**Whose Public Virtue?: Exploring FOI Efficacy and Support**

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Abstract:

The study surveyed 1,116 U.S. residents, representative across age, gender, race, education and geography and tested public support for FOI laws and perceptions of FOI efficacy. Findings showed bachelor’s and graduate degrees and higher perceptions of general government efficacy to be strongly significant in predicting both support for FOI and greater believe in FOI efficacy. Males and identifying with a liberal ideology also demonstrated significance in predicting support for FOI and FOI efficacy, while Black race was a significant negative predictor in considering whether FOI was a government priority and a wise use of resources. The study is important for not only considering who supports government transparency or uses FOI but how the general public feels about the laws’ influence on government operations and the impact on their daily lives.

1. **Introduction**

Government transparency, generally, has a reached the status of public virtue. Fenster (2021) called the idea of a thoroughly visible, accountable state “a preeminent administrative norm with an unimpeachable status as a pillar of democracy.” (p. 286). Fenster cited Fish (2019) and Hood (2006) in suggesting that access to government information has achieved an almost religious certainty and devotion. Nonetheless, many have criticized the laws and their administration (Kwoka & DuPey, 2021; Peters, 2021; Pozen, 2017; Stewart & Davis, 2016). FOI laws are both venerated by legislators and judges as a democratic imperative—called a “structural necessary in a real democracy” by the U.S. Supreme Court (NARA v. Favish, 2004, p. 172)—and critiqued by scholars, journalists and requesters as an unfulfilled civic right. Implementing and administering FOI laws is costly—nearly $600 million in 2020 federal FOIA operating costs alone—yet there is little understanding of whether the general public believes the FOI laws have any impact or influence.

Public opinion on access to government information and governmental transparency has documented sustained support for the people’s right to know about public officials and their activities. The support though has not been monolithic. Research has shown varying support for access to different types of records (Driscoll et al., 2000), differing beliefs about who should have access to records (*i.e.,* private individuals, commercial entities and journalists) (Cuillier & Piotrowski, 2009; Phelps & Bunker, 2001), different demands for transparency across different dimensions (*e.g.,* safety transparency, fiscal transparency, etc.) (Piotrowski & Van Ryzin, 2007). Support for access to government information has also shown significant relationships with a wide and fluctuating range of demographic variables (Cuillier, 2008; Cuillier & Pinkleton, 2011).

Surveys on public opinion of governmental transparency have also focused on transparency’s relationship with concepts such as trust in government, political efficacy and civic engagement. This study continues in these traditions by surveying 1,116 U.S. adult residents, representative of the national profile across age, gender, race, income and geography. The survey explored general support for freedom of information (FOI) laws and perceptions of efficacy across traditional demographics and political preferences. And in a novel turn, the study considers the concept of FOI efficacy, whether the public believes FOI laws meaningfully influence the actions of government and their own lives.

1. **Efficacy, Life Opportunities and Instrumental Value**

Max Weber (2019) took care to make clear distinctions between social class and social rank, with class being tied to material wealth (*e.g*., property, acquisition), and rank drawn from social estimation (*e.g*., tradition, inheritance). Weber also knew that those at the tops of hierarchies, be they aristocratic or capitalist-dominant, were those that held more information and knowledge. He wrote, “Bureaucratic administration means rule through knowledge” (p. 352). Weber identified the methods for maintaining elite class status, primarily the possession and/or monopolization of property and operating as rentiers. Whereas the less privileged are naturally indebted. He identified a middle class that may possess property or significant capital, though not of the caliber or the opportunities of the highest class (*e.g.,* the farmland owner that owns and rents many properties versus the farmer that owns his own land). Interestingly, Weber also defined a second strata of the middle class, those that have obtained advanced education. This additional knowledge separated them from and created different opportunities for the educated that were not available to the unskilled.

Weber explored these terms in an effort to clarify social actions or efforts to bring about change. He also discussed the implications of social strata on more immediate social roles, most notably the concept “chancen,” which is commonly translated to “life chances.” The term is intended to account for a broad range of social factors that increase the probability or opportunity to grow one’s quality of life. It has close ties to theories of general efficacy, where one considers his or her ability to make change or affect improvements. Those with social rank, and thus better chancen, are more likely to: 1) Earn higher occupational ranks, 2) Lay claim to prestige or be socially esteemed and 3) Gain “appropriation of political or hierocratic ruling powers” (p. 456).

Weber’s distinction between social class, social rank, social opportunity and efficacy relate closely to Cass Sunstein’s understanding of informational value. Sunstein (2020) demarcated two primary motivations in information-seeking. His research supported the large and growing body of evidence suggesting people want information that is either useful or produces positive feelings (p. 26). He called these motivations instrumental value and hedonic value. In acquiring information with hedonic value, people want information that makes them feel good with little-to-no regard for anything beyond emotional effect. Whereas information with instrumental value “might enable us to do what we want to do, to go where we want to go, to choose what we want to choose, or to avoid what we want to avoid” (Sunstein, p. 14). Instrumental value is information that is functional; it eclipses emotions and produces change or provides advantages in life. Sunstein suggests the instrumental value of information is only as valuable as it is actionable. Instrumental value is reduced when an individual feels unable to decode, recognize or extract the value. In this vein, government information has little instrumental value if an individual does not follow or is not interested in government and/or does not feel capable distilling value or using the information to influence government. In his discussion, Sunstein called this ability to make change “agency,” but there are clear through-lines between Sunstein’s conceptualization of information value, Weber’s chancen and efficacy. These concepts intertwine in observing a central truth about the inequitable nature of the present. The laws of government may define a world of equal opportunities, but it is glaringly evident that sociological factors produce a reality that is anything but equal. And understanding the value of information, how to access it and distill value are stratifying elements in contemporary disparities.

