

Which Republican Constituencies Support Restrictive Abortion Laws?

Comparisons among donors, wealthy, and mass publics

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Abstract

Roe v. Wade (1973) recognized a constitutional right to abortion under various circumstances and in doing so, facilitated a political environment in which politicians could endorse more restrictive abortion policies that *Roe* prohibited. Indeed, many states enacted “trigger” laws that would only carry the force of law if *Roe* were overturned. The Supreme Court in *Dobbs v. Jackson* (2022) removed the constitutional right to abortion, ending a situation in which this type of position-taking lacked policy consequences and creating an environment in Republican-led states where many policies seemingly contrast with public opinion. To investigate potential sources of support for a variety of types of restrictions, we analyze an original survey of over 7,500 verified donors, 1,500 affluent individuals and 1,000 members of the general public conducted in 2019-2020. The most extreme restrictions, such as bans with no rape exception, are not popular with Republicans in the aggregate from any of the three groups—Republican donors, affluent individuals, or voters, but they are supported by the small and potentially influential group of highly religious Republicans who report that abortion is one of their most important issues.

In overturning *Roe v. Wade* (1973) and subsequent precedents, the Supreme Court's 2022 decision in *Dobbs v. Jackson Women's Health Organization* radically restructured abortion policymaking in the United States. This dramatic change, which overruled an interpretation of the federal Constitution as protecting a baseline, if circumscribed, right to an abortion, meant that elected officials seeking to restrict abortions heretofore protected by *Roe* were now free to do so. Many Republican-led states prepared for this possibility with "trigger laws" that would prohibit or severely restrict abortion if *Roe* were overturned (Jiménez 2022). For instance, in 2021 Oklahoma had passed legislation that prohibited abortions from the point of fertilization, with no exceptions for rape or incest, and that legislation carried the force of law once *Dobbs* overturned *Roe* (Branhan and Casteel 2022). Similarly, depending on the source, at the time of this writing between 13 and 15 states have abortion bans that do not make exceptions for rape.¹ Nor is activity limited to the states. The 2016 and 2020 Republican Party Platforms endorsed a constitutional amendment to extend the Fourteenth Amendment's protections to "children before birth."²

Prior to *Dobbs*, politicians could take positions on restricting abortion without concern for whether those positions would have immediate policy consequences. Correspondingly, voters could support politicians they disagreed with on abortion because the policy was heavily determined by *Roe* and its subsequent lineage of cases. But the *Dobbs* decision enabled much more restrictive abortion laws, and many Republican politicians have enacted or proposed restrictions that seemingly contrast with the views captured by public opinion polling.

¹ The policy space is rapidly evolving, and additional restrictions are being proposed and enacted in real-time. See <https://www.nytimes.com/interactive/2022/us/abortion-laws-roe-v-wade.html> for a regularly updated compilation of state-by-state regulations post-*Dobbs*. As an alternative source, see Jacobson (2022). Some state laws have been stayed pending judicial review.

² See the 2016 platform at <https://www.presidency.ucsb.edu/documents/2016-republican-party-platform>. The Republicans voted to maintain the 2016 platform in 2020. See <https://www.presidency.ucsb.edu/documents/resolution-regarding-the-republican-party-platform>.

Research has shown that policies tend to converge to public opinion in the long run (Page and Shapiro 1992; Caughey and Warshaw 2022), but enacted policies often diverge from those that are most preferred by the public in the short run (e.g., Rogers 2023). A voluminous literature characterizes the association between policymakers' positions and the opinions of various constituencies, and argues that politicians have electoral incentives beyond representing the proverbial median voter such as fundraising, appealing to primary electorates, and maximizing turnout that creates incentives to represent the views of attentive sub-constituencies (e.g., Arnold 1990, Krosnick 1990; Clinton 2006). While the opinions of the district as a whole may matter (Ansolabehere and Jones 2010), so too may the views of sub-constituencies comprised of primary voters (Fenno 1978), donors (e.g., Bafumi and Herron 2010; Barber 2016; Grumbach 2020; Canes-Wrone and Miller 2021), and/or the affluent (e.g., Bartels 2009; Gilens, 2012). Existing work has demonstrated that state policies are often extreme relative to public opinion when enacted, but it is less clear whether the extremity of those policies is congruent with the policy views of sub-constituencies who hold more extreme views and who may also be more attentive and demanding of policy change.

Examining the extent to which enacted policies reflect the opinions of particular constituencies is also related to work conceptualizing parties as a coalition of intense policy demanders (e.g., Karol 2009; Bawn et al. 2012; Bawn et al. 2023). If so, parties seeking to maintain the support of their members may therefore have incentives to enact policies that are more extreme than most members would prefer so long as each coalition partner gets what they want on the issue they care most about. Accordingly, characterizing whether enacted policy better corresponds to the opinions of particular sub-constituencies than the overall opinions of co-partisans provides evidence on whether parties are willing to prioritize the preferences of high

demanders relative to ordinary co-partisans. The context of *Dobbs* is a particularly interesting one in which to consider these dynamics. Building on Arnold's (1990) concept of traceability, in which constituents can hold politicians accountable for the effects of policy, the pre-*Dobbs* environment is one in which attentive anti-abortion subconstituencies could follow politicians' actions, but the public at large would likely not experience any substantive effects on abortion access because any enacted restrictive policies could not be enforced. Post-*Dobbs*, of course, laws previously enjoined by *Roe* came into force, thereby changing policy and becoming salient even to less attentive constituents.

We have several motivations for leveraging this context of *Dobbs* to examine support for restrictions on abortion among a variety of potentially influential sub-constituencies. First, questions related to abortion access have dramatically affected contemporary politics in both the legislative and electoral arena (Chermerinsky 2022). Second, unlike some policies with more limited reach, abortion is an issue that potentially affects (directly or indirectly) nearly every individual. Third and correspondingly, given the salience and publicity surrounding the issue, public opinion about some of the most significant policy questions (e.g., whether there should be an exception to abortion restrictions for the life of the mother and/or in the case of rape and incest) is arguably meaningful and not simply a result of survey respondents providing answers following partisan or elite cues, as may be the case for less salient and more obscure policies (e.g., Zaller 1992; Bullock 2011; Barber and Pope 2019). For these reasons, many studies have focused specifically and exclusively on abortion policies when considering the impact of public opinion, parties, and/or issue publics (key studies include Cook, Jelen, and Wilcox, 1992; Adams 1997; Norrander and Wilcox 1999; Camobreco and Barnello 2008; Mendoff, Dennis, and Stephens 2011; Kreitzer 2015; Osborne, et al. 2022; Ziegler 2022a).

