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PUBLIC SUPPORT FOR PRO-CHOICE ABORTION POLICIES IN THE NATION AND STATES: CHANGES AND STABILITY AFTER THE *ROE* and *DOE* DECISIONS†

*Eric M. Uslaner**
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“The Supreme Court,” according to the legendary Mr. Dooley, “follows the election returns.”¹ In 1973, the Court’s two landmark decisions, *Roe v. Wade*² and *Doe v. Bolton*,³ struck down statutes in the forty-six states where abortions were not permitted under any circumstances or were allowed only to save the life of the woman during the first three months of pregnancy. There had been a considerable increase in the level of support for the pro-choice position among the public in the few years preceding *Roe* and *Doe*. But did the decisions themselves lead to even more public support for that position? What variations do we find among the states and where has the increase in public support for the pro-choice position seemed the most dramatic? Finally, what has been the impact of the abortion controversy on the political process?

We shall examine these questions here and suggest some tentative answers. First, we shall consider the available national poll evidence. Second, we shall examine variations in political opinion on abortion policies in the states. Finally, we shall examine the abortion controversy as it has affected legislative decision making and electoral politics. When we consider the variations among the states, we shall present estimates of state public opinion on abortion policy through a computer simulation technique,

† The support of the General Research Board of the Graduate School, University of Maryland — College Park and the Office of Research and Advanced Studies, Indiana University is gratefully appreciated. We are also grateful to John Mulligan of the *Providence Journal and Bulletin*. The Political Science Laboratory and Data Archive at Indiana University provided the necessary staff support for the data analysis.

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1. Quoted in R. CLAUDE, *THE SUPREME COURT AND THE ELECTORAL PROCESS* at xiv (1970).

2. 410 U.S. 113 (1973).

3. 410 U.S. 179 (1973).

developed by the second author and refined jointly by us, which permits us to get approximate figures on state opinions from national surveys.

We cannot establish any causal relationship between increasing support for the pro-choice position and the Court's 1973 rulings. The level of public support was increasing in the late 1960s and early 1970s. As we shall see below, it is not evident that a majority (or even a plurality) supported the pro-choice position by 1973. Even by early 1974, the margin of preference for that position was small enough to have resulted only from sampling error in the Gallup surveys.

We would not expect a leveling-off of the increase in public support for the pro-choice position after the *Roe* and *Doe* decisions, which altered "the law of the land." One of the critical characteristics of political leadership is the ability to elicit support from the public on controversial issues. Presidents have come to rely upon this "rallying around the flag" by the public almost as a requisite for making bold policy initiatives, particularly on foreign policy.⁴ Once an initiative has been taken, public support increases dramatically. Presidents often reach their highest levels of popularity in the polls following such bold decisions, even if those decisions are later viewed as quite wrong.⁵ A bad idea becomes a good one once it has been adopted as national policy. The Cambodian incursion of 1970 provides one of the most striking examples of public response to presidential leadership. A Gallup poll taken shortly before the action showed only seven percent supporting such a move. After President Nixon ordered the incursion, the support level rose to fifty percent.⁶

We shall consider below the reasons why there has not been a similar increase in support for the pro-choice position. But we turn first to an examination of the national poll data.

National Abortion Opinion Polls

There is a vast amount of public opinion data on abortion policy. Unfortunately, few comparisons across these data sets can be made because of differences in question wording. Some questions are as direct as: Should abortions be legal during the first

4. See J. MUELLER, *WAR, PRESIDENTS, AND PUBLIC OPINIONS* 53, 211 (1973).

5. *Id.*

6. See J. SPANIER & E. USLANER, *HOW AMERICAN FOREIGN POLICY IS MADE* 94 (2d ed. 1978).

three months of pregnancy? Others cite the *Roe* and *Doe* rulings of the Court. Still others concentrate on the conditions under which the respondent might support legal abortions. Yet another group involves the question of a constitutional amendment to prohibit abortions. Clearly, we cannot draw inferences across all of these questions.