1. **Literature Review**

Whether viewed through lens of “chancen” or the instrumental value of Sunstein, the commonality is those with higher social standing are more likely to find value in information and thus are more likely to expend energy and resources to acquire information. Information is perceived as more valuable when an individual feels efficacious. They are more likely assert themselves and use their rank and class to bring the value to fruition. While access to government records may not represent as clear and obvious of value as some other forms of knowledge, scholarship has showed that at many federal and state offices, commercial entities are the largest requesters (Fink, 2018; Kwoka, 2016), as commercial entities are able and willing to accept the bureaucratic burdens of the request process, because they both have the resources to weather administrative labor and know they can extract the value of the records. Scholars have examined the ties between social status (and markers of social status), access to government information and belief that individuals think they can affect change. In their review of literature on government transparency and its effects on efficacy, Cicatiello, De Simone & Gaeta (2018) stated, “when government transparency is at work, policy makers may be primarily prone to respond to those citizens who have opportunity to scrutinize their actions, namely, those who have the skills to exploit the availability of information” (p. 598).

***3.1 General Transparency Effects***

There has been substantial and ongoing inquiry into public opinion on access to public records and government transparency over the past two decades. The scholarship explores a wide range of subjects related to government transparency, access to government records and freedom of information (FOI) laws. Much of the research has examined the external effects of government transparency, most commonly whether transparency has a relationship with reduced corruption (Bauhr & Grimes, 2014; Cucciniello et al., 2017; Schnell, 2017) or whether transparency or access correlates to trust in government (Bannister & Connolly, 2006; Grimmelikhuijsen, 2012; Grimmelikhuijsen, & Meijer, 2014; Grimmelikhuijsen et al., 2020; Im et al., 2014; Tolbert & Mossberger, 2006).

Bauhr & Grimes (2014) explored the implications of transparency, examining how transparency in corrupt locales influences political activity. The cross-national study used the World Bank’s transparency and accountability data, finding that transparency in highly corrupt nations is more likely to increase political resignation, rather than indignation. De Fine Licht et al. (2014) surveyed 400 high school students about transparency in school discipline procedures, finding that more information about decision-making seemed likely to improve perceptions of legitimacy. De Fine Licht (2014) also conducted an experiment with 1,032 participants exploring whether transparency improved public understanding and acceptance of policy decisions. Her study found that transparency can aid acceptance, but this is highly dependent on the policy domain. Porumbescu et al. (2017) conducted an experiment on U.S. residents, finding transparency has a positive relationship, though indirect, with voluntary compliancy and policy understanding. Though, ultimately, the policy domain and the presentation format of the information likely play key roles in compliance and understanding as well. Likewise, Zuffova (2020) found FOI laws effect on state corruption to be conditional and especially contingent on a nation’s internet saturation and press freedom. This conditionality is a common refrain in transparency and access research, opinions on these general concepts often fluctuate depending on specific applications.

In a far-reaching review of the existing literature, Grimmelikhuijsen et al. (2017) warned that despite regularly being lauded by scholars and the press, transparency does not consistently lead to positive effects. They advised research should be more granular, as “the antecedents and effects of transparency are highly dependent on the particular context” (p. 305), while also suggesting much of the research may be subject to endogeneity. And Cordis & Warren (2014) attempted to address these contingencies by developing a statistical model factoring corruption and conviction rates, an index measuring FOI strength and a variable for media strength. The study found a strengthened FOI law both reduced corruption and increased the probability that corruption is uncovered. The authors argue that a conflation of these two findings has led previous researchers to underestimate the effects of FOI laws. Cucciniello et al. (2017) also produced a sweeping review of existing transparency research. They pulled literature from diverse fields and scholarly traditions, concluding the extent scholarship suggested a relationship between greater transparency and less corruption. Though this finding may seem obvious and not particularly noteworthy, the volume of literature reviewed brings authority to the otherwise mundane finding. And while there is hardly consistency or consensus on what government transparency produces broadly, the scholarship seems to suggest that transparency efforts generally correlate with positive social effects.

***3.2 Trust in Government***

Another popular area of study has been the effects of transparency on trust in government. Public opinion polling by news media in the United States has documented a long, slow decay in public trust in government (“Public Trust in Government,” 2021). Dating back to the Eisenhower administration, reputable public opinion polling—the National Election Study, CBS/New York Times, Gallup, ABC/Washington Post and Pew—showed a public never especially trusting of their government with peaks and valleys tied to major national events. The polling does show a considerable decline in trust over the past seven decades. The earliest National Election Study (NES) polling, in 1958, documented 73% of the public trusted in the government. Since, fluctuations have occurred—notably a steep decline in 1974 after release of the Pentagon Papers and the Watergate affair and a sharp incline after 9/11—but since the 1960s, the general trajectory of public trust in government has been undeniably negative. Since 2010, the percentage of the U.S. public that trusted the government has routinely been in the high teens. A more concentrated focus by opinion polling organizations found the American public to be lacking in confidence on local public affairs (Gallup/Knight Foundation, 2020). Half did not believe they knew how to communicate concerns to local officials. A slim majority felt confident they had the information to get involved and make a difference. The public overwhelmingly found it harder to be well-informed in spite of the many avenues for learning about local public affairs.

