Pro-Life Success in the States: Strategies for the Current Decade and Beyond

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Adjunct Scholar, Charlotte Lozier Institute
Pro-Life Science and Technology Conference
September 8th, 2012
Quick Commercial

• Two Exciting New Pro-Life Initiatives
  – 1) Charlotte Lozier Institute
  – 2) Notre Dame’s Vitae Institute
Types of Presentations
Types of Presentations

1) Fun
Presented at Pro-Life Events
Types of Presentations

1) Fun
   Presented at Pro-Life Events

2) Serious
   Presented at Technology Conferences
Types of Presentations

1) Fun
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2) Serious
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3) Fun and Serious
   Presented at Pro-Life Technology Conferences
Why Study Pro-Life Legislation?
Why Study Pro-Life Legislation?

- Adoption of Better Legislative Strategies
Why Study Pro-Life Legislation?

• Adoption of Better Legislative Strategies

• Document Pro-Life Progress
Charting Pro-Life Progress

Number of Abortions

Why Study Pro-Life Legislation?

- Adoption of Better Legislative Strategies
- Document Pro-Life Progress
Why Study Pro-Life Legislation?

• Adoption of Better Legislative Strategies

• Document Pro-Life Progress

• Strengthen the Case for Pro-Life Political Activity
Strategies for Reducing Abortion
Strategies for Reducing Abortion

• What Works
Strategies for Reducing Abortion

• What Works
• Sexual Restraint
Strategies for Reducing Abortion

• What Works
• Sexual Restraint
• Pro-Life Laws
Strategies for Reducing Abortion

• What Works
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• What Does Not Work
Strategies for Reducing Abortion

- What Works
  - Sexual Restraint
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- What Does Not Work
  - More Welfare Spending
Strategies for Reducing Abortion

• What Works
  • Sexual Restraint
  • Pro-Life Laws

• What Does Not Work
  • More Welfare Spending
  • Universal Health Care
Strategies for Reducing Abortion

- What Works
  - Sexual Restraint
  - Pro-Life Laws

- What Does Not Work
  - More Welfare Spending
  - Universal Health Care
  - More Spending on Contraceptives
Declining Abortion Rates

• Between 1990 and 2005 the number of abortions has declined by 22%
Incorrect Explanations

• The Election and Re-Election of President Clinton (Roche, Stassen)
Partially Correct Explanation

- Strong Economy
Better Explanation

• Pro-Life Legislation
Strategies of the Pro-Life Movement
Strategies of the Pro-Life Movement

• 1973-1983 Human Life Amendment
Strategies of the Pro-Life Movement

• 1973-1983 Human Life Amendment

• 1983-1992 Changing the Supreme Court
Strategies of the Pro-Life Movement

• 1973-1983 Human Life Amendment

• 1983-1992 Changing the Supreme Court

• 1992-present State Level Activism
Three events that resulted in more pro-life legislation in the states
Three events that resulted in more pro-life legislation in the states

1) *Casey vs. Planned Parenthood* (1992)
Three events that resulted in more pro-life legislation in the states

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2) Pro-Life Defeat in the 1992 Presidential Election
Three events that resulted in more pro-life legislation in the states

1) *Casey vs. Planned Parenthood* (1992)

2) Pro-Life Defeat in the 1992 Presidential Election

3) Pro-Life Success in the States during the 1994 Midterm Elections
Pro-Life Gains in the States

<table>
<thead>
<tr>
<th></th>
<th>1992</th>
<th>2005</th>
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<tbody>
<tr>
<td>Parental Involvement Laws</td>
<td>20</td>
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<tr>
<td>Informed Consent Laws</td>
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<td>Waiting Periods</td>
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<tr>
<td>Partial Birth Abortion Bans</td>
<td>0</td>
<td>12</td>
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</tbody>
</table>
Reasons for this Increase in Legislation

• *Casey vs. Planned Parenthood* (1992)
• Republican victories in state legislatures

State legislatures controlled by Republicans

• 1992 8
• 1994 19
• 2000 18
What Effects Have These Laws Had?
What Effects Have These Laws Had?

• Public Funding Restrictions
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• Public Funding Restrictions
• Parental Involvement Laws
What Effects Have These Laws Had?

