

**The Impact of Partisan Party Control on the Diffusion  
of Parental Involvement Laws in the American States**

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KEY WORDS: Abortion, Parental Involvement Laws

## ABSTRACT

This paper examines the impact of partisan political party control of government on the restrictiveness of a state's abortion policy – the enactment of a parental involvement law. The empirical results show that (1) institutional control of a state's legislative and executive branches of government by the Republican (Democratic) Party increases (decreases) the likelihood a state will enact a parental involvement law; (2) the more anti-abortion a state's public abortion attitudes, the more likely a state will enact a parental involvement law; (3) public anti-abortion attitudes do not act as a moderating force on the link between partisan political party control and the enactment of a parental involvement law; and (4) the impact of partisan political party control on the enactment of a parental involvement law has grown larger over time.

## **The Impact of Partisan Party Control on the Diffusion of Parental Involvement Laws in the American States**

For more than five decades political scientists have produced a substantial body of empirical research on the impact of political parties on redistributive economic policies such as welfare policies, tax burdens and expenditures/benefits in the American states. More recently, however, political scientists began examining the determinants of state public policies that were enacted because of concerns with morality (Mooney 1999; Haider-Markel and Meier 1996; Mooney and Lee 1995; Meier 1994). Mooney and Lee (1995: 600) argue that morality policies are “those which seek to regulate social norms or which evoke strong moral responses from citizens for some other reason. The regulation of abortion clearly evokes both of these aspects of morality policy.” Of particular interest is the unresolved question about the relationship between political parties and abortion policy-making in the American states.

Prior studies of morality policies suggest that the relative importance of political factors in explaining variations in the adoption of morality policies differ substantially from redistributive economic policies (Mooney and Lee 1995). In this paper we seek to build on and expand the literature on the influence of political parties on state public policies by examining the role and consequence of partisan political party control on the adoption of anti-abortion legislation. This paper addresses several important public policy questions. Does partisan political party control of state government produce abortion policies that are inconsistent with the public’s abortion attitudes? Do advocacy groups have an impact on a state’s abortion policies? Has legislator responsiveness to their constituents’ abortion policy preferences increased over time? We advance the study of these questions by examining the impact of partisan political party control of state government using the event history

analysis estimation technique and focusing on a politically direct measure of a state's restrictive abortion policy – the enactment of a parental involvement law.

## **THEORIES OF PARTISAN POLITICAL CONTROL**

The literature on the systematic effect of political factors on state public policy began with Key (1949), who was the first to suggest that the characteristics of state political systems - interparty competition, Democratic or Republican control of state government - are crucial determinants of various measures of state governmental outputs (i.e., welfare, tax burdens, educational spending). Key argued that the competition for votes would lead political parties to provide increased levels of public services to the “have-not” citizens in a state. However, when Dye (1966) tested Key's hypothesis, he found that, once economic variables were controlled for, partisan political party control and interparty competition had no discernible impact on 90 separate state public policy outputs. Dye (1966: 293) concluded that, “Differences in the policy choices of states with different types of political systems turn out to be largely a product of differing socioeconomic levels rather than a direct product of political variables.”

Dye's findings stimulated other political scientists to systematically reexamine the question of whether political system characteristics influence public policy. Winters (1976) argued that for there to be a relationship between partisan political party control and state public policy requires (1) that political parties must systematically and accurately reflect the cleavages within the society and (2) there must be a salient and ideological link between the policy issue and the public for the political party to take a committed stand on the policy issue.

Jennings (1979) extended and expanded Winters' argument. Jennings theorized that political parties tailor their policy actions to the policy preferences and demands of groups who disproportionately provide them political support. Jennings argued that political parties tailor their policy actions to the policy preferences and demands of groups who disproportionately provide them political support. As noted by Jennings (1979: 429), “Party constituency is one policy-relevant

attribute of party systems. Other relevant dimensions might be the political values and ideologies of the leaders of competing parties and the degree of party cohesion. Only if parties vary in those types of characteristics would we expect policy outputs to vary with differences in control of government.”

Erikson, Wright, and McIver (1989) argue that partisan political party control of the state legislature is not a particularly good predictor of state public policy because Democrats and Republicans moderate their ideological policy positions towards the center of the policy spectrum in response to state public preferences in order to achieve electoral success. Alt and Lowry (1994, 2000) hypothesized that the presence of partisan unified government significantly increases the likelihood that partisan legislation favoring the dominant party would pass. When the legislature is split or there is a split branch the likelihood of partisan legislation passing is reduced.

Heretofore, the preponderance of the empirical analysis on the impact of partisan political party control has focused on tax and spending public policy outputs. The bulk of the research indicates that partisan political party control of state government does affect economic measures of public policy, but only under certain conditions. This study examines the impact of partisan political party control of state government on a non-economic measure of public policy. In particular, a polarizing morality policy – the restrictiveness of a state’s abortion policy – the enactment of a parental involvement law

## **PARTISAN POLITICAL PARTY CONTROL AND ABORTION IDEOLOGY**

Adams (1997) presented empirical evidence that showed convincingly that the Democratic Party and the Republican Party elites’ position on abortion has become clear-cut and more divergent since 1979. Democratic Party elites’ position on abortion has become increasingly more pro-choice and Republican Party elites’ position has become increasingly more anti-abortion. In addition, the political elites are far more ideologically extreme on the issue of abortion than the general public (Norrande and Wilcox 1999). At the general public level, many voters have changed their party affiliation in accordance with their attitudes on abortion (Abramowitz 1995). This suggests that

restrictive abortion policies may be more likely to be enacted when the ideological anti-abortion Republican Party controls state government, while partisan control of state government by the ideological pro-choice Democratic Party may protect abortion rights, regardless of public anti-abortion attitudes.