And research has found similar disillusionment among the public with many scholars seeking to better understand the factors driving distrust in government. Grimmelikhuijsen et al.’s (2020) study on the effects of priming on trust in government found no relationship between priming respondents with transparency messages and increased trust in government. However, they did find demographic variables with significant correlation to increased trust. A considerable number of these studies find negative or no correlation between transparency efforts and trust in government. The aforementioned Bauhr & Grimes article found no tie between transparency and trust in their global study. Grimmelikhuijsen & Meijer’s (2014) survey of Utrecht-based adults found little support for their hypotheses tying transparency and trust in government. One conclusion though did find that higher levels of knowledge weakened the effect of transparency on distrust of government. A study of the effects of internet use on trust in government in Korea found that increased exposure to information on the government correlated with lower levels of trust in government (Im et al., 2014). Other scholars have also found little-to-no (and sometimes negative) correlation between transparency and trust (Grimmelikhuijsen, 2012; Grimmelikhuijsen et al., 2013). Roberts (2006) has also found that FOI laws in neither the United States nor Canada increased trust in government. He reasoned transparency naturally leads to press coverage and “the steady supply of news stories about mismanagement or abuse…work to reinforce perceptions about secretiveness’ (2005, p. 10). Despite these news stories being evidence of FOI efficacy, they are ultimately bad public relations and paradoxically leave the public negatively predisposed to FOI laws.

However, Tolbert & Mossberger (2006) found positive correlation. In a study using Pew survey data that explored trust, transparency and efficacy in government across layers (*i.e.,* federal, state and local), they found that transparency had significant correlation with trust in government. They found more trust for more local governments, in line with previous research that has established individuals to be more supportive of more local politicians and government institutions (Thomas, 1998; Nye, 197).

**Hypothesis 1: Individuals will demonstrate higher belief in government efficacy for more local governments.**

Bannister & Connolly (2011) also found a correlation between transparency and trust, suggesting openness contributes to a rise in trust. They reasoned that when the public sees the work preceding the decision or policy, individuals may disagree, “but his or her reasons for lack of trust are then more likely to be due to differences of political perspective rather than as a result of opacity” (p. 145). Other scholars have also found positive ties (Kim & Lee, 2012; Welch et al., 2005). Piotrowski & Van Ryzin (2007) examined confidence in government, a concept akin to trust. They conducted a large multifaceted survey exploring confidence, demand for transparency at the local level and whether individuals had acquired government records recently. Confidence in local government leaders was moderate (mean of 2.87 on a 5-point Likert scale), and it was one of the study’s strongest predictors, showing significant negative correlations with demand for fiscal transparency and two other general transparency scales. One key takeaway showed those that did not perceive the public to not have enough access to government were more likely to demand more access to government; or individuals that found government transparency to be lacking supported more government transparency. While this is not an especially shocking finding, it is important nonetheless.

***3.3 Political Efficacy & Government Efficacy***

Political efficacy is another common covariate in transparency studies. Defined by Campbell et al. (1954) as the “feeling that individual political action does have, or can have, an impact upon the political process” (p. 187). Cicattiello et al. (2018) examined the relationship between government transparency and political efficacy. They built a transparency index using World Economic Forum data and used responses from a transnational survey of citizenship to develop an external efficacy variable. The results showed a strong connection between the two, finding the more available information on government activities positively correlated with higher perceptions of efficacy. Cuillier & Pinkleton (2011) studied relationships between support for transparency and perceptions of external efficacy. They found no significant relationship between the two but did find a cynicism index (operationalized via questions demonstrating a lack of confidence in the political system and a general disbelief in government officials and institutions) to be one of the strongest predictors of support for transparency in the study. In earlier research, Cuillier (2008) also found no relationship between efficacy and support for access to records.

Gil de Zuniga et al. (2017) offered a novel adaptation of political efficacy, turning attention away from political participation and outcomes to instead focus on perceptions of whether governments are “working on everyone’s behalf, making decisions based on what citizens want, and representing all citizens” (p. 577). They found political efficacy as a concept to be too contextual, suggesting there needs to be a distinction between internal efficacy—whether an individual feels competent and capable of understanding and participating in politics—and external efficacy—whether the government is responsive to and capable of fulfilling public demands. Government efficacy, their term for the concept, is distinct from trust as well. Government efficacy is more comprehensive than trust. It includes individual perception of how well the “government allows for effective participation of all citizens, and whether its policies are the result of everyone’s input” (p. 577). While the study did not find any direct relationships between the important new conceptual evolution and political activity, Gil de Zuniga et al. did find that their three variables—government efficacy, internal efficacy and external efficacy—behaved differently in their statistical model, suggesting that government efficacy does stand on its own as an independent construct. There is a significant amount of research on demographic and political variables predicting increased perceptions of political and external efficacy. And while FOI efficacy and government efficacy are independent concepts, there is enough overlap in the belief that the government is working sincerely in the public’s interest and the transparency mechanism for ensuring government is working sincerely in the public’s interest to at least to at least make legitimate hypotheses correlating demographic and political with FOI efficacy. Notably, Cicatiello et al. found a strong correlation between government transparency and external efficacy.

**Hypothesis 2: Perceptions of higher government efficacy will correlate with higher perceptions of FOI efficacy.**

Piotrowski & Van Ryzin found higher income to predict higher support for two different characterizations of government transparency. Cuillier & Piotrowski found a similar correlation between income and support for access to public records across two different samples. While support for transparency and FOI efficacy are distinctly different, given the novelty of FOI research, the past findings and conceptual similarities seem strong enough to allow for hypothesis.

