INTERSECTIONALITY AND ABORTION LEGISLATION: WOMEN LEGISLATORS, RACE AND 2010-2013 STATE ABORTION LAWS

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ABSTRACT

Researchers studying state abortion policy often analyze the impact of women state legislators but rarely narrow their lens to an intersectional perspective. We know that, in general, the presence of women in a state legislature decreases the amount of successfully passed restrictive abortion legislation. But we also know that women of color are more restricted than white women from abortion services due to economic barriers, and that they receive abortions at a higher frequency than white women when not controlling for unintended pregnancies. In my analysis of 2011 and 2013 United States legislatures, which represents the two years restrictive abortion legislation increased at its highest rate, I hypothesize that the impact of Democratic women legislators will vary across dimensions of state abortion policy, and that Democratic women legislators of color will have distinct impacts across different policies.

Further, I hypothesize that the incorporation of women into positions of legislator power is critical to these effects. Using policy data from Kreitzer (2015), I analyze all state abortion policies in a multivariate analysis testing the impact of women and race, while controlling for other state-level variables. My findings show that the presence of Democratic women legislators, specifically those incorporated onto abortion-relevant committees, decreases the amount of restrictive abortion legislation, while the impact of Democratic Black women legislators remains unclear with a slight indication that their presence increases restrictive abortion policies.
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Chapter 1

Information

Women have contributed to the formation of state policy for decades, providing state legislatures with a specific focus on “women-friendly policy” that directly affects the lives of other women, children and families (Berkman and O’Connor, 1993). One of the most controversial issues belonging to this category is, indeed, abortion. Abortion entered the public sphere, as we understand it today, after the Supreme Court decision of Roe v. Wade in 1973, legalizing a woman’s right to choose. While this time acted as a catalyst to a newly defined political debate, the 1980s and the Reagan campaign caused a polarizing effect of the abortion issue to the point where it often defined and continues to define an individual’s partisan identification (Abramowitz, 1995). Two major Supreme Court cases, Webster v. Reproductive Health Services (1989) and Casey v. Planned Parenthood of Southeastern Pennsylvania (1992), followed; the most important development from these cases was the refinement of the undue burden standard, which would direct much state abortion policy going forward. The undue burden standard further restricted access to abortion services, particularly after the Republican takeover of many state governments in 2010. Between 2010 and 2015 roughly “one-fourth of all abortion restrictions […] enacted since 1973” were put in place (Guttmacher, 2016).

With this expansion in mind, knowledge on how legislative women interact with the eventual passage or blockage of abortion policy is essential to our understanding of their role within the legislature. Research shows that time and again women legislators advocate for liberal abortion policies more so than their male counterparts (Norrander and Wilcox, 1999).
Specifically, the added presence of Democratic women legislators’ decreases the amount of abortion restrictions passed (Kreitzer, 2015). My thesis investigates the variation in abortion policy across state legislatures within the United States, while expressly focusing on the role of Democratic women legislators during the 2011 and 2013 sessions.

When studying the influence of legislative women on abortion policy, researchers focus on the group as a whole, failing to further analyze the group simultaneously with other intersections such as race. In recent years, progressive political activist circles have emphasized the importance of evaluating policy issues through an intersectional lens and, therefore, have put pressure on political officials to do the same (Gordon, 2016). The experience of women of color and abortion varies greatly from that of nonminority women due to systemic oppression leading to lack of resources and economic hardship (Cohen, 2008; Crenshaw, 1991). Without acknowledging these differences, research fails to understand the complete history of state abortion policy.

Understanding the full legislative process provides insight into the role of women legislators as committees act as the gatekeepers of policy. This is why an analysis of the incorporation of women legislators is essential. Few researchers study the influence of committee assignments along with abortion policy, but those that do have found the added level of power enacts change (O’Connor and Berkman, 1995). Drawing from Reingold and Smith’s (2012) incorporation model, I analyze the role of Democratic legislative women and particularly that of women of color and their interaction with abortion legislation within those committees.

My results demonstrate the continued importance of Democratic women within state legislatures and emphasize the added influence when incorporated onto relevant abortion committees. While the effect of Democratic women legislators of color is unclear, the results
suggest that their presence might increase the amount of restrictive abortion policies. This finding begs further research as the lack of support for my hypothesis could stem from the overall scarce presence of women of color within state legislatures. According to public opinion, states with large evangelical populations are more likely to develop a pro-life standpoint on abortion. Although public opinion proves extremely influential within abortion policy, it is not a directly causal relationship, as it must be translated through the legislative process.
In the United States, abortion remains one of the most controversial issues among personal and political circles, but how did we get here? The argument centers on the inability to agree with core beliefs embedded within the issue, the most prominent being the decision of when “life” truly begins. The debate initially began with doctors and medical staffers, but the interest of politicians coincided with the creation of the first pro-life activist group: the National Right to Life Committee in 1967 (Luker, 1985). Anti-abortion activists employed a new strategy that worked toward a goal of restricting abortion access instead of making it illegal, explaining the development of prohibitive abortion policies (Bernstein, 2008). The expansion of the Republican and political right’s presence in state legislatures contributed to the increased ambition to challenge the Supreme Court’s Roe v Wade decision in 1973 (Bernstein, 2008). The variance in state policy appears as each state treats women who seek abortions differently based on “local laws, culture and politics” (Bernstein, 2008, 1474). While Roe v. Wade provided the liberation of reproductive rights, previously enacted restrictive legislation remained in certain states, like “parental notification and consent laws,” which continued to block women from receiving abortions (Bernstein, 2008, 1474).

Following Roe v. Wade, the Supreme Court did not see many abortion policy cases up until the major case of Webster v. Reproductive Health Services in 1989. The court voted in favor of Webster, restricting women’s access to abortion services by restraining the ability for public facilities and doctors to perform abortions. More importantly, this case legally defined
“life as beginning at conception,” which further required doctors to administer “fetal viability tests on women who were 20 or more weeks pregnant” prior to granting permission for an abortion (Masci et al., 2013).

Until Roe v. Wade, states were able to “encroach on a woman’s decision process between conception and to the point of fetal viability,” but the 1973 case created a period of security for pregnant women and prevented states from passing legislation that could inflict on their “privacy in decision-making” except for when the health of the mother or child was at risk (Borgmann, 2010, 309). This aspect constituted the grounds of development of Casey v. Planned Parenthood of Southeastern Pennsylvania in 1992 where states argued that they hold “a legitimate and important interest in the fetus from the very inception of pregnancy” to which the Supreme Court agreed (310). This led to the establishment of the undue burden standard.

