Rights Regimes and Interstate Migration Decisions

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Abstract

In their "laboratories of democracy," state legislators, governors, and judges use their control over policy to experiment with citizens' fundamental rights. Advocates argue that federalism preserves liberty by creating an easy exit option for citizens: faced with restrictive rights regimes, people can move to a state with more generous rights protections. This would have the effect of immediately increasing liberty for migrants and also punishing the rights restricting state if economically valuable migrants flee. Whether this actually takes place is largely untested. But, there are reasons to doubt it: groups who are most sensitive to rights restrictions may lack the resources to move, interstate migrants often prioritize amenities like weather and economic circumstances, and people may be more sensitive to economic policy than rights policies. To understand who is most sensitive to rights restrictions and how individuals weigh these factors in interstate migration decisions we use a conjoint experiment asking people to evaluate hypothetical job opportunities in different states. We find that, all else equal, restricting rights is generally quite repellant to would-be interstate migrants. This is especially so for Democrats and for those actively looking for jobs. Economic policies cannot make up for these restrictions. The results have important implications for democratic backsliding, legal policymaking, and economic policy in the U.S. and beyond.

Note to panelists: This is the first cut of a piece of a larger project, which explains why some elements of the paper (e.g., racial disparaties) aren't tested in this draft of the paper. We're currently seeking funding to expand the project and ran this experiment to be able to provide some proof-of-concept to potential funders. So, this is truly a project where we welcome (and can incorporate) lots of feedback. Unlike most experimental papers at conferences, we *will* run other versions of this experiment, hopefully on particular subsamples of respondents. And, we pitched the front end of the paper broadly to see what people think are (or are not) interesting paths forward.

Introduction

In September 2021, Texas passed what was then the most restrictive abortion law in the United States, SB8, limiting a woman's right to an abortion to approximately 6 weeks with no exception for rape or incest. The public backlash against SB8 was widespread and loud, emphasizing both the consequences for Texans seeking an abortion as well as the potential economic rammifications of the law. An article in *Fortune* announced that "Employers may reconsider moving to Texas due to new abortion law" (Saraiva & Case 2021), while other outlets considered the implications of SB8 for the state's ability to attract highly educated workers, especially women (Gallaga 2021, Abril & De Vynck 2021). The CEO of Salesforce, a Fortune 500 company, went so far as to offer to help employees relocate to a different state (O'Kane 2021). As the CEO of the Greater Houston LGBT Chamber of Commerce put these concerns about SB8's potential impact on attracting desirable migrants, "states are competing for people. If you look at what our state is doing, and then you see another state where they're not doing some of those things, you might say 'Well, the money's good, but where do I want to raise my family?"' (Saraiva & Case 2021).

The idea that restricting rights might lead people to flee or hesitate to move to a polity is not new. For decades, scholars have argued that when states roll back rights, federalism protects liberty by allowing people to easily flee rights-restricting states (Buchanan 1995). In addition, if highly-educated, affluent and entrepreneurial individuals flee states threatening rights, those states could face imperiled future economic growth, a key concern for all governments (Nelson & Witko 2021). On the other hand, some citizens *embrace* these limits on rights, and many others are indifferent. For others, concerns about rights restrictions may be outweighed by a desire for lower taxes, cheaper housing or better economic opportunities, known to be central to interstate migration decisions (Manjoo & Serkez 2021, Partridge 2010). Indeed, the governor of Texas, with its relatively inexpensive housing, strong economy and recent population growth (U.S. Census Bureau 2021), could reasonably claim that, "people vote with their feet and [SB8] is not slowing down businesses coming to the state of Texas at all" (CNBC 2021).

Contemporary rights restrictions in the states are not limited to abortion or Texas. As part of the ongoing "culture war," states have recently implemented policies limiting the rights of LGBT individuals, restricting the free speech rights of educators, limited abortion rights, and so forth. Of course, not all states are restricting rights; many are even expanding them (Ritter & Tolbert 2020). Scholars have long examined how states use policies to attract economically desirable migrants—the affluent and highy

educated—and repel the undesirable—the poor—through their use of economic and fiscal policy (Allard & Danziger 2000, Gius 2011, Young, Varner, Lurie & Prisinzano 2016). However, if Buchanan (and the CEO of the Greater Houston LGBT Chamber of Commerce) are right, when states restrict liberty, they might also affect migration decisions. This, in turn, may harm future economic performance in those states that elect to limit citizens' rights.

Do people actually vote with their feet by moving to a different state when their or others' rights are abridged? There is very little research into this question. The dominant factors that shape interstate moves appear to be economic factors, family considerations, and state amenities, like weather (Partridge 2010). Rights restrictions might matter, but previous research is mostly silent on this issue for an obvious reason: surveys that ask people why they relocate seldom provide rights restrictions as an option. Drawing on experimental evidence, Nelson & Witko (2022) find that people would be less likely to accept a job in a state restricting democratic rights compared to one that isn't. While this study does consider job-related factors (like salary) it does not consider the role of other important factors, like economic policies, which the states actively use to attract migrants.

Furthermore, it is important to know not only *whether* people are responsive to rights restrictions in their interstate moves, but also *which* people. If only the educated and affluent are sensitive to rights restrictions and/or are able to move in the face of them, then federalism may protect liberty for the already advantaged and leave the marginalized in "rights deserts" (Smith, Kreitzer, Kane & Saunders 2022). After all, while the poor and racial and ethic minorities are generally more frequently targeted with rights restrictions (Epperly, Witko, Strickler & White 2020) (and may thus be more sensitive to them), they also generally have fewer resources with which to flee. In addition, these groups may be thought by state governments to have the least negative impact on the economy if they do leave. Highly educated and affluent individuals are least likely to be targeted with restrictions on their rights (with some exceptions we discuss below) but these individuals are more likely to support broad gay, women's and minority rights (Gaines & Garand 2010, Wang & Buffalo 2004, Wodtke 2012) and have more resources with which to move. They may also be more sensitive to fiscal and economic policy in their moves, however, meaning that regimes could buy off rights restrictions with favorable economic policies (Gius 2011, Young et al. 2016). There is also a partisan element to sensitivity to rights restrictions: most recent restrictions have been done by Republican governments, often targeting Democratic-aligned groups.

To examine the relationship between the restrictiveness of rights regimes and interstate migration de-

cisions, and how this relationship varies across different groups, we use a conjoint experimental approach similar to one we have used in other research (Nelson & Witko 2020, Nelson & Witko 2022). We improve upon this previous research by examining a larger array of rights that are part of the ongoing culture war and, simultaneously, economic policies and other amenities that affect interstate migration decisions. Specifically, we ask respondents to select between hypothetical jobs in different states with varied economic, rights-related, and lifestyle attributes. These experiments enable us to (a) isolate the causal effects of rights and economic policies on migration decisions and (b) examine how those effects vary according to race, ethnicity, education, income, gender and partisanship (most of this in later research, and not this paper).

Drawing on an experiment fielded on Prolific in March 2022, we examine the effects of social policies restricting rights and economic policies on the likelihood that an individual will select a hypothetical job offer. The advantage of our experimental approach is our ability to manipulate—and therefore to compare—the size of these policy effects to those of other features of job offers, such as workplace culture and salary, and of the states in which they are located, such as their political climate and weather. We find that restricting rights is generally quite repellant to would-be interstate migrants. This is especially so for Democrats and for those actively looking for jobs. And economic policies cannot make up for these restrictions. In fact, a major conclusion of this preliminary analysis is that the only time policies *attract* migrants is among those respondents who are not open to changing jobs. Unsurprisingly, salary has the largest effect size but housing prices also have large effects on hypothetical job choice. Yet, people are also willing to sacrifice a lot of salary and pay much more in housing in order to live in a state that does not restrict rights. The results have important implications for democratic backsliding, legal policymaking, and economic policy in the U.S. and beyond.

Rights Regimes and Interstate Migration

Democratic backsliding in the U.S., especially as it pertains to limits on political rights and liberties, has attracted quite a bit of scholarly attention in recent years (Epperly et al. 2020, Grumbach 2021, Nelson & Witko 2022). While most of this reserach focuses on voting rights and political expression, recent months have seen restrictions on a variety of issues, including access to abortion, free speech for educators and attacks on transgender rights. While this type of illiberalism is increasing in many contemporary democracies (Applebaum 2020), what is unusual about the U.S. is that subnational governments play a critical role in this process due to their authority over many areas of policy that touch upon fundamental rights and liberties.

Which individuals are worthy of which rights has long been the subject of state political debate. Policymakers are motivated to restrict or expand rights in order to pursue their sincere preferences for social hierarchy or justice and also, more cynically, to motivate the support of different groups and individuals for them or their party so they can attain or remain in power. The possibilitiy that politicians would attempt to infringe on rights was very obvious to the creators of American federalism (though they would be concerned about a very different set of rights than modern liberals). Indeed, a key part of Madison's defense of federalism in Federalist #10 is that threats to liberty that might arise in certain areas would have a harder time of sweeping the nation with power decentralized among states, though how this exactly how this would happen was not made very clear (Levy 2007).

More recently, public choice theorists have argued in favor of decentralized governing arrangements to maximize the possibility of citizen "consumers" choosing among jurisdictions with policies that they find most agreeable in a quasi-market of competing jurisdictions (Tiebout 1956). In the extreme, as most clearly laid out by James Buchanan, the exit option provided by federalism might preserve liberty because people have the ability to choose liberty and flee regimes that restrict rights with public policy (Buchanan 1995). As Lynch (2004) describes this argument, "people can exercise their exit options if the state pursues oppressive policies." If this happens, not only would it immediately expand liberty for those using the exit option but it would also potentially provide a sanction on rights-restricting governments because population loss, especially among those who are highly educated, affluent and with specialized skills, will negatively affect economic performance over the long term, which is tied to electoral outcomes (Folke & Snyder 2012).

