Non-Legislative Redistricting and the Public Trust: 
The Indirect Benefits of Electoral Reform

by

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Abstract

Over the past decade a great deal of attention has been given to the impact of redistricting reforms on competition in congressional elections (e.g., Abramowitz, Alexander, and Gunning 2006a, 2006b, Masket, Winburn, and Wright 2012, McDonald 2006a, 2006b). Despite the growing popularity of redistricting reforms, the literature has found no empirical evidence that these reforms influence electoral outcomes (Cottrill 2012, Masket, Winburn, and Wright 2012). While this may seem to be discouraging news for reformers, there are other consequences of redistricting reform that are also important and that have been overlooked by scholars. In an era of heightened mistrust of government, there may be intrinsic benefits to redistricting reform that are not directly related to electoral outcomes, such as greater trust in government and increased political participation. In this paper, I utilize NES survey data to test the hypothesis that non-legislative redistricting approaches are associated with higher levels of public trust and confidence in government. The results of this empirical analysis may help scholars and reformers alike to better evaluate the potential advantages of redistricting reform.
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Widespread concern over the potential negative effects of gerrymandering have led some states to take redistricting authority away from their legislators by empowering a non-legislative body to draw their district lines. This trend has been greeted with enthusiasm in the popular press, and has sparked significant interest from scholars who seek to understand the electoral implications of these reform efforts (see, for example, Abramowitz, Alexander, and Gunning 2006a, 2006b, Cottrill 2012, Masket, Winburn, and Wright 2012, McDonald 2006a 2006b, McDonald 2007). While reformers continue to tout non-legislative approaches to redistricting (NLAs) as an effective means to increase electoral competition and improve government responsiveness and accountability, scholars have consistently found that these claims “[do] not survive contact with the evidence” (Masket, Winburn, and Wright 2012). Whether states choose an independent commission, an advisory board, a citizen commission, or some other form of NLA for their redistricting plans, there has been no empirical evidence to suggest that these efforts produce slimmer margins of victory for the incumbents or an increase in electoral turnover. While there is some evidence that NLAs reduce the incidence of uncontested elections (Masket, Winburn, and Wright 2012) and increase the likelihood of a quality challenger entering the race (Cottrill 2012), researchers continue to find few differences in electoral outcomes regardless of who draws the district lines.

None of this has served to dampen popular enthusiasm for redistricting reform, however. In 2008, the voters of California approved the creation of a citizen commission that has recently completed its work for the 2010 redistricting cycle. The popular press has shown great enthusiasm for such reform efforts (e.g., Beinart 2002, Russo 2007), and scholars have noted consistent public support for the idea of redistricting reform even when particular plans fail to
garner enough votes to pass, as happened to California's first attempt to create a non-partisan commission of retired judges in 2005 (Tolbert, Smith, and Green 2009).

The continued enthusiasm for redistricting reform in the absence of evidence of any electoral effect is a bit puzzling and worthy of investigation. In this paper, I explore the possibility that there are intrinsic benefits to non-legislative approaches to redistricting that may justify their adoption even in the absence of a direct effect on electoral outcomes. Specifically, I find evidence to suggest that taking redistricting power out of the hands of politicians may, in some cases, serve to increase public confidence and trust in government, even if electoral outcomes are no different than those produced by legislative redistricting. The intrinsic value of heightened citizen trust and confidence, and the increased perception of fairness, that results from redistricting reform offers reformers an additional, less empirically questionable, justification for such reforms.