Most studies in the abortion politics literature have measured partisan political party control in state legislatures 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 (Camobrecco and Barnello 2008; Norrander and Wilcox 1999; O'Connor and Berkman 1995; Berkman and O'Connor 1993; Meier and McFarlane 1993; Strickland and Whicker 1992). Hansen (1993) argues that it is incorrect to assume that the impact of partisan political party strength on abortion policy increases in direct proportion to the percentage of Democrats or Republicans in state legislatures. Hansen posits that a threshold level must be reached before Democrats or Republicans can exert a measureable 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.

Similarly, Burstein (1981: 299) notes that "in majoritarian politics, the shift from minority to majority has special significance." Statistically, a shift from 30% to 35% of the legislature that are Democrats or Republicans may be the same as the shift from 48% to 53%. 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. When this happens, the political party with institutional control may ignore the public's opinion on issues. Since either house of the state legislature or the governor can reject a proposed law, this suggests that the crucial political factor in the enactment of an abortion statute may be whether a partisan political party controls *both* houses of the state legislature *and* the Governor's office.

## STATE ABORTION POLICIES

Previous studies of the determinants of a state's abortion policy have examined a number of different measures of a state's restrictive abortion policy. Camobreco and Barnello (2008), Norrander and Wilcox (1999), O'Connor and Berkman (1995), Hansen (1993), Goggin and Wlezien (1993) and Strickland and Whicker (1992) all construct an index of a state's restrictive abortion policy based on the Halva-Neubauer (1993) count of the total number of various anti-abortion regulations and resolutions passed by a state between 1973 and 1989. These include resolutions or regulations about fetal disposal, gender selection, fetal pain, fetal experimentation bans and calls for a constitutional convention for a human life amendment.

The problem with using the total number of various anti-abortion resolutions or regulations enacted in each state as of 1989 as a measure of a state's restrictive abortion policy is that almost all of these anti-abortion measures were enacted prior to 1989 (e.g., in some states up to 15 years before 1989). But the predictor variables used in these studies are as of 1989 and, as a consequence, may not accurately reflect a state's political, social or economic characteristics when each anti-abortion measure was *enacted* – causing potential causality problems. In general, most of these studies find that the percentage of women and Democrats in a state's legislature is associated with less anti-abortion resolutions/regulations, while anti-abortion groups (e.g., the percentage of Catholics and the percentage of fundamentalist/evangelical Christians) are associated with more anti-abortion resolutions/regulations. State anti-abortion public opinion in some studies has a significantly positive impact and in other studies no significant impact on the number of anti-abortion resolutions/regulations.

Norrander and Wilcox (1999), Meier and McFarlane (1993), Berkman and O'Connor (1993) and Hansen (1993) all use as a measure of a state's restrictive abortion policy whether or not a state funds Medicaid abortions for poor women. Medicaid is a joint federal and state health insurance program that funds medical services for the poor. In 1980, the Supreme Court in *Harris v. McRae*, 448

U.S. 297 (1980) ruled that the federal government was not constitutionally obligated to use federal funds to reimburse states for the cost of an abortion provided to poor women. As a result, the funding of Medicaid abortions was left solely to the discretion of each individual state. The problem with using whether or not a state funds Medicaid abortions as a measure of a state's restrictive abortion policy is that the overwhelming majority of states that continued to fund Medicaid abortions were ordered to do so by their state Supreme Courts. In 2000, there were 17 states that funded Medicaid abortions, but 13 of the states did so only because they were ordered by their state Supreme Courts – only 4 states voluntarily funded Medicaid abortions. As a consequence, the significant predictors of state Medicaid funding that each of these studies finds is problematic.

There are four other types of restrictive state abortion laws that have passed the constitutional scrutiny of the U.S. Supreme Court, but have not been examined in the political science literature.

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 ruled to be constitutional since 1992 and there are only five states that require a mandatory delay that necessitates that a woman make two trips to an abortion provider (Medoff 2007).

Mandatory counseling laws require that a woman be given abortion-specific state-mandated informational material about the abortion procedure (e.g., fetal development, possible psychological side effects, fetal pain). The problem is that states only enacted mandatory counseling laws since 1992 and there exists considerable variation as to the information that women receive in mandatory counseling states. There exists so much variation that it is difficult to categorize the different types of mandatory counseling laws and make meaningful comparisons. Also, there is no requirement that women actually read any written materials they receive (Medoff 2007).

Between 1997 and 2000, 13 states enacted laws prohibiting a specific late-term medical abortion procedure called dilation and extraction and described in the law as partial-birth abortion. In



2000, the U.S. Supreme Court in *Stenberg v. Carhart*, 530 U.S. 914 (2000) struck down all the laws because the description of the medical procedure was so broad that they excluded more conventional abortion techniques and because the bans did not include a medical exception to protect a woman's health. Since all 13 states passed their bans within a three year period and more than half enacted a partial-birth abortion ban in 1998 there is insufficient data and variation to make meaningful comparisons (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).