The standard provided ample room for states to experiment with different types of restrictions, probing the extent to which the courts would find a restriction an undue burden, or not. With Roe v. Wade still protecting a period of privacy for the pregnant woman, the undue burden acted to test that period through legislation. However, many of these new restrictions were taken to court, but the courts only emphasized their contradictory nature when defending privacy. In previous cases, courts denied the ability for the government to interfere in domestic violence cases as it breached a couple’s privacy, ignoring the fact that these disputes often involve violence. However, the courts neglected this preservation of privacy when they ruled that it was appropriate for a state to impede upon a parent-child relationship by requiring them to receive parental consent for an abortion, but they failed to acknowledge the minor’s legitimate risk of abuse that could result from the forced action (Borgmann, 2010). The standard allows states to pose restrictions as long as it refrains from placing an undue burden on the woman, but
parental-consent cases place minors in danger or, in other words, place an undue burden. These cases demonstrate the inconsistency in their understanding of the standard and the possible biases that arise within the abortion issue as a result of its strong moral nature.

While lesser-known abortion restrictions have passed through courts and legislatures, the time period of 2011 to 2015 represents a massive increase in restrictive abortion legislation. During this time, 288 restrictive abortion laws were passed across the United States (Guttmacher, 2016). Abortion restrictions encompass three broad categories, usually focused on either controlling a woman’s behavior, the clinic providing abortion services, and public funding of abortions. Within the 2011-2015 time frame, the majority of clinic directed restrictions fell, showing fifteen percent of all restrictions regulating pill-induced abortions. Public funding and behavior followed closely behind with regulations of “private insurance” and “parental involvement in minors’ abortions” (Guttmacher, 2016).
Chapter 3

Literature Review

Despite the rise in restrictions during the 2010s, most of the abortion policy research emerged from the 1990s, following major Supreme Court decisions on abortion. There exists a small number of notable studies on state abortion legislation in the 2010s, including Rebecca Kreitzer’s (2015) article on morality policy and representation. My focus on the role of legislative women during this time period will provide further insight into the factors that lead to restrictive versus liberal abortion policy and the impact of elected officials.

Forces Affecting State Abortion Legislation

Public opinion represents a powerhouse of policy influence specifically with issues often referred to as morality policies, ones that controversially divide the public over strongly held values (Mooney, 2000). Because these policies are “technically simple and highly salient,” they possess the ability to cultivate an expansion in citizen participation (Mooney, 2000, 171; Kreitzer, 2015, 42). In a 1996 survey, only 0.3% of participants did not have a viewpoint on abortion, demonstrating the ease in opinion formation on the subject throughout the United States (Norrander and Wilcox, 1999). The issue has come to carry such weight that voters frequently use their stance on abortion to determine whether they identify as a Republican or Democrat (Abramowitz, 1995). The majority of morality policy focuses within “state and local governments” as it is easier to translate public opinion (Mooney, 2000, 187). Public opinion’s
influence alters legislation because as a state’s pro-life population rises, the amount of restrictive abortion policies follows suit (Kreitzer, 2015).

However great the influence of public opinion may be, it does not directly cause the passage of abortion policy, as it must be translated through legislative processes. These processes include lobbying organizations that often draft legislation, legislators who introduce legislation, committees that discuss and vote to either block or pass along the legislation, and then the upper and lower Houses must discuss and vote respectively. Governors have a large influence in the passage of abortion policy, frequently acting as the final step within the process (Kreitzer, 2015). One must consider as well that all policies introduced, and even passed, have the chance to be appealed and taken to the state’s Supreme Court and/or the Supreme Court of the United States.

Despite the need for translation, researchers have demonstrated that public opinion may act as the best indicator to determine state abortion policy as legislators do not always place the “public’s preferences” at the highest level of importance (Medoff and Dennis, 2011). Political elites represent the party’s most active participants, including legislators; legislators, as political elites, have strong opinions on the abortion issue that will influence how they vote on policy (Norrander and Wilcox, 1999). Furthermore, politicians are greatly influenced by interest groups, regularly possessing the most extreme positions on policy, from which politicians take their advice on what interest groups believe is best for the public while the “median voter[‘s]” position is blurred. Interest groups hold large amounts of power and persuade politicians to support them in return for additional benefits (Norrander and Wilcox, 1999, 709).

To measure interest group activity, researchers use state religious membership because popular pro-life interest groups, like the National Right to Life Committee, rarely release membership information. Resorting to state religious membership works considering as a state’s
membership of the Roman Catholic Church increases, the number of restrictive abortion laws increase as well (O’Connor and Berkman, 1995; Norrander and Wilcox, 1999). When more citizens identify as “religious adherents,” the more restrictive legislation a state will possess (Kretizer, 2015). Contradictory results have been found when analyzing specific abortion restrictions, which assert that the number of Catholics within a state did not predict the passage of Targeted Regulation of Abortion Provider (TRAP) legislation. This legislation inhibits a facility’s ability to provide services by restricting necessary requirements for the faculty and/or the actual buildings (Medoff and Dennis, 2011). Medoff et al. discovered “fundamentalist/evangelical Christians” advance the passage of parental involvement laws (Medoff et al., 2011). Despite differing results, religious groups have the capacity to form strong interest group campaigns and rally their members to influence abortion legislation within state legislatures.

While a state’s composition influences the type of abortion legislation produced, it is crucial to focus on legislators and their partisan influence as they are the actors that respond to public opinion (Norrander and Wilcox, 1999). After Roe v Wade in 1973 and Webster v. Reproductive Health Services in 1989, the polarization of the abortion issue among politicians widened (Kreitzer, 2015, Norrander and Wilcox, 1999). As the number of Democratic women legislators grow, states have higher proportions of pro-choice policies (Berkman and O’Connor, 1993). The research on the overall impact of women legislators agrees that Democratic women legislators are more influential in blocking restrictive abortion legislation than Republican legislative women (Berkman and O’Connor, 1993; Kreitzer, 2015).

Along with partisanship, governmental political control of the legislature demonstrates a significant influence on abortion laws. When the legislature is under Democratic rule, there is a
higher chance of successful passage of liberal abortion policies (O’Connor and Berkman, 1995).

