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**Legislative/Judicial Interaction:
Do Court Ideologies Constrain Legislative Action?**

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Introduction

This paper seeks to contribute to our understanding of the degree of success enjoyed by bills in state legislatures. More specifically, we propose a model of bill success that includes a measure of judicial preferences such that we can ascertain the extent to which judicial ideology and perceived judicial climate constrain legislative behavior. We argue that liberal bills are less likely to be enacted in states where the court of last resort is also liberal as opponents will be concerned that the high court will read the legislation too expansively. There is, thus, additional incentive to mobilize to prevent passage of liberal bills in these states.

While such an inquiry can advance our knowledge about bill success in state legislatures, more significantly, this project can inform our thinking about legislative-judicial interaction. To date, most work examining the relationship between legislatures and courts has studied the role courts play in policy-making and the extent to which legislatures constrain judicial action. This project considers that it is also conceivable that courts constrain legislative action. Our findings indicate some modest support for the supposition that judicial ideology does influence the likelihood of a bill being enacted into law. This is particularly likely when liberal bills are being considered in states with a liberal bench.

The relationship between state legislatures and state courts of last resort is thus more sophisticated and strategic than currently understood in the literature. Courts certainly respond to the political context in which disputes are brought. However, a complete understanding of legislative-judicial interaction demands that legislative behavior relative to courts be studied as well. Some work has examined legislative

response to judicial decisions but as will be detailed below, this work primarily examines the circumstances under which legislatures seek to reverse or modify judicial decisions that are counter to legislative objectives. While there is an emerging body of literature examining judicial effects on legislatures, that work has emphasized judicial review of legislation after its passage (Rogers, 2001). The more strategic approach of preventing bill passage so that courts will not have the opportunity to interpret, and perhaps expand, legislative meaning has yet to be given any serious attention by scholars.

Legislative/Judicial Interaction

In a constitutional democracy where courts have the power of judicial review, the balance of power between courts and legislatures is a significant issue. In the American experience, it was long assumed that appellate courts, and especially courts of last resort, served to protect the rights and interests of minorities against potential abuses resulting from popular will. In this formulation, the role of appellate courts is to defend basic constitutional liberties from political repression.

In his seminal article, Robert Dahl (1957) challenged the conventional wisdom arguing that the U.S. Supreme Court could not sustain a nonmajoritarian role in the U.S. system. He suggested that because justices are recruited from the political arena, they can be expected to support the system that recruited them. Exceptions are likely to occur only when a new political coalition emerges. Dahl further concludes that the Supreme Court is an integral part of the dominant alliance and thus is an important buttress of the existing system (Handberg and Hill, 1980). Moreover, judicial legitimacy is dependent upon respecting the major policies of those in power in the legislative branch.

It would not be an overstatement to suggest that Dahl's thesis captured the imagination of many judicial scholars and sparked a debate that continues to the present. Adamany (1973) and Casper (1976) provided vigorous critiques of Dahl's argument. Adamany challenges the idea that the Supreme Court merely legitimates the dominant coalition; instead he suggests that courts can serve as a destabilizing force as well. In his view, the Court does not facilitate governance but prevents the policies of the new majority from being implemented. For our purposes, we are examining the extent to which judicial ideology discourages the passage or implementation of new policies for fear the court will broaden its meaning beyond what opponents of the bill and even supporters of modest change can tolerate. Although distinct, this proposition is complementary to Adamany's speculation.

Casper's critique centers on the narrow emphasis employed by Dahl in his research. Confining inquiry to constitutional issues and the exercise of judicial review over legislation skews an understanding of legislative/judicial interaction. Constitutional questions do not comprise a majority of the court's docket; judicial review is not exercised often. A more complete understanding of the relationship between these two branches requires an examination of statutory interpretation as well.