Among the most restrictive state abortion laws, because they affect the large and vulnerable population of teen minors, are laws aimed at involving a parent in a teen minor's abortion decision. Parental involvement laws require unmarried minors (less than 18 years of age) to notify (i.e., parental notification law) or obtain the consent of a parent (i.e., parental consent law) prior to obtaining an abortion. A parental involvement law is permitted provided that a state has a judicial bypass procedure that allows an unmarried teen minor to petition a judge for permission to obtain an abortion in the event of extenuating circumstances. Parental involvement laws have been found to reduce a state's teen minor abortion rate by nearly 14 percent (New 2008). Thus, over the period 1974-2008 examined in this paper, the enactment of parental involvement laws by states represents a substantive, time-invariant, unambiguous and effective measure of a state's restrictive abortion policy. This paper poses the question: Does partisan political party control affect a state's enactment of a parental involvement law? We answer this question by focusing on the influence of political ideology, public attitudes, advocacy groups and partisan political party control on the enactment of state parental involvement laws.

### **Judicial History of Parental Involvement Laws**

The U.S. Supreme Court's 1973 *Roe v. Wade*, 410 U.S. 113 (1973) decision held that a constitutional right of privacy exists which encompasses a woman's right to terminate an unwanted pregnancy. In the years following the *Roe v. Wade* decision, the Supreme Court ruled that pregnant

teen minors (less than 18 years of age) are constitutionally entitled to make the decision to have an abortion without unreasonable state interference. But the Supreme Court also held that a state's interest in protecting the health and safety of a teen minor to be sufficient to require parental involvement in a teen minor's decision to have an abortion.

On July 1, 1976 the Supreme Court decided the first in a series of cases that shaped the constitutionality of parental involvement laws. In *Planned Parenthood v. Danforth*, 428 U.S. 52 (1976) the Court ruled that a Missouri statute requiring a teen minor to obtain her parents' permission before having an abortion unconstitutionally infringed on the teen minor's abortion rights because it did not contain a judicial bypass provision and an exception for medical emergencies. In 1979, the Supreme Court in *Bellotti v. Baird*, 443 U.S. 622 (1979) invalidated a Massachusetts parental consent statute because it gave a parent a veto on a minor's request for an abortion without a judicial bypass procedure. In 1981, in *H.L. v. Matheson*, 450 U.S. 398 (1981) the Court upheld a Utah parental notification law having no judicial bypass since the law required prior notification "if possible" of the minor's parents of the pending abortion. In 1983, in *Akron v. Akron Center for Reproductive Health*, 462 U.S. 416 (1983) the Supreme Court struck down a judicial bypass procedure that required parental notification of a minor's petition seeking court approval to have an abortion. In 1990, in *Hodgson v. Minnesota*, 497 U.S. 417 (1990) and *Ohio v. Akron Center for Reproductive Health*, 497 U.S. 502 (1990) the Court upheld a Minnesota parental notification statute that required physicians to wait 48 hours after a teen minor's parents have been notified about her decision to have an abortion and upheld Ohio's parental notification law that required a 24 hour waiting period since neither state's law was deemed to unreasonably delay a teen minor's access to an abortion.

Finally, in 1992 in *Planned Parenthood v. Casey*, 505 U.S. 833 (1992) the Supreme Court changed the standard by which courts were to judge the constitutionality of a restriction on a woman's access to an abortion. In *Casey*, the Court ruled that states could impose restrictions on a woman's access to an abortion provided that the restrictions did not impose an "undue burden" on a woman's

right to obtain an abortion. The Court declared that a state law or regulation places an undue burden on a woman's access to an abortion if it "has the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." The *Casey* decision reaffirmed the constitutionality of parental involvement laws provided there is a judicial bypass procedure and is the prevailing legal standard.

## **The Model**

### *Dependent Variable*

The dependent variable is PARENTAL INVOLVEMENT LAW which is a dummy variable equal to one if a state enacted a parental involvement law (either a parental notification law or a parental consent law) in year  $t$  ( $t = 1974-2008$ ) and zero otherwise.<sup>1</sup>

### *Independent Variables*

The morality policy literature generally, and the abortion policy literature specifically, suggests that the enactment of anti-abortion policies by a state will likely be influenced by the anti-abortion attitudes of the public, anti-abortion group strength, state political ideology, political forces (partisan political party control of a state's government and female legislators) and the demand for the immoral good (Roh and Haider-Markel 2003; Norrander and Wilcox 1999; Meier and McFarlane 1993).

### *Public Anti-Abortion Attitudes*

There is a large body of empirical evidence that shows that a state's abortion policy follows the public's abortion attitudes (Cook et al. 1993; Wilcox 1989; Hansen 1980). However, 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 abortion attitudes exists. Most studies measure public abortion attitudes by constructing an index based on 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), who were asked the degree to which they thought abortion should be legal.

Camobreco and Barnello (2008), Norrander and Wilcox (1999) and O'Connor and Berkman (1995) use Norrander's (2001) anti-abortion attitude index which was constructed from the 1988-1990-1992 Senate National Election Study opinion survey which asks, "Do you think abortion should be legal under all circumstances, certain circumstances, or never legal under any circumstances." One drawback in using opinion surveys is that they are only available for a limited number of years. However, Wetstein (1996, 1993) and Wilcox and Riches (2002) found that public abortion attitudes are remarkably stable over time and unlikely to change due to changes in the political or legal environment.

Accordingly, this study also uses Norrander's (2001) state anti-abortion attitude index since it is the latest available and it is unlikely that over time there was a change in the public's anti-abortion attitudes in a state that affected the position of one state relative to another. The Norrander *anti-abortion attitudes* index 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 anti-abortion attitude index the more anti-abortion a state's citizens.

