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## Linking public opinion to state legislative behavior: the partial birth abortion issue

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LINKING PUBLIC OPINION TO STATE LEGISLATIVE BEHAVIOR:  
THE PARTIAL BIRTH ABORTION ISSUE

A Thesis

Submitted to the Graduate Faculty of the  
Louisiana State University and  
Agriculture and Mechanical College  
In partial fulfillment of the  
requirements for the degree of  
Master of Arts

in

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by  
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## ABSTRACT

The effect of public opinion on state legislative behavior has been an important and extensively explored topic. However, not much research has been conducted regarding public opinion on the abortion issue and how it influences state legislative behavior. Previous theory suggests that highly salient and controversial issues increase the probability that state legislators will respond to public opinion when voting. Arguing that issue salience and interest groups act as facilitating factors, I hypothesize that public opinion plays a significant role in determining whether or not state legislatures pass bans on partial birth abortion. Using Brace et al (2002) state-level opinion on abortion as a measure of public opinion and employing a binary logistic regression, I find that public opinion plays a significant role in influencing state legislative behavior on the partial birth abortion issue after controlling for other factors. Furthermore, issue salience and interest groups act as important facilitating factors connecting public opinion to state legislative behavior on partial birth abortion bans.

## INTRODUCTION

Previous public opinion literature has addressed a number of issues concerning public opinion and representation. Various authors have argued that public opinion greatly influences legislative behavior and policymaking. Other authors have argued that additional factors like policy diffusion and personal ideology cause state legislators to vote the way they do. Specifically involving abortion and legislative behavior, some early scholars have argued that legislators tended to vote according to their religious preferences instead of following public opinion, leading scholars to believe that state legislators vote according to their own ideological preferences when voting for partial birth abortion bans. However, not much recent work has been conducted that addresses why legislators behave the way they do today regarding specific abortion legislation and the role that public opinion plays in the adoption of such legislation. In addition, very few authors try to determine the facilitating factors that link public opinion to state legislative behavior.

During the 1990's, Americans witnessed an increase in anti-abortion legislation in most states, specifically legislation banning partial birth abortions in states. At the same time, more women continued to enter legislatures, leading some scholars to believe that more women's interests, like abortion, would be better represented as a consequence. It is possible that legislators reacted to this fluctuation in public opinion regarding abortion by supporting the passage of these partial birth abortion bans. The passage of these bans could also be affected by government ideology, the partisan composition of state legislatures, and demographic features specific to individual states. The purpose of this paper is to study the affect of public opinion on the passage of partial birth abortion bans

in state legislatures and to examine the conditioning elements that are responsible for connecting public opinion to state legislative behavior.

The partial birth abortion issue provides me with a unique opportunity to study how public opinion affects legislative voting behavior. I study the partial birth abortion issue specifically instead of other issues in state legislatures for a variety of reasons. First, the salience and controversial nature of the issue makes legislators more likely to respond to public opinion on partial birth abortion. Also, interest groups can act as a facilitating factor that links public opinion to state legislative behavior on the partial birth abortion issue. However, there are still other factors that may prevent public opinion from playing a primary factor in state legislative voting on the abortion issue, like personal ideological preferences of the individual legislators and the tendency of state legislators to be held less accountable for representing public opinion. This theoretical background provides me with a great opportunity to study whether or not public opinion plays a large role in how state legislators vote on the partial birth abortion issue.

In this paper, I examine the role that public opinion plays regarding legislative behavior and the abortion issue. Controlling for important factors like citizen and government ideology and the percentage of Evangelicals residing in each state, I hypothesize that the state of public opinion regarding abortion in different states caused legislators to respond by passing laws banning partial birth abortions between 1995 and 2000. Finally, I examine the roles that salient issues and interest groups play as conditioning elements connecting public opinion to state legislative behavior. As a result of my analysis, I conclude that state legislators, through the medium of salient issues and

interest groups, use public opinion when deciding whether or not to vote for partial birth abortion bans.

## THEORY

An early theory concerning public opinion and representation, first argued by Miller and Stokes (1963, 56), states that legislators take constituency opinions along with personal policy preferences into account when casting legislative votes (Bartels 1991; Bishin 2000; Costain and Majstorovic 1994; Erikson, Wright, and McIver 1993; Jacobs et al 1998; Herrera, Herrera, and Smith 1992; Miller and Stokes 1963; Page et al 1984; Paige and Shapiro 1983; Uslander and Weber 1979). This theory stresses that legislators take constituency interests into account when voting, although pointing out that the proportion of constituency opinion taken into account depends on how well legislators can gauge public opinion. In addition, these legislators often divide their constituencies into separate subconstituencies when gauging the state of public opinion in their districts (Bishin 2000). A competing theory argues that legislators will use primarily their particular personal ideologies when voting. These legislators only take constituency economic preferences into account when casting legislative votes. On noneconomic social issues like abortion, these same legislators particularly pay less attention to constituency interests (Bernstein 1989; Bernstein and Anthony 1974; Dougan and Munger 1979; Kalt and Zupan 1984; Kau and Rubin 1979, 1993; Peltzman 1974; Poole and Romer 1993; Poole and Rosenthal 1991). In this paper, I hope to determine whether public opinion plays a major role in how legislators vote on the partial birth abortion issue, an important social issue in the late 1990's.

While many scholars have linked public opinion to policy outputs and legislative behavior, few have addressed the facilitating factors that link public opinion to state

legislative behavior. For instance, Maestas (2000) argues that the degree of professionalism in a state legislature acts as a conditioning element linking public opinion to state legislative behavior. Instead of state legislative professionalism, I theorize that both salient issues and interests groups cause state legislators to take public opinion into account when voting on abortion legislation like partial birth abortion. Since legislators wish to please their own constituents, they will vote according to their constituents' wishes on highly salient issues, since these are the issues that the public cares the most about. As a result, public will most likely hold legislators accountable for their voting behavior on these types of issues. In addition, interest groups also act as a facilitator linking public opinion to state legislative behavior. State legislators can use interest groups in gauging the position and intensity of their constituents on abortion issues. If interest group activity is strong regarding a particular issue, then legislators can take this as a sign that their constituents care about the issue greatly. Interest groups can also encourage the public to contact state legislators directly to make legislators aware of their interest and positions on salient issues like partial birth abortion. As a result, state legislators are more likely to take these interest group frames into account when voting on that issue.

