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WOMEN STATE LEGISLATORS, LOBBYISTS, AND THE EQUAL RIGHTS AMENDMENT

By Roger Handberg* and Wanda Lowery**

This study reports on female state legislators' perceptions of the techniques used by lobbyists in the context of the struggle over the Equal Rights Amendment (ERA).¹ Female legislators were chosen for examination because the ERA has presented a particularly salient issue for politically active women;² therefore, these legislators have public positions on ERA. This fact permits examination into several propositions found in political science literature on legislator-lobbyist relations.

The primary proposition examined here is that pressure (or interest) groups or individual constituents will contact supportive or neutral legislators rather than known opponents.³ At the same

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1. "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." U.S. CONST. proposed amend. XXVII, § 1.

2. The importance of ERA for female legislators is still high but for somewhat different reasons than in the past. The ERA ratification struggle, despite the time extension, has run into trouble. Four states have passed rescission legislation, and the senates of two more have moved for rescission. *San Francisco Chronicle*, Feb. 16, 1979, at 41, col. 1. The legislators interviewed for this study reported that tentative rescission efforts have also occurred in at least fourteen other states. Thus, even in those states that have ratified ERA, controversy over the issue in the legislatures has not subsided.

3. H. ZEIGLER & M. BAER, *LOBBYING: INTERACTION AND INFLUENCE IN AMERICAN STATE LEGISLATURES* 130 (1969). The strategic calculation made is that contacting opponents is both a waste of resources and ultimately counter-productive. An example of the latter situation would be when a previously opposed but inactive legislator becomes actively opposed because of the contacts by lobbyists. *Id.*

time, we will look at the methods used by lobbyists to contact opposing legislators.⁴ Based on the existing literature,⁵ one would expect that the predominant modes of contact would be relatively impersonal, for example, letters and petitions. Personal contacts, such as office visits, are less likely unless the legislator is neutral or favorably predisposed toward the lobbyist's position.⁶

The purpose of this study is to explore how the female legislator-ERA lobbyist behavior compares to the usual legislator-lobbyist pattern.⁷

I. THE FEMALE LEGISLATOR: TARGET FOR *ERA* LOBBYISTS

For obvious reasons related to political survival, legislators are presumed to be relatively sensitive to constituency pressures.⁸ What usually occurs is that the legislator is approached by a variety of groups who are interested in specific policy issues.⁹

4. *Id.* at 176. *And see*, L. MILLBRATH, *THE WASHINGTON LOBBYISTS* 392-93 (1963).

5. D. TRUMAN, *THE GOVERNMENTAL PROCESS* 352-91 (1951).

6. M. JEWELL & S. PATTERSON, *THE LEGISLATIVE PROCESS IN THE UNITED STATES*, 279-301 (3rd ed. 1977); L. RIESELBACH, *CONGRESSIONAL POLITICS* 194-213 (1973).

7. Lobbyist-legislator interactions have been a recurrent focus of attention in the legislative behavior literature. For a personalized view, see Katherine Hagen Sebo, *On Being a Woman in the North Carolina General Assembly* (paper presented at the 1975 annual meeting of the Southern Political Science Association, Nashville, Tenn.). Professor Sebo was both a professor of political science and a North Carolina State Senator during the ERA ratification struggle in 1975.

8. A legislator's sensitivity to constituency pressures as expressed by lobbyists has been found to vary, depending upon the legislator's career aspirations and policy goals. R. FENNO, *HOME STYLE* 171-213 (1978). The relationship, though, is not a simple one-to-one linkage. In fact, one legislative role model, the "trustee," explicitly assumes that the legislator does not always represent the constituency's short-run desires as expressed by the lobbyist. The legislator can legitimately substitute his or her supposedly broader or more reflective judgment for the moment's passions. J. WAHLKE, H. EULAU, W. BUCHANAN & L. FERGUSON, *THE LEGISLATIVE SYSTEM* 267-86 (1962). Consistent with this view, the legislators may perceive their constituents as having no coherent, expressed opinion on most legislative matters. Some issues are selected by the legislator as having high interest for the general population, but such issues tend to be relatively few.

9. Legislators are often confronted by very intense and emotional groups, but fortunately for the politician the groups are interested in a particular issue rather than a series of issues. Therefore, the legislator can often deal with each issue separately, usually

Although specific in content, the ERA represents a general issue with high importance to various segments of the population.