In her research detailing congressional responses to statutory interpretations by the U.S. Supreme Court, Henschen (1983) found that Congress rarely responds to statutory decisions of the high Court. The relative infrequency of response is striking perhaps suggesting that Congress regularly acquiesces to the Court and that the two branches rarely disagree with one another. Of course, while broadening the relationship

to include statutory interpretation is worthwhile, the emphasis remains on judicial interpretation of legislation and the aftermath of that interpretation.

More recent examinations of legislative-judicial interaction, while explicitly strategic in their focus, still understand legislative behavior primarily in the wake of judicial review of legislation. Separation of powers models (hereafter SOP models) are increasingly being used to examine the ways in which courts and legislatures at both the state and federal levels constrain one another. As Rogers (2001) notes, the Supreme Court clearly can influence Congress in terms of vetoing legislative enactments and certainly courts have an informational advantage relative to legislatures. As Rogers notes, “(c)ourts make an informational contribution to the policy process that legislatures cannot easily replicate” (p.87). Legislature must act in a climate of uncertainty as to the ultimate consequences of a bill if enacted. Using game theory, Rogers then models strategic interactions between the Supreme Court and Congress explicitly noting that this model should be generalizable to the state setting. He concludes that the strategic interaction between the two branches clearly influences both legislative and judicial behavior. Still, his conceptualization of the interaction assumes the passage of legislation and judicial review of it. He notes that “what the legislature loses to judicial policy-making, it more than makes up from the informational service that the Court provides in helping the Legislature to secure its own policy goals” (p.96). We seek to build on this observation by examining the likelihood bills will even be passed in varying judicial climates. We are primarily interested in the extent to which anticipated judicial rulings given the dominant ideology of a given court can shape the legislative agenda. This question has not been subjected to systematic scrutiny within the literature to date.

There is some qualified support in the literature for the argument that judicial climate might constrain legislatures. For example, Mansbridge (1986) argues that one reason some states were reluctant to ratify the Equal Rights Amendment was because of a fear that a liberal U.S. Supreme Court would interpret it more broadly than intended or desired by members of those legislatures. Similarly, Stiles (2002) argues that legislation expanding the rights of gays and lesbians might have been less likely to be enacted in states with liberal courts for fear the legislation would be read broadly by the state court of last resort. We seek to test that speculation in a more systematic and comprehensive way.

Models of Bill Success

Before we can test the hypothesis that judicial ideology can help predict the likelihood that a bill will become law, we need to review what we already know to influence the success of proposed legislation at the state level. Representational criteria have long been thought to matter. For example, in studies of the passage of women's rights legislation, whether a critical mass of women are in the legislature has been argued to matter (Thomas, 1994; Saint Germain, 1989). However, other research has indicated that the presence of women in the legislature has a negligible impact on the outcome of such legislation (e.g. Tolbert and Steuarnagel, 2001).

More generally, the partisan composition of the legislature has long been thought to matter as has the degree of professionalization of the state legislature. Certainly, we would agree that any examination of legislative success needs to include variables internal to the legislature such as degree of professionalization and partisanship. When

looking at a specific subset of issues, critical mass or strength of the constituency most likely to benefit should be studied as well.

Our argument is not with the inclusion of such variables but with confining the scope of such inquiries to the influence of those variables on the internal workings of the legislature. We are primarily interested in the legislative-judicial interaction relationship; the strategic nature of such interactions might well be shaped by such institutional variables.

And of course, the interaction is undoubtedly influenced by the anticipated behavior of judges as well. As Brace, Langer and Hall (2000) note, increasingly political scientists are interested in the strategic interaction among political actors and the extent to which political elites are responsive to the preferences of other actors. The perceived preferences of judges might well then inform legislative behavior. Legislators as strategic actors might well not want to have to respond to judicial interpretation in statutes; it would be preferable to prevent the enactment of a bill than to have to revisit a bill because of how the courts construed it. (See Rogers, 2001 as well for a discussion of strategic interactions between judges and legislators.)

