

# The Stages of the Policy Process and the Equal Rights Amendment, 1972–1982<sup>1</sup>

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Studies of how social movements impact policy outcomes typically treat policy change as a dichotomous phenomenon; a governmental unit either adopts or does not adopt a particular policy in a particular time frame. This simplistic view of the policy process runs the risk of masking how movements and other factors matter at various stages of the policy process. Each stage is characterized by different rules and different consequences; thus, movements and other factors ought to matter differently at each stage. The authors examine three stages of policy development with regard to state ratification of the Equal Rights Amendment. Results show that movements mattered more to legislative decisions in the earlier stages of the policy process, but that their effects were eclipsed in later stages by public opinion.

## INTRODUCTION

The proposed Equal Rights Amendment (ERA) to the United States Constitution simply declared, “Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex” (Stevens 1984, p. 64). While this amendment had been introduced in every Congress since 1923, it was not actually debated until 1972, when the United States Congress passed the ERA and sent it on to the 50 states

<sup>1</sup> This research was supported in part by a National Science Foundation CAREER grant to Sarah A. Soule (SES-9874000) and by a grant from the University of Arizona Rogers Program on Law in Society. The authors would like to thank Paul Burstein, Mark Chaves, Elisabeth Clemens, Marie Cornwall, Suzanne Dovi, Ted Gerber, Tom Holbrook, Kris Kanthak, Susan Olzak, Marc Schneiberg, David Strang, and Sid Tarrow for their advice and suggestions on earlier versions of this paper. Direct correspondence to Sarah A. Soule, Department of Sociology, University of Arizona, Tucson, Arizona 85721. E-mail: soule@u.arizona.edu

for ratification. Almost immediately, 22 states ratified, and over the course of the next five years, another 13 states ratified the amendment. But by 1982, it became clear that the ERA would fall just three states short of the required 38 states needed for the amendment to become part of the United States Constitution.

When attempting to explain a policy change such as the ERA, most scholars agree that, to varying degrees, the political opportunity structure (POS), social movements, and public opinion all influence legislative decisions (Burstein and Linton 2002). Some scholars also add that these factors interact and combine in specific ways to produce policy change (Amenta, Carruthers, and Zylan 1992; Amenta, Dunleavy, and Bernstein 1994; Costain and Majstorovic 1994; Banaszak 1996; Giugni and Passy 1998; Cress and Snow 2000; Schneiberg 2002; Soule and Olzak 2004; Soule 2004; Giugni 2004). And others have recently noted the importance of examining social movements on both sides of a policy debate to assess the countervailing effects of movements and countermovements on policy outcomes (Meyer and Staggenborg 1996; McCammon et al. 2001; Andrews 2001; Soule and Olzak 2004; Soule 2004). As such, research in this area has come a long way over the past 10 or so years, and we are beginning to gain some purchase on the question of how movements matter to policy change, net of (and in combination with) the POS and public opinion.

These gains notwithstanding, scholarship on policy change has taken a rather simplistic view of the policy process. With few exceptions (Soule et al. 1999; Zylan and Soule 2000; Mintrom 1997; King, Cornwall, and Dahlin 2005), research on state policy change has focused on the final adoption of a particular policy (Burstein, Bauldry, and Froese 2005), typically conceptualizing the process as a dichotomous phenomenon. In other words, most studies “focus on the final, and most visible, stage of the policymaking process” (Burstein and Linton 2002, p. 400), paying little attention to how agendas are set and to the role of social movements and other factors in this process (Burstein, Einwohner, and Hollander 1995). This tendency, while understandable from a data and methodological standpoint, has told us little about what factors affect the stages that lead up to a final decision about a policy.

This article is an attempt to redress the tendency to overlook what Burstein et al. (1995) and Schumaker (1975) refer to as the “stages of policy responsiveness.” We argue that the final passage of a bill is not the entire story and that a more nuanced approach to the study of state policy change necessitates an understanding of the “prepolicy” period, beginning with the initial introduction of a bill and following it through to the eventual decision to pass or not pass the legislation.<sup>2</sup> We argue that there

<sup>2</sup> In actuality, the prepolicy period may also include events prior to introduction of a

are important theoretical reasons to expect that the factors influencing policy change operate differently across the various stages of the policy process. We advance a theory which is based on two key observations of the policy process (King et al. 2005). First, each stage of this process is characterized by *more stringent rules* than the preceding stage, and second, legislative actions at each progressive policy stage become more *consequential*. Specifically, bills may be introduced by single legislators and can have few consequences, especially if the committee assigned to read a bill is unfriendly toward it and allows it to die in committee. But if the bill makes it to a vote, rules require support from far more legislators, and success is more consequential in that the bill progresses one step closer to becoming law.

These two central characteristics of the policy process combine to produce a more complicated view than is often portrayed in the sociological literature on policy change. As such, we argue that it is necessary to consider how both the increasingly stringent rules and the increasing consequentiality of legislative actions structure the effects that social movements, the POS, and public opinion have on policy change. Our central guiding claim is that the effects of these factors will differ in critical ways over the stages of the policy process because of the increasingly stringent rules and increasing consequentiality of policy action.<sup>3</sup>

To test this claim, we analyze three different stages of the policy process with respect to the ERA: introduction of a bill, passage of the bill by the first house, and final ratification or passage by the second house. As such, we follow in a tradition of social scientists interested in the ordering of events in a sequential process (e.g., Abbott 1995; Biggs 2002; McAdam, Tarrow, and Tilly 2001). Using a quantitative longitudinal panel research design and sequential logistic regression techniques, we investigate how a variety of state-level characteristics (POS, public opinion, and social movement organizations) affected policy change across the entire policy process, rather than just the final, most visible stage. We find that social

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bill. Similarly, the final adoption of a piece of legislation is not really the end of the story—policies need to be implemented, and policy change often alters the playing field for subsequent movements and policies (Burstein et al. 1995). In this article we examine the stages between introduction of a bill and final passage of legislation, while recognizing that these stages are not all of the possible stages of the policy process. Moreover, we recognize that legislation is often killed and then reintroduced with minor alterations, reflecting a less linear process than what is portrayed in the literature.

<sup>3</sup> For a similar argument regarding the effects of social movements on policy outcomes, see King et al. (2005). Note that these authors are concerned with how the effect of a social movement changes across the policy process, while we are also concerned with how the POS and public opinion may, too, be conditioned by the character of the policy process. Our elaboration on some of their central claims will be discussed in more detail below.

movement organizations had a greater effect on legislative actions surrounding the introduction and first passage of an ERA bill, but that in the later stages of the policy process, public opinion became more important to legislative actions.

#### THE EQUAL RIGHTS AMENDMENT

The 1972 congressional vote on the ERA was a successful culmination of efforts by women's groups advocating a constitutional guarantee of equality for women that began in 1923, in Seneca Falls, New York. Throughout its history, the ERA received varying support from the National Women's Party, professional women, political parties, and organized labor. Supporters of the ERA argued that a person's sex could not be used in determining the legal, political, and civil rights of any citizen of the United States. The ERA was designed to ameliorate these aspects of discrimination, as well as discrimination stemming from governmental action and any private sector activities subject to public regulation (Boles 1979). As such, the amendment would be indicative of support for equality of the sexes at the federal, state, and local level.

Following the Supreme Court ruling (*Reed v. Reed*) in 1971, legal scholars began to endorse the amendment, which held that the equal protection clause of the Constitution made laws that distinguished between women and men unconstitutional (Mansbridge 1986, pp. 48–50). This shift in legal history helps explain why the ERA was finally debated on the floor of the House in 1970–71 (Brown et al. 1971). By 1972, according to most legal scholars, the situation had changed so that proponents of the amendment believed that the goal of ratification was attainable (Brown et al. 1971; Mansbridge 1986). Indeed, as table 1 shows, 22 states ratified the amendment almost immediately, in 1972. But the pace of ratification slowed, with only eight ratifications in 1973, three in 1974, one in both 1975 and 1977, and none after that point. By the 1982 deadline (which had been extended from the original one in 1979) 35 of the required 38 states had ratified the ERA, and it did not become part of the Constitution.

What do we know about the factors that led states to ratify the ERA?<sup>4</sup> Early research on the state-level correlates of ratification finds that po-

<sup>4</sup> By far, the most common approach to studying the ERA analyzes how individuals' socioeconomic backgrounds affect their levels of support for the amendment. In general, these studies find that educated, professional women and women who worked full-time in the labor force were more likely to support the ERA than others. See Brady and Tedin (1976), Deutchman and Prince-Emburg (1982), Mueller and Dimieri (1982), Lilie, Handberg, and Lowrey (1982), Hill (1983), Burris (1983), Meyer and Menaghan (1986), and Rosenfeld and Ward (1991).