More specifically, the passage of TRAP laws proves less successful when a legislature is divided (Medoff and Dennis, 2011). As for parental involvement laws, research finds they are more likely to pass in an unified legislature (Medoff et al., 2011).

Overall, the current research presents pertinent influencing factors that affect abortion legislation within United States legislatures. For my research purposes, I concentrate on the gender and race of legislators and their incorporation into committees that categorically deal with the abortion issue as I aim to delve deeper into the specific role women play.

Legislative Women’s Impact

Women and men legislators prioritize issues differently. For women, the most pressing issues usually fall under the “social and family” category involving “women’s, children’s and family legislation” and includes abortion legislation (Berkman and O’Connor, 1993, 103). Considering this, women legislators tend to favor “liberal abortion policies” more so than their male counterparts (Norrander and Wilcox, 1999, 716). Studying post-Webster public funding and parental consent restrictions, Berkman and O’Connor found that female state legislators impact state abortion policy when they make up a “critical mass” of the legislature (1993, 102). This influence occurred only with parental notification policies and not public funding policies that mainly serve low income women (Berkman and O’Connor, 1993).

A critical mass point indicates that the impact of women’s representation rises when the legislative women reach a certain population threshold, seeing automatic policy change once met (Berkman and O’Connor, 1993). This threshold allows the marginalized group to persuade their societal superiors to accept and understand their prospect as “widely shared, genuinely felt, and
deeply held within their group” (Mansbridge, 1999, 636). Nonetheless, critical mass represents a controversial topic within political science and feminist research. The theory lacks development as there is no agreed upon standard threshold. Furthermore, it holds little explanatory value due to its dichotomous nature. The most pertinent reason why the critical mass theory is not applied within my research is because it must be analyzed in a longitudinal analysis, and my research focuses on a two year time frame.

Critical mass illustrates the substantive representation of legislative women, which only demonstrates a surface level understanding of the relationship such as the physical presence of women. This notion fails to recognize the reality that women think and act differently from each other due to their own lived experience. One must pay additional attention to individual characteristics that exist, a problem Dodson describes as being probabilistic rather than deterministic (Childs, 2006; Dodson, 2006). While critical mass theory emphasizes the importance of increased representation of women in order to initiate “large scale policy change,” it still does not make much theoretical sense to believe a change will automatically be seen once a threshold (an undecided threshold, at that) is met. If a legislature with a decent coalition of women is failing to achieve policy change, the theory hurts the group’s credibility and viability as politicians, providing ammunition to those that deny the necessity of increased representation of women (Childs, 2006). All things considered, critical mass has yet to be theoretically proven as useful within the study of abortion policy and legislative women. Moving forward, the presence of Democratic women matter more than having a critical mass met by the overall number of legislative women, while Republican women have no significant effect (Berkman and O’Connor, 1993; Norrander and Wilcox, 1999; Kreitzer, 2015). As the presence of Democratic
legislative women increases, the amount of successfully passed restrictive abortion legislation diminishes (Kreitzer, 2015).

These studies demonstrate the importance of the presence of legislative women as they provide new and crucial experiences to the issue of abortion that legislative men simply cannot possess. However, these studies miss the intersectional analysis of race. Intersectionality represents how identities change a person’s life experience as “they shape individual lives, social norms, and political institutions, processes, and outcomes in terms of power and privilege” (Reingold and Smith, 2012, 132). While there are many intersections like class, age, and sexual orientation, I focus on those of gender and race. In this regard, a white woman experiences discrimination based on her gender, but a Black woman experiences an additional level of discrimination because of her race. These identities intersect to create a different experience and, therefore, perspective (Crenshaw, 1991). All women state their dedication to women’s issues but the congresswoman’s definition of “dedication” and of “women’s issues” differs due to a politician’s various ideologies. What a conservative female politician means by “women’s issues” and her “dedication” to them may signify a completely opposite issue than a liberal female politician; the same can apply to men (Dodson, 2006, 288). I employ this logic within my approach but in terms of race.

Legislative women of color experience the world differently, and as for the abortion issue, women of color experience added challenges when compared to white women. In the United States, women of color are more likely to live in poverty than white women and therefore represent the majority of those “insured by the Medicaid program”: around thirty percent of both Black (31%) and Hispanic (27%) women between the ages of 15 and 44 enlisted in the Medicaid program in 2015. This poses further restriction to abortion access as the Hyde Amendment,
passed in 1976 in response to *Roe v. Wade*, makes it illegal for federal funds to support abortion services including the Medicaid program (Donovan, 2018). The Department of Health and Human Services provides health care to Native Americans through the Indian Health Service (IHS) insurance agency; however, this agency only allows the insured funding of abortion for “cases of life endangerment, rape or incest” so to align with Medicaid regulations. The majority of Native American women are forced to use IHS due to their proximity to reservations when compared to Medicaid locations, which leaves Native American women with even harsher abortion service restrictions as these agencies rarely have abortion facilities (NARAL Pro-Choice America, 2017).

With access greatly restricted across the country, women are regularly obligated to travel long distances and/or stay overnight near abortion facilities due to waiting periods (Roberts, 1997). The simple act of paying for the abortion can set women back as it costs anywhere from zero to $950, but these costs escalate if overnight accommodations and gas are taken into account (Planned Parenthood, 2014). Because of this, Black women, specifically, are at a higher risk of attempting back-alley abortions, which in turn increases their “risk for injury and death [...] from unsafe pregnancies and abortions.” Despite the Black community representing only 13 percent of the national population, Black women receive 36 percent of total abortions given in the United States (Roberts, 1997, xiv). Black and Hispanic women receive abortions at a rate twice that of white women, most often because Black and Hispanic women are more likely to have unintended pregnancies (Cohen, 2008). Still, research cannot accurately capture the effect of women legislators without examining the behaviors of women of color within state legislatures.
Although abortion literature lacks intersectional analysis, Reingold and Smith (2012) research the significance of legislative women on state welfare policy through gender and race/ethnicity. They first apply an additive model, which infers gender and race/ethnicity are disconnected, and prohibitive welfare policies will decrease regardless of the race or ethnicity of women legislators. Next, the researchers employ an intersectional model, which recognizes the intersectionality of race/ethnicity and gender and, therefore, assumes that the amount of “restrictive and punitive” policies will decrease because of the presence of women of color (Reingold and Smith, 2012, 131). Within welfare policy, legislative women of color bring invaluable perspectives that inhibit restrictive welfare reforms more so than white women and men of color. Additionally, analyzing the relationship of overall women and policy may “obscure the impact of race, ethnicity, and gender.” Overall, Reingold and Smith’s work demonstrates the effectiveness of “intersectionality as a concept and an analytic tool” (Reingold and Smith, 2012, 143).