This may be particularly true when the state court of last resort shares an ideological leaning with the legislative majority. That is to say, a liberally controlled legislature is still held accountable by the conservative minority (depending on the size of the minority of course). However, a liberal court may not be constrained and could well expand and enhance such legislation being challenged in court. This relationship presumably has some merit when applied to conservative legislatures and courts as well. Judicial role (i.e. the degree of activism employed by judges in deciding cases) does not

necessarily correlate with political ideology. Conservative activist judges were as plentiful in the 1990s as liberal activist judges were in the 1960s.

Still, one might expect the strategic actor to be most effective when different ideological perspectives prevail in the two branches. We would argue otherwise. When control is divided in that way, less discretion is enjoyed by judges. Liberal judges asked to interpret conservative legislation have no incentive presumably to construe it broadly. Accordingly, we argue that strategic behavior, particularly by those not sympathetic to the prevailing judicial ideology, is most apparent as the legislature determines whether to enact the legislation. Moreover, judges may well be more liberal or conservative than their legislative counterparts. They might well be more insulated from the public as well. Thus, it is important to measure judicial preferences in a more sophisticated manner than captured by partisan affiliation. We are interested in determining, then, the extent to which judicial ideology shapes legislative behavior as the preferences of judges may or may not be consistent with prevailing legislative attitudes. A subtle measure of preferences will allow for a consideration of differences in degree of ideology whether or not partisan affiliation is the same.

Research Questions

The questions, then, driving this paper are as follows: 1) Can legislative-judicial interaction add explanatory power to why bills proceed through the legislature?; 2) Does the nature of the bill (e.g. ideological) impact its legislative success as some authors suggest (Gamson, 1990; Moen, 1984); and 3) does legislative-judicial interaction apply to ideological bills? If so, does the interaction apply only for liberal bills or are legislatures also reluctant to submit conservative bills to a more conservative court?

Cases/Dataset

To test our hypotheses, we employ the State Legislative Dataset¹ compiled principally by Reingold and Schneider and aggregated for longitudinal analysis by Stiles for the purposes of this paper. For more information on the State Legislative Dataset, see Reingold and Scheneider (2001). When aggregated, the dataset contains 38,707 cases from ten states (Arizona, Arkansas, Connecticut, Kansas, Montana, North Dakota, New Jersey, Nevada, Ohio and Pennsylvania). The years of collection for the dataset were 1973, 1977, 1981, 1985, 1989 and 1993. Not all years were collected for all states. Therefore, forty-three state years are represented in the dataset. Additional state-level variables were added using a host of data sources to be cited during the discussion on operationalization.

Bills were included in the dataset if they were introduced by the legislators in the sample. The sample includes all female members of each legislature plus half their male colleagues (chosen randomly) and committee-sponsored bills. Although there is an oversampling of female legislators, and therefore possibly more liberal bills (see Thomas, 1994 and Reingold, 2000 on whether or not women legislators present more liberal bills), studies find that women's votes seldom if ever affect bill passage (Reingold, 2000). Further, most studies find that legislation on women's issues (usually a type of liberal legislation) sponsored by women is not more likely to pass than women's issues sponsored by men (Bratton and Haynie (1999), Tolbert and Steuernagel (2001) but see Thomas (1994)). Therefore, evidence regarding our questions of interest regarding

¹ The research for this dataset was funded by grants from the Emory University Research Committee and the National Science Foundation (SBR-9515026)

determinants of legislative success and legislative-judicial interaction should not be affected.

Operationalization/Measurement

The unit of analysis is each bill introduced into a legislature. Using the bill as the unit of analysis allows us to determine whether bill-specific factors such as ideology of the bill² contribute to our ability to explain legislative success and possible legislative-judicial strategic interaction.

Dependent Variable

The dependent variable for all models is the progression of bills in the state legislature (table 1). How far the bill progresses in the state legislature can be seen as a measure for how much support the bill has in the state legislature. Generally, a bill that passes both houses in the legislature but is vetoed by the governor, for example, should be considered to have more support than a bill that is introduced into a committee of one house and proceeds no farther. Values of the dependent variable range from one (bill submitted but never assigned to a committee) to nineteen (passed into law).

