

## *Public Preferences, Political Party Control, and Restrictive State Abortion Laws*

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This study examines the process by which state legislators respond to the public's preferences about abortion policy over time. We examine the determinants of the enactment by a state of a parental involvement law employing the event history analysis approach. The empirical results suggest that, in the short-term, neither the public's abortion preferences nor institutional control of state government by the generally prolife Republican Party has a significant impact on the enactment of a parental involvement law, while institutional control by the generally prochoice Democratic Party significantly decreases the likelihood of the passage of a parental involvement law. In the long-term, the public's abortion preferences are positively associated with the enactment of a parental involvement law. However, when the Republican Party or the Democratic Party have institutional control of the executive and legislative branches of state government, this allows each political party to support or oppose the enactment of a parental involvement law consistent with each party's public position on the abortion issue, regardless of the public's abortion preferences or the competitive electoral environment. The empirical results remain robust for a variety of alternative specifications.

State abortion policy continues to be an important area of study for social scientists. Abortion is a highly salient, visible, contentious and controversial issue, in which proponents and opponents have intense, inflexible and passionate positions based on strong moral beliefs or civil liberties. Nearly everyone is familiar with the issue and has a well-formed opinion, position or belief about abortion, including virtually every candidate for public office. Seemingly, there is, to all appearances, no compromise or middle position on the abortion issue: either life begins at conception or not, either a woman is allowed to have an abortion or not. Since the U.S. Supreme Court made abortion legal in 1973, there have been more than 48 million abortions performed. In 2005, 22 percent of all pregnancies ended in an abortion (Jones et al. 2008). Furthermore, state legislatures have become the major arena where the debate over the enactment of restrictive abortion laws is taking place (Meier and McFarlane 1993). This underscores the importance of understanding the determinants of a state's abortion policy.

Of particular interest is the relationship between public abortion attitudes and state abortion policy—how responsive are state legislators to public preferences about the desired level of abortion policy over time. The

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dynamic temporal process by which state legislators respond to the public's preferences about abortion policy has received virtually no attention in the abortion politics literature.

A growing body of scholarly literature portrays policy responsiveness as a dynamic process characterized as a thermostat. The thermostatic model of policy responsiveness developed by Wlezien (1995) argues that elected representatives adjust public policy to reflect public attitudes about the preferred level of policy (i.e., the preferred temperature of the public). The public, in turn, responds to this adjustment by reducing their level of support for additional policy changes. According to Wlezien (1995, 981-82), a thermostatic public may be required for public policy responsiveness because, "if the public did not notice and respond to changes in policy, then politicians would have little interest to represent what the public wants."

During the last 20 years, there have been numerous studies that have examined the determinants of a state's abortion policies using cross-sectional data (Norrander and Wilcox 1999; O'Connor and Berkman 1995; Meier and McFarlane 1993; Cohen and Barrilleaux 1993). In general, these studies find that the public's abortion attitudes have a direct effect on a state's abortion policies. The more conservative the public's abortion attitudes, the more restrictive a state's abortion policies, and the more liberal the public's abortion attitudes, the less restrictive a state's abortion policies. Gerber (1996) found that the public's abortion attitudes have an indirect effect on a state's abortion policies, depending on whether or not a state has an initiative process. In states with an initiative process, antiabortion interest groups are able to influence legislatures to enact restrictive abortion policies, regardless of the public's abortion preferences, because of the threat of an initiative. However, none of these studies systematically addresses the relationship between public abortion preferences and state abortion policy *over time*.

This paper investigates the relationship between public abortion preferences and state abortion policies over time. In effect, this paper tests whether Wlezien's thermostatic model of policy responsiveness is applicable to state abortion policies. This paper examines several important questions about the enactment of state abortion policies. To what extent does state abortion policy follow public preferences over time? What is the impact of the generally prolife Republican Party's and the generally prochoice Democratic Party's abortion ideology on a state's abortion policy? Do state lawmakers calibrate their state's restrictive abortion policies solely to the public's preferences about abortion policy? Has the impact of the public's and the Republican and Democratic Party's abortion attitudes on a state's abortion policy changed over time?

### **The Thermostatic Model of Policy Responsiveness**

Wlezien (1995) formalized a dynamic model of policy responsiveness and characterized the relationship as a thermostat. He showed that when the public wants more federal spending on defense, elected officials adjust spending to reflect the preferences of the public. The public, in turn, responds to this adjustment by reducing their level of support for additional changes. In effect, the public behaves like a thermostat. A deviation from the public's preferred policy temperature produces a signal to adjust the policy and once sufficiently adjusted the signal stops.

Following Soroka and Wlezien (2005), the public's relative policy preference,  $R_t$ , represents the difference between the public's preferred level of policy,  $P_t^*$ , and the level of policy enacted  $P_t$ :

$$R_t = P_t^* - P_t$$

The public's relative preferences tell us not what the public wants, but rather what they want relative to what the government policy is currently. When public policy preferences  $P_t^*$  or public policies  $P_t$  change, the relative preference signal  $R_t$  changes. In other words, what the public appears to want ( $R_t$ ) is sensitive to changes in their preferences ( $P_t^*$ ) as well as changes in public policy ( $P_t$ ). However, typically  $P_t^*$  the public's preferred level of policy is not observed. If policymakers are responsive to public policy desires, changes in policy will be associated with levels of the public's relative policy preferences as follows:

$$\Delta P_t = \alpha_0 + \beta R_{t-1} + \delta Z_{t-1} + e_t$$

where  $Z$  represents the set of other determinants of policy. The coefficient  $\beta$  represents the responsiveness of policy to the public's relative preferences (independent of other influences). When there are large differences between what the public wants and the policies in place, we expect  $\beta$  to exert a larger influence on policy than when the status quo is more proximate to public preferences.