Even though Reingold and Smith (2012) studied welfare policy, their findings can be applied to the impact of women on abortion legislation. Marlene Gerber Fried presents evidence supporting the specific maltreatment of women of color within abortion legislation, which often connects restrictive reproductive policies and welfare reform. Women of color comprise the majority of welfare recipients and poor women of color fall prey “to the most stringent eligibility requirements, the most intense scrutiny, and the harshest penalties” of welfare policy (Reingold and Smith, 2012, 134-5). An explanation of why Black women are more likely to carry unintended pregnancies to term can be found within the fact that “20-35% of women eligible for Medicaid” did so due to insufficient funds (Fried, 2000, 179). It is imperative to look through an
intersectional lens as it “highlights the overlapping and interdependent nature of gender and race/ethnicity” (Reingold and Smith, 2012, 131).

**Committee Incorporation**

Within the legislative process, committees serve as the gatekeepers of legislation. Women are more likely to serve on committees related to education, but in particular committees like Health and Human Services, which commonly handle abortion legislation (Caroll, 2008). In abortion relevant committees, women representatives “secure committee assignments” permitting them to guide pro-life legislation as they conduct detail oriented policy discussions (Berkman and O’Connor, 1993, 102). When a committee has a larger ratio of legislative women, particularly Democratic legislative women, restrictive abortion legislation has a higher chance of obstruction (O’Connor and Berkman, 1995). As “lower House committees” work more frequently on abortion policy, House committees hold far less Republican women than Senate committees (Berkman and O’Connor, 1993, 115). Furthermore, the researchers found a connection to state partisanship discovering that the amount of Democratic women on committees remains the highest in the least female populated states and vice versa (Berkman and O’Connor, 1993).

Reingold and Smith determine that the results they find on the impact of women within committees are heavily dependent on their partisanship, race and the types of welfare policies inspected. Yet, the influence of legislative women of color present on committees “is consistent and consistently liberal” when compared to white women and men of color within the legislature (Reingold and Smith, 2012, 132). While Reingold and Smith’s findings demonstrate the importance of committees, Whitesell (2015) was unable to replicate their incorporation model
while studying paternalist welfare policies, like child support and family cap provisions, as her findings indicated no correlation with increased representation of women on committees and an increased “likelihood of flexible activity requirements” (25). Minority women may be motivated by their “race on some issues and their gender on others,” affecting their influence on certain policies compared to others (29). Additionally, there are so few minority women serving in state legislatures, which may affect their ability to pass their “agenda” (30).
Chapter 4

Theory

Between 2010 and 2015, there was a major increase in restrictive abortion legislation within United States legislatures due to their majority Republican control after the 2010 elections (Guttmacher, 2016). Most studies of restrictive legislation concentrates on the 1990s and early 2000s with only a few researchers, such as Kreitzer (2015), studying a time period that includes the 2010s. Kreitzer analyzes the increase with a total time period of 1973 to 2013. I focus more precisely on the years 2011 and 2013 as they hold the highest number of abortion restrictions within 2010 and 2015 (Guttmacher Institute, 2016).

My conceptual understanding of abortion restrictions draws from three specific sources: Kreitzer (2015), Reingold and Smith (2012), and Berkman and O’Connor (1993). Each of these studies contain elements that will assist my explanation of: why abortion laws vary across state legislatures; whether Democratic legislative women of color impact state abortion legislation differently when compared to white women; and whether Democratic women, and women of color, have a greater influence on abortion policy when they are incorporated onto legislative committees.

Firstly, in defining restrictive abortion laws, I separate restrictive legislation into three different dimensions: controlling a woman’s behavior (waiting periods; minor consent); controlling the clinic (TRAP laws); or controlling funding (public funding; when public funding is allowed; insurance restrictions/requirements). If a state posesses just one of these categories of abortion legislation, they are at the lowest level of restrictiveness. If a state enacts two of the dimensions, then they are at a medium level, and if it has all three, they are at the highest level of restrictiveness.
I begin my research with my first hypothesis stating that the presence of Democratic legislative women in a legislature will decrease the amount of restrictive abortion legislation that successfully passes through it. This hypothesis is widely studied throughout the literature, and researchers have found that it holds true in most cases, which is why I keep it in my research. I focus on restrictive abortion legislation specifically because research shows Democratic women have a greater influence on conservative rather than liberal policy (Kreitzer, 2015).

**H1: The presence of Democratic legislative women will decrease the amount of successfully passed restrictive abortion laws in state legislatures.**

My main contribution is the analysis of Democratic legislative women of color. As I mention in my literature review, women of color face added barriers when attempting to access abortion services. However, communities of color are some of the most religious among society, and religion often influences conservative ideals on the abortion issue. The majority of the Black community (79%) and Latinx community (77%) identified as Christian (Pew Research Center, 2015). However, the majority of Black Americans believe abortion should be “legal in all/most cases” and the same for 49% of Hispanics (Mitchell, 2018).

While dated, Strickland and Whicker (1992) analyzed the relationship between political and socioeconomic factors and a state’s level of restrictive abortion policies. The researchers found through public opinion polling that “blacks and hispanics have had higher than average objections to abortion,” and so they hypothesized that states with higher populations of these communities would in turn have more restrictive abortion policies (605). Strickland and Whicker were unable to find significant results indicating this relationship, which supported prior literature that found inconclusive results. They cited that despite the higher than average disapproval of abortion from Blacks and Hispanics, these opinions may reverse once their communities “[gain] increased access to abortion services and increasingly use them” (605). With the majority of
American women (60%) believing abortion should be legal in all or most cases, the majority of Black women (79%) believing Roe v. Wade should stay as is, and the added challenges women of color face when attempting to access abortion services, I theorize that legislative women of color bring an important perspective to state legislatures that will further reduce the extent of successfully passed restrictive abortion policy (Pew Research, 2018; McCammond, 2018).

**H2:** The presence of Democratic legislative women of color will decrease the amount of successfully passed restrictive abortion laws in state legislatures more so than white women.

