UNDERSTANDING THE FIGHT OVER GOOD AND EVIL:
LEGISLATING MORALITY IN THE U.S. HOUSE OF REPRESENTATIVES,
1993-1998

By
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A DISSERTATION PRESENTED TO THE GRADUATE SCHOOL
OF THE UNIVERSITY OF FLORIDA IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

UNIVERSITY OF FLORIDA

2001
For my parents,
two "compassionate conservatives."
ACKNOWLEDGMENTS

I share this accomplishment with many individuals, and I am grateful for the opportunity to acknowledge them. First, I would like to thank my committee, which is comprised of Larry Dodd as chair, Leonard Beeghley, Jim Button, Peggy Conway, Albert Matheny, and Ken Wald. Dr. Beeghley served as my outside member, and I am grateful to him for taking on that responsibility at the last minute. Drs. Button, Conway, Matheny, and Wald have all been fine teachers and good mentors to me over the years. Each has been supportive of my work in every instance, as well as supportive of my professional development from a young graduate student to a slightly less young political scientist. Even so, I feel especially grateful to Peggy Conway for agreeing to serve on my committee even after her retirement and admitting me into the program in the first place, and Ken Wald for introducing me to the morality policy literature and repeatedly reading and commenting on previous iterations of my research. Finally, I wish to thank Larry Dodd. Larry has been a fine mentor, and I am especially grateful to him for helping me develop a fascination with Congress, giving me the freedom to find my topic in my own time, having steadfast confidence in my abilities, and supporting my professional development. I am also grateful to Larry for the generous financial support he provided me, as the Manning J. Dauer Eminent Scholar Chair at the University of Florida.

I am indebted to others here at the University of Florida and elsewhere. In particular, I would like to thank Michael Martinez and Rich Conley for helping me be a
better teacher and providing periodic statistical advice; Ray Tatalovich, for commenting on my work and providing me with advice and encouragement; Debbie Wallen and Marty Swilley, for helping me navigate the bureaucratic maze that is graduate school; John Green, for providing me with district level religious data; the Center for Responsive Politics, for providing me with PAC data; and Josh Gordon, a policy analyst with the Concord Coalition, as well as my friend and colleague, for helping me get some last minute data. I would also like to thank Doug Blum, Jim Carlson, Bill Hudson, Mark Hyde, and Bob Trudeau, my undergraduate professors at Providence College. They were fine teachers and mentors, and I am grateful to them for encouraging me to take this path. Thanks also go to the College of Liberal Arts & Sciences here at UF for providing me with a dissertation fellowship that allowed me to spend an entire semester writing. I am also grateful to the Theadgill family for endowing that fellowship. Along the same lines, I would like to thank the Department of Political Science not only for training me, but also for providing me with five years of funding. I also wish to thank the representatives and staff who allowed me to interview them in the summer of 2000. I cannot name you, but I am grateful nonetheless.

Then, of course, there are those outside the academic community who helped me. Many close friends were supportive of me during the last five years. I owe my sanity to them, and for that I am grateful. Finally, I wish to thank my parents and siblings for their constant love and support. Their emotional and financial generosity gave the freedom to pursue an academic career, and I could not have done this otherwise. They always had confidence in me, and were often willing to quantify that confidence into a dollar amount. Their love for me has been unconditional and unearned, and for that, I am grateful.
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Abstract of Dissertation Presented to the Graduate School of the University of Florida in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy


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December 2001

Chairman: Lawrence C. Dodd
Major Department: Political Science

Building on the morality politics framework articulated by Meier, Mooney, and others, this dissertation explores the legislative process of morally controversial issues in the U.S. House of Representatives. The framework suggests that because moral regulation is fundamentally based on status and values-based concerns, rather than economic self-interest, variables measuring internal values will be strong predictors of legislator decision-making in these areas. This topic is explored in the areas of gay rights and reproductive legislation in the 103rd, 104th, and 105th Congresses (1993-1998).

Using extensive roll call analysis and in-depth interviews, this dissertation makes a number of findings. First, legislators do draw heavily on values-based indicators like religion, party, and ideology as they address moral issues. Thus, these issues generate absolutist conflict in the House, an institution designed to seek compromise. Second, some of the non-moral control variables also emerge as strong predictors of elite
behavior, suggesting that there are both moral and non-moral dimensions to these issues. Third, the morality politics framework performs better when applied to gay rights than when applied to reproductive issues. This suggests that the legislative process of moral issues, while distinct, varies by issue. We may see this result because reproductive issues are often handled in the context of the appropriations process, where legislators are ultimately forced to compromise. Gay rights issues are not, so legislators are freer to gridlock on principle.

After establishing the existence of absolutist perspectives among legislators, the dissertation examines the strategies employed by leaders to manage these issues and assesses the impact of such issues and strategies on the legislative process. The problem these issues present is that leaders and legislators may adopt approaches that undermine the traditional legislative process in the House and produce an absolutist politics in areas well beyond morality issues. This may ultimately immobilize the House, costing the House its long-term legitimacy and the American people an effective deliberative body. The dissertation argues, in the end, that to avoid that unfortunate outcome, leaders must abandon models of strong party government, and adopt more muted approaches in their efforts to build winning coalitions around these divisive issues.
CHAPTER 1
AN INTRODUCTION TO MORALITY POLICY

If pride was a sin, thought Dr. Larch, the greatest sin was moral pride.
John Irving, The Cider House Rules

This research explores the legislative process of morally controversial legislation—specifically, gay rights and abortion. Various scholars argue that morality issues produce distinct patterns of politics (Lowi, 1998; McFarlane and Meier, 2001; Meier, 1994). Paying special attention to the conditions under which legislators support morally controversial policies and the strategies employed by leaders to manage these issues, this dissertation tests that proposition and the morality policy framework in the context of the U.S. House of Representatives. The framework, which has developed in recent years and will be discussed at length later in the dissertation, suggests that because gay rights and abortion are essentially moral issues involving the regulation of one's private moral life, support for these policies cannot be explained satisfactorily by traditional economic models. Rather, non-economic and non-rational variables measuring internal values and culture, such as religion and ideology, will be strong predictors of legislator decision-making in these areas. This is because the motivating force behind political conflict in this area reflects values-based status concerns, not economic self-interest. Applying the framework to votes in the 103rd, 104th and 105th Congresses (1993-1998), the validity of the framework is largely supported.

While this project started in earnest in the spring of 1999, it had its beginnings a few years earlier. Having been raised in a traditional Yankee Republican family, my
partisanship was defined largely by conservative economic policies, in the context of progressive New England politics. A politician's stance on social issues was not the litmus test by which they were judged. Indeed, during my high school years, the Republican governor of my home state of Massachusetts, William Weld, was pro-choice and supported legalization of medicinal marijuana. His friend from college, Mitchell Adams, was the state tax collector. Adams was openly gay and he and his partner attended my church. These were non-issues. Open markets and rugged self-reliance were what mattered in those years of political socialization.

Moving south for graduate school, I was introduced to a different Republican Party. Certainly, conservative economic policies were important. But the most salient issues seemed to be the very social issues that were of marginal importance to Yankee Republicans. Perceiving regional factions within the Republican Party, I wrote my master's thesis with this in mind (Oldmixon, 1999). I attempted to measure regional factions in the Republican Conference of the House of Representatives by content analyzing floor speeches. I chose to explore this topic in the context of Congress because it is the national institution in which the regional factions of a party are brought together and govern. Specifically, I chose the House—as opposed to the Senate—because I believed the smaller House districts might lead representatives to be more sensitive to localized concerns than senators. The research for my master's thesis seemed to produce good evidence suggesting that there are indeed regional factions in the House Republican Conference. While representatives were articulating a similar agenda on the surface in the 103rd, 104th, and 105th Congresses, the South was clearly dominant. Moreover, once
one scratched the surface, there appeared to be a great deal of variation within the Conference. Supposed Republican homogeneity seemed to be wide, but not deep.

My dissertation more directly addresses the contentious issues that seem to divide Republicans. And taking a more holistic approach, the analysis includes Democrats. While this project did not evolve from my master’s research in the linear fashion I had anticipated, the development from one to the other was nonetheless organic. The issues themselves, in the context of the House, became the focus of my research. Partisanship, either Republican or Democratic, became an independent variable in a larger model. My puzzle became this: given the prevalence and the divisiveness of certain moral issues, how does Congress legislate morality? How do members decide how to vote, and how do leaders manage these issues so as to govern effectively? To explore this puzzle I spent a summer working on Capitol Hill interviewing staff and legislators, and I have conducted extensive roll call analyses of certain moral policies. The remainder of this chapter explores the definition of morality policy and discusses the importance of this research.

**Defining Morality Policy**

Scholars have developed various definitions for the term, “morality policy.” Some have suggested that morality policies are those that engender conflict over first principles, or a particular set of absolutist values (McFarlane and Meier, 2001; Mooney, 2001, 2000, 1999; Meier, 2001; Haider-Markel and Meier, 1996; O’Connor, 1996). Others argue that morality policies are status conflicts. Thus, government action in these moral areas is brought about because citizens demand government affirmation of their moral or normative order, their preferred social relationships (Tatalovich and Daynes, 1998). These perspectives are not incompatible. Many morality policies do regulate
preferred social relationships, but they always involve a conflict over fundamental values (McFarlane and Meier, 2001). As Mooney and Lee (1999) suggest, the question for legislators and the polity is not, how do we achieve common goal X? It is, what are our goals, to begin with? Of course, any conflict over fundamental values will almost certainly be informed by status concerns. These policies are redistributive in the sense that a segment of society attempts to use government to impose, or redistribute, its values on the rest of society (Meier, 1994). Morality policy scholars tend not to go so far as to say that the policy disagreements are rooted in religion. However, I would argue that religion often gives policy conflicts in this area their absolutist nature.

All law codifies right and wrong. All law is reflective of a given set of values and principles. However, morality policies are unique and contentious because these policies reflect values on which there is no overwhelming consensus in a polity (Mooney, 2001: 4). For example, we can probably all agree that kidnapping, theft, and rape should be prohibited by law and deserving of state sponsored punishment. Prohibitions against these activities are all, to some extent, based on the value we place on individual integrity—integrity of one’s person and one’s possessions. No such consensus exists when we are dealing with fertility control, prayer in school, physician assisted suicide, or gay rights. When the institutions of government are forced to deal with these issues—forced to legislate morality—many people will have a fundamental conflict with values embodied in and legitimized by the policies, regardless of what government does.

In addition to their absolutist, non-consensual, and sometimes religious nature, scholars have identified key characteristics of morality policies. There is common agreement that these issues are non-technical (Mooney, 2001). That is, they are easy
issues for people to understand. Most constituents have well formed opinions regarding these issues, so we might expect legislators to be particularly responsive to constituents regarding morality policies. The development of a weapons system, reforming social security, the tax code, energy policy, Middle East peace: these are all complicated issues about which many people may not have well formed opinions. This may alleviate the pressure that representatives feel from their constituents to vote one way or another. In these areas, representatives are likely to have discretion and act as trustees. That may not be the case with morality policies. The American people know what abortion and homosexuality are. Most people have strong feelings on these issues. Therefore, we should expect that constituents are likely to exert pressure on and be influential with their elected representatives (Mooney and Lee, 2000).

Also, the demand for what is framed as the immoral good in policy debates is heterogeneous (McFarlane and Meier, 2001; Mooney, 2001; Meier, 2001, 1999). In other words, the demand for sex, abortion, the gay "lifestyle," recreational drugs, pornography, etc., varies. Some people will not want to engage in the immoral behavior at all. Others will be easily deterred. They might use pornography if it is readily available, but any discouragement will probably limit their use. Still others will demand the behavior to such an extent that they will not be deterred, period. Regardless of anti-sodomy laws, gay and straight individuals alike have sex in ways prohibited by law. The reason for their "fortitude" in the face of punishment is that for a segment of society, engaging in the immoral behavior—the sin—is fun. People enjoy it. They derive utility from it. And if they did not like it, we would not need law prohibiting the behavior (Meier, 1999). So, efforts to completely expunge the immoral behavior from existence
will fail. People will have sex, people will have abortions, people will smoke pot, people will be gay, regardless of what society and government does to limit these behaviors. Efforts to limit these activities may be successful only at the margins.

Finally, many people are hypocrites with regard to these issues (McFarlane and Meier, 2001; Meier, 2001). The correlation between public pronouncements on these issues and private behavior is less than 1. Indeed, public pronouncements and private behavior are often at odds. People decry as immoral what they themselves demand or have demanded in the past. For example, public opinion data indicate that Americans overwhelmingly disapprove of pornography and see it as a threat to society. Yet the demand for pornography is high. In 1995, adult video rentals comprised 28% of all rentals in certain regions of the country. It was a half-billion dollar industry (Smith, 1999). This means that politicians do not get an accurate feel for the public demand for the immoral behavior.

Often, morality policies are regulatory in nature. In attempting to redistribute one’s values on larger society, moral advocates use the political system to regulate behavior. When regulating seemingly private behavior, the hypocritical aspect of morality policies leads legislators to pursue more restrictive regulations than a less hypocritical public would support. This gives a distinct advantages to the proponents of moral regulation, because it puts opponents of restrictive morality policies in the awkward and unfortunate position of “standing up for sin,” being the champion of sex, drugs, and the destruction of the American family (McFarlane and Meier, 2001; Meier, 2001, 1999; Mooney, 2001; Smith, 2001).
However, sin politics can be transformed into traditional redistributive politics if opponents of restrictive morality policies can develop new frames for the debate. And only with the development of alternative frames can opponents make credible arguments and not be seen as joining the battle on the side of the devil (Mooney and Lee, 2000; Meier, 1999). If they can do that, then the political battle is fought between two legitimate camps attempting to redistribute their values onto the rest of society. Unfortunately, hypocrisy makes alternative frames of reference difficult to take hold, and it makes it difficult for legislators to argue that they are standing up for liberty, gender equality, and civil rights. In short, this hypocrisy in the polity and among elites makes honest debate and substantive legislative approaches to these policy areas difficult to come by.

We should note that no issue is inherently a morality policy issue. Classification as such depends on the perception of the relevant actors and the terms of debate (Mooney, 2001). If there is no consensus in the polity, if the actors perceive an issue as having an absolutist nature and drawing on religious principles, then it is a morality policy. This means that some issues can take on a nonessential moral framing. "A policy dealing with sexual behavior need not necessarily be morality policy, just as a policy dealing with economic regulation might well be a morality policy" (Mooney, 2001: 4). Abortion has taken on a moral frame, but it could easily be understood as a public health issue—indeed, for many years it was. Alcohol regulation provides another example. This issue can be framed as a public safety issue, as with drunk driving, or an absolutist moral issue as with prohibition (Gusfield, 1963; Meier and Johnson, 1990).
Moreover, this means that while an issue may be a morality policy issue in one era, it might not be in another. For example, take the civil rights movement for African Americans. In the middle of the 20th century, it might well have been classified as a morality policy issue. Clearly there was no consensus that African Americans were political equals to whites, clearly the debate had religious overtones, and clearly the debate drew on fundamental first principles involving human dignity and human rights. By 2001, we have seen an evolution in the civil rights movement for African Americans. One could probably make the argument that while the movement continues to have moral implications, it is no longer a morality policy issue, per se. The religious rhetoric has been toned down considerably, and there is a much higher level of consensus among Americans that African Americans and whites should share the same civil rights. This is not to say that racism no longer exists, and this is not to say that there is not fierce disagreement over how to achieve equal civil rights. Rather, the debate—in principle—over whether or not African Americans should be afforded civil rights is, for the most part, over. The same cannot be said with regard to gay and lesbian civil rights.