State legislators respond to changing public opinion/preferences because of electoral sanctions—the desire to be reelected. This suggests that the impact of public's preferences on policy changes has both short-term and long-term effects. In the short-term, state legislators enact policies in accordance with the public's preferences as well as other determinants of policy including their own ideological preferences. But, over the long-term, state legislators will respond solely to the public's preferences because they are motivated by reelection or because of electoral turnover as state legislators

more congruent with the prevailing levels of public preferences replace the previous state legislators (especially in states with term limits). This pattern implies that state legislators' response to public abortion preferences will increase over time and that state legislators will eventually respond primarily in accordance with the public's preferences. The Wlezien thermostatic model also suggests that, over time, public abortion attitudes will be a stronger predictor of abortion policies relative to their own past strength as well as relative to legislators' abortion attitudes.

This suggests the following empirically verifiable hypotheses of Wlezien's thermostatic model of policy responsiveness as applied to state abortion policy: (1) state legislators' response to the public's abortion policy preferences will become more congruent over time; (2) state legislators will, in the short-term, respond to a variety of policy determinants; but in the long-term, state legislators will respond primarily in accordance with the public's abortion policy preferences; (3) the more electorally vulnerable are state legislators, the greater will be the impact of public abortion preferences on state legislators' policy responsiveness; and (4) the impact of the public's abortion preferences on abortion policy should become stronger over time.

### **Restrictive State Abortion Laws**

In 1973, the U.S. Supreme Court held in *Roe v. Wade* 410 U.S. 113, that there exists a constitutional right of privacy which protects a woman's right to terminate an unwanted pregnancy. *Roe v. Wade* established a strict scrutiny standard which limited state regulation of a woman's access to abortion during the first and second trimesters of pregnancy. In 1989 the Supreme Court, in *Webster v. Reproductive Health Services* 492 U.S. 490, signaled it was prepared to allow state legislatures more autonomy to regulate and restrict women's abortion access. The *Webster* decision upheld a Missouri abortion law that prohibited public facilities and public employees from performing, assisting, encouraging or counseling abortions and had the effect of transferring regulatory authority over abortion access to state legislatures. In 1992 the Supreme Court, in *Planned Parenthood of Southeastern Pennsylvania v. Casey* 505 U.S. 833, officially rejected *Roe's* strict scrutiny standard by applying a less strenuous test for determining the constitutionality of a state's abortion restrictions. In *Casey*, the Court ruled that states could enact laws or regulations restricting a woman's access to an abortion provided that the restrictions did not impose an undue burden—a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus. Since 1973, there are five major types of restrictive state abortion policies that have passed the constitutional scrutiny of the Supreme Court.

Medicaid is a joint federal and state health insurance program that funds medical services for the poor in each individual state. In 1980 the Supreme Court, in *Harris v. McRae* 448 U.S. 297, ruled that the federal government was not constitutionally obligated to use federal funds to reimburse states for the cost of an abortion provided to women on Medicaid. As a result, the funding of Medicaid abortions was left solely to the discretion of each state. Since the overwhelming majority of the states that continued to fund Medicaid abortions were ordered to do so by their state Supreme Courts, state funding of Medicaid abortions is not an adequate measure of a state's abortion policy. In 2010, there were 17 states that funded Medicaid abortions—but 13 of these states did so because of a decision by their state Supreme Court.

Mandatory delay laws require that, from the time women request an abortion, they must wait a specified time period (typically 24 hours) before the abortion can be performed. However, mandatory delay laws have only been in effect since the Supreme Court ruled them to be constitutional in the 1992 *Casey* decision. In addition, mandatory delay laws are not especially restrictive since only five of the states that require a mandatory delay necessitate that women make two trips to a health care provider (Medoff 2007).

Mandatory counseling laws require that a woman receive abortion-specific, state-mandated informational material about the abortion procedure. Typically, the material includes information about possible health risks and medical complications, fetal development, psychological side effects, adoption options and the availability of childbearing and childrearing financial assistance. However, most states only enacted mandatory counseling laws in the late 1990s and there is considerable variation in the information that women receive and how the counseling is provided (e.g., mail, phone, internet, video, recorded phone message, in-person nurse) in mandatory counseling states. As a consequence, it is difficult to categorize the different types of state mandatory counseling laws, particularly since there is no requirement that women must actually read or listen to any informational material they receive.

Between 1997 and 2000, 13 states enacted laws prohibiting a specific late-term abortion procedure called dilation and extraction and described in the law as partial-birth abortion. In 2000 the Supreme Court, in *Stenberg v. Carhart* 530 U.S. 914, struck down all the state laws because their description of the procedure was unconstitutionally vague and the bans did not include a medical exception to protect the life and health of the woman. The period 1997-2000 is too short to make meaningful comparisons, especially since more than half of the 13 states enacted their laws in 1998. (In 2007, the Supreme Court in *Gonzales v. Carhart* 127 U.S. 1610 (2007) reversed itself and upheld a ban on this late-term abortion technique.)

Since the 1973 *Roe v. Wade* abortion decision, the Supreme Court has permitted a state to enact parental involvement laws. Parental involvement laws require unmarried minors (less than 18 years of age) to notify or obtain the consent of a parent prior to obtaining an abortion. A parental involvement law is permitted provided a state has a judicial bypass procedure that allows the unmarried minor to petition a judge for permission to obtain an abortion in the event of extenuating circumstances. Thus, over the period 1974-2008 examined in this paper, the enactment of parental involvement laws represents the most uniform and comparable source of variation in abortion policy in states. More importantly, in order to examine whether the impact of state legislators' and the public's attitudes on a state's abortion policy has changed over time, parental involvement laws provide a consistent and time-invariant measure of a state's abortion policy.

### **The Empirical Model**

The dependent variable in our study is PARENTAL INVOLVEMENT LAW, which is a dummy variable equal to one if a state enacted a parental involvement law in year  $t$  ( $t=1974-2008$ ) and zero otherwise. Table 1 lists the year each state enacted a parental involvement law.

### **Independent Variables**

The abortion policy literature suggests that the enactment of a restrictive state abortion policy depends on public abortion attitudes, interest advocacy groups, state political ideology, the demand for abortion and political forces (Roh and Haider-Markel 2003; Norrander and Wilcox 1999; Meier and McFarlane 1993).