Furthermore, I theorize that with a greater representation of Democratic women of color on abortion relevant committees, they will be more likely to block restrictive bills than Democratic white women legislators. Past research fails to adequately analyze the impact of women legislators and their effect while serving on committees. Berkman and O’Connor (1993) found that “committees in both chambers that blocked pro-life bills had a disproportionate number of women Democrats” (115). Reingold and Smith (2012) analyze welfare reform through an intersectional lens, studying the effects of women legislators of color while on committees. They found that when women of color are present on committees that deal with welfare, the welfare reforms produced are more liberal. The presence of white women on these committees demonstrates similar effects but of lesser strength (Reingold and Smith, 2012); however, Whitesill (2015) was unable to replicate their results without utilizing the positions of power within committees.

**H3:** The presence of Democratic legislative women on committees that deal with abortion will decrease the amount of successfully passed restrictive abortion laws in state legislatures.

**H4:** The presence of Democratic legislative women of color on committees that deal with abortion will decrease the amount of successfully passed restrictive abortion laws in state legislatures.
Considering how demographics transform a state’s public opinion, I hypothesize that states with a smaller population of evangelicals will identify as pro-choice. In 2018, 61% of white evangelical protestants believed abortion should be “legal in all/most cases” (Pew Research, 2018). Along with evangelicals, states with a larger youth voter population (18-24) should be more pro-choice as 63% of 18-29 year olds believe abortion should be “legal in all/most cases” (Pew Research, 2018). Finally, professional women influence a state’s public opinion on abortion because women with careers believe their main purpose in life is not to bear children, whereas stay-at-home mothers more frequently believe the opposite (Berkman and O’Connor, 1993). Due to this, I hypothesize that states with a higher percentage of professional women will identify as pro-choice.

**H5: States with fewer numbers of evangelicals, higher numbers of young voters, and higher numbers of professional women will be more pro-choice.**

Research on state abortion politics cannot occur without the inclusion of a public opinion variable. Public opinion attitudes influence the passage of abortion policies specifically when the policies are “determined by state courts (Medicaid abortion funding) or merely symbolic abortion policies that may reflect external issues and not a state’s restrictive abortion policy” (Medoff and Dennis, 2011, 969). However, Medoff and Dennis (2011) found that when studying TRAP laws only, their empirical findings lacked a statistically significant relationship between a state’s public opinion on the abortion issue and restrictive legislation (Medoff and Dennis, 2011). Kreitzer (2015) encompasses a universal dataset of abortion policies – restrictive and liberal – and studies state abortion opinion through morality policy and representation. Morality policies represent issues that influence a person’s moral outlook and the “morality politics paradigm [...] argues that the high salience and technical simplicity” of morality policies encourage increased constituent participation (42). She found that states with dominant “conservative values” pass a
larger number of restrictive abortion policies (54). With these findings in mind, I theorize that public opinion predicts state abortion policy.

_H6: Public opinion predicts state abortion policy._

With these hypotheses encompassing intersectionality and public opinion, I will establish a more complete story on state abortion policy than existing literature provides. Recognizing the importance of analyzing race and gender within state legislatures allows for a more detailed analysis without forgetting the influence of committee assignments. While public opinion is not the main focus of my research, it warrants examination because of previous literature’s findings asserting its crucial role within state abortion policy.
Chapter 5
Analytic Approach

Time Period and Unit of Analysis

To adequately capture the variation and rapid increase of restrictive abortion policies, I chose the years 2011 and 2013. As mentioned previously, these two years represent the largest implementation of restrictive abortion laws within state legislatures. It was a challenge to locate all the necessary data for 2011 and 2013, in particular on the committees which dealt with abortion legislation and women’s membership on these committees, along with some other variables. Therefore, I run the analysis as the average of 2011 and 2013 except in those cases where I only had data for one year. My unit of analysis, therefore, is the state legislature, as abortion is a state-level policy and women represent a larger percentage of lawmakers in states than at the Congressional level (Center for American Women and Politics, 2019; Craig and O’Brien, 199).

Dependent Variables

My dependent variable is the restrictiveness of abortion legislation, which is composed of three different dimensions: legislation that controls a woman’s behavior, legislation that controls the clinic, and legislation that mandates funding. As a state adopts policies from more than one of the dimensions, it will be considered more restrictive than those that have none or one of the restrictive dimensions. Using Rebecca Kreitzer’s (2015) original data, I categorized each policy
into their respective dimensions, allowing me to measure the likelihood that a state would pass restrictive abortion policies.

What is unique about Kreitzer’s original dataset is its universality of policies; Kreitzer and the Guttmacher Institute comprise the small portion of analysts encompassing the true variety of abortion policies in their research. After the implementation of Roe v. Wade, states began introducing new and creative ways to limit abortion access, resulting in an increase in abortion policy variation across the nation (Norrander and Wilcox, 1999; Guttmacher Institute, 2016). The literature attempts to understand this explosion of variation after the court decision, which is why an abundance of researchers tend to focus on a state’s demographics, legislature, and/or abortion rate as a means to explain this behavior.

Kreitzer recognized the importance of variation in policy, so she ensured her data would reflect the most accurate narrative. Kreitzer sourced her data from NARAL Pro-Choice America’s annual reports (1989-2014), the Guttmacher Institute, and the National Right to Life Committee. The policies included are “only the first year that a state enacted a given policy” along with “court decisions, bureaucratic rules, and executive actions within the states” as she omitted policies of the later “adoptions of the same type of policy” enacted in the same year and state. Kreitzer confirmed the reliability of her data by utilizing two coders and measured her work with that of other researchers (Kreitzer Codebook, 2015). With Kreitzer’s codebook describing the policies in detail, I was able to categorize them into the three dimensions. These dimensions narrate the variation in abortion policy through a clear framework so the complexities of abortion policy can be easier to understand.

Restrictive abortion legislation is particularly interesting because of its complicated nature; legislation is frequently framed in a way that makes individuals believe the policy aims to
improve abortion service conditions to ultimately better serve the woman. In reality, it intensifies the difficulties to provide and receive services. Those supporting TRAP laws even admit that they hold “no legitimate health purpos[e]” (Medoff and Dennis, 2011, 955-6). As seen by the figure below, almost every state has implemented an abortion policy that affects funding, which provides little to no variation. Following funding, policies attacking the clinic, otherwise known as TRAP laws, are popular among states but still have some variation. Finally, behavioral policies see variation but are the least frequently implemented.