In the analyses that follow, we measure and compare the opinion of several potentially influential issue publics and sub-constituencies on abortion restrictions that are feasible in the wake of *Dobbs*.³ Prior research has identified two such groups as being particularly influential for policy outcomes – campaign donors and the affluent. Existing scholarship shows that political donors represent a small, yet highly influential group that appears to wield outsized influence over policy, particularly in state legislatures where abortion policy has now shifted (e.g., Powell 2012, Ziegler 2022a). Another strand of the literature suggests that policymaking outcomes better reflect the positions of the affluent than the views of middle-income Americans when the two groups disagree (e.g., Gilens 2005; Page, Bartels and Seawright 2013). Whether this is also true for the recent abortion restrictions is unclear.

Extant research that analyzes these groups typically examines one or the other of them, for at most one survey item about abortion policy, and does not delve into the opinions of particular subgroups of donors or the affluent. To the best of our knowledge, the only comparisons of donors with the general public in existing work use the longstanding American National Election Studies (ANES) item asking whether abortion should be: “never be permitted”; allowed “only in the case of rape, incest, or when the woman’s life is in danger”; allowed “only when the need for the abortion has been clearly established”; or allowed “as a matter of personal choice” (Broockman, Ferenstein, and Malhotra 2019; Broockman and Malhotra 2020). Research that analyzes the views of the affluent relative to the general public also commonly relies on the ANES item (Bartels, 2009). The advantages of this item notwithstanding, it does not capture the

³ Although we focus on the congruence between public opinion and laws that restricted abortion beyond the status quo established by *Roe vs. Wade*, there is also divergence between the status quo under *Roe* and the level of restrictions supported by the various groups we examine. We focus primarily on divergence between new restrictions and opinion rather than differences in the *Roe* era because *Roe* was a judicial decision while new policies resulted from legislative and executive action.

plethora of types of abortion policies currently being considered.⁴ Gilens analyzes the views of the affluent and the general public using public policy polls from 1981 through 2006 (Gilens 2005; Gilens 2012), but notes that the poll items about abortion are biased towards policies that were actively under consideration at that time -- mostly policies that were legally viable under the *Roe* precedent.

Some research focuses on abortion opinion specifically and offers more detailed insights into the general population's views, as well as those of demographic subgroups using other survey data, such as the General Social Survey (GSS) (Cook, Jelen, and Wilcox 1992; Osborne et al. 2022). While useful for characterizing the extent to which policies match overall public opinion, these studies cannot speak to the policy views of smaller groups of the public such as donors or the affluent, and the most contemporary study, Osborne et al. (2022), does not measure issue prioritization among different groups.⁵

Measuring the opinions of key sub-constituencies like donors and the affluent is difficult and requires specialized surveys of the type we now describe. To measure the views of these groups we simultaneously surveyed verified political donors, affluent individuals, and the general public using sampling frames designed to collect representative samples of each. Interviewing more than 7,500 verified political donors allows us to determine which Republican donors are most supportive of the enacted restrictions and how large that group is.

Our surveys were conducted following the replacement of Justice Kennedy by Justice Kavanaugh in 2018 and just prior to the appointment of Justice Barrett to replace Justice Ginsburg in the fall of 2020. This period represents an extremely active time of discussion and

⁴ See SI Appendix F, Figures Figures F2-F6 for replication results using the ANES question.

⁵ Cook, Jelen, and Wilcox (1992) compare the views of 1988 presidential candidate donors with the general public regarding whether abortion should be prohibited in all circumstances as well as compare high-income respondents to the general population from 1987-1991 across three positions: pro-life, pro-choice, and "situationalists."

debate surrounding the future of abortion rights, and the public opinion data we capture directly reflects the concurrent prospect of *Roe* being overturned by a more conservative Supreme Court. These data therefore reflect the views of the public at a time in which policy on this issue was being actively discussed and debated across the country as many state legislators began to consider that for the first time in many decades, *Roe* might no longer be settled law.

In the survey we asked about numerous specific conditions to understand support for particular abortion restrictions and avoid the ambiguity and politicization of broad response categories (e.g., “pro-life” and “pro-choice”). And although there is some slippage between our questions and actual policies – enacted restrictions on abortion vary by both time and circumstances while some of our questions focus either on time or circumstances -- our responses provide a more detailed characterization of policy views than most extant questions.

The combination of features we employ is novel and important for assessing the extent to which enacted restrictions reflect the potential influence of issue public constituencies. Asking samples of the general public, verified donors, and the affluent about their opinions allows us to determine the support for various restrictions among subpopulations that plausibly wield greater political influence over state policymaking. Additionally, by asking about specific policies related to the most restrictive so-called “trigger bans” that became law following the *Dobbs* decision, we are able to assess opinions “pre-treatment” and under the context in which these restrictions were initially enacted. Unlike surveys conducted following the *Dobbs* decision — and the resulting eruption of partisan discourse that may have shaped public opinion — our results characterize public opinion at the time restrictive trigger laws were enacted under the *Roe* regime. Similarities between our results and those from polls conducted post-*Dobbs* is consequently useful for showing the extent to which public opinion shifted as a result of the

Dobbs decisions or whether the opinions measured post-*Dobbs* were pre-existing (see Figure H2 in the Supporting Information [SI hereafter]).

We find that not only do a substantial majority of the general public and Republicans oppose the most extensive abortion restrictions, but that even most affluent Republicans and Republican donors disagree with them. For example, 79% of verified Republican donors support abortion in the case of rape and 90% are supportive of laws that allow an abortion if the health of the mother is “seriously endangered.” Even among donors who identify abortion as “one of the most important issues,” there is majority support for these exceptions.

