The Promise of Protest

On the cold, wintry night of December 16, 1773, a swarm of roughly 100 American colonists stormed aboard three ships docked in Boston Harbor. The trespassing colonists were filled with anger and frustration. The British Parliament had once again imposed a tax without any representation of the colonists' interests in Parliament. To add insult to injury, the recently enacted Tea Act of 1773 gave the East India Company a virtual monopoly over tea imports. It also hurt the economic interests of Boston's wealthy merchants and tea smugglers, including the infamous Samuel Adams and John Hancock. In protest, the colonists demanded that the East India Company ships leave the harbor without paying the Townshend duty. When the Massachusetts governor denied their request, the protesters proceeded to dump all 340 chests of tea aboard the East India Company ships into Boston Harbor.

The American colonists boarded the East India Company ships united by a popular grievance: “taxation without representation is tyranny.” The colonists demanded that their government grant their right to a local, representative government. They believed that any taxes levied against them were illegal without representation. In response to the Boston Tea Party, the British Parliament implemented more punitive policies, including closing the Boston port and replacing any self-governance that Massachusetts had with the governor, Parliament, and the king’s authority. The decision to discipline the colonists only intensified the conflict between the American colonists and Great Britain. As time went on, the

---

1 For more on what would later be called the Boston Tea Party, see Carp (2010).
2 The Townshend duty was essentially a tax paid by tea merchants in the colonies on imported goods, including tea.
American colonists became so wary of the British government that they declared their independence and established their own government.

In defense of their decision to seek independence from Great Britain, the American colonists wrote the Declaration of Independence. They asserted that “all men are created equal” with “unalienable rights,” including the rights to “life, liberty, and the pursuit of happiness.” They then proclaimed that it is the right and duty of men to “alter or to abolish” any government that does not acknowledge and protect their rights.

The American colonists reaffirmed the value and legal right to protest in the US Constitution. The First Amendment of the Bill of Rights insists that “Congress should create no law” abridging “the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” Together, the Declaration of Independence and US Constitution establish the duty and legitimacy of collective action in the United States.

Collective action has a long tradition of challenging governments and institutions. In the United States, collective action was fundamental to the nation’s founding. The American colonists who revolted against the British Empire championed equal representation and equality under the law. They declared that protest was crucial to realizing these ideals in a well-functioning democracy. This book assesses collective action’s ability to promote democratic principles by evaluating the legislative representation of protest demands made by groups with different political, social, and economic power.

1.1 DEFINING PROTEST AND COLLECTIVE ACTION

Collective action occurs any time multiple participants publicly profess a grievance or concern. Collective action can take on various forms, many commonly considered to be protest behaviors. Rallies, boycotts, sit-ins, and hunger strikes are all forms of protest. So too are the nonviolent acts of civil disobedience like those made famous by Mahatma Gandhi in South Africa and in the Indian Independence Movement, and by Martin Luther King Jr. and other activists during the US civil rights movements. Protest also characterizes the “violent, disorderly act of rebellion” known today as the Boston Tea Party.

---

3 For example, see McAdam and Su (2002).
4 See Carp (2010, p. 219).
Defining Protest and Collective Action

Popular understandings of the word “protest” overlook many of the tactics available for people to “alter or abolish” any government that does not protect the rights of the people. Popular understandings of the word also ignore the many ways that people can exercise their First Amendment rights to peacefully assemble and “petition the Government for a redress of grievances.” For example, protest is less often associated with the petitioning efforts to gain suffrage for women, letter-writing campaigns, or internet activism, like the infamous ALS Ice Bucket Challenge or Kony 2012. Protest is also less often used to describe the mob violence and lynching campaigns targeting Black people in the United States throughout the end of the nineteenth century and the beginning of the twentieth century. Nevertheless, seemingly mundane petitioning, viral internet activism, and malicious mob violence are just as capable of communicating grievances and challenging institutions as marching in the street and participating in acts of civil disobedience.