**Figure 1.** Pie chart details abortion policies studied by dimension.

**Independent Variables**

My main independent variable is the percent of Democratic legislative women and Democratic legislative women of color within state legislatures. I acquired state-level data on
women legislators during the 2011 and 2013 sessions from Kelly Dittmar of the Center for American Women and Politics. This data set included the year, state, type of office, name, party and race of each female legislator. The racial category listed women as White (W), Black (B), Hispanic (H), Native American (NA), Asian Pacific Islander (AP), and mixed. However, the CAWP dataset included only women legislators, forcing me to combine it with data from Openstates, a data site that allows the public to “track bills, review legislation, and see how [...] local representatives are voting” (Openstates, 2018). I question the validity and reliability of the Openstates data as states volunteer information, some using different data formatting than others. This issue arose when I worked with their legislator data as it included one set with legislator names paired with a legislative identification number, but it did not have the legislator’s gender or a clear indication of the legislative session. Fortunately, this did not greatly affect the reliability and validity of my measure as I was able to pair the legislator names and identification numbers with the legislator names from the CAWP dataset, ensuring the names appeared in both datasets for 2011 and 2013. After merging the CAWP and Openstates datasets, I was able to identify the female and male legislators within the 2011 and 2013 sessions, which allowed me to obtain the percentage of women and women of color when compared to men.

Along with the percentage of legislative women, I aim to analyze women legislator’s presence on abortion relevant committees. Policies initially pass through committees and they determine whether it enters the floor of the House and Senate. Again utilizing data from Openstates, I was able to identify the legislators’ committee assignments through their identification number. The Openstates state-level data provided committees for all sessions between the years 2009-2018. Before I used this information, I created a spreadsheet of all abortion legislation introduced and passed in 2011 and 2013 in all 50 states, which was found on
the LexisNexis State Capital Database. With this information, I could identify which committees abortion legislation passed through. Then, I analyzed the Openstates data using a keyword search. The keywords were based on the document I created that includes all bills introduced and passed in United States legislatures during the years 2011 and 2013. The main committees involved were Health, Judiciary, and Rules. With the Openstates committee data, states like Mississippi, Louisiana, and Alabama did not have data for one out of the two years. States like Nebraska and Illinois were missing completely from the original dataset. I was unable to locate the missing data from a different source, so, unfortunately, some cases were lost.

As I searched LexisNexis State Capital for abortion legislation to locate the committees involved, the key term “abortion” was found only in the synopsis and the subject of the bill, and it was not guaranteed that it searched the actual text. This could have excluded numerous pieces of legislation pertinent to my intended search, but because I was unaware of this discrepancy, I was unable to search through the text of legislation. Additionally, I was missing two states for Model 1, which focuses on the impact of democratic legislative women and twelve states for Model 2, which focuses on the impact of those legislative women within relevant abortion committees. Again, the missing cases could be attributed to the incomplete data provided by OpenStates as it is a volunteer-based data program.

\[1\] Restrictions on abortion deal with minute details of abortion services and the dimensions mentioned earlier. While researching, I focused also on committees that reflect this relationship. To do so, I included terms into my keyword search such as “Medicaid,” “women,” “Indian and cultural affairs,” “constitutional review” and more. With the list curated from the various bills introduced and passed concerning abortion, I created an abortion relevant committee variable. However, these distinctions revealed little variance, so I did not use this variable.
Control Variables

I included various control variables that have been shown through past literature to affect the passage of abortion legislation. Firstly, the percentage of professional women in a state has been used in literature, but most notably in Berkman and O’Connor (1993). I expect states that have larger percentages of professional women will also have less restrictive abortion laws because professional women often disagree that a woman’s only purpose is to have a child and are more likely to identify as pro-choice. They might try to influence their legislators to block more restrictive abortion legislation. This variable is also included in H5 on public opinion. I acquired this information from the Status of Women in the States, but only for the year 2013.

Furthermore, the religious population often reinforces public opinion in a state as they concentrate on issues like pro-life politics. According to Pew Research, 61% of “protestant evangelicals” hold the opinion that abortion should be “illegal in all or most cases” (Pew Research Center, 2018). As the evangelical population increases, I expect the amount of restrictive abortion legislation will also increase because of the large amount of individuals who identify as religious also identify as pro-life. Data were found for both 2011 and 2013 in the Correlates of State Policy Project.

The Democratic and Republican population of a state has been included in past literature as an indicator of the liberal versus conservative nature of policies. I expect states with larger populations of Democrats will have less restrictive legislation and states with larger populations of Republicans will have more restrictive legislation because legislators will aim to represent the public opinion of their constituents. Data were sourced from Gallup for both 2011 and 2013.

Finally, I expect states with more female legislators will have less restrictive abortion legislation. Data were sourced again from the Correlates of State Policy Project for the years
2011 and 2013. For education levels, I found data that detail the percent women earn as compared to men’s from the Correlates of State Policy Project for the year 2011. While I was able to obtain a large amount of data for my needed variables, there were still obstacles that limited my data collection.
Chapter 6

Method

Although there was a surge in restrictive abortion policies in 2011 and 2013, it still represents a small number of total legislation. Because my data were collected from various sources, some were unable to be found at all or the sources lacked certain pieces of data within an individual set. As mentioned while discussing my control variables, I was unable to find state-level data on education levels for 2011 and 2013. Additionally, the professional women variable data was only supplied for one year, but it should not vary greatly between the two years as it is a short time period.

With descriptive statistics revealing the lack of variation found in funding policies, I organized my models to concentrate on three dependent variables: TRAP policies, behavior policies, and all policies (including TRAP, behavior, and funding). I utilized the title of TRAP laws for this analysis instead of “Clinic,” as it is more specific. For each variable, I ran a simple linear regression twice to encompass both models. In the first model, I focus on the relationship of women and women of color within state legislatures. The variables included are percent of all Democratic women legislators (including all races), percentage of all Democratic legislators of both the upper House and lower House, percentage of all Democratic Black women legislators, and percent of those who are of the opinion that abortion should be legal in all/most cases. The second model includes the same variables but adds the analysis of the influence of Democratic women legislators on committees. These variables are percent of all Democratic
women legislators on abortion relevant committees and percent of all Democratic Black women legislators on abortion relevant committees.
Chapter 7

Results and Analysis

Public Opinion

My fifth hypothesis was not supported, as my results revealed no significance between young voters (18-24 years old) and professional women in states and public opinion. This can be attributed to the imperfect measure of professional women because I was only provided one year and the other was measured by percent women’s earning when compared to percent men’s earning. However, this lack of significance could also be due to incomplete data. Additionally, I was unable to obtain state NARAL Pro-Choice America membership for the years 2011 and 2013, which would have been a more direct measure of a state’s public opinion on abortion.