#### Theoretical Evidence Suggesting that Public Opinion Influences Legislative Behavior

Previous theory has indicated that highly salient issues increase the probability that legislators will vote according to public opinion on these issues, even though these theories do not directly attribute saliency of issues as a facilitating factor that links public opinion to state legislative behavior, particularly on the abortion issue (Mooney and Lee 2000; Page and Shapiro 1983). One main reason why the partial birth abortion issue can

be differentiated from many other issues that legislators vote on is its salience. The partial birth abortion issue became a very salient topic during the late 1990's, due to extensive media coverage and attention that religious institutions devoted to the issue. Many Americans became aware of the issue during the 1990's due to large interest groups like NARAL Pro-Choice America and NRLC (National Right to Life Committee) promoting the issue and gaining members. In addition, Congress began to debate the partial birth abortion ban and passed it during the Clinton administration (it was later vetoed). The attention given to the issue at the national level made many citizens aware of the partial birth abortion issue. As a result, these Americans formed decisive opinions on the issue, and the issue became salient during the 1990's.

Because the issue became salient among the American public, legislators, in turn, should have realized that in order to help reelection prospects, they must first listen to their constituents' opinions on the partial birth abortion issue, and second vote according to the wishes of their constituents on the issue. Since their constituents cared about the partial birth abortion issue and would more likely track legislative behavior on this issue over other issues, legislators would feel more obligated to listen to constituency wishes in order to please their constituency. Salience of the partial birth abortion issue should increase the probability that public opinion will have a substantial effect on how legislators vote according to the partial birth abortion issue.

Legislators also differentiate the partial birth abortion issue from many other issues they vote on because this issue is very controversial. Previous theory has indicated that controversial issues make it more likely that legislators will listen to public opinion when voting (Mooney and Lee 2000). The American public is more likely to take

distinct sides on the partial birth abortion issue because the issue is so clear-cut, controversial, and polarizing. If the issue was not controversial, then Americans would be less likely to form distinct opinions on the issue. As a result, legislators would have less of a cue on how to vote and may use other factors instead of public opinion when voting on partial birth abortion. Since the partial birth abortion issue has potential to polarize the American public along religious and morality lines, legislators are likely to listen to their individual constituencies and vote with these constituent opinions. Legislators are particularly likely to vote according to constituency preferences if their constituency is made up primarily of either staunch supporters or opponents of the partial birth abortion issue.

Interests groups, like churches and committees, have played an important part in framing the abortion debate. As theory suggests, these interest groups act as an extension of public opinion in legislative circles (Shin 2004). Evangelical Protestant Churches have played an instrumental part in the anti-abortion movement by encouraging church members to donate resources towards the partial birth abortion fight. Interest groups like NARAL and NRLC have played a large role in framing the partial birth abortion debate in Congress (Gerrity 2006). Congressional members have used these interest groups as eyes into public opinion on the partial birth abortion issue and have voted according to the reasoning that these interest groups have shaped the issue. If interest groups representing public opinion on partial birth abortion had this effect at the national level, then these groups should have had similar effects at the state level. State legislators could use this interest group activity in local legislative circles as cues into determining how

local constituencies felt about the issue. In turn, they were more likely to tailor their votes according to public sentiment on partial birth abortion.

Theory suggests that previous abortion public opinion has played an important role in dictating how legislators voted on different abortion issues (Vinovskis 1979). The *Roe vs. Wade* decision and subsequent legislative behavior suggests that public opinion has always played a role in how legislators voted on abortion legislation. During the 1970's, evidence showed that legislators listened to pro-life and pro-choice advocates in their constituency before voting on issues involving abortion. Precedent provides ample reasoning why legislators would listen to public opinion on similar types of legislation in the present. Since the partial birth abortion controversy was drawn along similar lines as the *Roe vs. Wade* decision, public opinion should also help dictate how legislators voted during the partial birth abortion debate.

#### Theoretical Evidence Suggesting that Public Opinion Does Not Influence Legislative Behavior

There is also theoretical evidence which suggests that public opinion may not have had a very large effect on how state legislators voted on the partial birth abortion issue. Previous theory tends to show that legislators vote according to personal or religious preferences on abortion issues instead of listening to public opinion (Daynes and Tatalovich 1984; Vinovskis 1979). If this is the case, then state legislators during the late 1990's may have voted according to their own ideological or religious preferences on the partial birth abortion issue. Public opinion may have played a secondary or minor role in state legislative voting behavior.

Policy diffusion theory suggests that state legislatures will adopt policies according to whether or not similar surrounding states have adopted these policies (Berry and Berry 1990; Mooney and Lee 1995; Volden 2002; Walker 1969). This theory insinuates that state legislators will vote to adopt policies irregardless of public opinion. Instead, if an issue becomes popular in a certain geographical region in the United States, the state legislators will emulate other state legislators of surrounding states in voting behavior. If neighboring state legislatures have adopted laws addressing these salient issues, these other state legislatures will do likewise. This theory is especially relevant to the partial birth abortion issue because the issue was very salient during the late 1990's, and its importance spread over a period of a few years. State legislators may have been more likely to pay less attention to public attention and more attention to how state legislators in surrounding states behaved.

Finally, previous theory suggests that state legislators are less likely than federal legislators to listen to public opinion when voting in general (Uslaner and Weber 1979). State legislators tend to be less visible than Congressional legislators, suggesting that many local constituents may know little about their individual state legislators due to less media coverage pertaining to these state legislators. In addition, due to a lack of resources, state legislators have less effective ways of gauging public opinion at the state level when compared to the Congressional level. As a result, state legislators may feel less of a need to vote according to constituent opinion when compared to Congressional legislators, since these constituents will be less aware how their state legislators vote on any particular issue.

I have chosen to analyze the partial birth abortion issue because it allows me to study the effects of both salient issues and interest groups as facilitators linking public opinion to state legislative behavior. Partial birth abortion was a very salient issue during the mid 1990's. In addition, interest groups were very active in trying to encourage state legislators to pass partial birth abortion bans. If I can show that public opinion had a great effect influencing state legislators to pass partial birth abortion bans, I can show that salient issues cause state legislators to take public opinion into account, and interest groups act as a mediating influence, allowing state legislators to properly gauge public opinion on the partial birth abortion issue.