#### *Anti-Abortion Group Strength*

Individual members of the public can enhance the impact of their opinions on legislators through advocacy groups. Advocacy groups may influence legislators' judgments about the preferences of their constituents. Elected officials often fear electoral reprisals from advocacy groups because such groups represent attentive public voters who can withhold votes, contributions and volunteers for political campaigns for not successfully promoting the goals of the group. Since neither pro-choice or anti-abortion groups will provide state membership figures, we follow many researchers (Norrander and Wilcox 1999; O'Connor and Berkman 1995; Berkman and O'Connor 1993; Hansen 1993) by using two indirect measures of anti-abortion group strength – the percentage of the

population that is *Catholic* and the percentage of the population that belongs to a *fundamentalist/evangelical Christian* denomination in each state for the years 1974-2008.<sup>2</sup>

Both the Catholic Church and various fundamentalist/evangelical Christian denominations have clear and distinct teachings on the sanctity of life and strong moral prohibitions against abortion; equating it to murder (Goggin 1993; Wilcox 1989; Jelen 1988, 1984). The issue of abortion has a higher salience for fundamentalist/evangelical Christians than the general public.

Fundamentalist/evangelical Christians are more likely to oppose abortion and support legal restrictions on abortion (O'Connor and Berkman 1995). Local Catholic Churches also provide large numbers of committed activists to the National Right to Life Committee to lobby for anti-abortion legislation. As noted by Berkman and O'Connor (1993), Meier and McFarlane (1993) and Cook et al. (1993), Catholics and members of various fundamentalist/evangelical Christian denominations are disproportionately associated with anti-abortion activities and provide considerable resources (lobbyists, activists, protestors, advocates and campaign contributions) to influence the political process. Therefore, in states with a large Catholic or fundamentalist/evangelical Christian presence, local churches are more likely to have resources available to them to provide support for anti-abortion legislative initiatives or influence legislators' perceptions of their constituents' anti-abortion policy preferences.

### *State Political Ideology*

Another variable that is an important determinant of state abortion policy is the general political ideology of a state's citizens. State legislators may have a general idea of the ideological predispositions of their constituents and respond to the general public ideology of their constituents rather than to the public's abortion attitudes. A state's general political ideology may have an influence on state abortion policy, independent of the public's abortion attitudes. Schnell (1993) found that those who are ideologically conservative were more likely to engage in political action (e.g., vote, write to a newspaper, participate in rallies, write to elected officials).

We follow the abortion literature by using Erikson, Wright, and McIver'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 CBS/*New York Times* Poll in each state annually from 1974 to 2008 (Camobreco and Barnello 2008; Cohen and Barrilleaux 1993; Meier and McFarlane 1993; Berkman and O'Connor 1993).<sup>3</sup> We use the Erikson, Wright, and McIver ideology index because it is a direct measure of citizen ideological preferences rather than the Berry et al. (1998) citizen ideology index which is a measure of the ideological preferences of the combined Democratic and Republican state congressional delegation (Erikson, Wright, and McIver 2007). 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*

Demand for abortion in a state may influence the enactment of a parental involvement law. Household income has been consistently found to be one of the strongest predictors of abortion demand (Medoff 2007). The variable *family income* is the median household income (in constant year 2000 dollars) in each state and year.<sup>4</sup> We also include a state's *abortion rate* (lagged by one year to avoid the problem of endogeneity) to determine whether the enactment of a parental involvement law is a function of abortion demand.<sup>5</sup>

#### *Partisan Political Party Control*

As noted in a previous section, there is considerable empirical evidence that the Republican and Democratic parties are sharply divided on the issue of abortion (Layman et al. 2006; Layman and Carsey 2002; Layman 2001; Layman and Carsey 1998).<sup>6</sup> State legislators from the Republican Party are more likely to have an anti-abortion ideology favoring the enactment of parental involvement laws and are also more likely to have constituencies in favor of the enactment of parental involvement laws. While state legislators from the Democratic Party are more likely to have pro-choice ideologies

opposed to the enactment of parental involvement laws and are also more likely to have constituencies in against the enactment of parental involvement laws. This suggest that the link between the abortion ideology of a political party and which political party controls both the legislative and executive branches of state government is the crucial factor in achieving the political party's ideological position on abortion. Thus, when the ideological anti-abortion Republican Party controls both houses of the state legislature and the governor's office, enactment of a parental involvement law is more likely and less likely when the ideological pro-choice Democratic Party has institutional control of state government.

Typically, the political science literature has measured partisan party institutional control as a dichotomous variable (Alt and Lowry 2000; Plotnick and Winters 1990; Lowery 1987; Garand 1985) or as a trichotomous variable (Smith 1997; Brown 1995; Grogan 1994; Dye 1984). We choose to use a trichotomous variable because it explicitly incorporates divided government and combines the partisan control of the governor's office and the two branches of the state legislature into a single predictor variable. The variable *partisan government control* is equal to 1 if the Republican Party controls both houses of the state legislature and the Governor's office; 0 if there is divided government (i.e., one political party controls one or two branches of the state government – Senate, House or Governor's office – but not all three); and -1 if the Democratic Party controls both houses of the state legislature and the Governor's office in year t.<sup>7</sup>

### *Female Legislators*

Several recent studies have found that attitudinal gender differences exist among state legislators (Norrander and Wilcox 1999; O'Connor and Berkman 1995; Berkman and O'Connor 1993; Hansen 1993). Female state legislators are more supportive than their male colleagues on women's issues. Norrander and Wilcox (1999) found that the more women there are in a state legislature, the greater the likelihood of liberal abortion policies. Caiazza (2004) found that states with higher levels of women's representation in state legislatures have more women-friendly policies, particularly women's

reproductive rights. The proportion of females in state legislatures may also reflect a shift away from traditional gender roles and expectations. A high proportion of females in state legislatures may also provide a sufficiently critical mass to be more resistant to legislation that would diminish women's reproductive rights. However, while female state legislators may be more supportive of women's reproductive rights in general, they may be unwilling or reluctant to give teen minor girls unrestricted and unfettered access to abortion. Female legislators may feel that, before a major elective surgery and potentially significant life-changing event, it is important for mothers to be involved in the abortion decision of their daughters. In order to take into account the effect of female legislators, we include the variable *% female legislators* – the percentage of women in each state's legislature for the years 1974-2008.<sup>8</sup>

