and public and legislator preferences concerning policies related to the group (Barrett 1995, 1997; Hawkesworth 2003; Pitkin 1967; Smith and Haider-Markel 2002). Thus, descriptive representation may increase substantive representation not only through the policy entrepreneurship activities of the official representing the group, but also because that official's mere presence may influence the behavior of other policymakers.

Interestingly, descriptive representation and its connection to substantive representation may be especially relevant to policies of concern to the LGBT community. In this policy area the debate is often peppered with moral perspectives, with political actors lobbying to gain government approval of core secular or religious values, thereby solidifying the importance of symbolism (Haider-Markel and Meier 1996; Layman and Carsey 2002; Wald, Button, and Rienzo 1996). Furthermore, as with representatives of other groups, the mere presence of LGBT officials may serve to undermine the arguments of opponents that are based on negative stereotypes of LGBT people. Without the articulation of these arguments, officials may be less inclined to make decisions that oppose the preferences of the LGBT community. This phenomenon may occur even without the direct presence of LGBT officials in public office. Indeed, Wald, Button, and Rienzo (1996) find that localities where LGBTs had simply run for public office, but failed, were more likely to adopt antidiscrimination policies. Furthermore, at least 80 percent of all local ordinances that ban discrimination based on sexual orientation were introduced and championed by heterosexual officials that sympathized with the LGBT community (Button, Rienzo, and Wald 1997).

Representation and Context

A more complex theoretical element for substantive representation has to do with context, which includes several potentially relevant elements. First is the issue of critical mass, or the notion that increased descriptive representation only leads to significant substantive representation when descriptive representation passes some threshold, such as achieving a majority. For most majority groups, and perhaps even for women, reaching a majority in government positions or within a legislative chamber seems unlikely. However, there may be thresholds at lower levels, such as 30 or even fifteen percent descriptive representation, where significant substantive representation can be achieved (Dahlerup 1988; Kanter 1977). At minimum, analyses such as those presented by Schwindt-Bayer and Mishler (2005) clearly demonstrate that substantive representation tends to increase in a non-linear pattern as descriptive representation increases. This does not preclude the notion of a critical mass or a tipping point it simply suggests that researchers should account for a non-linear process when examining representation.

Second, Crowley's (2004) analysis of state adoption of child support policies suggests that states are more likely to adopt these policies as the percentage of female legislators increases. Interestingly, the effect of female token legislators (less than fifteen percent of the

legislature) was greater on policy adoption than women in those legislatures over token status. But the greatest effect on policy was just as female representation reached the threshold of fifteen percent. In addition, this pattern was not a result of the ability of female legislators to form coalitions for the purpose of achieving policy goals. Likewise Menifield and Gray (2001) argue that female legislators in chambers with a large coalition of female legislators are no more successful in securing bill passage than female legislators in chambers with just a few female legislators.

Third, whether officials are descriptive representatives of a group or sympathizers with a group, they are all constrained in their policymaking roles by the context in which they operate and their individual preferences and characteristics (Bratton 2002, 2006; Fox 1997; Kingdon 1989; Sharp 1997). For example, state legislator behavior will also be driven by partisan affiliation and ideology, the composition of the legislature, as well as district and state characteristics and preferences, among other things (Bratton 2002; Berkman and O'Connor 1993; Cammisa and Reingold 2004). Thus, any examination of substantive representation must also account for broader forces in the policymaking process.

Indeed, Beckwith and Cowell-Meyers (2007) suggest that critical mass, or sheer numbers, oversimplifies the situation. Instead they hypothesize that the extent of descriptive representation is only part of the story. One must also account for the ideological positions of women in power, the ideology of the party in government, the strength of opposition forces in government, the strength of opposition forces and the represented group's forces in civil society, and public opinion. For example, even if large numbers of women are elected to a legislature, if those women are seated in a right-leaning legislature or face a non-female friendly public, they are unlikely to achieve significant substantive representation. Indeed, Schwindt-Bayer and Mishler (2005) argue that a key component of political representation is formal representation, or the institutional elements, such as rules and electoral systems, which may enhance or decrease substantive representation. Likewise, Heath et al. (2005) suggest that the mechanisms for committee assignments can decrease the ability of female legislators to actively represent women's interests (see also Schwindt-Bayer 2006).

Bratton (2005) questions the need for a critical mass of female representation above fifteen percent. Her analysis of state legislatures finds that although increased substantive representation is indeed associated with increased descriptive representation, female legislators in legislatures that have not achieved a critical mass (fifteen percent female representation), women are still more likely than men to introduce and champion legislation on women's issues and are at least as successful as men in pursuing a legislative agenda. And as female representation reaches above a critical mass, the gender differences in sponsored legislation actually tend to decrease. Thus, not only may a critical mass be unnecessary, descriptive representation above certain levels may actually decrease active representation by female legislators.

In the case of LGBT legislators, critical mass theory poses a significant problem for substantive representation. If LGBT people are somewhere between three and ten percent of the general population, it seems very unlikely that LGBT legislators would ever constitute the fifteen percent of a legislature some argue is the critical mass for substantive representation. However, if we take Beckwith and Cowell-Meyer's (2007) contextual factors into account, LGBT legislators may indeed be able to achieve substantive representation even without sheer numbers.

A Multivariate Analysis of Political Representation

By 2008 at least 129 openly LGBT persons had served as state legislators. Although exact figures are not known, hundreds of other LGBT candidates had run for state offices and lost, with the numbers increasing virtually every election cycle. The number of LGBT candidates for state legislative seats has increased dramatically since 1996, with generally more than 50 candidates running in each election cycle from 1998 forward.

As earlier chapters demonstrated, the electoral environment varies between states, which accounts for why some states have had more LGBT candidates and legislators than others. For example, in the Republican dominated state of New Hampshire, Democratic leaders successfully recruited five openly LGBT legislators to seek reelection and another seven LGBTs to run for state legislative seats in 2000 (Freiberg 2000). In Vermont, six LGBT candidates ran for the state legislature in 2000. Interestingly, Arizona, California, Maine, Massachusetts, Oregon, New Hampshire have seen the greatest numbers of LGBT legislators, with each state historically holding more than five seats. Although the total number of LGBT candidates for state legislative office and the number of LGBT state legislative officials is still relatively small, LGBT people are clearly making dramatic inroads in state legislatures.

Dependent Variables

Because my central question concerns the policy impact of descriptive political representation of the LGBT community, each dependent variable must concern policy related to the LGBT community. I measure policy actions with a count of the annual number of pro-LGBT bills introduced in each state, as well as the number of pro-LGBT bills that pass each year from 1992 to 2007.[1] Pro-LGBT bills include those that would expand antidiscrimination protections, enhance penalties for hate crimes, allow for same-sex civil unions, and the like. Over the period of study the general trend in bills introduced and passed has generally been upward (see descriptive statistics in the Appendix).[2]

Bill counts, although simplistic, have clear face validity as measures of legislative activity (Edwards, Barrett, and Peake 1997). However, the measures are limited because they do not weight legislation according to potential impact on the LGBT community (Bratton 2002), nor do I count only those bills sponsored or co-sponsored by LGBT legislators. I chose not to count only LGBT sponsored LGBT-related legislation because although such a measure would ensure that I captured the most extreme form of substantive political representation, the measure would miss the possible political nuances of legislative sponsorship (see Chapter 4 for detailed discussion of this issue). For example, at times it may be more advantageous for building political support if the actual sponsor of the bill is someone perceived as less partisan, more detached from the issue, or simply as someone with more political experience (Schiller 1995). And as noted in Chapter 4, this certainly has been the case with LGBT legislators. My measures, therefore, should be the best measures of potential substantive political representation by LGBT legislators.