In contrast to public choice theorists like Buchanan, most political scientists have stressed the ways that the variation provided by federalism leads to the unequal realization and probably overall reduction in the exercise of rights and liberties (Grumbach 2018, Wildavsky 1985). As Riker (1964) wrote in the midst of the Civil Rights era, "if one disapproves of racism, one should disapprove of federalism." The ability of states to have the final say on many important rights creates more variation in the existence of rights than if they were determined solely by a single national entity. Whether this decentralization results in an overall decline in liberty depends on what standards the federal government will uphold. In recent years, some liberal or progressive theorists have argued that, against the backdrop of a conservative federal government and Supreme Court, federalism can promote progressive policy goals and protect liberty (Freeman & Rogers 2007, Gerken 2016).

But states are not uniformly responding to federally-enabled rights restrictions (e.g. on voting rights)

with legislation expanding rights. Indeed, due to polarization in the states we observe a divergence of rights-based policies in the states, like access to abortion (Grumbach 2018) and voting rights (Li, Pomante & Schraufnagel 2018), with some states expanding and others restricting these rights. This state polarization of rights has probably increased the relationship between geographic location and fundamental constitutional rights in recent years, after federal legislation and Court decisions from the 1950s into the 1970s generally reduced the variation in rights across the states.

Given the growing patchwork of rights, we ask: will people actually leave or avoid states that restrict rights as the federalism optimists predict? Not necessarily. As Hirschman (1970) famously wrote, when trapped in failing institutions, citizens have (at least) three options. First, many people in the states restricting rights will exercise *loyalty* because they agree with these policies (after all, many of these policies are adopted to "turn out the base" in the next election. See, e.g., Campbell and Monson 2008), while others are certainly indifferent. Second, those that do not agree with rights restrictions can use their *voice* to try and change policies. But, limits on political expression can make the use of voice less effective, because the groups that would oppose these restrictions are often the victims of them (Levitsky & Ziblatt 2018). Lastly, citizens can use their *exit* option and migrate to a state with a more expansive rights regime along the lines Buchanan suggests.

The empirical evidence to demonstrate migration in response to rights-based policies is scant. While scholars have examined how state policy might affect migration, nearly all of this research focuses on economic and fiscal policy. And, the evidence for whether state economic and fiscal policies affects interstate migration decisions is mixed. It does not seem that higher welfare benefits affect migration of poor families along the lines suggested by the welfare magnet hypothesis (Allard & Danziger 2000), but this could simply reflect that poor people have limited resources with which to move. In contrast, Young et al. (2016) finds that the absence of an income tax does attract a modest number of millionaires to states with this policy. Gius (2011) also finds that people are more likely to move from states with higher to lower taxes. It would make sense that there is more sensitivity to policies that affect the wealthy because these individuals actually have more resources with which to move. But even for policies that would have a large impact on incomes, effects are modest (Young et al. 2016).

Research on internal migrants within the United States and internationally shows that economic factors usually dominate migration decisions (Breunig, Cao & Luedtke 2012, Scott 2010). This suggests that economic policies may be more important than rights policies to potential interstate migrants. In fact, even if

rights-based policies have some effect on interstate migration decisions, economic policies and conditions may be a countervailing factor important enough to drown out the effect of rights policies on migration decisions.

There is some evidence that rights restrictions may shape interstate migration decisions, however. Tolnay & Beck (1992) find that the Great Migration was fueled, in part, by Blacks wanting to leave the state-enabled violence in the Jim Crow South (Tolnay & Beck 1992). In another federalist country, Libman, Herrmann-Pillath & Yadav (2013) find that migrants in India are more likely to move to states that afford better protection of human rights. It should be noted these studies do not actually directly examine migration decision-making, but rather infer it from the aggregate migration patterns. In our own research, we have directly examined decision-making using an experimental approach and we find that people exposed to hypothetical job opportunities rate those jobs as less attractive if they are located in a state experiencing democratic backsliding, like requiring voter identification or limiting the ability of people to join unions (Nelson & Witko 2022). Unfortunately, all of these studies are limited in the scope of rights they examine, their representativeness, and the extent to which they consider the effects of rights *and* economic policies on citizens' mobility decisions.

At this point we simply do not know very much about how people weigh rights policies against economic policies, economic circumstances, and other state amenities (e.g. weather, housing prices) (Partridge 2010, Scott 2010) in their migration decisions. Can states "buy" acquiescence to rights restrictions with more attractive fiscal and economic policies? Are people willing to tolerate less liberty for cheaper housing or warm winter weather? If it is the case that people do not weigh rights more heavily than these other factors then the idea that federalism preserves liberty is dubious. Even if some people do consider rights and liberties in their interstate migration decisions, not all people are equally sensitive to rights restrictions, the resources to flee states are highly unequally distributed, and the departure of all migrants is probably not equally feared by state governments. The result is likely to be inequities in the ability to flee and the sanctions that governments face as a result of their policy choices.

Liberty and Justice for Whom?

If people do make interstate migration decisions to maximize or preserve freedom, states that offer popular and expansive rights protections should be "rewarded" by attracting migrants who value those rights; states that restrict valued rights should be "punished" by citizens who flee. Yet, sensitivity to rights restrictions and

the ability to move should one desire are not uniform across the population. Further, the perceived ability of different people to sanction regimes with their departure varies.

Marginalized minority groups are generally most likely to have their rights restricted because dominant social groups almost by definition control policy making in the states. Laws limiting civil rights for racial and ethnic minorities, abortion rights, gay rights and transgender rights all expressly focus on minorities or otherwise historically marginalized groups. It is natural to expect that these groups would be most alarmed at these rights restrictions. This is confirmed in research showing that women are more likely to be pro-choice (Loll & Hall 2019), but is not clear cut on all issues. For instance, while experts think that strict voter identification laws restrict access to the vote by minorities, minority groups are not necessarily in agreement or against these laws more than Whites (Atkeson, Alvarez, Hall & Sinclair 2014, Kane 2017). We can probably assume on many issues, however, that minorities are more senstive to laws targeting the rights of minorities.

Unfortunately, marginalized minorities will often have fewer economic resources with which to move should they desire to. This means that American federalism leaves those most likely to have their rights restricted, namely the poor and minorities, in "rights deserts" (Smith et al. 2022). Even if the marginalized are able to flee the states, this may have the least sanctioning effect on government because governments generally seek to attract the affluent and highly educated (Allard & Danziger 2000, Young et al. 2016).

Of course, the poor and minorities are not the only individuals that are likely to be sensitive to rights infringement, even if they are most directly effected. Some rights restrictions have actually targeted people who are disproportionately, highly-eductated, affluent and White, for instance laws banning the teaching of Critical Race Theory in schools and colleges, though these clearly also have implications for the standing or racial and ethnic minorities, as well. And among those whose rights are not being restricted, affluent and highly educated individuals are probably most likely to be sensitive to rights restrictions for marginalized communities. Education has long been a predictor of support for expansive civil liberties (Stouffer 1955). In addition, more affluent individuals are less focused on economic conditions and issues and more focused on individual rights and self-expression in their voting and other political activities (Inglehart 1981, Singer 2013). Also, high SES individuals prefer broader rights for women, LGBT people, and other minorities (Gaines & Garand 2010, Wang & Buffalo 2004, Wodtke 2012). Beyond holding different sorts of attitudes toward these policies, individuals with more education and income are also likely have greater awareness of policy differences between jurisdictions (Teske, Schneider, Mintrom & Best 1993). Furthermore, in recent

years the socio-cultural dimension of politics – which involves minority rights – is increasingly important in U.S. politics, especially for high SES individuals (De Vries, Hakhverdian & Lancee 2013, Hanretty, Lauderdale & Vivyan 2020, Knuckey 2005).

Unlike poor, marginalized groups, educated, affluent indivdiuals have the means to move to a different state should they desire. Income is negatively associated with interstate migration in some studies (e.g. Gius (2011)), because the affluent already have desirable jobs and living conditions, but simple arithmetic indicates that people with higher incomes have more financial resources to execute a move should they choose to do so. Further, research shows that highly educated people are more likely to live in a different state from where they were born, providing a baseline level of mobility that might grease the wheels for future moves (Malamud & Wozniak 2012, Rosenbloom & Sundstrom 2004). And the highly educated and affluent are the types of people that states wish to attract, so if these individuals flee it would provide a greater sanction on rights-restricting governments.

Yet, very few would argue that rights policies are the primary determinant of interstate moves. People tend to move across state lines for family reasons, amenities or economic considerations (Partridge 2010, Scott 2010). Because economic considerations are key to many interstate moves, interstate migrants may be especially primed to consider state economic policies in their moves, which states certainly do use to attract migrants (Young et al. 2016). As with rights policies, economic and fiscal policies have increasingly diverged as partisan polarization has taken root in the states (Franko & Witko 2018, Grumbach 2018, Hertel-Fernandez 2019). Republican states are generally more likely to restrict individual rights (excepting gun rights) and more likely to enact policies believed to be attractive to the affluent (Grumbach 2018), namely lower taxes and less redistribution (Bullock 2021, Franko, Tolbert & Witko 2013). This may mean that conservative states that would repel the educated and affluent with their rights policies can attract them with their economic and fiscal policies, making the effect of policy a wash.

On the other hand, there is a growing affinity for the Democratic Party among college graduates and educated professionals in recent decades (Manza & Brooks 1999, Witko 2016). This is important because highly educated Democrats are most likely to have egalitarian attitudes toward minority and marginalized groups and are also generally comfortable with redistribution and more left-leaning economic policies (Broockman & Malhotra 2020). Because party control of government is a main determinant of rights policies, it is likely that party identification is a major factor explaining opposition to rights restrictions. In our own research we found that Democrats were much more sensitive to democratic backsliding than Republicans when evaluat-

ing competing job offers in different states (Nelson & Witko 2022).