All this has given way to a morality politics framework. Based on our understanding of morality policies, we can expect support for these issues in Congress to be based on a number of predictors. There are five moral variables that should be particularly important: elite and district partisanship, ideology, and elite and district religious conservatism. These moral variables measure elite and district culture, values, and principles. The model includes seven non-moral variables. These are per capita income, education, % African American, % rural, out gay or lesbian,1 sex, and interest

1 This variable is only included in the gay rights analyses.
group activity. Many of these measure traditional district level economic demand. The traditional socioeconomic variables are irrelevant. Rather, even when one controls for these predictors, we should expect the morality politics variables to emerge.

**Why Do We Care?**

It is important to study the legislative process of moral issues for a number of reasons. The first is that exploring morality policies takes the field of congressional studies in a new direction (Mooney, 2001: 5), beyond the dominant theories of our own discipline which have emphasized economic and class based models. David Mayhew wrote *Congress: The Electoral Connection* in 1974, wherein he made the argument that legislators are “single-minded seekers of re-election.” In other words, they are goal oriented, rational beings. Their ultimate re-election goal guides everything they do from voting behavior to staffing to the committee structure. Much of what we have done in the area of congressional studies since then has been derivative of this guiding paradigm. We have expanded on our understanding of what legislator goals are (Fenno, 1973; Dodd, 1977), but the empirical theoretical debate over how Congress works and evolves seemed to end.

Of course, Mayhew’s theory was and is elegant. It provided scholars with a theoretical context in which to put their research, and it continues to make significant contributions to our field. However, the morality policy framework moves us beyond the realm of fact and reason—where we feel comfortable as social scientists—and into the realm of values and status, where political actors and the polity may be guided by feelings as much as rational calculation (Mooney, 2001: 5). It recognizes that the development of politics owes as much to psychology as it does to rationality (Edelman,
1994). So, we study morality policies to move forward in the study of Congress and challenge ourselves.

In taking congressional research in a new direction, this project allows us to test an increasingly influential policy framework and assess the extent to which so-called morality policies are all that distinct. While various scholars argue that moral issues produce distinct patterns of politics (Lowi 1998, Meier 1994), little research has systematically explored these issues in the context of national institutions. Thus, this project builds on efforts to fill that gap. In doing so, it puts the morality policy framework to the test. The dissertation asks, to what extent does the framework predict legislator decision-making? If we find support for morally controversial legislation can be satisfactorily predicted with the same indicators that we use to predict support for more traditional economic policies, then the study of morality policy as a distinct sub-field within our discipline may be unfounded. Indeed, the rational economic models may still be the most efficient. On the other hand, if support for morality policies and the legislative process thereof is distinct, if it cannot be explained adequately using only the standard economic predictors, then there is indeed something distinct about morality issues.

The second to study the legislative process of moral issues is that these issues may present unique governing challenges to the House. At the same time, the salience of these issues is likely to increase. So, this project allows us to assess the ability of the House to meet new postindustrial challenges. We should expect morality issues to present unique challenges to the House because they confound traditional legislative norms and because the issues are framed as incommensurables. Owing to the vales based
nature of morality policies, the political lines of battle are drawn between good and evil, morality and sin. There is little room for principled disagreement, and so the ability of opposing parties to compromise is severely limited. As Lowi (1998) notes, “the observed political behavior [as it relates to moral issues] is more ideological, . . . less utilitarian, more polarized, and less prone to compromise” (xv). It is with regard to these kinds of issues where people feel the most righteous, that they are the most inclined to support government intervention that advances their values (Mill, 1863). Congress, on the other hand, is an institution designed with rules and norms to facilitate compromise. Indeed, decision-making in any organization is a matter of compromise (Simon, 1957). Therefore, these issues are likely to engender a great deal of tension within each chamber. The increased levels of tension may have detrimental consequences for policy-making well beyond morality policies. In particular, it may encourage groups of legislators to see each other as being morally suspect, to see politics as an arena of broad moral conflict, and thus to carry moral framing of issues into fields well beyond morality policy.

Apart from the structural and norm-based impediments to legislating morality in the House, moral policies may be difficult to manage because they represent incommensurable values. Berlin makes the argument that there is a plurality of values in our society that are incommensurable, beyond comparison. Not only would it be impossible to quantify the normative and practical value of these principles and rank them in order of importance, it would not make sense. The end result would be meaningless and arbitrary. It would be like trying to add apples to oranges. Mathematics cannot accommodate that equation. It is not that the values are roughly equal; it is that reason can tell us nothing of their value, and certainly nothing of their value in relation to
each other (Gray, 1996). In a sense, Berlin’s ideas are tragic. Since he does not allow for
the priority of one value (or evil) over another, we are left unable to develop any theories
of justice. Philosophy may be useful to shed light on societal problems, but not at
resolving them. In the end, individuals are forced to make choices between values with
very little guidance and no objective moral compass, so the choices become arbitrary.
There is no way to resolve inherent conflicts between values such as freedom and
equality. Both are valuable, and neither can be ranked in relation to the other. People
must choose, and in a way, there is no wrong choice, because we have no “moral
knowledge” (Gray, 1996).

Berlin seems to be right in so far as there exists a pluralism of values. Our own
American Creed (Huntington, 1981) encompasses a number of values, none of which we
would want to do without. The extent to which the values are incommensurable is
another matter. Berlin is certainly one of the great philosophical minds of this century,
but he leaves us as a professional and a people empty, unable to reconcile moral conflicts,
where at least other theorists provide us with albeit contested theories of justice. Of
course, disappointment with Berlin’s logical conclusions does not make them wrong in
any a priori sense. A preference for Berlin versus other theorists is not analogous to the
preference of American versus French cinema. I do not enjoy French films because they
tend to be dark and unresolved. Hollywood, on other hand, gives us happy endings, or, at
the very least, comprehensible endings. So, I choose to watch American films and
disregard French films because that is my preference. But not liking the dark and
unresolved logical conclusions of Berlin’s liberalism does not make them wrong. And it
does not mean I can turn my back on them. However, I can say that I am not completely convinced by Berlin's arguments. Really, it is a battle that should be fought elsewhere.

For our purposes, we can take from Berlin the idea that values may or may not be commensurable. Even if Berlin is wrong and we can resolve seemingly incompatible values, the moral issues explored in the project are probably correctly framed as incommensurables. Civil rights versus family values. Gender equality versus the life of a fetus. All of these things are valuable, and if society is forced to choose, a segment of the society will be unhappy with the resolution. Unfortunately, this framing gives way to false dichotomies. There probably is not a zero-sum relationship between say gay rights and family values. But because the issues are framed as such, they take on an incommensurability that may not be inherent. Again, this makes compromise in the legislative arena difficult.

Legislators are forced to resolve issues which are either irresolvable or have taken on an irresolvable frame of reference. The language used by disparate political actors to frame these issues creates distinct psychological, though not ontological, realities (Edelman, 1994). This means that groups of legislators do not simply disagree over a policy issue. There may also be disagreement on the fundamental framing of moral issues. In particular, different groups often disagree over what values are at stake in a morality policy dispute. Liberals and conservatives, Republicans and Democrats: they perceive issues differently such that what for one group is clearly a moral issue for another is clearly a civil rights issue. As it relates to gay rights, one person's civil rights crusade is another person's crusade to destroy the American family. As this relates to abortion, one person's crusade for gender equality is another person's crusade to commit
murder. Regardless of where one stands on the issue of abortion, defining it in terms of murder or liberty ignores "the reasons it is a dilemma while constructing a 'reality' that garners support or opposition" (Edelman, 1994: 240). The rhetorical battles being fought by legislators are taking place on different fields, and this makes a resolution of these battles difficult to achieve.

All this potential difficulty legislating morality would not be that important, except that a number of scholars argue that the salience of morality policy issues is likely to increase in postindustrial society (Dodd, 1993, 1981; Habermas, 1973; Inglehart, 1990; Lowi, 1998; Tatalovich and Daynes, 1998). Some scholars have explored what will be the salient political cleavages in postindustrial society (Habermas, 1973; Huntington, 1974; Inglehart, 1990). While some scholars argue that postindustrial politics will be benign—in that it will defer to technology and rationality a la Huxley's *Brave New World*—Huntington (1974) suggests that division will mark postindustrial politics, as ideological and values-based factions fight over the allocation of resources. A related argument is that as class-based cleavages lose salience, postindustrial societies will embrace (and indeed, have already started to embrace) post-material values. Concerns for physical and economic security will be replaced by concerns for "self actualization," civil rights, and the environment.

As a part of this general value shift, religious orientations, gender roles, and sexual norms will be reconsidered (Inglehart, 1990). I would make the argument along with Lowi (1998) that the relevant cleavages in our society are going to be between those who follow traditional values, and those who do not. And government redistribution is going to involve the redistribution of values as much as it has involved the redistribution
of material goods. And as values shift—increasing the salience of morally controversial issues—our institutions of government will be increasingly called upon to deal with these issues. Congress will be increasingly called upon to legislate morality, to resolve the issues, which are endemic to postindustrial value cleavages.

One might be tempted to argue that since these issues are difficult and contentious, since they create serious problems for a legislature structured to seek compromise, Congress should ignore these issues (Studlar, 2001: 39). However, failure to handle these issues directly may give way to a crisis of legitimation for the institution (Habermas, 1973; Dodd, 1993). This crisis is not unlike one experienced by a driver who continually ignores the “service engine soon” light on the dashboard of her car. Perhaps she ignores the warning, hoping the problem will go away, perhaps she ignores the problem because it is too difficult to manage. Either way, the problem only gets worse. Eventually, the car is seriously damaged and the driver is forced to pay a great deal of money to fix or buy a new car altogether. So too is the problem for Congress.

To retain its legitimacy, to win the loyalty of the public, Congress must “demonstrate a reasonable capacity to recognize fundamental problems. . . , deliberate over the proper solutions to these problems, and enact legislation that addresses them in a credible manner” (Dodd, 1993: 418-419). Any organization depends on external resources for survival, and legitimacy, the sense that an institution is entitled to govern, is the most vital resource (Zhou, 1993). In the case of Congress, ignoring these salient moral issues—no matter how difficult they are—compromises the legitimacy of the institution, because the institution shirks on its responsibility to govern.
I do not mean to argue that the American people will rise up and tear down the halls of Congress. However, if Congress is unable to govern effectively, someone or something else will surely fill the vacuum left by its negligence. The power of the courts, the president, the bureaucracy, and lobbyists may increase vis-à-vis Congress. We may also see a revitalization of the term limits movement. As evidenced by the recent defection of Senator James Jeffords (I-VT) from the Republican Party, legitimation crisis might also entail the breakdown or instability of governing majorities. Senator Jeffords' defection has already produced speculation about other defections from both parties, such that the fragile Senate majorities may change hands repeatedly in this Congress. Notes outgoing Senate Republican Majority Leader Trent Lott,

As Bob Dylan was famous for saying, “Don’t speak too quickly, this wheel is still spinning.”... It’s going to be 50/49, one independent, with the independent indicating that he would vote with the Democrats. So that would shift the majority, for now. But this is a very teeter totter sort of situation.2

The possible defection of representatives would not have the cataclysmic consequences in the House as Jeffords’ defection had in the Senate, because the Republicans hold the House by an eleven seat majority. Even so, the margins are likely to stay tight.

Finally, there are normative considerations that promote this kind of research (Smith, 2001, 1999). Most, if not all, morality policies involve the regulation of some private behavior. Regardless of whether one is prolife or prochoice, watches pornography or does not, supports physician assisted suicide or not, we might all concede that government policies in this area call into question—for better or worse—our individual autonomy, our freedom. In a liberal culture such as the one in the United States, scholars and political scientists alike have always placed a premium on the

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2 Interview on This Week with Sam Donaldson and Cokie Roberts, May 27, 2001.
importance of individual freedom. Morality policies may have the effect of limiting personal freedoms for the sole reason that their exercise offends a segment of the population (Smith, 2001, 1999).

Of course, many have criticized the liberal emphasis on freedom and individualism. Conservatives might argue that the prominence of individual freedoms leads to licentiousness (Flathman, 1989: 109). It might also lead to a kind of individualism that breaks down civil society (Putnam, 1995) and seriously inhibits the solving of inherently social problems (Hudson, 2001: chapter 2). Liberals themselves recognize that there are limits to individual freedom, because individual freedoms conflict and may cause harm to others (Flathman, 1989; Berlin, 1969; Mill, 1863). Nevertheless, it is a necessary condition for choosing between incommensurable values (Gray, 1996), and the liberal presumption is always on the integrity of the individual. In a political context, respect for individual liberties often takes the form of rights. It is only in respecting political rights above all else that human dignity is honored and protected (Flathman, 1989; Kateb, 1992).

Flathman (1989) articulates the "liberal principle," which is that "it is prima facie a good thing for individuals to form, to act on, and more of less regularly satisfy (their) interests and desires, their ends and purposes" (112). Even so, many in society concentrate on what generalized norms ought or ought not to be, rather than considering whether or not it is appropriate to codify those norms (Mill, 1963: 18-19). That is why the study of morality policies has normative value. Liberal culture values individual freedoms to such an extent that, in theory, what is deemed destructive to freedom is considered unacceptable. And there is a suspicion of government, because government
can so easily restrict individual rights (Flathman, 1989: 118; Mill, 1863). When Congress deals with morality policies, when it legislates morality, it is inevitably regulating an area of a person’s life, which many have argued should be off limits. Maybe government is acting to protect liberties, or maybe government is limiting them. Either way, government enters a personal area of our lives when it takes up these issues. Perhaps that is appropriate. Perhaps freedom is just one of many values that societies must trade off (Gray, 1969). Even so, governments should proceed with caution in legislating morality policies, and political scientists need to proceed with diligence in evaluating government.

**Studying Morality Policy at the Federal Level**

Scholars have tended to study morality policy at the state and local levels (Button et al., 1997; Fairbanks, 1977; Haeberle, 1996; Haider-Markel, 1998; Meier, 1994; Meier and Johnson, 1990; Meier and McFarland, 1993; Mooney and Lee, 2000, 1999, 1995; Morgan and Meier, 1980; Wald et al., 2001, 1996), and not without good reason. Owing to state police power, state legislatures have often been the hotbed of morality policies, and the phenomenon of state morality regulation has a long history. In his analysis of Midwestern state legislatures, Campbell (1980) documents this state level struggle over morality policies as far back as the mid 19th century. Community mores dealt with “liquor policy, the schools, standards of personal behavior and the status of social minorities, the rights of the criminally accused and indigent, and expressions of American nationalism” (57). They involved a debate over “cultural norms” and a “legitimization of values” (57). As with contemporary morality policies, Campbell notes that legislative disagreement over these social mores “was likely when no universal cultural standard existed to mold consensus” (63).
Existing literature that explores moral issues at the national level (Haider-Markel, 2001, 1999a, 1999b; Tatalovich and Schier, 1993; Wattier and Tatalovich, 1995) has made invaluable contributions to our understanding of morality policy in the context of Congress. This paper expands on the existing literature in three important ways. First, the analysis includes an explicit mix of moral and non-moral indications, and this is essential if we are to establish the uniqueness of morality issues (Wald et al., 2001). By omitting explicit district level non-moral control indicators, previous scholarship misses the mark. Second, this paper includes district level cultural indicators, such as party and religious conservatism. This is truly a unique contribution, and it is an important contribution given the theoretical nature of moral issues.