The Important Role of Public Trust in Democratic Governance

Understanding the determinants of trust in government is important because it relates to both government performance (Hetherington 1998, Hibbing and Theiss-Morse 2001, Keele 2007) and to citizen's satisfaction and compliance with government policy (Hibbing and Theiss-Morse 2001, Scholz and Lubell 1998). A great deal of research over the last twenty years has explored the connections between public trust (or the lack thereof) and the performance of government institutions. Confidence and trust in government has been found to enhance the ability of institutions to lead effectively (Hetherington 1998). Trust in government also increases the likelihood that citizens will comply with the law and meet standard obligations of citizenship such as paying taxes (Hibbing and Theiss-Morse 2001, Scholz and Lubell 1998). On a larger
scale, confidence in national institutions like Congress helps maintain the prestige of the institution such that it can continue to attract qualified, talented public servants to run for office; and the absence of this confidence can lead to a downward spiral of “adverse selection” in which government institutions attract poorly qualified, “rent seeking” candidates who diminish the prestige of the institution (Parker 1996).

An important component of trust in government is the feeling that government is responsive to the needs of citizens. Traditionally, scholars have evaluated such responsiveness in terms of ends rather than means – specifically, in terms of electoral outcomes such as narrow margins of victory or electoral turnover, or in terms of policy outcomes. The vast majority of studies proceed on the assumption that increasing electoral competition is desirable, and that redistricting reforms should be evaluated in terms of their ability to enhance competition. However, recent work by Brunell (2006, 2008) has argued the opposite – namely, that competitive elections are bad for democracy because they reduce citizen satisfaction with government. Rather than undermine responsiveness, Brunell believes gerrymandering increases it by increasing the number of constituents who will be satisfied with the performance of their member of Congress. But regardless of whether one assumes that competition increases or decreases the likelihood of citizen satisfaction, it is clear that the majority of research has focused on outcomes and output as the key factors relating to citizen trust and confidence in government.

There are, however, notable exceptions. Hibbing and Theiss-Morse (1995, 2001), for example, note that the processes of government can be just as significant a factor in citizen evaluations of government as policies of government. When processes of government are perceived by citizens as unresponsive or unfair, then public trust is eroded and the legitimacy of
government institutions and the policies that they produce is undermined. On the other hand, when citizens perceive government as effective and responsive to the needs of citizens, then public trust grows and can lead to a positive feedback loop of government efficacy and public confidence (Baker 2009, Hetherington 1998). Prior studies of the connections between electoral processes and citizen trust have focused either generally on broad perceptions of citizen input into processes (Hibbing and Theiss-Morse 2001), or on the role of electoral outcomes and party identification on citizen trust (Hetherington 1998, Keele 2005, Parker 1989). The present study supplements and extends this prior research by examining the connection between a specific political process – redistricting – and citizen trust in government.

Thus, in light of the scholarly work on citizen trust in government, particularly the significance of political processes in enhancing trust, it may be advisable to reconsider the benefits of redistricting reform more broadly. Previous research that has revealed little connection between redistricting approaches and electoral outcomes may downplay the potential benefits of redistricting reform by suggesting implicitly that outcomes like narrower margins of victory and increased electoral turnover are the only possible benefit of reform. If taking the responsibility for redistricting away from elected politicians can enhance citizen trust and confidence in government, then the pursuit of such procedural reforms may be worthwhile even in the absence of any direct effect on political outcomes.

Non-Legislative Redistricting as a Procedural Reform Enhancing Citizen Trust

In exploring the sources of citizen dissatisfaction with government, Hibbing and Theiss-Morse (1995, 2001) find that a significant source of the public distrust of government is the sense that political processes favor professional politicians and lobbyists over ordinary voters.
These perceptions of procedural dysfunction strongly affect public trust in government and fuel enthusiasm for reform. While Hibbing and Theiss-Morse (1995, 82) find significant public support for such reforms as term limits and congressional salary reductions, they note that actual efficacy of such reforms “is only part of the issue. An equally important part is whether or not each reform would improve Congress in the eyes of the people.” To the extent that redistricting reforms could improve citizen perceptions about the electoral process, it seems reasonable to consider the possibility that such reforms provide intrinsic benefits in the form of enhanced public trust in government beyond any immediate effect on outcomes.