**Hypothesis 3: Higher household income will predict higher FOI efficacy.**

Higher educational achievement has been commonly found to correlate with increased trust in government and higher perceptions oof political or external efficacy. Cicatiello et al. also found a strong relationships between educational attainment, transparency and political efficacy. In one of their experiments, Grimmelikhuijsen, Piotrowski & Van Ryzin (2020) found having earned a college degree to be one of the stronger predictors of trust in government. And Cuillier & Piotrowski found educational attainment to be a significant predictor of support for access in one of their samples.

**Hypothesis 4: Higher educational attainment with predict higher FOI efficacy.**

Political beliefs appear to be one of the leading drivers of opinions regarding government and FOI. Grimmelikhuijsen, Piotrowski & Van Ryzin also found Democratic Party identification to be a significant variable in trust of government departments. Piotrowski & Van Ryzin found conservative ideology to be negatively correlated with two broad transparency scales. Cuillier & Pinkleton found liberal ideology to be one of the strongest predictors of support for transparency in principle. Wagner (2021a) has found that U.S. counties with Democratic voting patterns often have better FOI outcomes and processes. Wagner (2021b) has also shown that federal departments under Republican presidencies receive considerably more requests than under Democratic administrations, suggesting Democrats are more fervent believers in FOI and more active users of the laws.

**Hypothesis 5: Democratic Party identification and liberal political ideology will predict higher FOI efficacy.**

***3.4 Support for Access, FOI & Transparency***

Support (or demand) for government transparency or access to government information is another popular area of research. A 1998 survey of California voters found a public strongly in favor of a constitutional amendment guaranteeing access to state and local information, along with strong support for strengthening of the existing FOI statute (Boxall, 1998). Respondents also supported increased access to a wide range of personnel-related records commonly off limits to the public. A poll of Rhode Islanders found that an overwhelming majority of state citizens thought government records and meetings should be more available and open to the public (Iven, 1997). Driscoll et al. (2000) asked a representative sample of 403 U.S. adults their opinions on support for access to government records. They found an overwhelming recognition of the role access plays in keeping the government honest. The public was generally very supportive of most instances of access but also demonstrated concern about access breaching individual privacy. Notable other findings included tepid support for press access and a fairly strong belief that jurors’ names should remain confidential. Phelps & Bunker (2001) would also document a public preference for individual access over access by the press. Their study found, in a nationwide telephone survey, that the public supported instances of access to public records by the private citizens, followed by marketers, then journalists.

Cuillier produced a series of surveys on the access attitudes of the public. The first survey of Washington state residents found generally strong support for access, concern for invasion of privacy, but, perhaps most notably, respondents again demonstrated a preference for individual access over press access (Cuillier, 2004). In 2008, Cuillier published his findings on a survey of 403 U.S. residents reached by random-digit-dialing. The study, among other directions, sought to determine the ties between political efficacy and support for press access to government records. The survey found political attitudes were the strongest predictors for general access to government records. Variables for community engagement and support for press rights were both significantly correlated with support for press access. Cuillier and Pinkleton (2011) tested political attitudes and their relationship to support for freedom of information, among 416 Washington state residents. In contrast with Cuillier’s 2008 study, this study found a significant relationship between political efficacy and support for transparency in principle. They also found political attitudes to be a significant predictor of support for transparency. The study built psychographic indices for skepticism, cynicism, apathy, complacency, liberalism and external efficacy. Statistical analysis showed no significance for conventional demographic variables (*i.e*., age, gender, race, education or income) but found strong significant relationships for many of their psychographic indices and political variables, with skepticism, cynicism and political involvement demonstrating the strongest, positive relationships with support for transparency in principle. Cuillier and Piotrowski (2009) published an article using three separate surveys on support for access. In two of the three samples, both age and income predicted increased support for access. Internet use was the only variable to predict support across the three samples. Piotrowski & Van Ryzin asked individuals about support for specific instances of access to government information, then recategorized the responses into broader categories, such as safety transparency or fiscal transparency. The general results were mixed, but they found varied support among different demographic and political variables.

Despite a tone of general support, a broad and vocal array of FOI skeptics exist. The federal House Oversight Committee held a critical hearing and produced a report succinctly titled “FOIA Is Broken” (2016). Journalists have regularly castigated the implementation of the laws (“Delayed, Denied, Dismissed,” 2016). A civil rights organization presents annual awards for instances of egregious FOI administration (Maass et al., 2021). Scholars have begun calling for abandonment of the law in favor of new solutions (Pozen, 2017; Stewart & Davis, 2016). The study seeks to determine whether there are champions or believers in FOI remaining.

**Research Question 1: Do any other demographic, psychographic or political knowledge variables predict FOI efficacy?**

It is worth noting that Driscoll et al., in one of the earliest surveys of support for access, observed, “[T]he results suggest that public attitudes toward access to government documents are complex phenomena…public opinion regarding access seems exceptionally homogeneous across demographic and psychographic variables” (p. 34). And save a small number of variables, the research has borne this out. Demographic and psychographic factors may be too coarse of variables to usefully understand support for wide and sweeping concepts like access to information or government transparency. Age has been a significant correlate in tests of support for FOI or transparency (Piotrowski & Van Ryzin; Cuillier & Piotrowski), but by and large the existing research is inconsistent and ultimately inconclusive with regard to demographics and support for FOI.