### **Estimation Method**

In order to test our hypothesis about partisan political party control on the enactment of a parental involvement law we employ the event history estimation technique first used by Berry and Berry (1990). The enactment of a parental involvement law is a nonrepeatable event. While a state could have enacted a parental involvement law more than once, no state did so during the period of analysis (a complete list of states with parental involvement laws and the dates the laws were enacted are available in New 2008). Several states enacted parental involvement laws that were enjoined by a lower court, but went into effect at a later date because of a favorable ruling by a higher court (Merz, Jackson and Klerman 1995). A very small number of states amended their initial enactment of a parental involvement law at a later date to include a judicial bypass mechanism. All these states were treated as one event history outcome (i.e., when the parental involvement law was enacted, not when the parental involvement law went into effect).

The event history analysis estimation technique has several significant advantages. 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 *specific year*. 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.

## **EMPIRICAL RESULTS**

The pooled cross-sectional time-series probit estimates of the model, over the sample period 1974-2008, with the dependent variable being the enactment of a parental involvement law by a state (=1), appear in Table 1, column 1.<sup>9</sup> The empirical results show that a state's political ideology, household income, Catholics and the abortion rate are all statistically insignificant predictors of the enactment of a parental involvement law by a state.<sup>10</sup> The latter result is consistent with Cohen and Barrilleaux's (1993) finding that policymakers are neither responding to the demand for abortion nor are they reacting to the demand for abortion in their state. The percentage of a state's population that are fundamentalist/evangelical Christians has a significantly positive ( $p < .03$ ) impact on a state's enactment of a parental involvement law. The finding that fundamentalist/evangelical Christians have a direct effect on the enactment of a parental involvement law suggests that the anti-abortion preferences of fundamentalist/evangelical Christians are overrepresented in shaping a state's abortion policies. The percentage of women legislators has a significantly positive ( $p < .005$ ) effect on the enactment of a parental involvement law. This counterintuitive result suggests that, while female legislators may be supportive of women's reproductive rights, they support requiring involvement by parents in the abortion decision of their daughters.

*Anti-abortion attitudes* ( $p < .001$ ) are significantly positive – the more anti-abortion a public's attitudes the greater the likelihood of a parental involvement law being enacted. The empirical results

also show that *partisan government control* ( $p < .01$ ) is also significantly positive. An incremental change from Democratic Party control of state government to Republican Party control of state government increases the probability of a parental involvement law being enacted by approximately 8%. This result suggests, as hypothesized, that institutional control of state government by the ideologically anti-abortion Republican Party increases the likelihood of the enactment of a parental involvement law, while institutional control of state government by the ideologically pro-choice Democratic Party decreases the likelihood of the enactment of a parental involvement law.

<TABLE 1 ABOUT HERE>

Since political parties are interested in the electoral consequences of their policies, the impact of partisan control of government on the likelihood that a state will adopt a parental involvement law might vary with a state's public abortion attitudes. The more pro-choice a state's public abortion attitudes, the less likely a unified Republican state government might be willing to enact a parental involvement law and the less pro-choice a state's public abortion attitudes, the more likely a unified Democratic state government might be willing to enact a parental involvement law. To explore this possibility, we reestimated the equation in Table 1, column 1 with an interaction term between the *partisan government control* variable and the *anti-abortion attitudes* variable.

The empirical results appear in Table 1, column 2. As before, *anti-abortion attitudes* is significantly positive. However, the coefficient on the *partisan government control* x *anti-abortion attitudes* interaction term is not significantly different from zero.<sup>11</sup> This suggests that public anti-abortion attitudes do not act as a moderating force on the link between partisan political party control and the enactment of a parental involvement law. The polarized ideological positions of the two political parties on the abortion issue in conjunction with institutional control of the legislative/executive branches of state government may produce abortion policies that conflict with the public's abortion policy preferences.

The finding that Republican Party partisan control of state government increases and Democratic Party control decreases the likelihood of a parental involvement law being enacted ignores electoral competition. It implicitly assumes that Republican or Democratic policymakers ignore electoral competition and use their partisan abortion ideology as a fundamental guide to policy-making. Mayhew (1974) argues that legislator responsiveness to their constituents' ideological preferences increases when the level of competition in legislative contests or the governor's race is sufficiently high and the incumbent is electorally vulnerable. Barrilleaux (2000, 1997) found that Republican or Democratic policymakers, with meaningful electoral competition (small victory margins), respond by enacting public policies more in line with the ideological positions of their core constituents than would be produced by those elected with large vote margins.

In order to take into account the electoral conditions under which Republican or Democratic partisan party control of state government occurs we reestimated our model replacing *partisan government 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 1, column 3. State *anti-abortion attitudes* ( $p < .001$ ) still have a direct impact on the enactment of a parental involvement law. However, all six of the electoral margin variables are statistically insignificant: electoral margins are found to have no significant influence on the enactment of a parental involvement law. Policymakers from the Republican or Democratic Party, in control of state government, make their decision to support or oppose the

enactment of a parental involvement law on the basis of their partisan and personal abortion attitudes, regardless of the electoral conditions they face.