To account for some of the limitations of these policy measures, I make use of an additional dependent variable--the passage of state laws that ban discrimination on the basis of sexual orientation. LGBT activists have focused more attention on passing these types of laws at the local, state, and national level than on any other LGBT-related policy. Although many such

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[1] Data are from the National Gay and Lesbian Task Force, the Human Rights Campaign, state LGBT interest groups, and searches of state legislative websites and the *LexisNexis* state government universe by the author.

[2] For a detailed description of the types of bills included for a variety of years see the National Gay and Lesbian Task Force Reports webpage at: http://www.thetaskforce.org/reslibrary/list.cfm?pubTypeID=2

laws have been passed at the local level, only nineteen states and the District of Columbia adopted such policies between 1982 and 2008.[3] Thus, it seems appropriate to examine whether LGBT legislators increase the likelihood of adopting antidiscrimination laws. My data set for this analysis is composed of state years, with each state starting at 1982, the year the first law was passed.[4] Each state has a case for each year through 2008, unless they adopted the policy. In that instance the dependent variable is coded as one, and no additional case years are included in the data set for that state. For all other cases the dependent variable is coded as zero. The descriptive statistics for each of the dependent variables and each independent variable are displayed in the Appendix for Chapters 5 and 6.

Independent Variables

   This section outlines the logic behind my independent variables and their operationalization. Although the key variable is my measure of political representation, the earlier theoretical discussion as well as previous research suggests that a number of forces will likely influence legislative activity on LGBT issues, including public opinion, the preferences of elites, state population characteristics, and the characteristics and rules of the legislature (Haider-Markel 1999, 2001 Haider-Markel and Kaufman 2006; Kane 2003; Werum and Winders 2001).

Political Representation: Recall that central to my analysis is the notion that the election of openly LGBT legislators will allow for the substantive representation of LGBT concerns. However, the backlash hypothesis also suggests that descriptive representation will increase the likelihood of negative policy proposals being introduced. To capture these influences I first identified all openly LGBT legislators that ever held office in each state and their terms of service.[5] Second, I created a simple count variable of the number of openly LGBT legislators serving in each state for each year from 1992 to 2007. Thus, this variable captures the potential for LGBT legislators to sponsor LGBT-related legislation or to simply support or oppose LGBT-related legislation introduced by another legislator. I expect representation to be positively related to the introduction and passage of pro-LGBT bills, as well as to the adoption of antidiscrimination laws.

State Population Characteristics: Across the states, some LGBT groups have considerable strength and can exercise significant influence in the policymaking process, especially in states with a larger gay community (Haider-Markel 1997; Kane 2003). Likewise, elected officials are attuned to the social and demographic composition of their consistencies. For LGBT groups and elected officials, the relative size of a LGBT constituency could be important in policymakers'

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[3] Maine adopted an antidiscrimination policy in 1997 only to have it repealed at the ballot box. Since the legislature did pass the law and gain the Governor's approval, Maine is counted here as an adopting state.
[4] Data on state antidiscrimination law adoption are from the National Gay and Lesbian Task Force. States that have Executive Orders banning discrimination on the basis of sexual orientation are not counted because these are sole actions of the state Governor and require no action by the legislature.
[5] Data are from the National Gay and Lesbian Task Force, the Victory Fund, and newspaper searches of *LexisNexis* using the key words gay, lesbian, and candidate. In preliminary analysis I also included a measure of the number of LGBT candidates that had run for state legislative office. At no point did this measure approach statistical significance in the models nor did it improve the fit of the models.

decisions. To account for this I include a measure of the percentage of households that are same-sex unmarried partner households.[6]

On the other side of the issue are conservative religious groups that oppose positive legal recognition of homosexuality. Because most religions have explicit moral codes, orthodox followers will often have strong views on issues they perceive as involving morality, which often includes homosexuality. As such, persons with conservative religious beliefs in a state are a potential resource for religious conservative groups. Those religious denominations likely to have the strongest opposition to homosexuality are Protestant Fundamentalists and conservative evangelical Christians because their religious doctrines oppose homosexuality (Layman and Carmines 1997; Melton 1991). Similar to past research (Haider-Markel 2001; Mooney and Lee 1995; Wald, Button, and Rienzo 1996), I capture the conservative religious population by including a measure of the percentage of a state's population that belongs to Protestant fundamentalist denominations.[7]

Mass and Elite Preferences: As legislators debate policy issues related to LGBTs, the preferences of the public and political elites shape legislative outcomes. Research suggests that liberal-leaning legislators are more supportive of LGBT civil rights issues, and that legislators are more supportive when their constituents support LGBT civil rights (Haider-Markel 1999; Oldmixon and Calfano 2007). I control for the ideological preferences of legislators with the measure of liberal/conservative ideology in the legislature developed by Berry et al. (1998).[8] Higher scores for this measure indicate greater liberalism, and I expect liberalism to be associated with pro-LGBT legislation as well as legislative outcomes.[9] Public preferences towards LGBT civil rights are accounted for with Lewis and Edelson's (2000) average state public support for hiring homosexuals across five job categories. Higher scores for this measure indicate greater support for hiring LGBTs, and I expect higher support to be associated with pro-LGBT legislation as well as legislative outcomes.

Additionally, competition between political parties may influence the policy process. As parties become more competitive, the demands of appealing to voting and building electoral coalitions may result in more liberal policies (Holbrook and Van Dunk 1993). I control for party

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[6] Data are from the U.S. Bureau of the Census (2000). In the 2000 census respondents were asked if they lived with an unmarried-partner. Only those respondents indicating that they lived with a same-sex partner are counted here. Although it is clear that this only counts those gays and lesbians living with a partner and willing to signify it, the measure is a reasonable surrogate of the size of the LGBT community (see Haider-Markel 1997; Wald, Button, and Rienzo 1996).

[7] Following Haider-Markel (2001) denominations classified as Protestant fundamentalist were Churches of God, Later Day Saints, Churches of Christ, Church of the Nazarene, Mennonites, Conservative Baptist Association, Missouri Synod Lutherans, Pentecostal Holiness, the Salvation Army, Seventh-Day Adventists, Southern Baptists, and Wisconsin Synod Lutherans. Data are from the Glenmary Research Center (2004) and excludes independent churches. The Catholic population was included in early models but dropped because of a lack of theoretical or empirical support.

[8] Additional annual data are from the Berry et al. (1998) data update on the ICPSR website.

[9] Democrats tend to be more supportive of gay civil rights than are Republicans (Haider-Markel and Joslyn 2008; Yang 1999). Thus, a related measure would be partisan control of the state legislature. However, my preliminary analysis found that the inclusion of a percent Democrat variable was not statistically significant, nor did it improve the models. Furthermore, given the high number of conservative Democrats in Southern legislatures, a partisan control variable should be expected to perform poorly.

competition with the Holbrook and Van Dunk (1993) district-level measure of party competition.[10]

Institutional Characteristics: In my preliminary analysis I included several variables to capture institutional characteristics that might influence the legislative process and outcomes, including session length, presence of a citizen initiative process, level of professionalization, and number of bills introduced and enacted. I expected that each of these variables might increase the total number of LGBT-related bills considered, and perhaps those adopted. However, the only consistently performing variables were the simple counts of the number of bills introduced and enacted. As such, in the models of bills introduced I include a control variable for the total number of bills introduced, and in the models of bills passed I include the total number of bills passed.[11] Each variable is coded missing for the years in which legislative sessions were not held.