Thus, even policies designed to appeal to (and that would economically benefit) affluent individuals may not counter the negative effects of restricting rights for states that choose to do so among highly educated professionals, especially those identifying as Democrats. While other Republican-leaning professions may be indifferent to rights infringement, restricting rights is unlikely to be viewed as a positive attribute (Nelson & Witko 2021). This may mean that economic policies cannot "buy off" support for rights restrictions.

Some Testable Questions

The preceding discussion raises a number of questions. First, how do people weigh "rights" against economic policies, economic conditions, and state amenities in their interstate migration decisions? Second, how do these weights vary across gender, race/ethnicity, sexuality and education given that these categories are associated with the likelihood of having one's rights restricted and the likelihood of having resoruces to flee? Finally, how do migrants that are economically desirable from the perspective of state policymakers and who generally have a greater ability to move should they desire (i.e. the affluent and educated) respond to restrictions on the rights of different groups and weight these in their interstate migration decisions? What role does partisanship play in all of this? We explore each of these questions using the survey experiment described below.

More formally, we examine the following questions:

- Q1: Do rights restrictions/expansions affect evaluations of hypothetical job opportunities?
- Q2: How does the effect of rights restrictions/expansions compare to the effects of other state amenities, specifically, weather and housing prices in evaluating job opportunities?
- Q3: How does the effect of rights restrictions/expansions compare to the effects of economic and fiscal policies in evaluating job opportunities?
- Q4: How does the effect of rights restrictions/expansions in evaluating job opportunities vary by education?
- Q5: How does the effect of rights restrictions/expansions in evaluating job opportunities vary by party identification?

- Q6: How does the effect of rights restrictions/expansions in evaluating job opportunities vary by whether an individual is actively seeking a new job?

Research Design

Given the small numbers of people that move interstate in a given year standard surveys that track interstate migration (e.g. American Community Survey and Current Population Survey) typically lack the power to identify how policy factors shape interstate migration using observational data. Furthermore, these observational data would not tell shed much light on individual decision processes, keeping us ignorent of how individuals weigh these different factors in their interstate migration decisions. A better approach to understanding how people weight policy in their potential migration decisions is using conjoint survey experiments, which allows us to understand how individuals simultaneously weight a large number of factors (Hainmueller, Hopkins & Yamamoto 2014, Nelson & Witko 2020, Nelson & Witko 2022).

We use a conjoint survey experiment that approximates a situation where policy is somewhat salient, for whatever reason (e.g. because the individual is interested in policy or the media has been covering a particular policy extensively, as sometimes happens with things like major tax cuts or increases, or abortion laws and voting restrictions) and every respondent is contemplating a hypothetical interstate move to begin a new employment opportunity.

We present respondents with pairs of side-by-side job offers randomizing state economic and rights policy attributes as well as job attributes and state amenities and other conditions. We ask subjects to rate the attractiveness of each job and how willing they would be to take each job. This experimental approach follows many existing studies in the field of human resource management that examine why some jobs are more attractive than others, and which focus on how different attributes of hypothetical or actual jobs are viewed by those in the labor market or in college about to enter the labor market (Becker, Connolly & Slaughter 2010, Cable & Judge 1994, Carless 2005). These experiments show that pay and benefits are very importan to job seekers (Cable & Judge 1994), a result we have also found (Nelson & Witko 2021, Nelson & Witko 2022), but amenities also enter into job-related relocation decisions (Turban, Campion & Eyring 1995). Conjoint experiments are also increasingly common in the study of politics and public policy (Carlson 2015, Franchino & Zucchini 2015, Kirkland & Coppock 2017, Teele, Kalla & Rosenbluth 2018).

This design enables us to estimate how rights and economic policies affect evaluations of job opportunities in the context of something approximating the actual decisions people making an interstate move face,

while not highlighting which attributes we are interested in to avoid expressive responses. The treatments will allow us to understand the causal impact of these factors on micro-level decisions about interstate migration by estimating the average marginal component effect (Hainmueller, Hopkins & Yamamoto 2014).[1] The non-policy attributes that we include enable us to estimate how sensitive respondents are to rights abridgment because the experimental design induces trade-offs between non-rights-based considerations (like salary) and rights-based policies (Nelson & Witko 2022). Our design also enables us to examine how important policies are compared to other attributes of states (such as climate) that are known to affect migration (Partridge 2010). While this conjoint has a large number of attributes, we were mindful that the number of attributes we included was not so large where satisficing would affect the results to any substantial degree (Bansak, Hainmueller, Hopkins & Yamamoto 2018). To further limit respondent fatigue, we randomized the order of attributes across respondents, but kept that order constant across pairs of job offers for each respondent.

Table 1 gives the attributes and their realizations. When selecting values for each attribute, we used realistic ranges to maximize external validity (De la Cuesta, Egami & Imai 2021). For example, the housing prices range from the actual lowest to highest state median price (Alabama and California); the January temperatures are reflective of actual high and low state values. The Company Culture attributes were drawn from example job advertisement statements from those used in a field experiment by Schmidt, Chapman & Jones (2015). Similarly, the variation in policy realizations that we are interested in is realistic. The tax on millionaires reflects California's actual policy, while several states have no income tax, for example. The values for minimum wage and education spending were also based on actual state policy variation. And the "rights" policies were taken from recent legislation enacted in the states.

We fielded our survey on 1100 respondents recruited through Prolific in March 2022. As with any data source, Prolific has advantages and disadvantages; like any nonprobability sample, the data we collected are not nationally representative and Prolific respondents can often be semi-professional survey respondents. On the other hand, multiple studies have found that Prolific's data quality compares favorably to other similar sample pools, especially Amazon's MTurk and Lucid (Peer, Brandimarte, Samat & Acquisti 2017, Peer, Rothschild, Gordon, Evernden & Damer 2021). The fact that our sample is not nationally representative limits the claims we can make, at least without weighting the data. But the fact that our sample is younger

[1] In future work, we will also calculate marginal means (Leeper, Hobolt & Tilley 2020).

Table 1: Conjoint Attributes and Realizations

Job Opportunity Attribute	**Potential Realization**
Company Culture	• You will have the ability to work on a variety of tasks and develop your skills in many areas • The company seeks to provide employees with constructive feedback to foster their career growth • Employees are given many opportunities for advancement within the organization • You will have many opportunities to collaborate with talented people
Salary	$40,000; $70,000; $100,000; $130,000
Typical Home Price	$170,000; $340,000; $410,000; $680,000
Presidential Election Returns	• In a state that voted heavily for Joe Biden • In a state that Joe Biden barely won • In a state that Donald Trump barely won • In a state that voted heavily for Donald Trump
Location	Small college town; Rural area; Mid-size city; Major metropolitan area
Company Size	10 employees; 500 employees; 5,000 employees; Over 50,000 employees
Average January Temperature	20 degrees Fahrenheit, 30 degrees Fahrenheit, 50 degrees Fahrenheit, 65 degrees Fahrenheit
Economic Policies	• Raising the minimum wage from $7.25 to $15 per hour • Keeping the minimum wage at $7.25 per hour rather than raising it to $15 per hour • Eliminating the state income tax • Increasing the income tax on millionaires • Expanding Medicaid coverage to 140% of the poverty rate • Keeping Medicaid coverage at 100% of the poverty rate rather than expanding it to 140% of the poverty rate • Increasing K-12 per pupil spending from $12,000 to $18,000 • Decreasing K-12 per pupil spending from $12,000 to $6,000 • Forming a commission to study ways to strengthen economic growth
Recent State Social Policy	• Limiting abortion to the first 6 weeks of pregnancy with no exception for rape, incest, or health of the mother • Reaffirming the right to abortion in the first trimester (and later if the health of the mother is in jeopardy) • Prohibiting same-sex couples from adopting children • Affirming the ability of same-sex couples to adopt children • Banning the concealed carry of firearms • Permitting the concealed carry of firearms • Banning the teaching of certain ideas related to race and racial issues in the U.S. in high school history courses • Requiring the teaching of race and racial issues in the U.S. in high school history courses • Forming a commission to increase public understanding of the state's history and culture

and more highly educated than the nation as a whole is not completely disadvantageous; younger, more highly educated people are exactly the types of individuals that states seek to attract.[2]

One might object that the situation we provide respondents is very unrealistic - job seekers seldomly have multiple job offers to compare. This may be true on average, but it is probably the most economically desirable potential residents (from the standpoint of economic growth and tax revenue) who are most likely to have multiple job offers. Furthermore, job seekers usually have a current job that they can compare any potential job offer to, meaning that the conjoint approach approximates well the actual decision process that job seekers engage in. Another objection may be that people do not pay much attention to politics and would be unaware of many actual instances of rights restrictions. This is undoubtedly true for the most part, but many of the recent state examples of restrictions (e.g. Texas's SB8) received a lot of national media coverage. Furthermore, as we note above, states and firms within them are trying to attract the most highly educated employees who are likely to be more aware of and sensitive to examples of backsliding.

Respondents were presented with ten pairs of hypothetical job offers, each with nine randomly assigned traits. After reading each pair of job offers, respondents answered three questions: First, we asked respondents to rate the attractiveness of each job offer on a 4-point scale ranging from "Very attractive" to "Not at all attractive." Respondents also selected the job they were more likely to accept. These two types of ratings are our two outcome variables of interest. We focus our discussion in this manuscript on the simpler, dichotomous job selection outcome.

We analyze the experiment by estimating the average marginal component effect (AMCE) of each of the attributes of the job offer (Hainmueller, Hangartner & Yamamoto 2015). The AMCE provides the marginal effect of each attribute over the joint distribution of the other included attributes, similar to estimating a regression with a suite of categorical variables. Estimated AMCEs are identical to the coefficients estimated from a multivariate linear regression (Hainmueller, Hangartner & Yamamoto 2015), and must be interpreted relative to an omitted baseline category. We cluster our standard errors at the respondent level to account for the fact that each respondent rated multiple pairs of profiles.