As noted previously, Alt and Lowry (1994) argue that the impact of partisan political party control on state policies depends on the partisan party institutional control configuration. They found that different partisan party institutional control configurations have significantly different effects on state policies. We use a series of dummy variables equal to 1 to represent Alt and Lowry's (1994) partisan institutional configurations as our measure of party control of state government. These partisan configurations divide into three primary factors: (1) unified government (one party controls both the legislative and executive branches); (2) split branch (one party controls both houses of the legislature and the other party controls the governorship); (3) split legislature (each party controls one house of the legislature). Using notation similar to Alt and Lowry, we define the first letter of their partisan configuration as Democratic D or Republican R controls the governor's office and the second letter is defined as Republican R or Democratic D control both houses of the state legislature or S one party controls each house of the state legislature. For example, the configuration DR represents a state that has a Democratic Governor, but the Republican Party controls both houses of the state legislature.

The model is first reestimated replacing the *partisan government control* variable with dummy variables for Alt and Lowry's pure partisan party institutional control configurations RR and DD. The empirical results appear in Table 2, column 1. The empirical results show that, as hypothesized by Alt and Lowry, the presence of partisan political party unified government control significantly increases the likelihood of a parental involvement law being enacted when the anti-abortion Republican Party controls state government, while institutional control of state government by the ideologically pro-choice Democratic Party decreases the likelihood of the enactment of a parental involvement law.

<TABLE 2 ABOUT HERE>

Column 2 of Table 2 shows the empirical results when each of the pure party institutional control configurations is interacted with the public anti-abortion attitudes variable. The impact of

Republican Party control does not vary with the public's anti-abortion attitudes. The numerical impact of unified Democratic Party control (evaluated at the sample mean value for public anti-abortion attitudes) is not significantly different from the coefficient which appears in Table 2, column 1 when there is no interaction term. Consistent with the empirical results reported in Table 1, the public's anti-abortion attitudes do not act as a moderating force on the link between either of the two pure partisan party institutional control configurations and the enactment of a parental involvement law.

Column 3 of Table 2 shows the empirical results when the model is reestimated with five of the six possible Alt and Lowry partisan party institutional control configurations (RR, DD, RD, DR, RS). The empirical results show that unified institutional control by the anti-abortion Republican Party does not significantly increase the likelihood of a parental involvement law being enacted and unified control by the pro-choice Democratic Party significantly decreases the likelihood of a parental involvement law being enacted. When the legislature is split or there is a split branch the likelihood of a parental involvement law being enacted is reduced.<sup>12</sup>

In order ascertain the independent impact of divided government, we reestimated the model in Table 1, column 1 replacing the *partisan government control* variable with four divided government dummy variables equal to one when there was a (1) Republican Governor, split legislature (RS); (2) Republican Governor, split branch (RB); (3) Democratic Governor, split legislature (DS); and (4) Democratic Governor, split branch (DB). Over the period 1974-2008, none of the four divided government variables were statistically significant (due to space limitations the empirical results are available upon request). This result is consistent with the argument by Winters (1976) and Jennings (1979) that the ideological cleavage on the issue of abortion between the Republican and Democratic parties means that when divided government occurs the likelihood of a parental involvement law being enacted is reduced.

To further test the impact of partisan party control on the enactment of a parental involvement law, we divided the sample into Southern states and non-Southern states and reestimated the model.

The empirical results (due to space limitations the complete empirical results are available upon request) show that the *partisan government control* and *anti-abortion attitudes* variables are significantly positive in Southern ( $p < .01$ ) states. The numerical impact of *anti-abortion attitudes* was virtually the same in Southern and non-Southern states. However, the numerical impact of the *partisan government control* variable in the South was significantly greater than in non-Southern states. In the South the numerical impact of *partisan government control* was .993, whereas it was .188 in non-Southern states. This implies that unified control of state government in the South by the Republican Party is more likely and by the Democratic Party less likely to result in a parental involvement law being enacted than their counterparts in non-Southern states.

### **Alternative Specifications**

In 1989, the Supreme Court in *Webster v. Reproductive Health Services*, 492 U.S. 490 (1989) granted state governments increased discretion to regulate women's abortion access. Mezey (1992) argues that the *Webster* decision had the effect of inviting state legislatures to write restrictive abortion laws and that the Supreme Court would approve limitations on women's access to an abortion. In the first year, after the *Webster* decision, nearly 400 anti-abortion bills were introduced in state legislatures (NARAL Foundation 1991). Jelen and Wilcox (2003), Norrander and Wilcox (1999), Wetstein (1996), O'Connor and Berkman (1995) and Goggin (1993) argue that the *Webster* decision mobilized advocacy groups on both sides of the abortion issue and that the impact of public abortion attitudes on a state's abortion policy increased after *Webster*.

In order to determine if our empirical results are sensitive to the data starting date, we reestimated the model in Table 1, column 1 over the post-*Webster* time period of 1990-2008. The empirical results (available upon request) showed that both *partisan government control* ( $p < .007$ ) and *anti-abortion attitudes* ( $p < .001$ ) still have a significantly positive impact on the enactment of a parental involvement law. In addition, a comparison of the numerical impact of the *partisan government control* variable (coefficient = .819), over the post-*Webster* time period, was significantly

greater than its respective coefficient estimate over the time period 1974-2008 in Table 1, column 1. This suggests that the numerical impact of political party partisanship on the abortion issue has grown larger and more divergent over time. This result is consistent with the prior research of Adams (1997), Abramowitz (1995) and Stimson (2004: 74-76) that, over time, Republican and Democratic elites became sharply divided on the issue of abortion with the Democratic Party elites becoming more supportive of abortion rights, while the Republican Party elites have become increasingly opposed to abortion.