Assessing the effects of various redistricting approaches, however, presents many challenges to the researcher because of the variety of approaches used by states and the distinctiveness of each state’s political and cultural milieu. States also may utilize different approaches for drawing their state legislative districts than the ones used to draw their congressional districts; the focus here will be on the approach for drawing congressional districts (excluding, of course, states with only a single at-large district). The majority of states (31 in all) grant redistricting authority to their state legislature. The principal complaint leveled by citizens and journalists against this process is that it allows elected politicians to choose their voters rather than the voters choosing them. In terms of citizen discontent over processes, legislative redistricting is one of the more prominent in the public discourse (e.g., Beinart 2002, Castro 2003, Tolbert, Smith and Green 2009), and continues to be a target for reformers (most notably, in California in 2008, with voters approving a “citizen commission” for the 2010 apportionment, and in New York in 2011, with Governor Cuomo pushing for legislation to create an independent commission, a bill that currently remains in committee). While the outcomes produced by legislative redistricting vary quite a bit (as the literature comparing “partisan” gerrymanders with
“incumbent protection” gerrymanders demonstrates), for the purposes of the current investigation, which is most concerned with citizen perceptions, the process of legislative redistricting may be regarded as the least conducive to trust in government.

Of the states that use non-legislative approaches to redistricting, there are significant variations in the procedures used and in the level of political independence of each approach. One approach, used by Connecticut and Indiana, is to appoint a “backup commission” to develop a plan if the state legislature cannot agree on a plan in a timely manner. While the legislature remains the primary redistricting authority, there is at least the possibility that the existence of the backup commission might affect the deliberations of the legislature in some small way. A second, slightly more independent, approach is used by Hawaii and New Jersey, which utilize a “politician commission” comprised of either elected officials or politicians appointed by the legislature. Such commissions, however, do not represent significant independence from the political process, and are unlikely to inspire much confidence or trust on the part of voters. A third approach that is used by Iowa, Maine, New York, Ohio, and Rhode Island is to empower an advisory board or commission to develop the plans and then submit them to the legislature for approval. This type of approach varies widely in terms of its independence—e.g., Iowa's process is generally regarded as independent because the Legislative Service Bureau is prohibited from considering data on partisanship of residents and the legislature traditionally adopts their recommendations, whereas New York's process is regarded as more political since advisory board recommendations tend to be modified once they get to the legislature (Levitt 2008). Still, the advisory commission approach represents a greater level of independence than the first two approaches described above. Finally, Arizona, Idaho, and Washington use “independent commissions” that operate independently of the legislature and, thus, lack any clear incentive to
engage in political shenanigans. Citizens in these states may be more inclined to trust the redistricting process and, indirectly, the government as a whole.

While these four general categories are described by Levitt (2008) as a basic typology for non-legislative redistricting, McDonald (2006a) suggests that there are reasons to consider Arizona and Iowa as a separate, more independent category unto themselves. As noted above, Iowa's process is widely regarded as independent due to the non-partisan composition of the LSB and the limitations placed on the kinds of data it may consider (i.e., the LSB may not consider party registration data). And Arizona's commission is, by law, instructed to consider competition as one of its criteria in drawing the district lines. For the purposes of the analyses that follow, then, I will utilize a fifth category of non-legislative approach consisting of Iowa and Arizona, and labeled “most independent.”

These differing approaches to redistricting offer researchers the opportunity to examine how an important political process may affect citizens' level of trust in government. First, the variation in approach allows for comparisons between states that use traditional legislative redistricting and those that have adopted non-legislative approaches. My expectation is that states with approaches that are more independent from the politics of the legislative process should be characterized by slightly higher levels of citizen trust in government. Second, the period studied here allows for an examination of two states before and after the adoption of non-legislative approaches to redistricting. By comparing same-state data before and after the adoption of NLA, it is possible to minimize validity problems that may arise from comparisons of different states that may have very different political cultures and traditions. Finally, the availability of state-level public opinion data in the American National Election Studies enables the researcher to develop statistical models that can control for important political, demographic,
and historical factors that might also influence levels of trust.