[2]To provide some descriptive data on the sample, our respondents had a high degree of educational attainment: 56% of profiles were rated by a respondent with a college degree and skewed female (60% of respondents). Our median respondent was 37 years old (25th percentile: 30; 75th percentile: 49). The sample was also overwhelmingly white: 81%. 59% of respondents indicated that they were at least "somewhat liberal" on a 7-point idoelogical self-placement item. The sample was also interested in politics: 77% of respondents reported that they follow "whats going on in government and public affairs" at least "some of the time" and 78% said that they vote in national elections"nearly always."

Results

Armed with these experimental results, we now address the results of each our research questions in turn. To focus analysis, we limit our discussion to the job selection outcome variable and present the results for the job rating outcome (which are similar) in the appendix.

Do rights restrictions/expansions affect evaluations of hypothetical job opportunities?

Beginning with the most basic question, do rights resrictions and expansions affect evaluations of job opportunities, the answer is clearly yes. In Figure 1 we present the change in the probability of selecting a job given the presence of a particular attribute relative to the baseline attribute. The results for the rating of the jobs are substantively similar and we present those in the Appendix. The Carolina blue plots show the effects of economic policy, while the other shade of blue demonstrates the effect of rights policies. We see that some types of both policies matter.

For economic policy, compared to the baseline of forming a commission to examine ways to spur economic growth, a large decrease in K-12 spending in a state is associated with about 5% reduction in choosing a particular job. Keeping the minimum wage at $7.50 rather than raising it to $15 and limiting Medicaid expansion to 100% rather than expanding it to 140% of the poverty rate are also associated with a 4%-5% reduction in the probability of selecting a job offer, all else equal. Notably, eliminating the income tax does not have a significant effect.

For rights policies we see that, where these policies have an effect, their effects are larger than the effects for the economic policies. Restricting the rights of same-sex couples to adopt, restricting abortion rights, and restricting the teaching of certain concepts related to race reduce the probability a job would be selected by around 10%. Gun rights have smaller—and polarizing— effects. Compared to the state forming a commission to increase understanding of the state's history, both permitting and banning concealed weapons are associated with slight declines (about 3%) in job acceptance, though the ban is not quite significant. Notably, the more liberal policies in our dataset have no effect relative to the baseline (rather than increasing the probability one would select the job offer): neither affirming the rights of LGB couples to adopt, nor requiring the teaching of race, nor banning concealed carry, nor affirming the right to abortion is associated with any change in the probability that a respondent selects that job offer.

One way of understanding the difference in the liberal and conservative policies is that individuals are loss averse when it comes to rights (and perhaps to some extent economic policy). Loss aversion refers

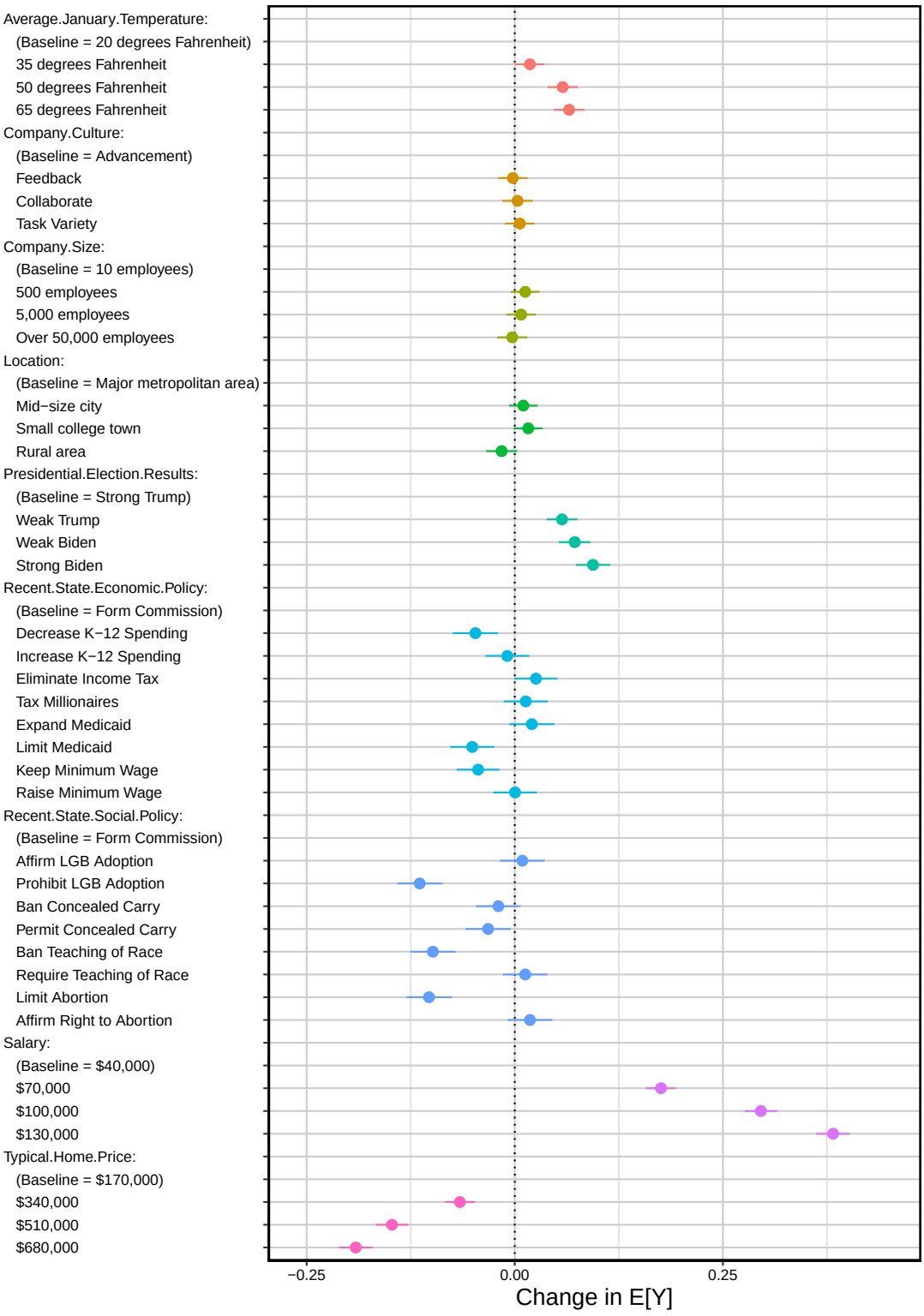

Figure 1: AMCE Results, Job Selection Outcome. The dots plot the Average Marginal Component Effect, and the whiskers provide 95% confidence intervals. Positive values of the outcome variable indicate that the respondent was more likely to select a job with that feature, compared to the baseline.

to the fact that people tend to be more leery of changes or choices when outcomes are framed in terms of loss rather than potential gains (**?**). Here, we see that *taking away a right is more repellant to job seekers than affirming or giving a new right is*. For instance, prohibiting same-sex adoption or abortion has much larger absolute effect sizes than affirming either right. We arguably see something similar for some economic policies. For example, decreasing K-12 spending is punished more than an increase is rewarded, and keeping the minimum wage low is punished more than a state is rewarded for raising it to $15, and similarly for Medicaid expansion.

Unsurprisingly, as in our past research, salary is the largest factor shaping job choice. Each $30,000 increase in salary is associated with about a 0.14 increase in the probability that a job is selected. Yet, rights policies still have substantial effects compared to salary. For example, the effect of prohibiting same-sex adoption is around 2/3 the size of the effect of moving salary from $40,000 to $70,000. That is, based on these results respondents would be willing to trade about $20,000 in salary to not live in a state that prohibits adoption by same-sex couples.

How does the effect of rights restrictions/expansions compare to the effects of other state amenities, specifically, weather and housing prices in evaluating job opportunities?

Beyond the effects of salary—the most obvious consideration for someone interested in changing jobs—we can benchmark the effects of rights to other determinants of job selection. Recently, for example, much has been made of housing prices driving people away from expensive coastal states, especially California. We can see in our results that the average January temperature and housing prices do matter for evaluating jobs; individuals are more likely to select jobs in places with warmer winters and lower housing prices. Figure 1 suggests that respondents are about 7% more likely to accept a job in a state with 65 degree average temperature in January compared to one with an average of 20 degrees. The size of this effect is similar to the effects we observe for decreasing education spending, limiting medicaid, and keeping a low minimum wage but smaller than the effects of prohibiting gay couples from adopting, banning the teaching of racial issues in high schools, or limiting the right to abortion.

Housing prices have quite large effects on job selection outcomes. Going from the least expensive state (Albama's median home price) to the most expensive state housing price (based on California's median) makes a respondent nearly 20% less likely to accept a job. These effects are considerably smaller than salary, but larger than policy. Nevertheless, it is clear that people value rights policies to a considerable

degree compared to housing prices. For example, the negative effects of an abortion ban are larger than the negative effects of moving from a $170,000 housing price to a $340,000 price, and nearly as large as moving to a $510,000 home price state. This, along with the salary discussion above, shows that people are willing to sacrifice quite a bit economically to avoid living in a state that strips certain rights.

How does the effect of rights restrictions/expansions compare to the effects of economic and fiscal policies in evaluating job opportunities?

Looking again at Figure 1 we can see that, while both social and economic policies can affect the probability that a respondant selects a job offer, rights policies generally have larger effects on job choices than economic policies. This is perhaps reflective of our sample, which was skewed toward the more highly educated. In the future we hope to conduct this survey with a truly random national sample, which will give us a better sense of how this would matter in the overall population, short of that, we could weight these responses by national demographics.

Overall, though, we can conclude that among a sample skewed toward the economically desirable it is unlikely that states can trade off attractive economic policies for unattractive rights policies, since the latter have much larger effects on people's decisions to accept hypothetical jobs. This is perhaps not surprising to political scientists given the fact that these issues are of increasing salience in campaigns and elections and more critical to voting decisions than material issues in many recent years (De Vries, Hakhverdian & Lancee 2013, Hanretty, Lauderdale & Vivyan 2020, Knuckey 2005). However, it may surprise state policy makers who overwhelmingly emphasize economic policies as a means to attract interstate migrants over the last several decades.[3]

How does the effect of rights restrictions/expansions in evaluating job opportunities vary by education?