To further determine who supports such policies within the political party seeking greater restrictions, we examine the correlates of support for abortion among Republicans.⁶ Differences in Republican support for abortion under various scenarios are largely unrelated to a multitude of individual characteristics, but Republicans most likely to support substantial abortion restrictions think abortion is one of the most important issues, self-report attending church at least once a week, and view religion as “very important.” Notably, this group composes about 25% of Republicans. We cannot identify the causal impact of such views on policymaking, but the fact that the enacted restrictions are consistent with the views of a small fraction of the general public, and even a minority of the Republican donor and voter bases, highlights a potentially powerful distortion of representative democracy.

⁶ We focus on Republicans’ opinions because the preponderance of recent lawmaking has been to restrict abortion and it is Republican politicians for whom *Dobbs* ended a period in which the politicians could take unpopular positions with the knowledge that *Roe* would prevent their enactment. This is not to suggest that there is no tension between some Democratic policy proposals and the opinion of different groups, as our analysis reveals.

Surveying Donors, the Affluent, and the General Public on Abortion

To characterize support for abortion policies among the general population, the affluent and political donors, we conducted intentionally designed parallel surveys of each. (See SI Appendix A for details.) The Federal Election Commission provides the postal mailing address of validated campaign donors, and as in other donor surveys (e.g., Francia et al. 2003; Broockman and Malhotra 2020;), this is our means of initial contact. Sampled individuals were sent a personalized letter on university letterhead inviting them to participate in the online survey and offering a \$1 contribution to a charity of their choice. A URL directed subjects to a university website describing the survey. Respondents who began were redirected to a Qualtrics survey and asked to provide a personalized code that linked their survey to the sample and then provided informed consent. Invitation letters were mailed in late November 2019 and follow-up postcards were sent in late January 2020 to 50% of the non-responders. All responses were collected by April 2020, prior to the death of Justice Ginsburg and the subsequent leaked draft of the *Dobbs* decision in 2022.

Focusing on opinions collected prior to *Dobbs* is important for characterizing the support for abortion restrictions within the context in which many were enacted and prior to the attention and coverage that the issue received in the wake of the decision. Many surveys have been done post-*Dobbs* to show the extent to which the enacted laws diverge from the opinions of the overall general public, but those measured opinions are “post-treatment” in that they may reflect the effects of being exposed to the increased coverage and partisan attention that was devoted to the issue following the leaked *Dobbs* opinion. While those measures are useful for understanding the persistence of enacted policies and possible pressures to converge to public opinion over time (e.g., Camobreco and Barnello 2008; Caughey and Warshaw 2022), they cannot help assess

whether the restrictions were consistent with the views of the general public (let alone donors and the affluent) when enacted.⁷ To do so requires surveying dedicated samples of validated donors, the affluent, and the general public about their opinions related to abortion before the dramatic increase in coverage surrounding the *Dobbs* decision.

To gather the opinions of political donors we randomly selected 69,000 individuals who donated to at least one Congressional campaign in 2018. To sample the affluent, we randomly selected 40,000 individuals in the *TargetSmart* consumer database who either earned at least \$150,000 per year or who had a total net worth of at least \$1 million. For the parallel general public sample, we randomly selected 44,000 individuals from the *TargetSmart* database. The response rates are consistent with other push-to-web mail surveys (Broockman and Malhotra 2020) and produced samples of 7,335 donors, 1,409 affluent, and 1,038 general population respondents; our donor sample is intentionally larger due to our comparative advantage in examining this population and a desire to differentiate among different types of campaign contributors.

We asked respondents whether they approve of an abortion in eight situations. Figure 1 presents the questions as they appeared to respondents. Our items are derived from similar items used on the GSS (2018), which ask respondents "whether or not you think it should be possible for a pregnant woman to obtain a legal abortion" in a range of circumstances, such as "If there is a strong chance of serious defect in the baby?", "If the woman's own health is seriously endangered by the pregnancy?", and "If she became pregnant as a result of rape?" We expanded this list to include issues central to *Roe*'s trimester framework and other related policy facets and

⁷ In SI Appendix H we show that the opinions of the general public changes over time using questions asked in the Congressional Election Survey (Figure H2). Not only does this highlight the importance of using pre-*Dobbs* opinions to measure opinion, but the increasing opposition to severe restrictions reveals that the divergence we document using pre-*Dobbs* opinion likely only increased over time.

to cover situations in the first trimester that represent the majority of cases when abortions take place.⁸ Additionally, to identify policy “high demanders,” we also asked whether abortion was “one of the most important issues”, “somewhat important”, “a little important”, or “not at all important” to the respondent.

Results

It is impossible to prove whose views, if any, are responsible for policy outcomes, but we can determine whose views are consistent with enacted restrictions. Panel A of Figure 2 plots the percentage of the general public supporting legal abortion in each of the specified circumstances by self-reported partisanship. For simplicity, all reported results are unweighted conditional means, but SI Appendix C, Figures C1-C4 replicate all findings after weighting each sample to match its sampling frame and shows weights are irrelevant for the conclusions we draw here.

⁸ We note that while most abortions take place in the first trimester of pregnancy, few are for the reasons most salient in current policy debates (e.g., because of rape or incest, known birth defect, or threat to the life of the mother). SI Appendix H, Table H1 compares our general population results to other surveys conducted during a similar period to demonstrate that our results are broadly consistent with those surveys.

In which of the following circumstances, if any, should a pregnant woman be able to legally have an abortion?