• Public Funding Restrictions
• Parental Involvement Laws
• Informed Consent Laws
Consensus About Public Funding Restrictions
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Reduce In-State Abortion Rates 5 to 10 percent
Consensus About Public Funding Restrictions

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Guttmacher Literature Review shows that 20 of 24 studies find that public funding restrictions reduce abortion rates
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Time Series-Cross Sectional Data
Consensus About Public Funding Restrictions

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Time Series-Cross Sectional Data

-Haas Wilson 1993;1996
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Case Studies of an Individual State (NC)
Consensus About Public Funding Restrictions

Reduce In-State Abortion Rates 5 to 10 percent

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- Ohlsfeldt and Gohman 1994
- Blank, George, and London 1996
- Matthews, Ribar, and Wilhelm 1997
- Medoff 2002
- New 2011

Case Studies of an Individual State (NC)
Consensus About Parental Involvement Laws

• Reduce in-state minor abortion rates
• Time Series-Cross Sectional Data
  – Haas-Wilson 1993;1996
  – Ohsfeldt and Gohman 1994
  – New 2007;2010;2011
• Case Studies of Individual States
  – Cartoof and Klerman (MA) 1986
  – Ellertson (MN, IN) 1995
  – Rogers et al. (MN) 1991
  – Joyce, Kaestner Colman (TX) 2006
Ongoing Debates About The Effects of Parental Involvement Laws
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• Do the in-state declines exceed the out of state increases?
Ongoing Debates About The Effects of Parental Involvement Laws

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- Actually – Yes!
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• Research finds that parental involvement laws are correlated with short term increases in minor birth rates
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Conclusions From the Academic Literature

• Both Parental involvement laws and Medicaid funding restrictions reduce the number of abortions taking place
  – Both in-state and out-of-state
Shortcomings in the Academic Literature

- Studies only examine parental involvement laws and Medicaid funding restrictions

- Most only use data from either Center for Disease Control (CDC) or the Alan Guttmacher Institute (AGI)

- All legislation is treated monolithically
State Data on Abortions

- Center for Disease Control (CDC)
  Collected every year from every state.
  Inconsistencies with how some states report data

2) Alan Guttmacher Institute (AGI)
Data not collected every year
They survey abortion clinics so data collection is more consistent
Data on State Legislation


Regression Analysis

• Multiple factors can influence the incidence of abortion (strength of the economy, demographics, legislation)

• Regression analysis allows us to “hold constant” the different factors to focus on the impact of legislation
Four Dependent Variables

1) Abortion Rate: (CDC Data) Number of Abortions per thousand women between the ages of 15-44

2) Abortion Rate: (AGI Data) Number of Abortions per thousand women between the ages of 15-44

3) Abortion Ratio: (CDC Data) Number of Abortions per thousand live births

4) Abortion Ratio: (AGI Data) Number of Abortions per thousand live births
Factors Held Constant

• Racial demographics of women between the ages of 15-44
• Age demographics of women between the ages of 15-44
• Annual change in state per capita personal income growth
• Year indicator variables
• State indicator variables
Pro-Life Legislation Analyzed

• Parental Involvement Laws
• Informed Consent Laws
• Medicaid Funding Restrictions
• Partial Birth Abortion Bans
• Waiting Periods
## Regression Results

<table>
<thead>
<tr>
<th>Data Source</th>
<th>Abortion Ratio</th>
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<tbody>
<tr>
<td>CDC</td>
<td>-18.22*</td>
<td>-1.05*</td>
<td>-6.92</td>
<td>-0.48</td>
</tr>
<tr>
<td>CDC AGI</td>
<td>-8.06*</td>
<td>-1.06*</td>
<td>-18.21*</td>
<td>-1.91*</td>
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<tr>
<td>AGI Parental Involvement</td>
<td>-31.68*</td>
<td>-2.16*</td>
<td>-33.81*</td>
<td>-2.47*</td>
</tr>
<tr>
<td>Informed Consent</td>
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<td>-1.02</td>
<td>-52.59*</td>
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* indicates a statistically significant difference (p < .10)
Regression Results: Parental Involvement

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Regression Results: Public Funding Restrictions

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Regression Results: Partial Birth Abortion Bans

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<th>Abortion Ratio</th>
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|                | Abortion Rate                  | Abortion Rate                  |
|                | (CDC Data)                      | (AGI Data)                      |
| Abortion Rate  | -1.02                           | -1.86                           |
Regression Results: Waiting Periods

<table>
<thead>
<tr>
<th>Waiting Periods</th>
<th>Abortion Ratio (CDC Data)</th>
<th>Abortion Ratio (AGI Data)</th>
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</thead>
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<tr>
<td>2.65</td>
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<td>2.75</td>
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<td>2.8</td>
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<td>-3.01</td>
</tr>
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<td>2.85</td>
<td>-2.74</td>
<td>-3.01</td>
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<tr>
<td>2.9</td>
<td>-2.74</td>
<td>-3.01</td>
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<tr>
<td>2.95</td>
<td>-2.74</td>
<td>-3.01</td>
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<td>-3</td>
<td>-2.74</td>
<td>-3.01</td>
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</table>