Results and Discussion

Because the dependent variable in my models examining bills introduced and passed are simple count variables, I estimated each equation using random-effect Poisson regression (Lindsey 1999).[12] The original results for the models predicting the introduction and adoption of pro-LGBT legislation from 1992 to 2002 (from Haider-Markel 2007) are shown in Table 5.1.

[Insert Table 5.1 About Here]

The results in Table 5.1 suggest that the number of pro-LGBT bills introduced from 1992 to 2002 a function of legislature ideology, LGBT population, Protestant fundamentalist population, party competition, and the number of openly LGBT legislators. As the Protestant fundamentalist population increases, pro-LGBT bills decrease, and pro-LGBT bills increase as LGBT population increases. Meanwhile, as legislative ideology becomes more liberal, pro-LGBT bill introduction increases, but as party competition increases, pro-LGBT bills decrease. Most importantly, as LGBT legislators increase, the number of pro-LGBT bills introduced increases, suggesting that the LGBT community has achieved substantive representation in state legislatures by electing openly LGBT candidates to the legislature.

The adoption of pro-LGBT legislation is associated with a similar set of forces, including the number of openly LGBT legislators, population characteristics, legislature ideology, and the total number of bills enacted each year. Again the influence of openly LGBT legislators is highly significant and endures even under alternative model specifications, such as including alternative measures of legislative ideology and public opinion. These results provide strong evidence that substantive political representation can be achieved for the for the LGBT community by increasing description representation.

[Insert Table 5.2 About Here]

The results for the models predicting the introduction and adoption of pro-LGBT legislation from 1992 to 2007 are shown in Table 5.2. Although the additional years increase the number of cases by about 25 percent, the results are substantively very similar. However, the influence of Protestant fundamentalists and party completion on the adoption of pro-LGBT

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[10] Because Louisiana is missing from the Holbrook and Van Dunk (1993) measure, I used other measures of partisanship and competition to estimate Louisiana's score as 17.07.

[11] Data are from the Council of State Governments (various years).

[12] The models estimated here were also estimated with a heteroskedastic corrected liner regression model, a fixed effects model, and a random effects regression model (Diggle et al. 2002). The results from these estimation techniques produce similar results to those presented here, indicating the models are quite robust.

policies disappears, perhaps suggesting that these issues have become somewhat less divisive since 2002, or at least that although religious conservatives are still associated with a lower number of bills being introduced, their influence on bill adoption has recently declined. Importantly, the number of LGBT legislators is strongly associated with the number of pro-LGBT bills introduced and adopted.[13] And estimating the marginal effects coefficients for the model suggests that the relative influence of LGBT legislators is second only to same-sex households in predicting legislative introductions and outcomes.

To establish if the linkage between descriptive representation and *significant* policy change in LGBT-related issues, I conducted an additional test to examine the factors associated with the probability a state will legislatively adopt an antidiscrimination policy including sexual orientation. Because I coded the passage of antidiscrimination laws as a dichotomous dependent variable, logistic regression was used to estimate model parameters in an Event History Analysis model. As the results in Table 5.3 indicate, higher numbers of LGBT legislators increase the probability that states will adopt policies that ban discrimination on the basis of sexual orientation. This test confirms the earlier findings and strongly suggests that descriptive representation of the LGBT community leads to significant policy victories for the LGBT community.

[Insert Table 5.3 About Here]

Conclusions

This chapter examined the question of whether descriptive political representation can lead to positive substantive political representation in state legislatures. I suggested that LGBT citizens are more likely to see their issues on the political agenda and achieve legislative success if they elect LGBT officials. To test these hypotheses I conducted analyses of pro-LGBT and anti-LGBT bill introduction, bill adoption, and policy adoption using 1992 to 2002 data from the American states.

My empirical results suggest that the LGBT population, religious conservative population, public support for LGBT civil rights, the ideology of political elites, and institutional characteristics drive the introduction and adoption of LGBT-related legislation. Most importantly, as more LGBTs are elected to the legislature, the number of pro-LGBT bills introduced increases, as does the number of pro-LGBT bills adopted. Likewise, LGBT representation increases the probability that a state will adopt significant antidiscrimination policies.

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[13] Estimating the relationship between the number of bills and the number of LGBT legislators as non-linear (by squaring the number of LGBT legislators; see Bratton and Ray 2002) does not change the performance of the variable or the fit of the overall model. Kittilson's (2008) analysis of female legislators revealed a similar pattern.

Chapter 6: Increasing Descriptive Representation and Backlash

The results in Chapters 4 and 5 clearly indicate that increased LGBT descriptive representation is associated with increased substantive representation. This conclusion is consistent with a considerable among of research on ethnic and racial minorities as well as women in elected office. However, few scholars have explicitly discussed potential negative implications of increased descriptive representation for a minority group (Bratton 2002; Kanter 1977, 1994; Preuhs 2002). Many scholars and political observers frequently suggest that as groups that have been traditionally relatively powerless begin to gain political, social, or economic power, they may engender a counter reaction or backlash (Blalock 1967; Faludi 1991; Francisco 1996; Hawkesworth 2003; Lublin and Voss 2000; Yoder 1991), but little existing research has systematically explored the notion of backlash in the context of political representation (but see Barrett 1995; 1997; Bratton 2002; Cammisa and Reingold 2004; Studlar and McAllister 2002; Thomas 1994).

In this chapter I examine the influence of openly LGBT elected officials on the number and type of LGBT-related bills introduced in state legislatures, the legislative outcome of these bills, and the adoption of specific LGBT-related policies in the states. The analysis proceeds in two parts. First, I revisit theoretical arguments concerning political representation and outline the processes by which descriptive representation might engender negative policy for the represented group. Second, I make use a broader theory of state policy consideration and adoption in quantitative models of legislative bill introduction and policy adoption to examine the impact of descriptive representation. The results suggest that an apparent anti-LGBT backlash—as the number of LGBT legislators increases, so too does the amount of anti-LGBT legislation. This process is explored and I conclude that the net-effect of LGBT political representation is positive legislative outcomes for the LGBT community.

Descriptive Representation and Backlash

Although both democratic theory and empirical evidence suggest that groups can achieve positive substantive policy representation through descriptive representation, some scholars have suggested that there may be a backlash, or negative reaction, as a politically marginal group achieves social, economic, or political gains (Blalock 1967; Bratton 2002; Cammisa and Reingold 2004; Crowley 2004; Studlar and McAllister 2002; Yoder 1991). For example, many have argued that the women's movement, while accomplishing many significant goals in the 1970s, created a backlash of anti-woman, or at least anti-feminist sentiment in the 1980s (Banaszac 1996; Faludi 1991; Haas-Wilson 1993; Thomas 1994, 1997; Yoder 1991).

Similar arguments have been made concerning white response to the Black Civil Rights Movement, increased Black political participation, and the election of Black officials (see Blalock 1967; Klarman 1994; Hedge et al. 1996; Guerrero 1997; Lublin and Voss 2000; Krueger and Mueller 2001; Voss and Lublin 2001; Preuhs 2002).[14] Some empirical evidence has supported these claims. Bratton's (2002) analysis of state legislative bills found that an increase in Black descriptive representation was associated with an increase in legislation counter to the interests of the Black community.