### **Public Abortion Attitudes**

As noted by Goggin (1993), any connection between public abortion attitudes and abortion policy is contingent on whether a reliable measure of a state's public abortion attitudes exists. Most studies measure public abortion attitudes using survey data of voters, such as the 1990 CBS/New York Times Exit Poll (Goggin and Wlezien 1993) or the 1990 Washington Post Exit Poll (Cohen and Barrilleaux 1993).

One drawback in using opinion surveys is that they are only available for a limited number of years. However, Wetstein (1993, 1996) and Wilcox and Riches (2002) found that public abortion attitudes are remarkably stable over time and have not appreciably changed due to changes in the political or legal environment. Both argue that the reason for this stability is that the

**Table 1. Year of Enactment of a Parental Involvement Law**

| State         | Year of Enactment of Parental Involvement Law | State          | Year of Enactment of Parental Involvement Law |
|---------------|-----------------------------------------------|----------------|-----------------------------------------------|
| Alabama       | 1987                                          | Montana        | —                                             |
| Alaska        | —                                             | Nebraska       | 1991                                          |
| Arizona       | 1982                                          | Nevada         | —                                             |
| Arkansas      | 1989                                          | New Hampshire  | —                                             |
| California    | —                                             | New Jersey     | —                                             |
| Colorado      | 2000                                          | New Mexico     | —                                             |
| Connecticut   | —                                             | New York       | —                                             |
| Delaware      | 1996                                          | North Carolina | 1996                                          |
| Florida       | 1999                                          | North Dakota   | 1981                                          |
| Georgia       | 1991                                          | Ohio           | 1985                                          |
| Hawaii        | —                                             | Oklahoma       | 2005                                          |
| Idaho         | 1996                                          | Oregon         | —                                             |
| Illinois      | —                                             | Pennsylvania   | 1994                                          |
| Indiana       | 1984                                          | Rhode Island   | 1982                                          |
| Iowa          | 1997                                          | South Carolina | 1990                                          |
| Kansas        | 1992                                          | South Dakota   | 1998                                          |
| Kentucky      | 1994                                          | Tennessee      | 1992                                          |
| Louisiana     | 1981                                          | Texas          | 2000                                          |
| Maine         | 1989                                          | Utah           | 1974                                          |
| Maryland      | 1992                                          | Vermont        | —                                             |
| Massachusetts | 1981                                          | Virginia       | 1998                                          |
| Michigan      | 1991                                          | Washington     | —                                             |
| Minnesota     | 1981                                          | West Virginia  | 1984                                          |
| Mississippi   | 1993                                          | Wisconsin      | 1992                                          |
| Missouri      | 1985                                          | Wyoming        | 1989                                          |

abortion issue has been controversial since 1973 and nearly everyone has strong beliefs that are difficult to change because the proponents and opponents of abortion have framed the issue as a clash of absolutes between the privacy rights of a pregnant woman to choose whether or not to have an abortion versus the rights of the fetus to life.

Norrander (2001) constructed a measure of a state’s public abortion attitudes from the Senate National Election Study opinion survey data of the 1988, 1990 and 1992 U.S. Senate races. Voters were asked the single survey question “Do you think abortion should be legal under all circumstances, certain circumstances, or never legal under any circumstances.” NARAL Pro-Choice America (NARAL Foundation 2006) compiled a numerical ranking of all 50 states, ranging from 1 (most restrictive) to 50 (least restrictive), based on the number of policies that restrict women’s access to

reproductive healthcare in 2005. Most of the state policies considered were restrictions on abortion access. A Pearson Correlation test was performed between Norrander's public abortion attitudes measure and NARAL's 2005 state rankings. The correlation between the two was  $-.73$ , which is significant at the  $.0005$  level. This suggests that Norrander's public abortion attitudes measure represents a reliable indicator of a state's public abortion attitudes over time.

Accordingly, this study also uses Norrander's (2001) state public abortion attitudes measure since it is the latest available and it is unlikely that over time there was a change in the public's abortion attitudes in a state that affected the position of one state relative to another. The Norrander *Public Abortion Attitudes* measure ranges in value from 1 to 5. The value 1 indicates abortion should be legal in all circumstances and the value 5 indicates abortion should never be legal under any circumstances. The greater the value of the Public Abortion Attitudes measure the more prolife a state's citizens.

### **Antiabortion Interest Advocacy Groups**

Even though there are interest advocacy groups on both sides of the abortion issue, the Catholic Church and Evangelical Christian denominations are two groups that are highly visible, active and politically influential in their opposition to abortion. The religious philosophy of both the Catholic Church and many Evangelical Christians denominations is that life begins at conception and both groups have strong moral prohibitions against abortion equating it to murder. Both religious groups are strongly associated with antiabortion activities including lobbying, activists, protests, education and campaign contributions (Cook et al. 1993). Therefore, in states with a large Catholic or Evangelical Christian presence, local churches are more likely to have resources available to them to provide political support for restrictive abortion policies or to influence legislators' perceptions of their constituents' abortion policy preferences. Following Cohen and Barrilleaux (1993), Hansen (1993), Berkman and O'Connor (1993) and Roh and Haider-Markel (2003), this study uses as a measure of antiabortion interest group strength the percentage of the population that is *Catholic* and the percentage of the population that belongs to an *Evangelical Christian* denomination in each state for the years 1974-2008.

### **State Political Ideology**

State legislators may not have exact knowledge of their constituents' abortion attitudes, but they may have a general idea of the ideological



predilections of their constituents. A state's general political ideological orientation may have an influence on state abortion policy, independent of the public's abortion attitudes. States with a liberal inclination should be generally supportive of women's reproductive health choices and their access to abortion services. States with a conservative inclination should be generally opposed to women's reproductive health choices and their access to abortion services.