Female legislators are important targets of pro- and anti-ERA lobbyists, not because they represent the decisive legislative votes, but for other substantive and symbolic reasons. Substantively, the female legislators are in some states¹⁰ the floor leaders for the ratification effort—a role apparently not sought by male legislators.¹¹ In addition, the women provided an information source for supportive male legislators, and served as a conduit for further information from outside groups. Symbolically, women legislators are seen as important alternative role models for less politically involved women.¹²

II. RESULTS OF THE SURVEY

A. CONFORMITY TO EXPECTED PATTERN

As a group, the women legislators who responded to our survey¹³ were heavily in favor of the amendment with seventy-two

without seriously offending other groups. These single issue groups are often unwilling to tolerate compromise, because their issue agenda is so short. *Id.* at 301-02; R. FENNO, *supra* note 8, at 157-60; Miller, *Party Government and Saliency of Congress*, 26 *PUB. OPINION Q.* 542-43 (1962).

10. In Florida, the amendment was introduced each session by Senator Lori Wilson. Senator Wilson was for the first half of her term the only woman in the Senate.

11. Although for some males their objections were apparently based upon symbolic considerations. This interpretation of the male legislators' motivations was offered by several women legislators involved in the study.

12. This symbolic function has a two-edged character to it in that women state legislators have taken both pro-and anti-ERA stances.

13. The data used here consists of the responses of women state legislators to a mail survey conducted during the summer of 1977. A list of all 688 women legislators in the United States was obtained from the National Women's Education Fund. The return rate for two mailings was 60%, for a total of 418 usable questionnaires. Comparatively speaking, state senators are over-represented in the sample return (73, or 71%) as opposed to state representatives (333, or 57%). Two were returned from Nebraska, where the legislature is unicameral, while ten replies were unclassifiable.

The sample broke down as Democratic—61.7%, Republican—34.7%, and five respondents were either nonpartisan or independent in terms of party label. The respondents were relatively inexperienced as legislators at the time of the survey. Twenty-nine percent had less than a year's experience, while another twenty-two percent had served three years or less. This general pattern reflects the 1974 election when a large number of Republican incumbents were defeated in the aftermath of Watergate. This level of experience is fairly

percent indicating ERA support and seventeen percent reporting that they were opposed.¹⁴

In terms of lobbyist contacts, we looked first at the legislators' general exposure to the lobbying process¹⁵ and then at whether the lobbying efforts were congruent with the legislators' views. We were concerned with the relative frequency with which certain lobbying techniques were used to contact the legislator.¹⁶

In conformity with earlier studies, the anti-ERA forces had a pattern of using more impersonal modes of approach than their pro-ERA counterparts. For example, personal visits, which are the most direct, immediate approaches to the legislator, were the method least used by anti-ERA lobbyists. Anti-ERA lobbyists were reported as favoring the relatively impersonal mode of telegrams and letters, followed by telephone, petitions, public meetings, and personal visits.¹⁷ Pro-ERA lobbyists also preferred letters and telegrams, then telephone, public meetings, personal

typical of state legislatures, which are often characterized by high turnover. J. SCHLESINGER, *AMBITION AND POLITICS* (1966); Soule, *Future Political Ambitions and the Behavior of Incumbent State Legislators*, 13 *MIDWEST J. POLITICAL SCI.* 439-54 (1969).

Demographically, the population reported here is overwhelmingly white collar and self-employed (61%) (with the category of housewife next at 28.5%). This pattern contrasts with an earlier sample in that the white collar groups have, in terms of percentage, almost doubled. I. DIAMOND, *SEX ROLES IN THE STATE HOUSE* 177 (1977). In contrast to another study, most of the women here report an occupation other than housewife before election to the legislature. See, e.g., J. KIRKPATRICK, *POLITICAL WOMAN* 61 (1974). Educationally, the legislators identified here are college graduates with some graduate work (67.3%). This group compares favorably to the Kirkpatrick study which found that most women state legislators had an under-utilized college education. *Id.* at 29. In addition, the legislators identified here are younger as a group than Diamond's earlier regional sample. The change in the age distribution occurs in the oldest and youngest categories. Nearly twice (23%) as many occur in the 21-39 year group as Diamond reported (12%) while in the 60-69 year group, the results are 11% to Diamond's 26%. One can hypothesize several alternative explanations for this shift in the pattern; i.e., changing fertility patterns, increased political career motivations among younger aspirants, or increased difficulty of electoral competition for older candidates. I. DIAMOND, *supra* at 177.