There is some consistency among sets of questions. Perhaps the most useful for overall comparison is a series of similar Harris questions asked from June 1972 to March 1979 and presented in Table 1 below. Before 1973, the surveys asked respondents whether they would favor legalized abortions during the first four months of a pregnancy; beginning in 1973, the questions mentioned the Court action and asked whether the respondent agreed or disagreed with the decisions permitting abortions during the first three months of pregnancy. Aside from the mention of the Court, the later questions were very similar to the earlier ones. We see in the table a drop in support for the pro-choice position in August 1972 and a sharp rise in support after *Roe* and *Doe* in April 1973. Comparing the April 1973 to the June 1972 responses, however, we find little evidence of a shift, and hence we cannot dismiss the possibility that the August survey had more error in it than the June survey. We see minor increments in support for the pro-choice position until August 1976, when the percentage favoring that alternative reached almost sixty percent and the size of the undecided group almost doubled. The August 1977 survey almost completely restored the balance found in the April 1976 poll. Finally, the most recent survey indicates that the pro-choice position now has the strongest level of public support (sixty percent) that it has had since the *Roe* and *Doe* decisions. The Harris results thus suggest that there has been some incremental rise in support for the pro-choice position, but that the Court decisions did not set off a steady increase in support for legalized abortions. Particularly in light of the 1973 change in question wording (specifically citing the Court's decisions), we would have expected a much larger increase in support for the pro-choice position if there were a process of legitimization at work; furthermore, we would also have expected a more *continuous* growth of support for that position.

TABLE 1

TRENDS IN PUBLIC OPINION ON ABORTION LEGALIZATION, 1972-1979
(Harris Polls)

		<u>Favor</u>	<u>Oppose</u>	<u>Not Sure</u>
June	1972 ^a	48%	43%	9%
August	1972 ^a	42	46	12
April	1973 ^b	52	41	7
May	1975 ^c	54	38	8
April	1976 ^c	54	39	7
August	1976 ^c	59	28	13
August	1977 ^c	53	40	7
March	1979 ^c	60	37	,3

Sources: DeBoer, *The Polls: Abortion*, 41 PUB. OPINION Q. 554 (1978); ABC News—Harris Survey, March 5, 1979.^d

^aThe question was: Do you favor or oppose allowing legalized abortions to take place up to four months of pregnancy?

^bThe question was: The U.S. Supreme Court recently decided that state laws which made it illegal for a woman to have an abortion up to three months of pregnancy were unconstitutional, and that the decision on whether a woman should have an abortion up to three months of pregnancy should be left to the woman and her doctor to decide. In general, do you favor or oppose the U.S. Supreme Court decision making abortions up to three months of pregnancy legal?

^cSlightly different question: In 1973, the U.S. Supreme Court decided that . . .

^dWe wish to thank ABC-News, Washington, D.C., for making this release available to us.

Further evidence on the possible impact of the Supreme Court decisions on public attitudes toward the legalization of abortion is provided in Table 2. In a series of annual national surveys conducted from 1972 to 1977, the National Opinion Research Center (NORC), posed questions about the legalization of abortion in six hypothetical situations. The results indicate rather clearly that support for the legalization of abortion in each of the six circumstances increased between the spring of 1972 and the spring of 1973. In addition, the pattern of responses prevailing just after the Court decisions in *Roe* and *Doe* continued in the next four yearly surveys (1974 through 1977). After the Court decisions, almost half of the public supported the most liberal pro-choice option — legal abortion for a mother who wants no more children or a woman who is unmarried and does not wish to marry. Overall, the NORC series of questions suggests that the Court decisions had an impact on public opinion on abortion and that the public is very close to supporting legalization of abortion in the most liberal of circumstances.

TABLE 2

TRENDS IN PUBLIC OPINION ON ABORTION, 1972-1977

Reason for Abortion	Response	1972	1973	1974	1975	1976	1977
Defect in the baby	Yes	74%	82%	83%	80%	82%	83%
	No	20	15	14	16	16	14
	DK	6	3	3	4	2	3
Mother wants no more children	Yes	37	46	45	44	45	44
	No	56	51	50	52	52	51
	DK	7	3	5	4	3	5
Mother's health threatened	Yes	82	91	90	88	89	88
	No	12	8	7	9	9	9
	DK	6	1	3	3	2	3
Family is very poor	Yes	45	52	52	51	51	52
	No	47	45	43	44	45	45
	DK	8	3	5	5	4	3
Pregnancy result of rape	Yes	73	81	83	80	80	80
	No	19	16	13	16	16	16
	DK	8	3	4	4	4	4
Mother wants to remain single	Yes	40	47	48	46	48	47
	No	52	49	48	49	48	48
	DK	8	4	4	5	4	5

Sources: National Opinion Research Center (NORC), *General Social Survey* 1972, 1973, 1974, 1975, 1976, 1977. This table compiles responses to the question: "Please tell me whether or not you think it should be possible for a pregnant woman to obtain a legal abortion if . . . 1) there is a strong chance of serious defect in the baby? 2) she is married and does not want any more children? 3) the woman's health is seriously endangered by the pregnancy? 4) the family has a very low income and cannot afford any more children? 5) she became pregnant as a result of rape? 6) she is not married and does not want to marry the man?"