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[14] Voss and Miller (2001) argue for and test a backlash hypothesis in the context of a state referendum vote on desegregation, but find no evidence of a white backlash against Black civil rights.

Furthermore, research has found evidence of backlash, or a negative counter response, in a variety of social and organizational contexts (Francisco 1995, 1996; Rudman and Glick 1999). Thus, it seems clear that political actors may feel threatened by the political successes of groups that previously had little voice in public arenas, including the policy process (Blalock 1967; Thomas 1994; Yoder 1991). The reaction to this perceived threat might change individual preferences or behavior in a variety of social or political contexts, including political institutions such as legislatures (Blalock 1967; Bratton 2002; Thomas 1994; Yoder 1991). And if enough individuals respond to the perceived threat in a consistent manner, the result of these individual changes in behavior should be observable in aggregate level analysis (Bratton 2002; Francisco 1995, 1996; Studlar and McAllister 2002; Voss and Miller 2001). Thus, we can narrowly define backlash as: any political reaction that attempts to curtail or reverse the political gains, including electoral and policy gains, of a previously marginalized group or coalition.

But does backlash occur in legislatures? Recall the examination of California in Chapter 4. As LGBT candidates, including Representative Sheila Kuehl (1992) and Representative Carol Migden (May 1996), took seats in the state legislature in the 1990s the number of pro-LGBT bills introduced and adopted in the legislature began to increase. The pattern continued as more LGBT candidates were elected to the legislature in the early 2000s. However, the election of these officials also coincided with an increase in the number of anti-LGBT bills introduced. Prior to the 1990s the number of anti-gay bills introduced in the state legislature did not average even one per year. But following the election of Representatives Kuehl and Migden, the number of anti-gay bills introduced began to dramatically increase--one was introduced in 1995, ten in 1996, twelve in 1997, seventeen in 1998, and six and seven in 1999 and 2000 respectively. The number of anti-gay bills decreased to two in 2001, but jumped back to nine in 2002. During the 2003 and 2004 sessions there were only three anti-LGBT bills introduced, but the number again jumped to seven in 2005 and 2006. Thus, the pattern suggests a potential connection between LGBT descriptive representation and anti-LGBT legislation.

Importantly, several researchers have found systematic evidence of backlash or at least marginalization of legislators from underrepresented groups. In legislatures where there are very few African-American representatives, Black legislators tend to find themselves and their proposals marginalized by the white majority (Barrett 1995, 1997; Button and Hedge 1996; Carroll and Strimling 1983; Githens and Prestage 1977; Hedge, Button and Spear 1996). Haynie's (2000) analysis suggests that Black representative were viewed as less effective than their white counterparts. Female legislators have faced some of same patterns of social isolation in legislatures (Carroll and Strimling 1983; Githens and Prestage 1977). In addition, analysis of female incorporation in local government legislatures concludes that increased female representation enhances trust in government among female constituents, but is associated with declines in trust among men (Ulbig 2007), which might be considered a backlash of male constituents.

Bratton (2002) found that an increase in the number of female state legislators is associated with a legislative backlash—an increase in anti-woman legislation. Crowley (2004) found evidence of a decline in the impact of female legislators once female representation reaches fifteen percent, which she interpreted as a potential backlash (see also Thomas 1997; Yoder 1991). Heath et al. (2005) found that female legislators in Latin America are marginalized after election by being denied access to key legislative committee. Kathlene's (1994) analysis of state legislative committee hearings suggests that male legislators tend to become more verbally aggressive when there are more female legislators on a committee.

Kathlene argues that this behavior is evidence of a backlash against female representation within a masculine institution.

Preuhs' (2005) analysis of state adoption of English Only laws suggests that although greater numbers of Latinos in legislative leadership positions decreases the likelihood that a state will adopt an English Only law, the presence of the citizen initiative process leads to a policy backlash—the combination of the initiative and higher levels of Latino incorporation into legislative leadership positions makes the likelihood of adoption more likely. And Bratton and Haynie's (1999) analysis of state legislation sponsored by African-Americans was significantly less likely to pass in half of the states they examined. Likewise, Bratton's (2006) analysis of Latino state legislators found that in some states, such as California, Latino legislators were more likely to see their bills fail.

However, Bratton and Ray's (2002) analysis of female representation in Norway did not find evidence that increased representation leads to a policy backlash. And analysis of the success of female legislators on bills they have sponsored shows that women are at least as successful as men in seeing their bills passed (Saint-German; Thomas 1994).

This is not to say that descriptive representation that leads to backlash, with more anti-LGBT bills introduced, does not eventually lead to increased substantive representation through blocking or defeat of legislation that goes against the interest of the community. Indeed, in 2006 LGBT legislators were able to block significant anti-LGBT legislation in the states. In the Maryland House of Delegates three gay legislators successfully blocked a constitutional amendment to ban same-sex marriage from going to the voters; in Idaho Rep. Nicole LeFavour blocked a bill that would have restricted student access to LGBT clubs in High Schools; and in Utah Rep. Jackie Biskupski and Sen. Scott McCoy were able to prevent a bill banning domestic-partner benefits from coming to a floor vote (Stone 2006).

In an effort to isolate and identify manifestations of political backlash, I focus on state legislative backlash to political gains, with special attention to backlash to increased descriptive representation of LGBT legislators. The notion of backlash seems especially relevant in LGBT politics because scholars in the 1990s began to argue that the mobilization of the LGBT civil rights movement in the 1970s also created a backlash, or counter-mobilization of religious conservative forces. Evidence for such a backlash seems to abound, with the passage of ballot initiatives (Witt and McCorkle 1997), legislation, and policy-relevant court cases that repealed or limited policy achievements of the LGBT movement (Smith and Haider-Markel 2002). And if one considers that the election of an openly LGBT legislator is a relatively novel event likely to receive considerable media coverage, it is important to note that Haider-Markel and Meier (1996) found that increased salience of LGBT issues makes the adoption of pro-LGBT policy less likely, which is consistent with the backlash hypothesis. However, no existing studies have systematically tested for a backlash in LGBT politics and policy.

I hypothesize that increased LGBT descriptive representation will engender a legislative backlash in the form of greater numbers of anti-LGBT bills being introduced, and perhaps adopted, in state legislatures.[15] Below I examine the negative (backlash) implications of descriptive political representation by employing statistical models to explain that number and type of LGBT-related legislative proposals and policies adopted.

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[15] Although Francisco (1995, 1996), and others suggest backlash occurs when a critical mass is reached, I assume that because LGBT office holders are so few in number, the election of even one could lead to a backlash. However, as more LGBT persons are elected arguments concerning critical mass may become more relevant (Blalock 1967; Studlar and McAllister 2002; Thomas 1994; Yoder 1991).