	Yes	No
If her health is seriously endangered by the pregnancy	<input type="radio"/>	<input type="radio"/>
If she is carrying a fetus with a serious intellectual disability, such as Downs Syndrome	<input type="radio"/>	<input type="radio"/>
If she is carrying a fetus with a serious birth defect likely to require serious medical care and limit quality of life	<input type="radio"/>	<input type="radio"/>
If she becomes pregnant as the result of rape	<input type="radio"/>	<input type="radio"/>
In the first trimester of pregnancy if she is married and her husband objects to the abortion	<input type="radio"/>	<input type="radio"/>
In the first trimester of pregnancy if she is under 18 and her parents do not want her to have an abortion	<input type="radio"/>	<input type="radio"/>
In the first trimester of pregnancy under any circumstance, as a matter of choice	<input type="radio"/>	<input type="radio"/>
In the second or third trimester of pregnancy under any circumstance, as a matter of choice	<input type="radio"/>	<input type="radio"/>

Figure 1. Grid of Abortion Questions

Panel A reveals large partisan-related differences for many items, but also areas of bipartisan agreement. A large majority of both self-identified Democrats and Republicans support abortion when the mother’s life is endangered, if the pregnancy is a result of rape, and if the fetus suffers from a fatal birth defect. Likewise, a majority of Democrats and Republicans oppose unrestricted abortion in the second and third trimesters. Large partisan differences emerge, however, in support for first trimester abortions under a range of circumstances. When asked about first trimester abortions for minors without parental permission, for married women when her husband objects, and as a general matter of choice, in each case at least 90% of

Democrats think abortion should be allowed, but majorities of Republicans oppose, with only about 25% supportive.

These pre-*Dobbs* differences help explain why states reacted differently to the *Dobbs* decision, but they also raise questions about the level of public support for the most restrictive laws, such as those that ban early-term abortions with no exceptions for rape or for the health of the mother.⁹ On the one hand, the trimester framework of *Roe* (and its successor reasoning, the undue burden standard following *Planned Parenthood v. Casey* [1992] and other cases), which largely excluded government regulation of abortion in the first 3 months of pregnancy, is unpopular among Republicans. On the other hand, most Republicans express support for allowing abortion in circumstances that are made illegal by newly enacted laws. An overwhelming majority of Republicans, for example, support allowing abortions for the health of the mother or when the pregnancy is caused by rape.

⁹ For a discussion of recent efforts to eliminate exceptions even for the life and serious health risks of the mother, see Ziegler (2022b).

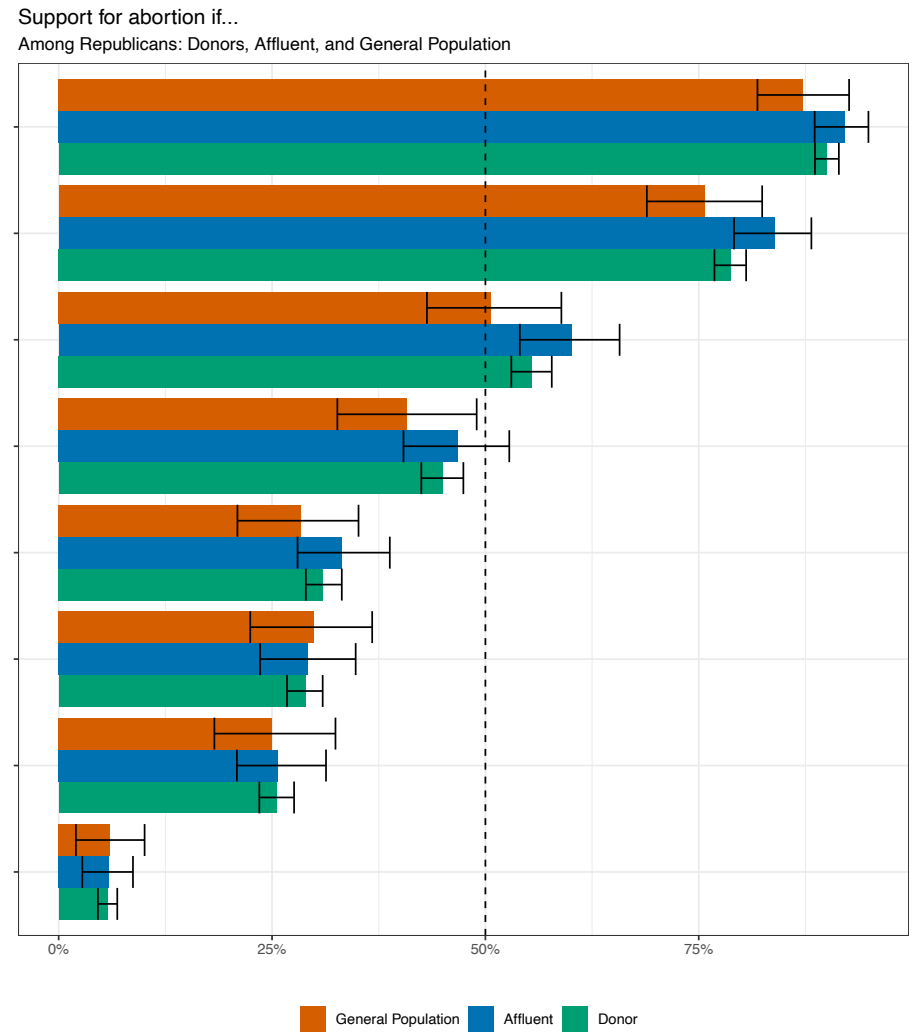
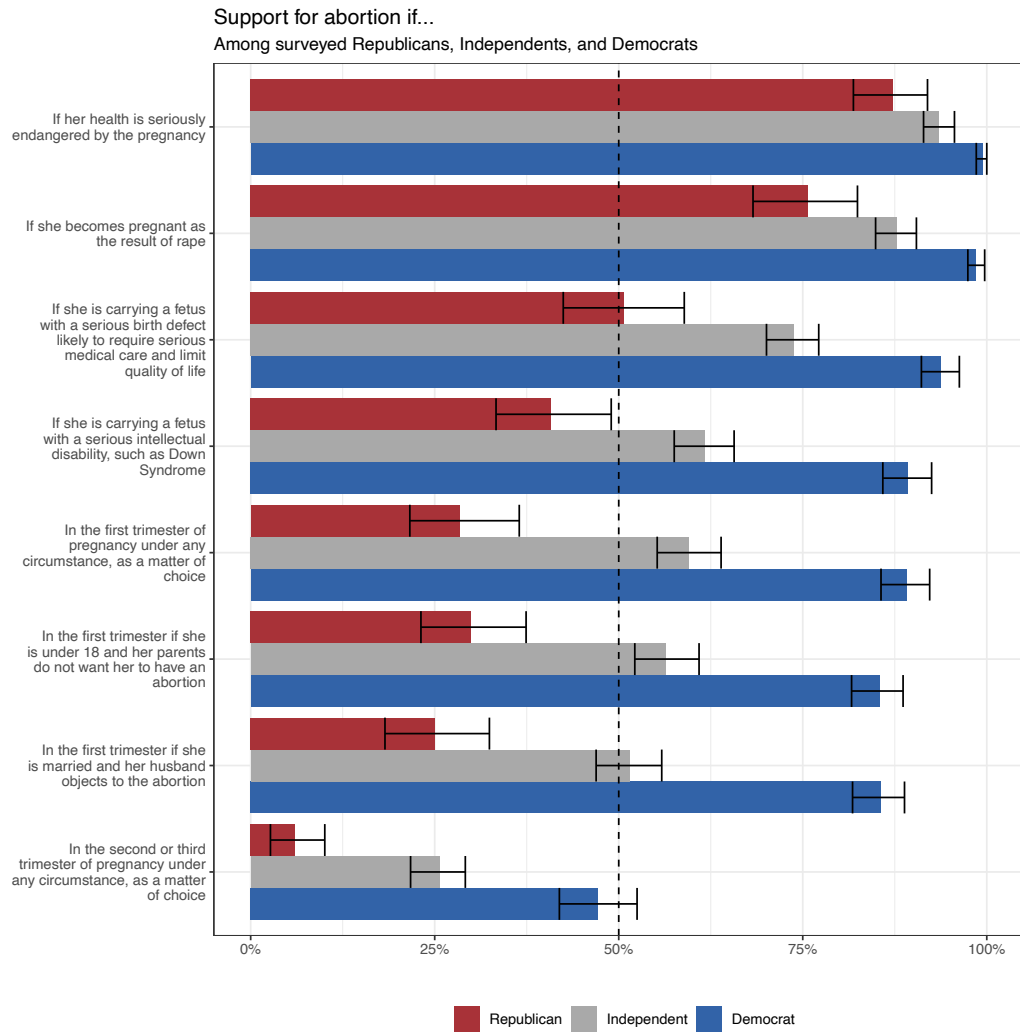