This study follows the abortion politics literature (Cohen and Barrilleaux 1993; Meier and McFarlane 1993; Berkman and O'Connor 1993) by using Erikson et al.'s (1993) measure of a *State's Political Ideology* which is the percentage of a state's population who identify themselves as liberal minus the percentage who identify themselves as conservative in the annual CBS/New York Times Poll from 1974 to 2008, averaged over the prior four years (the Berry et al. [1998] citizen ideology measure was also used and the empirical results were identical to those reported in the paper). A positive state political ideology number indicates a state whose populace tends to be ideologically liberal, while a negative state ideology number indicates a state whose populace tends to be ideologically conservative.

### **Abortion Demand**

The demand for abortion in a state may influence the enactment of a parental involvement law. The evidence of an association between the public's demand for an abortion and a state's antiabortion policies is mixed, with some researchers finding a positive relationship (Medoff 1989) and others finding no relationship (Cohen and Barrilleaux 1993). A state's *Abortion Rate* (lagged by one year to avoid the problem of endogeneity) is included to determine whether the enactment of a parental involvement law by a state is a function of abortion use.

### **Partisan Political Party Control**

The abortion issue became increasingly politicized after the 1973 *Roe v. Wade* decision. There is considerable evidence that the Republican Party and the Democratic Party and their base voters are sharply divided on the abortion issue. Adams (1997) presented empirical evidence that showed convincingly that the Democratic Party and the Republican Party legislators' position on abortion has become unambiguously ideologically polarized and more divergent. Democratic Party state legislators' position on abortion has become increasingly more prochoice on abortion and Republican Party state legislators' position on abortion has become increasingly more prolife (Layman et al. 2006; Layman and Carsey 2002). In addition, the state

legislators from each political party are far more ideologically extreme on the issue of abortion than the public (Norrander and Wilcox 1999).

Virtually all of the studies on the determinants of a state's abortion policy measure political party control (or political party strength) of a state legislature by dividing the total number of Democrats (or Republicans) in both the lower and upper houses of the state legislature by the size of the state legislature (Norrander and Wilcox 1999, 715; O'Connor and Berkman 1995, 453; Meier and McFarlane 1993, 257; Berkman and O'Connor 1993, 271; Strickland and Whicker 1992, 603). However, as noted by Burstein (1981), there is a methodological problem in using this variable as a measure of political party strength or control. Burstein (1981, 299) notes that "in majoritarian politics, the shift from minority to majority has special significance." Statistically, a shift from 30 percent to 35 percent of the legislature that are Democrats or Republicans may be the same as the shift from 48 percent to 53 percent. Politically, however, there is a crucial and critical difference between the two changes that is not captured by the standard statistics, since the latter change involves a shift from a minority political party to a *majority political party* and the ability to transform their own ideologies into policy, while the former change does not. Burstein argues that a threshold level must be reached before Democratic or Republican legislators can exert a measurable impact on state abortion policy. Until that threshold level is reached, the numerical size of the political party that is in the minority in a state legislature will not have a measurable impact on that state's abortion policy.

The literature argues that partisan political party control of state government has a direct effect on public policy, but only under certain conditions. The work by Winters (1976), Jennings (1979) and Alt and Lowry (1994, 2000) suggests that the conditions necessary for partisan control of state government to affect abortion policy are (1) the contrasting positions (stances) of the two political parties on the abortion issue must reflect the ideological cleavages (divisions) within the electorate and (2) the abortion issue is central and highly salient to the base voters of each political party. As noted by Jennings (1979, 429), "Only if parties vary in those types of characteristics would we expect policy outputs to vary with differences in control of government."

The enactment of an abortion law requires a majority vote of both houses of the state legislature and the governor's support. Thus, either house of the state legislature or the governor can reject a proposed law. The ideological divide of the two political parties on the issue of abortion suggests that the crucial political factor in the enactment of an abortion statute is which of the two partisan political parties controls *both* houses of the state legislature *and* the Governor's office. Restrictive abortion policies may be

more likely to be enacted when the generally prolife Republican Party controls state government, while partisan control of state government by the generally prochoice Democratic Party may protect abortion rights, regardless of public abortion attitudes.

Political party control is measured using two dummy variables: *Republican Control* which is equal to one if the Republican Party controls both houses of the state legislature and the Governor's office in year  $t$  and *Democratic Control* which is equal to one if the Democratic Party controls both houses of the state legislature and the Governor's office in year  $t$ .

### **Estimation Method and Data**

In order to estimate the impact of the public's abortion attitudes on the enactment of a parental involvement law and whether the impact has changed over time we employ the event history estimation technique first used by Berry and Berry (1990). The enactment of a parental involvement law by a state is a probabilistic event that may or may not occur during a given year. The dependent variable—being a probability—is dichotomous: whether or not a state enacted a parental involvement law in a given state in a given year and the independent variables are hypothesized determinants of the probability that a state will enact a parental involvement law in that year.

In the analysis of the enactment of a parental involvement law we deal with an event that is nonrepeatable by a state (i.e., once a state enacts a parental involvement law, its probability of future enactment drops to zero). But states that fail to enact a parental involvement law during a given year  $t$  still have a nonzero probability of enacting a parental involvement law during the period of analysis in the years after  $t$ . In other words, once a state enacts a parental involvement law that state's observations are dropped from the dataset.

The number of states that enacted a parental involvement law that year decreases the size of the dataset at the end of each year. This leads to a pooled cross-section time-series dataset that has a varying number of observations across states. The dependent variable for a state that enacts a parental involvement law in year  $t$  consists of a series of zeroes for all the years prior to year  $t$ , followed by a 1 in the year  $t$  of adoption and then the dataset for that state is truncated (stopped) at year  $t$ . The dependent variable for a state that does not enact a parental involvement law during the entire period of analysis (1974-2008) consists of a set of zeroes beginning in year 1974 and ending in year 2008. The estimated coefficient of an independent variable indicates the effect of a change in this variable on the probability that a state enacts a parental involvement law, given that the state had not done so in prior years, holding all other independent variables in the model constant.