This paper uses Norrander's general anti-abortion attitudes index, constructed from the 1988-1990-1992 Senate National Election Study. However, Norrander also provided a specific abortion attitudes index measure about the public's opinion about parental consent laws from the Senate National Election Study. The parental consent question asks, "Would you favor or oppose a state law that would require parental consent before a teenager under 18 could have an abortion?" The value 5 indicates strong support for parental consent laws and the value 1 indicates strong opposition to parental consent laws. One problem with using Norrander's parental consent index is that the parental consent question was not asked in the 1988 survey, only in the 1990 and 1992 Senate National Election Study. The smaller number of respondents surveyed per state raises obvious questions about the reliability of the survey. In addition, Norrander's parental consent attitudes index has very little variability (mean = 3.81, standard deviation = .23).

Nonetheless, we reestimated the model in Table 1, column 1 replacing *anti-abortion attitudes* with the Norrander's parental consent attitudes index. The empirical results showed that the *partisan government control* variable was still significantly positive ( $p < .05$ ), but Norrander's parental consent attitudes index was statistically insignificant. This suggests that enactment of specific abortion laws reflect the public's general abortion attitudes and not their specific abortion attitudes on that law possibly because state legislators find it difficult to determine the public's attitudes on specific abortion policies and reflect the more general abortion attitudes of the public.

## DISCUSSION

This paper makes an important contribution to both the literature on partisan party control of state government on public policy generally, and the morality politics literature specifically, by examining the impact of partisan political party control of state government in a policy area in which virtually all citizens have an opinion: abortion. Furthermore, this study examines a measure of a state's restrictive abortion policy – the adoption of a parental involvement law – that is substantively important.

There are seven major empirical results of our research. (1) Partisan political party control of a state's government significantly affects the likelihood that a state will adopt a parental involvement law. Consistent with the ideological cleavage on the issue of abortion between the two major political parties, unified control of a state's government by the ideologically anti-abortion Republican Party increases the likelihood that a state will adopt a parental involvement law. Alternatively, unified control of a state's government by the ideologically pro-choice Democratic Party reduces the likelihood that a state will adopt a parental involvement law. (2) Public anti-abortion attitudes do not act as a moderating force on the link between partisan political party control and the enactment of a parental involvement law. (3) While partisan party control of a state's government is an important determinant of whether, or not, a state adopts a parental involvement law, it is not the only important factor. Public anti-abortion attitudes do impact the likelihood a state will adopt a parental involvement law. All other factors being equal, the more anti-abortion a state's attitudes, the more likely that state will adopt a parental involvement law. (4) When divided government occurs, the likelihood of a parental involvement law being enacted is reduced. (5) The relative numerical strength of anti-abortion groups in a state does influence the likelihood a state will adopt a parental involvement law. The greater the percentage of fundamentalist/evangelical Christians in a state the greater the likelihood that elites will enact a parental involvement law. We also find that the percentage of Catholics in a state



does not have a significant impact on the likelihood of a state enacting a parental involvement law.

Consistent with prior research, as the Democratic Party became more pro-choice on the abortion issue, the Catholic Church lost some of its ability to influence Democratic legislators on state abortion policy (Medoff 2007; Berkman and O'Connor 1993; Cohen and Barrilleaux 1993). (6) Unified control of state government in the South by the Republican Party is more likely and by the Democratic Party less likely to result in a parental involvement law being enacted than their counterparts in non-Southern states. (7) The numerical impact of partisan political party control on the enactment of a parental involvement law has grown larger over time.

The findings of this paper are also in accord with the theory of issue evolution (Stimson 2004; Adams 1997; Carmines and Stimson 1989). During the time period of this study (1974-2008), Republican elites became more opposed to abortion, while Democratic elites became more favorable to protecting a woman's right to choose. Over time the general public began to more readily identify the Republican Party as opposing abortion, while perceiving the Democratic Party as a relatively pro-choice party (Stimson 2004).

In addition, the empirical results of this research are consistent with Winters' (1976) and Jennings' (1979) conditions necessary for partisan political party control of state government to impact state abortion policy. The contrasting stances of the political parties on abortion policy accurately reflect divisions within the electorate (Winters 1976). Abortion policy is central to the base voters of each party (Jennings 1979). The abortion issue is highly salient to the base voters of both political parties (Stimson 2004). While public anti-abortion attitudes do influence state abortion policy, so does partisan political party control of state government. Elections have public policy consequences. Whom we elect matters.<sup>13</sup>

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## ENDNOTES

1. The data on parental involvement laws are from Merz, Jackson and Klerman (1995) and the NARAL Foundation (various years). A table showing the year each state enacted a parental involvement law is available in New (2008).

2. Fundamentalist/evangelical Christian denominations are those who believe that abortion is unacceptable in nearly all cases, life begins at conception, a fetus is a person and the Bible is the ultimate authority. Following Roh and Haider-Markel (2003), Mooney and Lee (1995) and Meier and McFarlane (1993) denominations classified as fundamentalist/evangelical Christians are Churches of God, Latter Day Saints, Churches of Christ, Church of the Nazarene, Mennonites, Conservative Baptist Association, Missouri Synod Lutherans, Pentecostal Holiness, Salvation Army, Seventh Day Adventists, Southern Baptist and Wisconsin Synod Lutherans. The data on the percentage of Catholics and fundamentalist/evangelical Christians in each state is from Quinn et al. 1982; Quinn et al. 1992; and Jones et al. 2002.