TABLE 1  
YEAR OF STATES' RATIFICATION OF THE EQUAL RIGHTS AMENDMENT, 1972–1982

Year	States Ratifying ( <i>N</i> = 35)
1972 .....	Alaska, California, Colorado, Delaware, Hawaii, Idaho, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Pennsylvania, Michigan, Nebraska, New Hampshire, New Jersey, New York, Rhode Island, Tennessee, Texas, West Virginia, Wisconsin ( <i>N</i> = 22)
1973 .....	Connecticut, Minnesota, New Mexico, Oregon, South Dakota, Vermont, Washington, Wyoming ( <i>N</i> = 8)
1974 .....	Maine, Montana, Ohio ( <i>N</i> = 3)
1975 .....	North Dakota ( <i>N</i> = 1)
1977 .....	Indiana ( <i>N</i> = 1)

SOURCE.—National Organization for Women and Book of States (Council of State Governments 1973, 1975, 1977, 1979, 1981, 1983). Note that Nebraska (1973), Tennessee (1974), Idaho (1977), and Kentucky (1978) later rescinded their ratification.

litically conservative states were less likely to support the ERA, and that wealthier, innovative, urban states with more competitive party systems were more likely to support it (Boles 1982; Meyer and Menaghan 1986; Mathews and De Hart 1990; Wohlenberg 1980; Daniels and Darcy 1985). Additionally, some early researchers examine how social movement activity in a state affected the ratification process (Brady and Tedin 1976; Deutchman and Prince-Emburg 1982; Mansbridge 1986). Much of this research focuses on the concerted efforts of ERA foes to block state ratification by examining the social and religious background of these opponents (Brady and Tedin 1976; Deutchman and Prince-Emburg 1982). However, Mansbridge (1986) posits that the ERA was lost because proponents became too radical in their claims and alienated “middle of the road” legislators and voters. Mansbridge’s (1986) findings suggest that over time, pro-ERA protest may have accelerated opposition to the ERA, rather than encouraged the bill’s passage.

In a more recent treatment of the ERA ratification process, Soule and Olzak (2004) examine the effects of social movement organizations, political opportunity, and public opinion on the rate of ratification of the amendment. They find that social movement organizations on both sides of the issue, public opinion, and party politics all impacted ratification. Further, they find that the effect of social movement organizations was amplified when there were supportive elite allies in the state lawmaking body. Finally, contrary to their expectation, these authors find that state legislators responded most to public opinion on the ERA when electoral competition was low.

Recent work (Soule and Olzak 2004) has taken an important step in the analysis of state policy making, one that moves beyond previous work in this area and speaks directly to the concerns raised by Burstein and

Linton's (2002) comprehensive review of work in this area. In particular, this approach examines several competing arguments about state-level factors that affect policy decisions in an integrated manner, such that these arguments can be evaluated alongside one another. Beyond this, it importantly considers the contingent and interactive nature of political opportunity, social movement organizations, and public opinion.

But because it focuses only on the final ratification by states of the ERA, we seek assess how the same factors found in their study (Soule and Olzak 2004) operate across the stages of the policy process. Below we lay out our arguments about how two central characteristics of the policy process condition these effects: the increasingly stringent set of rules which lawmakers face with each successive stage of the policy process and the increasing consequentiality of legislative action at each successive stage of the policy process. As such, we move beyond the somewhat standard approach to the study of policy change—one that has not been sensitive to how the characteristics of the stages of the policy process condition the effect that the POS, movement organizations, and public opinion may have on that process.

#### ARGUMENT AND HYPOTHESES

Nearly three decades ago, Schumaker (1975) argued that there are five stages of policy responsiveness to citizen demands. The first stage may be thought of as *access responsiveness*, when lawmakers are willing to listen to citizen demands. At this stage, social movement actors may be allowed or invited to testify at congressional hearings (Burstein et al. 1995). This is ideally followed by lawmakers' willingness to place these demands on the agenda, or *agenda responsiveness*. At this stage, a bill may be formally introduced by a member of the assembly, read, and sent to committee. Following the first reading, ideally there is a second reading, followed by a third reading and a roll call vote in both the House and the Senate. If lawmakers actually adopt the policy, then there is evidence of success at the third stage of *policy responsiveness*. Finally, according to Schumaker (1975) there are two stages that occur following the adoption of a policy: *output responsiveness* (or implementation of a policy) and *impact responsiveness* (or evidence that the implementation was actually effective at assuaging citizen demands).

The idea that scholars should pay attention to the various stages of policy development has been echoed by a number of others in the years following Schumaker's (1975) insight. For example, Burstein et al. (1995) build on Schumaker (1975), but add a sixth stage when the system is changed such that opportunities for further citizen demands are opened

(*structural responsiveness*). And, Mintrom's (1997) study of school choice legislation points to the analytical utility of separating initial legislative consideration of a policy from the final stage of legislative approval. And, of course at a more general level, McAdam et al. (2001) have called for more processual accounts of social movement phenomena.

However, it was not until very recently that scholars began to make predictions about how the unique character of each policy stage may condition the effects of various factors on the probability of a successful outcome of that stage. King et al. (2005), in particular, have described how the effects of social movements in favor of woman suffrage were different across the stages of the policy process. They argue that the distribution of influence of social movements varies such that movements have lesser influence at later stages of the policy process than they do at the earlier stages. All that is needed for a bill to be introduced is the support of a single legislator; thus a legislator can introduce a bill symbolically (or at least without much real intention of the bill succeeding) to appease a constituency—in this case, woman suffrage activists. However, as bills make their way through the various stages of the policy process, it becomes more difficult for individual legislators to have an impact on the outcome of a particular stage. Thus social movements must be more and more powerful and garner more and more resources at each successive stage of the policy process. Since this often is not possible, movements are more likely, they argue, to influence the early stages of the policy process.

Our argument builds directly on these important insights. We begin by noting the importance of understanding the unique character of each stage of the policy process with respect to legislator perception of the costs and potential consequences of action. The rules of the legislative process are such that introduction of a bill is rather simple and can be done by a single legislator who may view the decision to introduce a bill as fairly costless. She or he can introduce a bill to appease a constituency (such as members of a social movement organization), knowing that there is a decent chance that the bill will not move beyond committee. That is, introducing a bill is fairly easy and the consequences of such an action are fairly minimal in that the broader public may not even be aware that a bill has been introduced, and, of course, many bills never make it beyond committee. However, as a bill gets closer and closer to becoming law, the rules become more and more strict, necessitating higher and higher levels of legislative support. Individual legislators may be less inclined to support controversial bills at later stages because doing so can cost reelection. Moreover, as bills move closer to becoming law, the public may become more aware of the proposal, thereby intensifying debate and affecting legislator intentions regarding the bill.

We argue that this increasing stringency of rules and increasing consequentiality of legislative action across stages of the policy process critically structures not only the effect of movements (as King et al. [2005] argue), but also the effects of the POS and public opinion on policy change. If we believe that these factors can influence policy change, it is critical to begin to understand how the character of the policy process may condition these effects. So, just as it is important to understand the relative impact and interactive and contingent nature of the POS, movements, and public opinion (as Soule and Olzak [2004] point out), it is just as important to understand how their effects vary with the increasing stringency of legislative rules and the increasing consequentiality of legislative actions across the stages of the policy process.

As such, we move beyond King et al. (2005) by offering a more complete theory of policy change, one that examines the effects of movement organizations alongside, and in interaction with, the effects of the POS and public opinion. As well, we move beyond Soule and Olzak's (2004) recent analysis of the ERA by examining how these factors affect the stages of the policy process (rather than merely the final ratification of this amendment). Thus, the present study takes a significant step forward by addressing a more complex policy process than is often imagined by social movement scholars. We contend that not only should movements, POS, and public opinion differ in their influence across stages, but also that these factors should have unique interactive effects at the various stages. We proceed now by discussing the specifics of our argument and offering hypotheses about how each of these factors (social movement organizations, public opinion, and the POS) should affect each of the stages of the policy process.

#### Social Movement Organizations

Social movement theory and research emphasizes how the strength of supportive social movement organizations can impact policy decisions at the state, local, and national level (Gamson 1990; Skocpol et al. 1993; Cress and Snow 2000; Andrews 2001; Minkoff 1997, 1999; Soule et al. 1999). Beyond their capacity to mobilize protest and other "outsider" forms of collective action, social movement organizations, especially more formal ones, are able to influence policy makers by their use of institutional channels such as litigation and lobbying. In other words, organizations both mobilize adherents to take part in collective action (McCarthy and Zald 1977) *and* influence policy makers directly through institutional

means.<sup>5</sup> This suggests that movements with a greater organizational capacity will be more effective than those lacking a strong organizational infrastructure.<sup>6</sup>

Work in this area has also begun to recognize that, to the extent that social movement organizational capacity matters to policy change, movement organizations on *both* sides of a particular policy debate also ought to matter (Meyer and Staggenborg 1996; McCammon et al. 2001; Andrews 2001; Soule and Olzak 2004; Soule 2004).