The event history analysis estimation technique has several significant advantages over estimation by more conventional methods. First, since annual longitudinal variation over the years 1974-2008 is incorporated in the dataset, the hypothesized determinants of the probability that a state will adopt a parental involvement law in that year vary substantially from year to year. Secondly, the pooled cross-sectional time-series approach of event history analysis allows the dependent variable—the enactment of a parental involvement law by a state in a given year—to be a function of the independent variables in that given year. Thirdly, event history analysis can explain an event that is relatively infrequent. Thus, the event history analysis estimation technique significantly improves the ability of a model to analyze the factors that induce states to adopt parental involvement laws.

The data on parental involvement laws are from Merz et al. (1995) and the NARAL Foundation (various years). The data on the percentage of Catholics and Evangelical Christians in each state is from Quinn et al. (1982); Quinn et al. (1992); and Jones et al. (2002). The Erikson et al. (1993) state ideology scores was obtained from Gerald Wright's website (<http://www.php.indiana.edu/~wright1>). The Erikson et al. measure of state ideology is available annually from 1976 through 2003. The 1976 score is used for the 1974-75 period, while the 2003 score is used for the 2004-2008 period. Data was unavailable for Alaska and Hawaii. Robert Lowry supplied the data on the partisan composition of state legislatures and the Governors' office. Nebraska was excluded because it has a nonpartisan legislature.

### Empirical Results

Goggin (1993) has argued that the Supreme Court's 1989 *Webster* decision transferred authority over abortion regulation to state legislatures, expanded the abortion debate into state politics and political campaigns and affected the mobilization of interest groups on both sides of the abortion issue. State legislatures responded accordingly. In the first year, after the *Webster* decision, nearly 400 antiabortion bills were introduced in state legislatures and in many states there were calls for a special session to enact antiabortion legislation (NARAL Foundation 1991). Jelen and Wilcox (2003) and Norrander and Wilcox (1999) argue that the impact of the public's abortion attitudes on a state's abortion policy increased after *Webster*.

In order to test Wlezien's thermostatic model of policy responsiveness, we divided the dataset into two time periods: pre-*Webster*, 1974-1989 and post-*Webster*, 1990-2008. We use binary time-series cross-section probit maximum likelihood estimation to estimate the model. Since the relative importance of the partial regression coefficients cannot be directly compared because the independent variables are measured in different units, we con-

verted the partial regression coefficients into units of standard deviations. The maximum likelihood probit estimates of the model, with the dependent variable being the enactment of a parental involvement law by a state, over the sample period 1974-1989 appear in Table 2, column 1 and over the sample period 1990-2008 appear in Table 2, column 3.

The empirical results show that during the pre-*Webster* period, both antiabortion interest advocacy groups, Catholics and Evangelical Christians, were significantly positively associated with the enactment of a parental involvement law. This suggests that during the pre-*Webster* period the anti-abortion attitudes of the Catholic Church and Evangelical Christian denominations had a disproportionate impact in shaping public policy on the abortion issue of a parental involvement law. Abortion use rates and state political ideology did not have a significant impact on the enactment of a parental involvement law. The enactment of a parental involvement law is not a function of a state's abortion use or political ideology.

Public abortion attitudes have a positive, but statistically insignificant impact on the enactment of a parental involvement law, during the pre-*Webster* period. In the short-term, contrary to Wlezien's thermostatic model of policy responsiveness, state legislators are neither responding to nor are they reacting to the public's abortion attitudes. As hypothesized, Democratic Party control of state government significantly reduces the likelihood of a parental involvement law being enacted, while Republican Party control of state government did not significantly increase the likelihood of a parental involvement law being enacted during the pre-*Webster* period.

During the post-*Webster* period, the enactment of a parental involvement law is not a function of abortion use, a state's political ideology or the percentage of Evangelical Christians. The percentage of Catholics ( $p < .04$ ) in a state is negatively associated with the enactment of a parental involvement law. This result is consistent with prior research that a schism exists between the official position of the Catholic Church and the abortion practices of Catholic women (in 2000, Catholics represented 24 percent of the population and had 27 percent of all abortions, Medoff 2007).

Both Republican Party ( $p < .02$ ) and Democratic Party ( $p < .07$ ) control of state government significantly affect the enactment of a parental involvement law and the signs for the variables are in the expected direction. Passage of a parental involvement law is more (less) likely when the Republican (Democratic) Party controls both houses of the state legislature and the governorship. The public's abortion attitudes have a significantly positive impact on the enactment of a parental involvement law. In the long-term, state legislators' response to the public's abortion attitudes did increase over time and the numerical impact of the public's abortion preferences is greater than either the Catholic or the Democratic Control variables. However, the

**Table 2. Probit Estimates for Event History Analysis Model of Enactment of a Parental Involvement Law (Standardized Coefficients)**

| Independent Variables                             | Dependent Variable            |                  |                    |                    |
|---------------------------------------------------|-------------------------------|------------------|--------------------|--------------------|
|                                                   | Parental Involvement Law (=1) |                  |                    |                    |
|                                                   | 1974-1989                     |                  | 1990-2008          |                    |
|                                                   | (1)                           | (2)              | (3)                | (4)                |
| Republican Control                                | .053<br>(.56)                 | -1.020<br>(.58)  | .215**<br>(2.24)   | 1.642*<br>(1.67)   |
| Republican Control x<br>Public Abortion Attitudes | —                             | 1.018<br>(.62)   | —                  | -1.359<br>(1.40)   |
| Democratic Control                                | -.223*<br>(1.76)              | .564<br>(.44)    | -.239*<br>(1.81)   | 2.143**<br>(1.93)  |
| Democratic Control x<br>Public Abortion Attitudes | —                             | -.783<br>(.61)   | —                  | -2.255**<br>(2.13) |
| Public Abortion Attitudes                         | .222<br>(1.54)                | .247<br>(1.28)   | .565***<br>(4.18)  | .799***<br>(4.29)  |
| State Political Ideology                          | -.031<br>(.25)                | -.011<br>(.09)   | .214<br>(1.46)     | .253<br>(1.55)     |
| Evangelical Christians                            | .262*<br>(1.66)               | .267*<br>(1.66)  | -.019<br>(.11)     | -.015<br>(.08)     |
| Catholic                                          | .357**<br>(2.43)              | .323**<br>(2.13) | -.383**<br>(-2.03) | -.403**<br>(-2.12) |
| Abortion Demand                                   | .014<br>(.10)                 | .004<br>(.03)    | .188<br>(1.22)     | .195<br>(1.21)     |
| Log Likelihood                                    | -66.319                       | -65.679          | -57.079            | -54.382            |
| N                                                 | 671                           | 671              | 354                | 354                |