Figure 2. Panel A: Support for abortion among general population respondents by self-reported partisanship. The results summarize the average views of self-identified Republicans, Democrats, and independents. Those who lean towards one party are classified as partisans. Panel B: Support for Abortion restrictions among Republicans: general population, affluent, and verified donors. Error bars represent 95% confidence intervals.

One possibility is that these restrictions are popular with the party’s donors and/or the affluent, even if unpopular with the general population of Republicans. Panel B of Figure 2 shows the variation in support for abortion restrictions among the three samples for Republicans only--- the general population (orange), affluent (blue), and donors (green). Notably, although affluent and donor Republicans are slightly less supportive of the most extreme restrictions than other Republicans, the differences tend to be modest in size and statistically insignificant. The level of support for each restriction is nearly identical across groups, at least in the aggregate.¹⁰

Of course, it remains possible that the most restrictive policies are indeed popular in states that enacted them and/or with Republicans who prioritize the issue of abortion. Various studies suggest that issue publics, as determined by the importance voters attach to an issue, are more likely to vote for candidates based on their policy views (Krosnick 1990). To begin to investigate these possibilities, we compare responses among Republican donors across the battery of abortion items depending on whether the donor self-identified the issue of abortion as “one of the most important,” and whether they reside in one of the states restricting abortion in the case of rape. (Note that we are only including states with enacted laws and not ones with merely a proposal.¹¹) We focus in the text on donors given evidence of their outsized influence in

¹⁰ We also examined gender-related differences and found that, as with differences by affluence and donor status, they are small. Republican females are slightly more likely to favor abortion restrictions than Republican males, but both genders overwhelmingly reject the most extreme restrictions on abortion and they order the different provisions in the same way. SI Figure E2 presents these comparisons. We also consider other forms of political activity to see if activism outside of donations is meaningful. We do not find significant results across this measure either (SI Figure E6). Finally, we investigate differences based on education (SI Figure E1), religiosity (SI Figures E3 and S4), and the combination of religiosity and issue importance (SI Figure E5). Strong differences emerge for religiosity and issue importance, with only moderate differences for education. We discuss the impact of these factors later in the text, in the multivariate analysis of Figure 4.

¹¹ In the text, we define the restrictive states as the 15 identified in Jacobson (2022). In SI Figure F6 we instead use the 13 states identified in <https://www.nytimes.com/interactive/2022/us/abortion-laws-roe-v-wade.html> (accessed October 3, 2022). We do not consider the status of proposals that failed to become law – or what might explain why and where in the process they died. Instead, we are simply interested in the extent to which *enacted* policies are seemingly out-of-step relative to overall public opinion or the opinions of groups that have been hypothesized to have an outsized role in lawmaking (e.g., the affluent, donors).

state legislatures (Powell 2012) and Congress (Canes-Wrone and Miller 2022). Results for the general public and the affluent appear in SI Appendix D, Figures D1-D4 and suggest similar substantive conclusions.

Figure 3 presents the results, which are striking. Panel A shows that the 35% of Republican donors who identify abortion as being “one of the most important issues” are substantially less supportive of abortion than other Republican donors. The difference is consistently large, often exceeding 20 percentage points, and statistically significant except for the item on second and third term abortions, where support is below 10% regardless of prioritization. However, even among the high-priority subgroup, slightly more than 50% support abortion access in the case of rape and around 75% support abortion if the mother’s health is seriously endangered. By comparison, Panel B reveals little to no differences in average support by state of residence (see SI figures D2, D4, D5, E4, E5, F5, and F6 for further comparisons by state restriction). In fact, on no policy does the state of residence have a statistically significant effect and the magnitudes of the differences are consistently miniscule. Because nearly 75% of Republicans—whether donors, affluent, or general population members—who live in states with abortion prohibitions that lack a rape exception express support for this exception, geographic differences in public preferences seem an unlikely explanation for the enacted restrictions.

Building on these findings, we analyze how a battery of demographic and other factors predict Republican support for two specific policies—one that a majority of Republicans oppose, banning abortion even in the case of rape, and one that most Republicans support, restricting abortion in the first trimester as a matter of choice. Although estimating the correlates of opinion cannot demonstrate why or how those factors may affect policymaking, it allows us to: 1) identify the characteristics of Republicans most likely to support abortion restrictions and

whether that coalition changes for more restrictive policies, and 2) assess how many Republicans have the combination of characteristics and orientations predictive of support for the enacted restrictions.