Independent Variables.

Independent variables are divided into three subgroups—state political institutions, state nonpolitical factors that may nevertheless affect political outcomes (i.e. demographic and economic variables) and bill-specific variables.

State Political Institutions

Measures under this category attempt to capture key political factors of the legislature, the courts, government as a whole and legislative-judicial interaction. No direct measure exists to measure ideological preferences of the State Supreme Courts.

However, we employ Brace, Langer and Hall's (2000) indirect measure (PAJID). The variable ranges from 0-100 and is based in part on the ideology of the state at the time that the justice became a member of the state supreme court, in part on the selection method of the court (appointment, election, etc.) and in some part on justices' partisan affiliations.

We also employ a measure of partisan affiliation of the state supreme court³. This measure is dichotomous and coded for one if a majority of the court is composed of Democrats and zero otherwise (compiled from The Judicial Bench). In some states, information on justices' party affiliation was not available. In cases where it was impossible to determine the court's composition (e.g. Montana and Nevada), the state-years were dropped from the analysis. This exclusion may select the dataset in favor of states where party is more important (i.e. important enough for more justices to list their partisan affiliations). However, we decided that including the justices' party affiliation is important enough to risk this selection effect. Thirty-five state-years remain in the analysis after partisanship of the Court is included as a variable.

We also include two measures specifically for the legislature. The first is a dichotomous measure for whether or not the Republicans have a majority in the legislature. The second is the degree of professionalization in the state legislatures (Carey, Niemi and Powell, 2000). It is possible that more professional legislatures would be more decentralized to allow individual members more power and greater re-election prospects (e.g. Fiorina, 1977). If that is true, then greater professionalization might have

² see Appendix A for coding instructions on bill ideology.

³ Even though the PAJID measure is based partly on partisanship of the justice, the correlation between PAJID and party is low (-0.1227) and, therefore, seems to capture different political phenomena (ideology is not the same as party across states).

a negative effect on bill passage because decentralization might make it more difficult for bills to pass through all the necessary stages of the legislative process. It is also possible, however, that members of more professional legislatures might require more campaign contributions to wage re-election efforts. If that is true, then professional legislatures might be more likely to pass bills to appease the relevant interest groups and assure future campaign finance.

We also include an interaction variable to measure the strategic effect when the legislature has a Republican majority and the Supreme Court has a Democratic majority. We hypothesize that, to the extent that partisan maneuvering is the motivating factor for any legislative-judicial strategic interaction (instead of ideology), then we would most likely see the interaction when the two institutions are controlled by rival parties.

We also include two government-wide independent variables. The first is elite ideology (Berry et al, 1998) for the state and years in the dataset. To the extent that the government as a whole is more liberal, we expect less strategic interaction to avoid sending bills to a liberal court. Second, we include a measure of partisan competition (Holbrook and VanDunk, 1993). Traditional studies (such as Schattschneider, 1960) suggest that increased partisan competition may make liberal bills more likely to be passed because parties are wooing new groups of voters. However, Mooney and Lee (1995) find that for morality legislation, increased partisan competition makes bills less likely to be passed.

NonPolitical Variables

We employ some economic variables for the state including unemployment levels, amount of welfare expenditures per capita and state revenue. We include these

economic variables as controls to examine whether it is economic or political factors (or some combination) driving legislative success. We might expect that in harder economic times, legislatures would be more likely to pass more bills in an attempt to offer their citizens some relief. Or in states with greater revenue, we might expect more bill passage (to spend the revenue).

For the models that test ideological bills, we also include the estimated percent of blacks in a state in a given year (obtained from the State Politics and Policy Website) and females as a percentage of the state workforce (from Reingold and Schneider, 2001). Finally, for ideological bills, we also include Elazar's (1972) measures of state political culture. We would expect states with a more moral political culture (in part a culture that stresses public duty to participate in politics partly in order to improve the lives of the state's citizens) to be more likely to pass liberal legislation and states with a traditional political culture (that emphasizes elite rule and conservative values) to be least likely to do so (Reingold and Schneider, 2001, found support for these hypotheses). However, for conservative bills, we would expect the opposite relationship.