<table>
<thead>
<tr>
<th>Abortion Rate (CDC Data)</th>
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<tbody>
<tr>
<td>0.19</td>
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## Comparing Different Types of Legislation

(Change in the Number of Abortions per Thousand Live Births, CDC Data)

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Change in Abortions per Thousand Live Births</th>
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</thead>
<tbody>
<tr>
<td>Parental Consent</td>
<td>-6.92</td>
</tr>
<tr>
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<td>-18.21</td>
</tr>
<tr>
<td>Medicaid Funding Restrictions</td>
<td>-33.81</td>
</tr>
<tr>
<td>Partial Birth Abortion Ban</td>
<td>-52.49</td>
</tr>
<tr>
<td>Waiting Periods</td>
<td>-3.01</td>
</tr>
</tbody>
</table>

![Graph showing the change in abortions per thousand live births for different types of legislation.](image-url)
Comparing Different Types of Legislation
(Change in Number of Abortions Per Thousand Women 15-44, CDC Data)

<table>
<thead>
<tr>
<th></th>
<th>Parental Consent</th>
<th>Informed Consent</th>
<th>Medicaid Funding Restrictions</th>
<th>Partial Birth Abortion Ban</th>
<th>Waiting Periods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value</td>
<td>-0.48</td>
<td>-1.91</td>
<td>-2.47</td>
<td>-1.06</td>
<td>-0.27</td>
</tr>
</tbody>
</table>
Endogeneity Problems?

• The passage of pro-life legislation is not something that occurs randomly

• States that pass pro-life legislation differ from other states.

• The changing values and not the legislation could account for the decline in abortions
Solution 1: Run an experiment

- Not practical
Solution 1: Run an experiment

• Not practical

• Might be a disaster
Solution 2: Natural Experiments

• Often times pro-life legislation is nullified by a judge

• This creates some nice natural experiments

• These states have passed the legislation, but the legislation did not actually take effect
Recent judicial nullifications of parental consent laws

- Georgia: July 1987 to September 1991
- Minnesota: November 1986 to October 1990
- Mississippi: July 1986 to July 1993
- South Dakota: July 1993 to July 1997
- Tennessee: October 1989 to February 1992
- Tennessee: July 1996 to July 1999
Recent judicial nullifications of informed consent laws

- Indiana 1995-2003
- Michigan 1995-1999
## Enforced Laws vs. Invalidated Laws

### Abortions per thousand live births

The graph illustrates the predicted change in the abortion ratio (CDC) in comparison to parental involvement and informed consent laws. It shows the impact of invalidated laws and enforced laws on abortion rates per thousand live births.

<table>
<thead>
<tr>
<th></th>
<th>Parental Involvement</th>
<th>Informed Consent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Invalidated Law</strong></td>
<td>-1.14</td>
<td>8.18</td>
</tr>
<tr>
<td><strong>Enforced Law</strong></td>
<td>-18.49</td>
<td>-7.37</td>
</tr>
</tbody>
</table>
Enforced Laws vs. Invalidated Laws

Abortions per thousand women ages 15-44

<table>
<thead>
<tr>
<th>Parental Involvement</th>
<th>Informed Consent</th>
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</thead>
<tbody>
<tr>
<td>Invalidated Law</td>
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<tr>
<td>Enforced Law</td>
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<td></td>
<td>0.49</td>
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<tr>
<td></td>
<td>-1.03</td>
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</table>

Abortion Rate (CDC)
Skeptical?
Case Study Tennessee:
Pro-Life Legislation and the Abortion Rate

<table>
<thead>
<tr>
<th>Year</th>
<th>Abortion Rate (CDC Data)</th>
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<tbody>
<tr>
<td>1981</td>
<td>Tennessee</td>
</tr>
<tr>
<td>1983</td>
<td>Tennessee</td>
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<tr>
<td>1985</td>
<td>Tennessee</td>
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<td>1987</td>
<td>Tennessee</td>
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<td>1989</td>
<td>Tennessee</td>
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<td>1991</td>
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<td>1997</td>
<td>Tennessee</td>
</tr>
<tr>
<td>1999</td>
<td>Tennessee</td>
</tr>
</tbody>
</table>

Informed Consent Enacted
Parental Notification Enacted
Parental Notification Repealed

Tennessee
National Average
Still Skeptical?
Overall Abortion Trends in PA

![Graph showing abortion trends with specific events and dates]
Current Research

• Analyzing the Decline in the Abortion Rate Among Minors
Falling Teen Abortion Rates

• Between 1985 and 1999, the Overall Abortion Rate has declined from 19.6 to 13.1 (33% decline)

• Between 1985 to 1999 the Teen Abortion Rate fell from 14.3 to 6.3 (56% decline)
Comparing the Teen Abortion Rate to the Overall Abortion Rate
Reasons for the Decline in Teen Abortions

• Pro-Life Legislation
• Reduced Sexual Activity
Continuing the Analysis
Teen Abortion Rate

• To calculate the incidence of abortion among minors I will calculate the teen abortion rate.