14. The relatively small number of identifiable opponents (there were 55) limits analysis somewhat but still allows certain conclusions. Analysis of several alternative hypotheses is precluded because of the attenuation of the sample which occurs when controls are used, because the number of legislators in a particular subcategory is fewer than five.

15. H. ZEIGLER & M. BAER, *supra* note 3, at 176. Much of the information in the area is derived from studies done on congressional constituent contacts.

16. This ranking is based on reporting by the legislator. Each legislator was asked to rank various methods from most frequent to least frequent—a total of five categories.

17. The percentages were: telegrams and letters, 68.2%; telephone, 34.9%; petitions, 20.1%; public meetings, 10.8%; and personal visits, 10.3%.

visits, and petitions.¹⁸ Since most of the female legislators are pro-ERA it is not surprising that pro-ERA lobbyists had a much greater preference for personal visits than their anti-ERA counterparts.¹⁹

The hypothesis that the legislators are confronted primarily with supportive lobbyist activities, because opponents to the views of the legislators save their energies and resources for more productive areas,²⁰ was upheld in this study. What is apparent is a polar distribution of pro-ERA legislators predominantly seeing pro-ERA lobbyists with anti-ERA legislators predominantly seeing anti-ERA lobbyists.²¹ For example, over three quarters (76%) of our pro-ERA legislators reported that they predominantly saw pro-ERA lobbyists. Conversely, anti-ERA legislators reported that they overwhelmingly (90%) saw anti-ERA lobbyists. When the lobbyists were separated by sex, the pattern did not change. Given that the hypothesis of ideological conformity was upheld, we then shifted our analytic focus to consider whether differences occurred in the type of lobbyist contact received by pro- and anti-ERA women legislators.

B. VARIATIONS FROM THE EXPECTED PATTERN

Tables 1 and 2 summarize the pattern of lobbyist behavior as seen by the two contrasting sets of legislators. Table 1 concerns activities by anti-ERA lobbyists while Table 2 covers pro-ERA lobbyists' activities. The first column represents the percentage of pro-ERA legislators who ranked the particular activity as either first or second. The second presents the distribution of anti-ERA legislators who made the same evaluation.²²

18. The percentages were: telegrams and letters, 61.5%; telephone, 39.8%; public meetings, 19.3%; personal visits, 18.5%; and petitions, 9.9%.

19. 18.5% as against 10.3%.

20. H. ZEIGLER & M. BAER, *supra* note 3.

21. Anti-ERA legislators, in fact, reported the greatest cross pressures from lobbyists opposed to their personal policy views. Given that the data is reported by the legislator, some misinformation may occur, but what is impressive is the direction and strength of the relationship.

22. Both evaluation patterns are based upon the perceptions of the legislators; we have no empirical evidence to validate the rankings within the particular state or even at the national level. This does not invalidate the results, but is introduced as a caution.

TABLE 1
ANTI-ERA LOBBYISTS

Legislator View of ERA			
<i>Lobbyist Activities</i>	<i>Favor</i>	<i>Oppose</i>	
Visits	5.8%	20.5%	N = 246 $x^2 = 14.04$, $p = .02$ gamma = $-.228$ Cramer's V = $.239$
Telephone Calls	11.7%	13.9%	N = 266 $x^2 = 6.651$, $p = .248$ gamma = $-.264$ Cramer's V = $.158$
Letters	70.6%	53.2%	N = 312 $x^2 = 12.06$, $p = .027$ gamma = $.292$ Cramer's V = $.201$
Petitions	8.4%	5.4%	N = 240 $x^2 = 15.363$, $p = .001$ gamma = $.447$ Cramer's V = $.253$
Public Meetings	6.1%	11.1%	N = 234 $x^2 = 5.909$, $p = .315$ gamma = $-.122$ Cramer's V = $.159$

In terms of anti-ERA lobbyist activity, the major differences between the two sets of legislators occurred in the category of personal visits. The expected pattern is for anti-ERA lobbyists to interact most actively on a personal basis with anti-ERA legislators, because visits involve a degree of personal interaction which can prove stressful for persons opposed to the other's known views. Conversely, the more impersonal forms of behavior (letters and petitions) would be expected to be addressed to pro-ERA legislators. This separation process would allow one to lobby one's legislature but at a reduced psychic cost to both the legislator and the lobbyist.²³ The aggregate pattern in Table 1 supports that line of reasoning. Anti-ERA lobbyists were clearly more active in personally approaching those legislators who at some level supported the lobbyists' views.