The Harris and NORC survey findings that the public became more pro-choice in the wake of the Court decisions are generally reinforced by a set of Gallup (American Institute of Public Opinion) surveys asking virtually identical questions to the Harris questions from 1969 until 1974. The Gallup surveys, however, suggest that the movement of the public toward legalizing abortion was already under way just before the announcement of the Court decisions in *Roe* and *Doe*. The three Gallup surveys were taken in November 1969, December 1972,⁷ and March 1974.

7. AIPO 861 was administered in early December 1972, and not in January 1973, as is often noted.

These Gallup polls showed a sharp increase in support for the pro-choice position from 1969 to December 1972 (a month before the *Roe* and *Doe* decisions), and considerably less change from 1972 to 1974. In 1969, 40% of the respondents favored legal abortions, compared to 50% opposed and 10% with no opinion. The respective figures for late 1972 were 46%-45%-9%. There was hardly a clear plurality favoring the pro-choice position; the 1% margin could easily have been due to sampling error. However, there did seem to be a substantial increase in support for legal abortions across most major demographic variables. These data are presented in Table 3 below. In 1974, there was a barely noticeable shift of one percent toward the pro-choice position (46-47), with 9% unsure. There were few dramatic changes in support levels from 1972 to 1974, despite the fact that the Court decisions had "legitimized" legal abortions during the first three months of pregnancy.⁸

TABLE 3

TRENDS IN PUBLIC OPINION ON ABORTION LEGALIZATION, 1969-1974
Percent Favoring Pro-Choice Position in Gallup Polls

	11/69	12/72	3/74	Change: 1969-1972	Change: 1972-1974	Change: 1969-1974
National	40	46	47	+6	+1	+7
College	58	63	67	+5	+4	+9
High School	37	44	44	+7	0	+7
Grade School	31	30	25	-1	-5	-6
Under 30 years	46	55	55	+9	0	+9
30-49 years	39	48	44	+9	-4	+5
50 and over	38	39	43	+1	+4	+5
Protestants	40	45	48	+5	+3	+8
Catholics	31	36	32	+5	-4	+1
Men	40	49	51	+9	+2	+11
Women	40	44	43	+4	-1	+3

Sources: Gallup Opinion Index (February 1973 and April 1974)

8. A preliminary analysis of the responses in the Center for Political Studies (University of Michigan) 1972 and 1976 national surveys to an identical question on the circumstances under which legalized abortions should be permitted reveals a pattern of no aggregate change in public attitudes on abortion before and after the Supreme Court decisions. In both 1972 and 1976, about 41% preferred the pro-choice position under the circumstances posed in the survey. However, a cross-tabulation of the responses to the same question by members of a panel of individuals who were interviewed in both 1972 and 1976 indicates that a substantial amount of change in opinion on abortion legalization occurred in the period that included the Court decision. A total of 40% of the panel

Examining Table 3 in some greater detail, we find that between 1969 and 1974 there were marked increases in most demographic groups' support for abortion. The largest increase reported in that table is for men (+11%), compared to a very modest rise of 3% for women. Nine percent gains were registered for college-educated respondents and those under thirty, while Protestants increased their support by 8%. There was a drop in support only among respondents who had finished only grade school, while Catholic support did not change much in the aggregate over the entire time span. When we consider the relative magnitudes of the changes over the six-year period, we find that the most dramatic shifts occurred from 1969 to 1972, before the Court decisions. Only the age group of fifty and older and the college educated group registered gains of as much as 4% from 1972 to 1974; support among those with a grade school education dropped 5%, while that among the 30- to 49-year-olds, like that among Catholics, dropped 4%. These changes are relatively modest compared to the shifts found between 1969 and 1972. All of the increase in support among high school graduates and those under thirty came in the earlier period. Of the ten demographic groups considered in Table 2, eight had larger shifts (up or down) in the earlier period than in the later years. Thus, it does seem that the Court's decisions "followed the election returns" — or at least the poll data. Indeed, an amicus curiae brief was filed by pro-choice forces in the *Roe v. Wade* case, and Justice Brennan specifically cited changing public opinion in his concurring opinion.

The abortion issue did not play a major role in electoral politics in the late 1960s and early 1970s. In fact, the *Roe* and *Doe* decisions took many politicians by surprise. In following public opinion, however, the Court could not have been oblivious to the rising level of public support for abortion among the traditionally middle-of-the-road groups in the electorate. This "silent majority" (also called "the unpoor, the unblack, and the unyoung") became significantly more pro-choice in the early 1970s. Comparing the Gallup poll results in Table 3 with other demographic breakdowns from Harris polls in June 1972 and February 1973, we note that the greatest increases in support for the pro-choice position came from the following groups: younger voters (before the Court decisions); older voters (after the Court decisions); resi-

changed opinion on the proper circumstances under which legalized abortions should be permitted, with about half of the 40% moving in the pro-choice direction and the other half going in the pro-life direction.

dents of the Midwest and the South, and particularly residents of small towns; whites; middle-income workers; men; the college educated; Protestants and Jews; and Republican identifiers. Not all of these groups were part of any "silent majority"; nor were these groups the strongest supporters of legalized abortions. What is important about them is that they had the greatest *increases* in support. The poor, the blacks, the independent voters, the city dwellers, the suburbanites, the affluent, and those residing on the two coasts already had strong majorities supporting the pro-choice position and hence were not seriously affected by the Court's decisions. But the groups listed above were moving toward a new center on abortion policy and the Court not only followed national opinion, it stepped out considerably in front of it.