However, I did find strong support that the presence of evangelicals greatly affects a state’s public opinion on abortion. The chart below demonstrates a strong correlation with the evangelical population within a state and the percentage of individuals who believe abortion should be legal in all cases. While we knew from past literature that religious communities, particularly evangelicals, affect a state’s public opinion on abortion, this reiterates their strength as a pro-life lobbying community.
My paper is not centered on public opinion even though I recognize its importance within the implementation of abortion policies; it must be translated through the legislative process because it does not have direct policy access. States have taken to implement draconian abortion policies so to purposefully lead them to judgment under the Supreme Court and challenge *Roe v. Wade*. Despite public opinion demonstrating the majority of U.S. citizens believing abortion should be legal, lobbyists, often lead by religious communities, connect with legislators to pass these policies and ultimately overturn *Roe v. Wade* (Robinson, 2015). My analysis focuses on the specific impact of Democratic legislative women because I recognize the necessity of the legislative process in order for policy to be implemented.

**Democratic Women Legislators**

Unsurprisingly, the impact of Democratic women legislators is pertinent to abortion policy. My findings demonstrate that state legislatures with a higher presence of Democratic women legislators pass lower amounts of restrictive abortion policies, specifically TRAP and
behavior laws. This finding supports my first hypothesis, which was expected as previous literature continuously found this relationship between the impact of Democratic women legislators and restrictive abortion policies.

When reviewing the analysis on Black Democratic women legislators, my second hypothesis is not supported. While unclear, the results indicate that the presence of Democratic Black women legislators supports the rise of restrictive abortion policies. Due to the South’s historically large Black residency, the highest percentage of Black women legislators resides in southern states. During the 2011 and 2013 legislative sessions, the percentage of Black women legislators within southern states rested at 6.6%, while the total population of Black women legislators in the United States was 3.2%. Southern states maintain a more conservative, traditional public opinion, which is reflected in their high occupation of Republican controlled legislatures. Within the south, 44.1% of people believed that abortion should not be legal in all or most cases.

Research has shown that women legislators hold their constituency’s opinion to a higher value (Cammisa and Reingold, 2004). Because of the geographic location of Black women legislators and the more conservative opinion on abortion in the south, Democratic Black women legislators could simply feel more pressure to reflect their constituent’s desires and hold conservative opinions on abortions themselves, despite their personal attachment as women to the issue. However, recent public opinion polling has demonstrated that the majority of Black women believe abortion should be legal in all or most cases (Pew Research, 2018). While women legislators value their constituencies’ experiences more so than their male counterparts, there remains no evidence indicating women adopt a delegate role while serving as legislators. This role insinuates that the legislator would serve simply to translate the public opinion of
constituents rather than taking the constituency’s opinion into account while also considering their own, personal knowledge before voting (Cammisa and Reingold, 2004). Because of the overall minimal representation of women legislators of color, these representatives may feel an added pressure to prove themselves to their electorate and reflect the public opinion of their constituencies (Tate, 2001). As said earlier, Black women legislators only comprise around 3% of all United States legislatures, which inhibits them from passing policies they support despite having larger amounts of women legislators of color in some states (Preuhs, 2007, 278).

![Image of legislator breakdown by race and gender in combined 2011 and 2013 legislative sessions.](image)

*Figure 3. Legislator breakdown by race and gender in combined 2011 and 2013 legislative sessions.*

*TotalMinorityWomen = Hispanic, Native American, and Asian Pacific Islander legislative women*
Democratic Women Legislators on Committees

Democratic women legislators largely influence abortion policy, but Democratic women legislators on committees exhibit an even greater influence. The results show that when Democratic women legislators are placed on abortion relevant committees, less restrictive abortion policies are passed. As stated previously, committees hold an important role within the legislative process because it is one of the first places legislation reaches. When women legislators are appointed to positions on committees that deal with abortion policies, they are given additional opportunities to share their opinion, personal experiences, and more that affect the response to a policy. While I was not able to directly replicate the incorporation model and, therefore, results of Reingold and Smith (2012), these findings still demonstrate the importance of Democratic women legislators on committees and will hopefully encourage further research into the relationship.

Democratic Black women legislators do not show any significant results of influence on committees, but they do point in the direction of increasing restrictive abortion policies. This could again be explained by the lack of women, and therefore Black women, within state legislatures. If the amount of women/Black women legislators has only become significant within recent years, it could explain their lack of representation on the committees. Additionally, the committee data lacked 12 states, which could have been states with larger amounts of women/women of color.
### Table 1. Regression on 2011 and 2013 TRAP, Behavior, and All Policies

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<td>Model 2</td>
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<td>(std error)</td>
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*Asterisks indicate significance at the .10 level of a two-tailed test

*Model 1 and 2 illustrate combined results of the 2011 and 2013 legislative sessions*
Chapter 8

Conclusion

The research presented here attempts to explain the variation in abortion policies across state legislatures within the United States, specifically aiming to tackle the years of 2011 and 2013. Restrictive abortion policies exploded from 2010-2015 but little research exists attempting to understand the reasoning behind this increase. Since *Roe v. Wade*, states have been pushed by public opinion to limit access to abortion services in order to protect the fetus and because this court case has provided women with her legal right to choose, they have been forced to get creative. Restrictive abortion policies attack three main areas: the woman’s behavior, the clinic where the service is provided, and the public funding of abortion. We see that the largest area of variation develops with TRAP laws that deceive legislators and voters by framing the policy to appear as an improvement to the clinics, but in reality, are placing unrealistic requirements on the providers that make it impossible to stay open.

Where previous abortion literature fails is in their examination of the legislators themselves. Women of color represent the largest percentage of women to receive abortions, and their access to safe and legal abortions is most threatened by these restrictive policies due to economic and geographic constraints. While studying the impact of Democratic legislative women as a whole has proven essential, we must now move towards attempting to understand the impacts of different intersectional factors, such as race, along with gender.