## LITERATURE REVIEW

### Public Opinion at the National Level and Its Effects on Legislative Behavior

While not focusing on abortion specifically, some authors argue that aggregate public opinion shifts are very influential in affecting legislative behavior. These authors argue that, as public opinion shifts, legislators sponsor and pass bills that reflect the national mood. If this is indeed the case, then legislators will be more likely to pass anti-abortion legislation as public opinion becomes more opposed to abortion.

Erikson, Wright, and McIver (1993) argue that the effects of public opinion on legislative behavior differ according to the issue involved. Erikson, Wright, and McIver (1993, 252) contend that public opinion does not have a strong effect on legislative behavior when the issues are complicated because the public may not understand them completely. As a result, interest groups may play a stronger role than public opinion in affecting legislative behavior.

Like Erikson, Wright, and McIver (1993), Page and Shapiro (1983) investigate how public opinion at the national level affects policymaking in the United States. These authors argue that government representatives create policy changes when they detect opinion shifts among the electorate (Page and Shapiro 1983: 189). These policy changes seem to be especially felt when the issue is salient and the opinion changes are large and lasting.

Costain and Majstorovic (1994) argue that changes in public opinion and interest group behavior results in change in Congressional behavior. Specifically, these authors look at public opinion and women's rights issues between 1950 and 1986. Costain and Majstorovic (1994, 129) argue that a reciprocal relationship exists between Congress and

public opinion. Sometimes Congress is able to influence public opinion through certain legislation that is passed. This phenomenon can help explain why the partial birth abortion became a salient issue in the 1990's when Congress first started debating the partial birth abortion issue. However, Congress is also susceptible to passing legislation catering to the public's interests if public opinion is experiencing a shift. Public opinion works through interest groups when influencing Congressional behavior. Costain and Majstorovic effectively show that aggregate public opinion changes among the electorate can have major consequences in the types of legislation passed during these time periods.

Jacobs et al (1998) argue changes in public opinion affect the collective behavior of Congressional members, while individual member behavior is not as greatly affected. In addition, Congressional leaders shape policymaking in an attempt to drive public opinion. Specifically, Jacobs et al (1998, 40-1) point out that the leaders in Congress help to explain this discrepancy between individual and collective behavior.

Congressional leaders are interested in collective goals and use public opinion to move beyond single issues in order to achieve larger objectives. This study shows that the power of public opinion moves beyond specific issues and has a wider affect throughout Congress (Jacobs et al 1998, 39-40).

#### Public Opinion and Legislative Behavior at the Dyadic Level of Analysis (Specific Legislator-Constituency Relationship)

So far, I have only focused on public opinion at the national aggregate level when studying the factors that account for legislative behavior. However, various authors have studied how localized public opinion affects individual constituency-representative relationships.

Observing legislative politics at the state level, Erikson, Wright, and McIver (1989, 740) argue that a combination of multiple factors help explain state legislative behavior and policy liberalism. Public opinion works alongside the partisan composition and degree of liberalism in state legislatures in determining what policies the state legislatures adopt. However, public opinion still seems to have larger and direct effect on state legislative behavior, independent of the preferences that legislators hold. Erikson, Wright and McIver (1989, 743) suggest state legislators respond to this public opinion in order to increase reelection chances. Furthermore, Erikson, Wright and McIver (1989, 736) argue state public opinion is highly correlated with the positions held by Democratic and Republican party elites. However, public opinion does not match up exactly with ideological preferences of state legislators, for Democratic elites remain more liberal than public opinion and Republican elites remain more conservative. While public opinion pulls legislative preferences toward the center, activists are still active in pulling state legislators away from the center (Erikson, Wright, and McIver 1989, 737-8). Erikson, Wright, and McIver effectively show that state legislators do listen to public opinion, along with activists and their own ideological preferences when acting in legislature.

Studying defense budget roll call votes during the Ronald Reagan presidency, Larry Bartels (1991, 467) finds that specific constituency opinions did have a significant effect on how individual legislators voted. Bartels, like Erikson, Wright, and McIver (1989) also argues that reelection is one of many motives for voting according to constituency public opinion. While Bartels demonstrates that legislators respond to specific constituency public opinion on economic issues like defense spending, it remains to be seen if they respond to specific constituency opinion on salient social issues like

abortion. Whether this specific constituency responsiveness extends to salient social issues like abortion is a primary reason why I am using partial birth abortion as my unit of analysis.

Like Bartels (1991), Page et al (1984, 753) find a link between constituency opinion and legislators. Analyzing both surveyed and simulated constituency opinions and their effects on roll call votes in the 95<sup>th</sup> Congress, these authors find public opinion does matter and that legislators do seem to vote according to how their individual constituencies feel on issues like women's issues and social welfare.

Herrera, Herrera, and Smith (1992) provide an interesting comparison between collective and dyadic representation of public opinion in Congress. Unlike Jacobs et al (1998), these authors find that Congressional representatives do not do an effective job of representing the collective public opinion of the nation (Herrera, Herrera, and Smith 1992, 201). However, in regards to specific representative-constituency relationships, Herrera, Herrera, and Smith find that individual legislators do a very effective job of representing public opinion in their specific constituencies. This study provides evidence that individual state legislators will vote according to their constituencies' wishes on the partial birth abortion issue particularly at the state level since legislators have been shown to do a better job of responding to the public opinion in their respective districts than representing public opinion collectively.

Bishin (2000), analyzing legislative votes of state senators, finds that constituency opinions do matter when legislators cast roll call votes. Instead of concluding that legislators rely only on their personal ideologies when casting votes, Bishin (2000, 402) determines that legislators are responsive to their specific constituencies and do take

constituent ideologies and economic interests into account when they vote. Similar to Bartels (1991) and Page et al (1984), Bishin (2000, 403) argues legislators take positions on different issues in order to appeal to different subconstituencies (traditional and prospective) within their larger constituency in order to maximize reelection chances. Bishin's study provides key evidence that state legislators do take the opinions of their specific constituents into account when casting votes in the legislature.