Given the similarity of views seen in Figure 2 panel B as well as the similarity of findings between Figure 3 (for donors) and the associated SI figures (for the general public and the affluent), we jointly analyze Republican opinions from all three samples, with indicators to allow for mean-differences across samples. We predict support for abortion as a function of demographics (gender, race, age, educational attainment, homeowner status, parental status, income), religiosity (whether religion is “very important” to the respondent and whether they attend church at least once a week), whether they live in a state that has restricted abortion in the case of rape, and whether they think abortion is “one of the most important issues.”

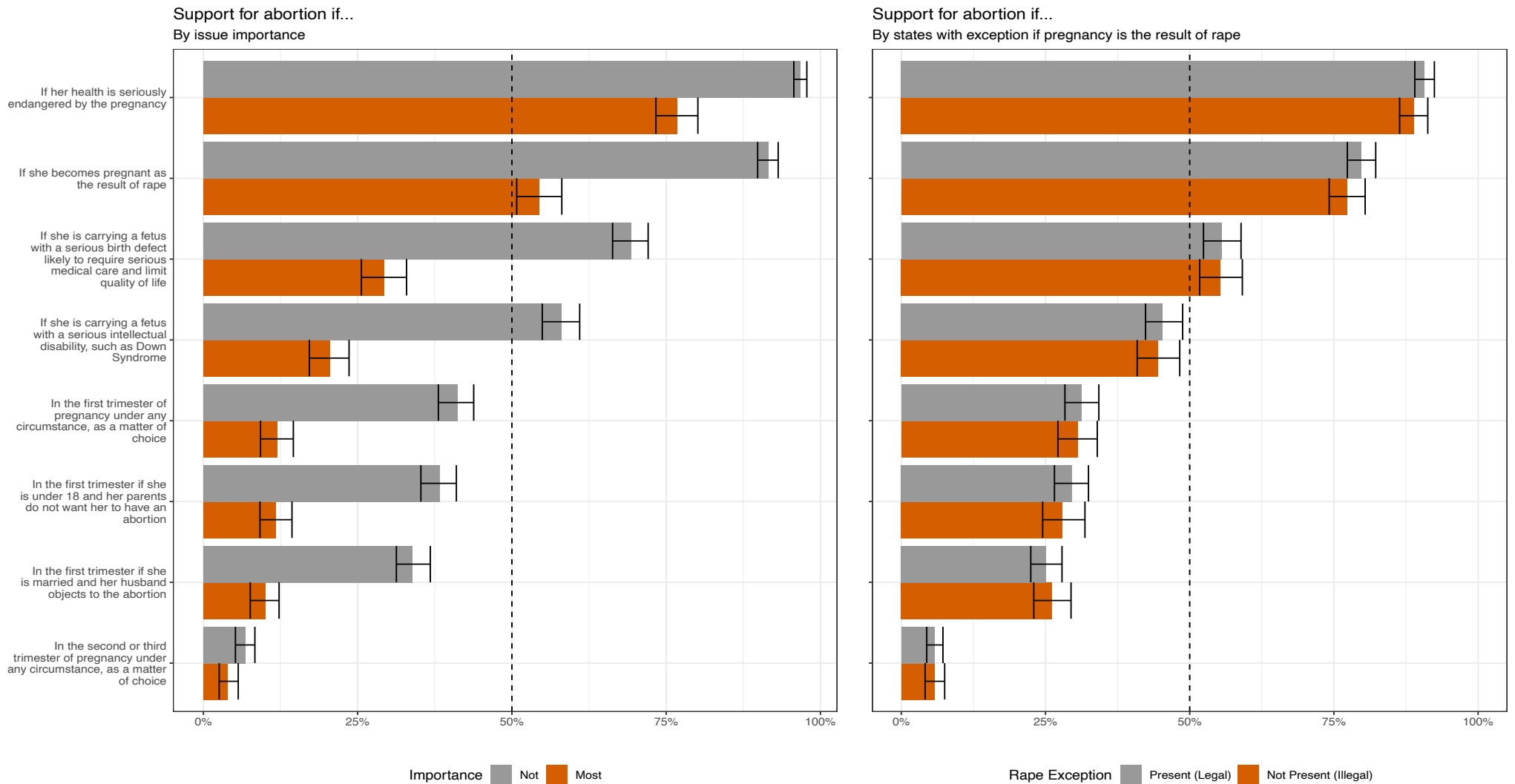


Figure 3. Views on Abortion Among Republican Donors by Self-Reported Importance of Abortion (A) and by whether their state passed a law restricting abortion in the case of rape (B). 35% of Republican donors (N=591) report abortion as being one of the most important issues; 65% of Republican donors (N=1,112) report otherwise. When analyzed, the states with laws restricting abortion in the case of rape were AL, AR, AZ, FL, KY, LA, MI, MO, OH, OK, SD, TN, TX, WI, and WV. Error bars represent 95% confidence intervals.

Figure 4 reports results graphically for two separate linear regression models predicting support (1) for abortion in the first trimester for any reason and (2) in the case of rape. Positive values indicate increased support for abortion in the given condition. (Probit models and models with state fixed effects produce substantively identical results, see SI Appendix G.) Notably, the correlates of support for abortion in the first trimester or in the case of rape are roughly similar. While Republicans under the age of 40 and males differ in whether they are more or less supportive than the baseline for each policy, the overall ordering and magnitude of the other estimated effects are generally very similar. The largest difference between the policies by far is in the estimated intercepts (noted at the top of the figure), where the 38-point difference reflects the overall, unconditional support among Republicans for abortion in the case of rape relative to the first trimester generally. Issue importance is more predictive of opposition to rape exceptions while religion being important predicts greater opposition to first trimester abortions.