To his credit, Haider-Markel (2001, 1999) includes a composite indicator of constituency support for gay issues that includes district level socioeconomic and cultural tendencies. However, in his effort to approximate constituency preferences, Haider-Markel sacrifices his ability to isolate the cultural and socioeconomic processes at work in the development of morality policy. This research includes direct indicators of both, allowing for a direct assessment of the impact of socioeconomic and cultural indicators on support for gay issues. Third, the analysis considers Congressional actions such as bill cosponsorship and office policy, rather than relying exclusively on roll call votes as an indicator of legislator support for gay issues. The roll call vote is just one (albeit important) aspect of the legislative process. A more holistic approach allows us to consider legislator decision-making in areas not controlled by leadership or influenced by rules and committees.
Even so, most morality policy literature takes place at the state and local levels, and while the dearth of research that explores morality politics at the national level would seem to be reason enough to take up this line of research at the national level, another important reason is that the treatment of morality policies at the state and local levels versus federal level is probably different. Therefore, exploring morality policies at the federal level should build on and make contributions to existing literature. Federalism is a key design feature of our political system, and for many years it gave way to a stabilization of morality policies. In addition to a national government, there are at least 50 other sovereigns in the United States. (This does not even include the thousands of non-sovereign local and county governments.) In a country as diverse as the United States, federalism gives localities some latitude in policy formation and implementation. Given the heterogeneous preferences endemic to morality policies, the federal system kept these issues from becoming inflamed and damaging the political system (Mooney, 2000). This is simply recognition of the diversity that exists in the United States. What works in New York may not work in Alaska. National standards may not be an efficient way to form and implement public policy. And yet, the national government in the United States may increasingly find itself in a position to set national standards on morally controversial issues. And we should expect the response of the national government to morally controversial legislation to be distinct from the response of the state legislatures and local governments.

The question remains, what about the House makes its handling of these issues distinct and deserving of our attention? The House, as an institution of the national government, is forced to deal with a level of heterogeneity that is probably foreign to
most state legislatures. (California is a particularly diverse state that comes to mind and may be an exception.) The legislation of morally controversial public policy issues at the state and local levels takes place in a different environment. Constituencies are both numerically and geographically smaller. Legislators at these levels do not have to deal with the plurality of interests with which members of Congress have to deal.

Certain norms the norms have developed in both chambers to allow members to legislate in the face of pluralism. For example, specialization demands that members of Congress develop focused areas of expertise. In becoming recognized experts on issues, members earn the respect and deference of their colleagues on those issues. Reciprocity allows legislators to trade votes—or logroll—when it is mutually beneficial and the costs are low. These norms mitigate the possible effects of cleavages in both Houses of Congress, in that they prevent policy disagreements from becoming too divisive. Members can simply defer to one another and compromise on certain issues, rather than constantly fighting things out. In short, these norms allow members to choose their battles, while keeping the proverbial peace in all other instances.

Congress does have a history of addressing morally controversial legislation. In many instances, Congress has become a national rhetorical stage, on which a plurality of interests converges—even when the issues under consideration have historically been regulated at the state level and many argued that they should remain at the state level. Race issues provide a good example. In the 19th century, the regulation of slavery was largely left to state governments, yet the issue begged for a national solution. It begged for competing interests to be sorted out in Congress. But the Supreme Court spent much

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3 See Davidson and Oleszek (2000) or Rieselbach (1995) for a basic discussion of Congressional norms.
of the century articulating the principle of dual federalism, eliminating the possibility of any peaceful national solution. The Supreme Court continued to uphold the dual federalism principle until the 1930s, when it began to uphold Roosevelt's New Deal measures. From then on, Congress took a leadership role in many areas traditionally excluded from the purview of federal activity. While Congress had been forbidden to deal with slavery 100 years before, it became active in the 20th century Civil Rights movement. In 1964 and 1965 Congress preempted the states with passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Passage of the Federal Education Amendments of 1972 provides another example. By virtue of the 10th Amendment to the Constitution, education is a policy area that has traditionally been controlled by the states, but Title IX of the Education Amendments forbade gender discrimination in any educational program receiving federal funds. Alcohol regulation, which was left to the states in the 19th century, provides another example, as the federal government has become increasingly involved in this area (Meier and Johnson, 1990). In all of these instances, Congress has come to provide the venue in which policy is made, principles are compromised, and new principles are learned.

By the end of the century, we find ourselves in the postindustrial era, wherein the Congress is increasingly called upon and increasingly has the resources to set policy and provide national solutions for problems that have either been dealt with by the states or one's individual conscience. As Huntington (1974) suggests, this means that postindustrial governments will increasingly be called upon to manage values-based divisive issues, morality politics issues. Indeed, the US Congress has certainly dealt with
these issues in recent years. In 1990, bitter battles were fought on the floors of both chambers over funding of the National Endowment for the Arts. In the wake of the Mapplethorpe exhibit, many legislators—Senator Helms, in particular—wanted restrictions placed on who could receive funding. The issue became a rhetorical battle which some framed as the fight for free expression, while others framed it as fight to limit obscenity and perversion.

The Mapplethorpe controversy was part of a much larger debate involving the regulation of pornography and obscene materials. Daynes (1998) notes that Congress has been in the business of pornography regulation since the mid 19th century, with passage of the Tariff Act of 1842. Among other things, this legislation prohibited obscene prints and depictions. And since the 1950s, Congress has passed legislation regarding “(1) distribution of obscene material through the U.S. mail, (2) restrictions on child pornography, (3) the more recent concern for the victims of pornography” (226). Congress continues to struggle with the regulation of Internet pornography. Pornography is a particularly difficult issue to manage because attempts to restrict pornography run the risk of violating Constitutional free expression protections. Moreover, it is politically difficult for politicians, in the name of freedom of expression, to be on the wrong side of decency (221).

Congress has also had to deal directly with religion in public life. More often than not, Congress tries to address the issues of prayer in schools. It is, as Jelen (1998) notes, a perennial favorite of members of Congress. Since 1962, there have been hundreds of measures introduced in the House and Senate designed to amend the Constitution, permitting prayer in school. These measures tend to pass, but not by the
required two-thirds required to amend the Constitution. Congress has also attempted to remove this issue from the jurisdiction of the Supreme Court. The issue of religion in public life has been pushed to the forefront by President Bush, in his attempt to fund faith-based organizations.

While it did not involve a debate over policy, the impeachment of President Clinton may be one of the highest profile moral controversies in recent memory. It did not start out that way. Originally, the Independent Counsel was put in place to investigate an Arkansas land deal that took place before the President took office. However, the Independent Counsel saw his jurisdiction increased, with the blessing of Attorney General Janet Reno, and the investigation morphed into a sex scandal involving President Clinton and White House Intern Monica Lewinsky. The president was impeached, and the American public became acquainted with what might otherwise have been considered his private and personal behavior. The Independent Counsel’s Report and the impeachment rhetoric were both sexually explicit. Much was made of the President’s poor example for children and his affront to traditional family values, and it is likely that efforts to impeach the President were motivated as much over moral outrage at his behavior as by a concern that he had misled Congress and lied to a grand jury.

While there are many issues that have moral implications, this dissertation focuses on gay rights and abortion. Political scientists have explored abortion policy for many years, while the topic of homosexuality has been neglected by political scientists to such an extent that we are encouraged to take up the mantel of this research in our flagship professional journal (Cook, 1999). Both issues are particularly salient at the moment. In the wake of the State of Vermont’s decision to grant civil unions to same sex couples,
gay issues have been a source of debate for presidential candidates in both the Republican and Democratic parties, and Congress has taken an active role in this controversy. Postindustrial women’s issues have been on the national political agenda at least since passage of the Federal Education Amendments of 1972, which barred gender discrimination in any educational programs receiving federal funds. Even so, abortion policy has arguably been the most visible of the women’s issues with moral implications, and it has been on the political agenda at the national level since the Supreme Court issued its Roe v. Wade (1973) decision.

**Conclusion**

Focusing on the gay rights movement and abortion politics, this dissertation applies the morality policy framework to legislator decision-making in order to test the proposition that moral issues create distinct patterns of politics. This provides us with an understanding of how the House legislates morality, and it allows us to assess the House’s ability to meet postindustrial challenges. This puzzle is addressed from a number of theoretical perspectives, and the methodology encompasses a variety of approaches including qualitative interviews and quantitative roll call analyses. The results suggest that these issues are indeed morally charged and highly divisive. Legislator decision-making seems to be affected as much by moral considerations as by socioeconomic considerations. Under these circumstances, leadership has developed a number of strategies to facilitate the legislative process and mitigate the polarizing effects of legislating morality.

Chapter 2 discusses the politicization of these issues at the national levels. Special attention is paid to the influence of Evangelical Christians and their role in
putting gay issues and abortion on the congressional agenda, and the history of gay rights and abortion rights in the United States. Chapter 3 explores the legislative process and the theoretical implications of this research. Chapter 4 outlines the hypotheses and methods. Chapter 5 provides an analysis and discussion of legislator perceptions and decision-making and is based on interview data. Chapter 6 also presents an analysis and discussion of legislator decision-making, but it is based on roll call analyses. Chapter 7 discusses leadership strategies used to manage these issues that avoid institutional immobilization. Chapter 8 provides concluding remarks.
CHAPTER 2
SETTING THE RIGHTEOUS AGENDA

While there are a number of issues that have moral implications and can be classified as "morality policies," three issues stand out. They are religion in schools, gay rights, and abortion. These are issues that were politicized at the national level by the Christian Right in the early 1980s (Liebman, 1983; Moen 1992, 1989). In order to give the project focus, this research focuses on the latter two issues, since they share the common themes of sexuality and gender. Also, abortion and gay rights are two of the most pervasive moral concerns across industrialized nations (Studlar, 2001). This chapter traces the development of the movements for abortion rights and gay rights as morality issues demanding national attention, and the counter politicization of evangelical Christians.

Building Toward Abortion

Congress has been engaged women's issue, to varying degrees, for over 100 years. The two most significant are probably social welfare and fertility control. Feminist activists have been promoting autonomy in these areas for many years. While they represent two different aspects of feminism, both issues are important in the politicization of women, and culminate in the late 20th century politics of abortion.

Social Welfare

Even before women had the right to vote, they were an influential political force. They used their influence to promote the establishment of a "maternalist welfare state" (Skocpol, 1994a, 1994b, 1992; Skocpol et al., 1993), designed to protect women against
poor labor conditions and provide women with financial benefits necessary to raise their families. Indeed, “America’s first publicly funded social benefits other than military pensions and poor relief were mothers’ pensions” (Skocpol, 1992: 10). These welfare programs spread at the state level and were enacted by Congress in the early 1900s. These programs come in marked contrast to the “paternalistic” welfare systems of Western Europe, which tended to focus benefits on men, the family breadwinners. Explanations for America’s unique welfare state are numerous. However, to no small extent the development of the maternalist welfare state is owed to the perceived rampant corruption of the paternalistic Civil War pension system—America’s first social welfare system—and the efforts of the vast number of federations of women’s clubs across the country (Skocpol, 1992).

A full-fledged maternalist welfare state never developed. Congress eliminated some programs, while the Supreme Court struck others down. Still, before the Depression hit, the United States was developing a uniquely maternalistic welfare state. Notes Skocpol (1992),

With the coming of the Great Depression and the new Deal of the 1930s, the nation took new paths. Earlier experiences with the Civil War benefits and maternalist policies of course influenced the Social Security Act and subsequent U.S. social policymaking. But from the 1930s onward, new political actors, policy proposals, and principles of legitimation for public social provision came to the fore. (526)

Congress continued to address women's social welfare with the Aid to Dependent Children (ADC) portion of the Social Security Act of 1935. However, Skocpol (1992) suggests that even while aspects of the maternalist welfare state were preserved, they were “subordinated and pushed to the side” (535). Males dominated the Social Security board, which supervised ADC and emphasized contributory forms of public assistance.
This is a departure from the time when womens' social programs were managed by the autonomous and female dominated Children’s Bureau (536).

In recent years, we have moved even further away from the original maternalist programs. ADC and the system of federal welfare entitlements has been eliminated, as such, and is now managed at the state levels with funding from federal block grants. Even so, the maternalist agenda still finds voice in groups such as Children’s Defense Fund and the National Forum on the Future of Children. These are independent organizations, but they are strong advocates for womens’ and childrens’ welfare (536). These organizations, together with today’s feminists, should take lessons from the early 20th century advocates of maternalist policies. Specifically, while these women were excluded from formal power, they nevertheless found ways to be influential in the development of vast grassroots organizations (538).

**Fertility Control**

The goals of the modern feminist movement are different from those of the early 20th century maternalist welfare advocates. There is an array of issues, some of which are still related to social welfare. Contemporary advocates of womens’ social welfare act under the premise that women and children are ill served or inadequately served by the benefits as they currently exist in the United States (Skocpol, 1992: 536). But much of the modern feminist agenda is explicitly moral—challenging long-standing gender roles. The roots of the current feminist moral controversies go back more than 100 years, and revolve around issues of fertility control. Women have attempted to control their fertility as long as women have been getting pregnant. Indeed, abortion was practiced both in
Ancient Greece and during the Roman Empire (Meier and McFarlane, 2001: 20; O’Connor, 1996: 19).

In the early years of the Republic, there were no efforts on the part of government to control a woman’s reproductive capacities. It was not until Connecticut criminalized post-quickening\(^1\) abortions in 1821 that there were any restrictions at all (O’Connor, 1996: 19). This marked the beginning of first wave of anti-abortion law. Ten states placed restrictions on abortion out of a concern for women’s health. Because there was no popular support for these laws, they were neither noticed nor enforced to any great extent (McFarlane and Meier, 2001: 35). Not until the middle of the 19\(^{th}\) century did efforts to limit abortions really came to the fore. The newly created American Medical Association (AMA) lobbied heavily to limit abortions. O’Connor (1996) notes that these physicians were motivated by desires to drive midwives out of business, increase birthrates, encourage chastity among women, and safeguard maternal health. At the same time, the teaching of the Catholic Church on abortions evolved. Where it was once permissible for abortion to take place pre-quickening, now abortion was completely prohibited. So, in response to lobbying efforts by the AMA and the Catholic Church, many states passed restrictive abortion laws (20-21).

At the same time states were beginning to criminalize abortion, many women’s rights advocates “supported the idea of voluntary motherhood, a woman’s right to limit the size of her family by natural means” (O’Connor, 1996: 21). Without this right, women would not be able to attain full equality. Given the political and Victorian moral tenor, these advocates were not aggressively pursuing abortion rights. Instead, they

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1 The term quickening refers to movement of the fetus. A pre-quickening abortion would take place before initial fetal movement, and a post-quickening abortion would take place after initial fetal movement.
pushed for access to contraception. "Birth control advocates could still claim to favor strong, healthy families while objecting to abortion" (O'Connor, 1992: 22). While this may have kept these women from being demonized or cast as anti-family, birth control was still a controversial topic, and with passage of the Comstock Act of 1873, Congress prohibited the interstate trading of "obscene" materials having to do with contraception or abortion. Before this legislation, there was no federal involvement in contraception, and after this legislation, there was little information disseminated about this topic (McFarlane and Meier, 2001: 30; O'Connor, 1996: 22).