Examining environmental policy, Johnson, Brace, and Arceneaux (2005, 104) find that constituency public opinion can be linked to how legislators vote on policy issues. Similar to Bishin (2000), Johnson, Brace and Arceneaux (2005, 100) study individual states and find that policy adoption in the individual states is correlated with public opinion changes. These authors warn, however, that scholars must look at the potential costs and benefits of a particular policy before determining whether legislators will respond to public opinion on that policy. Environmental policy differs from abortion policy in the fact that they provide general benefits which help the entire constituency with specific costs that effect small subsets of a constituency. The abortion issue, on the other hand, is more polarizing, with legislators enduring more costs in addition to benefits, since the abortion issue has a potential to alienate more constituents. Environmental policies have more potential to garner support over a wider range of constituents when compared to abortion policy.

While Uslander and Weber (1979) find that state legislators do try to represent the opinions of their individual constituencies in roll call voting, these authors argue that these legislators often "misperceive" public opinion in their constituencies. As a result, these legislators often carry opinions that do not match well with their constituents

(Uslaner and Weber 1979, 579). Uslaner and Weber (1979, 579) also argue that legislator opinion is more likely to correspond with constituency opinion if these legislators are confident that they know the opinions of their constituents. If state legislators are not aware of the state of public opinion in their constituencies due to the lack of available information at the state level, then they are less likely to vote according to their constituencies' opinion preferences (Uslaner and Weber 1979, 564). If state legislators cannot properly measure the public opinion in their constituencies, this reasoning may help account for a limited role that public opinion may play in state legislator votes on the partial birth abortion issue.

Finally, Brace et al (2002) give a comprehensive account regarding how to measure state level public opinion in order to determine how this opinion affects legislative behavior. These authors argue that the nine measures they provide can be used in place of ideology measures as a way of gauging public opinion (Brace et al 2002, 184). Brace et al (2002, 182) contend that state level public opinion measures on specific issues like abortion measured by the General Social Survey can supplement general ideology measures in gauging public opinion. The alternate public opinion measures offer an alternate way to gauge attitudes on partial birth abortion instead of using general ideology scores.

### Public Opinion, Abortion, and Legislative Behavior

Select authors have addressed how legislators have specifically dealt with abortion and other morality issues and the factors that drive legislative behavior on these issues. Some earlier research on abortion and political behavior focused on how politicians identified themselves religiously, along with their ideological leanings. The

earlier literature argues that religiosity and personal values trumped public opinion as the primary influence on legislative behavior regarding abortion. However, later literature argues that interest groups and public opinion can have a significant impact in influencing legislative behavior on abortion and other morality issues.

Daynes and Tatalovich (1984, 198-9) specifically focus on the abortion issue as it relates to the political behavior of representatives while in office. These authors argue that the religious affiliation of the representative affects the way he or she votes on an abortion bill. For instance, those representatives belonging to the Roman Catholic and Lutheran Churches tended to vote more conservatively on abortion issues, reflecting the pro-life stance of the churches. In addition, Daynes and Tatalovich (1984, 200) argue that the effect of religious affiliation on the way representatives vote may also be enhanced by that representative living in a constituency made up mostly of voters who identify religiously with the representative. Like Daynes and Tatalovich (1984), Vinovskis argues that personal values were most important in determining what side of the abortion issue the representatives took in the early days of the abortion debate. Early studies like these tended to focus on personal values and religiosity of legislators versus public opinion when analyzing what drives state legislative behavior on the abortion issue.

Later authors like Mooney and Lee (2000) study how specific public opinion affects policy adoption on morality issues. Specifically studying the death penalty issue, these authors find that citizen ideology does not play a role in affecting state legislative behavior when a control for public opinion is put in place (Mooney and Lee 2000, 233). Mooney and Lee make distinctions between different policies and argue that legislators

are likely to respond to public opinion on certain types of issues over others. Legislators are more likely to pay attention to public opinion on specific policy issues instead of mass attitudes. In addition, policymakers do seem to respond to public opinion when the issue is controversial and salient. They also take time to evaluate the opinion of political elites on more complex issues in which more citizens are in agreement over which opinions to take on the issue (Mooney and Lee 2000, 234). Mooney and Lee suggest that multiple factors may be at work in affecting legislative behavior, especially on morality issues.

Unlike Mooney and Lee (2000), who seem to focus mostly on just public opinion, Gerrity (2006) suggests that interest groups affect congressional behavior on the abortion issue. Analyzing the years between 1995 and 1998, Gerrity (2006, 31) finds that NRLC anti-abortion interest group contributions are significantly related to how congressional members frame the partial birth abortion issue. Congressional members use the NRLC frames if they are financially supported by this group. This effect was more prominent for pro-life groups than pro-choice groups (Gerrity 2006, 33). While the smaller effect on the pro-choice side may have resulted from the pro-choice side taking longer to respond to pro-life frames on the abortion debate, it is clearly evident that the pro-life movement has a significant effect on Congressional behavior. These results show that non-Congressional political actors can have a great effect on framing the abortion debate within Congress, particularly on the pro-life side. If Congressional actors respond to interests groups on the abortion issue, then they are also likely to respond to public opinion. Furthermore, interest groups can act as a facilitating factor, helping to connect public opinion to state legislative behavior.

## HYPOTHESES AND DATA

I have divided my analysis into two parts. First, I conduct a qualitative analysis of the National Right to Life Committee and its state affiliates in Idaho, Maryland, and Tennessee<sup>1</sup> in order to study how public opinion works through interest groups to influence state legislative behavior. The reason for including a qualitative analysis of interest groups is that it is extremely difficult to measure interest group impact quantitatively. Previous scholars have measured interest group activity quantitatively by tracking the monetary donations that the groups make. However, pro-life interest groups like the NRLC do not focus on monetary donations when attempting to influence legislative behavior. Rather, these groups engage in more grassroots type efforts, like hiring volunteers and contacting the public and legislators directly in order to connect the two. While many of these grassroots efforts are difficult to measure quantitatively, I am able to uncover these types of activities through a qualitative analysis. Through this qualitative analysis, I attempt to uncover how interest groups act as a mediating influence, connecting public opinion to state legislative behavior.