In this book, I use the terms “collective action” and “protest” interchangeably to acknowledge the diversity of tactics used to make collective demands. The use of both terms also discourages potential misunderstandings. To be sure, one conventional definition of collective action refers to the provision of public goods by multiple people. This definition is often associated with the collective action problem, which describes how rational individuals will choose not to contribute toward a good if they believe that the good will be provided even without their participation. The public expression of grievances by groups can involve collective action problems. I am more interested in understanding how elected officials represent demands that have already overcome collective action problems.

This book evaluates the political representation of protest demands. However, the arguments are not limited to collective action that targets politicians or policy. A key characteristic of many of the new social

5 Recall this assertion in the Declaration of Independence.

6 The ALS Ice Bucket Challenge encouraged participants to raise awareness and funds for amyotrophic lateral sclerosis (ALS) by filming themselves dumping a bucket of ice over their heads. They would then post the video on social media while challenging other people to do the same. Kony 2012 was a short film produced by Invisible Children, Inc., to mobilize people all over the world to call for Joseph Kony’s arrest. Kony is a Ugandan war criminal and the leader of the Lord’s Resistance Army (LRA), a guerrilla organization notorious for kidnapping thousands of children to use as sex slaves or soldiers. The video was released on March 5, 2012, and within six days received more than 100 million views.

7 Olson (1965) provides a comprehensive examination of the collective action problem.
movements that have emerged since the 1980s and persist well into the twenty-first century is that collective actions are primarily expressive behaviors. Sometimes they may demand institutional change, but they often occur as outlets for participants to express their identity-based grievances. Collective action frequently concerns social or economic conditions, like obesity, alcoholism, or discrimination in the workplace.

Just because a protest does not confront elected officials or legislation does not mean that legislators can ignore it. Even apolitical protests can inform legislators about constituents’ grievances on issues that demand representation. Moreover, apolitical protests can shift their target to elected officials if the concerns persist.

1.2 INSTITUTIONAL LIMITS ON EQUAL REPRESENTATION

The authors of the Declaration of Independence and the US Constitution endorsed collective action as a tool for people to make their demands known to their government. Once aware of the strength and direction of their constituents’ preferences, the government could represent its constituents’ interests. However, these authors did not want a government that addressed every collective action demand.

In Federalist Papers No. 10, James Madison warns that passions and self-interests incite groups. He then insists on a large republic that could “refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.” He and other authors of the Constitution designed a republic in which elected representatives would decide which collective action demands the government should represent.

8 For more on New Social Movements, see Offe (1985); Johnston, Larana, and Gusfield (1994); Tillery (2019). For more on collective actions as expressive behaviors, see Chong (1991); Hamlin and Jennings (2011); Tillery (2019).
9 James Madison was the fourth president of the United States. He was one of a group of men known as the Founding Fathers of the United States. He helped lead efforts by the American colonists to become independent from Great Britain. Once independence was achieved, Madison helped draft the US Constitution and the Bill of Rights. Madison also co-wrote the Federalist Papers – a collection of eighty-five articles and essays written to promote the US Constitution’s ratification. The quotation comes from the Federalist Papers No. 10, where Madison argues for a large republic to defend against dangerous factions or groups of people guided by their passions and self-interests.
Institutional Limits on Equal Representation

But as history and contemporary politics suggest, the representation of collective interests is biased. No matter the political party or government level, legislators are more likely to represent the interests of wealthier people than those who have less money. Legislators are also more likely to represent the interests of White constituents than those of Black or Latino constituents, respectively.

Perhaps this is by design. The people with the legally protected right to vote are the ones who select elected representatives. However, in no modern democracy is the right to vote given to every citizen subject to a government's rule. Democratic institutions have established voting rights based on citizenship status, where noncitizens cannot vote, or age, where people younger than a certain age are unable to vote. Democracies have also limited voting rights based on gender, race, ethnicity, and class. At the time of the first US presidential election in 1789, all but one state restricted the right to vote to White male property owners over the age of 21.