But *when* should movement organizations matter to policy change? Some political scientists argue that social movements and interest groups generally have little effect on policy adoption beyond that in the early stages of legislation when they can help frame issues, draw attention to an issue, draft bills, and set the agenda (Bauer, Pool, and Dexter 1967; Milbrath 1963; Scott and Hunt 1965; Kingdon 1984).<sup>7</sup> Others note that the introduction of legislation is often a “symbolic gesture to satisfy constituents or make rhetorical points,” but that as legislators take more formal action (e.g., votes, hearings, etc.), the consequences of their actions are much greater (Edwards, Barrett, and Peake 1997, p. 549). We add to these insights the observation that earlier stages of the legislative process have less stringent requirements for success in the sense that introducing a bill requires the support of only one legislator, while passing a bill requires a majority of votes. Therefore, it is easier for movement organizations to rally legislative support for their issue early on, before proposed policies come to a vote. As such, our first hypothesis is that, to the extent that movement organizations (on both sides of an issue such as the ERA) matter to policy outcomes, they will matter more in the earlier stages of the policy process.

<sup>5</sup> For a discussion of how organizations can hamper the attainment of policy outcomes (at least for people of lower SES), see Piven and Cloward (1977, p. 36).

<sup>6</sup> In this article, we focus on the role of social movement *organizations*, deriving hypotheses from the “access-influence” model of policy change (Andrews 2001). As such, our analysis may favor the “hidden” activities of social movement organizations, rather than the public face that movements often manifest through protest activity. This model may be contrasted with the “action-reaction” model, which holds that movements matter to policy outcomes because they threaten political elites and disrupt normal operating procedures (Andrews 2001). The action-reaction model holds that it is not organizational capacity that influences lawmakers, but protest and other activities of social movements that are disruptive and threatening to elites. We recognize that protest activity may also affect the stages of policy change; however, it is beyond the scope of this article to collect state-level protest event data on both sides of the ERA.

<sup>7</sup> But see Mintrom (1997) who finds that “policy entrepreneurs” impacted both the early and the final stages of school choice legislation. It is critical to note, though, that Mintrom (1997) includes more than grassroots or movement organizations in his definition of policy entrepreneurs; he also includes powerful business leaders, members of policy think tanks, legislators, governors, and teaching professionals.

### Public Opinion

Building on democratic theories of politics, Burstein (1999) argues that the key determinant of policy change is the strength of public opinion on the policy. According to this view, officeholders often vote consistently with the majority of the public because they almost always want to win reelection (Page and Shapiro 1983; Downs 1957; Stimson, MacKuen, and Erickson 1995; Erickson, MacKuen, and Stimson 2002; Erickson, Wright, and McIver 1993; Arnold 1990; Dahl 1989; Mayhew 1974; Manza, Cook, and Page 2002; Fording 1997; Weakliem 2003). The basic insight from this tradition suggests that when the majority of the public supports a policy, other political factors (e.g., the party balance, political party in power, etc.) will recede in importance (Burstein 1999; Burstein and Linton 2002).

But will the importance of public opinion be uniform across the stages of policy development? We argue that legislative action will be most sensitive to public opinion in the final stage of policy development, when legislative action is most consequential (Edwards et al. 1997; King et al. 2005). As we argued above, there is less at stake at the early stages of the policy process: policies can be introduced and discussed without necessarily even making it out of committee, much less reaching a vote. As well, since a bill can be introduced by a single legislator or a small group of legislators, it stands to reason that legislators *not* involved in the introduction of the bill will not need (yet) to pay attention to public opinion. When legislators are forced to either oppose or support a measure, they will allow their decision to be influenced by public opinion, realizing that going against their electorate might damage their chances of reelection (Page and Shapiro 1983; Downs 1957; Stimson et al. 1995; Erickson et al. 2002; Erickson et al. 1993; Arnold 1990; Dahl 1989; Mayhew 1974; Manza et al. 2002; Fording 1997; Weakliem 2003). On top of this point, some argue that it is actually policy *change* that drives public opinion, rather than the opposite (see Manza and Cook 2002). If this is the case, the earlier stages of policy development may drive public opinion on the bill, rendering the effect of public opinion on the earlier stages less consequential since, in the earlier stages, public opinion would not yet be formed (or at least not clearly articulated). Thus, for these two reasons, our second hypothesis is that public opinion will matter more to legislative action in the final stages of policy development.

But beyond this main effect of public opinion on policy change, Soule and Olzak (2004) consider the mediating effect that a competitive electoral system may have on public opinion; that is, they argue that public opinion ought to be *especially* important to policy makers when electoral competition is high and legislators are worried about losing their seats. If it

is true that public opinion matters most when electoral competition is fierce, then at what stage of the policy process may this effect be most salient? Because, as we argue above, public opinion matters most to legislative action at the stage when there is the most at stake (i.e., the later stages of the policy process), we argue that the mediating effect of electoral competition on public opinion will be most pronounced then as well. The final stage of the policy process, when the ultimate decision is being made on a particular policy, is the stage at which legislators will be most attuned to what their constituencies want; this will be even more true, we hypothesize, when legislators are nervous about losing seats (i.e., when electoral competition is high). Therefore, we hypothesize that competition will heighten the effect of opinion in the later stages of legislation.<sup>8</sup>

#### Political Opportunity Structure and Political Mediation

The concept of the political opportunity structure is one element of the broader political process model (McAdam 1982) and has been used to explain the emergence of social movement activity. While it has been defined in various ways by various authors, we follow Tarrow's definition of the POS as the "consistent . . . dimensions of the political environment that provide incentives for people to undertake collective action by affecting their expectations for success or failure" (Tarrow 1994, p. 85). While the concept has been used to explain protest mobilization in a number of contexts, including the women's movement (Costain 1988, 1992; Soule et al. 1999), researchers argue that the concept should also be used to understand *policy outcomes* (Jenkins and Perrow 1977; Kitschelt 1986; Kriesi et al. 1995; Tarrow 1994; Soule et al. 1999; Andrews 2001; McCammon et al. 2001). Essentially, the same set of factors that stimulate protest should, in turn, affect the outcomes sought by the movement.

Early statements about the effects of the POS on policy outcomes (e.g., Kitschelt 1986), suggest that the political climate, quite independent of movement mobilization, affects policy outcomes (see also Amenta et al. 1994, pp. 682–83).<sup>9</sup> However, the *political mediation model* suggests that

<sup>8</sup> It is important to note that Soule and Olzak (2004) do not find this to be the case, at least with respect to their analysis of the final stage of ERA ratification. One of the benefits of examining the stages of the policy process is that we are better able to ascertain if this counterintuitive finding at the ratification stage is actually masking different effects at earlier stages. Thus, we explore the interactive effect of public opinion and electoral competition *across the stages of the policy process* in hope of gaining some purchase on the discrepancy between a somewhat intuitive and logical hypothesis and the lack of empirical support.

<sup>9</sup> Such early statements about the POS are similar to the work of political scientists and political sociologists, who examine the role of broad political conditions on the development of state policy (see Skocpol and Amenta 1986).

social movement mobilization has positive effects on policy change when mediated by an advantageous POS—in particular, when the movement has allies in influential positions (Amenta et al. 1992; Amenta et al. 1994; Amenta and Young 1999; Cress and Snow 2000; Schneiberg 2002). In this model, elite allies are important because they may facilitate movements through sponsorship of legislation or because they may signal that repression of the movement is less likely or simply because sympathetic elites may provide the requisite number of votes needed to pass desired legislation. The strong version of the political mediation model (Amenta et al. 1994) holds that movements will *only* matter to policy change when they have allies in positions of power in the polity, while weaker versions hold that the effect of movements will be amplified in the presence of elite allies (Soule and Olzak 2004).

But how will the effects of the POS and political mediation vary *across* the stages of policy development? As noted above, some (Burstein 1999; Burstein and Linton 2002) argue that when public opinion on a policy is strong, the character of the political system (i.e., the POS) will recede in importance to legislative decisions. If it is true that public opinion trumps the POS as these scholars argue, then the character of the POS ought to matter precisely when public opinion does *not*; that is, in the earlier stages of the policy process. Thus, our fourth hypothesis is that the character of the POS will matter more in the early stages of a policy when public opinion matters less.