I conducted a series of interviews regarding the tactics of the National Right to Life committee and its state affiliates, how the committee used public opinion to formulate strategies, and how the committee attempted to influence state legislators to vote in favor of partial birth abortion bans. These interviews contained questions regarding how the NRLC and its state affiliates gauged public opinion on abortion in a state, along with how the organization attempted to connect public opinion to state legislative behavior both directly (convincing the public to contact their state legislators)

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<sup>1</sup> The National Right to Life Committee and its state affiliates were some of the most active and influential pro-life interest groups during the fight to ban partial birth abortion between 1995 and 2000.

and indirectly (providing legislators public opinion data and data informing them about partial birth abortion. I emailed my set of questions to the NRLC national headquarters, along with over thirty state affiliates, and I received responses from the main office and four state affiliates. For my analysis, I have interviewed Joe Landrum (Administrative Assistant for Public Information for the National Right to Life Education Trust Fund), Brian Harris (president of the Tennessee Right to Life Organization), John Kennan (member of the Board of Directors for Right to Life Idaho)<sup>2</sup>, and Angela Martin (president of the Maryland Right to Life Organization).

Second, I conduct my quantitative analysis studying the effects of public opinion along with percent Evangelical Protestants in a state and a state's general citizen and government ideology on the probability that state legislators pass a partial birth abortion ban. Partial birth abortion became a salient issue in the mid 1990's due to the federal attention given to the issue. Most state level partial birth abortion bans were passed during the relatively brief time period between 1995 and 2000, although some of these bans were declared unconstitutional and were later re-passed. Once the partial birth abortion issue became salient, it seems many state legislatures were quick to adopt the bans. One of the main reasons I chose to analyze laws banning partial birth abortion is I am able to easily determine the years that these laws were passed. Had I chosen to study parental consent or parental notification laws as evidence of anti-abortion legislation, I would have had a more difficult time in determining when these types of laws were passed since these laws have been overturned and restructured a number of times.

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<sup>2</sup> Even though I excluded Idaho from the quantitative analysis, since Brace et al (2002) includes only forty states for their analysis between 1986 and 1998, the Idaho state legislature passed a partial birth abortion ban in 1998.

I include the forty U.S. states<sup>3</sup> in my quantitative analysis and study the years from 1995 to 2000.<sup>4</sup> In both of my models, I include a dichotomous dummy dependent variable and run a binary logistic regression. My dependent variable is whether or not a state adopted a law banning partial birth abortion for the first time during the years I am analyzing.<sup>5</sup> I code each year a state has this type of law with a 1, and I code 0 for every other state.

In order to measure public opinion on abortion in the individual states, I employ Brace et al (2002) GSS state level opinions on abortion from 1986 until 1998 as my primary independent variable in my first model.<sup>6</sup> These scores measure the average public opinion scores of citizens in each state. The higher the score, the more tolerant towards abortion the citizens in that state actually are. Since theory indicates that state legislatures respond to public opinion on salient and controversial abortion issues by passing legislation that correspond with state of public opinion in each state (Mooney and Lee 2000; Page and Shapiro 1983), I hypothesize that states with the lowest public opinion scores will be most likely to pass partial birth abortion bans in their legislatures, and states with the higher scores will be least likely to pass partial birth abortion bans in their legislatures.

I also include a series of variables in my model to control for other factors besides public opinion that may affect state legislative behavior on the partial birth abortion issue.

Specifically, I measure the effect of general citizen ideology on the probability that state

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<sup>3</sup> States excluded in the analysis are Alaska, Delaware, Hawaii, Idaho, Maine, Nebraska, Nevada New Mexico, South Dakota, and Vermont.

<sup>4</sup> Twenty-four out of the forty states in my analysis passed partial birth abortion bans, including: Alabama, Arizona, Arkansas, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, New Jersey, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Utah, Virginia, West Virginia, and Wisconsin.

<sup>5</sup> Data obtained from Lexis-Nexis database.

<sup>6</sup> Data for the Brace late period measure made available by Kevin Arceneaux.

legislatures will adopt partial birth abortion bans. General citizen ideology differs from my public opinion measure because citizen ideology measures general ideological attitudes, while my public opinion measure is issue-specific. In addition, citizen ideology is a very all-inclusive measure that can account for previous measures that scholars have used, including abortion rate and percent urbanization. I use the Berry et al (1998) citizen ideology scores as a measure of general public ideology.<sup>7</sup> Higher scores indicate states with more liberal citizen ideology, while lower scores indicate more conservative ideology. Average scores between 1990 and 1994 are included in the model. Since a pro-life opinion stance tends to be more ideologically conservative, I hypothesize that states with higher citizen ideology (more liberal) scores have a lower probability of passing partial birth abortion scores than states with lower citizen ideology scores.

Along with general citizen ideology, I also control for government ideology using Berry et al (1998) government ideology scores. These government ideology scores help encompass many legislative control variables that previous authors have used, such as partisan composition in the state legislature. Higher government ideology scores indicate a more ideologically liberal state legislature and average scores between 1990 and 1994 are included in the models. Since previous theory has suggested that legislators take personal ideologies into account when voting on abortion issues (Daynes and Tatalovich 1984; Vinovskis 1979) and ideologically conservative legislators are more likely to hold pro-life positions, I hypothesize that states with higher citizen ideology (more liberal)

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<sup>7</sup> These scores are calculated by measuring the ideological scores of a district's incumbent and challenger, along with the amount of support each candidate possesses. The ideological scores for the candidates are obtained from interest group ratings for the Congressional member and the hypothetical score for the challenger (Berry et al 1998:330-1).

scores have a lower probability of passing partial birth abortion scores than states with lower citizen ideology scores.

In order to assess the impact of interest group influence as a facilitator connecting public opinion and state legislative behavior, I include an interest group variable measuring the percentage of Evangelical Protestant church members in each state for the year 1990.<sup>8</sup> This measure is a good measure of interest group behavior on abortion issues because Evangelical Protestants were very vocal in trying to get partial birth abortion bans passed in the state legislatures (Jelen and Wilcox 1991). Also, since many interest groups in the abortion debate did not use large sums of money to exert influence (a traditional measure of interest group behavior), I had to resort to another measure of interest group behavior. Public opinion can work alongside interest groups like Evangelical Protestants, along with working through Evangelical Protestants to affect state legislative behavior on partial birth abortion. I hypothesize that those states with higher percentages of church membership will be more likely to pass laws banning partial birth abortion since Evangelical Protestants, as a group, are considered staunchly opposed to abortion in general (Jelen and Wilcox 1991).