By the early 20th century, certain structural changes in society were giving way to reform in the area of contraception. The status and role of women in society was changing. Women were entering the workforce and the hold that Puritanical morals had on society was weakening. According to Alfred Kinsey, 36% of upper-middle class women born between 1900 and 1909 reported having premarital sex. This was a significant jump from previous generations (McFarlane and Meier, 2001: 32). This suggests that the need for contraception and the willingness to use contraception was probably increasing among many women.

At the same time, the Progressives recognized the social problems brought about by increasing levels of affluence and urbanization and were advocating social changes. Specifically, Progressives noticed that the poor were having large families that they could ill afford, while upper-middle class families were not. This suggested that regardless of "Comstockery," the upper-middle class were using some form of birth control, while the poor were not. Many Progressives, such as Margaret Sanger (1879-1966), found this troubling because they believed that contraception "was the only way out of poverty for
many” women (O’Connor, 1996: 23). Sanger (1879-1966) was one of the most outspoken advocates of family planning. Under her leadership, the American Birth Control League successfully weakened state level Comstock laws and in 1937 saw the Supreme Court overturn the original 1873 federal legislation.

State laws prohibiting the dissemination of contraception and/or information about contraception were not struck down until 1965, when the Supreme Court issued its Griswold v. Connecticut decision. As a challenge to such a law in Connecticut, Griswold, who was at the time Executive Director of Planned Parenthood, set up a clinic that gave counseling to married couples concerning birth control. She was convicted under the Connecticut law. Her appeal was heard by the Supreme Court, which ruled that the Connecticut law violated the privacy rights of married couples to plan their families.

It was about that time, in the mid 1960s, that Congress became involved in family planning. Even after the federal Comstock Act was overturned and state level Comstock Acts were weakened, the Congress had been reticent to involve itself in this area because it was still controversial. Not until the 1960s, in the context of President Johnson’s Great Society, with its War on Poverty, and the Civil Rights movement, that Congress became directly involved in contraception. With increased attention being paid to the family planning needs of poor women, “Congress mandated no fewer than four federal statues to fund family planning services” (McFarlane and Mooney, 2001: 34) between 1965 and 1970. This was a remarkable about face. “In less than 100 years, the Congress of the United States had moved from prohibiting birth control to promoting it” (McFarlane and Mooney, 2001: 34).
Abortion: The Culmination of Two Women’s Movements

As with contraception, the 20th century saw a loosening of abortion restrictions. However, the timetable and the path were different. By 1910, all states but Kentucky had outlawed abortion, the movement to restrict abortion that began before the Civil War was almost complete. But the tide was turning, and in many states therapeutic abortions were permitted to save the life of the mother. Gradually the rationale for therapeutic abortions expanded. During the Depression, poverty was considered a therapeutic rationale. Still, regardless of the state level abortion restrictions, one in three pregnancies ended in abortion first half of 20th century. While the number of legal therapeutic abortions was increasing, so too was the number of illegal, unregulated, and dangerous, so-called “back alley,” abortions (McFarlane and Meier, 2001: 36).

By the 1950s, the decisions of individual physicians to perform therapeutic abortions were increasingly scrutinized by hospital review boards. In response to this increased scrutiny, the American Law Institute (ALI) revised its Model Penal Code to permit legal abortions under a number of circumstances, including when carrying the pregnancy to term would threaten the health of the mother, when the baby would have severe mental and physical defects, and when the pregnancy had occurred as a result of rape or incest (McFarlane and Meier, 2001: 37; O’Connor, 1996: 27; Tatalovich, 1997: 28). However, it was the thalidomide controversy and a German measles outbreak, causing tens of thousands of birth defects, which focused the attention of the American people, the medical profession, and government on this procedure. It was the medical profession in particular that advocated liberalizing abortion laws, and between 1967 and
1972 nineteen states passed new, less restrictive, abortion laws (McFarlane and Meier, 2001: 37).

Just as Congress had been reticent to involve itself in earlier controversies involving birth control, so too was Congress unwilling to enter the abortion fray as states began to relax their restrictions. In order to advance their agenda, abortion rights advocates took a page out the Civil Rights playbook. They used the Federal Courts to force their issues and challenge state level restrictions. On January 22, 1973, the Supreme Court issued its Roe v. Wade decision, striking down all abortion restrictions and basing its decision on the right to privacy. When the Supreme Court issued its Roe decision, “the [abortion] issue became framed in the United States as a question of a woman’s right to bodily integrity and privacy versus a fetus’s right to life” (Strickland, 1998: 4). This made the establishment of “common ground and compromise in the political arena. . . almost impossible to attain” (Strickland, 1998: 4).

Almost three decades after Roe Congress is still confronted with the abortion issue. In 1977 the federal government first prohibited the use of federal Medicaid funds to pay for abortions (Meier and McFarlane, 1993). In 1981, Congress passed the Hyde Amendment, which permitted Medicaid funds to be used for abortions only if the life of the mother was endangered. Because it was part of an appropriations bill, the Hyde Amendment must be renewed annually. Thus, contention debate on this issue is guaranteed every session. The Amendment always passes, though its language varies. For example, in 1994 Congress permitted funding in cases of rape and incest.

Abortion even bleeds over into other issues, causing a great deal of tension. In 1990 when Congress was deciding how to fund public health research, CQ Weekly Report
(1990)^2 notes that NIH had long neglected research into women's health issues. As a bill made its way through the Senate to provide four years of funding aimed at women's health, many Senators objected, fearing that money would be spent on research into RU 486, the so-called abortion pill. Again in 1990, a bill made its way through the House aimed at amending the Legal Services Act of 1974 such that the use of federal money to defend poor women in abortion cases would be prohibited.

In 1989, the Supreme Court issued its decision in Webster v. Reproductive Health Services. On the one hand, the ruling permitted some state restrictions on abortion where it had previously not. On the other hand, the ruling fell one vote short of overturning Roe. In the wake of this decision, the Freedom of Choice Act (FOCA) was introduced into Congress. It would have codified the Roe decision. Making it as far as the authorization committees in the House and Senate, the bill was never passed. It was reintroduced in 1993. In the wake of the murder of abortion provider Dr. David Gunn and the election of a Democratic President, FOCA seemed to have a better chance at passage. Even so, it never made it to the floor of either house. However, the news in the 1990s for pro-choice advocates was not all bad. In 1993, Congress passed the Freedom of Access to Clinic Entrances Act (FACE). As the murder of Dr. Gunn suggests, abortion providers and patients were subjected to threats and harassment in the 1980s and 1990s. FACE, which was not signed into law until 1994, “proposed to make it illegal, and punishable by civil and criminal penalties, to physically impede access to a medical facility” (McFarlane and Meier, 2001: 73).

The Republicans won control of the House of Representatives in the elections of 1994, and in the 104th Congress (1995-1996) they led the way in placing restrictions on

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2 See volume 48 for coverage of NIH funding.
Abortions. Among other things, they tried to re-institute the Mexico City policy. Instituted initially by President Reagan in 1984, the Mexico City policy forbade the U.S. Agency for International Development from providing any foreign nongovernmental organization (NGO) with any family planning funds if the NGO used its own funds to provide abortion services or advocate for the legalization of abortions overseas. In 1993, days after taking office, President Clinton reversed this policy. In 2001, days after taking office, President George W. Bush reversed President Clinton, signing an executive order on the anniversary the *Roe* decision that prohibits federal funds from being directed to international family planning groups that provide abortion services or abortion counseling. Congress reinstated the abortion ban in overseas military hospitals. This was another Reagan Administration policy overturned by President Clinton. It forbade the performing of abortions in overseas military hospitals—even if the services were paid for in full by the patient—unless the patient’s life was in danger.

Perhaps the most high profile abortion issue of the Congress was the Partial Birth Abortion Ban Act of 1995. This legislation would have prohibited the procedure of partially vaginally delivering a fetus, killing the fetus, and completing the delivery, unless the life of the mother was in danger. Critics of the legislation wanted to amend it such that it would allow a health of the mother exception. The Republican leaders kept the amendment off the floor, preventing representatives from having the opportunity to vote on it. The amendment was widely supported in the House and almost certainly would have been agreed to. With that amendment President Clinton indicated that he would have signed the bill. A real compromise was available to legislators. They could have enacted legislation that practically eliminated the partial birth procedure, but Republican
House leaders did not allow that to happen. Opponents of the amendment feared that a health of the mother exception would provide an enormous loophole for people trying to get around the legislation. Since the amendment was never considered and never agreed to, President Clinton eventually vetoed the legislation.

Conclusion

For over 100 years, the nation has been dealing with the social welfare and fertility of women. One set of reformers fought to achieve economic security for women, while another set of reformers fought for a woman’s bodily integrity and her right to privacy. Both lines of reform are important because they tell us something about the place of women in a society. They are also intertwined, in that the social welfare of women is contingent on their ability to control their fertility. By the late 20th century, the movements for social welfare and fertility control have given way to a proactive women’s movement based on economic and bodily security. In general, the late 20th century women’s movement has given way to values-based disagreement over gender roles and family. While this disagreement is well documented in the battle over the Equal Rights Amendment and passage of Title IX of the Education Amendments of 1972, it culminates with the late 20th century struggle for and against abortion rights.

When assessing the status of women in American society, it is not useful and probably impossible separate economic and bodily integrity issues. As said, they are inextricably linked. And abortion, more than any other issue, tells us something about both. The level of abortion restrictions in a society is an indicator of both economic and bodily integrity. Many feminists would argue that it is only with control over one’s reproductive capacities—only with the freedom to terminate a pregnancy—that a woman
can really possess bodily integrity and therefore control other aspects of her life, become autonomous, and acquire full and equal citizenship (Stetson, 1997: chapter 4). At the same time, it is only with control over one's reproductive capacities—only with the freedom to terminate a pregnancy—that a woman can achieve economic security. In the aggregate, women are poorer than men are. When asked why this is the case, Virginia Woolf replied, "They were having children." In the late 20th century, feminists were increasingly making the argument that "women are poor because of the effect of traditional gender roles on their ability to accumulate economic resources" (Stetson, 1997: 334).

Congress has sometimes been reticent to involve itself in the area of abortion politics, because it has taken on a moral dimension that complicates effective governing, as we saw with the Partial Birth Abortion Ban Act of 1995. Regardless, Congress has been pushed to legislate abortion regulations and funding levels, and it is now very much involved in the issue every session. Sometimes Congress addresses this issue in a regulatory manner, sometimes in a redistributive manner, but it is always on the agenda.

**The Modern Gay Rights Movement**

The development of gay rights as a moral issue demanding the attention of Congress is not as storied as the development of abortion politics. It literally did not exist 35 years ago, so the public roots of the dilemma in the United States do not date back as far as the 19th century, as they do with abortion. Certainly, homosexuality existed in the 19th century. Some have found evidence of gays and lesbians in American history dating back as far as the 16th century (Katz, 1976). Pervasive Judeo-Christian values considered homosexuality to be sinful, and so too did larger American society. Thus, "[t]hroughout much of American history gay identity has remained hidden because of an atmosphere of
pervasive hostility to homosexual expression.” (Button et al., 1997: 23). This inhibited the development of a political or cultural gay identity.

The emergence of industrialization in the 19th century facilitated the development of a communal gay identity. The agrarian lifestyle, with its emphasis on the localized family unit, was giving way to a new lifestyle wherein people were more mobile and better able to pursue their individual pleasures. World War II pushed the development of a communal gay identity even further. Many were uprooted from their suburban lives and either joined the armed forces or the civilian workforce. This brought previously isolated gays and lesbians into contact with each other. After the war, rather than return home, many of the newly self-aware gays migrated to major cities such as San Francisco, Boston, and New York. It is in these major cities that gays and lesbians developed their own sub culture and sense of community (Button et al., 1997: 23-24). Still, homosexuality was not a politically significant identity.

Outside the United States, the modern gay rights movements developed in Germany even before the Third Reich. Most of the scientific research into the nature of homosexuality was taking place in Germany. So in the late 19th century, German men, in particular, who identified as homosexual developed politically significant groups designed to challenge Germany’s anti-sodomy laws (Faderman, 1991: 188). Homosexuality did not become politicized in the United States until the 1950s. McCarthyism in the 1950s served both to persecute gays and lesbians, among others, while at the same time fostering political self-awareness (Button et al., 1997: 24; Faderman, 1991: 190). Still, few homosexuals were organized for political action. In the 1960s context of “liberalization and liberation” gays and lesbians began to assert them
politically. Gay and lesbian groups such as the Mattachine Society and the Daughters of Bilitis, founded as social organizations, became politically active and started demanding political rights. The African American civil rights movement universalized the concept of civil rights. In its wake, other aggrieved groups—such as women, Latinos, and gays and lesbians—began demanding from the political system equal citizenship rights and protection from discrimination (Lowi and Ginsberg, 2000). Like their African American predecessors, early political groups framed homosexuals as a political minority. This made the development of a gay civil rights movement easier to attain and more likely to engender support (Button et al., 1997: 25).

The 1969 Stonewall riots mark the beginning of the modern gay rights movement in the United States (Button et al., 1997: 25; Faderman, 1991). Stonewall was a gay bar in Greenwich Village. On June 28 the police raided the bar, and patrons resisted what they considered police oppression:

Instead of scampering off in relief when the police booted them out onto the street after questioning them, the two-hundred working-class patrons — drag queens, third world gay men, and a handful of butch lesbians — congregated in front of Stonewall and, as blacks and other oppressed groups had done before them in the course of the decade, commenced to stage a riot. (Faderman, 1991: 194)

Within a year, hundreds of gay and lesbian publications and organizations were founded. Stonewall was a rallying cry for gays and lesbians, and the time was right. This was a time in American history when any number of aggrieved groups were asserting themselves and demanding civil rights—groups such as such as women and racial and ethnic minorities. The number of issue oriented social movements also seemed to be increasing—for example, the antiwar movement, the environmental movement, nuclear weapons and energy protesters. Many Americans were engaging in unconventional
political behavior in an effort to achieve what can be termed postmaterial goals (Inglehart, 1990). However, while many of the aggrieved groups represented by these social movements have made great progress since the 1960s and are now mainstream political interests (Wald, 2000: 25), the gay rights movement faltered, failing to become mainstream, failing to become a social norm, failing to receive mass support. In spite of all their progress, homophobia remains both widespread and socially acceptable (Button et al., 1997: 2).

Still, the early gay rights movement achieved some success. In the wake of Stonewall, the American Psychiatric Association ceased to classify homosexuality as a mental disorder. Also,

Numerous states repealed their sodomy laws, the U.S. Civil Service Commission eliminated its ban on the employment of gays, and the National Education Association amended its nondiscrimination statement to include protection for ‘sexual preference.’ . . and in 1980 the Democratic Party included gay rights in its national platform. (Button et al., 1997: 26)

But the primary goal of the movement was to amend federal civil rights laws to include homosexuality as a protected class, like race, gender, and religious preference. Congress has attempted, but failed, to amend the 1964 Civil Rights Act to protect gays from discrimination. Over the years there have been similar efforts, and they too have all failed (Button et al., 1997: 26).