Similarly, if it is true that movements matter to policy change when they have elite allies, at what stage of the policy process may this effect be most appreciable? Above, we hypothesize that both movement organizations *and* the POS will matter more in the earlier stages. Thus, our final hypothesis is that the mediating effect of elite allies (one dimension of the POS) on movement organizations will also be most pronounced in the early stages as well.

In sum, we offer these hypotheses grounded in our elaborated theory of the legislative process—a theory that is sensitive both to the contingent and interactive effects of movements, POS, and public opinion *as well as* to the increasing stringency and consequentiality of legislative actions across the stages of the policy process. Specifically, we hypothesize first that social movement organizational activity and the mediating effects of the POS will be most important during the early stages of state policy. Further, we hypothesize that the importance of these factors will recede in importance in later stages of the policy processes and will be replaced by public opinion, which will significantly determine final ratification of the ERA. We also expect that this later-stage effect of public opinion will be amplified when electoral competition is high.

In what follows, we test these hypotheses using data on the state-level

ratification of the ERA across three stages of the policy process: *introduction of a bill*, *voting on a bill by the first house*, and *final vote on a bill by the second house*. We have chosen these three stages because they reflect three important—and rather different—stages of the policy process.<sup>10</sup> As we note above, bill introduction can be carried out by a single legislator who may be acting to assuage a particular constituency, such as pro-ERA forces. While this may make some scholars quick to dismiss bill introduction as not especially serious, we argue that it is critical to examine it for two reasons. First (and most obvious), without being introduced, a bill cannot pass on to more consequential stages. On top of this, and because of the lower stringency of rules and lesser consequentiality of bill introduction, comparing this stage to later stages allows us to test key claims of our elaborated theory of policy change. Examining the next two stages—the first and second votes on a bill—allows us to observe how increasingly more stringent sets of rules and increasing consequentiality of actions condition the effect of movement organizations, the POS, and public opinion on policy change.

#### RESEARCH DESIGN

We design the analysis presented below to test hypotheses about the factors that led to the state-level ratification of the ERA between 1972 and 1982 and how the unique character of each stage of the policy process structures the effects of these factors. Several theoretical and methodological concerns motivate our choice of states as an appropriate level of analysis. First and most obviously, the process we wish to explain occurred within states; thus it seems reasonable to assume that state-level politics and organizational activity of proponents and opponents were more closely aligned with a state's political climate than with national-level politics. Despite its widespread public support at the national level, state politicians evidently became wary of voting on an issue that was increasingly controversial (Mathews and De Hart 1990).

Although it was initially framed as a national policy issue, the debate surrounding ratification of the ERA soon became a key state-level issue in 1972 when states were asked to consider ratification. During the Senate

<sup>10</sup> By examining these three stages, we do not mean to imply that these are *the* predetermined or definitive stages through which all policies inevitably pass. Rather, we hope to highlight the fact that the character of these stages conditions the effects that movement organizations, the POS, and public opinion have on each stage and to inspire future research to think more seriously about the various stages through which proposed legislation passes before becoming law (even if those stages are conceptualized differently than we do here).

hearings on the ERA, Professor Thomas Emerson commented that, in order to succeed, the ERA needed “not a nationwide campaign, but several discrete campaigns directed regionally or state by state. . . . National support was not the only goal, but adoption by separate state ratification, each of which would require a different kind of consensus concerning the amendment’s necessity” (cited in Berry 1986, p. 64). Our research explores this problem by suggesting that state-level political structures shaped avenues of success and failure for social movements organized around the ERA.

Second, state-level analysis has proven especially useful for analyzing the expansion of regulations embedded in U.S. welfare provisions, social security legislation, suffrage, hate crime legislation, as well as ratification of the ERA.<sup>11</sup> The decentralized nature of politics in the United States provides us with another motivation for choosing state-level analysis: between-state differences in the POS, public opinion, and social movement activity are arguably more relevant to political outcomes in the United States than in other countries.<sup>12</sup>

#### Dependent Variables

There are three different, dichotomous, dependent variables in the analysis presented below, which are designed to tap three stages of the policy process: (1) whether or not an ERA bill was introduced in a state during a legislative session, (2) whether or not it was passed by the first house, and (3) whether or not it was ratified by a second house. These data come from the National Organization for Women (NOW) and were verified using the yearly editions of *The Book of the States* (Council of State Governments 1973, 1975, 1977, 1979, 1981, 1983).

<sup>11</sup> See Amenta et al. (1992), Amenta et al. (1994), Amenta and Poulsen (1996), Soule and Zylan (1997), Grattet, Jenness, and Curry (1998), Soule and Earl (2001), Zylan and Soule (2000), McCammon et al. (2001), Burstein and Linton (2002), Schneiberg and Bartley (2001), Soule (2004), Schneiberg and Soule (2005), and Soule and Olzak (2004).

<sup>12</sup> We recognize that the ERA may, in fact, be different from other types of public policies. First, as a Constitutional amendment, there was already a certain level of support by the broader public, as indicated by the fact that it had passed both houses of Congress. Second, even if a state chose not to ratify, the amendment (had it received support in 38 states) would have become part of the constitution. Thus, to some extent, the debates and votes in any one, single state may not have mattered as much as they do in many public policies. However, Daniels and Darcy (1985, p. 57) make the case that states “responded to the ERA as they did to other public policies and constitutional amendments”; thus, we follow these scholars and others (e.g., Boles 1982; Wohlenberg 1980; Soule and Olzak 2004) in using theories of policy change to shed light on the process of ratification.

### Independent Variables

All of the data for our independent variables, unless otherwise noted, are measured yearly, to correspond to the measurement of our dependent variable (when data were not available for every year, we used linear interpolation to estimate between-year values). As well, all continuous independent variables are centered at their mean to make the constant interpretable. Appendix A (tables A1, A2, and A3) lists the descriptive statistics of, and correlations between, all of our explanatory variables.

In the models presented below, we examine two different indicators of social movement organizational activity in a state on both sides of the ERA debate. First, we include the number of NOW chapters (per capita) that were publishing newsletters during this period, arguing that publishing newsletters requires resources (both financial and skills) and is thus indicative of a level of organizational strength and activity. Data on NOW chapters publishing newsletters come from a search of the WorldCat Database of library holdings worldwide. We conducted a search for serial publications by NOW, which yielded 285 newsletters in our period. We coded each of these by state and chapter of NOW, as well as the dates the newsletter was published. We then used this information to construct a yearly count of chapters in a state that published newsletters. We consider this to be a measure of the strength of NOW in a state. The number of chapters publishing newsletters in this period ranged from 0 to 11.

On the anti-ERA side, we include the number of anti-ERA organizations (per capita) in a state. The data on anti-ERA organizations came from a variety of organizational directories and histories and reference volumes on the ERA (Conover and Gray 1983; Boles 1979; Miller and Greenberg 1976; Delsman 1975). The number of anti-ERA organizations in a state ranged from 0 to 7.<sup>13</sup>

To assess arguments about the effects of public opinion at various stages of the ERA ratification process, we include a measure of the percentage of the state population that was in favor of the amendment. These data come from Gallup polls conducted in 1974, 1975, 1976, 1978, 1980, 1981, and 1982 (Gallup 1999), which were obtained from the Roper Center for Public Opinion Research. We follow Weakliem and Biggert (1999) and

<sup>13</sup> We repeatedly attempted (but failed) to obtain state-level membership data from both NOW and STOP-ERA (now the Eagle Forum). NOW reports that they have no historical records of state organizational membership, and no comprehensive information could be obtained from the state NOW newsletters or the *National NOW Times*. STOP-ERA/Eagle Forum also claims that they have no state-level membership data for our period, and this information was not published in the STOP-ERA newsletter or the *Phyllis Schlafly Report*. As well, we attempted to obtain founding dates of each state's Eagle Forum, but only a few of these organizations replied with this information (despite numerous follow-up inquiries).

aggregate individual responses to obtain state-level measures of support. In our period, this ranged from 1% (Utah in 1982) to 100% (Hawaii in 1974).<sup>14</sup>

Recall that we also hypothesized that the effect of public opinion on policy would be most strong under conditions of fierce electoral competition. To test this claim, we include an interaction of public opinion with the level of electoral competition. The measure of electoral competition that we use is one that was originally developed by Holbrook and Van Dunk (1993). The Holbrook and Van Dunk (1993, p. 956) measure of “district level competition” includes components of district-level state legislative election results: the percentage of the popular vote won by the winning candidate, the winning candidate’s margin of victory, how “safe” the seat is, and whether or not the race was contested. While Holbrook and Van Dunk (1993) argue that, theoretically, any one component could be used as a proxy for district-level competition, it is better to take all of this information into account; thus, they average these components across all districts in a state to indicate the state-level degree of competition. In a recent article, Barilleaux, Holbrook, and Langer (2002) modify this original measure by first estimating a yearly (1971–90) value for each state, and second, by defining a “safe seat” as one in which the incumbent won 60% (rather than 50%) of the vote. In the analyses presented below, we use the Barilleaux et al. (2002) measure, which we obtained directly from the authors. In our period, the value ranges from 3.63 to 87.89 with low values indicating low competition (a value of zero would indicate that all candidates were unopposed) and high values indicating increased competition.