Few researchers have also analyzed the impact of legislative women on abortion relevant committees, but as my findings suggest, this is where women have the most influence. Within both the legislature overall and abortion relevant committees, Democratic Black women
legislators have no clear relationship. However, the results show a slight correlation between the increase in restrictive abortion legislation and their increased presence in the legislature. This could be explained by the large proportion of Black women legislators residing in the south and/or the overall small amount of Black women serving in legislatures as a whole.

As we have seen, the presence of women legislators greatly impacts the abortion policies implemented. Looking forward, the 2018 midterm elections brought larger amounts of women, and most importantly, women of color. Hopefully, with the expanding presence of legislative women of color, we can further research the role of women legislators through an intersectional lens on state abortion policy. The main limitation of my work was the overall minimal number of legislative women of color and women in general within state legislatures. While these individuals impact the policies, it may take a few more years to be able to identify clear differences of how and race and gender influence a politician’s behavior.

Public opinion is widely studied in state abortion policy literature, as it is an issue that draws ample debate and controversy due to its moral/redistributive nature. My contribution to this hypothesis was analyzing the youth vote to see if, because of age, young voters impacted the state’s public opinion on abortion. While this variable and the percentage of professional women showed no significance, the evangelical population within a state continues to demonstrate a large influence on abortion public opinion.

Future research should investigate the relationship of minority women and women of color and abortion policy because as their representation increases, these legislators will show clearer effects. Additionally, research should continue examining women legislator’s committee influence with a more complete set of data. I also encourage the analysis of critical actors within these groups of legislators because we know that individual people, even members of groups that
have low representation in state legislatures, have the ability to influence policy change and other legislators to fight for women’s issues. It could be interesting to analyze the claim that “gender consciousness” may matter more than identifying as a woman in terms of one’s ability to enact policy change (Childs, 2006).
Appendix A

Abortion Committees

**Code:** I coded using committees that appeared in LexisNexis search of all bills introduced and passed in United States legislatures during the years 2011 and 2013. Along with some random committees, the main abortion committees are Health, Judiciary, and Rules. A lot of restrictions on abortion deal with minute details of abortion services, so I focus also on committees that I believe would affect them in that way, which are reflected in the key words.

**Key words:** Health, Judiciary, Finance, Rules, Public Health, Health and Human Services, Budget, Insurance, Health Regulation, Health Policy, State Affairs, Welfare, Families, Children, Criminal Justice, Constitutional Review, Medical Affairs, Aging, Youth, Civil Law, Ethics, Fiscal, Human Resources, Human Rights, Indian and Cultural Affairs, Medicaid, Medical Affairs, Health Care, Women

**Not coding:** Appropriations

**Abortion Committees:**

- Health
- Judiciary
- Banking and Insurance
- Rules
- Finance
- Judiciary, Finance, Rules
- Healthcare and Medical Liability Reform
- Reform and Human Services
- Public Health
- Welfare and Labor
- Budget
• Environmental Quality
• State Agencies and Governmental Affairs
• State, Veterans, and Military Affairs
• Business, Professions & Consumer Protections
• Public safety
• Energy and technology
• Health and human development
• Rulemaking and Regulation Subcommittee
• Economic Affairs
• Transportation
• Community affairs
• Education
• Health regulation
• Civil justice
• Criminal justice
• Health policy
• Non-civil judiciary
• Insurance and labor
• Commerce and consumer protection
• Government operations and military affairs
• State affairs
• Executive
• Human services
• State government administration
• Health and provider services
• Public policy
• Corrections and criminal law
• Courts and criminal code
• Rules and legislative procedure
• Commerce
• Government oversight
• Local government
• Federal and state affairs
• Ways and means
• Ethics and rules
• Families, children, and seniors
• Reforms, restructuring, and reinventing
• Government operations and elections
• State government innovation and veterans
• Human services and housing
• Constitutional review and statutory recodification
• Codes
• Labor
• Children and families
• Rules and reference
• Health and aging
• Corporation
• Medical affairs
• Public education
• Law and justice
• Transportation

Abortion Related Committees

• Same as above but with key words
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doi:http://dx.doi.org/10.1017/S1743923X06251146.


http://www.pewforum.org/fact-sheet/public-opinion-on-abortion/.


ACADEMIC VITA

EDUCATION
The Pennsylvania State University Schreyer Honors College, University Park, PA
May 2019
Bachelor of Arts in Political Science, Bachelor of Arts in French and Francophone Studies, Minor in Women, Gender and Sexuality Studies

RELEVANT EXPERIENCE
Kids Empowerment, Paris, France
Communications and Marketing Intern, Summer 2018
•Managed community outreach with 3+ posts per week on the organization’s Facebook and Twitter
•Drafted weekly opinion editorials on current events involving unaccompanied migrant children
•Assisted in Excel database development housing domestic laws, reports and guidelines from various countries for United Nations ODC and Kids Empowerment

The Office of U.S. Senator Bob Casey Jr., Pittsburgh, PA
Constituent Advocate Intern, Summer 2017
•Communicated with 50+ constituents over the phone and in person for 15 hours per week
•Resolved constituent issues with Veterans Affairs and logged 100+ constituent’s concerns per week into the Senator’s government database

Pennsylvania Democratic Party, State College, PA
Staging Location Director/Fellow, Fall 2016
•Worked with the coordinated campaign for the 2016 election for 15+ hours per week
•Recruited volunteers through 500+ individual phone calls and 20+ shifts of voter registration
•Acted as Staging Location Director responsible for 500+ volunteers for “Get Out the Vote,” which includes two dry-run weekends and the official four day run from Saturday to Election Day

ACTIVITIES
The Coda Conduct, State College, PA
President, Fall 2017 – present
•Facilitate and coordinate logistics for weekly executive board meetings and rehearsals with 20 members of Penn State’s competitive, co-ed a cappella group
•Manage logistics for administrative duties such as scheduling paid performances and competitions
•Fundraised $4,000 for the group’s first studio album and managed donor communications

Penn State’s Speaking Center, State College, PA
Peer-Tutor in Public Speaking, Fall 2016 – present
•Nominated by freshman year English professor and took an additional course in speech tutoring
•Mentor 20+ students in speech writing and delivery for 8-10 hours per week

SKILLS
Computer: Microsoft Word, Excel, and PowerPoint
Language: French (advanced)