**Exploring the Relationship Between Public Trust and Redistricting Approach**

In order to understand better the impact that redistricting approach may have on public trust in government, I utilize survey data from the American National Election Study for the years 1982-2004. This large data set (N = 21,672) provides a wide array of survey measures of attitudes about government and civic engagement, as well as a host of demographic characteristics related to political attitudes and engagement. In addition to these data, I have relied on *The Citizen's Guide to Redistricting* (Levitt 2008) for coding the redistricting approaches described in the previous section.

The key dependent variable of interest is Government Trust Index, which ranges from 0 to 100 with a mean of 29.31; lower scores indicate less trust in government and higher scores indicate more trust. While the data set also contains a 4-category scale measure of Trust in Government (with 1 being “none of the time” and 4 being “just about all the time”), the 100-point scale index provides a more finely graduated indicator of citizen trust that has been acknowledged in the literature as “a fairly reliable scale of citizen trust in government” (Parker 1989, 178).

The key independent variables are dummy variables that capture the redistricting approaches used by the states. As indicated in the prior section, there are five distinct categories of non-legislative approach to redistricting (NLA) identified in the literature. I have coded these as a series of five separate dummy variables, with “1” indicating the redistricting approach of interest, and “0” for all other states. The categories are as follows: NLA 1 is for states using backup commissions; NLA 2 is for states with politician commissions; NLA 3 is states with
advisory commissions; NLA 4 is for states with independent commissions; and NLA 5 is the “most independent” process used in Iowa and Arizona. I have also created a variable labeled “NLA Scale” that compresses all of these categories into one variable, where “0” indicates traditional legislative redistricting, “1” indicates NLA 1 states, “2” indicates NLA 2 states, and so on. The NLA scale variable facilitates graphs and crosstabulations comparing the different state approaches, while the separate dummy variables are needed for statistical models because the scale measure would be inappropriate unless there is reason to expect a linear relationship from one category of NLA to the next.

As an initial exploration into the data, I graphed the mean Government Trust Index scores for each NLA category with the expectation that processes that are most independent of the professional politicians in the legislature would demonstrate a higher mean score for trust. As shown in Figure 1, categories 4 and 5, representing independent commissions and the politically independent processes in Iowa and Arizona, show a higher mean score for trust than the other categories. The levels of trust associated with the first three NLA categories do not seem to be different at all from those seen in states with legislative redistricting, which may suggest that citizens do not regard those processes as significantly different from legislative redistricting. Interestingly, the NLA 4 category seems to associate with greater levels of trust than NLA 5, despite scholarly suggestions that the process in Iowa and Arizona is the most independent, and least political, approach.

While these results are suggestive, they must be taken with a grain of salt since there are any number of reasons beyond redistricting that might account for differences in citizen trust in government among states. Differences in political culture, demographic characteristics, historical
traditions, and other state-specific factors may influence the level of trust citizens have in these states. Fortunately, there are three states in the dataset that switched from legislative redistricting to some form of NLA during the period studied. Washington approved its independent commission in 1983, and the commission's first plan took effect in 1992. There were 453 Washington respondents overall, with 188 cases before 1992 and 265 after. Idaho adopted its commission in 1994, but unfortunately there were only 11 ANES respondents from Idaho during the period studied and all of them were from 2002. Arizona adopted its commission in 2000, and its first plan went into effect in 2002. There were 278 Arizona respondents overall, with 262 before adoption and 16 after adoption. Figures 2 and 3 compare the trust in government mean for Arizona and Washington, respectively, before and after the adoption of their commissions.

Figure 2 reveals a much higher level of trust in government in Arizona after implementation of its commission, with a mean value nearly 15 points higher than the value before 2002. And Figure 3 shows that in Washington there was a less pronounced, but noticeable, increase in trust in government after its independent commission began working.