Over time, collective action has granted more equality under the law. In fact, collective action was at least partially responsible for expanding voting rights to all White men, African American men, women, and then Native Americans. Still, collective action for greater equality and access to life, liberty, and the pursuit of happiness has also been met with...

10 Gilens (2005) demonstrates that national policy rarely reflects middle- and lower-income constituents’ preferences across a wide range of policy issues. Meanwhile, more affluent citizens’ preferences are often reflected in policy. Miller (2018) shows that legislators discuss the poor in political speeches and party platforms. Yet, they consistently underrepresent poor people’s interests in legislation. Carnes (2013) contends that these disparities are explained by the numerical underrepresentation of congresspersons from working-class backgrounds. Moreover, Bartels (2008) finds that senators’ own partisan preferences are more likely to predict their voting behavior than their constituents’ preferences. When legislators’ voting behavior does reflect constituents’ preferences, only the interests of middle-class and affluent people seem to matter. Similarly, Ellis (2012) shows that legislators’ voting behavior in the US House of Representatives better reflects their wealthier citizens’ preferences than lower-income citizens’ preferences. These differences in the legislative representation of constituents of different economic well-being do not disappear when accounting for differences in political knowledge or political engagement.

11 Griffin and Newman (2007) argue that the preferences of White constituents are more likely to be reflected in legislative roll-call voting than the preferences of Latino constituents. In an original field experiment, Butler and Broockman (2011) demonstrate that legislators are more responsive to requests by White people than they are to requests by Black people.

12 New Jersey allowed anyone who owned property the right to vote until 1807, when the state legislature restricted voting rights to tax-paying White men.
The Promise of Protest

collective action in opposition to the same goals. Consider the fight over Black people’s civil rights and civil liberties.

1.3 BLACK AND ANTI-BLACK COLLECTIVE ACTION

Since before the nation’s founding, collective action has been a tool in a tug of war over Black people’s civil rights and civil liberties. Black people’s autonomy, humanity, and voting rights have been routinely contested. Over time, their collective action has also led to more civil rights and civil liberties. Collective actions negotiating Black liberation and equality raise questions about which protesters elected officials are most responsive to and which groups benefit the most from collective action efforts.

To begin, Thomas Jefferson is credited with the famous proclamation that “all men are created equal.” Meanwhile, like other slave owners in the American colonies, Jefferson failed to acknowledge African slaves’ equality and humanity. Jefferson and the authors of the Constitution enabled the coordinated theft of Africans from their countries for enslavement in the American colonies. With the Three-Fifths Compromise, they empowered slave owners to deny African slaves the right to represent their own interests in government – a collective action demand the colonists say incited their decision to seek independence from Great Britain – while simultaneously counting slaves as three-fifths of a human to increase the representation of slave owners’ interests in government.

Slavery was a state-sanctioned, institutionalized collective action against Black bodies to advance the financial interests of White slave owners. The institution was brutal and uncompromising. But it did not progress unabated. From the oldest documented slave rebellion in 1663 to the emancipation of slaves in 1865, slave rebellions and revolts erupted throughout the American colonies and states.13

13 For example, the 1739 Stono Rebellion was one of the largest and bloodiest recorded slave rebellions in the British colonies (Gates and Yacovone 2013). The revolt began with a gathering of about twenty enslaved men who were determined to find their freedom under Spanish law in St. Augustine, Florida. The fleeing slaves fought their way to Florida for more than a week. They killed numerous White people along the way, including store owners they attacked the first day of their journey. While they marched, they chanted in their native language, “Liberty”—a cry that men of the American Revolution would share in later decades. Many slaves joined the voyage, growing the number of fugitive slaves to about 100 people. Other slaves shunned the group. Some even hid
Black and Anti-Black Collective Action

In response to the countless Black collective actions against forced servitude, White colonists imposed increasingly strict slave codes. The slave codes varied in nature depending on the colony or state; however, most slave codes made it illegal for slaves to free themselves from slave owners. Slave codes often required slaves to seek permission to move outside of their plantations. They also prohibited slaves from freely and legally marrying, and they criminalized any behavior seen as threatening the institution of slavery.