In my second model, I include each of my ideological and legislative variables in order to test their relative strength when combined in a single model. In addition, I create a series of interaction variables in order to test my theoretical assumptions that public opinion works through a series of mediating factors. I combine state public opinion on abortion with government ideology to create the interaction variable *BraceGov*. By including this variable, I test whether public opinion works through key members of the

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<sup>8</sup> This data has been obtained from the Association of Religious Data Archives. Evangelical Protestant denominations are defined by Jelen and Wilcox 1991, 44.

state legislature when affecting state legislative behavior. I also include the interaction variable `BraceChurch`, which measures the interaction effect between public opinion on abortion and the percentage of Evangelical Protestant church members in a given state. Working through interest groups like Evangelical Protestants that publicize its cause, public opinion may significantly effect state legislative behavior. Public opinion may work through interest groups and the conservative members of the state legislatures when influencing state legislative behavior on partial birth abortion bans.

## RESULTS

### Qualitative Analysis of the National Right to Life Committee and Its State Affiliates

The National Right to Life Committee illustrates how interest groups do act as a mediating influence, enabling state legislators to use public opinion regarding partial birth abortion when voting on partial birth abortion bans. When the partial birth abortion issue became salient among the public in the 1990's, the National Right to Life Committee (NRLC) and its state affiliates became a major player in the fight to ban these types of abortion, using public opinion in its tactics to influence state legislatures. The partial birth abortion issue gave the committee a chance to fight for an actual ban, shifting focus from controlling abortion funding and instituting stipulations like parental consent and notification (Landrum 2007). Particularly during the 1990's, the NRLC and its state affiliates focused attention on the states, while future attention was devoted to the federal level (Martin 2007). The committee took various actions at the state level, providing testimony before state legislatures and resources to individual legislators to help get these legislatures to pass bans (Kennan 2007). As a result, the NRLC and its state affiliates saw the partial birth abortion issue as a chance to connect public opinion on abortion to how state legislatures behave.

During its fight in the 1990's to convince legislators and the general public to help fight partial birth abortion, the NRLC and its state affiliates engaged in a variety of tactics to build up public interest in the issue and mediate between public opinion and state legislative behavior. The NRLC, itself, used its national newspaper and web page to keep the general public up-to-date on the partial birth abortion legislation being

considered. The NRLC also encouraged its state affiliates to keep the public informed on partial birth abortion legislation through efforts like passing out flyers, forming petition drives, and writing letters to newspaper editors and legislators, thus providing an important link between public opinion and state legislative behavior (Landrum 2007).

Locally, state affiliates disseminated literature detailing the nature of the partial birth abortion procedure. In addition, NRLC state affiliates took part in a number of non-expensive activities, since many pro-life organizations are not well-funded. State affiliates also invited guest speakers to tour states and gather public and legislative support for partial birth abortion bans. General state tactics included combining with churches, media, and conservative political writers in attempts to maximize resources and tactics for the common goal of banning partial birth abortion in the states (Harris 2007). These tactics placed the NRLC and its state affiliates in the middle of the public and the state legislature, helping facilitate public opinion through the state legislature.

Public opinion played a large role in what areas the NRLC and its state affiliates tried to target and what tactics they used in the fight to ban partial birth abortion. The NRLC gained information through public opinion polling regarding which states and citizens were most in favor of partial birth abortion bans. Using this public opinion data, the NRLC then targeted resources, particularly to state legislatures, where the public was most favorable to public birth abortion bans (Landrum 1997). The Tennessee Right to Life Organization did not conduct its own polling, but has commissioned independent polling since 1997. These polls found that Tennessee residents were generally in favor of pro-life provisions and candidates (Harris 2007). Using this information, Tennessee Right to Life officials were confident they could use public opinion to help sway

legislators to pass partial birth abortion bans. Maryland Right to Life also used polling data, commissioning polls and giving this information to Maryland state legislators so these legislators would be wary of the state of public opinion on the partial birth abortion issue when sponsoring and voting on the measure (Martin 2007). Thus, the NRLC and its state affiliates gauged public opinion in a number of ways and used the information in its targeting efforts. As a result, the NRLC could now utilize this public opinion information when working with state legislators in the partial birth abortion debate.

The National Right to Life Committee and its state affiliates were very influential in gaining access to state legislatures and influencing individual state legislators to support bans. The Federal Legislative Department of the NRLC would inform members of Congress through letters dealing specifically with the partial birth abortion issue (Landrum 2007). As a result, the NRLC acted as an important organization in the partial birth abortion debate, mediating between public opinion and state legislative behavior and influencing both.

State affiliates were also very active in contacting legislators and informing them about the partial birth abortion issue, making state legislators aware of the technical aspects of partial birth abortion as well as the state of public opinion. For instance, the Tennessee Right to Life Organization was the main pro-life resource provider in the state of Tennessee, giving pro-life legislators legal research and documents pertaining to the partial birth abortion issue, along with debating techniques and grassroots lobbying support to help legislators in their committee and floor sessions (Harris 2007). The Maryland Right to Life organization provided medical line drawings detailing the actual partial birth abortion procedure, quoted medical textbooks, and provided testimonials

from physicians (Martin 2007). These forms of non-monetary resources enabled state legislators to know how the public felt about the partial birth abortion procedure and become informed enough to collaborate with NRLC affiliates in the various stages of passing partial birth abortion bills through the legislature.

NRLC state affiliates would try to help facilitate public opinion through a large proportion of the state legislatures by targeting both pro-life and pro-choice legislators in an attempt to maximize the effects of public opinion. For example, even though Maryland is primarily a liberal state, Maryland Right to Life lobbyists tried to frame partial birth abortion as an unnecessary and horrendous act. As a result, legislators can remain pro-choice while still condemning the particular act of partial birth abortion. While NRLC affiliates tried to designate tactics and resources to areas where they would have the most potential success in the partial birth abortion debate, these organizations still tried to influence all state legislators, no matter where they stand on the abortion issue. Consequently, the NRLC displayed its mediating power by influencing a large portion of the state legislature in the name of public opinion.

Interest groups like the NRLC were very active in acting as a facilitator of public opinion in many stages of the legislative process. The NRLC and its state affiliates expended a great deal of energy and resources during the bill drafting process in the state legislatures. For instance, during the 1998 and 1999 state legislative sessions, the Idaho Right to Life state affiliate helped pro-life state legislators to draft the bill calling for a ban on partial birth abortion, along with lobbying both the legislators directly and indirectly through grassroots efforts (Kennan 2007). The Maryland Right to Life Organization worked tirelessly with individual state legislators in the specific wording of

partial birth abortion bills so that these bills would conform to the public's wishes, appeal to many state legislators, and pass legislative requirements (Martin 2007).