Figure 4 also reveals that the group of Republicans who are predicted to be most supportive of enacted restrictions are those who: 1) think abortion is “one of the most important issues,” 2) think religion is “very important”, 3) attend church at least weekly, and 4) have less than a high school diploma. In the regression, these effects are independently significant and the impact is large for those with all four characteristics: It predicts an average support for abortion in the case of rape of only 0.28 and an average support for abortion in the first trimester of 0.14.¹²

¹² Interestingly, many of our results for demographic predictors comport with those in research on predictors of pro-life activism. For instance, Swank (2021) finds that religious attendance and household income are significant predictors of being a pro-life activist and that gender does not have a significant effect.

Support for Legal Abortion among Republicans

Regression Intercept: In cases of rape = 0.88

Regression Intercept: In first trimester = 0.50

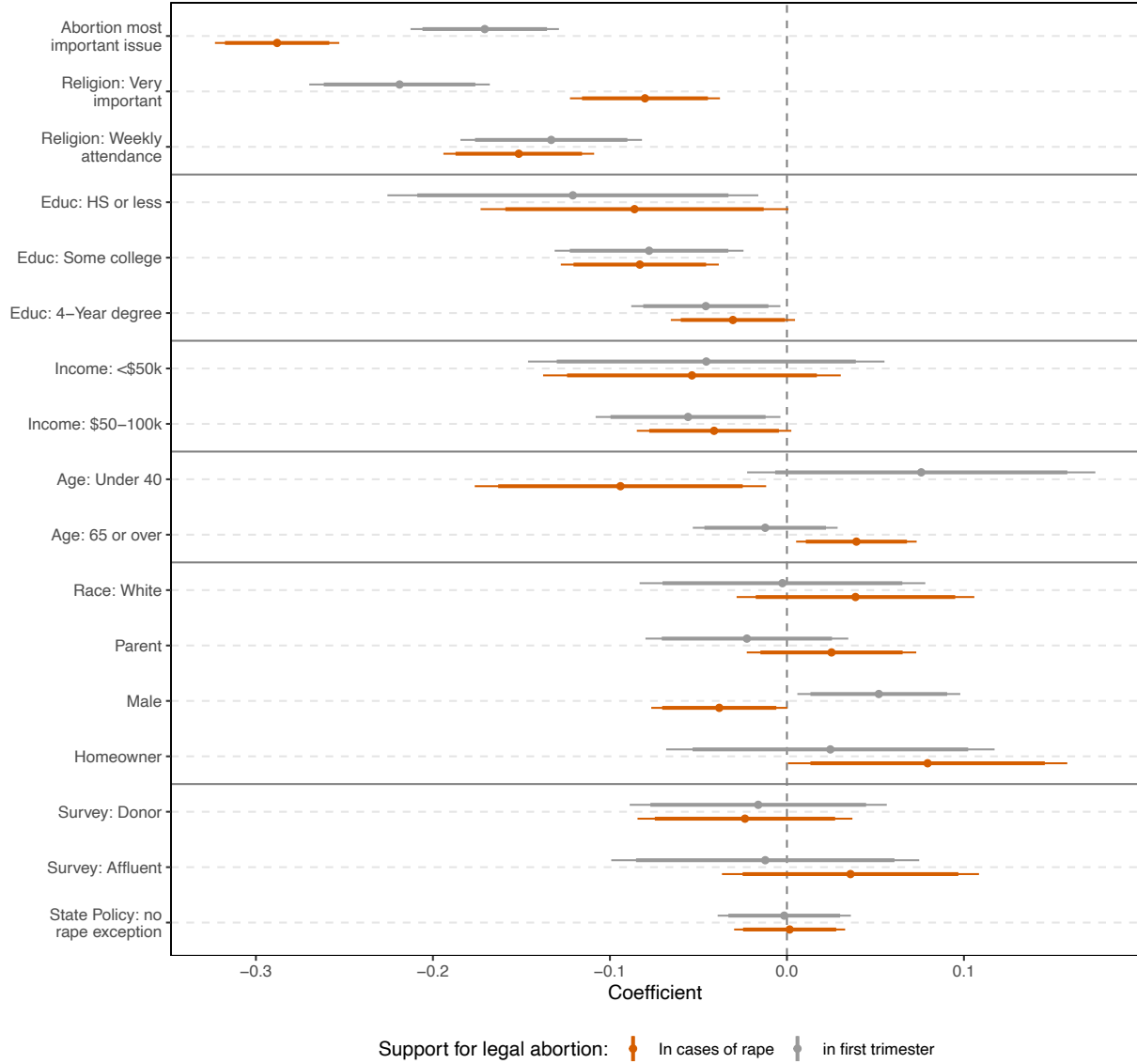


Figure 4. Correlates of an expressed opinion for allowing an abortion in the case of rape (orange) or in first trimester for any reason (grey) among Republicans.

While support for banning abortion in the case of rape is indeed popular within this group, it is important to understand that the group is only a tiny minority of Republicans (who are themselves a fraction of the overall population). In particular, the group represents approximately 3% of Republicans in the general population sample and less than 1% of affluent or donating Republicans. Putting aside education, only 22% of verified donors, 19% of the affluent, and 29% of the general Republican population both rate abortion as one of the most important issues and are “highly religious,” in that they simultaneously rate religion as very important and attend services weekly.¹³ Although the mean levels of support for these policies does not vary by donor status and affluence after controlling for the other factors in the model (the estimates for these factors are insignificant and small in Figure 4), the factors that predict support for these laws are more common in the general population than among donor and the affluent, suggesting that as a whole these latter groups are likely not driving restrictive policymaking on this issue.