**Research Question 2: Do any demographic, psychographic or political knowledge variables predict support for FOI?**

1. **Method**

The study is premised on a 43-item survey of 1,116 U.S. adults. The survey was administered by Qualtrics, and the sample was collected using Qualtrics’s online panels. The online panels are standing groups of respondents maintained by the company. A project manager oversees the sample as survey responses populate, adjusting survey distribution to fulfill sample specifications. Respondents are compensated by Qualtrics for their participation. The survey was live from Oct. 8 to Oct. 11, 2020.

***4.1 Sample and data collection***

The sample controlled for age, gender, race and income, and the sample is in-line with national Census-derived markers for these independent variables. The sample also represents a fairly accurate geographic sample, where sample representation by state is very similar to the general population distribution among states. The male-female ratio is very close to even, and five respondents identified as non-binary or other. All races are represented within 2 percentage points of 2010 U.S. Census data. The sample underrepresents individuals of Hispanic or Latinx ethnicity by 4.2 percentage points. Household income is representative of 2019 ACS estimates, with slight oversampling of the middle income category and corresponding undersampling of the lower and upper income categories. The sample was not controlled for education, and as a result individuals with bachelor’s and graduate degrees are overrepresented. The data has been weighted to correct for misrepresentation in ethnicity and education.

Politically, the sample is very balanced along both ideological and party spectrums. Respondents were given the option of the seven most popular U.S. political parties, and 38% identified with the Democratic Party, and 39% identified with the Republican Party. More than 16% chose either none or other (and a majority of other respondents wrote-in “Independent”). No other party was chosen by 3% of respondents. Both voting variables—registered to vote and intention to vote—were high per post-2020 presidential election Census data, but the numbers accord with polling on motivation and engagement in the lead-up to the 2020 election (“Voters Are Highly Engaged,” 2020).

In an effort to remove fraudulent data, halfway through the survey, respondents were asked to name the infectious disease causing the current global pandemic. Those that were unable to select COVID-19 from the four options had their survey terminated and answers removed from the data pool. As a second reliability check, respondent answers to their home state and home ZIP code were compared and found to match 90% of the time.

***4.2 Dependent Variables***

In an effort to test the hypotheses on support for FOI laws and perceptions of FOI efficacy, a series of questions were asked to examine the constructs from different theoretical and conceptual approaches. A two-question FOI Efficacy scale was developed to determine how respondents perceived FOI laws impact on their daily lives and the activities of government. Three independent questions sought individual opinions on FOI as a government priority, as a wise use of government resources and, more directly, whether FOI laws improve accountability. Taken together, the series of support and efficacy variables provide a thorough consideration of the concepts, lending validity to consistent findings between them.

Three individual questions were tested alone. The Improves Accountability variable is the result of a single yes-no question asking whether the individual believed FOI laws improved government transparency and accountability. The Wise Use of Resources variable is the result of another single yes-no question asking whether FOI laws were a wise use of taxpayer resources. The Government Priority variable was developed using a question asking how the respondent would prioritize implementation of FOI laws given government’s many priorities. The answers ranged from essential to not a priority, and the answers were collapsed into a binary variable with essential, high priority and moderate priority answers recoded as one category, and low priority and not a priority answers recoded as another.

The FOI Efficacy scale was developed to test perceptions of whether FOI laws have individual or social impact. The scale summed the responses to two questions; the first asking how much of an impact FOI laws have on the operations of government, and the second on how much of an impact FOI laws have the respondent’s daily life. For both, the answer choices were none, a little and a lot. None was coded as zero, a little was coded as a 1 and a lot was coded as 2. The sums ranged from 0-4 and were treated as ordinal. The scale had a moderately high level of internal consistency, as determined by a Cronbach’s alpha of .758.

***4.3 Independent Variables***

The independent variables run along two tracks: common demographic, psychographic and political variables and opinions on government. The traditional demographic variables include age, gender, ethnicity, race, income, education and geography. For age, respondents were asked to provide the year of their birth, and the year was subtracted from 2020, and the variable treated as continuous. The gender question provided three options: male, female and binary or other. For statistical analysis, the responses were collapsed into a male-not male binary. The ethnicity and race questions were pulled from the U.S. Census, providing the same answer options. Individuals were asked if they identified as of Hispanic, Latinx or Spanish origin and which race they would use to describe themselves: White, Black or African American, Asian, American Indian or Alaska Native, Native Hawaiian or Pacific Islander or other.

Respondents were asked about their previous year’s total household income. Seven response categories were supplied, then recoded into three equal categories--$0-$49,999, $50,000-$99,999 and $100,000 and above—for statistical analysis. The survey asked individuals the highest degree or level of school completed, providing four answer options: 1) Some high school or less, 2) High school or trade school degree, 3) Bachelor’s degree and 4) Graduate degree. Respondents were asked to provide both their state of resident as well as the ZIP code of their residence. In analysis, the respondent’s residency was recoded into one of the nine U.S. Census Districts. There are two political opinion questions; a Likert scale tied to political ideology with extremely conservative on one end and extremely liberal on the other, with the options of neither in the middle and other also available. Respondents were also asked to identify as one of the seven most popular political parties in the United States, with other and none as options. For statistical analysis, political party was collapsed into a binary, either Democrat or not Democrat. Two other questions document political behavior in asking whether respondents were registered to vote for the upcoming 2020 presidential election and whether they were likely to vote in the election. There is also a Current Events index based on three questions about current international political events. The multiple-choice questions sought the names of the sitting U.S. vice president, the current president of the People’s Republic of China and the Eastern European country where a major political uprising was occurring.