The NRLC and its state affiliates are also very active during the committee and voting stages in state legislative sessions. The Maryland Right to Life organization specifically targeted legislative members who served on committees addressing the partial birth abortion issue when these bills were introduced into committee. The organization also targeted swing voters in the state legislature during the voting stage of the partial birth abortion fight (Martin 2007). If these legislators pledged to vote in favor of a ban and later voted against the ban, the Maryland state affiliate would make these legislators accountable for their actions, publicizing their act of betrayal in editorials and confronting them at demonstrations. As a result, these legislators would suffer election setbacks at the hands of the organization. These sorts of tactics incorporate pro-life public opinion, working through the NRLC, into the most important stages of state legislative decision making on the partial birth abortion issue.

In order to connect general public opinion with state legislative behavior, the NRLC and its state affiliates engaged in a variety of tactics. For instance, the Idaho Right to Life organization encouraged the general public to write letters to their state legislators, along with providing facts that would inform the public on particular details of the partial birth abortion issue that would aid them in writing these types of letters (Kennan 2007). Some state affiliates convinced speakers to address the public (both citizens and state legislators) in efforts to build support and call attention to the partial birth abortion issue. For example, Brian Harris (2007) of Tennessee Right to Life states, "In lobbying the state ban passed in 1997, TRL also brought advocate Brenda Pratt

Shafer to Nashville for a public rally and testimony before legislative committees.”

These tactics help to connect the general public to state legislators, building up support from both in the process. The Maryland Right to Life Organization used polling data in an attempt to connect public opinion with state legislative behavior. According to Angela Martin (2007), “Generally we (Maryland Right to Life) would use polling data as a lobbying tool (to show legislators that constituents hold a certain position).” Legislators could then use this information when making decisions whether to support partial birth abortion bans. The Maryland Right to Life organization also delivered Action Alerts to constituents to let them know when legislation is about to go up for a vote so these constituents may contact their respective legislators and convince them to vote for partial birth abortion bans (Martin 2007). Finally, the Maryland NRLC affiliate phoned constituents, urging them to get in contact with potential swing legislators and let them know that they would like them to vote in favor of a partial birth abortion ban. The NRLC and its state affiliates thus acted as a mediating influence between public opinion and state legislative behavior on the partial birth abortion issue.

Finally, the NRLC and its state affiliates see themselves as a mediating influence between public opinion and state legislative behavior on partial birth abortion bans. NRLC officer Joe Landrum points out that much public support exists to protect unborn children. Consequently, Landrum feels that it is the responsibility of the NRLC to make state and national legislators aware of the great support that partial birth abortion bans has among the general public. The NRLC state affiliate in Tennessee feels it must counteract the influence of pro-choice media outlets and activists in order to make legislators truly aware of the state of public opinion in Tennessee, where pro-life abortion legislation

shares great support among the public (Harris 2007). Finally, Maryland Right to Life envisions itself as representing the pro-life contingent in Maryland, while convincing the public to contact their legislators directly as well (Martin 2007). Unlike many interest groups who primarily focus on getting legislation passed that help them directly, the NRLC is not looking after themselves, but the general public by acting as a facilitator between public opinion and the state legislature. As a pro-life interest group, the NRLC helps to link public opinion to how state legislators respond to the partial birth abortion issue. This may explain why public opinion is significantly related to state legislative behavior on partial birth abortion.

#### Quantitative Analysis of Public Opinion and State Legislative Behavior

In my first model, I examine the relationship between public opinion on abortion in the states as measured by Brace et al (2002)<sup>9</sup> and whether or not the legislatures in these states passed partial birth abortion bans. Because higher values on the Brace measure indicate more tolerant public attitudes toward abortion and states that passed the bans are coded as 1 (states without the bans are coded 0), a negative relationship would indicate that public opinion corresponds with state legislatures passing partial birth abortion bans. As hypothesized, the negative coefficient for public opinion in Table 1 indicates that this hypothesized relationship indeed exists, with public opinion being related to state legislative behavior on partial birth abortion bans.<sup>10</sup>

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<sup>9</sup> The Brace et al (1998) measure is a pooled measure of abortion attitudes as measured by the GSS between 1986 and 1998.

<sup>10</sup> I also tested the relationship between pooled attitudes measured between 1974 and 1998 and state legislative behavior, and the relationship between the change in abortion attitudes between the early period (1974-86) and the late period (1986-98) and state legislative behavior. However, these relationships were not as powerful as the relationship between the abortion attitudes during the late period and state legislative behavior. It seems that legislators do indeed respond to current public attitudes toward abortion in general instead of the change in attitudes or attitudes measured during a longer time frame. Furthermore, it seems

**Table 1: The Effect of Public Opinion on Whether or not State Legislatures Pass Partial Birth Abortion Bans <sup>11</sup>**

Independent Variables	b (s.e.)	P >  z  Two-Tailed Test	b (s.e.)	P >  z  Two-Tailed Test	b (s.e.)	P >  z  Two-Tailed Test
Public Opinion	-3.826** (1.650)	0.020	-3.863** (1.639)	0.018	-3.776* (1.630)	0.021
Percent Evangelical Protestant	0.017 (0.059)	0.774	0.021 (0.053)	0.683	0.010 (0.056)	0.851
Citizen Ideology	-0.010 (0.057)	0.863	-----	-----	-0.025 (0.043)	0.569
Government Ideology	-0.013 (0.034)	0.695	-0.017 (0.026)	0.502	-----	-----
Intercept	15.825* (6.980)	0.023	15.628* (6.878)	0.023	15.736 (6.883)	0.022
Chi-square	16.95**	-----	16.92**	-----	16.80**	-----
Probability > chi-square	0.0020	-----	0.0007	-----	0.0008	-----

Number of Observations: 40  
Adjusted R-square: 0.31

\*\*p<0.01 (one-tailed test)  
\*p<0.05 (one-tailed test)

This relationship is highly significant at the .01 level for a one-tailed test. It seems, when controlling for important factors, that as the partial birth abortion issue became salient in the mid 1990's, state legislators responded directly to public opinion on the abortion issue in different states. The less tolerant the state of public opinion was in a

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that interest groups do an adequate job of pointing out current public abortion attitudes to state legislators, encouraging them to vote for partial birth abortion bans.