Two groups' opinions are particularly noteworthy: those of women and Catholics. The Gallup and Harris polls cited above indicate that men have been more supportive of abortion than women from the mid-1960s to the late 1970s.⁹ On this issue, the women's movement does not reflect the views of most American women. Nevertheless, the gap between male and female support for at least some abortions seems to be narrowing. Women are now as likely as men to support abortions during the first trimester for many reasons that have been included in polls: when the life of the woman is endangered, when the pregnancy has been caused by rape or incest, when the woman might suffer physical damage from the pregnancy, when the woman's mental health is endangered, and when the woman cannot afford to support the child. Women are somewhat more supportive of abortion than men if there is a chance that the baby might be deformed. Yet most women maintain that life begins at conception and the differences between male and female beliefs on that issue are both large (15-20%) and stable over time.¹⁰

It is hardly surprising to note that Catholics have been less supportive of legalized abortions than most other demographic groups. The Gallup surveys summarized in Table 3 do show an increase in support for the pro-choice position between 1969 and 1972 of a magnitude equal to that found for Protestants. After *Roe*

9. See DeBoer, *The Polls: Abortion*, 41 PUB. OPINION Q. 553 (1978); Blake, *The Abortion Decisions: Judicial Review and Public Opinion*, in ABORTION: NEW DIRECTIONS FOR POLICY RESEARCH 51 (1977); Manier, *Abortion and Public Policy in the U.S.: A Dialectical Examination of Expert Opinion*, in ABORTION: NEW DIRECTIONS FOR POLICY RESEARCH 1 (1977); *Gallup Opinion Index*, July 1975, and April 1978.

10. Blake, *supra* note 9, at 65.

and *Doe*, many Catholics reverted to their former opposition, no doubt reinforced by the strong stand taken by the Church on the Court decisions. The bulk of Catholic opposition seems to come, not surprisingly, from Catholic women, whose objections to abortions have been strong and consistent.¹¹ Catholic men have become somewhat more pro-choice, but remain much less so than non-Catholic males. In 1974, white Catholic men were 12% less supportive of abortion whenever the parents do not want another child than white non-Catholic men. The gap between white Catholic and non-Catholic women was about the same (13%), but the level of opposition among both groups of white women was higher than it was for white men.

Judith Blake wonders whether what she calls a basically "conservative" public opinion on most aspects of abortion policy may undermine the legitimacy of the Court and of the pro-choice activists themselves.¹² The Court misrepresented public opinion, she maintains, undermining the legitimacy of the decision and of any efforts by the bureaucracy to implement it. While *Roe* and *Doe* clearly followed the *trend* in the early 1970s, they went far beyond the actual level of public support for abortion.

The abortion policies of *Roe* and *Doe* have not been legitimized. We have not seen substantial increases in public support for abortion after the Court decisions; instead, we have witnessed a hardening of positions by many who were opposed to abortions. The issues have become increasingly salient rather than resolved.

We have examined the patterns of support for and opposition to abortion within the national public, but we need to turn to variations across the fifty states. The states will be the major battlegrounds for abortion policy in the 1980s.

Variations in Abortion Opinions Among the States

To obtain a survey sample that would give results within 3% of the true population's opinions at least 95% of the time, we would need to interview approximately 1500 people. This would amount to interviewing 75,000 respondents to make generalizations about each of the fifty states. We must rule out such an approach on at least two grounds: (1) the cost would simply be prohibitive, and (2) even if we could gather the data, the number of cases obtained for the nation would be extremely difficult to

11. *Id.* at 67.

12. *Id.* at 80-81.

analyze (the computer time alone needed for analysis would be astronomical). It is important, nevertheless, to study abortion policies at the state level because that is where most decisions are made. We also want to study all fifty states, not just a subset. There do not appear to be any satisfactory criteria for selecting a "representative" sample of states. Virtually without fail, studies of selected states include the home state of the investigation — it may be interesting, but it rarely is representative.