Bill-Specific Factors

Finally, a major benefit of having a dataset containing a large number of bills is that we can examine what effect bill-specific factors might have on legislative success and legislative-judicial strategic interaction. We employ three bill-specific variables in our models. First, bills have been coded for whether or not they have clearly liberal (e.g. expanding the size of government, increasing civil rights, pro-choice or progressive racial issues) or conservative (e.g. legislation that supports the notion of the traditional family or other socially conservative legislation, legislation that lowers taxes or otherwise

reduces the scope of government) content. Two dummy variables measure, respectively, whether or not the bill is liberal and whether or not the bill is conservative.

Second, Reingold and Schneider (2001) find that committee-sponsored bills have a higher chance of passage in the legislature. Therefore, we include a dichotomous variable for whether or not a bill was sponsored by a committee to assess its effect on legislative success.

Results

All Bills

The first question we address is whether legislative-judicial interaction can add explanatory power to why bills proceed through the legislature. Our approach, then, is to construct a model to explain legislative success and then include judicial and judicial-legislative interaction variables to attempt to increase explanatory power.

We run a time series regression model (random effects) and index on the variable state-year to control for panel effects due to time or space (table 2). The first finding that we must point out is that with an R squared of .1764, we are missing much of the explanation for why a bill progresses through the legislature.

That being said, the findings that we do have are interesting. First, the findings suggest that ideology and not party are driving a possible strategic interaction between the legislature and the Supreme Court. We find that the PAJID measure of Supreme Court ideology does have a negative effect on legislative bill progress. A liberal court may be deterring bill passage in general from a presumably more conservative legislature⁴. This finding is consistent with Mansbridge (1986) and Stiles (2002).

⁴ If some measure existed comparing ideology across state legislatures, we could test for differences in ideology between the legislature and the courts rather than ideology of the court only.

Second, party effects are also significant in that legislatures with Republican majorities have a negative significant effect on bill progress and that Democratically-controlled courts have a positive effect on bill passage. However, the interaction variable controlling a Republican majority and a Democratic Court, although negative as predicted, is not significant. This finding suggests that Republican legislatures may simply be passing fewer bills overall and thus not increasing the size of government. In other words, the Republicans are acting like Republicans regardless of the State Supreme Court's ideological preferences. As for why a Democratic Court is related to more bills being passed, the courts that are Democratically controlled are more likely (and correlated at .3206) with Democratically controlled legislatures. Thus Democratic legislatures may also be acting like Democrats again without thought to the Supreme Court.

We also find that more professional state legislatures are more likely to pass legislation generally. This supports the idea that interest groups might be pressuring the legislature to pass the bills either by providing them with persuasive information or by offering always-needed campaign assistance. The economic state-level variables and the political competition variable, however, are not significant.

The bill-specific factors are all significant. The ideological measures show that both liberal and conservative bills are significantly less likely to progress through the legislature. This finding supports findings from authors such as Gamson (1990), Moen (1984) and Mooney and Lee (1995) who assert that the government may be more likely to pass bills upon which compromise (resulting in more widely distributed benefits) is

possible. Finally, similar to Reingold and Schneider (2001), we find that committee sponsored bills are significantly more likely to progress in the state legislature.

Ideological Bills - Liberal

Our findings show that ideological bills, both liberal and conservative are significantly less likely to pass than nonideological ones. However, we also see evidence on all bills (both clearly ideological and other bills) of a strategic interaction based on ideology between the Supreme Court and the legislature. If this finding does reflect a strategic interaction, we would expect the effect to be present and probably stronger for ideologically liberal bills. Another related and interesting question is whether the strategic interaction only holds for liberal bills or whether the same dynamic works in reverse for conservative bills and conservative courts.