<sup>11</sup> Dependent variable: State legislature passage of partial birth abortion ban.

certain state, the more likely that state legislators would pass a partial birth abortion ban. As the issue became salient, state legislators felt the need to respond to state-level public opinion in order to increase their chances of reelection.

Evangelical Protestantism, my interest group variable, does not seem to be significantly related to whether or not states pass partial birth abortion bans. As hypothesized, the more Evangelical Protestants active in a state, the more likely state legislatures would pass partial birth abortion bans. This relationship, however, is not statistically significant at the .05 level. It seems as if Evangelical Protestants, as an interest group, did not significantly influence state legislators to vote in favor of a partial birth abortion ban. Having a higher percentage of Evangelical Protestants fighting for a partial birth abortion ban seems to have not significantly effect state legislative behavior. These results suggest that public opinion does not work alongside interest group behavior as measured by Evangelical Protestantism.

General citizen ideology does not seem to significantly affect whether state legislators choose to vote for partial birth abortion bans. While the relationship between citizen ideology and state legislative behavior is in the hypothesized direction (as citizen ideology becomes more conservative, state legislatures are more likely to pass partial birth abortion bans, the relationship is not statistically significant. State legislators seem to respond more to public opinion on specific issues rather than general citizen ideological positions when voting on partial birth abortion bans. These results suggest that state legislators do pay attention to specific public attitudes instead of just relying on the overall conservatism of the public when voting on salient issues like public birth abortion.

Finally, government ideology does not exert a significant effect on the likelihood that state legislators vote in favor of passing partial birth abortion bans. These results show that, although the relationship between government ideology and state legislative behavior is in the hypothesized direction, the relationship is not statistically significant. State legislators seem to vote more according to how the public feels on the partial birth abortion issue instead of their own ideological preferences, as previous authors have suggested. No matter what the ideological composition of the state legislature might be, state legislators still respond to specific public opinion on abortion when voting whether or not to adopt partial birth abortion bans.

In my second and final model, I have included the two interaction variables *BraceGov*, which measures how public opinion works through state legislators in affecting legislative behavior, and *BraceChurch*, which measures how interest groups such as Evangelical Protestants help link public opinion to state legislative behavior. As Table 2 indicates, when these interaction variables are added, the effect of public opinion is weakened. Both of the interaction variables seem to take away some of the power of public opinion, while the interaction variables exert some power on their own, although the effects fall short of statistical significance. Public opinion does seem to work through both interest groups and Republicans in state legislatures in influencing state legislatures to pass partial birth abortion bans.

**Table 2: The Effect of Public Opinion on Whether or not State Legislatures Pass Partial Birth Abortion Bans with Interaction Variables Included<sup>12</sup>**

Independent Variables	b (s.e.)	P >  z  Two-Tailed Test	b (s.e.)	P >  z  Two-Tailed Test
Public Opinion	-5.144* (2.555)	0.044	-2.747 (3.742)	0.463
Percent Evangelical Protestant	-0.336 (0.441)	0.446	0.017 (0.058)	0.772
Citizen Ideology	-0.004 (0.060)	0.946	-0.008 (0.058)	0.896
Government Ideology	-0.015 (0.035)	0.664	0.071 (0.279)	0.800
BraceChurch	0.097 (0.122)	0.424	-----	-----
BraceGov	-----	-----	-0.021 (0.071)	0.762
Intercept	20.577* (10.027)	0.040	11.486 (15.127)	0.448
Chi-Square	17.50**	-----	17.04**	-----
Probability > chi-square	0.0036	-----	0.0044	-----
Adjusted R-square	0.33	-----	0.32	-----

Number of Observations: 40

\*\*p<0.01 (one-tailed test)

\*p<0.05 (one-tailed test)

On salient issues like partial birth abortion, public opinion consistently exerts its influence on state legislative behavior when controlling for other factors.<sup>13</sup> My

<sup>12</sup> Dependent variable: State legislature passage of partial birth abortion ban.

quantitative results suggest that state public opinion on abortion had a much greater effect than both general citizen ideology and legislative factors like government ideology. Furthermore, while the effect of interest groups is not fully seen in my quantitative analysis since interest groups are difficult to measure quantitatively, my qualitative analysis of the NRLC reveals that interest groups do help to connect public opinion to state legislative behavior. I have shown that the NRLC was influential in convincing the public to contact state legislators directly and by providing state legislators with public opinion data that helps state legislators to properly gauge public opinion on the partial birth abortion issue.

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<sup>13</sup> I originally included a number of other control variables in my models, including abortion rate, percent urbanization in a state, the percentage of female workforce members in a state, gross state product per capita, percent female in the state legislature and average Republicanism in the state legislature. Even when including these other control variables, my public opinion measure maintained statistical significance. However, I ultimately decided to trim my final models because government and citizen ideology can encompass many of these other control variables.

## CONCLUSION

My findings support my hypothesis that public opinion on salient issues significantly affects the likelihood that state legislatures pass partial birth abortion bans. This analysis is important because it determines the facilitating factors that help connect public opinion to state legislative behavior. While previous research has only linked public opinion to state legislative behavior without addressing the conditioning elements that connect the two, I show that salient issues and interest groups help explain how and why state legislators use public opinion when making legislative decisions. My logistic regression results suggest that public opinion plays a bigger role than factors like general citizen and government ideology in affecting state legislative behavior on salient issues like partial birth abortion. Salient issues help raise public awareness and interest in an issue. As a result, legislators are held more accountable on these types of issues and feel more obligated to vote according to their constituents' opinions on these salient issues. In addition, interest groups, like Evangelical Protestants and the National Right to Life Committee, act as a mediating influence between public opinion and state legislators, helping gauge public opinion for state legislators, encouraging the public to contact state legislators on issues like partial birth abortion, and aiding state legislators in drafting/debating bills that conform to the public's wishes.

While this analysis focuses on certain state legislative behavior like voting, further research needs to be devoted to areas like committee hearings and floor debates. Furthermore, this analysis can be extended to other types of salient and non-salient abortion legislation, like parental consent laws and contraception laws. Future attention could be devoted to the individual district/county constituent-legislator relationship,

examining if public opinion on salient issues is evident in individual legislator voting decisions. Finally, further research can be devoted to developing better quantitative measures of interest group influence, enabling the researcher to potentially find significant effects of interest group influence through a quantitative analysis.

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