Slave patrols consisting of slave owners and other free White people enforced slave codes. They could punish slaves whenever they envisioned a violation of the slave code. In support of collective action by slave owners in Southern states, Congress passed the Fugitive Slave Act of 1850. The legislation required anyone who encountered an escaped slave to capture and return the fleeing person to their owner.

Still, Black collective action efforts boldly challenged the anti-Black collective actions for slave codes, slave patrols, and fugitive slave laws. The legends of Harriet Tubman, Charles Deslondes, Gabriel Prosser, Denmark Vesey, Sojourner Truth, Nat Turner, and many others tell the stories of extensive collective action efforts by Black people to dismantle slavery and acknowledge the value of Black lives. These stories demonstrate the agency of Black people who fought incessantly for their freedom and rights. They also recognize the Black activism that was at least partly responsible for building the moral consciousness that ended slavery in 1865 with the passage and ratification of the Thirteenth Amendment.

African descendants were emancipated from slavery in 1865, granted citizenship in 1868, and given the right to vote in 1870. Yet, these collective action wins soon met staunch opposition, particularly in the South, where most former slaves lived. Jim Crow laws were implemented to protect them from the rebelling slaves. Colonial forces eventually suppressed the uprising. Although some slaves found freedom in St. Augustine, most were captured or killed (Berlin 1998).

The Thirteenth, Fourteenth, and Fifteenth Amendments to the US Constitution (also known as the Reconstruction Amendments) were passed and ratified after the American Civil War. The Thirteenth Amendment abolished slavery and involuntary servitude, except as a punishment for a crime. The Fourteenth Amendment grants citizenship to all persons born or naturalized in the United States, including freed slaves. It also gives all citizens equal protection under the law. Finally, the Fifteenth Amendment states that the right to vote cannot be denied or abridged based on race, color, or previous servitude. Women of all races would be legally denied the right to vote until Congress ratified the Nineteenth Amendment in 1920.
to control and suppress the agency of former slaves. In many places, White people used lynching to target Black people who threatened White economic power.\textsuperscript{15} They also advanced poll taxes, voter identification laws, mob violence, and other forms of intimidation to keep Black people from exercising their legal right to vote.

Meanwhile, Black people continued to protest for their rights to life, liberty, and justice under the law. Ida B. Wells, and later the National Association for the Advancement of Colored People (NAACP), responded with collective action to end lynchings and counter the false narratives that extrajudicial lynchings were necessary to combat Black people’s tendency toward violence and rape.\textsuperscript{16} Protests for civil and voting rights coalesced into the 1950s and 1960s civil rights movement with prominent collective action events including the Montgomery bus boycott, the Greensboro sit-in, the March on Washington, Freedom Summer, Freedom Rides, and Bloody Sunday. Congress supported those collective actions with the Civil Rights Acts of 1957, 1960, 1964, and 1968; the passage of the Twenty-fourth Amendment; and the Voting Rights Act of 1965.

Well into the twenty-first century, marches, strikes, acts of civil disobedience, legal battles, uprisings, and demonstrations continue to negotiate civil rights and civil liberties in the United States. As the Black and anti-Black collective action examples demonstrate, groups of people with disparate levels of privilege and access engage in collective action to make demands on institutions. Elected officials occasionally represent those protest demands. For example, Congress supported slavery by enacting the Fugitive Slave Act but eventually abolished the institution with the Thirteenth Amendment. Anti-Black collective action resurfaced brazenly with mob violence and Jim Crow laws. Yet, when challenged by sustained collective action during the civil rights movement, Congress passed a series of laws to address Black collective action demands. Then again, many wins for Black collective action have faced backlash, retrenchment, and even reversion.