Note: Absolute value of t-statistics in parentheses. \*p<.10, \*\*p<.05, \*\*\*p<.01.

public's abortion preferences are not the only determinant of the enactment by a state of a parental involvement law, as hypothesized by Wlezien's thermostatic model. State legislators receive signals about the public's abortion policy preferences, but they also exercise considerable discretion in deciding whether to support or oppose the enactment of a parental involvement law. The polarized ideological positions of the two political parties on the issue of abortion suggests that institutional control of state government

by the Republican Party or the Democratic Party may result in an abortion policy that conflicts with the public's abortion preferences.

Since legislators from both political parties are motivated in being re-elected, the impact of Republican Party or Democratic Party institutional control of state government might vary with a state's abortion attitudes. Wlezien's thermostatic model suggests that in the short-term, the more (less) antiabortion a state's public abortion attitudes, the more (less) likely Democratic (Republican) Party control of state government will enact a parental involvement law. In the long-term, the thermostatic model implies that the impact of public abortion attitudes should dominate the link between party control and the enactment of a parental involvement law. In order to test the degree to which the link between party institutional control and the enactment of a parental involvement law is moderated by public abortion attitudes we use interaction terms. The interaction terms are the public abortion attitudes measure multiplied by each of our party control variables (Republican Control x Public Abortion Attitudes, Democratic Control x Public Abortion Attitudes). The empirical results appear in Table 2, column 2 for the pre-*Webster* period and column 4 for the post-*Webster* period.

During the pre-*Webster* period, the null hypothesis that the coefficients on the Democratic Control (Republican Control) variable and its interaction term are simultaneously equal to zero cannot be rejected. This suggests that, in the short-term, public abortion attitudes did not act as a moderating force on the link between political party control of state government and the enactment of a parental involvement law.

During the post-*Webster* period, the null hypothesis that the coefficients on the Democratic Control (Republican Control) variable and its interaction term are simultaneously equal to zero is rejected at the .01 level of significance. The standardized coefficient estimates of the Democratic Control (Republican Control) variable and its interaction term implies that (evaluated at the sample mean of public abortion attitudes) Democratic (Republican) Party institutional control of state government decreases (increases) the likelihood of a state enacting a parental involvement law by -.150 (+.225). The standardized numerical impact of -.150 for Democratic Control is significantly different from the standardized coefficient estimate of -.239 for Democratic Control when there is no interaction term in Table 2, column 3. In the long-term, the public's abortion attitudes do act to moderate the partisan abortion attitudes of Democratic policymakers.

However, public abortion attitudes do not act as moderating force on the link between the Republican Party and the enactment of a parental involvement law, as predicted by Wlezien's thermostatic model. The standardized numerical impact of .225 for Republican Control is not significantly different from the standardized coefficient estimate of .216 for Republican

Control when there is no interaction term in Table 2, column 3. The numerical impact of Republican Party control on the enactment of a parental involvement law remained virtually unchanged during the post-*Webster* period. In the long-term, Republican state policymakers do not calibrate their enactment of a parental involvement law to the public's abortion policy preferences. Republican policymakers make their decision to support the enactment of a parental involvement law on the basis of the polarized ideological position of their political party, regardless of the public's abortion policy preferences.

The finding that in the long-term, contrary to Wlezien's thermostatic model, public abortion attitudes are not the sole determinant of the enactment of a parental involvement law and political party control of state government impacts the adoption of a parental involvement law ignores electoral competition. It implicitly assumes that Republican or Democratic policymakers use their political party's abortion ideology as the primary guide to policy-making and disregard the possible electoral ramifications of ignoring the public's abortion preferences.

In order to take into account the competitive political environment under which Republican or Democratic control occurs we reestimated the model replacing Republican Control and Democratic Control with: (i) *DemGovVote*—the percentage of the vote the Democratic Governor received when the Democratic Party controlled both the legislative and executive branches of the state government; (ii) *RepGovVote*—the percentage of the vote the Republican Governor received when the Republican Party controlled both the legislative and executive branches of the state government; (iii) *%DemSenate (%DemHouse)*—the percentage of the Senate (House) who are Democrats when the Democratic Party controlled both the legislative and executive branches of the state government; and (iv) *%RepSenate (%RepHouse)*—the percentage of the Senate (House) who are Republicans when the Republican Party controlled both the legislative and executive branches of the state government. The empirical results appear in Table 3, column 1 for the pre-*Webster* period and column 3 for the post-*Webster* period.

During the pre-*Webster* period, public abortion attitudes and all six of the electoral competition variables are statistically insignificant. In the short-term, electoral competition has no significant influence on the policy decision by partisan Republican or Democratic policymakers to enact a parental involvement law. During the post-*Webster* period, state public abortion attitudes ( $p < .01$ ) have a significant positive impact on the enactment of a parental involvement law. However, once again all six of the electoral competition variables are statistically insignificant. The degree of electoral competition that state legislators from the prolife Republican Party or the