Supporting gay rights rarely been politically palatable for politicians, and it receives mixed support from the public at large (Lewis and Edelson, 2000: 194). Not surprisingly, the issue of gay rights has received little attention from the institutions of government. In the last 30 years, the modus operandi with regard to gay rights has typically been to ignore the issue. Alternatively, Congress has engaged in symbolic
actions vis-à-vis gay issues. Campbell and Davidson (2000) note that "[o]f the ten thousand or so bills introduced in each Congress, a preliminary search of workload for the years 1975 through 1999 (94th through 105th Congresses) suggests that in each Congress only a very small proportion of bills—ten to twenty—deal overtly with gay rights" (350). And to the extent that Congress has taken up gay issues, it has tended to be hostile (Ellis, 1998).

Thus, efforts to legislatively secure gay rights have made little progress. And in spite President Clinton's best intentions, the military remains off limits to out gays and lesbians. Support for gay rights and gays in the military, specifically, was one of many things Candidate Clinton supported. It was not on the top of his agenda, but he did support the eventual integration of out homosexuals in the military. Immediately after his election, the issue was forced by political opponents looking to damage the new President-Elect. Clinton had run on the economy, and was forced to expend early attention and capital on an issue of marginal importance to many Americans.3 He met with resistance on many fronts when he tried to remove the ban on gays in the military, and his efforts ultimately resulted in the "Don't Ask, Don't Tell" compromise.

Accompanying the lack of political attention, there has also been a lack of scholarship focused on the gay rights movement (Cook, 1999; Haider-Markel and Meier, 1996: 332). However, the 1990s has seen the development of rich scholarship in this area, as well as considerable attention from federal, state, and local government. Some have even identified the movement for gay rights as the "civil rights issue of the 1990s" (Green, 2000: 121; Gallagher and Bull, 1996: xi). In both a scholarly and political sense,

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3This was reported on Frontline: The Clinton Years, which aired on PBS in January 16, 2001.
gay rights is as high profile now as it has ever been. While support for gay rights may or may not be considered mainstream, the struggle for and against gay rights is unmistakably present in our public discourse and being dealt with in our institutions of government.

In 1993 the Hawaii Supreme Court ruled that the state’s failure to issue marriage licenses to same sex couples constituted sex discrimination under Hawaii’s Constitution. This decision created the very real possibility that one of the 50 states would institute gay marriage or some equivalent union. Because the full faith and credit clause of the U.S. Constitution has traditionally been interpreted to mean that states must recognize marriages conducted in other states, the ramifications of this possibility would be felt all over the country. The Hawaii court’s decision created the possibility that same sex couples would marry in Hawaii and then return to their home states or move out of Hawaii and demand that another state recognize their marriage or union. Gay rights—specifically, gay marriage—was now a federal issue demanding a federal solution. It was on the political agenda, and the House could no longer ignore the issue. A number of states quickly passed laws prohibiting the recognition of same-sex marriages performed in other states.4

In 1996 Congress passed and the President signed the Defense of Marriage Act (DOMA). “DOMA shifted the argument from as issue of sex discrimination in a courtroom in a gay friendly state to a debate on a fundamental pillar of Western

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4 To date, Hawaii has not legalized same sex marriage, though Vermont recognizes same sex couples through a system of civil unions that grant couples all the privileges of marriage within Vermont’s borders. Many out of state couples have flocked to Vermont have their relationships recognized (Goldberg, 2000). At this writing, no couple has returned to their state demanding their Vermont union be recognized. Other states are currently considering measures similar to Vermont’s civil unions (Higgins, 2000; Sneyd, 2000).
Civilization in the Republican controlled Congress” (Lewis and Edelson, 2001: 193). DOMA defined marriage for federal purposes as between a man and a woman. Same sex partners would not be able to file their taxes jointly, nor would a female partner be eligible for her “wife’s” social security benefits. In an end run around the full faith and credit clause, DOMA also permitted states to not recognize same-sex marriages performed in other states. Republicans argued that they were upholding a sacred institution while saving the government money, in that it would not have to provide benefits to same sex couple. Further, they argue that the country should not be bound by the actions of Hawaii. Democrats argued that DOMA was simply election year saber rattling, that the legislation was unconstitutional, and that by involving itself in marriages issues, Congress intruded on states rights (Campbell and Davidson, 2001: 361).

Rhetoric aside, Campbell and Davidson (2001) note that “[u]nderneath the concerns about states rights lay a fundamental disagreement about the proper definition of marriage that involved an emotional clash over religious conviction and public morality” (361). The debate as documented the Congressional Record provides us with overwhelming evidence of this. In the end, DOMA was an easy victory for the Republican leadership. The possibility of gay marriage seemed to legitimize concerns about “the dangers of the ‘gay agenda’” (Lewis and Edelson, 2001: 200). It also presented a problem for Democrats—President Clinton, in particular. He was forced to either sign the legislation and alienate an important Democratic voting block⁵ or not sign it be painted as an extremist (Lewis and Edelson, 2001: 200).

⁵ According to election 2000 exit poll data. 4% of voters surveyed identified themselves as gay or lesbian. That is about 4,066,598 voters. 70% of these gays and lesbians indicate that they voted for Al Gore. That is about 2,846,618 votes for Gore from the gay community. 25% of gays and lesbians indicate voting for George Bush. That is about 1,016,649 votes from the gay community for Bush.
DOMA was a disappointment for advocates of gay rights. However, it very nearly gave way to an unexpected and critically important victory. When DOMA reached the floor of both houses, legislators sympathetic to gay rights tried to amend the legislation so that it would include protections against employment discrimination. If successful, legislators should have struck a blow to gay marriage, while providing an important civil rights victory to the gay community. “The House disqualified the amendment as not germane, but Senate proponents and opponents reached a compromise to allow a freestanding vote on ENDA [Employment NonDiscrimination Act]” (Lewis and Edelson, 2001: 203). ENDA was and continues to be less emotionally charged than DOMA. It does not represent an assault on Western Civilization, because proponents have framed it as an issue of basic fairness. In an era when the Republican President and Attorney General both claim that sexual orientation will not be an Administration hiring criterion, many Republicans are hard pressed to oppose the measure. ENDA was defeated in the Senate, but by a razor thin margin (49-50). DOMA, on the other hand, passed easily in the Senate with overwhelming bipartisan support (85-14).

The Reaction of the Christian Right

The title of the subsection is not meant to imply that the Christian Right is a reactionary group, per se. However, the mobilization of Christian conservatives was certainly driven, to some extent, by the growth of feminist and gay rights groups. Button et al. (1997) go so far as to argue that the early successes on the part of gay rights activists was due in part to the lack of mobilization by Christian conservatives. However, it was not long before they entered the political realm to fight what they perceived to be a moral battle. By the 1970s, homosexuals were self-aware and beginning to demand
citizenship rights. As such, they started to engage the political system. At the same time a proactive women's movement was growing out of concerns for economic and bodily well-being. Women were working outside the home, our culture was liberalizing, and a variety of groups were demanding recognition of the their civil rights. Against this backdrop, Christian conservatives became politicized, and their role in the politicization of abortion and gay rights in Congress should not be underestimated. As with the development of morality politics at the state level, citizen groups and religious groups square off in competition at the national level, with one side demanding the "'immoral' good," and the other demanding its elimination (Meier and McFarlane, 1993: 85).

**Evangelicals and Public Life**

According to Wilcox (2000), "[t]he Christian Right is a social movement that attempts to mobilize evangelical Protestants and other orthodox Christians into conservative political action" (5). Their motivation for politics is a response to what they perceive as rampant immorality and an environment that is hostile to their values and beliefs (Fowler et al., 1999: 137). The movement is comprised mainly—but not exclusively—of white evangelical and fundamentalist Protestants. The Christian Right tends to be more evangelical than fundamentalist, because fundamentalists are more reticent to be fully engaged with the secular world. Even so, not all evangelical Protestants are necessarily part of the Christian Right. There is also no single agenda for

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6 The term "fundamentalist" generally refers to a belief in the inerrancy of the Bible, the importance of personal salvation, and the need for disengagement from the secular world. The term "evangelical" also refers to beliefs in the inerrancy of the Bible and personal salvation through accepting Jesus Christ as one's personal savior. In addition, evangelicals emphasize the need to spread the Gospel to nonbelievers. Evangelicals tend not to emphasize the need for separation from the secular world. Also, there is some disagreement between fundamentalists and evangelicals over exactly how inerrant the Bible actually is. Fundamentalists tend to take a harder line on this question. While the terms refer to two different religious movements within Christianity, they are not necessarily mutually exclusive.
the Christian Right. Rather, there are several agendas. Some who identify as Christian Right are concerned primarily with single-issue activism, such as fighting abortions or the radical gay agenda and supporting home schooling or prayer in public schools. Others are more concerned with an array of issues having to do with family values.

While the Christian Right as we know it today emerged in the late 1970s, the roots of the movement go back many decades. In the 20th century, conservative Christians have had an on again off again history of engagement with the politics of the secular world. Until the 1920s, Wald (1997) notes that evangelical Protestants had been an important force in American political life and can even be attributed with stirring up anti-slavery sentiments in the North. In the years before World War I, they championed many progressive causes (218-219). After World War I, these evangelicals were confronted with the realities of modernism. Due in part to urbanization and a growth in the birthrate of non-Protestant communities, evangelicals saw their hold on the cultural fabric of the country loosening. With that, they saw a relaxing of sexual norms and an increased level of reverence and deference to science. The evangelicals reacted to these phenomena defensively, determined to turn the cultural tide back in their favor and purify the nation. Specifically, they fought to restrict alcohol consumption and eliminate the teaching of evolution in schools (Gusfield, 1963; Wilcox, 2000: 30-31; Wald, 1997: 219).

The evangelicals met with mixed success. In 1919, the 18th Amendment to the Constitution was ratified, which prohibited the manufacture, sale, or transportation of alcohol. Of course, this amendment did not eliminate alcohol from the nation's borders. Rather, it drove the manufacture, sale, and transportation underground and on to the black market. In 1933, the 21st Amendment to the Constitution was ratified, which repealed the
18th Amendment. In neither the short run nor the long run did Prohibition signal any real success for the evangelicals.

As with prohibition, the battle over evolution in schools was both won and lost by evangelicals. Organizations such as the Bible League of North America, the Defenders of the Christian Faith, and the Flying Fundamentalists were founded to fight for the replacement of evolution with the Genesis creation story in schools. To some extent, these groups were successful at lobbying state legislature to pass anti-evolution laws. However, their success was put to the test in the 1925 so-called Scopes monkey trial. Tennessee teacher John Scopes was charged with violating a Tennessee law that prohibited the teaching of evolution. In a dramatic move, three-time Democratic presidential candidate William Jennings Bryan prosecuted the case. He even took the stand to be cross-examined by defense attorney Clarence Darrow about his own fundamentalist beliefs and was humiliated. Scopes was convicted, and in that sense, this was a victory for evangelicals. But Scopes was fined a token $100 that was paid for him by the Baltimore Sun. Moreover, the state Supreme Court quickly overturned his conviction (Wilcox, 2000: 31).

The evangelicals won, but they lost. Not only was Scope's conviction overturned, but also opponents of evolution were lampooned before the nation. The trial received a great deal of national attention. There was no CNN or Court TV coverage. The public received all their news about this event from a handful of onsite reporters. Baltimore Sun editorial writer H.L. Menken covered the trial and caustically characterized those opposed to evolution as morons. This characterization stuck for many years, and
evangelicals were humiliated. Also, Bryan died in Tennessee soon after the trial. And with his death, so too died the anti-evolution movement, for the moment.

Seventy-three years after the Scopes trial, the Kansas Board of Education removed the teaching of evolution from its mandatory science curriculum. Only recently has the board reversed itself, after several anti-evolution board members were defeated in their re-election bids. Even so, efforts by the Christian Right to make public schools more amenable to their teachings have not gone away. Disputes over evolution may be rare, but vigorous battle are being fought to restrict sex education classes to teaching abstinence only, to have the Bible taught as literature, and to allow prayer in schools and at school events.

While the evangelicals did not actually lose the Scopes trial, many interpreted the trial, verdict, and aftermath as a defeat. Evangelicals became disillusioned. Having been failed by the political system, these Christians restricted their engagement with the political system and focused their energies on their spirituality (Moen, 1992: 2). This experience of disillusionment with the political system was reinforced by the theological underpinnings of fundamentalist Christian premillenarian eschatological beliefs. In preparation for the end, fundamentalists believe that Christians should focus their energy on other worldly concerns—such as saving souls, theirs and others. To concentrate on the things of this world is lose sight of the prize (Wilcox, 2000, 1996, 1988). So, for example, years later when more liberal churches took an active role in the civil rights movement in the 1960s, many conservative Christian denominations eschewed such political involvement. No less than the Rev. Jerry Falwell spoke out against such forays into the political world (Moen, 1989: 9; White, 1995: chapter 6).
From 1925 until the 1970s, the engagement of evangelicals with the political world was sporadic. By the Depression, existing evangelical groups were financially depleted. Some movement leaders became involved in extremist movements such as the KKK; others drifted toward fascism, anti-Semitism, segregation and book censorship (Wilcox, 2000: 33; Wald, 1997: 220). The highest levels of evangelical political involvement probably came with the fight against domestic communism. Indeed, they were the standard bearers for anti-communism and the 1950s and 1960s. Led by Wisconsin Senator Joseph McCarthy, various political figures were arguing, a la *The Manchurian Candidate*, that the government had been infiltrated by the red menace, rampant communism. Entrepreneurial evangelical leaders founded new political groups to fight this battle (Wilcox, 2000: 34). The most direct ancestor of today’s Christian Right groups is probably the Christian Anti-Communist Crusade (CACC). In retrospect, some scholars have identified the CACC as nothing more than a radical fringe group. Moreover, even in its time the group was never as high profile and popular as, say, Moral Majority or Christian Coalition were in theirs. But the group’s existence may have been “an early sign of the widespread, angry, conservative religious politics that came into prominence in the 1990s” (Fowler et al., 1999: 141).

By the 1970s, evangelicals were re-emerging as a political force with which to be reckoned. Interestingly, they were re-emerging with Republican allegiances. Historically, evangelicals tended to have strong Democratic leanings. This was probably a function of class and regional considerations. Southern Baptists, the largest evangelical denomination, were firmly Democratic because the post Civil War South was firmly Democratic. In the 20th century, Democrat New Deal polices reinforced their Democratic
leanings. Evangelical ties to the Democratic Party started to weaken in the 1960s. The party’s nomination of Roman Catholic John F. Kennedy for President in 1960 drove many evangelicals away. But it was the Democrat’s position on Civil Rights that drove southern evangelicals en masse to the Republican Party (Benzel, 1984; Wald, 1997: 220-222). Thirty years earlier, Yankee labor Republicans had defected from the party to join the southern Democrats in support of the New Deal. Decades later, the partisan alignments shifted, with the Republican stronghold now in the South and the Democrats firmly in place in the Northeast.