In 1960, Pool, Abelson, and Popkin made the first attempt to estimate public opinion state by state from national surveys. Working under contract with the Democratic party, they dubbed themselves the "Simulmatics" project.¹³ Their approach assumed that an individual's vote or attitude is basically determined by the social groups and political party with which that individual identifies. They created a set of 480 "voter-types," from which they constructed "synthetic electorates" for the states. Their approach assumed that the difference between Maine and New York is not truly a difference between inhabitants of the two states as such, but a difference in the proportions of different voter-types who make up each state.¹⁴ Overall, the Simulmatics team had considerable success in predicting the outcome of the 1960 election and was only somewhat less successful in the Johnson landslide four years later.

These results led Weber and his associates to develop a more general computer simulation approach to estimate constituency opinion in the states.¹⁵ The National Center for Health Statistics of the Public Health Service simultaneously developed a similar model in 1968 to create synthetic state estimates of disability from data in the National Health Survey.¹⁶ Weber's model was similar to that of the Simulmatics project, although it used 960 different voter-types.¹⁷ The initial simulations employed region, occupation, size of place of residence, race, sex, age, and religion as the demographic determinants of the voter-types. A revision of the simulation methodology for the 1970s replaced sex and

13. I. POOL, R. ABELSON, & S. POPKIN, *CANDIDATES, ISSUES, AND STRATEGIES: A COMPUTER SIMULATION OF THE 1960 AND 1964 ELECTIONS* (1965).

14. *Id.* at 40-41.

15. R. WEBER, *PUBLIC POLICY PREFERENCES IN THE STATES* (1971); Weber, Hopkins, Mezey, & Munger, *Computer Simulation of State Electorates*, 36 *PUB. OPINION Q.* 549 (1972).

16. NATIONAL CENTER FOR HEALTH STATISTICS, *SYNTHETIC STATE ESTIMATES OF DISABILITY* (1968).

17. R. WEBER, *supra* note 15; Weber, Hopkins, Mezey & Munger, *supra* note 15.

occupation with education and income as demographic variables. Both versions used a simple additive cross-tabulation approach with a "control" for region. The simulations were validated with state data on education (earlier work) and election results (both simulations). Overall, the various statistical criteria in the validation were well met; the earlier work accounted for slightly more than half of the variance in state-level voting returns, while the revised simulation accounted for approximately 70% of the variation in election results.¹⁸ The same method is then used to estimate public opinion within the states.

The simulation methodology has met with fairly widespread acceptance and has been used in work other than our own.¹⁹ Here, we report state estimates of public opinion on abortion policy for 1969 and 1972 (see Table 4). The estimates are least reliable for Arizona, Idaho, Nevada, Utah, and Wyoming, which have large Mormon populations. We cannot estimate the division of Mormon opinions directly from the original survey data; hence, Mormons are included along with all other Protestants in the estimation of state-wide opinion. We have, however, refined estimates for the five states with large Mormon populations by making an assumption about the distribution of Mormon opinion on abortion legalization and then adjusting the opinion estimates, depending upon the size of the Mormon population in each state. We assumed that Mormons as a group are very strongly opposed to abortion.

18. Montjoy, Weber, & Maggiotto, *Estimating Constituency Opinion* (unpublished mimeo).

19. Hinckley, *Incumbency and the Presidential Vote in Senate Elections: Defining Parameters of Subpresidential Voting*, 64 AM. POLITICAL SCI. REV. 836 (1970); Sutton, *The States and the People: Measuring and Accounting for 'State Representativeness'*, 5 POLITY 451 (1973); Rose, *National and Local Forces in State Politics: The Implications of Multi-Level Policy Analysis*, 67 AM. POLITICAL SCI. REV. 1162 (1973); Hopkins, *Opinion Publics and Support for Public Policy in the American States*, 18 AM. J. POLITICAL SCI. 167 (1974); Fry, *An Examination of the Relationship Between Selected Electoral Characteristics and State Redistributive Efforts*, 18 AM. J. POLITICAL SCI. 421 (1974); Sullivan & Minns, *Ideological Distance Between Candidates: An Empirical Examination*, 20 AM. J. POLITICAL SCI. 439 (1976); A. SCHNEIDER, *OPINIONS AND POLICIES IN THE AMERICAN STATES: THE ROLE OF POLITICAL CHARACTERISTICS 3* (Sage Professional Papers in American Politics 1976); Cook, *Public Opinion and Federal Judicial Policy*, 21 AM. J. POLITICAL SCI. 247 (1977); Kritzer, *Political Correlates of the Behavior of Federal District Judges: A 'Best Case' Analysis*, 40 J. POL. 25 (1978); Erikson, *Constituency Opinion and Congressional Behavior: A Reexamination of the Miler Stokes Representation Data*, 22 AM. J. POLITICAL SCI. 511 (1978). Sutton & Wilson, *Opinion-Policy Congruence: State Regimes and State Regime Differences*, 5 POL. METHODOLOGY 127 (1978).