To address this question, we run a time series regression similar to the last one but select only liberal bills (table 3). As mentioned above, we also include proxies for group strength of those groups likely to be positively affected by liberal bills. We use the estimated percent of blacks in the state and the percent of the labor force that is female and expect these measures to be positive predictors of bill progress. We also include Elazar's (1972) categories for group political culture⁵.

Again, the R squared is a bit low (.2105) but again we have some interesting findings. First, we find that more liberal bills progress farther when the government is more liberal. However, controlling for that, we also see that as the state supreme court becomes more liberal, legislatures are less likely to send them liberal bills to interpret. This finding also suggests that, similar to the findings of Mansbridge (1986) and Stiles

(2002), more liberal state supreme courts may make legislatures reluctant to send them laws (in this case liberal laws) to interpret. Further, we see that the effect of this independent variable on legislative progress is stronger for liberal bills than for all bills.

In this model, none of the party variables are significant with respect to bill progress. This finding also supports the idea that the strategic interaction is ideologically motivated rather than party motivated.

Liberal bills in more professional legislatures were significantly more likely to progress through the legislature. Earlier it was suggested that professional legislatures might be more susceptible to group pressures than nonprofessional ones. Including the proxies for interests allows us to test whether the strategic interaction might be motivated by group concerns rather than ideology. Percent of the labor force that is female, however, does not affect liberal bills' progress in the legislature. Surprisingly, estimated black percent in the state is actually negatively correlated with liberal bill passage⁶. Therefore, neither of these measures supports the idea that group strength rather than ideology is driving the interaction effect. However, better measures of various interest groups at the state level would greatly enhance our ability to examine this question.

Both of Elazar's political control variables were significant in a negative direction. Our expectation was that progress of bills would be greater in morality states and less in traditional states. However, it appears that in individualistic states (the excluded category), political progress of liberal political bills is actually greater. The

⁵ We would rather have used Barry's citizen ideology measure since it varies by year but this measure is so highly correlated with Brace, Langer and Hall's (2000) PAJID measure (.8219) that we could not use it for fear of multicollinearity.

⁶ This finding is a bit of a puzzle which could represent either intergroup competition between women and blacks (see Costain, 1990) or could be because black population strength is located in states (such as those in the South) where women's economic strength may be low.

political competition measure (Holbrook and VanDunk) was excluded from the analysis because it was highly correlated (.8) with Elazar's traditional states measure. None of the economic variables were significant. Finally, similar to the findings of Reingold and Schneider (2001), committee sponsored bills were more successful in the legislature than bills sponsored by others.

Ideological Bills—Conservative

From a purely strategic point of view, one might expect the legislative-judicial dynamic that appears to exist with respect to liberal bills and with respect to bills generally, also to apply to conservative bills but in reverse. If a legislature is reluctant to send liberal bills to a liberal supreme court, then perhaps a legislature would also be reluctant to send conservative bills to a more conservative court. Or conceivably one could find that legislatures are also less likely to pass conservative bills and thus to subject them to scrutiny by a more liberal state supreme court. In that case, the ideology explanation would be undermined and it might be that separation of powers issues could be driving the results. To the extent that a more liberal state supreme court is more activist (which is not necessarily the case), legislatures could be reluctant to subject their bills to a supreme court that is more likely to use them for activist purposes.

To test this idea, we apply a now familiar model of bill progress and legislative-judicial interaction to conservative bills. The results are presented in table 4. We dropped the women's and African-American group strength proxies that we had used for liberal bills and added a measure for the percentage of Christian Right adherents in a state (Glenmary Research Center as compiled by Schneider (2000)). However, the measure

was too highly correlated (.8) with Elazar's traditional state measure and had to be dropped.

This model does not work as well with conservative bills ($R^2=.1541$). The PAJID measure is not significant for conservative bills. Therefore, the dynamic does not seem to be based on strategy with respect to ideology. Although we do find the relationship exists for bills in general, in this paper it has always been the more liberal courts having a negative significant effect on bills and liberal bills but not conservative bills. Therefore, the legislature does not seem to be constrained in sending conservative bills to a conservative court or to a more liberal court.