To tap arguments about how the POS (and in particular, the presence of elite allies) affects the stages of the policy process, we include an indicator of Democratic Party strength among the ranks of the lawmakers.<sup>15</sup> Most policy scholars assume that political parties are an important determinant of policy change with Democrats generally promoting more liberal policies (Huber, Ragin, and Stephens 1993; Amenta and Poulsen 1996; Burstein and Linton 2002; Barilleaux et al. 2002). In addition to the general tendency for Democrats to be more liberal, during our period, members of the Democratic Party were more sympathetic to women’s concerns than were members of the Republican Party (Soule et al. 1999;

<sup>14</sup> It should be noted that, when using state-level public opinion, the samples from many states are often small. While opinion polls attempt to obtain representative samples from all states, coefficients and standard errors should be interpreted cautiously (Weakliem and Biggert 1999).

<sup>15</sup> We also analyzed the percentage of Democrats in Southern legislatures separately (as both a main effect and in our interaction terms) to capture the effect of conservative Southern Democrats. The results were the same as those presented below.

Minkoff 1997; Costain 1992; Lilie et al. 1982; Mansbridge 1986). For these reasons, we consider Democratic legislators to be allies to pro-ERA forces. Data on the partisanship of state legislators come from Statistical Abstracts (U.S. Bureau of the Census *Statistical Abstract* 1972, 1974, 1976, 1978, 1980, 1982).<sup>16</sup> Finally, to measure the political mediation argument that social movements matter to policy change when elite allies are present, we include a term for the interaction of NOW chapters and Democrats in the state legislature.

### Control Variables

In all models presented, we include four control variables. First, we include a variable for year to measure a linear effect of time dependence.<sup>17</sup> Second, we also include a control variable for the total population of the state. Data on state population come from the *Statistical Abstracts* (U.S. Bureau of the Census *Statistical Abstract* 1972, 1974, 1976, 1978, 1980, 1982). Third, all models presented below also include two measures designed to tap the “gendered opportunity structure,” which has been found to impact policy outcomes that are specific to women’s rights and issues (McCammon et al. 2001).<sup>18</sup> First, we include a measure of the number of women engaged in professional occupations (per total number of employed persons). Data on the number of women engaged in professional occupations come from the *Census of the Population* (U.S. Bureau of the

<sup>16</sup> In models not shown, we also included the percentage of the state legislature that was female as a second indicator of elite allies. Like Soule and Olzak’s (2004) finding on the ratification of the ERA, we did not find that this impacted any of the three policy stages. We also tested for the effect of NOW strength, conditioned by female legislators, and found no support for the argument that female legislative allies mediate the effect of NOW strength at any of the three policy stages. Finally, we included a measure of how liberal the state legislature is (Berry et al. 1998). This was never significant, nor did it improve the fit of the model; thus we do not present these results here.

<sup>17</sup> We tried several specifications of time dependence, and the linear approach used here proved to most improve the fit of the model. We also tried including a variety of different dummy variables representing historically interesting subperiods (e.g., the period between 1979 and 1982, when the ERA consideration period was extended, or the pre-1973 period characterized by the wave of ratification) but ultimately settled on the linear approach, which best improved the overall fit of our model.

<sup>18</sup> It may be argued that the following two measures of the “gendered opportunity structure” should be subsumed under the broader category of political opportunity structure. However, our reading of McCammon et al. (2001) suggests a call for treating these two concepts as separate. Moreover, we agree with recent criticisms of the POS that suggest there is a need to refine this concept by *not* allowing it to become an “all-encompassing fudge factor for all the conditions and circumstances that form the context for collective action” and, here, outcomes of that collective action (Gamson and Meyer 1996, p. 275). Thus we treat these two concepts separately in this analysis.

Census *Census of the Population* 1970, 1980, 1990). In our time period, the percentage of women engaged in professional occupations ranged from 4.62% to 7.22%. A second indicator of gendered opportunity that taps public sentiment about the role of women in society is the percentage of the state population that believes that men and women should have equal roles.<sup>19</sup> These data come from the American National Election Study (ANES), which is available through ICPSR (Miller and Miller 1972, 1974, 1976, 1980). Specifically, one of the questions asked of respondents in this longitudinal survey is about their position on the issue of equal roles for women. The response categories on the ANES scale range from “women and men should have an equal role” to “a woman’s place is in the home.” In the analyses presented below, we employ the percentage of respondents who answered “women and men should have an equal role.” In our period, this ranged from 9.52% (Oklahoma in 1976) to 47.37% (Massachusetts in 1972).<sup>20</sup>

#### Estimation Techniques

To test our key hypotheses regarding the differentiated effects of influential variables on the policy adoption process, we model the effects of variables on outcomes in three different stages that correspond to our three different dependent variables described above. A sequential logistic regression analysis is an appropriate way to conceptualize these stages because cases are only modeled in the analysis if they succeeded at the previous stage (e.g., if a bill was introduced but died in committee, it drops from the analysis of subsequent stages). The imagery is of a sort of “policy funnel” in which all states are at risk at the beginning part of the process, but at each subsequent policy stage only those that have passed the previous stage are at risk. For example, to be at risk of voting on a bill, the bill must have first been introduced. Thus, the set of states at risk at each stage of the process declines as the process unfolds. The results at the later stages (passage in one house and ratification) should be interpreted as subsets

<sup>19</sup> This measure is a diffuse measure of the support for women’s equal roles in society and, as such, is different from our previously discussed measure of public opinion on the ERA, which taps opinion on the amendment itself. These measures are not especially highly correlated (see app. A), indicating that they are likely tapping different facets of public opinion.

<sup>20</sup> In models not shown, we include a dummy variable that is coded one when a state requires a supermajority to pass a constitutional amendment (Mansbridge 1986). This was not significant in the models run, nor did its removal impact the overall fit of the model; thus we do not present this here.

of the earlier stages.<sup>21</sup> Because our data are longitudinal in nature and our three dependent variables are dichotomous, we use discrete-time event-history analysis (Allison 1995). We array the data in a state-by-year matrix to estimate the likelihood that each of these policy stages will take place in a given year in a particular state.

The models presented below were estimated using logistic regression in Stata (StataCorp 2001). This model is nonlinear and expressed as:

$$P = \frac{\exp(x_j\beta)}{1 + \exp(x_j\beta)},$$

where  $P$  = the probability of ratification,  $x$  is the set of covariates for state  $j$ , and  $\beta$  is the set of coefficients (including the constant). The options available in Stata for logistic regression are particularly useful for this research design because they allow specification of within-group correlation structure for the (state-level) panels in our data set (StataCorp 2001). Because our data are pooled and cross-sectional, we run the risk of biased results because of unmeasured time-invariant heterogeneity within a state. Thus, to reduce this bias, we cluster observations by state, allowing us to assume that cases are independent across states, but not necessarily within states. By clustering observations by state, Stata calculates the robust standard errors (also referred to as the Huber/White or sandwich estimates), thus allowing for more conservative estimation of our models.

## RESULTS

Table 2 presents the results of three models which include all of the key measures described above, but each of which examines an outcome variable associated with a different stage of the policy adoption process.<sup>22</sup> As

<sup>21</sup> States that had not previously ratified the ERA were still at risk of ratification even if they had introduced ERA bills in earlier years. States were reentered into the risk set for every year in our time span, insofar as they had not already ratified the amendment. Also, to assess accurately years in which state legislatures were at risk, we exclude from our analysis years in which each state legislature did not meet. Finally, note that Nebraska, which has a unicameral legislature, is treated as if it had to go through two houses of the legislature, even though it only had to go through one.