An interesting question provoked by the findings on issue importance is whether post-*Dobbs*, more Republicans (and Democrats and Independents) will view the abortion issue as one of the most important given the actual or potential shift to restrictive laws in many states. Various studies highlight the stability of policy preferences about issues (e.g., Page and Shapiro 1992), but these studies focus on policy positions rather than priorities. Arnold (1990) argues that legislators have incentives to cater to “attentive publics” -- what others might call issues publics or sub-constituencies – unless their actions are likely to attract the attention of the otherwise inattentive general public. In the case of recent abortion politics, legislators’ pre-*Dobbs* trigger bans and other legislation that was enjoined by *Roe* were unlikely to be given much attention by

¹³ See SI Table H2 for demographic characteristics of donors (and the affluent) by party.

the inattentive public (“traceable” to legislator actions, in Arnold’s language). However, our data suggest that post-*Dobbs*, Republican politicians and parties may face electoral backlash because the more restrictive policies are unpopular with Republican constituencies and the general public.¹⁴

Discussion

The case of abortion politics following the overturning of *Roe v. Wade* presents an important and stark illustration of contemporary policymaking, as restrictions that were blocked by the federal courts suddenly went into force. Many Republican-led states had so-called trigger laws on abortion in place precisely for this contingency. As well, federal and state governments could enact new restrictions, prompting more politicians at each level of government to become active on the issue. For example, recently Senator Lindsay Graham (R-SC) proposed a national 15 week ban on all abortions, with limited exceptions for cases of rape, incest, and life of the mother (Schonfield 2022). Using a novel, and large, survey conducted prior to the *Dobbs* decision we can show who was most likely to support those policies among ordinary Republicans, affluent Republicans, and verified Republican donors.

The results suggest support for the most restrictive policies (e.g., prohibiting abortion in the case of rape or a serious health risk) is rare even among Republicans, whether considering donors, the affluent, or all Republicans in the general population. Instead, such support is limited to Republicans who think abortion is one of the most important issues and who are also highly religious (25% of Republicans and less than 5% in the general population). Whether this group is

¹⁴ We recognize that backlash can occur simply from higher turnout among Democrats and Independents, even if the low popularity of restrictive abortion laws does not dissuade Republican voters from electing Republican officials. As we discuss in the conclusion, abortion-rights referenda are faring well even in red states, although again, Republican voters may continue to vote for their party’s candidates when the abortion issue is not isolated by an individual referendum.

responsible for the enacted policies, and, if so, how that influence is manifested is beyond the associations we characterize, but the results raise important questions about the potential influence of small but intensely interested groups on policymaking outcomes even when the outcomes are contrary to the views of most citizens. Because *Roe* previously offered politicians the opportunity to support extreme restrictions without the prospect of them becoming policy consequential, it is not clear how voters will react at the ballot box to these new laws and the politicians who endorse them; the types of voters who consider abortion one of the most important issues seems likely to shift in the post-*Dobbs* environment.

Indeed, at the time of writing, there is some evidence of such a shift. Media reporting of the 2022 election results certainly focused on this issue and its impact on vote choice.¹⁵ Additionally, four Republican-leaning states — Kansas, Kentucky, Montana, and Ohio -- have supported abortion-rights referenda (Philbrick and Leonhardt 2023). Building on this momentum, Democratic strategists foresee emphasizing abortion rights in the 2024 elections, with additional referenda proposed in battleground and conservative-leaning states such as Arizona and Missouri (Olorunnipa, Rouben, and Marley 2023) in an effort to increase support for Democratic candidates (Biggers 2014).

We have focused on Republican policies as they were the ones enacted in response to *Dobbs* and they reflect a change to the status quo, but hasten to add that abortion laws are also at odds with the opinions of Democratic sub-constituencies and the views of most ordinary citizens. Contrary to the status quo under *Roe*, only 30-40% of all respondents in our surveys, and a minority of Democrats, believe that abortion in the second and third trimester should be allowed

¹⁵ See, for example, <https://www.politico.com/news/2022/11/09/abortion-votes-2022-election-results-00065983> <https://www.npr.org/2022/11/25/1139040227/abortion-midterm-elections-2022-republicans-democrats-roe-dobbs> <https://www.washingtonpost.com/lifestyle/2022/11/09/abortion-midterms-wave/> and <https://www.nytimes.com/2022/11/10/us/politics/abortion-midterm-elections-democrats-republicans.html>

as a matter of choice. Large majorities of non-religious, young Democrats who rank abortion as one of the most important issues support such a policy, but this group composes less than 5% of the overall population. Although we focus on Republican restrictions because they reflect a change in the status quo, it is important to highlight that the divergence between policies and the opinions of donors, the affluent and the general public affects both parties.

Policymaking is a complicated, multi-dimensional enterprise in which legislators must balance their own policy views with those of intense policy demanding groups within their party coalition and the general population (Bawn et al. 2012). Thus, despite our ability to characterize the congruence of enacted policies with the opinions of several constituencies that have been identified as being policy consequential, it is difficult to assess the precise causes and consequences of the differences we identify given the myriad number of connections and trade-offs being made. Even so, the patterns we find are consistent with the parties-as-issue-coalition perspective of policymaking that relies on log-rolls and differential interest across issues among members of the party coalition.

Despite the fact that many of the enacted restrictions are unpopular among the general public and even with the average Republican, legislators may enact such policies knowing that other groups within their coalition whose own policies are advanced are likely to overlook the divergence between the enacted policies and their preferences. (Conceivably, policies such as gun control or corporate taxes may have similar properties). If so, and if one party dominates the electoral landscape, as is the case in many of the states where such laws were enacted, then our results raise questions as to whether policies will necessarily “converge” to the policy that is most preferred by the average ordinary voter over time as others have previously documented (e.g., Page and Shapiro 1992; Caughey and Warshaw 2022). As we have just noted above, there

is evidence that the most restrictive abortion laws have not fared well when considered alone at the ballot box in multiple red and purple states, consistent with the idea that in a post-*Dobbs* world, these policies are highly traceable even by the usually inattentive general public. Still, institutional differences, such as the existence of the referendum procedure, may produce results that diverge across states with similar ideological and abortion policy preferences, at least temporarily.

Representative democracy creates a buffer between the public and public policy in the hopes of allowing expertise and considered judgment to temper the more extreme or ill-informed impulses of the public. But it does so by also creating an opportunity for influence by subsets of the public that may produce policies that are at odds with what the general public wants. Moreover, insofar as parties are coalitions of policy high-demanders who are willing to overlook divergence on some issues in return for the policies they care most about, then policies that are seemingly out-of-step with the average voter or even the average partisan may persist. While the public may come to appreciate the policies in time, or use their right to vote to try to remove those acting contrary to their preferences, understanding the extent to which enacted policy is contrary to public opinion and instead favors particular groups with extreme policy views helps illuminate the nature of contemporary policymaking with implications for understanding the health of our representative democracy.

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