Two other variables were significant in this model. Professional legislatures in this model, as in all the other models, has a significant and positive effect on bill passage. Professional legislatures seem to be adept at moving along greater numbers of bills of all sorts. This finding deserves more study and also highlights the need for better state-wide measures of interest groups to test whether interest groups are able to better pressure professional legislatures for bill progress. Finally, committee sponsored bills, in this model and in the other models, are also significantly more likely to progress in the legislature.

Discussion and Directions for Future Research

This paper shows evidence in favor of a strategic interaction between legislatures and courts. Bills and especially liberal bills are less likely to progress in those states where the state supreme court has more liberal preferences. It appears that the interaction has to do with ideology rather than party because the findings for ideology are stronger and more consistent than those for party. However, if a measure comparing legislative

ideology across states and ideally across years were available, then that measure could be used to better test these hypotheses. Also, interaction terms could be created to test the effects of differing ideologies of the legislature and the courts.

This paper also crudely tested the possibility that group pressures (i.e. women's and African-American strength in different states for liberal bills) were responsible for bill progression rather than ideology. However, the liberal bills model showed no positive effect of groups on bill progression. Still, more valid measures of interest group strength across time and across states for various groups could greatly enhance this paper and the important questions that it addresses. If these improved legislative ideology and interest group strength measures were available, then future models could be better specified and the complex relationships between ideology, party and interest groups could be more clearly understood.

The specification and predictive power of these models may also be improved by paying more attention to the committee assignments of bills. Our findings show that committee-sponsored bills are more likely to be successful than other bills. Perhaps committees determine the progress of bills in other ways in the legislative process that could be included in this model.

Finally, more work should be done on the strategic interaction between the legislature and the supreme courts. Perhaps the interaction could be studied across some issue areas where it would be easier to isolate active interest groups. Future work could also incorporate not only interest groups and parties, but the role of the governor in bill progress as well.

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APPENDIX A
From Coding Instructions for Bill Ideology
State Legislative Data Project

Liberal/Conservative

The purpose of this variable is to determine if the content of the bill being coded has some readily identifiable ideological orientation. Often the ideological orientation of the bill may be ambiguous. In a sense, we are trying to determine, given the bill's content, if the bill's sponsor is offering the bill to advance a particular political agenda that could be characterized as liberal or conservative.

“Liberal” political policies or agendas are those generally favoring:

- a) an increased role for government in the regulation of business and the economy; furthering measures that protect consumers, workers or the environment.
- b) Increased spending for health, education, and welfare programs, such as state funded pre-K classes, drug rehabilitation programs, or child abuse prevention programs.
- c) Policies that expand or strengthen civil rights and liberties for individuals in areas such as abortion, women's rights, gay rights, affirmative action, and the rights of the criminally accused.
- d) Anti-death penalty legislation

“Conservative” political policies emphasize individual responsibility over government provision of services, and limiting the regulatory power of the government over commerce and industry. Conservatives may generally favor the power of the state as a means of social control, upholding traditional social values and traditional conceptions of morality. And, conservatives often adopt a narrow interpretation of individual civil rights and liberties. Therefore, conservative bills often seek to:

- a) eliminate or reduce spending for health, education, and social welfare services.
- b) support educational reforms that shift power from the federal and state level to the local level, or benefit private schools (e.g. school vouchers)
- c) support traditional social values (anti-abortion, anti-birth control, anti-government funded day care, anti-gay rights, pro school-prayer)
- d) oppose measures that attempt to achieve “equality of results” rather than “equality of opportunity” in educational and work related matters
- e) take a hard line on the rights of the criminally accused and support police power over individual civil liberties in criminal procedural matters (e.g. search and seizure)
- f) pro-death penalty legislation
- g) privatize government programs and services

Table 1: Bill Disposition (Dependent Variable)