<sup>22</sup> In models not shown, we ran a nested set of models to determine the impact of each set of our explanatory variables on each of the outcomes of interest. Because these results mirror those in the full models presented here, we do not present the nested models. Also, we included several other measures, based on past research, none of which significantly affected any of the policy stages we examine. These include: urbanization, per capita income, percentage of population that is conservative Protestant, and a score for how liberal the citizenry of the state is (Boles 1982; Meyer and Menaghan 1986; Mathews and De Hart 1990; Wohlenberg 1980; Daniels and Darcy 1985). Finally, in models not shown, we included a dummy variable coded one when a state had

TABLE 2  
THE RATE OF ERA RATIFICATION IN STATES, 1972–1982 (SEs in Parentheses)

	Model 1: Introduction of Bill	Model 2: Bill Passed in First House	Model 3: Bill Ratified
Constant .....	.03 (.11)	-1.49 (.71)	-6.08** (2.19)
% Democrats in state legislature .....	-1.61 (1.34)	2.70 (1.92)	-1.89 (3.29)
Electoral competition .....	-.004 (.01)	.10*** (.03)	.10* (.05)
% in favor of the ERA .....	.03** (.01)	.09 (.06)	.19* (.08)
Anti-ERA organizations .....	-.34** (.12)	.18 (.60)	.16 (.31)
NOW presence in state .....	-.37 (.24)	-.31 (.49)	-.13 (.81)
NOW × Democrats in legislature ...	3.03* (1.18)	9.04** (3.38)	-1.82 (4.58)
Electoral competition × favorable opinion on ERA .....	-.0004 (.0005)	-.004 (.002)	-.006* (.002)
Control variables:			
% women in professional occupa- tions .....	.006** (.002)	.02** (.006)	.07 (.06)
% in favor of women's equal roles .....	.002 (.02)	.11** (.04)	.12* (.06)
State population .....	.03** (.01)	-.38** (.13)	-1.77 (1.14)
Year .....	-.24*** (.06)	-.10 (.26)	-.52 (.32)
Cases .....	220	108	52
Model log likelihood .....	-115.46	-38.34	-19.70
Pseudo R <sup>2</sup> .....	.24	.49	.40

\*  $P < .05$ , two-tailed tests.  
\*\*  $P < .01$ .  
\*\*\*  $P < .001$ .

such, as one reads across the columns of the table, the number of cases decreases since the number of cases “at risk” at a particular stage is determined by passing through the previous stage. We proceed by first discussing *separately* the factors that affected each stage of the development of ERA legislation in a state. Following this, we present a second

previously enacted a *state-level* ERA. This measure was not significant to any of the stages of the policy process examined herein.

table (table 3, below) showing the *relative effect* of these factors *across* the three legislative stages. This second set of findings speaks more directly to our specific hypotheses outlined above, as those hypotheses are fundamentally about how the POS/political mediation, movement organizations, and public opinion change with the increasing stringency of rules and increasing consequentiality of legislative action that characterize each successive stage of the policy process. However, before turning to our discussion of the differences across the stages, it is important to assess which of these factors mattered at each stage of the policy process.

Model 1 in table 2 shows the relative impact of movements, POS/political mediation, and public opinion (net of our control variables) on the introduction of the ERA in a particular legislative session. Examining the control variables, more highly populated states with more women in professional occupations were more likely to introduce bills to ratify the ERA. This second finding is intriguing because Soule and Olzak (2004), who analyze only the final ratification of the ERA, do not find that states with more professional women were more likely to ratify. Thus, this finding is important because it shows that aspects of the gendered opportunity structure (i.e., women in professional occupations) may be particularly important to the introduction of a bill. This finding may have been masked by a strategy of looking only at the final stage of the legislative process, as suggested by Burstein et al. (1995). We note, though, that our other indicator of the gendered opportunity structure (public opinion on the issue of equal roles for women) does not impact the introduction stage of the ERA.

Considering next the effect of social movement organizational activity on the introduction of an ERA bill, recall that we had hypothesized that movement organizational activity would be most influential in the earlier stages of the policy process. We find only partial support for this hypothesis when we consider the direct effect of social movement organizational strength on both sides of the ERA debate. Specifically, while the direct effect of NOW organizational strength does not significantly increase the rate of introduction of ERA bills, anti-ERA movement strength has a direct and negative effect on this first stage of the policy process. However, we revise these findings when we consider the *mediating* effects of elite allies on the introduction of an ERA bill.

Turning to our measures of the POS/political mediation, which we also hypothesized to be more important during the early phases of the policy process, we find that while Democrats in the state legislature do not appear to have a *direct* effect on the introduction of an ERA bill, they do appear to condition the effect of pro-ERA movement organizational strength. In other words, the effect of NOW organizational strength in a state on the introduction of an ERA bill is conditioned by the presence of sympathetic

elite allies. This lends support to what we earlier called the “strong version” of the political mediation model; NOW organizational strength in a state increases the rate of introduction of an ERA bill, but *only* in states with Democratic Party elite allies.<sup>23</sup>

Finally, model 1 shows that favorable public opinion about the ERA increases the probability that a bill will be introduced during a legislative session.<sup>24</sup> However, we find no support for the argument that this effect is conditioned by competitive electoral conditions during the introduction stage, as the interaction of public opinion and electoral competition is not significant in model 1.<sup>25</sup>

Turning now to model 2, which examines the effects of these same factors on the probability that, once introduced, the bill is passed by the first house, we find a different pattern of results. The most striking thing to note in model 2 is that, unlike the introduction stage (model 1), neither public opinion on the amendment, nor the strength of the anti-ERA movement, mattered at this second stage of the policy process. However, the conditional effect of Democratic elite allies on pro-ERA organizational strength, which was found in model 1 to increase the introduction of an ERA bill, also increases the probability that a bill will be passed by the first house of the legislature. These findings indicate that pro-ERA movement organizations (in the presence of Democratic allies) influenced *both* the introduction of bills and the moving of those bills from the legislative committees to a successful first vote, while anti-ERA organizations were only effective at keeping bills from ever getting introduced in the first place. In other words, once a bill was introduced, anti-ERA organizations had no effect on determining the fate of that bill.

When we compare model 1 to model 2, we see an interesting difference between the effects of anti-ERA and pro-ERA organizations on the introduction of a bill. Anti-ERA organizations apparently did not need political allies in the legislature as a condition for their success at influencing bill introduction, while pro-ERA organizations did. This difference

<sup>23</sup> In models not shown, we included an interaction for the anti-ERA organizational strength and Republicans in the state legislature. This was not significant in any of the models run, nor did its removal impact overall model fit; thus we do not present the results in this paper.

<sup>24</sup> We also tested the hypothesis that it is not merely public opinion on the ERA but rather very strong public opinion on the ERA (either very strongly in favor of or against the amendment). We did this by including a measure of the second-order effects of our opinion variable (i.e., a squared term). This was not significant in any of the models, nor did its inclusion improve the fit of the models; thus we do not present these here.

<sup>25</sup> We also tested the hypothesis that social movements have an indirect effect (through public opinion) on each of these three stages. We found no support for this hypothesis and thus do not present the results herein.

may help to explain why pro-ERA organizations were able to influence legislation beyond mere bill introduction. Pro-ERA organizations benefited from ally support in both influencing the introduction of a bill and in shaping committees' decisions to move bills to the floor for full consideration and vote. Anti-ERA organizations, however, did not rely as extensively on Republican allies for support, and so their influence appears to drop once an ERA bill was introduced.

Finally, in model 2, we find a direct and significant effect of electoral competition on a positive vote by the first house, which was not the case in model 1 (bill introduction) and which remains significant in model 3. The fact that the main effect of electoral competition is a significant predictor of legislative action at the second and third stages of the policy process (but not at the introduction stage) makes some sense when we consider political scientists' arguments about how electoral competition ought to affect policy change. Based on the work of Key (1949), which shows that competitive elections stimulate public interest, debate, and voter turnout, it has been argued that electoral competition increases the passage of liberal policies that benefit "have-nots" because the interests of *all* members of society are better represented (Bibby and Holbrook 1999). We have argued here that in the later stages of policy development legislators are more accountable to their constituents and, as such, the consequences of legislative actions are greater later in the policy process. If our argument is true, and if it is also true that during heightened electoral competition, a legislator's constituency is more representative of *all* members of society (including disadvantaged groups, such as women), then it makes sense that the main effect of electoral competition would be turned on during the two later stages when votes are actually held and when legislators are more accountable to their constituencies.

Finally, turning to model 3, which examines the probability that a bill is ratified given that it was passed by the first house, we find yet another different pattern of results. Most significantly, we find that few of the variables have statistically significant effects at this stage *except* for public opinion and electoral competition. Favorable public opinion on the ERA (as well as favorable opinion about women's roles more generally) was apparently quite important to state legislators grappling over whether or not to ratify this amendment; favorable public opinion on the ERA and on equal roles for women, more generally, both increased the likelihood of ratification, given that the first house passed it. As well, as we note above in our discussion of model 2, electoral competition increases the rate of final passage of the ERA. However, when we examine the coefficient on the interaction term for public opinion and electoral competition, the negative sign suggests that the effect of public opinion is dampened when electoral competition is high. This finding runs counter to what we

had expected. That is, we had expected that legislators would be most attuned to public opinion when they are most concerned about reelection, but this does not appear to be the case. However it is what Soule and Olzak (2004) report in their study of the ratification of the ERA.