A Government Efficacy scale, derived from the work of Gil de Zuniga et al., was developed in an effort to understand whether respondents felt well-represented and whether the government was sincere in serving the interests of the public. The scale sums the responses to three questions. The government opinion questions were designed to document opinion across the three major tiers of U.S. governance. As such, the three questions on government accountability, serving the interest of voters and personal influence on government actions were asked for each of federal, state and local governments. The Government Efficacy scale consists of nine total questions: Three about perceived personal impact on government action, three about perceptions on whether the government is trying to serve the interest of the voters and three about whether the government is operating accountably and transparently before the public. The scale had a high level of internal consistency, as determined by a Cronbach’s alpha of .916.

***4.4 Data Analysis***

Binary logistic regression was employed to test the FOI support hypotheses. The FOI support hypotheses relied on three dependent binary variables: Improves Accountability, Wise Use of Resources and Government Priority. Pre-test assumptions were met, and independence of observations was found, dependent variables were mutually exclusive and linearity of continuous variables with respect to the logit o the dependent variable was assessed. The model for Improves Accountability was statistically significant *X*2(24) = 280.829, *p* = .000. The model correctly classified 80.7% of cases. Sensitivity was 94.7%, and specificity was 38.7%. Positive predictive value was 82.3%, and negative predictive value was 71.1%. The model for Wise Use of Resources was statistically significant *X*2(24) = 293.577, *p* = .000. The model correctly classified 76.1% of cases. Sensitivity was 90.3%, and specificity was 42.6%. Positive predictive value was 78.7%, and negative predictive value was 65.1%. The model for Government Priority was statistically significant *X*2(24) = 188.829, *p* = .000. The model correctly classified 82.9% of cases. Sensitivity was 97.0%, and specificity was 20.0%. Positive predictive value was 82.8%, and negative predictive value was 60.2%.

Ordinal logistic regression was used to test the FOI efficacy hypotheses as they were testing the ordinal dependent variable FOI Efficacy, itself based on a 0-4 scale summing respondent answers to two questions. Ordinal regression is used, as the FOI Efficacy scale—based on a summing of ordered categorical answers—is categorial and ordinal in nature. There were proportional odds, as assessed by a full likelihood ratio test comparing the fitted model to a model with varying location parameters, *X*2(72) = 2813.365, *p* = .366. The deviance goodness-of-fit test indicated that the model was a good fit to the observed data, *X*2(4432) = 2888.864, *p* = 1.000. There were zero frequencies in 80.0% of cells. The final model statistically significantly predicted the dependent variable over and above the intercept-only model, *X*2(24) = 617.918, *p* = .000.

1. **Results**

A basic review of the questions underlying the Government Efficacy scale lend support to Hypothesis 1 (See Table 1 and Table 2). While the analysis lacks statistical sophistication (though responses are weighted), there is clear evidence of greater perceptions of government efficacy for more local governments. There is little doubt that respondents find local governments more interested in serving their voters, more likely to influenced by the voter and generally more transparent and accountable. With regard to state and federal governments, there is a little bit of ambiguity, but there still appears to be a pretty clear preference for state governments across the three questions.

Hypothesis 2 was supported. Government efficacy was one of the strongest significant predictors of FOI efficacy (See Table 3). An increase in one point in the Government Efficacy scale is associated with an increase in the FOI Efficacy scale, with an odds ratio of 1.227, suggesting a fairly strong relationship.

Hypothesis 3 was not supported. Statistical analysis did not predict a significant relationship between the median household income variable and the FOI Efficacy scale.

Hypotheses 4 was supported. Education was found to be a strong significant predictor of FOI efficacy. Those with higher educational achievement were predicted to score higher on the FOI Efficacy scale.

Hypothesis 5 was partially supported. Democratic Party identity was not found to be a significant predictor of FOI efficacy. However, liberal ideology was a strong, significant predictor of greater FOI efficacy; in fact, it was the strongest significant predictor.

Research Question 1 sought to determine if other demographic, psychographic or political variables correlated with FOI efficacy, and the study found gender to be a strong significant predictor of FOI efficacy. Those that identified as males were considerably more likely to predict a higher score on the FOI Efficacy scale. Age also was a significant predictor of FOI efficacy, though it was negative, and the effect size was rather small. No geographic districts were significant predictors, relative the Pacific, suggesting that there is little variation in public opinion on FOI by location.

In considering Research Question 2, FOI support was operationalized through three individual questions. A number of independent variables were found to be significant across the three FOI support questions (see Table 3). Education, liberal ideology and government efficacy predicted support across the three variables. They were also significant predictors of FOI efficacy, though this is not especially surprising as support and efficacy are conceptually similar and finding an idea or mechanism efficacious is a logical antecedent to supporting it.

Notably, Black race was a significant negative predictor across the three support for FOI variables. Respondents that identified as Black were significantly less likely than White respondents to believe FOI improves accountability and transparency, consider FOI to be a wise use of resources and find FOI to be a government priority. The Voting Interest variable and the Current Events variable both predicted significant positive support for FOI improving government accountability and as a wise use of resources (though not identified as an important government priority). There was scattered significance across three different geographic districts but little in the way of consistency, again supporting geography to not be a significant driver in FOI opinions.