Dependent Variables

Because my central question concerns the policy impact of descriptive political representation of the LGBT community, each dependent variable must concern policy related to LGBTs. I measure policy actions with a count of the annual number of anti-LGBT bills introduced in each state, as well as the number of anti-LGBT bills that pass each year from 1992 to 2007.[16] Anti-LGBT bills include those that would ban same-sex marriage, prevent LGBT student clubs in public schools, ban homosexuals from being foster parents, and prevent positive discussions of homosexuality in sex education courses. Throughout the time period under study pro-LGBT bills tended to out number anti-LGBT bills. However, between 1995 and 1999 there was a significant increase in the number of bills banning same-sex marriage based on a coordinated national response by religious conservative groups to a Hawaii court ruling on same-sex marriage (Haider-Markel 2001). A similar pattern followed a 2003 Massachusetts court ruling in 2004 to 2005 (see descriptive statistics in the Appendix).[17]

Additionally, I model the difference between the number of pro-LGBT bills introduced and the number of anti-LGBT bills introduced, as well as the difference between the number of pro-LGBT bills passed and the number of anti-LGBT bills passed. The difference variables allow me to capture the relative impact of the independent variables on pro-LGBT versus anti-LGBT legislation. Bill counts, although simplistic, have clear face validity as measures of legislative activity (Edwards, Barrett, and Peake 1997). However, the measures are limited because they do not weight legislation according to potential impact on the LGBT community (Bratton 2002).

Independent Variables

This section outlines the logic behind my independent variables and their operationalization. Although the key variable is my measure of political representation, the earlier theoretical discussion as well as previous research suggests that a number of forces will likely influence legislative activity on LGBT issues, including public opinion, the preferences of elites, state population characteristics, and the characteristics and rules of the legislature (Haider-Markel 1999, 2007).

Political Representation: Recall that central to my analysis is the backlash hypothesis, which suggests that descriptive representation will increase the likelihood of negative policy proposals being introduced. To capture these influences I first identified all openly LGBT legislators that ever held office in each state and their terms of service.[18] Second, I created a simple count variable of the number of openly LGBT legislators serving in each state for each year from 1992 to 2002. Thus, this variable captures the potential for LGBT legislators to sponsor LGBT-related legislation or to simply support or oppose LGBT-related legislation introduced by another

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[16] Data are from the National Gay and Lesbian Task Force, state LGBT interest groups, and searches of state legislative websites and the *LexisNexis* state government universe by the author.

[17] For a detailed description of the types of bills included for a variety of years see the National Gay and Lesbian Task Force Reports webpage at: http://www.thetaskforce.org/reslibrary/list.cfm?pubTypeID=2

[18] Data are from the National LGBT Task Force, the LGBT Victory Fund, and newspaper searches of *LexisNexis* using the key words gay, lesbian, and candidate. In preliminary analysis I also included a measure of the number of LGBT candidates that had run for state legislative office. At no point did this measure approach statistical significance it was removed from the final models.

legislator. I expect representation to be positively related to the introduction and passage of pro-LGBT bills, as well as to the adoption of antidiscrimination laws.

And although one might expect representation to be negatively related to the introduction and passage of anti-LGBT bills, recall that the backlash hypothesis suggests that the relationship will in fact be positive if openly LGBT legislators increase the visibility of LGBT issues in a state (Haider-Markel and Meier 1996). Increased salience in the legislative arena may lead to a legislative backlash in which perceived LGBT electoral successes lead legislators and interest groups to mobilize and introduce and pass anti-LGBT legislation. Thus, representation should be positively associated with the anti-LGBT legislation as well as pro-LGBT legislation.

State Population Characteristics: Across the states, some LGBT groups have considerable strength and can exercise significant influence in the policymaking process, especially in states with a larger gay community (Haider-Markel 1997). Likewise, elected officials are attuned to the social and demographic composition of their consistencies. For LGBT groups and elected officials, the relative size of a LGBT constituency could be important in shaping policymaking. To account for this I include a measure of the percentage of households that are same-sex unmarried partner households.[19]

On the other side of the issue are conservative religious groups that oppose positive legal recognition of homosexuals or homosexuality. Because most religions have explicit moral codes, orthodox followers will often have strong views on issues they perceive as involving morality, which often includes homosexuality. As such, persons with conservative religious beliefs in a state are a potential resource for religious conservative groups. Those religious denominations likely to have the strongest opposition to homosexuality are Protestant Fundamentalists and conservative evangelicals because their religious doctrines oppose homosexuality (Layman and Carmines 1997). Similar to past research (Mooney and Lee 1995; Wald, Button, and Rienzo 1996), I capture the conservative religious population by including a measure of the percentage of a state's population that belongs to Protestant fundamentalist denominations.[20]

Mass and Elite Preferences: As legislators debate policy issues related to LGBTs, the preferences of the public and political elites shape legislative outcomes. Research suggests that liberal-leaning legislators are more supportive of LGBT civil rights issues, and that legislators are more supportive when their constituents support LGBT civil rights (Haider-Markel 1999). I control for the ideological preferences of legislators with the measure of liberal/conservative ideology in the legislature developed by Berry et al. (1998).[21] Higher scores for this measure

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[19] Data are from the U.S. Bureau of the Census (2000). In the 2000 census respondents were asked if they lived with an unmarried-partner. Only those respondents indicating that they lived with a same-sex partner are counted here. Although it is clear that this only counts those gays and lesbians living with a partner and willing to signify it, the measure is a reasonable surrogate of the size of the LGBT community (see Haider-Markel 1997; Wald, Button, and Rienzo 1996).

[20] Following Haider-Markel and Meier (1996) denominations classified as Protestant fundamentalist were Churches of God, Later Day Saints, Churches of Christ, Church of the Nazarene, Mennonites, Conservative Baptist Association, Missouri Synod Lutherans, Pentecostal Holiness, the Salvation Army, Seventh-Day Adventists, Southern Baptists, and Wisconsin Synod Lutherans. Data are from the Glenmary Research Center (2004) and excludes independent churches. The Catholic population was included in early models but dropped because of a lack of theoretical or empirical support.

[21] Additional annual data are from the Berry et al. (1998) data update on the ICPSR website.

indicate greater liberalism.[22] Public preferences towards LGBT civil rights are accounted for with Lewis and Edelson's (2000) average state public support for hiring homosexuals across five job categories. Higher scores for this measure indicate greater support for hiring LGBTs.

Additionally, competition between political parties may influence the policy process. As parties become more competitive, the demands of appealing to voting and building electoral coalitions may result in more liberal policies (Holbrook and Van Dunk 1993). I control for party competition with the Holbrook and Van Dunk (1993) district-level measure of party competition.[23]

Institutional Characteristics: In the models of bills introduced I include a control variable for the total number of bills introduced, and in the models of bills passed I include the total number of bills passed.[24] Each variable is coded missing for the years in which legislative sessions were not held.

Results and Discussion

Because the dependent variable in my models examining bills introduced and passed are simple count variables, I estimated each equation using random-effect Poisson regression (Lindsey 1999).[25] I first replicate the analysis in Haider-Markel (2007). The results for the models predicting the introduction and adoption of pro-LGBT legislation from 1992 to 2002 are shown in Table 6-1.

[Insert Table 6-1 About Here]

The results indicate that number of anti-LGBT bills introduced is a function of population characteristics, legislature ideology, party competition, and here, public support for LGBT rights plays a more significant role. The results suggest that as public support for LGBT rights increases, legislators may be less likely to introduce anti-LGBT bills. Additionally, legislature ideology plays a significant role here, with more liberal legislatures experiencing the introduction of fewer anti-LGBT bills. Interestingly, party competition is negatively related to bills in this model, suggesting that higher party competition might restrain legislators from introducing anti-LGBT legislation as well as pro-LGBT legislation. For many legislators the issue is too controversial to address in competitive political environments. The model of legislature adoption of anti-LGBT policies reveals a similar pattern, but population characteristics and public opinion appear to matter somewhat less for anti-LGBT policy

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[22] Democrats tend to be more supportive of gay civil rights than are Republicans (Yang 1999). Thus, a related measure would be partisan control of the state legislature. However, my preliminary analysis found that the inclusion of a percent Democrat variable was not statistically significant, nor did it improve the models. Furthermore, given the high number of conservative Democrats in Southern legislatures, a partisan control variable should be expected to perform poorly.