Of course, this is a simplistic overview of a long and complicated history of anti-Black and Black collective action. The purpose of this account is to demonstrate that legislators appear to be responsive to

\textsuperscript{15} See Francis (2014, 2018) for examples.
\textsuperscript{16} See Francis (2018).
collective action by different groups throughout US history. An open question remains: which groups are most likely to benefit legislatively from collective action efforts?

1.4 PROTEST’S INFLUENCE ON ELECTED OFFICIALS

This book makes a novel and perhaps provocative claim: whether elected officials support protesters’ preferences depends on who is protesting. I argue that while elected officials are generally responsive to protest, they are exceptionally responsive to groups that protest despite high participation barriers. Collective action by groups who confront grave economic, political, social, or opportunity costs signals to elected officials that the grievance(s) instigating the protest truly matters for the group and could determine the group’s electoral participation. Consequently, grievances expressed by low-resource protesters demand representation. Conversely, protest by groups with low participation costs is less informative for legislative behavior. High-resource groups can protest even when they place low value on policy support because they have ample resources to facilitate participation. Legislators are, therefore, more likely to reward collective action by low-resource groups than that by high-resource groups.

1.4.1 Resources and Protest Costs

Protest is costly for all groups seeking to make collective demands. Participating in any collective action event means not devoting time to other activities, like work or school, spending time with family or friends, fulfilling childcare responsibilities, or completing household chores. Protest requires money to secure transportation or to purchase protest materials, like signs, clothing, or protective gear. Protest demands information about where to protest and the courage to publicly express grievances. It also requires the aggregation of individual skills, expertise, and experience.

Resources ease protest costs. Resources relate to the time, money, and labor available for collective action efforts. People without children or familial commitments have more discretionary time available for protest.

Discretionary time is also present among college students, people early in their careers, and individuals employed in white-collar jobs. A flexible schedule makes it easier to protest and still fulfill work, school, or familial responsibilities.

Monetary resources are also crucial for collective action. Discretionary income sustains leaders and formal interest groups who facilitate protests by informing and mobilizing protesters. It covers the costs of transportation and other expenses related to protest participation. Monetary resources can also compensate caregivers and personnel who can take care of household responsibilities. When more individuals have the financial resources to support collective action efforts, collective action is more likely to materialize.

Equally vital to protest efforts is the presence of labor and human capital. Good leaders have the expertise to provide the selective incentives necessary to confront collective action problems. The 1950s and 1960s civil rights movement benefited greatly from charismatic leaders’ ability to build solidarity and emphasize the importance of doing the right thing. Human capital also provides solidary incentives through the mutual participation of supportive friends and family members. Social networks help individuals process grievances and provide information on when and how to express those grievances in coordinated, collective efforts.

Some groups have fewer resources than others. People with less income and wealth tend to have fewer financial and political resources available for protesting than more affluent people. Income disparities also indicate less access for lower-income people to formal education and the social networks that motivate people toward political participation. Additionally, members of the Black, Latino, and Asian American communities tend to have fewer political, social, and economic resources.

---

18 See McCarthy and Zald (1973).
19 “Selective incentives” are exclusive reprimands or benefits provided to members based on their contribution to the common good (Olson 1965). Selective incentives could be material, like monetary payments given to or withheld from members. They could also be purposive or solidary. Purposive benefits arise from the personal satisfaction from doing what is good or moral. In contrast, solidary benefits result from the relationships and interactions that exist within a group.
20 See Hansen (1993); Verba, Schlozman, and Brady (1995); Leighley and Nagler (2014). See also Corrigall-Brown (2010), who finds that income does not appear to have an independent influence on the likelihood of protest participation when measures associated with income, like gender, race, and education, are included in the empirical models.