So it is in the 1970s that these newly Republican evangelicals re-engage public life. Wald (1987) notes, “Of all the shifts and surprises in contemporary political life, perhaps none was so whole unexpected as the political resurgence of Evangelical Protestantism in the 1970s” (182). Their focus shifted to an array of family issues (Wilcox, 1988), and this shift was facilitated by the fall of the communist menace in the 1980s. The Christian Right needed a new enemy around which to mobilize its supporters (White, 1995). Attacks on the family in the name of feminism and homosexual rights were seen as direct volleys over the bow of conservative Christian values, so a defense of the family became the new rallying cry for the Christian Right.

Scholars have identified three local controversies that mobilized the “new Christian Right” and paved the way for national level organization (Crawford, 1980; Wald, 1997: 223-224). The first was a textbook controversy in Kanawha County, West Virginia. The wife of a local minister launched a campaign to have books that were approved by the schools board removed from the curriculum. She and her followers argued that among other things, the books were obscene and unpatriotic. The second was
a battle over a 1977 Dade County, Florida, gay rights referendum. After an aggressive petition campaign led by Anita Bryant and other religious leaders as well as a campaign that distorted the effects of the ordinance, it was soundly defeated. Finally, evangelical groups resisted the ratification of the Equal Rights Amendment to the Constitution. State level groups led by Phyllis Schlafly aggressively lobbied not to ratify ERA, and time eventually ran out on the amendment.

Wald (1997) notes that all three issues were tied together by a perception on the part of participants that society was godless and experiencing moral degradation. In response, these evangelicals sought to defend Christian values. And in doing so they reversed their trend of disengagement from political life. These three local campaigns "represented a sea of change in the thinking of evangelical Protestants, a 'coming out' almost as dramatic as the political awakenings of feminists and homosexuals that had triggered it" (225). Evangelicals, who had heretofore been cautioned about political involvement were now encouraged to enter the political world to fight the "menacing social trends unleashed in the 1960s" (225).

The re-entrance of the Christian Right into American politics was marked by the formation of three major interest groups: Moral Majority, Christian Voice, and Religious Roundtable. These groups were all formed in 1978. The Religious Roundtable "was formed primarily to recruit fundamentalist ministers into politics, with the expectation that they would bring their congregations with them" (Moen, 1992: 18). The organization became very high profile after a 1980 rally in Dallas and a series of well attended "consciousness-raising and training sessions" (Moen, 1992: 18). Roundtable's reputation for anti-Semitism damaged the prestige of the organization and it was
eventually forced to close down its Washington, DC, lobbying office. After its founder’s (Ed McAteer) unsuccessful senate campaign in 1984, Roundtable folded (Moen, 1992).

The Revs. Robert Grant and Richard Zone founded Christian Voice in an effort to fight a California gay-rights measure. However, their agenda was broader than simply quashing gay-rights in California. Their promotional literature railed against a variety of social pathologies, suggesting that “if Christ were here today he would find ample evidence of moral decay, including legalized abortions, limitations on school prayer, rampant homosexuality, and ‘Secular Humanism and evolution taught to our young in school as opposed to creation’” (Liebman, 1983: 52). When the organization issued a “moral approval rating” for members of Congress to counter these trends, their national prominence grew. The organization became heavily involved in the 1980 presidential election campaign for then Governor Reagan. They produced advertisements suggesting that President Carter approved of homosexuality. This lead to controversy and a subsequent shake-up of Christian Voice. As Reagan entered his first term, Christian Voice lobbied for a school prayer amendment to the Constitution. When that failed, Christian Voice took a lower profile and its leaders eventually started a new organization (the American Freedom Coalition.) Christian Voice essentially became a “letter-head” organization.

Moral Majority, founded by Jerry Falwell, had the highest profile of the three groups. And it experienced the greatest strength during Reagan’s first term (Moen, 1992). During that time, Moral Majority expended a great deal of time and effort lobbying Congress on social issues. Falwell’s organization achieved mixed results; they succeeded in getting their issues on the agenda, but they lost key roll calls. Their mixed
results were probably due in part to Reagan’s first term emphasis on economic and defense policy. Also, Moral Majority was not really as impressive as it looked on paper. In many ways, the organization was a mailing list, and the local arms of Moral Majority often behaved in divergent and embarrassing ways. By Reagan’s second term, the organization was increasingly strapped for cash. Reagan’s re-election campaign theme—that it is “morning in America”—undercut efforts to mobilize rank and file conservative Christians. After all, from what did America need to be saved? Sensing a diminished level of influence for Moral Majority, Falwell collapsed the organization into the Liberty Foundation in 1986. This organization had a broader agenda (Wilcox, 2000: 37).

Religious Roundtable, Christian Voice, and Moral Majority all lived short lives. Seeing their declining stature on Capitol Hill, Moen (1989) projected a dim political future for the Christian Right. However, Rozell and Wilcox (1995) and Wilcox (1996) note that between the 1970s and 1990s, between 11 and 15% of Americans consistently supported Christian Right organizations. An even larger percentage supported portions of the Christian Right agenda. They make the argument that the political power of the Christian Right organizations diminished not because they lacked a following, but because of institutional and political factors. The televangelist scandals of the 1980s and the saturation of the direct-mail market made their survival difficult. Also, it is important to remember that as important as these groups were, they were not the only game in town, so to speak. While these organizations sought to effect policy through grassroots and professional lobbying efforts, Baptist minister Pat Robertson entered the political fray more directly. He ran for president in 1980, campaigning on a platform of anticommunism and creationism (Wilcox, 1988).
The 1990s saw a new generation of Christian Right political organizations. Wilcox (1996) identifies the Christian Coalition as the most visible of the 1990s Christian Right groups. Christian Coalition was founded in 1989 on the ashes of the 1988 Robertson Presidential campaign. Robertson, an evangelical Baptist minister, continues to be controversial figure and a leader of the Coalition. "His charge that the Feminist agenda called for killing children, practicing witchcraft, and becoming lesbians is merely the most often cited example of his extreme rhetoric" (Wilcox, 1996: 62). While the campaign itself had been a disaster, it was part of "the birth of a new, more sophisticated Christian Right" (Wilcox, 2000: 40). "Christian Coalition seeks to mold a truly inclusive religious Right," featuring Jews, African Americans, and Catholics speakers at its 1999 convention (Wilcox, 2000: 62). Ralph Reed, the former Christian Coalition executive director, is often considered a moderating influence on the organization. Though Reed was a more pragmatic figure than Robertson, he was not moderating, so much as he changed the rhetoric. Reed couched the organization's agenda in the language of rights and freedom, not Sodom and Gomorrah (Moen, 1992; Wilcox, 2000: 43, 63). Moreover, the strategies of the organization changed under Reed. Christian Coalition was no longer confrontational. Some of their candidates for office even hid their Christian Coalition ties (Wilcox, 2000: 40). The organization currently has a strong grassroots organization. In addition to that, the Christian Coalition lobbies Capitol Hill extensively on a broad range of issues.

Focus on the Family is another important Christian Right organization. While Christian Coalition gets more attention, many think Focus is more active. Essentially, it is the radio ministry of James Dobson, and it is broadcast on over 4000 radio stations
worldwide. Even though it is a tax-exempt ministry, it has a very political agenda. Dobson himself is very active in electoral politics. The organization has also been very active in trying to promote the conversion process of gays to heterosexuality. For a decade (1982-1992), the Family Research Council, which was formerly headed by once and again Republican Presidential candidate Gary Bauer, was the political arm of Focus. Like Christian Coalition, Family Research Council lobbies Capitol Hill extensively, promoting its so-called family values agenda (Wilcox, 2000: 64-65).

Concerned Women for American (CWA) is the third major Christian Right organization of the 1990s. This group was founded in the 1979, but it remains a major player in the 1990s. Founded on grassroots Bible groups, CWA may be more like the evangelical groups of the 1970s than its contemporary counterparts. This is because the message of CWA is decidedly moral, rather than political. Unlike its past and present evangelical counterparts, CWA has had a broader appeal—particularly among Catholic women. The organization was founded by Beverly LaHaye7 to counteract the feminist movement of the 1970s. LaHaye and others did not feel that NOW and Betty Friedan spoke for them, so they organized accordingly. CWA continues to be at the forefront of Christian Right battles against NOW and other feminist groups. CWA strongly supported the appointment of Robert Bork to the Supreme Court, but it staunchly opposed Ruth Bader Ginsberg (Wilcox, 2000, 1996).

The Agenda

There is no single Elders of Zion-esque Christian Right agenda. The movement is decentralized and composed of many independent groups. However, we can identify a

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7 Beverly LaHaye is married to Tim LaHaye, a Christian Right activist and author of the popular series of novels about the apocalypse. His novel Left Behind has recently been made into a movie.
number of issues that are particularly important to the Christian Right and continue to mobilize its rank and file. Education, pornography, traditional families, and building a Christian nation: these are a few agenda items that are important to members of the Christian Right. Opposition to abortion and gay rights are two issues that have a pride of place on any Christian Right agenda. Many in the Christian Right (like many not in the Christian Right), think abortion at any stage of a pregnancy is murder. Some, such as Attorney General John Ashcroft, oppose the use of many standard forms of birth control such as the pill and IUD (Loudonville, 2001). Wilcox (2000) finds that consensus among the Christian Right is so high on the issue, that he is unable to get people to dissent on the record.

One activist in Ohio made me turn off my tape recorder and promise never to reveal her responses to other Moral Majority members. Then she told me that she supported an exception for rape because she had been raped a few years before and had worried for weeks about a possibility pregnancy. (117)

Giving voice to a belief in exceptions for rape and the life of the mother are controversial in many Christian Right circles. Abortion—the Roe decision in particular—has been an important mobilizing issue for the Christian Right. Even though the Catholics were probably the first religious organization to reject Roe, the opposition of the Christian Right was much more potent. This because Christian Right organizations were able to rhetorically connect the decision to an array of family threatening issues, such as gay rights and education. Roe was not just a single decision; it was part of a larger pattern of moral degradation. Also, the evangelicals were better at the inside game of politics. They lobbied effectively and infiltrated party politics (O’Connor, 1996).

Opposition to gay rights is not confined within the boundaries of the Christian Right. However, members of this movement tend to lead the opposition. Button et al.
(1997) found that in their survey of 126 communities deciding on a gay rights ordinance, "[t]he most prominent opponents...were members of conservative religious groups who argued on doctrinal grounds against giving legal recognition to what they regard as sinful behavior" (177-178). Many consider it more sinful than adultery and fornication (Wilcox, 2000: 120-121). Christian Right opposition is rooted in scripture. However, scripture by itself would not necessarily lead to a belief in criminal prohibitions against homosexual behavior. "One seldom finds conservative Christians calling for similar penalties or legal restrictions on other forms of conduct, sexual or otherwise" (Button et al., 1997: 179). What makes homosexuality different and worse than other sin is that it assaults Western culture and civilization in a way that other behaviors do not. For example, individual marriages may fall apart due to the sin of adultery, but the larger institution of marriage remains intact. Allowing gays to marry would be to destroy an institution that is the bedrock of our society. Homosexuality, and by extension the legal recognition of same sex couples, unlike other sins, challenges the preferred social relationships and the status of longstanding values of dominant culture.

Thus, gay marriage "is not simply bad or inappropriate. Rather, it threatens virtually every social value cherished by religious traditionalists—role differences between men and women, the process of procreation, the raising of children, respect for authority," etc. (Button et al., 1997: 179-180). To fight this, the Christian Right has framed the gay rights movement as a "radical gay agenda," implying that there is some nefarious conspiracy, and perhaps they believe there really is such a conspiracy. Also, they have argued that gay rights laws would lead to the infiltration of practicing homosexuals into our schools and offices, where they can engage in recruitment
activities. Many resist any positive portrayals of homosexuality on television, in books and movies, etc., because they fear that will lead people to experiment with the lifestyle.

In the 1980s, the congressional lobbying efforts of the Christian Right were unsophisticated, and they faced the added challenge of lobbying a Democratically controlled House. The strength of Christian Right organizations at the time, such as Moral Majority, was grassroots, outside game techniques. For example, they were very good at mobilizing their rank and file to flood congressional offices with faxes and letters. They were not as adept at inside game politics. But by the 1990s, the newer organizations of the Christian Right, such as Christian Coalition, Focus, FRC, and even CWA, were more sophisticated. They could mobilize their rank and file, but they could also reach out to legislators and staff personally and try to persuade them. By this time, they had developed the skills of professional lobbyists.

When Republicans took control of the House and Senate in the 1995, the Christian Right had new access to a sympathetic majority party. Many of the Republican legislators were evangelical Christians, and many felt that they owed their majority status to the turnout of rank and file evangelicals. Christian Right organizations were owed access. Still, the Christian Right did not win any early victories. The first months of the 104th Congress were taken up with the *Contract with America* and budget issues. The Christian Right waited patiently for its issues to be put on the agenda, and they were even supportive the Contract, but in the six years the Republicans have controlled Congress, the Christian Right has experienced few substantive policy victories (Wilcox, 2000: 91-92). This was not unlike the disappointment felt by evangelicals during the Reagan Administration. They received rhetorical support from the president, but his policy
priorities were clearly elsewhere. In the 1990s, as in the 1980s, "[t]he strategic decision to focus on the national government exposed the New Christian Right to the immobilism built into the American political system. With its fragmented structure and multiple centers of power, the U.S. political system has long resisted radical attempts to reshape public policy" (Wald, 1997: 230).

In the 1970s and 1980s, the Christian Rights framed their agenda as the work of God. This had the consequence of making compromise almost impossible. Indeed, the Christian Right did not want compromise. How can you compromise the will of God? It also implied that one’s opponents were by definition immoral and against God. These two things made victory for the Christian Right difficult to achieve (Wald, 1997: 231-237). However, the rhetorical shifts of the Christian Coalition and the strategic shifts of the Christian Right as a whole in the 1990s probably helped put their issues on the agenda. The language of rights and freedoms and the de-emphasis of moral sectarian language articulated by Ralph Reed and others made the Christian Coalition and by extension its agenda, mainstream and non-threatening. Moreover, the decision of candidates not to mention the religious motivations behind their policy proposals certainly put evangelicals in office.

Due in part to these rhetorical and strategic shifts, there were small substantive and symbolic victories along the way. Abortions are legal, but they are restricted and not federally funded. Though they are difficult to measure, the Christian Right probably experienced important obstructionist victories. For example, gays and lesbians have not been added to the 1964 Civil Rights Act. Even so, the movement has still experienced few real victories. So disgusted by the lack of progress on social issues was long time
Republican Party loyalist Pat Buchanan that he left the party and ran for President under the Reform label in 1999. Until the defection of Senator Jeffords from the Republican Party, we have unified Republican governance for the first time in decades. President Bush is clearly sympathetic to the evangelical agenda, so perhaps the Christian Right will have more luck in the 107th Congress. However, the seat margins in the House and Senate are such that sweeping policy change is still unlikely.

**Explaining the Awakening**

Explaining the re-emergence of the Christian Right confounds many scholars. Many assumed that in the 20th century the forces of modernization would increasingly marginalize religion. With modernization, people were supposed to move to cities, be exposed to cultural pluralism, and leave behind the traditional influences on one’s life. That religious forces would remain individually and politically vital was wholly unexpected. Understanding why people identify with the Christian Right and why religious traditionalism became politicized elucidates why their agenda is rife with morally controversial issues.