**Table 3. Probit Estimates for Event History Analysis Model of Enactment of a Parental Involvement Law (Standardized Coefficients)**

| Independent Variables     | Dependent Variable            |                  |                   |                   |
|---------------------------|-------------------------------|------------------|-------------------|-------------------|
|                           | Parental Involvement Law (=1) |                  |                   |                   |
|                           | 1974-1989                     |                  | 1990-2008         |                   |
|                           | (1)                           | (2)              | (3)               | (4)               |
| RepGovVote                | -.614<br>(.87)                | —                | -.710<br>(1.27)   | —                 |
| DemGovVote                | -.761<br>(1.21)               | —                | -.176<br>(.30)    | —                 |
| %RepSenate                | 2.674<br>(1.53)               | —                | 1.770<br>(1.59)   | —                 |
| %DemSenate                | .794<br>(.56)                 | —                | -1.209<br>(.92)   | —                 |
| %RepHouse                 | -2.160<br>(1.48)              | —                | -.893<br>(.95)    | —                 |
| %DemHouse                 | -.259<br>(.19)                | —                | 1.152<br>(1.02)   | —                 |
| Divided Government        | —                             | .146<br>(1.29)   | —                 | .001<br>(.01)     |
| Public Abortion Attitudes | .178<br>(1.22)                | .205<br>(1.43)   | .620***<br>(4.35) | .483***<br>(3.81) |
| State Political Ideology  | -.036<br>(.28)                | -.075<br>(.59)   | .173<br>(1.08)    | .077<br>(.56)     |
| Evangelical Christians    | .244<br>(1.57)                | .176<br>(1.19)   | -.107<br>(.60)    | -.170<br>(1.02)   |
| Catholic                  | .350**<br>(2.46)              | .315**<br>(2.25) | -.403**<br>(2.13) | -.339*<br>(1.84)  |
| Abortion Demand           | -.037<br>(.26)                | -.009<br>(.06)   | .174<br>(1.10)    | .008<br>(.05)     |
| Log Likelihood            | -63.555                       | -67.530          | -54.749           | -61.757           |
| N                         | 671                           | 671              | 354               | 354               |

Note: Absolute value of t-statistics in parentheses. \*p<.10, \*\*p<.05, \*\*\*p<.01.

prochoice Democratic Party face does not influence their decision to enact or oppose the enactment of a parental involvement law. In the short-term and in the long-term, unified control of state government allows each party to support or oppose the enactment of a parental involvement law consistent with each party's public position on the abortion issue, regardless of the electoral competition they face.

However, it may be that Democrats or Republicans are more successful in enacting legislation consistent with their party's ideological abortion preferences in states where they have a substantial majority in both legislative branches. But, in states where their party control of the legislative branches is narrower, Democrats or Republicans may wish to avoid voting on the contentious issue of abortion for fear of losing their majority status in the next election. In order to take into account the legislative strength of the controlling majority political party in both legislative branches, we reestimated the model in Table 3, for both time periods, using %Republican House Majority Margin, %Democratic House Majority Margin, %Republican Senate Majority Margin, and %Democratic Senate Majority Margin. The empirical results (due to space limitations are available upon request) found that all four of the legislative branch majority margin variables were statistically insignificant in both the pre- and post-*Webster* time periods and the coefficients of the other variables in the model were virtually identical to those reported in Table 3, columns 1 and 3.

To further test Wlezien's thermostatic model and to ascertain the impact of divided government on restrictive abortion policies, we reestimated the model in Table 2 replacing Republican Control and Democratic Control with a dummy variable equal to one if there was Divided Government—one political party controlled one or two branches of the state government (Senate, House, or Governorship), but not all three. The empirical results appear in Table 3, column 2 for the pre-*Webster* period and in column 4 for the post-*Webster* period.

During the pre-*Webster* period, both public abortion attitudes and divided government are statistically insignificant. In the short-term, public abortion attitudes have no impact on the likelihood that the political parties will adopt a parental involvement law. Moreover, when divided government occurs the likelihood of a parental involvement law being enacted is reduced. During the post-*Webster* period, public abortion attitudes ( $p < .01$ ) do have significant positive impact on the likelihood that the political parties will enact a parental involvement law. However, the mutually exclusive and polar extreme positions on abortion policy of the Republican and Democratic parties means that when divided government occurs the likelihood of a restrictive abortion policy being enacted is reduced, regardless of the public's abortion preferences.

### **Robustness of the Empirical Results**

The previous section found that the public's abortion attitudes have no impact on the enactment of a parental involvement law in the short-term and a positive impact in the long-term. However, contrary to Wlezien's thermostatic model of policy responsiveness, in the long-term public abortion attitudes are not the sole determinant of a state's abortion policies. Institutional control of state government by the Republican Party or the Democratic Party has a significant impact on the enactment of a parental involvement law in the expected direction. Republican Party control of state government increases the likelihood of restrictive abortion policies and Democratic Party control protects abortion rights, regardless of the public's abortion attitudes.

The robustness of the empirical results reported in Table 2 can be tested using a variety of alternative specifications. Alt and Lowry (1994, 2000) argue that the impact of party control on state policy outputs depends on the institutional control configurations in state government. Their three types of institutional control configurations are: (1) Unified Government (one party controls both the legislative and executive branches); (2) Split Branch (one party controls both chambers of the legislature and the other party controls the Governorship); (3) Split Legislature (each party controls one chamber of the legislature). Wlezien's thermostatic model suggests that, in the short-term, unified government should have an impact on the enactment of a parental involvement law, but not in the long-term; whereas split branch or split legislature should have no significant impact on the enactment of a parental involvement law, short-term or long-term.

We reestimated the model in Table 2 using different permutations of Alt and Lowry's institutional control configurations (due to space limitations the complete empirical results are available upon request). During the pre-*Webster* period, public abortion attitudes and unified control of state government by the Republican Party were always statistically insignificant, while unified control of state government by the Democratic Party, a split legislature or a split branch always reduces the likelihood of a parental involvement law being enacted. During the post-*Webster* period, public abortion attitudes ( $p < .01$ ) and unified control of state government by the Republican Party significantly increases the likelihood of a parental involvement law being enacted, while unified control of state government by the Democratic Party, a split legislature or a split branch always reduces the likelihood of a parental involvement law.

These results suggest that in the long-term, Republican Party control of state government increases the likelihood of a parental involvement law being enacted and Democratic Party control protects abortion rights, regardless of the public's abortion policy preferences. During the post-*Webster*

period, state abortion policy did not follow the public's abortion preferences when the Democrats or Republicans are in control of both houses of the state legislature and the Governor's office, as predicted by Wlezien's thermostatic model of policy responsiveness.