TABLE 4

ESTIMATED POLICY PREFERENCES BY STATE ON ABORTION ON DEMAND IN FIRST THREE MONTHS OF PREGNANCY (1969 AND 1972)

State	1969			1972		
	Favor %	Oppose %	No Opinion %	Favor %	Oppose %	No Opinion %
ALABAMA	.247	.667	.085	.272	.633	.096
ALASKA	.532	.364	.103	.695	.261	.045
ARIZONA	.478	.396	.128	.600	.341	.060
ARKANSAS	.231	.677	.092	.250	.649	.102
CALIFORNIA	.533	.354	.114	.669	.277	.055
COLORADO	.516	.369	.116	.657	.286	.057
CONNECTICUT	.447	.441	.113	.489	.415	.096
DELAWARE	.449	.441	.110	.495	.402	.103
FLORIDA	.402	.484	.114	.349	.532	.119
GEORGIA	.252	.666	.081	.284	.622	.094
HAWAII	.508	.365	.127	.645	.306	.050
IDAHO	.406	.473	.122	.517	.416	.067
ILLINOIS	.398	.492	.110	.403	.514	.082
INDIANA	.390	.497	.113	.401	.507	.092
IOWA	.386	.500	.114	.395	.511	.093
KANSAS	.395	.493	.111	.408	.499	.093
KENTUCKY	.338	.530	.133	.280	.595	.124
LOUISIANA	.216	.693	.091	.237	.679	.084
MAINE	.442	.442	.116	.490	.404	.106
MARYLAND	.422	.477	.101	.388	.505	.108
MASSACHUSETTS	.433	.444	.113	.478	.425	.097
MICHIGAN	.380	.509	.112	.388	.526	.086
MINNESOTA	.384	.503	.113	.395	.517	.088
MISSISSIPPI	.223	.686	.091	.232	.669	.099
MISSOURI	.379	.502	.119	.375	.530	.094
MONTANA	.474	.402	.124	.602	.335	.064
NEBRASKA	.387	.500	.113	.396	.511	.093

TABLE 4

ESTIMATED POLICY PREFERENCES BY STATE ON ABORTION ON DEMAND IN FIRST THREE MONTHS OF PREGNANCY (1969 AND 1972)

State	1969			1972		
	Favor %	Oppose %	No Opinion %	Favor %	Oppose %	No Opinion %
NEVADA	.494	.396	.111	.635	.312	.053
NEW HAMPSHIRE	.442	.445	.113	.494	.407	.099
NEW JERSEY	.472	.418	.109	.514	.392	.094
NEW MEXICO	.459	.407	.134	.583	.360	.057
NEW YORK	.525	.374	.102	.556	.349	.095
NORTH CAROLINA	.358	.514	.128	.302	.574	.124
NORTH DAKOTA	.347	.531	.122	.346	.560	.094
OHIO	.398	.491	.111	.408	.505	.086
OKLAHOMA	.399	.485	.115	.358	.523	.120
OREGON	.490	.388	.122	.617	.317	.066
PENNSYLVANIA	.459	.427	.114	.498	.401	.101
RHODE ISLAND	.414	.467	.120	.452	.456	.092
SOUTH CAROLINA	.350	.518	.133	.286	.590	.124
SOUTH DAKOTA	.353	.527	.120	.351	.551	.098
TENNESSEE	.365	.506	.129	.309	.567	.124
TEXAS	.393	.487	.120	.354	.534	.112
UTAH	.297	.592	.111	.391	.550	.059
VERMONT	.419	.465	.115	.466	.428	.106
VIRGINIA	.386	.496	.117	.343	.539	.118
WASHINGTON	.501	.381	.118	.638	.300	.062
WEST VIRGINIA	.423	.443	.135	.450	.432	.118
WISCONSIN	.373	.510	.117	.379	.534	.087
WYOMING	.477	.404	.118	.608	.330	.062

Sources: AIPO 793 (November, 1969) and AIPO 861 (December, 1972). The question wording was: "Would you favor or oppose a law which would permit a woman to go to a doctor to end pregnancy at any time during the first three months?"

As was true for the national public opinion data on abortion policy presented in Table 3, the state public opinion estimates in Table 4 indicate that support for abortion increased in most states between 1969 and 1972. In some states, particularly in the West and the Northeast, the increase was fairly dramatic. In other states, such as those in the Midwest and Deep South, very little movement occurred in either direction. Only in some of the Border South states was there any decline in support for abortion. Less than half the states showed plurality support for abortion in either year, but the number of states supporting abortion legalization increased from 16 in 1969 to 22 in 1972. And no state that supported abortion in 1969 showed less support in 1972.