1. **Discussion & Conclusion**

These results lead back to the manuscript’s title, “Whose public virtue?” If Fenster is to be believed and government transparency and accountability have become unimpeachable democratic norms of almost religious significance, who are these zealots and believers? It would seem, generally, they are the already-initiated, the already-convinced, the well-heeled and males; or those with outsized chancen and a comfort in the status quo. Education and government efficacy strongly correlate with both FOI efficacy and support for FOI. Both independent variables can be read as markers of social rank or social class and often indicate an increased ability to influence the world around them. There is an evident logic to those with more education being both more supportive of FOI and confident in its impact. They better understand social systems and government hierarchies and this greater legibility increases confidence and belief in the system working for them. High FOI efficacy also accords with belief in general government efficacy. Those with a stronger knowledge of public officials, including their names and roles, and of government mechanics seem to be more inclined to hold a conviction that it works as designed (and often in their favor). It would follow that those with higher perceptions of FOI efficacy, as an adjacent or subsidiary concept, would naturally have a higher perception of general government efficacy. Likewise, if one believes the government works reputably and in favor of its constituency, it would seem they are more likely to believe in the fundamental rightness of governments and likely have had predominantly positive experiences when interacting with the government.

With regard to supporting FOI, if an individual finds FOI to be efficacious and meeting its objectives, support for FOI is a short intellectual leap. Government transparency as a general democratic concept is unequivocally, somewhat uniformly popular, and objections to its use of resources or calling it a non-priority would seem to stem from finding it unable to meet its aims. Other strong findings include males being more supportive of FOI and finding it more finding efficacious, and Black race predicting less support for FOI. These results also suggest social and power dynamics may be driving factors in how the public perceive and use FOI.

The consistency and strength of liberal ideology predicting FOI efficacy and support suggests further, more nuanced research on the relationship between political beliefs and FOI. Liberal and Democratic support for FOI is one of the most common indicators of support. Cuillier & Pinkleton found liberal ideology to be one o three variables significant in predicting support for transparency as a principle; the other two significant variables being cynicism and skepticism. Piotrowski & Van Ryzin found a conservative ideology was negatively correlated with a principled transparency scale and a good government transparency scale, while being positively correlated with a safety transparency scale. These significant covariates in each study may point to the deeper factors that drive support for FOI and transparency. Future research should consider delving further into understanding these narrower correlations. Surveys should move past common demographics and consider underlying psychographic issues (*e.g.,* the theoretical ties and statistical correlates of liberal politics, cynicism and support for transparency).

The study points toward FOI as more likely growing social divides, rather than acting as a mechanism intended to make democracy clearer and more available to all. However, the aim of FOI has never been exhaustive use but in building a public capable of holding government to account when needed. So, seeking uniformity across demographic variables is not desired, but if the laws are only found to be supported by narrow demographic segments and primarily useful to commercial entities, then steps must be made to recalibrate the laws and their implementation. Cicatiello et al. concluded by suggesting reducing the behavioral costs of acquiring government information. This would drive down the influence of chancen and increase the accessibility of instrumental value. Cicatiello et al. warned that by failing to recognize the demand-side dimension of transparency, governments risk alienating “citizens who show lower skills, because they do not have adequate tools to benefit from, and a feeling a sense of discomfort, may prefer opacity to transparency” (p. 617). The present survey’s findings bear this out. For respondents that indicated they had never submitted a FOI request, 15% said they were unaware of FOI laws; and 7% said they were either “discouraged by the complexity [or the] law was too difficult to navigate.” Another, while 6% said they did not know the law applied to them.

And while it is unknown whether education is a proxy for social standing or whether FOI training can be employed as a method for leveling civic engagement, there have been notable efforts to expand FOI training and education. The Mexican state of Sinaloa, by statute, requires compulsory academic lessons on access to government information for all students, elementary schools to universities (both public and private) (Doyle, 2002). In the United States, the Connecticut Freedom of Information Commission (n.d.), a state-sponsored ombuds and training committee, provides materials and regular in-person training around the state, along with offering a FOI curriculum for high school students. Enhanced FOI education and training will not alone correct the disparities in FOI use, but these types of efforts can play an important role in closing the gap between those who actively engage with their government and those who believe they have no seat at the table. Neither will increased civic awareness and understanding of FOI laws improve the foundering implementation, but more unsatisfied requesters makes change more likely. A critical mass of disgruntled requesters could lead to statutory amendment, increased oversight and more resources.

FOI laws are not a panacea to all social ills but instead a key piece in building representative, efficacious democracy. The objective is not to turn each individual into a transparency fanatic but to raise awareness and make the laws more accessible. As a rule, FOI laws have been designed to be simple but slipshod administration have severely hobbled the realization of more transparent and accountable government. The study’s findings and the literature in the field suggest more specificity and granularity is needed in researching transparency, access and FOI laws. As a general subject, support is fairly homogeneous with research finding narrow instances or finer applications produce more conclusive results. Future researchers should take this into account. Further research into FOI user identity and experience is also encouraged. The broader issues with statutes and administration cannot be credibly addressed until a foundation is built on knowing who uses the laws (and who does not), how they experiences the laws and what dissuades use. Once the manuscript’s title is addressed, legislators, judges, scholars, journalists and private citizens can get to work in advancing a law that is more egalitarian and, in turn, a government more responsive to and representative of its people.