[23] Because Louisiana is missing from the Holbrook and Van Dunk (1993) measure, I used other measures of partisanship and competition to estimate Louisiana's score as 17.07.

[24] Data are from the Council of State Governments (various years).

[25] The models estimated here were also estimated with a heteroskedastic corrected liner regression model, a fixed effects model, and a random effects regression model (Diggle et al. 2002). The results from these estimation techniques produce similar results to those presented here, indicating the models are quite robust.

adoption. This finding suggests that once bills are introduced, legislators might be less inclined to cater to constituency interests.

As predicted by the backlash hypothesis, the number of LGBT legislators appears to increase the number of anti-LGBT bills introduced and passed. This finding may conflict with our traditional understanding of the theory of political representation, which suggests that the presence of representatives of a group should lead not only to representation in the policy process through the direct actions of those representatives, but also because those representatives might decrease at least the most extreme elements of debate and negative policy proposals directed at that group (Hedge et al. 1996). In sum, the evidence supporting the backlash hypothesis suggests that although political representation theory is partially correct--more descriptive representation is associated with more group-favorable legislation--increased descriptive representation does not always reduce anti-group legislation, and instead appears to be associated with an increase in anti-group legislation (see also Bratton 2002).

[Insert Table 6.2 About Here]

Even with these results one still must wonder how consistent this pattern is likely to be and whether or not we should reassess the importance of descriptive representation. This pattern could simply reflect the early gains of the LGBT movement in legislatures during the 1990s. To assess this potential I expand the years under study to 1992 to 2007. These results are displayed in Table 6.2.

The results for the expanded dataset review that the influence of groups (measured by Protestant Fundamentalists and LGBT households) may have declined during the 2000s since the size of these groups in each state is not associated with the introduction or adoption of anti-LGBT legislation. Likewise the influence of descriptive representation declined, with a much smaller coefficient in the introduction model and not achieved traditional levels of statistical significance in the adoption model. Thus, although some evidence for backlash continues to exist, it appears to have declined since 2002.

Additional Analysis

Recall that although I narrowly defined backlash the broader idea behind the hypothesis was that general social, political, and economic victories, not just electoral victories, for a previously marginalized group, might lead to backlash against the group in a variety of venues (Blalock 1967; Bratton 2002; Cammisa and Reingold 2004; Yoder 1991). Furthermore, I noted that the election of LGBT officials might serve to increase the salience of LGBT issues, and this in itself might invoke a counter-response. If this more general principle is true, then perhaps other measures of successful LGBT political activity, such as consideration of more pro-LGBT policies, will also be associated with an increase in anti-LGBT legislation. To test this notion I reestimated the anti-LGBT legislation models and included the number of pro-LGBT bills introduced and passed as additional independent variables (see Table 4). If backlash occurs because the election of LGBTs to the legislature makes some legislators introduce more anti-LGBT bills as a reaction to perceived gains/threats of LGBT activists, then so too should any increase in the pro-LGBT agenda of the legislature.

In addition, I estimated the models with an interaction term for the number of LGBT legislators multiplied by the number of pro-LGBT bills passed/adopted. Although I hypothesized that increased LGBT victories in elections or on legislation might generate more

anti-LGBT legislation, in combination it seems likely that a backlash might be overwhelmed, and the amount of anti-LGBT legislation might decline. The results of these models are displayed in Table 6.3

Although the pattern of backlash discovered above suggests that a broader application of the concept of backlash can be applied, a political backlash may also simply be a function of the institutional context in which LGBT legislators serve. In other words, it could be that backlash only tends to occur when LGBT legislators are elected to relatively conservative legislative bodies. If this is the case, then the combination of liberal legislatures and LGBT legislators should lead to less anti-LGBT legislation, but the combination of conservative legislatures and LGBT legislators will lead to more anti-LGBT legislation. Thus, the influence of LGBT legislators would be context dependent. To test this hypothesis I reran the same models of anti-LGBT legislation but first created a dichotomous variable for conservative legislatures. Legislatures were coded one as conservative if the legislative ideology score was below the mean for all states and all years, and zero otherwise.

Next I included an interaction variable, which is the sum of LGBT legislators multiplied by the conservative legislature ideology variable. If LGBT legislators have a negative influence on anti-LGBT legislation in liberal legislatures, but a positive influence in conservative legislatures, then the interaction variable should be positive and statistically significant.

[Insert Table 6.3 About Here]

The first two rows in Table 6.3 test the notion that a backlash occurs because some political actors perceive that LGBTs are making political gains, while the second two rows test the notion that the impact of descriptive representation is contextually determined.

The results appear to support the backlash hypothesis over the legislature ideology or context hypothesis. The number of pro-LGBT bills introduced has a positive influence on the number of anti-LGBT bills introduced, and pro-LGBT bills adopted influences the number of anti-LGBT bills adopted. This suggests that backlash does in fact occur when legislators, and perhaps other political actors, observe an increase in the pro-LGBT agenda of the legislature. However, the results for the interaction variable between pro-LGBT legislation and LGBT legislators suggests that as both increase, anti-LGBT legislation tends to decrease, indicating that backlash may be overwhelmed by large LGBT gains.

Conversely, there is somewhat less support for the context hypothesis as outlined. First, the dichotomized variable for conservative legislatures performs in a similar manner to that of the original interval level measure; second, the interaction variable for context (LGBT legislators multiplied by conservative legislatures) is significant in the introduction model, but barely significant in the adoption model. However, the sign is negative, suggesting that conservative legislatures respond more positively to the presence of LGBT legislators than do more liberal legislatures, relative to the overall mean. Indeed, if the relationship is broken down by the actual number of LGBT legislators, at zero legislators legislature ideology is significant and positive ($b = .415, p < .000$), but becomes insignificant and negative as one and two LGBT legislators are added ($b = .111, p < .505; b = -.035, p < .823$). This is counter to the expectations of the context hypothesis, and suggests that backlash against LGBT legislators may in fact be greater in more liberal legislatures. Indeed, states that tend to have more LGBT legislatures, and more liberal ideologies, such as California, also tend to see a greater number of anti-LGBT bills introduced. This pattern could result because these legislatures also tend to have greater ideological polarization between members, but the data do not allow for a test of this notion.

Although these results are inconclusive, the evidence provides the strongest support for the political gains backlash hypothesis. However, both sets of results clearly indicate that the political context within legislatures can condition the influence of LGBT legislators, and even in those cases where increased descriptive representation creates backlash, when it is combined with greater substantive representation (pro-LGBT bills introduced), the number of anti-LGBT bills declines.

The analysis thus far clearly suggests there can be a negative component of descriptive representation. If LGBTs increase representation through the election of LGBT officials and increasing the pro-LGBT agenda of legislatures, they also will also likely face an increasing anti-LGBT agenda in state legislatures. Recall that Bratton (2002) found similar results for increased Black descriptive representation. Should we conclude that underrepresented groups should consider foregoing descriptive representation?