As we note earlier, to progress to a particular stage of the policy process a proposed piece of legislation must first pass through the previous stage. As such, each stage of the policy process has fewer and fewer cases. Thus, it is difficult to say with utmost certainty that the differences we report between the three models in table 2 are *not* merely the result of a loss of statistical power associated with fewer cases. In fact, if coefficients on the various factors at later stages are relatively similar in size and direction, we might reasonably assume that the lack of significance is only a result of loss of statistical power and that there is no real difference in the actual effects at later stages. To gain some purchase on whether or not changes in our findings across the stages are merely a result of this loss in statistical power, we compare the size of the coefficients of later stages with the confidence intervals of earlier stages (e.g., comparing models 2 and 3 to model 1 and model 3 to model 2). In so doing, we are better able to make statements about how well supported our hypotheses are regarding the effects of various factors *across the policy stages*. If a coefficient at a later stage falls outside of the confidence interval of the same variable at an earlier stage, we can be reasonably sure that, in fact, the effect has changed across stages.

Table 3 describes how the key effects are similar or different across the various stages of the policy process, allowing us to speak directly to our hypotheses which are fundamentally about the *differences* between each of the three stages of the policy process analyzed here. This table presents the comparisons of coefficient sizes across the three stages of the legislative process with respect to the ERA. Full cells (i.e., those showing a “+” or “-”) indicate that the coefficient on the respective variable was *significantly* different, using a 95% confidence interval as a criteria, from that of the earlier stage. Empty cells indicate that the coefficient on the respective variable was *not significantly* different from that of an earlier stage. If the effect at a later stage falls *below* the lower bound of the 95% confidence interval, then the cell contains a minus sign, indicating that the magnitude is lower than that of the earlier model. If the effect at a later stage falls *above* the upper bound of the 95% confidence interval, then the cell contains a plus sign, indicating that the magnitude is greater in the later stage than the earlier stage.

The comparisons summarized in table 3 suggest that we can be reasonably certain that some of the variables’ effects (shown in table 2) are different across the legislative process and that the differences in coefficient sizes are not merely artifacts of declining statistical power (associated

TABLE 3  
COMPARISONS OF COEFFICIENT SIZE ACROSS STAGES OF THE LEGISLATIVE PROCESS

	First House Passage vs. Introduction of Bill (Model 2 vs. Model 1)	Final Ratification vs. Introduction of Bill (Model 3 vs. Model 1)	Final Ratification vs. First House Passage (Model 3 vs. Model 2)
% Democrats in state legisla- ture .....	+		-
Electoral competition .....	+	+	
% in favor of the ERA .....	+	+	
% in favor of equal roles for women .....	+	+	
Anti-ERA organizations .....	+	+	
NOW presence in state .....			
NOW × Democrats in legisla- ture .....	+	-	-
Electoral competition × fa- vorable opinion on ERA ....			

NOTE.—Full cells indicate that coefficient was significantly different from that of earlier stage, using the 95% confidence interval as criteria. The sign “+” indicates that the coefficient was more *positive*, while “-” indicates that the coefficient was more *negative*.

with a smaller number of cases). There are two findings that are important to highlight, as they speak directly to two of our key hypotheses regarding the effects of the movement organizations and public opinion *across* the stages of the policy process. First, the second column of table 3 shows us that the effect of public opinion on the ERA (and on women’s equal roles) is of greater magnitude (more positive) in model 3 (the final ratification stage) than it is in model 1 (the bill introduction stage), as we hypothesized. And, the first column shows that the effects of public opinion on both the amendment and women’s equal roles are greater in model 2 than in model 1. So, even though table 2 showed that public opinion had some impact on bill introduction (model 1), table 3 shows us that the effect of public opinion is *much greater* in the second and final stages than it is at the introduction stage. These findings suggest that (as we expected) public opinion becomes more critical as a piece of legislation moves across the policy stages. Apparently, when legislators are poised to vote on a bill, they pay more attention to what their constituents want. With each succeeding stage of the policy process, legislative action becomes *more consequential*; thus, legislators pay more attention to the wishes of their constituency, as democratic theory would predict.

The second important finding in table 3 is that the mediating effect of elite allies on pro-ERA organizational strength decreases (and actually

becomes negative) at the final stage of the policy process, the ratification stage. In support of our hypothesis, we find that the effect of NOW presence in combination with Democratic presence in the state legislature decreased significantly in the final stage when compared to both the introduction stage and the second stage (when the first house votes). Although the coefficient on this interaction term is significant and positive in the second stage of policy development (i.e., first vote) and is actually of greater magnitude than the first stage (i.e., introduction), the *size* of the effect at the final ratification was drastically smaller and not significant. This provides support for the strong version of the political mediation argument and suggests support for our hypothesis that when legislators' decisions are *most consequential* (i.e., in the final vote stage), pro-ERA movement organizations are less influential.

#### DISCUSSION

Despite the fact that research on policy change usually treats policy outcomes as if they are adopted by legislatures in one fell swoop, proponents and opponents of a particular policy must be successful at various stages of the policy process (Burstein et al. 1995; Mintrom 1997; Burstein and Linton 2002). The stages of the policy process are important to consider because of the unique character of each stage, which we argue structures the effect of the POS/political mediation, public opinion, and social movements on policy change. Specifically, we advance a theory of policy change that is based on two key observations of the policy process: first, with each succeeding stage of the policy process, legislative rules become more stringent, and second, legislative actions become more consequential. These two characteristics of the stages of policy development importantly structure the effects that the POS, movement organizations, and public opinion have on each stage of the policy process.

We bring these insights to bear on the state-level ratification of the ERA by examining how a variety of different factors impact the various stages of the policy process. There are two key findings worth highlighting. First, we find evidence to support our hypothesis that social movements matter more in the earlier stages of the policy process, when the consequences of legislative action are less and when the legislative rules are less stringent. Our findings show that when social movements in favor of the ERA were mediated by the POS (e.g., elite allies), they mattered more to the policy process at the earlier stages of an ERA bill; that is, when it was being introduced and when the first house was voting on it. By the time an ERA bill reached the final stage when the second house votes, this mediated effect of pro-ERA movement strength no longer mattered and

was, instead, eclipsed by the importance of public opinion. And, when we consider social movements *against* the ERA, we find a direct (rather than mediated) effect at the introduction stage—anti-ERA organizations were influential in keeping some state legislatures from introducing bills. Combined, these findings indicate that movements are most influential when the consequences of legislative action are low and when the rules regarding legislative action are lax. Legislators can introduce bills in response to movement pressures without having much consequence and without much cost. In legislatures where the support of political allies is available, movements may continue to be influential at moving bills to the voting stage, but beyond that the effects of movement organizations wane.

The second key finding is that favorable public opinion on the ERA (and also on equal roles for women) becomes increasingly important as the bill moves through the legislative process; the effect of public opinion is strongest when legislative decisions are most consequential (in the final ratification stage). This is an important qualification to the literature. That is, many have argued for the primacy of public opinion over other factors, but results have been largely inconclusive (Burstein and Linton 2002). Our findings indicate that the effect of public opinion is more pronounced in later stages of the policy process when the consequences of legislative action are high. That is, when it is time for an ultimate decision on a proposed piece of legislation, legislators are keenly aware of what their constituents wish and act accordingly, lest they risk losing their seats.<sup>26</sup>

This finding may also suggest support for the possibility that policy actions may impact public opinion, as well as vice versa (Manza and Cook 2002). Legislative action on an issue (such as the ERA) will likely change public perception about that issue as the bill moves through the legislative process. What happens in *earlier* stages of the policy process can affect public opinion which, in turn, feeds back into legislative decisions at later stages of the policy process. Rather than arguing that the relationship between public opinion and policy outcomes is unidirectional, we suggest that actions of policy makers impact what the public thinks about issues (such as the ERA) and that, in turn, policy makers pay attention to public opinion when making final their policy decisions. While our data cannot speak directly to this issue, the possibility that our findings

<sup>26</sup> Note that this finding holds for both measures of public opinion, one of which was included to control for the gendered opportunity structure concept. The fact that public opinion on women's roles mattered more in the later stages of the policy process suggests that the effect of the gendered opportunity structure, like other factors, is conditioned by the stage of the policy process.

reflect this demonstrates the utility of conceptualizing the policy change as the processual phenomenon that it really is.