Recall that states are not equally trying to attract all individuals. They want highly educated, affluent migrants who can contribute to growing the economy. While there are too few affluent people in conventional surveys to measure the difference between the wealthy and the rest, we can examine the differences between the highly educated and the less educated.

Figure 2 displays the results of the conjoint experiment for individuals who have no college degree and those that have completed a 4-year degree. Overall, our sample had a high degree of educational

[3]Though, as our examples in the front of the paper indicated, this is perhaps begining to change.

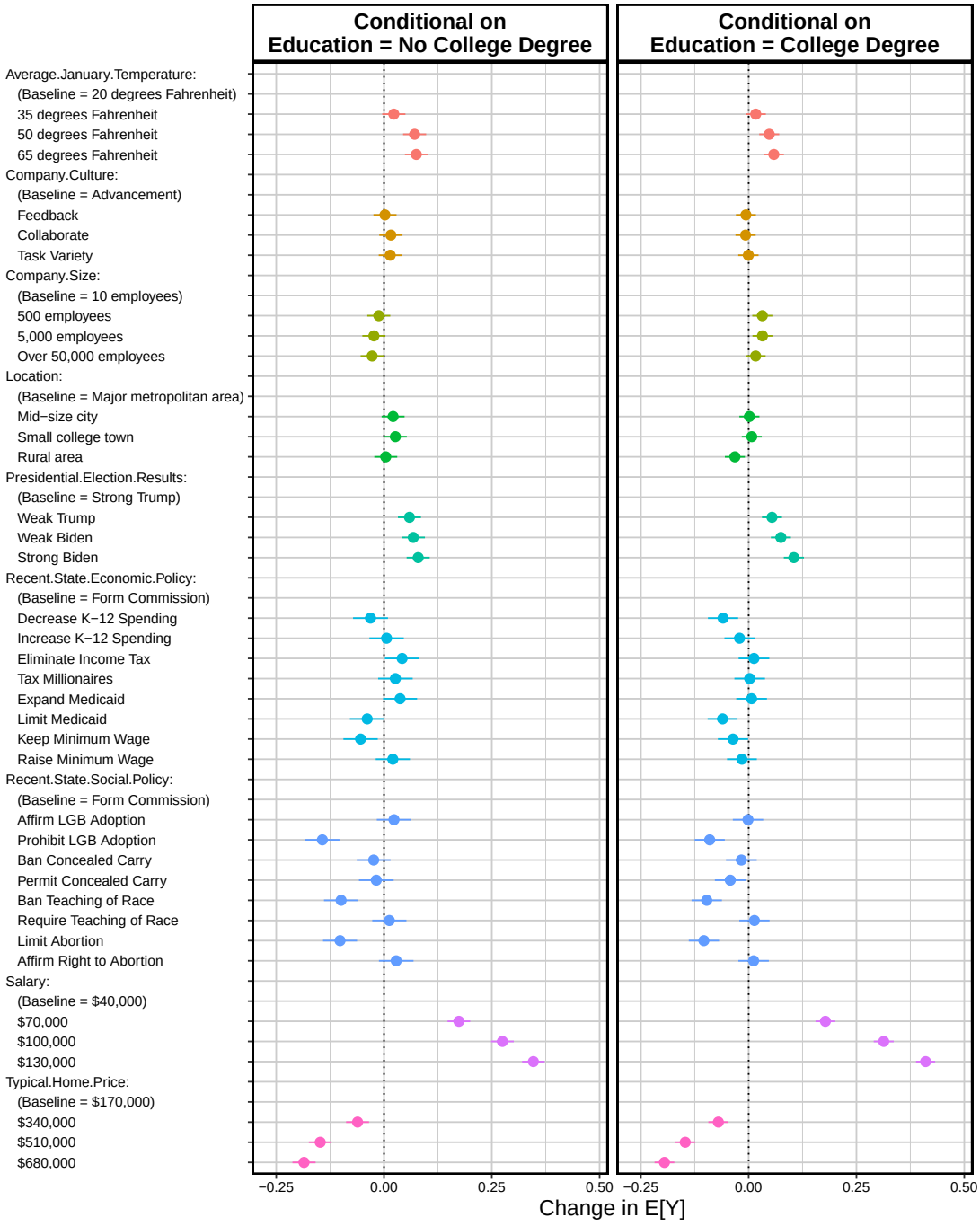

Figure 2: AMCE Results, Job Selection Outcome, by Educational Attainment. The dots plot the Average Marginal Component Effect, and the whiskers provide 95% confidence intervals. Positive values of the outcome variable indicate that the respondent was more likely to select a job with that feature, compared to the baseline..

attainment: 56% of profiles were rated by a respondent with a college degree. We see that there are only very modest differences between those with college degrees (right panel) and those lacking a college degree (left panel). In fact, surprisingly, those without college degrees are actually more averse to taking a job in a state that prohibits same-sex adoption than those with college degrees, though this difference is not statistically significant. Again, the lack of difference between those with a college degree and those without a college degree may reflect that our sample is atypical, or it might simply reflect that most people are quite comfortable these days with same-sex rights (Hout 2021) and the legal restrictions are just driven by a small minority of the Republican base.

How does the effect of rights restrictions/expansions in evaluating job opportunities vary by party identification?

Next, we turn to how these effects vary by party, shown in Figure 3. We code leaners as partisans; overall, 64% of the respondents identified as Democrats and about one-quarter of respondents were Republicans. Democrats prefer to avoid jobs in states that decrease K-12 spending, limit Medicaid and keep the minimum wage at $7.25, while preferring states that raise the minimum wage, expand Medicaid, tax millionaires at a higher rate and, initially puzzlingly, eliminate the income tax. While this is logically impossible in a single state, these possibilities were not offered simultaneously and reflect that Democratic respondents were attracted to profiles that listed a tax policy. Overall, the size of these economic effects is fairly small, about a 3% or 4% change in their probability of selecting the job offer.

On the rights policies, Democrats prefer jobs in states that affirm the right to abortion and avoid states that permit concealed carry of firearms, ban the teaching of certain concepts related to race and that limit access to abortion. These effects are generally larger than the effects of economic policy. Democrats are 15% less likely to select a job offer in a state that prohibits the rights of same-sex people to adopt children, 14% less likely to take a job in a state that bans the teaching of race in high schools, and 14% less likely to take a job in a state that restricts the right of abortion. Benchmarking these effects against the treatments for a state's partisan lean, we see that the size of these effects is slightly more than the difference in the effect of moving from a weak Biden state to a strong Trump state (0.13) and slightly less from the effect of moving from a strong Biden state to a strong Trump state (0.18)

Independents, in the middle panel, are largely resistant to policy as a driver of job choice. Only two of the economic *or* social policies is associated with a change in the probability that a respondent who identifies

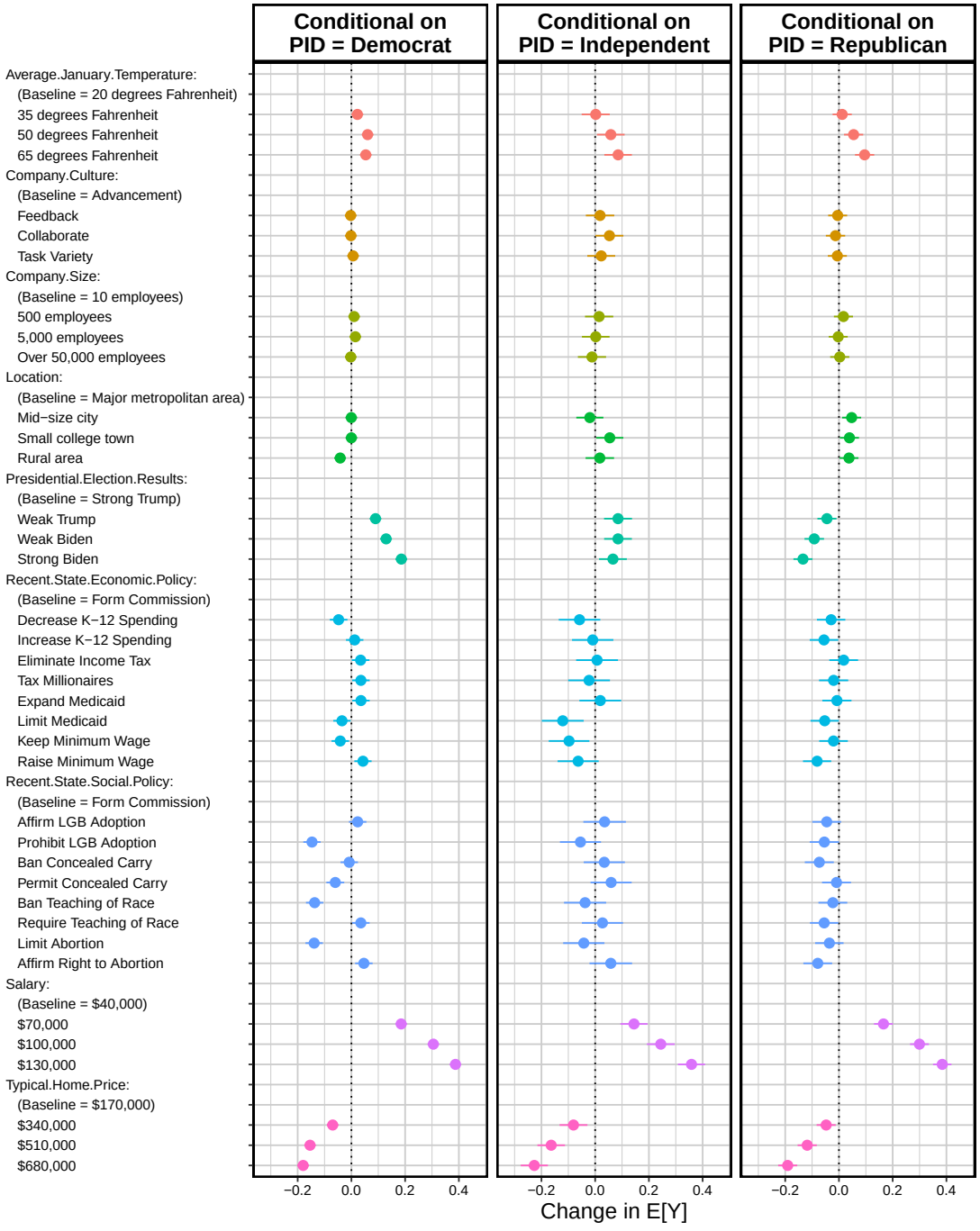

Figure 3: AMCE Results, Job Selection Outcome, by Partisanship. The dots plot the Average Marginal Component Effect, and the whiskers provide 95% confidence intervals. Positive values of the outcome variable indicate that the respondent was more likely to select a job with that feature, compared to the baseline..

as a true independent selects a job offer. These respondents are 12% less likely to select a job in a state that limits Medicaid and 10% less likely to select a job in a state that keeps its minimum wage at $7.25. Note that both of these effects are actually larger than the analogous effects for Democratic respondents. And, perhaps surprisingly, there are *no* relationsips between social policy adoption and job selection among Independent respondents.