Abortion Policy and Politics

The *Roe* and *Doe* decisions did not produce a consensus supporting the new "law of the land." Instead, they provoked more activity by both supporters and opponents of abortion. A constitutional amendment prohibiting abortions has been proposed, but has not made much progress. The *Roe* and *Doe* decisions did force virtually all states to reconsider their abortion policies. With outright prohibition of abortions no longer a feasible alternative, the legislatures had to choose among a more limited range of options. The rather complex set of statutes that emerge from these restrictions has defied easy classification. We are still working on scaling procedures to reduce this complexity so that generalizations can be made across the states.

Once abortions could not be banned outright, the center of debate changed. Many abortions for poor women were funded by Medicare and Medicaid programs; abortion opponents sought to cut off such funding, and several states have taken steps in that direction. The fight to deny federal funds for abortions has occupied a great deal of time in the last two Congresses, stalling appropriations bills for the Department of Health, Education, and Welfare for months. The pro-life groups lobbied strenuously on behalf of the efforts of Representatives Henry Hyde (R., Ill.) and Edward Beard (D., R.I.) to forbid federal funding of abortions, and their message was clearly heard in the House of Representatives. The Senate adopted a considerably more pro-choice position, and prolonged periods of stalemate led to a series of compromises that permit continued federal funding for many abortions.

What effect has lobbying had on legislative policy? No causal connection is discernible, but there are some indications that these groups have not been as effective as one would expect. Maris Vinovskis and his associates studied two proposals for abortion law reform and one bill about contraceptive information to develop an index of legislative voting on population policies for the lower house of Massachusetts. They found in analyzing roll calls for the 1970 and 1971 sessions that the legislator's religious affiliation and index of liberalism on other issues were the most important determinants of liberalism on population policies.²⁰ Richardson and Fox, in two studies of a Western Mountain state, report that the religion of legislators was the most powerful predictor of voting on abortion, dwarfing all of the demographic variables used as surrogates for constituency opinion and all other traits of the members; as one might expect, Mormons and Catholics were the more pro-life, while Protestants and Jews tended to be pro-choice.²¹ At the national level, a study by Vinovskis indicates that demographic features of the constituency display very weak relationships to legislators' voting on abortion policies in the House of Representatives.²² Instead, the members' general liberalism is the strongest, and their religion the second strongest, determinant of House voting on abortion funding. Furthermore, a study by *Congressional Quarterly* indicates that members from heavily Catholic constituencies are not significantly more likely to vote against abortion funding than those from other constituencies; nor is there any strong concern for the political consequences of voting one's conscience.²³ Our own conversations with observers both on and off Capitol Hill (including members) also suggest that the decision on abortion funding is an intensely personal one and is not easily altered by the lobbying of groups on either side.

If the legislative process is not as susceptible to interest-group pressure as we might have expected on such a volatile issue,

20. Vinovskis, Jones, & New, *Determinants of Legislative Voting Behavior on Population Policy: An Analysis of the Massachusetts House of Representatives in 1970 and 1971*, in *POPULATION POLICYMAKING IN THE AMERICAN STATES* 239 (1974).

21. Richardson & Fox, *Religious Affiliation as a Predictor of Voting Behavior on Abortion Reform Legislation*, 11 *J. SCI. STUD. RELIGION* 347 (1972); Richardson & Fox, *A Longitudinal Study of the Influence of Selected Variables on Legislators' Voting Behavior on Abortion Reform Legislation*, 14 *J. SCI. STUD. RELIGION* 159 (1975).

22. Vinovskis, *Interview on Abortion Politics*, 1978, *ZERO POPULATION GROWTH NATL. REP.* (August, 1978) at 4-5.

23. *Abortion: How Members Voted in 1977*, 36 *CONG. Q. WEEKLY REP.* 258 (1978).

can these groups make their voices heard in elections? Pro-life groups have become increasingly active in electoral politics in recent years, endorsing some candidates and working for the defeat of others. Such groups have been given responsibility for the defeat of Senator Dick Clark (D., Iowa) by a relative political neophyte, Roger Jepsen, in 1978. Other defeats have occurred in primaries, most notably the bids of Representative Donald Fraser for the Democratic nomination for Senator in Minnesota and State Senator Minnette Doderer for the Democratic nomination for Lieutenant Governor in Iowa in 1978. All three candidates had been heavy favorites before the elections. There were claims of pro-life victories in other, less certain races as well. However, as with Environmental Action, which biennially selects the most vulnerable "Dirty Dozen" in the Congress as targets for defeat, it is difficult to determine how much contribution the pro-life groups make in any specific election.²⁴ The fourth-place showing of the new Right-to-Life party in the state of New York, dislodging the Liberals from that position, was perhaps one of the most remarkable achievements of the 1978 campaign: the party had not contested state elections before and had only one candidate running in 1978, and the pro-life position had been embraced just as warmly by the third-place Conservative party. The new party's strength was not sufficient, however, to deny reelection to Governor Hugh Carey, a Catholic supporter of state funding for abortions.