23. One study related the stress experienced by some legislators when confronting hostile (or unknown) constituents. The legislators tried to minimize the potentially stressful contact. R. FENNO, *supra* note 8, at 131.

TABLE 2
PRO-ERA LOBBYISTS

<i>Lobbyist Activities</i>	<i>Legislator View of ERA</i>		
	<i>Favor</i>	<i>Oppose</i>	
Visits	11.9%	13.5%	N = 256 $x^2 = 3.22$, $p = .666$ $\gamma = .005$ Cramer's V = .112
Calls	16.5%	11.4%	N = 274 $x^2 = 4.61$, $p = .465$ $\gamma = .035$ Cramer's V = .130
Letters	63.0%	46.7%	N = 299 $x^2 = 12.827$, $p = .025$ $\gamma = .261$ Cramer's V = .207
Petitions	1.9%	11.8%	N = 240 $x^2 = 11.177$, $p = .048$ $\gamma = .041$ Cramer's V = .215
Public Meetings	14.0%	22.9%	N = 256 $x^2 = 5.744$, $p = .332$ $\gamma = -.174$ Cramer's V = .150

When the focus shifts to the activities of the pro-ERA constituents, the pattern becomes more ambiguous. Pro-ERA lobbyists interacted more directly through visits with legislators regardless of the legislators' personal views. Those lobbyists were apparently more likely to call on anti-ERA legislators than pro-ERA legislators. What makes the pattern interesting is that except for phone calls, pro-ERA lobbyists were more prone to contact anti-ERA legislators in personalized ways than the theory would predict. In terms of the more impersonal forms of lobbying, the pattern for petitions is the opposite of that expected.

Explaining this behavior pattern is somewhat difficult since the particular data collection procedure is such that returning to the respondents is impossible. More important, the legislators were reporting their impressions of the activities of others whose strategic calculations can only be inferred. Nevertheless, a possible explanation is that pro-ERA lobbyists felt some necessity to develop or maintain what might be termed women's solidarity. That is, in the battle over ERA ratification or rescission, the

existence of anti-ERA female legislators is an embarrassment. ERA has been defined by many in the women's movement as a symbol of their fight for equality. Female legislators opposed to ERA become more than just a vote; they are a counter symbol. For example, at the time of the passage of the Civil Rights Act, no Black member of Congress opposed the bills. On that issue, the solidarity of the Black community was clear. By contrast, anti-ERA female legislators expose by their very existence the schisms within the women's movement. Therefore, in a counterpoint to the politics of the usual, the pro-ERA lobbyists actively pursued in a personal way legislators opposed to their policy position. Very likely the symbolic nature of the issue raised is above the context of normal politics. For the anti-ERA lobbyists, the symbolic overtones inherent in the situation were less relevant, because their concern was with total votes. For them, male legislators, not errant female legislators, were more important.

III. CONCLUSION

The literature on legislator-lobbyist relations has concluded that like-minded talk to like-minded. Much of the contact with the legislator is through such impersonal sources that its ultimate impact is difficult to gauge. In the struggle over ERA the pattern holds, in that pro-ERA legislators interact more frequently with pro-ERA lobbyists, and anti-ERA legislators do the same with anti-ERA lobbyists. The major anomaly of the study occurs when one looks at the relationship between anti-ERA legislators and pro-ERA lobbyists. The usual pattern does not hold. The explanation suggested here was premised upon the symbolic importance of female state legislators. A definitive answer can come only through systematic study of the ERA lobbying process. As a group, female legislators will not hold the decisive votes in determining whether ERA is ratified, but they do represent an excellent example of how the usual patterns of group-based politics do not always hold.