1	Never Read in Original House
2	Died in Committee, Original House
3	Out of Committee but no Vote in Original House
4	Died in Original House During Vote
5	Never Read in Second House
6	Died in Committee, Second House
7	Out of Committee, but no Vote in Second House
8	Died in Second House During Vote
9	Held in Second House After Vote
10	Held, Died in Conference Committee
11	Awaiting Approval of Conference Vote
12	Original House Never Approves Second Version
13	Died in Second House, Conference Report ever Accepted
14	Died in Final Vote of Original House
15	Held Over Until Next Session
16	Became Amendment to Other Bill
17	Died by Governor Vote
18	Partially Succeeded/Failed (Line-Item Veto)
19	Passed/Signed into Law/Adopted

Table 2: Model of Bill Progress and Legislative-Judicial Interaction in State Legislatures

Variable	Coeff(Std. Err.)
<i>Political Institution Variables</i>	
Supreme Court Ideology	-.062(.037)*
Democratic Majority on Court	3.408(1,823)*
Professionalism of Legislature	.518(.042)
Republican Majority in Legislature	-2.549(1.434)*
Legislature and Court Majority from Opposite Parties	-1.014(2.486)
Elite (Government) Ideology	-.013(.027)
Partisan Competition	.022(.037)
<i>Nonpolitical (Economic & Demographic)</i>	
Unemployment Rate	.021(.265)
Welfare Expenditures	-.069(.076)
State Revenue	.0009(.0008)
<i>Bill-Specific Variables</i>	
Liberal Bill	-1.176(.155)***
Conservative Bill	-1.794(.306)***
Committee Sponsored Bill	4.558(.151)***
Constant	10.562(3.853)**

N=17033
Wald Chi2=1103.63
Prob<.0000
Rsqd=.1764
Rho=.049

*signif <= .05
**signif<=.01
***signif<=.001
all tests one-tailed

Table 3: Model of Bill Progress and Legislative-Judicial Interaction in State Legislatures for Liberal Bills

Variable	Coeff(Std. Err.)
<i>Political Institution Variables</i>	
Supreme Court Ideology	-.447(.139)***
Democratic Majority on Court	-1.287(3.039)
Professionalism of Legislature	.601(.226)**
Republican Majority in Legislature	-3.397(2.967)
Legislature and Court Majority from Opposite Parties	2.935(4.804)
Elite (Government) Ideology	1.504(.881)*
<i>Nonpolitical (Economic & Demographic)</i>	
Unemployment Rate	-.894(.589)
Welfare Expenditures	-.104(.149)
Morality Political Culture	-25.773(11.267)**
Traditional Political Culture	-11.656(7.091)*
Percent African-American Population	-.436(.123)***
% Females in Work Force	.200(.182)
<i>Bill-Specific Variables</i>	
Committee Sponsored Bill	4.219(.515)***
Constant	18.932(9.392)*

N=1740
Wald Chi2=142.17
P<.0000
Rsqd=.2105

*signif <= .05
**signif<=.01
***signif<=.001
all tests one-tailed

Table 4: Model of Bill Progress and Legislative-Judicial Interaction in State Legislatures for Conservative Bills

Variable	Coeff(Std. Err.)
<i>Political Institution Variables</i>	
Supreme Court Ideology	-.156(.129)
Democratic Majority on Court	-3.579(3.312)
Professionalism of Legislature	.392(.222)*
Republican Majority in Legislature	-3.185(2.459)
Legislature and Court Majority from Opposite Parties	5.414(4.777)
Elite (Government) Ideology	-.042(.048)
<i>Nonpolitical (Economic & Demographic)</i>	
Unemployment Rate	-.711(.432)*
Welfare Expenditures	-.157(.169)
Morality Political Culture	-13.532(10.848)
Traditional Political Culture	-4.285(7.406)
<i>Bill-Specific Variables</i>	
Committee Sponsored Bill	2.715(.909)**
Constant	18.853(9.114)*

N=541

Wald Chi2=42.50

P<.0000

Rsqr= .1541

*signif <= .05

**signif<=.01

***signif<=.001

all tests one-tailed