Having examined a few rough comparisons that are consistent with expectations, there is enough encouragement to proceed with more rigorous statistical models that can control for alternative explanations. In order to test the hypothesis that non-legislative redistricting approaches will be associated with higher levels of trust in government, I have estimated a regression model with the Government Trust Index variable as the dependent variable, the NLA category dummies as the key independent variables, and a number of control variables that are described below. Recognizing that the panel nature of the data undermines the assumption of uncorrelated error in the repeated measures, I utilize a clustered regression approach, clustering
the data by state/apportionment period (e.g., AL80, AL90, AL00, and so on) to produce robust
standard errors and unbiased estimates.

In addition to the NLA categories, I include a number of control variables that either
common sense or previous literature suggest might have a bearing on citizen trust in government.
As acknowledged above, state political culture and historical traditions can play a significant role
in citizen perceptions of government and levels of trust. Of particular interest would be states in
which the legislature has had a demonstrated track record of subverting core democratic
principles in its redistricting decisions. One easy way to control for states with this type of
history is to include a variable that captures jurisdictions required to seek Department of Justice
“preclearance” under Section 5 of the Voting Rights Act. There are three categories of “covered
jurisdictions” under Section 5, so I have created three separate dummy variables to capture these
varying levels of preclearance. Eight states in the sample (Alabama, Georgia, Louisiana,
Mississippi, South Carolina, Texas, and Virginia) are subject to statewide coverage (I exclude
Alaska because it has only one at-large House district and, thus, does not conduct congressional
redistricting). Five states (California, Florida, New York, North Carolina, and South Dakota)
contain some counties that are subject to coverage, and some that are not. Two states (Michigan
and New Hampshire) have a handful of townships that are subject to coverage. Thus, I have
included three dummy variables, labeled Sec5_State, Sec5_County, and Sec5_Town to control
for the historical and political traditions that have resulted in these states being subject to
preclearance under the Voting Rights Act. While these variables are intended as control variables,
it seems reasonable to expect that these coefficients should be negative in direction, since
citizens may be more likely to be distrustful of government in states that are subject to DOJ
preclearance.
In addition to these control variables, I include a host of demographic variables that may be related to respondent's levels of trust in government. Age is straightforward, simply the respondent's age at the time of the survey. Income is a scale measure from 1 to 5, with 1 the lowest percentile (0 to 16) and 5 the highest (96 to 100). Education is a similar scale from 1 (grade school or less) to 4 (college or advanced degree). I have no a priori expectation for any of these variables, but include them merely as controls for important demographic characteristics. Liberals is a “feeling thermometer” index from 0 to 100 indicating the “warmth” of feeling the respondent has towards liberals, and is intended to indicate the ideological preference of the respondent. I expect that Liberals may be positively related to trust in government, since the liberal ideology tends to regard active government more favorably and previous studies have found a connection between policy liberalism and greater trust in government (e.g., Baker 2009). The remaining control variables are dummy variables capturing the following respondent characteristics: Male, Nonwhite, Rural, Southern, Unemployed, Protestant, and Homeowner.

[Table 1 About Here]

Table 1 reports the results of this model. Of the five types of NLA in the model, only one – independent commission – is statistically significant, and the coefficient is large and in the expected direction. The coefficient for the fifth category, however, which was expected to be positive and significant, fails to reach statistical significance (though it is in the expected direction). These results, coupled with those of Figure 1, suggest that the independent commission approach used by Idaho and Washington seem to be most strongly associated with citizen trust in government. Among the control variables, none of the “preclearance” variables achieves significance, though the Liberals feeling thermometer is significant and in the expected direction.
While the result for NLA 4 is consistent with expectations, the overall model is not a very good fit, as the anemic R-squared of .05 indicates. Among the next steps for improving the model moving forward will be to expand the dataset to move beyond respondent characteristics and include some sociotropic economic indicators and better measures of the state political culture. One minor adjustment that appears to be worth pursuing is recoding the NLA categories to eliminate the fifth category suggested by the research of McDonald (2006), putting Iowa in the NLA 3 category and moving Arizona to the NLA 4 category. Re-running the model with the 4-category dummies produces a virtually identical result, but with an NLA 4 coefficient of 6.01 and a t-value of 9.34 (p=.000). Similarly, reconstructing Figure 1 with a recoded NLA scale measure produces the expected result – NLA 4 shows a higher level of trust of government while the other categories are about the same as the baseline category of traditional redistricting.