[Insert Table 6.4 About Here]

Assessing Overall Influence
Perhaps most observers would be likely to argue for less descriptive representation, the question does indicate we should evaluate the negative influence of descriptive representation relative to the positive influence. To determine if the net effect of increased descriptive political representation might in fact be positive rather than negative, I estimated two additional models, which are displayed in Tables 6.4 and 6.5. For these models I simply subtracted the number of anti-LGBT bills from the number of pro-LGBT bills introduced (column one) and adopted (column two). Thus, each dependent variable is still a simple count, with higher positive number indicating a higher pro-LGBT legislative agenda.

The results in Table 6.4 replicate the original analysis from Haider-Markel (2007) and cover the years 1992 to 2002. The pattern is similar to that found in Chapter 5 and suggests that increases in legislature liberal ideology, LGBT households, and the total legislative volume are associated with increases in the amount of pro-LGBT legislation introduced or adopted, relative to anti-LGBT legislation. Increases in Protestant fundamentalists, meanwhile, are associated with declines in the amount of pro-LGBT legislation introduced or adopted, relative to anti-LGBT legislation. Most importantly, the number of LGBT legislators is positively associated with the amount of pro-LGBT legislation introduced or adopted, relative to anti-LGBT legislation, indicating that the net effect of descriptive representation is positive for the LGBT community.

But have these results changed since 2002, especially since there has been a significant increase in state legislative efforts to bans same-sex marriage? The results for the models from 1992 to 2007 are displayed in Table 6.5 and reveal that there may have even been an increase in the importance of descriptive representation, LGBT households, and public opinion.[26] Meanwhile, the influence of legislature ideology and Protestant fundamentalists on the amount of pro-LGBT legislation introduced or adopted, relative to anti-LGBT legislation, appears to have declined.

Thus, it appears fairly safe to conclude that the overall effect of descriptive political representation for the LGBT community is in fact positive--as the number of openly LGBT legislators increases, so too does the net pro-LGBT agenda. Thus, although descriptive

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[26] These arguments are based on a comparison of the size and significance of the coefficients across the models.

representation may generate an anti-LGBT policy backlash, the sum impact of increased descriptive representation is increased substantive representation of the LGBT community.

[Insert Table 6.5 About Here]

Conclusions

This chapter reexamined the question of whether descriptive political representation can lead to political backlash within state legislatures. I suggested that although LGBT citizens are more likely to see their issues on the political agenda and achieve legislative success if they elect LGBT officials, the backlash hypothesis indicates that increased descriptive representation might also result in increasing the anti-LGBT agenda of state legislatures. To test this hypothesis I replicated analyses of pro-LGBT and anti-LGBT bill introduction, bill adoption, and policy adoption using 1992 to 2002 data from the American states, and expanded this analysis to include the years 1992 to 2007.

My empirical results suggest that there is a potential backlash to descriptive representation for the LGBT community; as the number of LGBT legislators increased, so too did the number of anti-LGBT bills introduced and passed--a negative outcome for the LGBT community. Thus, consistent with a limited body of empirical research (i.e. Bratton 2002, 2006; Bratton and Haynie 1999; Preuhs 2005; Thomas 1994), the backlash hypothesis of descriptive representation was supported.

These results replicate the findings in Haider-Markel (2007) but also extended them through 2007. The results of the extended analysis reveal a similar pattern, but the phenomenon of backlash was less apparent, suggesting that backlash to LGBT descriptive representation may disappear over time.

The backlash hypothesis was also supported with additional analysis examining the influence of the pro-LGBT legislative agenda on the anti-LGBT legislative agenda. Both the replication and extension revealed that increases in the pro-LGBT legislative agenda are associated with increases in the anti-LGBT legislative agenda. However, this pattern can be reversed. The analysis suggests that if both LGBT representation and the pro-LGBT legislative agenda increase, an associated decrease can be seen in the anti-LGBT legislative agenda.

Furthermore, the pattern of backlash does appear to be influenced by the state legislative context, but not in a manner hypothesized. One interpretation of the backlash hypothesis would suggest that an underrepresented group that gains representation would be more likely to face backlash in more conservative legislative contexts. However, the analysis suggests that the reverse may be true—backlash to descriptive representation is more visible in (relatively) more liberal legislatures. Although I suspect that we are observing the effects of ideological polarization within legislatures, this issue must be left for future research.

Finally, I conducted additional analysis of the net effect of LGBT descriptive representation by modeling the difference between pro-LGBT legislation and anti-LGBT legislation. The results of this multivariate analysis suggest that descriptive representation for the LGBT community has a greater positive effect on legislation and policy than negative. This pattern holds even when the years 2003 to 2007 are added to the analysis. Indeed, the updated analysis suggests that the influence of anti-LGBT forces may have declined, and the importance of LGBT descriptive representation may have increased. Thus, we can be fairly confident that descriptive representation will lead to positive policy outcomes for the represented community.

Appendix for Chapters 5 and 6: Political Representation Descriptive Statistics

Variables	Mean	Standard Deviation	Min.	Max	Number
Pro-LGBT bills introduced	3.905	7.636	0	77	750
Pro-LGBT bills adopted	.512	1.354	0	14	750
Anti-LGBT bills introduced	2.533	3.947	0	51	750
Anti-LGBT bills passed	.300	.677	0	4	750
LGBT Legislators	.728	1.246	0	9	800
Legislature Ideology	45.722	26.106	0	97.92	800
Protestant Fundamentalists	13.392	12.985	.8	72	800
LGBT Households	.5095	.1446	.0047	.8021	800
Public Support for LGBT Rights	.58	10.071	-24.00	19.00	800
Party Competition	38.589	11.596	9.26	56.58	800
Total Bills Considered	2162	2546	202	17700	741
Total Bills Adopted	418	311	7	2325	743

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Table 5.1: Determinants of State Introduction and Adoption of Pro-LGBT

Legislation, 1992 to 2002

Independent Variables	Introduction Model	Adoption Model
LGBT Legislators	.428**	.298**
	(.029)	(.068)
Legislature Ideology > Liberal	.008**	.007*
	(.002)	(.003)
Protestant Fundamentalists	-.055**	-.028*
	(.012)	(.014)
LGBT Households	1.849#	2.198*
	(.987)	(1.089)
Public Support for LGBT Rights	3.663	3.732
	(2.547)	(2.344)
Party Competition	-.027*	.019
	(.012)	(.012)
Total Bills Considered or Adopted	-.000	.001**
	(.000)	(.000)
Constant	2.875**	-2.754**
	(.755)	(.806)
Log likelihood	-1647.859	-485.515
Wald Chi-Square	249.16	98.39
Prob. Chi-Square	.000	.000
Number of Cases	509	509

Notes: Dependent variables are raw counts of pro-LGBT bills introduced or passed. Coefficients are Random-effects Poisson regression coefficients. Standard errors are in parenthesis. Significance levels for two-tailed tests: ** < .01; * < .05; # < .10.

Table 5.2: Determinants of State Introduction and Adoption of Pro-LGBT

Legislation, 1992 to 2007

Independent Variables	Introduction Model	Adoption Model
LGBT Legislators	.166**	.183**
	(.017)	(.040)
Legislature Ideology > Liberal	.006**	.008*
	(.001)	(.003)
Protestant Fundamentalists	-.028**	-.011
	(.009)	(.013)
LGBT Households	1.198#	1.516#
	(.691)	(1.089)
Public Support for LGBT Rights	.015	.018
	(.015)	(.017)
Party Competition	-.019#	.008
	(.010)	(.011)
Total Bills Considered or Adopted	.0001*	.0007**
	(.0000)	(.0002)
Constant	1.666*	-2.819**
	(.615)	(.774)
Log likelihood	-2279.184	-666.826
Wald Chi-Square	169.46	106.62
Prob. Chi-Square	.000	.000
Number of Cases	740	742

Notes: Dependent variables are raw counts of pro-LGBT bills introduced or passed. Coefficients are Random-effects Poisson regression coefficients. Standard errors are in parenthesis. Significance levels for two-tailed tests: ** < .01; * < .05; # < .10.