Finally, we turn to the one-quarter of respondents who identified as Republicans. For these respondents, an increase in education spending is associated with a 6% decrease in the probability that an individual selects a job offer; respondents were 5% less likely to select a job in a state that limits Medicaid expansion and 8% less likely to take a job in a state that raises the minimum wage to $15 an hour. Three social policies have statistically significant effects: respondents were 7% less likely to take a job in a state that bans the concealed carry of firearms, 5% less likely to take a job in a state that requires the teaching of racial issues in high schools, and 7% less likely to take a job in a state that affirms the right to abortion. It might seem strange that Republicans do not prefer states where same-sex adoption is prohibited, but again this could reflect that most people now have socially liberal attitudes on such questions (Hout 2021). Benchmarking these effects against a state's presidential election results, these effects are a bit smaller than the effect of going from a strong Trump state to a weak Biden state (0.09) but on par with the difference in moving from a weak Biden state to a weak Trump state (about 0.05).

How does the effect of rights restrictions/expansions in evaluating job opportunities vary by whether an individual is actively seeking a new job?

States are, of course, more likely to be able to attract people that are looking to move. Job search status might also affect responses to the experiment: people who are looking for jobs may be more sensitive to various attributes while those not looking may be more expressive in their responses. Thus, we break the sample into three groups: those not looking for a job, those not looking but open to a new job, and those actively looking. 44% of profiles were rated by respondents who said they were "not looking" for work, 42% were rated by individuals who said they were "open" to a new job, and the remaining 14% of profiles were rated by an individual who said they were actively looking for work. The results for each group can be found in the left, right and middle panel, respectively, in Figure 4

Beginning with respondents who are not looking for a job, we see that eliminating the income tax and expanding Medicaid is associated with a 4-5% increase in the probability the respondent selects a job.

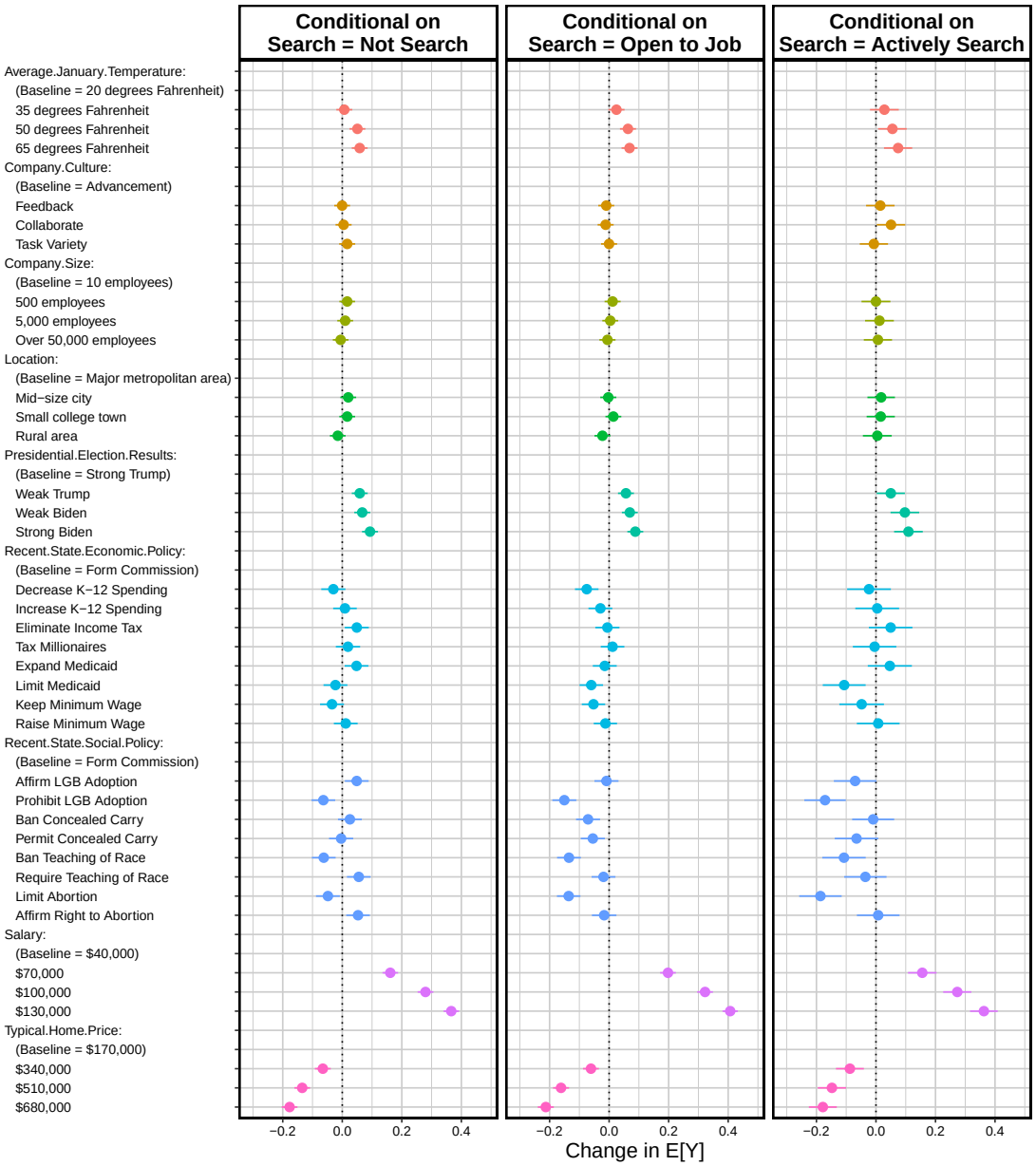

Figure 4: AMCE Results, Job Selection Outcome, by Job Search Status. The dots plot the Average Marginal Component Effect, and the whiskers provide 95% confidence intervals. Positive values of the outcome variable indicate that the respondent was more likely to select a job with that feature, compared to the baseline..

Similarly, affirming the right of same-sex couples to adopt children, requiring the teaching of race in high schools, and affirming the right of abortion are all associated with a small, but *positive* increase in the likelihood that a respondent selects a job. This group of respondents—those least likely to actually take a new job—are the only respondents among whom we find that policy adoption could make a respondent more likely to take a position. Some social policies also repel these respondents: prohibiting same-sex adoption, banning the teaching of race, and restricting abortion is associated with a 5-6% decrease in the probability that a respondent who is not looking for a job will select that job opportunity.

Among those respondents who say they are open to new employment, decreasing K-12 spending, limiting Medicaid, and maintaining a $7.50 minimum wage are all associated with a decrease in the probability that a job is selected, relative to a state forming a commission on economic issues. With regard to social policies, having a concealed carry policy, banning the teaching of race, restricting abortion, and prohibiting same-sex adoption are all associated with a decrease in the probability that a job is selected. And the size of these effects can be quite substantial: about 13-15% for abortion, racial issues, and gay adoption.

Finally, among those respondents actively looking for work (an admittedly slim proportion of respondents), there are few effects of economic policy. Only limiting Medicaid is associated with a change in the probability that a respondent will select that job. But three social policies that restrict rights—prohibiting same-sex adoption, banning the teaching of race, and limiting the right to abortion—are associated with a decrease in the probability the respondent would select that job offer and the size of these effects (17% for gay adoption and 19% for restricting abortion) are large.

In short, the people that would be most likely to be weighing moving to different states are those most repelled by rights restrictions. And again, among these individuals we see the loss aversion result that we saw in Figure 1. It seems that people are less willing to accept jobs in states where they might lose rights but are not much more likely to accept jobs in states where they might gain, or have affirmed, existing rights.

Conclusions

Proponents of federalism have argued that this constitutional arrangement provides citizens faced with displeasing liberty-reducing policies an exit option that preserves liberty. If people live in a state that is restricting their rights, then they can flee to a state that is expanding or maintaining it or people can remain in a state that does not restrict their rights. Of course this mechanism only works if people factor rights into their migration decisions. Furthermore, at the same time, states use economic policy to attract interstate migrants,

and many amenities like climate and housing prices also affect interstate migration decisions.