In order to determine if the empirical results reported in this section were sensitive to the time period studied, we divided the data set into pre-*Casey*, 1974-1992 and post-*Casey*, 1993-2008 time periods. The empirical results for these two-divided time periods were virtually identical to those reported above for the pre-*Webster* and post-*Webster* time periods. Our finding that one of the primary determinants of a state's abortion policy is the ideological preferences of the Republican Party and the Democratic Party, when one party controls all the branches of state government, is invariant to the time period studied.

### Discussion

Wlezien's thermostatic model of policy responsiveness argues that policymakers adjust policy to reflect public attitudes about the preferred level of public policy. In effect, the public behaves like a thermostat, where a departure from the preferred policy produces a signal from the public to adjust the policy and, once the policy is sufficiently adjusted, the signal from the public stops. Wlezien's thermostatic model implies that public policy preferences will have both a short-term and a long-term impact on policy changes. In the short-term, state legislators enact policies in accordance with the public's preferences as well as other determinants of policy. But in the long-term, state legislators should only respond to the public's policy preferences because they are motivated by political expediency (the desire to be reelected) or electoral turnover (state legislators who are ideologically more congruent with the public's policy preferences than those they replaced).

This paper investigates the relationship between the public's abortion preferences and the enactment by a state of a parental involvement law over time in order to test if Wlezien's thermostatic model is applicable to state abortion policies. The empirical results show that in the short-term (1974-1989, the period prior to the Supreme Court's *Webster* decision) that state legislators are neither responding to nor are they reacting to the public's abortion preferences for the enactment of a parental involvement law, as predicted by Wlezien's thermostatic model. In addition, partisan control of state government by the generally prochoice Democratic Party significantly reduces the likelihood of a parental involvement law being enacted, while partisan control of state government by the generally prolife Republican Party did not significantly increase the likelihood of a parental involvement being enacted.

In the long-term (1990-2008, the period after the Supreme Court's *Webster* decision), the public's abortion preferences are positively associated with the enactment of a parental involvement law. However, the public's abortion preferences are not the sole determinant of the enactment by a state of a parental involvement law, as predicted by Wlezien's thermostatic model. The empirical results indicate that when the prolife Republican Party or the prochoice Democratic Party controls both houses of the state legislature and the Governor's office, Republican and Democratic state legislators support or oppose the enactment of a parental involvement law on the basis of the polarized ideological positions of their respective political parties, regardless of the public's abortion policy preferences or the electoral competition they face. Political parties interpret elections as a signal that the public agrees with their policy positions on abortion and unified control of state government gives them the opportunity to enact these policy positions.

The differing effects of unified party control and public abortion attitudes may, in part, be explained by the two time periods used to estimate the model. The 1974-1989 time period (before the Supreme Court's *Webster* decision) includes all 50 states, while the 1990-2008 time period includes only those states that did not enact a parental involvement law during the earlier time period. Those states that enacted a parental involvement law during the earlier time period, are excluded from the later time period, which changes the composition of the population of states. In general, the two time periods distinguish between early and later state adopters of a parental involvement law. This may account for some of the differing effects of public abortion attitudes and unified political party control of state government over time.

Wlezien's thermostatic model asserts that policy will change in the direction of change in public opinion. Thus, if the public wants more abortion restrictions, state legislators will enact more restrictive abortion laws. The principal finding of our study is that, contrary to Wlezien's thermostatic model of policy responsiveness, public abortion attitudes are not always a significant predictor of a state adopting a parental involvement law and they are frequently not as important as partisan political party control of state government.

There are three reasons why partisan party control of state government, and not just public abortion attitudes as hypothesized by Wlezien's thermostatic model, impact the likelihood that a state will adopt a parental involvement law.

First, Wlezien's thermostatic model may not fit morality policies as well as policies whose impacts are primarily spending. As noted by Mooney and Lee (1995, 600), morality policies are ". . . those which seek to regulate social norms or which evoke strong moral responses from citizens for some

other reason.” Examples of the first type of morality policies include the prohibition of alcohol, recreational drug use, prostitution and pornography; examples of the second type include the death penalty, gun control and same sex marriage. A parental involvement law is an example of both types of morality policies.

State legislators can respond more readily to the public’s preferences on spending by increasing or decreasing money totals every year. However, a parental involvement law cannot be readily or easily adjusted every year. In order to change a parental involvement law requires institutional control of the legislative and executive branches of a state by the ideologically opposite political party.

Second, the enactment of a parental involvement law is unlikely to attract the attention of a large percentage of a state’s electorate. As such, the enactment of a parental involvement law is likely to generate only the interest of those subgroups that are ardent, uncompromising and dogmatic supporters or opponents of abortion rights (Greenberg 2004). When most voters are not following a proposed policy change that is not highly visible, elected partisan officeholders are likely to follow the preferences of the sub-constituencies who are intensely interested in the policy change (Bishin 2009). In such a situation, the legislator almost invariably sides with the sub-constituency that is normally part of that party’s electoral coalition: prolife voters with the Republican Party and prochoice voters with the Democratic Party (Greenberg 2004).

Third, over the past thirty-five years abortion has generally followed Stimson’s (2004) evolution cycle of divisive issues: initially partisan political parties differ on the policy, each party’s candidates take a stance similar to the majority of the other candidates of that party, the differences between the parties on the particular issue increases and, eventually, party partisan differences on the issue filters down to voters. The greater impact of partisan political control in the post-Webster period (i.e., 1990-2008) offers some support for the issue evolution thesis.

Our findings indicate that partisan political party control, not just public abortion preferences, has a very important impact on state abortion policy. Given the polarized ideological positions of the two political parties on the issue of abortion and the lack of attention that most voters are likely to pay to a nuanced abortion policy such as parental involvement, elected politicians are likely to behave in a manner consistent with the sub-constituencies that typically support their party (Greenberg 2004). In the case of abortion policies, the empirical results suggest that partisan political parties produce changes in abortion policies that are closer to the abortion preferences of their sub-constituencies, rather than the abortion policy preferences of the general public.

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