Table 5.3: Determinants of State Adoption of Antidiscrimination Law Covering Sexual Orientation, 1982 to 2008

Independent Variables	Adoption Model
LGBT Legislators	.802**
	(.202)
Legislature Ideology	.012
	(.011)
Protestant Fundamentalists	−.058
	(.045)
LGBT Households	.001
	(.002)
Public Support for LGBT Rights	.112*
	(.047)
Party Competition	−.009
	(.028)
Constant	−5.281**
	(1.452)
Log Likelihood	−75.0833
% Correctly Predicted	98.15%
Chi-Square	51.13
Prob. Chi-Square	.000
Pseudo R2	.25
Number of Cases	1198

Notes: Dependent variable is coded one for year in which a state adopts a sexual orientation antidiscrimination law and zero otherwise. Coefficients are logistic regression coefficients. Standard errors are in parenthesis. Significance levels for two-tailed tests: ** < .01; * < .05; # < .10.

Table 6.1: Determinants of State Introduction and Adoption of Anti-LGBT Legislation: Legislative Backlash Models, 1992 to 2002

Independent Variables	Introduction Model	Adoption Model
LGBT Legislators	.412**	.296**
	(.041)	(.083)
Legislature Ideology	−.019**	−.014**
	(.002)	(.004)
Protestant Fundamentalists	.034**	.003
	(.012)	(.011)
LGBT Households	−1.510	−.590
	(1.071)	(1.124)
Public Support for LGBT Rights	−3.958#	−1.037
	(2.226)	(2.578)
Party Competition	−.028*	−.009
	(.013)	(.012)
Total Bills Considered or Adopted	.000	.001
	(.000)	(.000)
Constant	3.155**	.045
	(.774)	(.791)
Log likelihood	−1323.503	−396.901
Wald Chi-Square	152.79	25.31
Prob. Chi-Square	.000	.000
Number of Cases	509	509

Notes: Dependent variables are raw counts of anti-LGBT bills introduced or passed. Coefficients are Random-effects Poisson regression coefficients. Standard errors are in parenthesis. Significance levels for two-tailed tests: ** < .01; * < .05; # < .10.

Table 6.2: Determinants of State Introduction and Adoption of Anti-LGBT Legislation: Legislative Backlash Models, 1992 to 2007

Independent Variables	Introduction Model	Adoption Model
LGBT Legislators	.075*	.111#
	(.026)	(.067)
Legislature Ideology	−.007**	−.009*
	(.002)	(.003)
Protestant Fundamentalists	−.012	.012
	(.009)	(.008)
LGBT Households	.957	−.776
	(.789)	(.880)
Public Support for LGBT Rights	−1.845	.163
	(1.749)	(2.042)
Party Competition	−.011	−.004
	(.009)	(.010)
Total Bills Considered or Adopted	.0001*	.0008**
	(.0000)	(.0002)
Constant	1.487*	−.956
	(.587)	(.605)
Log likelihood	−1972.210	−521.167
Wald Chi-Square	34.42	28.50
Prob. Chi-Square	.000	.000
Number of Cases	740	742

Notes: Dependent variables are raw counts of anti-LGBT bills introduced or passed. Coefficients are Random-effects Poisson regression coefficients. Standard errors are in parenthesis. Significance levels for two-tailed tests: ** < .01; * < .05; # < .10.

Table 6.3: Determinants of State Introduction and Adoption of Anti-LGBT Legislation, Backlash and Context

Independent Variables	Introduction Model	Adoption Model
All Variables Plus:		
Pro-LGBT Bills Introduced or Passed	.051** (.003)	.210** (.041)
Interaction: Pro-LGBT Bills Introduced or Passed * LGBT Legislators	-.016** (.002)	-.037# (.020)
Conservative Legislature Ideology	.208** (.061)	.317* (.161)
Interaction: LGBT Legislators * Conservative Legislature Ideology	-.182** (.048)	-.231# (.143)

Notes: Dependent variables are raw counts of anti-LGBT bills introduced or passed, 1992-2007. Coefficients are Random-effects Poisson regression coefficients. Standard errors are in parenthesis. All variables from the original models are included for the analysis. Conservative legislatures are coded one if the ideology score is below the mean ideology for all states and years and zero otherwise. Significance levels for two-tailed tests: ** < .01; * < .05; # < .10.

Table 6.4: Determinants of Difference Between Pro-LGBT Legislation to Anti-LGBT Legislation Considered and Adopted: Overall Pro-LGBT Policy Benefit, 1992 to 2002

Independent Variables	Pro-Anti Introduction Model	Pro-Anti Adoption Model
LGBT Legislators	.492**	.200**
	(.162)	(.053)
Legislature Ideology	.005	.004#
	(.007)	(.002)
Protestant Fundamentalists	-.029*	-.014**
	(.011)	(.004)
LGBT Households	3.602#	1.090*
	(2.082)	(.508)
Public Support for LGBT Rights	1.256	.666
	(2.891)	(.700)
Party Competition	.001	.009
	(.017)	(.006)
Total Bills Considered or Adopted	.0003*	.0005*
	(.0001)	(.0002)
Constant	-2.287#	-.941*
	(1.267)	(.424)
R-squared	.15	.17
Wald Chi-Square	70.85	67.68
Prob. Chi-Square	.000	.000
Number of Cases	509	509

Notes: Dependent variables are the result of pro-LGBT bills introduced minus anti-LGBT bills, and pro-LGBT minus anti-LGBT bills passed. Coefficients are regression coefficients with panel corrected standard errors. Standard errors are in parenthesis. Significance levels for two-tailed tests: ** < .01; * < .05; # < .10.

Table 6.5: Determinants of Difference Between Pro-LGBT Legislation to Anti-LGBT Legislation Considered and Adopted: Overall Pro-LGBT Policy Benefit, 1992 to 2007

Independent Variables	Pro-Anti Introduction Model	Pro-Anti Adoption Model
LGBT Legislators	.637**	.231**
	(.191)	(.056)
Legislature Ideology	-.008	.005**
	(.008)	(.002)
Protestant Fundamentalists	-.040**	-.014**
	(.010)	(.004)
LGBT Households	3.764*	1.132*
	(1.609)	(.444)
Public Support for LGBT Rights	-1.073	1.185#
	(2.285)	(.605)
Party Competition	.021	.012*
	(.016)	(.005)
Total Bills Considered or Adopted	.0008*	.0006*
	(.0003)	(.0002)
Constant	-2.718*	-1.117*
	(1.182)	(.404)
R-squared	.23	.19
Wald Chi-Square	90.10	80.96
Prob. Chi-Square	.000	.000
Number of Cases	741	743

Notes: Dependent variables are the result of pro-LGBT bills introduced minus anti-LGBT bills, and pro-LGBT minus anti-LGBT bills passed. Coefficients are regression coefficients with panel corrected standard errors. Standard errors are in parenthesis. Significance levels for two-tailed tests: ** < .01; * < .05; # < .10.