How the restriction of fundamental rights shapes interstate migration decisions raises critical questions regarding how the American constitutional order, and federalism specifically, affects the exercise of liberty in a time of polarization, federal gridlock, and an increasingly conservative Supreme Court. In Justice Brandeis's famous phrasing, the U.S. states are "laboratories of democracy," free to "try novel social and economic experiments without risk to the rest of the country" (*New State Ice Co. v. Liebmann* 285 U.S. 262 (1932)). The states haven taken up this mantel with gusto, experimenting on policies ranging from the adoption of state lotteries to tax rates to K-12 curricula (Shipan & Volden 2021). Beyond this benign policy experimentation lies something potentially insidious: innovation in legal policies—like restrictions on voting and political expression, limits on the availability of abortion, and curbs on transgender rights—that implicate citizens' fundamental rights. Because such policies spread across states and affect federal policy (Mooney 2020), rights limitations in even some states present risks for the rest of the country.

In this paper, we used a conjoint survey experiment to explore the relationship between state policy adoption and interstate migration decisions. In order to avoid expressive survey responses and have people evaluate how rights restrictions would affect their interstate migration in a more realistic, multidimensional decision context we conducted conjoint surveys that provided respondents with competing job offers to evaluate. We found that restricting rights is generally quite repellant to would-be interstate migrants. This is especially so for Democrats and for those actively looking for jobs. And economic policies cannot make up for these restrictions. Nor does it seem that restricting rights is attractive enough to Republicans to offset how unattractive it is to Democrats. Indeed, even for Republicans restricting rights is not attractive.

But even being unable to attract Democrats is problematic for some of the sorts of occupations that states need to attract to grow their economy and to protect public health. Democratic identification is becoming increasingly pronounced for doctors, for example. In a survey of medical students, Rook et al. (2019) found that 77.1% identify as liberal. Bonica, Rosenthal & Rothman (2019) find that younger physicians, like younger Americans in general, are heavily Democratic. Our theory suggests that states that restrict rights will have a harder time of attracting young physicians and other young, highly educated professionals that skew Democratic than they would without these rights restrictions.

This does not mean that states restricting rights are unattractive in an absolute sense. While economic policies cannot offset the effect of rights policies, housing prices can to some extent. Why are people, even many liberals, moving from states like California to Texas or from New York to South Carolina? Housing

prices and weather are no doubt important considerations. However, even here, people are willing to trade much higher housing prices to avoide living in a state that restricts rights, suggesting that if these states would not restrict rights they might attract even more migrants. Furthermore, as housing prices rise in some of the rights-restricting states perhaps they will be more likely to be punished by would-be migrants deciding not to move there.

So does federalism protect liberty by providing exit options where liberty is not restricted and do people actually consider this in their potential migration decisions? Our answer to this is a clear yes. However, it is also the case that states with cheaper housing, better jobs, and nicer weather can still likely attract many migrants while restricting liberty. This suggest that regimes that restrict rights are unlikely to stop doing so merely from the threat of less interstate migration. After all, some of the states that are restricting rights are also among the most rapidly growing in the country in terms of population.

One large puzzle that emerges from our findings is the limited evidence we find (only among those respondents who are expressly not open to a new job) that affirming rights is associated with an increase in the probability that a respondent would select a job. We have suggested that loss aversion might be one mechanism that explains this result. As we move forward with this research, we hope to explore this null relationsip further: is it truly the case that there are limited benefits for states that advance rights as their peers roll them back?

Importantly, all of our analysis is preliminary. Most obviously, our sample is made up of predominantly Democrats, and party affiliation may be related to educational attainment and job search status in our data. As we move forward, we hope to account for additional respondent-level factors to purify the effects that we estimate. Still, we think that these preliminary results provide interesting fodder for future reserach and have direct implications for the consequences of the many salient, rights-restricting policies states are adopting across the United States.

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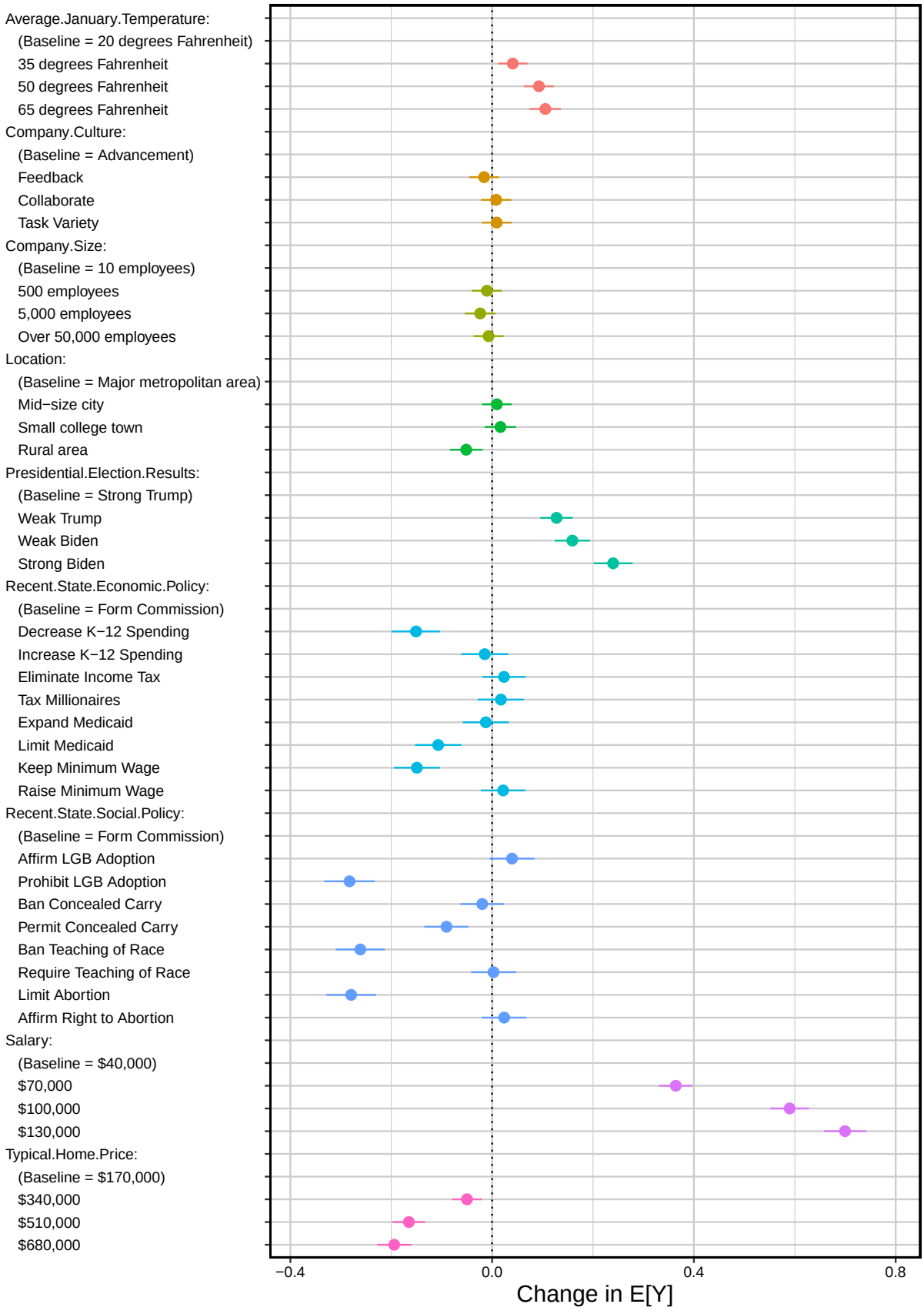

Figure 5: AMCE Results, Job **Rating** Outcome. The dots plot the Average Marginal Component Effect, and the whiskers provide 95% confidence intervals. Positive values of the outcome variable indicate that the respondent was more likely to select a job with that feature, compared to the baseline..