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Table 1

Descriptive Statistics for Independent Variables

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Yes, without question | Most of the time | Some of the time | No, not at all |  |
| Is the/your \_\_\_\_\_\_\_\_\_\_ trying to serve the interest of its voters? |
|  Federal gov’t | .136 | .307 | .360 | .197 |
|  State gov’t | .127 | .386 | .315 | .172 |
|  Local gov’t | .154 | .429 | .271 | .147 |
| Do you believe you have any impact on the actions of the/your \_\_\_\_\_\_\_\_\_\_? |
|  Federal gov’t | .132 | .219 | .350 | .298 |
|  State gov’t | .129 | .238 | .366 | .267 |
|  Local gov’t | .138 | .312 | .320 | .230 |
|  |  |  |  |  |

Table 2

Descriptive Statistics for Independent Variables

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Yes, entirely | Yes, fairly | No, not very | No, not at all |  |
| Is the/your \_\_\_\_\_\_\_\_\_\_ transparent and accountable? |
|  Federal gov’t | .165 | .290 | .341 | .204 |
|  State gov’t | .172 | .348 | .300 | .179 |
|  Local gov’t | .185 | .411 | .267 | .136 |
|  |  |  |  |  |

|  |
| --- |
| Table 3*Regression Predicting FOI Efficacy and Support for FOI (N = 1,116)* |
|  | *FOI Efficacy Scale* | *Improves Accountability* | *Wise Use of Resources* | *Government Priority* |
| Variable | *B**(SE)* | β | *B**(SE)* | β | *B**(SE)* | β | *B**(SE)* | β |
| Age | -.008(.004) | .992\* | .001(.005) | 1.001 | .009(.005) | 1.009 | .000(.005) | 1.009 |
| Male | .332(.122) | 1.394\*\* | -.163(.173) | .850 | .195(.163) | 1.215 | .450(.185) | 1.568\* |
| Education | .275(.080) | 1.317\*\* | .241(.115) | 1.272\* | .234(.108) | 1.264\* | .299(.124) | 1.348\* |
| Income | -.042(.070) | .959 | .058(.102) | 1.060 | -.059(.096) | .942 | -.042(.109) | .959 |
| Latinx | .107(.200) | 1.113 | .451(.281) | 1.570 | .357(.266) | 1.429 | .289(.304) | 1.335 |
| Race |  |  |  |  |  |  |  |  |
|  White | - | - | - | - | - | - | - | - |
|  Black | -.263(.178) | .769 | -.797(.230) | .451\*\* | -.861(.222) | .423\*\*\* | -.756(.244) | .469\*\* |
|  Am. Indian | .800(.691) | 2.225 | -1.593(.879) | .203 | -1.212(.854) | .298 | -.501(.954) | .606 |
|  Hawaiian | .759(.757) | 2.136 | -.260(.977) | .771 | -2.363(1.026) | .094\* | 1.978(1.406) | 3.906 |
|  Asian | -.275(.264) | .760 | -.191(.377) | .826 | -.538(.338) | .584 | -.538(.338) | .584 |
|  Other | .449(.308) | 1.567 | -.685(.402) | .504 | -.157(.407) | .855 | -.157(.407) | .855 |
| Democrat | -.103(.134) | .902 | -.177(.194) | .837 | -.158(.181) | .854 | -.136(.211) | .873 |
| Liberal | .407(.131) | 1.503\*\* | .407(.195) | 1.502\* | .708(.182) | 2.029\*\*\* | .845(.220) | 2.327\*\*\* |
| Voting Interest  | .070(.095) | 1.073 | .322(.121) | 1.380\*\* | .419(.118) | 1.521\*\*\* | .246(.128) | 1.279 |
| Current Events  | .112(.067) | 1.118 | .391(.099) | 1.478\*\*\* | .429(.093) | 1.536\*\*\* | .171(.107) | 1.186 |
| Gov’t Efficacy | .205(.011) | 1.227\*\*\* | .163(.016) | 1.176\*\*\* | .126(.014) | 1.134\*\*\* | .112(.016) | 1.119\*\*\* |
| Geography |  |  |  |  |  |  |  |  |
|  New England | -.075(.325) | .927 | .997(.517) | 2.880 | .622(.452) | 1.862 | .243(.515) | 1.275 |
|  Mid-Atlantic | -.288(.219) | .750 | .211(.313) | 1.235 | .184(.293) | 1.203 | -.345(.332) | .708 |
|  E.N. Central | -.175(.226) | .839 | .821(.330) | 2.274\* | .356(.300) | 1.428 | .049(.344) | 1.050 |
|  W.N. Central | -.205(.299) | .814 | .177(.407) | 1.194 | .415(.397) | 1.514 | .283(.461) | 1.327 |
|  S. Atlantic | -.026(.200) | .975 | .405(.283) | 1.500 | .417(.267) | 1.517 | .108(.310) | 1.114 |
|  E.S. Central | -.192(.303) | .825 | .090(.411) | 1.094 | .238(.389) | 1.269 | 1.873(.625) | 6.508\*\* |
|  W.S. Central | .022(.228) | 1.022 | .278(.319) | 1.320 | .689(.313) | 1.992\* | .417(.366) | 1.517 |
|  Mountain | -.305(.261) | .737 | .442(.374) | 1.556 | .764(.366) | 2.147\* | .272(.412) | 1.312 |
|  Pacific | - | - | - | - | - | - | - | - |
|  U.S. Terr. | .340(1.002) | 1.405 | 1.058(1.503) | 2.880 | .045(1.768) | 1.046 | -.962(1.647) | .382 |
| Constant | - | - | -4.532(.552) | .011\*\*\* | -4.693(.526) | .009\*\*\* | -2.710(.550) | .067\*\*\* |
|  |  |  |  |  |  |  |  |  |
| Nagelkerke *R*2 | .444 |  | .329 |  | .328 |  | .253 |  |
| Cox & Snell *R*2 | .425 |  | .222 |  | .231 |  | .156 |  |
|  |  |  |  |  |  |  |  |  |

Note: Pacific (Geography) and White (Race) are the reference categories for the corresponding categorical variables.

\* *p* < .05, \*\**p* < .01, \*\*\**p* < .001