One should not discount the effects that pro-choice groups might have had in recent elections, although they are not as well organized or as electorally active as the pro-life groups. It can hardly be denied that the pro-choice groups (both on their own and through other organizations in the women's movement) considerably helped the successful reelection bids of Carey and Indiana Senator Birch Bayh, the latter in 1974.

In many respects the abortion controversy of the 1970s is similar to the busing disputes of the late 1960s and early 1970s. Both the pro-life and anti-busing movements began in reaction to decisions of the Supreme Court. Both activated many people

24. Representative James Cleveland, one of the "Dirty Dozen" in 1978, has filed a suit against Environmental Action, claiming that there are at least 100 members of Congress with environmental voting records similar to his. The New Hampshire Republican charged that he was selected because he appeared to be electorally vulnerable (he won anyway) and that the environmental lobby could thus claim a "victory" if he lost, regardless of what might have contributed to the outcome.

who previously had been at the periphery of either electoral or group politics. The two movements each caught on quickly and developed a strong national base. And both groups aroused strong sentiments through the populist appeals of politicians. The anti-busing movement rapidly waned in strength; today, it is virtually nonexistent. Is the pro-life movement ultimately headed in the same direction?

It is difficult to give an answer to the question. For all of the similarities in the groups (including the probability of a high degree of overlapping support), some critical differences remain. While both groups have been successful in some electoral contests and neither has been particularly successful in ousting *incumbents* they have opposed, the anti-busing movement depended much more heavily upon electoral politics than has the pro-life movement. In one sense, the political fortunes of the anti-busing movement rose and fell with those of former Governor George C. Wallace of Alabama. Relatively few other Democrats followed Wallace's line on busing and many of the Republicans who did so lost office in the Watergate landslide of 1974. Busing was no longer a political issue after the paralysis of Wallace in 1972 and the defeat of the anti-busing Republicans in 1974. The pro-life movement has become more active in electoral politics, but its real strength to date has been organizational. The anti-busing movement had a dispersed constituency; if there was no busing in an area, or if busing had won general civic acceptance (as in Jacksonville and Seattle), there was no anti-busing movement to speak of. The busing issue also proved to be of limited appeal as a long-standing concern. Eventually, even the citizens of Boston and Louisville realized that local politics and even school board politics were based upon more fundamental issues than busing. That "law of the land" might not be popular, but at least it is generally accepted.

The pro-life movement, on the other hand, developed in communities all across the country. The support of many religious denominations not only added to the legitimacy of the movement, but also provided critical organizational resources. Perhaps the linkage with religious denominations has been the reason why the pro-life movement, unlike the anti-busing crusade, has not been dominated by a single political leader or even a group of leaders. Neither Hyde nor Beard has become a national political figure. In fact, Beard's tactics in Congress almost got him into serious trouble with President Carter. Although Carter wanted to curb

government financing of abortions, he also wanted a Health, Education, and Welfare appropriations bill passed and chastised Beard for his narrow view. Beard's opponent used this episode quite effectively — even in a heavily Catholic and pro-life political district — and almost pulled off a major upset. The Congressman later apologized and promised to become a more “responsible” legislator.²⁵ The example of Beard's close call with his own electorate may suggest that voters are reluctant to put single-issue candidates into office, even while the same voters organize into a multiplicity of such groups to promote policies.

If this perspective is correct, it appears that the pro-life groups may face a most interesting paradox. The best chance of success for these groups is to work through organizations designed to affect policy formation, while the most dangerous course is through continued electoral action. The development of a national Right-to-Life party might isolate the movement from its support in the Democratic and Republican parties and might encourage leaders to step forward as potential heirs to the Wallace mantle of “new right” populism. But the paradox is that the pro-life groups have had only limited success in the policy-making arena and have been most successful in some electoral situations. In order to have greater policy success, the movement might well deduce that it should step up its electoral activities to replace pro-choice legislators. Such a strategy would seem to have much potential for disrupting the bipartisan support the organizations have developed in Congress and many statehouses, and thus would probably ensure the pro-life movement a fate similar to that of the anti-busing movement. Whether the pro-life movement adopts that strategy may well determine the future relationship of the abortion issue to the more traditional economic and social issues that divide the nation.

25. *Same Face, New Man Returning to Capitol*, Providence Evening Bulletin, Nov. 8, 1978.