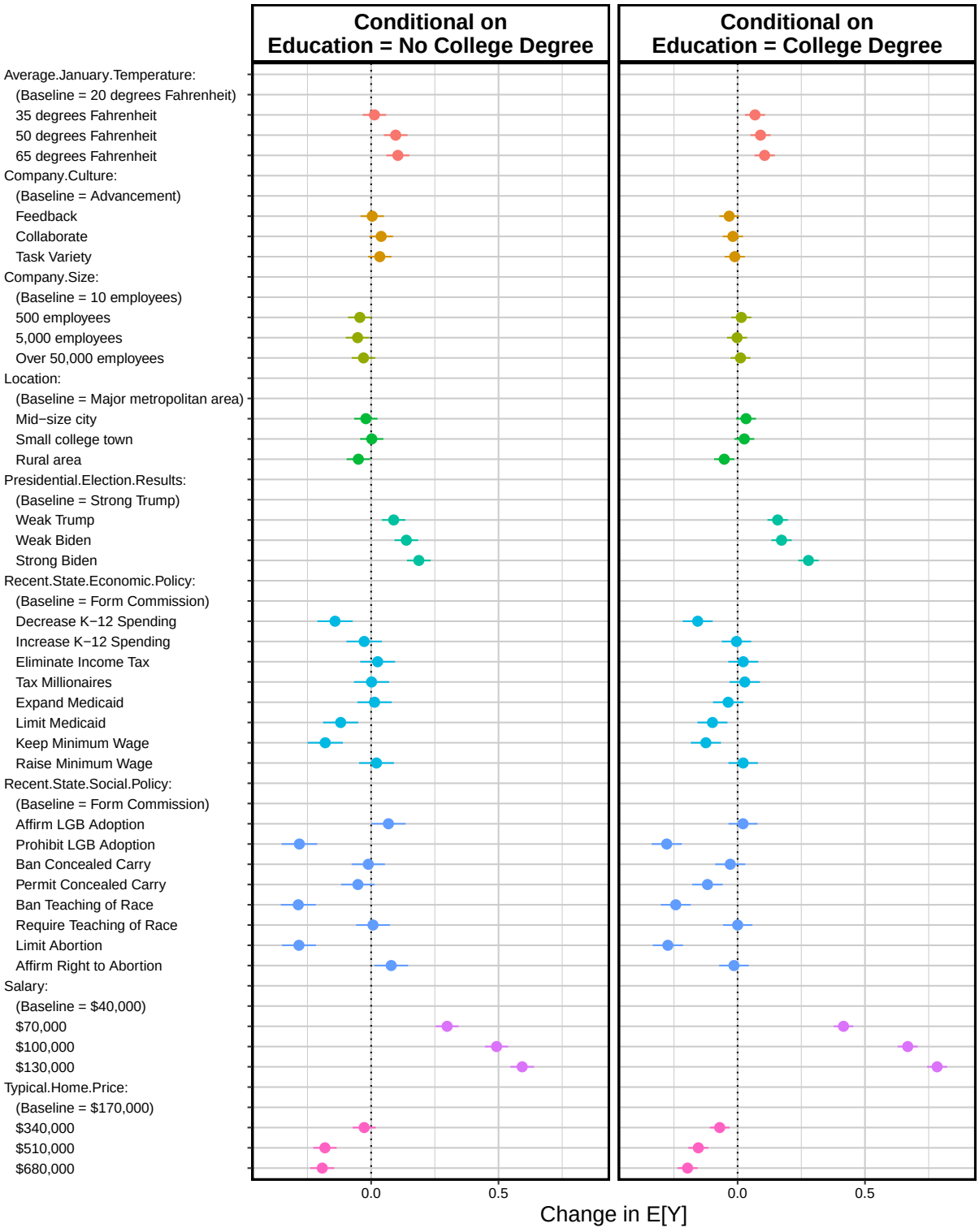

Figure 6: AMCE Results, Job **Rating** Outcome Outcome, by Education Status. The dots plot the Average Marginal Component Effect, and the whiskers provide 95% confidence intervals. Positive values of the outcome variable indicate that the respondent was more likely to select a job with that feature, compared to the baseline..

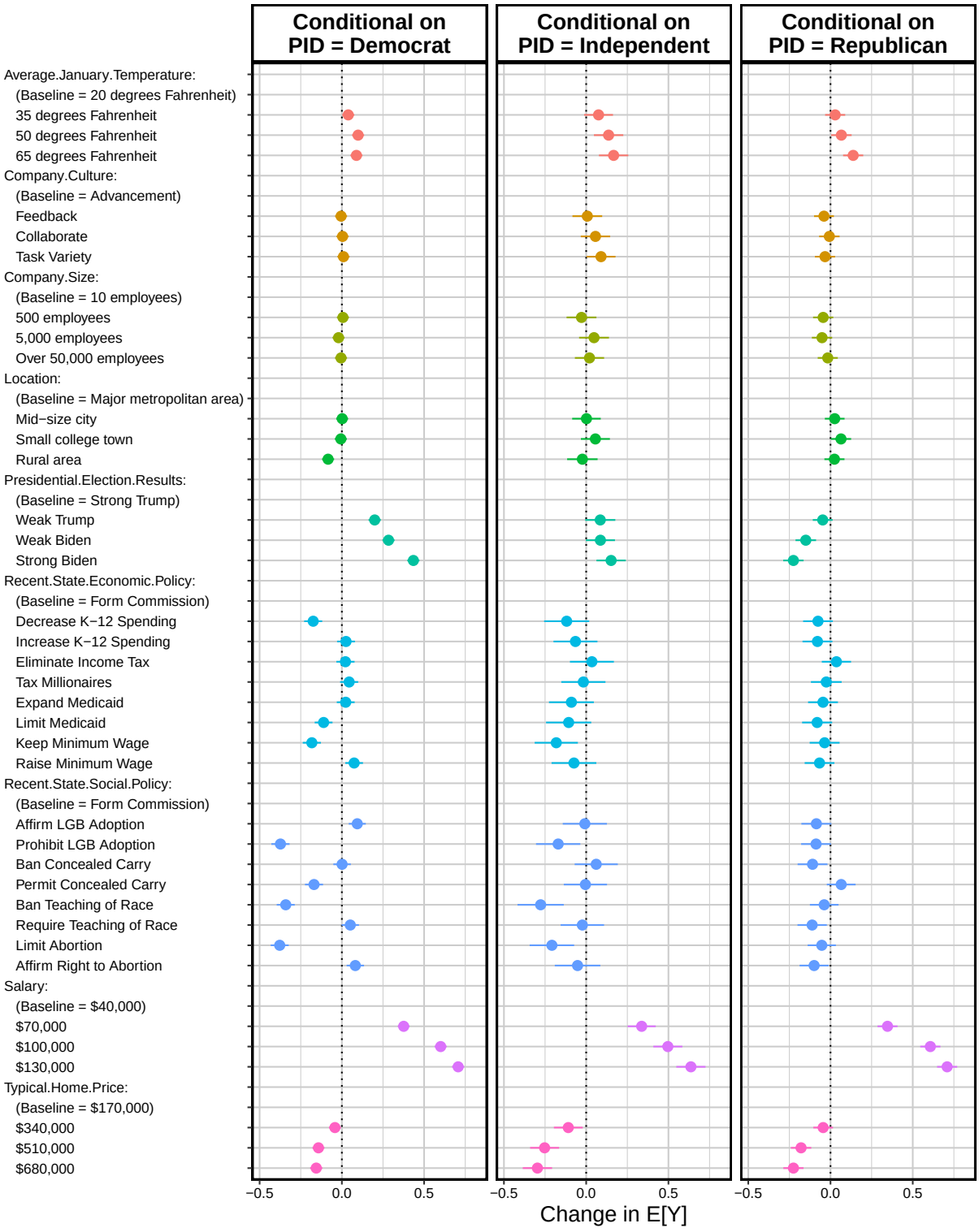

Figure 7: AMCE Results, Job **Rating** Outcome Outcome, by Partisanship. The dots plot the Average Marginal Component Effect, and the whiskers provide 95% confidence intervals. Positive values of the outcome variable indicate that the respondent was more likely to select a job with that feature, compared to the baseline..

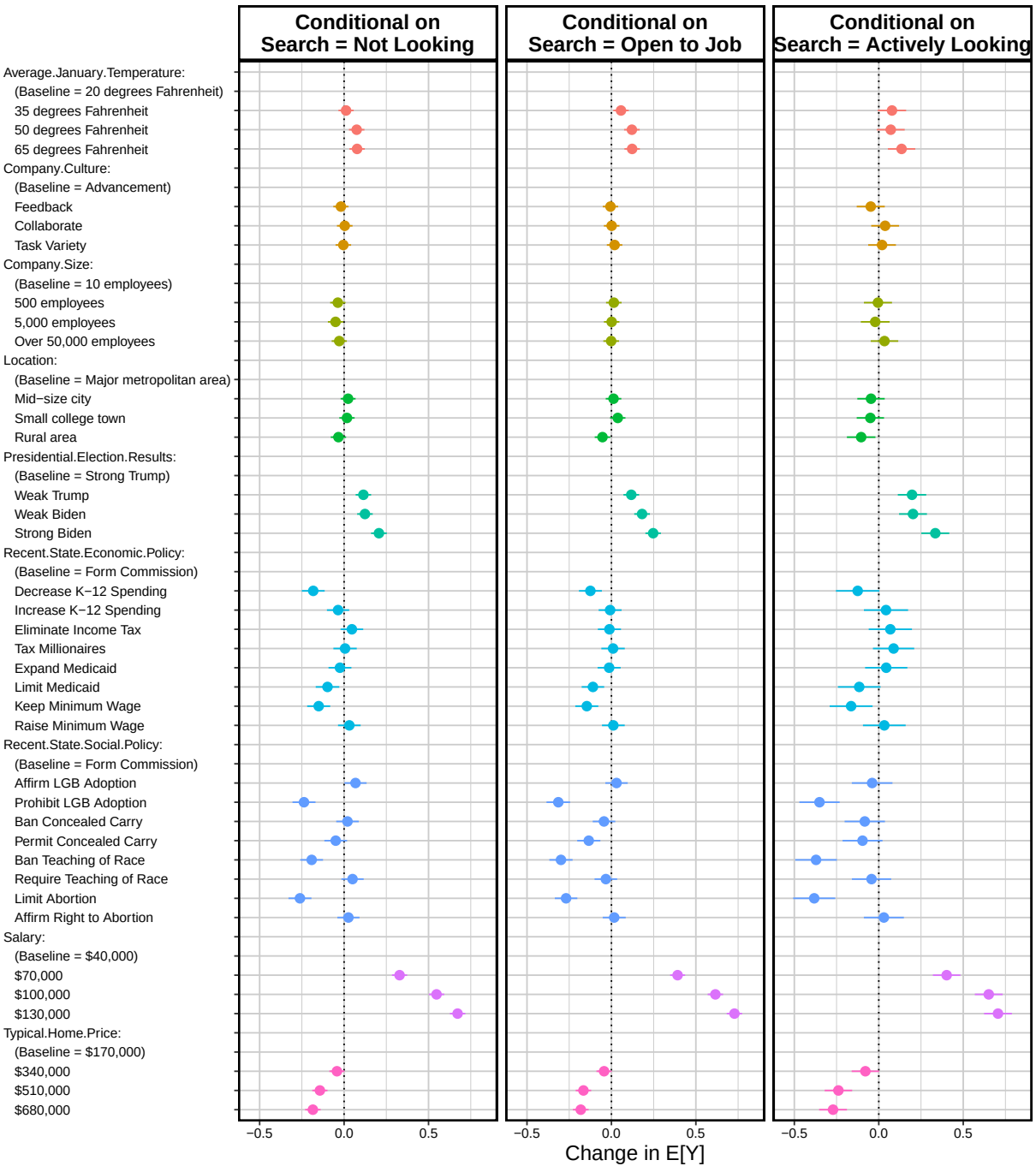

Figure 8: AMCE Results, Job **Rating** Outcome Outcome, by Job Search Status. The dots plot the Average Marginal Component Effect, and the whiskers provide 95% confidence intervals. Positive values of the outcome variable indicate that the respondent was more likely to select a job with that feature, compared to the baseline..