In the 1950s and 1960s, some explained sympathy for religious conservatism as a function of extremist authoritarian personality disorders or feelings of alienation. In other words, psychological pathologies lead people to develop conservative orientations, religious or otherwise (Peterson et al., 1993; Adorno et al., 1950). Persons afflicted with this authoritarian personality disorder are likely to experience hatred for out-groups like feminists, gays and lesbians, and racial ethnic, and religious minorities. They are

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8 Senator Jeffords adopted the Independent label, but votes with the Democrats on procedural matters, giving the Democrats control of the Senate.

9 See Wald 1997, chapter 1, for a good discussion of modernism.
attracted to the Christian Right because the Christian Right supposedly encourages hatred for such groups. It is more likely that all movements attract extremist individuals. Even the left has its fair share of extremist eco-terrorists. And while there is evidence suggesting that many members of Moral Majority displayed authoritarian personality traits, existing research does not compare members with the general public. What is more, there exists no definitive evidence that Christian Right activists have a disproportionate level of personality disorders (Wilcox, 2000: 101). The authoritarian personality explanation ultimately falls apart because—even though the Adorno study was hailed in its time as path breaking—it was tautological. They found that conservatives tended to have authoritarian personalities, but they operationally defined “authoritarian” as conservative.

The related alienation argument suggests that modernization has produced a mass society were people no longer have strong social ties. This leads to feelings of alienation on the part of disconnected rootless individuals. These people are attracted to organizations of like-minded people guided by strong leadership. This gives individuals a sense of belonging, but it also makes them “easy prey” for right wing groups. “If this explanation is true, then the Christian Right may have attracted a core of activists who have few community ties to constrain their behavior” (Wilcox, 2000: 104). However, there is little evidence that evangelicals Christians are especially alienated. On the contrary, “[n]early all are deeply involved in their local churches, which can provide an all-encompassing social network replete with many close friends” (Wilcox, 2000: 104). The alienation argument may explain why people join militias and domestic terrorism
groups, groups which are hostile to the society from which they may feel alienated, but it does not explain participation in mainstream—albeit conservative—political activity.

Wald (1997) identifies a number of explanations for evangelical mobilization. The first is that certain objective and subjective social influences led to the re-emergence of this group. Evangelical Protests experience dramatic increases in their socioeconomic status in the mid to late 20th century. They were more educated and had more money. “As evangelicals moved into the middle class, they gained resources that encourage political participation, such valuable assets as increased free time and energy, . . . and greater exposure to information” (238). Also, as they acquired more money, they had a greater interest in lower taxes and limited government (238). Their objective social status increased. Of course, this does not explain why social, rather than economic issues mobilized them.

This leads some to argue that it was not a change in objective socio-economic status that mobilized evangelicals. Rather, it was a change in perceived or subjective social status. Evangelicals perceived that their values and culture were loosing prestige, and this mobilized them. Wald et al. (1989) find that “[p]eople who felt that society accorded too little respect to groups representing traditional values—churchgoers, ministers, people who worked hard and obeyed the law, people like themselves—were indeed more positively disposed to support the agenda, organizations and activities of the New Christian Right” (12). Regardless of whether or not the people in their study were actually accorded too little respect is irrelevant, that these people felt their status or way of life was not valued by society, and did not receive the honored status that it deserved, indicatives status discontent.
This definition of status discontent as a concern for lifestyle—and not economic—issues is employed by Page and Clelland (1978) in their effort to explain the Kanawha County, West Virginia, textbook controversy. Members of the community objected to certain textbooks in the local school system that were thought to advocate a secular humanist perspective. The opponents of the textbooks, who saw them as a threat to their way of life, constituted a status group, and they engaged the political system in defensive effort. Concerns for status may go beyond the perception that one is not given due honor by society. Groups and individuals with status concerns may feel threatened, and they may feel that their way of life is threatened. This consistent with Edelman’s (1971 argument that perceptions and misperceptions about political threats are crucial influences on political behavior.

The objective and subjective status arguments are not mutually exclusive. Rather, the two may interact to bring about evangelical political mobilization. Evangelicals may very well have looked at the world and seen sin en masse. They may have perceived that societies dominant norms were moving away from their norms. There is certainly evidence of this in their rhetoric. At the same time, aggregate measures indicate an increase in objective socioeconomic social status of these same evangelicals. This encouraged and facilitated their political involvement. It allowed them to seek redress from the political system across an array of issues, both cultural and economic.

There may also be an institutional component to evangelical mobilization. Religious institutions provide the venue in which objective and subjective status concerns interact, and they provide the basis for another explanation. In the latter half of the 20th

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10 Defined as a demographic characteristic such as race or class, status will probably yield different results (Wood and Hughes, 1984).
century, churches become not only houses of worship, but also providers of social services. From the largest superchurches to the smallest congregations, churches took up new tasks: offering day care and education, for example. This brought them into contact and conflict with government. “The result was a series of classic confrontation between the state’s interest in regulating the private provision of social services and the church’s claim of immunity under the free exercise clause” (Wald, 1997: 241). Government was affecting church activities to such an extent that churches could no longer afford to be indifferent to government. It should come as no surprise then, that in increasing numbers, ministers were bringing their political message to the pulpit. In the 1960s, evangelical parishioners reported receiving less political direction than their mainline Protestant and Catholic counterparts. Thirty years later, this had changed and evangelicals reported receiving similar levels of political direction as their mainline and Catholic counterparts. Also, with the development of electronic, televised church services, evangelicals are on the one hand in conflict with the FCC and on the other hand, given greater access to potential supporters (Wald, 1997: 241-243).

Evangelical values provide another explanation for mobilization. For many years it seemed that religious values kept evangelicals on the sidelines. Now these same religious values were providing them with a reason to join the game. The application of religious values to public policy is a response to national trends that called into question idea that morality is a private matter (Wald, 1997; Wald, 2000: 244). In other words, evangelicals were responding to the development of a new “public morality,” such that it made sense for them to apply their religious values to public life. As evidence of the growth in public morality, Wuthnow (1983) cites “criticism of the Vietnam War as an act
of public immorality, the various legislative actions taken in the aftermath of Watergate to institutionalize morality as a matter of public concern, and major Supreme Court decisions symbolically linking government with morality” (176). In a more contemporary vein, candidate George W. Bush campaigned on bringing honesty and integrity back to the Oval Office, government is trying to carve out a place for itself in regulating pornography, and many of the morality policies dealt with in Congress are framed as moral issues, representing the difference between good and evil, ethical and unethical.

**Conclusion**

Morality policy conflict arises out of competing concerns for social status. One group, typically on the left, fights for an equalization and recognition of their social status. Another group, typically on the right, perceives the status claims of this new group as a threat to its status, and joins the battle to fight for preservationist policies (Tatalovich and Smith, 2001). This model fits well with the development of abortion and gay rights politics in the latter half of the 20th century, with homosexuals and women fighting for certain rights and evangelical Christians responding in kind. The stories of gay rights and abortion rights movements, and the Christian Right are complicated and intermingled. They are the stories of three political movements that developed over the course of the century and now apply countervailing pressures on our institutions of government. In a sense, the movements are symbiotic, and to this day they depend on each other for fundraising mail fodder.

The abortion rights movement is the descendent of two women’s movements, one for social welfare and another for fertility control. The gay rights movement developed as gays came into contact with each other, developed a self-awareness and experienced
political persecution based on that awareness. As seemingly aggrieved groups, both movements began to make demands on the national institutions of government. Both movements are part of larger societal postindustrial changes wherein our values and tradition norms are reassessed. The Christian Right perceived these groups and their advancement as a threat to its culture and values. It had been a sleeping giant for many years, and it reacted defensively, making counter demands on the political system. The federal government was and continues to be forced to deal with these issues and counter pressures. The task is particularly difficult on Capitol Hill, since it is the only institution in which a plurality of interests are forced to work together, forced to legislate morality.
CHAPTER 3
REFLECTIONS ON THE LEGISLATIVE PROCESS

Chapter 1 explores some of the motivations for studying morality policies, and exploring them in the context of the House. Studying any issue in the context of the U.S. House of Representatives, as opposed to the Senate, judiciary, executive branch, or state levels, implies first that the House is unique, and that we should expect unique outcomes from that particular institution. Second, this all presupposes that institutions matter. It assumes that laws and policies are not formed in a vacuum. They emerge from institutions and are inevitably shaped by those institutions and their internal arrangements. Therefore, this chapter explores in detail the legislative process within the House. As Sinclair (2000, 1997a, 1997b) demonstrates, the legislative process is complex, seemingly inefficient, and ever evolving. Anyone who grew up in the 1970s and early 1980s, as did the author, will no doubt feel misled by the “I'm Just A Bill” cartoon. Given their divisive nature, morality policies complicate an already complicated process. This chapter also discusses the different theoretical lenses through which to understand the legislative process and develops an empirical theoretical framework for understanding the legislative process and congressional change. This is because apart from describing aspects of the legislative process, congressional scholars are obliged to explain and assess the workings of Congress.

1 On Saturday mornings, ABC used to broadcast short educational cartoons. One of these was called “I’m Just a Bill,” and it explained the thumbnail version of how a bill becomes a law.
Making Laws

While the ultimate decisions about legislation are made on the floor, the end product depends on the process that brings it to a vote (Rieselbach, 1995: 275). Legislation can die at any point in the process. As evident from Table 3-1, thousands of bills are submitted each session, while only a few hundred become law. This means that bill sponsors have their work cut out for themselves in shepherding bills through the legislative process to final passage. At each turn they must be alert to leaders, fellow legislators, and committee members.

Table 3-1

<table>
<thead>
<tr>
<th>Congress</th>
<th>Years</th>
<th>Bills Introduced</th>
<th>Senate</th>
<th>Public</th>
<th>Private</th>
</tr>
</thead>
<tbody>
<tr>
<td>80th</td>
<td>1947-1948</td>
<td>10,797</td>
<td>3,186</td>
<td>906</td>
<td>458</td>
</tr>
<tr>
<td>81st</td>
<td>1949-1950</td>
<td>14,988</td>
<td>4,486</td>
<td>921</td>
<td>1,103</td>
</tr>
<tr>
<td>82nd</td>
<td>1951-1952</td>
<td>12,730</td>
<td>3,665</td>
<td>594</td>
<td>1,023</td>
</tr>
<tr>
<td>83rd</td>
<td>1953-1954</td>
<td>14,952</td>
<td>4,077</td>
<td>781</td>
<td>1,002</td>
</tr>
<tr>
<td>84th</td>
<td>1955-1956</td>
<td>17,687</td>
<td>4,518</td>
<td>1,028</td>
<td>893</td>
</tr>
<tr>
<td>85th</td>
<td>1957-1958</td>
<td>19,112</td>
<td>4,532</td>
<td>936</td>
<td>784</td>
</tr>
<tr>
<td>86th</td>
<td>1959-1960</td>
<td>18,261</td>
<td>4,149</td>
<td>800</td>
<td>492</td>
</tr>
<tr>
<td>87th</td>
<td>1961-1962</td>
<td>18,376</td>
<td>4,048</td>
<td>885</td>
<td>685</td>
</tr>
<tr>
<td>88th</td>
<td>1963-1964</td>
<td>17,479</td>
<td>3,457</td>
<td>666</td>
<td>360</td>
</tr>
<tr>
<td>89th</td>
<td>1965-1966</td>
<td>24,003</td>
<td>4,129</td>
<td>810</td>
<td>473</td>
</tr>
<tr>
<td>90th</td>
<td>1967-1968</td>
<td>26,460</td>
<td>4,149</td>
<td>800</td>
<td>492</td>
</tr>
<tr>
<td>91st</td>
<td>1969-1970</td>
<td>26,303</td>
<td>4,048</td>
<td>885</td>
<td>685</td>
</tr>
<tr>
<td>92nd</td>
<td>1971-1972</td>
<td>22,969</td>
<td>4,408</td>
<td>607</td>
<td>161</td>
</tr>
<tr>
<td>93rd</td>
<td>1973-1974</td>
<td>23,396</td>
<td>4,524</td>
<td>649</td>
<td>123</td>
</tr>
<tr>
<td>94th</td>
<td>1975-1976</td>
<td>21,096</td>
<td>4,114</td>
<td>588</td>
<td>141</td>
</tr>
<tr>
<td>95th</td>
<td>1977-1978</td>
<td>19,387</td>
<td>3,800</td>
<td>634</td>
<td>170</td>
</tr>
<tr>
<td>96th</td>
<td>1979-1980</td>
<td>12,583</td>
<td>3,480</td>
<td>613</td>
<td>123</td>
</tr>
<tr>
<td>97th</td>
<td>1981-1982</td>
<td>11,490</td>
<td>3,396</td>
<td>473</td>
<td>56</td>
</tr>
<tr>
<td>98th</td>
<td>1983-1984</td>
<td>10,559</td>
<td>3,454</td>
<td>623</td>
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<tr>
<td>99th</td>
<td>1985-1986</td>
<td>9,885</td>
<td>3,386</td>
<td>664</td>
<td>24</td>
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<tr>
<td>100th</td>
<td>1987-1988</td>
<td>9,588</td>
<td>3,325</td>
<td>713</td>
<td>48</td>
</tr>
<tr>
<td>101st</td>
<td>1989-1990</td>
<td>10,352</td>
<td>3,669</td>
<td>650</td>
<td>16</td>
</tr>
</tbody>
</table>
Table 3-1, continued

<table>
<thead>
<tr>
<th>Congress</th>
<th>Years</th>
<th>Bills and Joint Resolutions Introduced</th>
<th>Laws Enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Total</td>
<td>House</td>
</tr>
<tr>
<td>102(^{nd})</td>
<td>1991-1992</td>
<td>10,513</td>
<td>6,775</td>
</tr>
<tr>
<td>103(^{rd})</td>
<td>1993-1994</td>
<td>8,544</td>
<td>5,739</td>
</tr>
<tr>
<td>104(^{th})</td>
<td>1995-1996</td>
<td>6,808</td>
<td>4,542</td>
</tr>
<tr>
<td>105(^{th})</td>
<td>1997-1998</td>
<td>7,732</td>
<td>5,014</td>
</tr>
</tbody>
</table>


Most texts report the first stage of the legislative process as bill submission. But really, the process starts with drafting the legislation. To increase a bill’s chances of passage, legislators must anticipate to what committee(s) their bill will be referred to and draft their legislation so that the committee will be sympathetic to it. Often, this involves striking a balance between what the legislator wants and feels is needed and what she feels the committee will allow (Rieselbach, 1995: 280). This balancing process becomes is complicated by multiple referrals, because legislators must take into consideration the views of more than one chair and committee.