3. The data was obtained from Gerald Wright's website (<http://www.php.indiana.edu/~wright1>). The Erikson, Wright, and McIver 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.

4. Median household income is from the U.S. Bureau of the Census (2007). Data prior to 1984 were interpolated from historical Bureau of the Census data for 1969 and 1979.

5. Stanley K. Henshaw of the Alan Guttmacher Institute provided the abortion rate data

6. However, see Fiorina and Abrams (2008) for a more nuanced view of the extent of the polarization between the two political parties.

7. The data on the partisan composition of state legislatures and the governorship was supplied by Robert Lowry and also from the *Statistical Abstract of the United States*. Nebraska was excluded because it has a nonpartisan legislature.

8. Data on the number of women legislators in each state's legislature was provided by the Center for American Women and Politics (2008). The 1975 value was used for both 1974 and 1975. Nebraska was excluded because it has a nonpartisan legislature.

9. We reestimated the models (results available upon request) using the STATA version 11.0 robust standard errors clustered by state. The significance levels of the independent variables are virtually identical to those reported in this paper.

10. We also used the Erikson, Wright, and McIver state ideology measure averaged over presidential administrations and the empirical results were virtually identical to those reported in Table 1.

11. We also estimated the magnitude of the interaction term and standard error using the procedure outlined in Ai and Norton (2003). The interaction term was not significantly different from zero. However, as noted by Ai and Norton, the magnitude of the interaction term varies with the values of the other variables in the model.

12. We also estimated the model using permutations of 3 of the 6 possible Alt and Lowry partisan institutional control configurations of state government in the same equation. The empirical results showed that, in every permutation, unified control of state government by the Republican Party increases or unified control of state government by the Democratic Party decreases the likelihood of a parental involvement law being enacted. When the legislature is split or there is a split branch the likelihood of a parental involvement law being enacted is always reduced.

13. The dataset is available at: [www.csulb.edu/~cdennis](http://www.csulb.edu/~cdennis) (click on "Research")

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Table 1. Probit Estimates of the Impact of Partisan Political Party Control on the Enactment of a Parental Involvement Law

Independent Variables	Dependent Variable		
	Parental Involvement Law (=1)		
	(1)	(2)	(3)
Partisan Government Control	.399 (2.61)**	1.877 (1.31)	...
Partisan Government Control x Anti-Abortion Attitudes	...	.838 (1.60)	...
RepGovVote	...	...	-.026 (.98)
DemGovVote	...	...	-.012 (.74)
% Rep. House	...	...	-.051 (1.22)
% Dem. House	...	...	.002 (.07)
% Rep. Senate	...	...	.080 (.78)
% Dem. Senate	...	...	.003 (.10)
% Female Legislators	.039 (2.79)**	.041 (2.93)**	.042 (2.92)**
Anti-Abortion Attitudes	2.196 (4.10)**	2.462 (4.30)**	2.190 (4.02)**
Catholics	.015 (1.62)	.014 (1.51)	.016 (1.63)
Fundamentalist/ Evangelical Christian Political Ideology	.026 (2.19)* .001 (.13)	.029 (2.41)* .004 (.50)	.025 (2.11)* -.000 (.03)
Family Income	.004 (.27)	.005 (.35)	.004 (.31)
Abortion Rate	.021 (1.61)	.020 (1.60)	.018 (1.41)
Log Likelihood	-130.80	-129.44	-128.94
N	962	962	962

Note: The variable partisan government control is equal to 1(-1) if the Republican (Democratic) Party controls both houses of the state legislature and the Governor's office; 0 if there is divided government. Absolute value of t-statistics in parentheses: \*p<.05, \*\*p<.01.

Table 2. Probit Estimates of the Impact of Partisan Political Party Control on the Enactment of a Parental Involvement Law

Independent Variables	Dependent Variable Parental Involvement Law (=1)		
	(1)	(2)	(3)
RR	.409 (1.76) <sup>#</sup>	2.826 (1.04)	.156 (.49)
RR x Anti-Abortion Attitudes	...	-.906 (.89)	...
DD	-.392 (1.87) <sup>#</sup>	4.833 (2.31)*	-.644 (2.07)*
DD x Anti-Abortion Attitudes	...	-1.915 (2.49)*	...
RD	...	...	-.293 (.99)
DR	...	...	-.465 (1.26)
RS	...	...	-.190 (.53)
% Female Legislators	.039 (2.79)**	.046 (3.18)**	.041 (2.83)**
Anti-Abortion Attitudes	2.196 (4.10)**	3.249 (4.44)**	2.135 (3.93)**
Catholics	.015 (1.62)	.013 (1.40)	.016 (1.63)
Fundamentalist/ Evangelical Christian Political Ideology	.026 (2.19)*	.028 (2.35)*	.029 (2.32)*
Family Income	.001 (.13)	.003 (.41)	-.000 (.01)
Abortion Rate	.004 (.27)	.000 (.06)	.003 (.22)
Abortion Rate	.021 (1.61)	.024 (1.80) <sup>#</sup>	.017 (1.36)
Log Likelihood	-130.80	-127.59	-129.92
N	962	962	962

Note: t-statistics in parentheses: <sup>#</sup>p<.10, \*p<.05, \*\*p<.01. DD (DR) = Democratic Governor, Democratic (Republican) Legislature; RR (RD) Republican Governor, Republican (Democratic) Legislature; DS (RS) = Democratic (Republican) Governor, Split Legislature.