• It will equal the number of abortions performed on minors under 18, for every thousand females between 13 and 17.
Regression Analysis

• **Dependent Variable:** Teen Abortion Rate
  (every state from 1985 to 1999)

• **Independent Variables**
  - Racial demographics of women between the ages of 13-17
  - Annual change in state per capita personal income growth
  - Year indicator variables
  - State indicator variables
Pro-Life Legislation Analyzed

• Parental Involvement Laws
• Informed Consent Laws
• Medicaid Funding Restrictions
• Partial Birth Abortion Bans
The Impact of Pro-Life Legislation on the Incidence of Abortion Among Minors

- Predicted Decline in Abortion Rate (CDC)

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Decline Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parental Involvement</td>
<td>-1.67*</td>
</tr>
<tr>
<td>Informed Consent</td>
<td>-0.53</td>
</tr>
<tr>
<td>Medicaid Funding Restrictions</td>
<td>-2.34*</td>
</tr>
<tr>
<td>Partial Birth Abortion Ban</td>
<td>-0.33</td>
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Solving Endogeneity Problems

• Comparing Nullified to Enacted Legislation
Recent judicial nullifications of parental consent laws

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Solving Endogeneity
Enacted Legislation Versus Nullified Legislation
(Teen Abortion Rate)

<table>
<thead>
<tr>
<th>Change in the Minor Abortion Rate</th>
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<tbody>
<tr>
<td>Enacted Legislation</td>
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<tr>
<td>Nullified Legislation</td>
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<tr>
<td>-1.59*</td>
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</table>

*Significant at 5% level
Looking at Different Types of Parental Involvement Laws
The Cliff Notes Version
<table>
<thead>
<tr>
<th>Type of law</th>
<th>Minor Abortion Rate</th>
</tr>
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</table>

The Cliff Notes Version
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<table>
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<tr>
<td>Two Parent Involvement</td>
<td>-31 percent</td>
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Why two parent laws are more effective

• Any one parent can prevent an abortion from taking place

• Involving both parents might be logistically difficult

• Abortionists might be more likely to comply with two parent laws
A closer look at Minnesota, Mississippi and Pennsylvania (Parental Involvement Laws)
Minor Abortion Trends in PA

![Graph showing abortion rates by age group over time. The x-axis represents years from 1985 to 1999, and the y-axis represents abortion rate. The graph includes three lines: green for 17-year-olds, blue for 16-year-olds, and red for 15-year-olds. The graph indicates a decrease in abortion rates for all age groups, with a significant drop for 17-year-olds around 1993.](image-url)
New Legislative Measures

• Ultrasound requirements
• Already enacted in (AL, MS, OK)
• Not enough data to evaluate their effectiveness, but they are potentially a very effective tool.
New Legislative Measures

• Fetal Pain Bills
  – Signed into law in (Kansas, Idaho, Oklahoma, Nebraska, Alabama)
  – Would ban abortions after 20 weeks
  – Might create another justification to legally protect the pre-born
Conclusions: Legislation

• State level pro-life legislation reduces abortion rates

• Natural experiments indicate that legislation are responsible for these abortion declines and not shifts in values.
Beyond Pro-Life Legislation

• Television Ads (Caring Foundation)
• Public support for Crisis Pregnancy Centers
• Ultrasounds
• Sidewalk Counseling
Why We Need To Be Optimistic
Reasons for Optimism
Reasons for Optimism

• Pro-Lifers Control More State Legislatures
Reasons for Optimism

• Pro-Lifers Control More State Legislatures
• We Have Passed More Pro-Life Laws
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• More Youth Activism
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• More Youth Activism
• Better Pro-Life Outreach
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Reasons for Optimism

- Pro-Lifers Control More State Legislatures
- We Have Passed More Pro-Life Laws
- More Youth Activism
- Better Pro-Life Outreach
- More Scrutiny For Planned Parenthood
- More Public Support For Pro-Life Position
- Fewer Abortions!
Conclusions

Since the 1990s, the pro-life movement enjoyed considerable success at:

• Enacting protective legislation

2) Devising approaches that are effective in persuading women to seek alternatives to abortion
Most Important Conclusion
Most Important Conclusion

• We Have Made Progress!