In fact, treating policy change as processual is important not only to scholars of social movements who may be interested in their impact across the different stages of the policy process. Our results have a broader implication in that they show that it is not merely social movements that matter in different ways at different stages of the policy process, as has been shown by King et al. (2005). Instead, the effects of the POS/political mediation and public opinion also vary across the policy stages. Thus, the findings presented here are important to political sociologists interested in accurately modeling the policy process, regardless of an interest in the way that movements matter. By extension, our findings may apply to other realms of policy making, including the formulation of economic policy and regulation (Hall 1987; Schneiberg and Bartley 2001; Bartley and Schneiberg 2002), welfare expansion and retrenchment (Quadagno 1987; Soule and Zylan 1997; Zylan and Soule 2000; Myles and Quadagno 2002), and other policies related to state building (Skowronek 1982; Gilbert and Howe 1991). As public opinion and social movements are seen as competing influences on legislation, we might also conceive of private versus public interests as differentiated forms of influence (Downs 1957; Mueller 2003). Instead of asking *How much* do business interests matter to policy formation? we might now ask, *When* do business interests matter? (See, e.g., Quadagno 1984; Skocpol and Amenta 1985.)

It seems reasonable to conclude with some concrete suggestions for future research in this area. First, because of data limitations, we were only able to examine the effect of social movement organizational strength on the three stages of the ERA ratification. But what effect might other types of movement activity, such as protest, have on the stages of the policy process? Some (Burstein and Linton 2002) have suggested that social movement activity, and in particular protest, may matter to legislative action because it can serve as a source of information; that is, what is needed to influence legislators is “dramatic, attention-getting changes in the political environment, such as exponential increases in protest activity” (Burstein and Linton 2002, p. 387). Frequent, large, and vociferous protest may indicate to legislators that the public is in favor of (or opposed to) a particular proposed piece of legislation. If this is true, it is possible that the effect of protest would be more pronounced at later stages of policy development, such as we have found here for public opinion. This is an intriguing possibility and one that should be examined in future research. If found to be true, then the “access-reaction” and “access-influence” models (Andrews 2001) could be argued to influence different stages of the policy process. As well, if found to be true, social movement leaders could be advised to tailor their strategies and tactics

to the particular stage of the legislative process that they are attempting to influence. For example, perhaps movement organizations could target individual legislators (much like other interest organizations do) to get legislation introduced. Then, resources could be directed to mass protest activities later in the policy process to signal to legislators that there is a broad base of support for the particular policy.

Second, future work might consider the impact of framing across the stages of the policy process. While work in the movement outcomes area has recently begun to attend to the role of cultural frames on outcomes (Cress and Snow 2000; McCammon et al. 2001), our findings suggest that the role of frames and framing should be considered, in particular, at the early stages of the policy process. As we note above, one of our key findings is that movement organizational strength matters more when bills are being introduced. This finding resonates with Mintrom's (1997) argument that one of the chief functions of policy entrepreneurs (including social movement organizations) is to identify and frame problems in such a way as to get legislators to pay attention to issues and introduce legislation. Thus, future research may follow McCammon et al.'s (2001) lead by developing ways to code movement frames and to examine how these affect legislative actions across the policy process.

Third, future work in this area needs to consider the dynamic interaction of public opinion and the policy process. We are not the first to suggest the more general importance of public opinion to the policy process (see Burstein and Linton 2002); however, our findings suggest that public opinion is especially important in the later stages of the policy process when legislative action is most consequential. This suggests a more complicated reality than is often assumed; as we discuss above, public opinion may change after a bill is introduced, impacting only the later stages of the policy process. Future research, then, should consider dynamic models of policy change that account for the way in which actions at early stages of the policy process impact public opinion, which in turn changes legislative calculations in later stages of the policy process.

Fourth, we have examined the stages of state ratification of a proposed U.S. Constitutional amendment. However, future research should also examine the effects of different stages of the policy process on other types of proposed legislation. As we noted in an earlier footnote, the process we describe in this article is probably more linear than it is with respect to some policies. That is, as Kingdon (1984) notes, legislators debate and revise proposed legislation along the way through the policy process. Future research should examine other types of policies (e.g., civil rights, welfare rights, and so on), paying attention to the policy process and the way in which the character of the stages of this process structures the effects of movements, the POS, and public opinion.

Finally, our findings join a chorus of other scholars who have called for a deeper understanding of the specific mechanisms by which social movements (and other factors) matter to the various stages of the policy process. In particular, this area of research would benefit from more in-depth case studies of the intersection of social movements and the legislative setting, paying careful attention to the ways that activists gain the attention of legislators and attract them to their cause. Such research would complement our findings and help scholars and activists alike to understand better the ways in which the stages of the policy process condition the effects of movements on legislator action.

APPENDIX A

Means, Standard Deviations, and Correlations of Independent Variables

TABLE A1  
STAGE 1: BILL INTRODUCTION (*N* = 220)

	Mean	SD	1	2	3	4	5	6	7	8	9	10	11	12
1. % women in professional occupations	0	80	1											
2. % in favor of women's equal roles	0	6.8	.08	1										
3. % Democrats in legislature	0	.22	-.03	-.04	1									
4. % females in legislature	0	.05	.06	-.06	-.48	1								
5. Electoral competition	0	.22	.09	.20	-.82	.28	1							
6. % in favor of the ERA	0	.15	.04	.32	.05	-.34	.17	1						
7. Anti-ERA organization	0	.61	-.05	.02	-.37	.03	.25	.03	1					
8. NOW presence	0	.68	-.00	.07	-.15	.18	.22	.24	-.09	1				
9. State population	0	7.3	.54	.40	.03	-.03	.05	-.03	-.07	-.14	1			
10. Year	0	3.7	.12	-.23	.20	.35	-.39	-.72	-.12	-.09	.14	1		
11. NOW × % Democrats	-.02	.09	.01	.03	-.30	.03	.35	.17	.01	.08	-.00	-.20	1	
12. Competition × favorable ERA opinion	55	316	.02	.07	.02	-.06	.14	.37	.06	.05	-.01	-.17	-.00	1

NOTE.—Continuous variables were centered at their means; see text.

TABLE A2  
STAGE 2: PASSAGE IN FIRST HOUSE GIVEN INTRODUCED (N = 108)

	Mean	SD	1	2	3	4	5	6	7	8	9	10	11	12
1. % women in professional occupations	0	.92	1											
2. % in favor of women's equal roles	0	7.0	.08	1										
3. % Democrats in legislature	0	.21	-.006	-.06	1									
4. % females in legislature	0	.04	-.09	-.05	-.49	1								
5. Electoral competition	0	.21	.07	.23	-.77	.24	1							
6. % in favor of the ERA	0	.12	-.04	.22	-.008	-.29	.17	1						
7. Anti-ERA organizations	0	.62	-.006	.001	-.33	.06	.20	-.03	1					
8. NOW presence	0	.65	.12	.05	-.02	.03	.10	.40	-.009	1				
9. State population	0	8.1	.53	.44	.08	-.12	.01	-.17	-.06	-.12	1			
10. Year	0	2.8	.22	-.21	.25	.30	-.40	-.62	-.03	-.10	.31	1		
11. NOW × % Democrats	-.002	.09	-.18	.04	-.23	-.06	.24	.21	-.08	-.05	-.13	-.28	1	
12. Competition × favorable ERA opinion	76.4	304	-.01	.23	-.26	-.007	.43	.63	.11	.21	-.06	-.28	-.05	1

NOTE.—Continuous variables were centered at their means; see text.

TABLE A3  
 STAGE 3: FINAL RATIFICATION, GIVEN FIRST PASSAGE ( $N=52$ )

	Mean	SD	1	2	3	4	5	6	7	8	9	10	11	12
1. % women in professional occupations	0	107	1											
2. % in favor of women's equal roles	0	6.3	.22	1										
3. % Democrats in legislature	0	.18	.17	.04	1									
4. % females in legislature	0	.03	-.28	-.04	-.27	1								
5. Electoral competition	0	17.1	-.15	.08	-.65	.12	1							
6. % in favor of the ERA	0	13.6	.04	.26	.23	-.24	-.11	1						
7. Anti-ERA organizations	0	.83	-.03	-.03	-.24	-.17	.13	-.04	1					
8. NOW presence	0	.83	.05	.16	.32	-.14	-.10	.49	-.08	1				
9. State population	0	4.55	.99	.20	.17	-.28	-.16	.006	-.02	.02	1			
10. Year	0	2.0	.18	-.07	.02	.37	-.16	-.48	.10	-.08	.20	1		
11. NOW × % Democrats	.04	.09	-.37	-.18	-.30	.15	.02	-.12	.05	-.28	-.37	-.15	1	
12. Competition × favorable ERA opinion	148.9	374	.03	.22	-.15	-.08	.40	.73	.08	.28	.01	-.22	-.22	1

NOTE.—Continuous variables were centered at their means; see text.

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