In an effort to assess the possible impact of redistricting approach on other indicators of citizen trust and political engagement, I also ran three poisson regression models using scale measures of Federal Government Trust (scaled 1-4), Interest in Public Affairs (also 1-4), and Do Officials Care About People Like Me (scaled 1-3) to see if the results were consistent with those of the initial model. While the results and overall performance of these models was nearly the same as the model in Table 1, there was one significant difference – the coefficient for politician commission states (NLA 2) was negative and significant in the first two poisson models, suggesting a significant negative relationship between citizen trust and politician commissions (none of the categories was significant in the third model).

**Conclusion**

In democratic politics, perceptions are important. For example, politicians and citizens perceive that redistricting has a powerful effect on electoral outcomes despite ample scholarly
evidence to the contrary, and this perception drives politicians' efforts to gerrymander and citizens' efforts to push for reform. However, this emphasis on electoral outcomes may result in unanticipated consequences for both politicians and citizens as they pursue their respective redistricting interests. For politicians, the drive to direct the redistricting process to serve their particular political ends may produce an erosion of citizen trust that has real-world implications for the legitimacy of government, the ability of public officials to lead, and for citizen compliance with the law (Hetherington 1998, Hibbing and Theiss-Morse 2001, Scholz and Lubell 1998). For citizens, the push for non-legislative approaches to redistricting may produce gains in citizen trust and confidence in government that mitigate the absence of any significant effect on electoral outcomes. Even if the result of elections is no different than it would have been under legislative redistricting, citizens may benefit from the perception that the process was fair and not rigged against the voter.

The findings reported in this initial investigation of redistricting reform and citizen trust provide some indications that the adoption of independent commissions may enhance citizen trust and confidence in government. While none of the other categories of non-legislative redistricting appear to offer any significant improvement over traditional legislative redistricting, the independent commissions that have been adopted in Arizona, Idaho, and Washington in the last 20 years seem to offer an approach to redistricting reform that has a positive effect on citizen trust. As more states like California adopt some form of independent commission, researchers will have ample opportunity to explore the ways in which non-legislative redistricting may affect citizen attitudes about government. Improving our understanding of this relationship will be beneficial to scholars and should help reformers offer more realistic assessments of the benefits of redistricting reform.
References


McDonald, Michael P. 2007. “Regulating Redistricting.” *PS: Political Science & Politics* 40:


Figure 1

Government Trust by Redistricting Approach, 1982-2004

- Legislative Redistricting
- Backstop Commission
- Politician Commission
- Advisory Commission
- Independent Commission
- Most Independent NLA

Government Trust Index
Trust in Government Before and After NLA Adoption
Arizona, 1982-2004

Source: American National Election Studies
Figure 3

Trust in Government Before and After NLA Adoption
Washington, 1982-2004

Source: American National Election Studies
Table 1
Factors Influencing Trust in Government, 1982-2004

<table>
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<th>Variable</th>
<th>Coef.</th>
<th>Robust Std Error</th>
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<td>-0.61</td>
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<td>NLA Type 2</td>
<td>-0.682</td>
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<td>0.353</td>
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<td>NLA Type 4</td>
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<td>NLA Type 5</td>
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<td>1.201</td>
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<td>County DOJ Preclearance</td>
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</tr>
<tr>
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<tr>
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<td>Constant</td>
<td>19.681*</td>
<td>1.184</td>
<td>16.62</td>
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N                      21298
R²                     0.052

* p < 0.01
Dependent variable is ANES Trust in Government Items Index. Entries are OLS regression coefficients, estimated with robust standard errors, clustered on state/decade.