Anticipating committee referral can be tricky, because legislators must gauge whether or not leadership will be sympathetic to the bill. Sympathetic leaders can refer bills to sympathetic committees, while unsympathetic leaders can do the opposite, ensuring that the bill will die in committee. For example, in 1963, civil rights legislation, which was rooted in the commerce clause of the Constitution, was referred to the Judiciary committee, which was chaired by a sympathetic New York Democrat, rather that the Commerce Committee, which was chaired by a hostile southern Democrat.
Advocates of gay rights and abortion rights would be unlikely to get a sympathetic referral in the current Congress. Not only is Speaker Hastert unsympathetic to these issues, so too are the relevant committee chairs. The combined mean pro-choice support score and gay rights support score for Speaker Hastert, Rules Committee Chair Dreier, and the current chairs of Energy and Commerce (Rep. Tauzin), Education and the Workforce (Rep. Boehner), Judiciary (Rep. Hyde), and Armed Services Committees (Rep. Rep. Stump)—where these kinds of bills would likely be referred—for the 103rd through the 105th Congress is 1.4% and 2%, respectively. Speaker Hastert could not give gay rights and abortion rights bills a sympathetic referral, even if he wanted to.

In both the House and Senate, then, legislators submit their legislation for consideration. While only legislators can introduce bills, the origins of bills vary (Sinclair, 1997a). Some come from interest groups, while others come from the White House. Alternatively, they could be the pet project of a specific legislator. In any case, a variety of considerations motivate bill submission. The desire to enact law may is surely one motivation, but it is not the only one. Legislators are aware that most legislation dies. As indicated in Figure 3-1 (next page), the proportion of bills submitted which become law has sharply declined in the last 50 years. At the same time, as indicated in Figure 3-2, the number of bills submissions skyrocketed and then dropped. In the very years that bill submissions where highest, the late 1960s and early 1970s, fewer and fewer bills became law. Still, even though submissions have dropped, only about 5% become law. It may be that legislators submit bills to start long-term momentum. They know it will not be enacted this Congress, but maybe submission will raise the consciousness of legislators with regard to the issue. Initial submission may lead to
Figure 3-1. Percentage of Bills Submitted that Become Law

success ten years down the road. Or a legislator might submit legislation for symbolic purposes (Edelman, 1964), to make some point that an issue is important. Submission may be a warning from a legislator to leadership or the Administration that he will aggressively pursue an issue. Finally, submission may simply be an act of credit claiming (Mayhew, 1974). If an issue is very salient, a legislator could win the support of key constituency groups by introducing such legislation. It allows a legislator to tell her district that she is doing something about an issue important to them, when really, there will be no substantive effect.

The next stage is bill referral to committee. Committees have long been considered the center of deliberation in Congress. And once in committee, legislation is
in the hands of the chair and possibly, the subcommittee chair. The chair can hold hearings on the bill, schedule markups and a vote, or he can do nothing. If the chair does not consider the bill, it effectively dies. The entire committee may also decide not to report the bill to the floor. In this sense, the committee has veto power over legislation by prohibiting full House consideration. It is possible to dislodge a bill from committee, but that is rare and takes extraordinary effort. If the chair continues the legislative process by holding hearings, she exercises complete discretion over scheduling.

With passage of the 1970 Reorganization Act, it became difficult to schedule closed hearings. For the most part, everything must be done in the sunshine. Legislating morality policies might best be done behind closed doors, because that might reduce the symbolic showboating rhetoric on both sides of the issues. It would allow legislators to
deal with each other straightforwardly and not play to the cameras. Moreover, it is difficult to compromise when there are lobbyists in the room (Davidson and Oleszek, 2000: 218). However, that is not an option. After hearings and mark up, the chair may or may not schedule a vote. If he does and the bill receives the support of a majority of committee members, it is reported out of committee.

Since the 1970s, scholars have explored the importance of congressional subcommittees. When the House adopted the “Subcommittee Bill of Rights” in the mid 1970s, subcommittees were given more formalized power vis-à-vis their full committee. Subcommittee jurisdictions became fixed and subject to change by majority vote of the whole committee (not the committee chair), subcommittees were guaranteed staff and bill referral from the full committee, and subcommittee appointment became a matter of self-selection, as opposed to chair selection. This led many scholars to emphasize the role and independence of subcommittees in the legislative process. They seemed to become the new centers for deliberation and were very influential in shaping legislation during subcommittee mark-up. Indeed, we seemed to have “subcommittee government” (Davidson, 1981; Deering and Smith, 1985; Dodd and Oppenheimer, 1985; Haebeler, 1978). That term may overstate the power of subcommittees. Their influence varies by issue and by committee. Also, subcommittee mark-ups are subject to full committee mark-ups (Hall and Evans, 1990). Still, subcommittees clearly shape legislation, in that their members take the lead in both subcommittee and committee mark-ups, often lead floor debate, and are often appointed to conference. Accordingly, subcommittee sympathy is important for the eventual passage of morality policies, because bills are just as likely to die in subcommittee as in committee.
Even after a bill is reported out and subject to floor adjustments, the committee is still influential. On the one hand, legislators may defer to committee judgments owing to deference norms. Committees may enforce deference by punishing legislators who challenge them on the floor. This is a particularly potent strategy when dealing with redistributive policies. Legislators not supporting committee legislation may find that the committee no longer supports them (Shepsle and Weingast, 1987). On the other hand, committee members who support legislation are likely to be very active in the amendment and counter amendment process. A committee may not be able to keep amendments off the floor—particularly if the committee is not united—but it can fight unfriendly amendments with friendly amendments (Weingast, 1989). The committee also has maneuvering power available to it at the conference stage of the legislative process, when bicameral differences in legislation are resolved. Conferees are appointed by the presiding officer in each house and almost always include the chair and ranking member of the relevant standing committee. This allows committees to dominate the conference process, giving the committee "ex post veto" power over legislation (Shepsle and Weingast, 1987). In a subtle way, this may increase levels of floor deference, since legislators are aware of the conference power of the standing committee.

The extent to which committees are still the centers of power and deliberation is a matter of debate among scholars (Groseclose and King, 2001; Cox and McCubbins, 1993; Krehbiel et al., 1987). With the 1995 Republican takeover of House, power seemed to be consolidated in the leadership. This was seen in a number of areas. Under Republican control, the independence and power of committees has eroded, though this process had probably been under way for many years (Deering and Smith, 1997; Evans,
The Speaker selects committee chairs. Traditionally, chairs have been distributed based on seniority, thereby limiting the amount of acrimony and competition between legislators. However, Speaker Gingrich bypassed senior members and instead appointed conservative loyalists. The Speaker also gained more control over committee assignments. The 26 member Steering Committee makes Republican assignments. The Speaker gets five votes, the majority leader gets two, and the other 24 members—some of them appointed by the Speaker—each get one vote. The influence of the Speaker became so pervasive in the 104th Congress that policy advocates had the deck stacked against them if they did not have Gingrich’s support. This does not bode well for the supporters of gay rights and abortion.

In both Houses, committees can be bypassed altogether through the use of legislative task forces. They are particularly useful when legislation is considered extremely partisan, because task force bills are spared the usual legislative gauntlet. When the Republicans took control of the House in 1995, they made use of task forces to bring many of the Contract items to the floor (Evans and Oleszek, 1997; Smith and Lawrence, 1997). They are comprised only of majority party members. They keep no records, and they work behind closed doors. According to Gingrich, the goal was efficiency. The Speaker appoints task force members. It may also have been the case that the Republicans came into power with a cohesive message to which all Republicans had signed on—the Contract with America. If the committees acted too slowly or deviated from the message, the leadership was able to use task forces to shape when and in what form legislation would make it to the floor. Gingrich bypassed committees to
such an extent that he angered senior Republicans who saw their turf as being encroached upon. When Hastert became Speaker, he vowed to respect committee autonomy.

Sinclair (1997a) suggests that task forces are useful if a House bill is considered too politically delicate. Morality policies are, by definition, delicate. Even so, neither abortion nor gay rights have been the legislated by task force. It is unlikely that a Republican majority would establish a task force to expedite gay rights or abortion rights legislation, since the party tends to oppose both. Nor is it likely that the party would establish a task force to expedite prolife or anti gay rights legislation. At least, they have not as yet. These issues are so high profile, that if the Speaker dealt with them by task force—leaving many in his party, all of the minority, and the American people out of the sunshine—he would meet with objections from all sides. Alternatively, it could mean that the majority party does not want to deal with these issues and an effective and substantive way. It is better, in a symbolic sense, to keep these issues going through committee and out in the open.

Assuming a bill makes it through committee, bills are reported to the floor of the House under a rule issued by the Rules Committee and agreed to by the full chamber. Simply, the Rules committee decides (with the approval of the House) what the rules will be when the bill is considered on the floor. Open? Closed? Or, restricted? And it structures the rules in order to enhance passage of majority party legislation (Riker, 1982). The committee decides how much time will be allotted for debate, who will control that time, whether or not amendments will be permitted, and if so, which ones and in what order. In that gay rights and abortion bills are likely to be controversial, it is
unlikely that they would come to the floor under a suspension of the rules, which would allow for 40 minutes of debate, no amendments, and a super-majority for passage.

The majority party has a disproportionate hold on the Rules Committee. The Speaker, in particular, has enormous influence over the Rules Committee. Subject to the approval of his party both Democrat and Republican Speakers have appointed all of their party's Rules Committee delegation. This allows the Speaker not only to control what bills come to the floor, but also to “shape their procedural consideration” (Davidson and Oleszek, 2000: 237). David Rosenbaum (1995) writes,

In the way it works, the Rules Committee resembles the Central Committee of the Communist Party in the old Soviet Union. Meetings are public. Speeches are made. Debates are vigorous. Votes are cast. But all that is really irrelevant. The final decision is always made by one person behind the scenes—in this case, the Speaker of the House. "How much is the Rules Committee the handmaiden of the Speaker?" said Representative Porter J. Goss of Florida, a senior Republican on the panel. "The answer is, totally." That has been the case since the 1970's, when liberal Democrats wrested control of the panel away from conservatives, who had often blocked civil rights bills and other party priorities, and gave the Speaker the power to appoint all of the majority's committee members. . . .Representative David Dreier of California, put it this way: "The Rules Committee is the Speaker's committee."

In that the committee members are the handpicked lieutenants of both parties, and in that the work of the Rules Committee is crucial to the future of legislation, it should come as no surprise that the committee can become rife with partisan acrimony. Committee Chair Gerald Solomon is even reported to have challenged Rep. Patrick Kennedy "to step outside and put up his dukes during the furious debate on a bill repealing the ban on assault-style weapons" (Connelley, 1996: A1). For many years, the Republicans decried the Democratically controlled Rules Committee as unfair, and now the tables are turned. The rules issued for morality policies may give way to heated committee debate, since
these bills are so controversial and since the rule under which a bill is to be considered impacts on its eventual fate.

Once a bill is reported out of committee and the House agrees to a rule, it goes to the floor for consideration by the full House. At that time, bills are subject to post committee adjustments. As we have noted committee members are highly engaged in this process in a defensive manner. Still, the amendment process is a good way to bypass committees, and its importance is growing (Rieselbach, 1995: 301). From the 1950s to the 1970s, the level of amendment activity grew, skyrocketing in 1973. A variety of phenomena lead to this increased floor activity. Representatives needed a new way to respond to their increasingly larger and more heterogeneous districts. As the federal bureaucracy grew, so too did the number of bureaucratic constituency problems. The amendment process gave representatives a way to address these developments. Finally, this era saw the development of a new set of political issues such as civil rights, the environment, consumer protection, and drug abuse. These issues gave representatives an incentive to bring policy disputes out of committee and on to the floor. To cope with the increase in floor activity, the Rules Committee started to write innovative special rules to restrict the number of amendments considered and place them in a particular order to increase the chances of majority party victory (Smith, 1989).

Sinclair (1997a) notes that while the amendment practice is routine, "[c]ontroversy and saliency" may prompt adjustments. This has certainly been the case with gay rights and abortion. As evident in Table 3-2, most of the votes taken on these issues are amendments, as opposed to freestanding legislation. In those years, more than four times as many abortion votes were taken on amendments as opposed to freestanding
bills, and over seven times as many gay votes were taken on amendments as opposed to free standing bills.

Table 3-2
Gay and Abortion Roll Call Votes, 103\textsuperscript{rd} – 105\textsuperscript{th} Congresses (1993-1998)

<table>
<thead>
<tr>
<th></th>
<th>Gay Votes</th>
<th></th>
<th>Abortion Votes</th>
<th></th>
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<tbody>
<tr>
<td></td>
<td>Free Standing</td>
<td>Amendment</td>
<td>Free Standing</td>
<td>Amendment</td>
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<tr>
<td>103\textsuperscript{rd} Congress</td>
<td>0</td>
<td>7</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>104\textsuperscript{th} Congress</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>13</td>
</tr>
<tr>
<td>105\textsuperscript{th} Congress</td>
<td>1</td>
<td>4</td>
<td>3</td>
<td>13</td>
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<tr>
<td>TOTALS</td>
<td>2</td>
<td>15</td>
<td>7</td>
<td>29</td>
</tr>
</tbody>
</table>


Note: In addition to the five 104\textsuperscript{th} Congress gay related votes listed on the table, the House also voted on a motion to recommit DOMA.

Assuming a bill makes it this far, it next goes to the floor for debate. In the early Congresses, open deliberative debate was a corner stone of the legislative process. Legislators were unrestricted, and this allowed them to voice their opinions at all stages of bill passage. From the 1\textsuperscript{st} to the 28\textsuperscript{th} Congress, restrictions on floor access and debate grew (Fink, 2000). There are a variety of explanations for the increased debate restrictions. A common explanation is that restrictions grew as workloads grew and open debate became inefficient. Another explanation is that the rules changes formalized what has been developing in informally within an institution over the course of time. Finally, there is evidence that rules changes occur as a majority party feels weakened and needs to control the floor more tightly or as the parties are highly polarized (Fink, 2000; Binder, 1995). Whatever the proper explanation, floor access is restricted in the modern House. When bills come to floor for debate, the terms of debate are controlled by the prevailing rule as passed by the Rules Committee and approved by the House.
The floor rhetoric surrounding gay rights and abortion is passionate and reflective of deeply held beliefs. While floor debate may not affect the final passage of a bill, it does provide us with an indication of how a bill is being framed. The following are brief excerpts from the floor debate regarding gay rights and abortion in the 104th and 105th Congresses.

...those of us who are pro-life see this as a matter of principle [prolife], not just as an issue that can be compromised. We really do see this issue of abortion as a matter of life and death, as a matter of taking away a life that God has allowed to be created as the object of His love. (Rep. Poshard, Nov. 1, 1995, Congressional Record, page H11683)

In the Committee on the Judiciary I heard a lot of angry rhetoric, but I did not hear a willingness to listen to the truth, to the real families that have real tragedies that they have to cope with... What they need is the help and guidance of God, not the Congress. (Rep. Lofgren, Oct. 31, 1995, Congressional Record, page H11462)

The very foundations of our society are in danger of being burned. The flames of hedonism, the flames of narcissism, the flames of self-centered morality are licking at the very foundations of our society: the family unit. The courts in Hawaii have rendered a decision loud and clear. They have told the lower court: You shall recognize same-sex marriages. (Rep. Barr, July 12, 1996, Congressional Record, page H7482)

We as legislators and leaders for the country are in the midst of a chaos, an attack upon God's principles. God laid down that one man and one woman is a legal union. That is marriage, known for thousands of years. That God-given principle is under attack. (Rep. Buyer, July 12, 1996, Congressional Record, page H7486)

I rise in defense of those in need of [AIDS healthcare] services. We often talk in this chamber about the declining morals of American society. I would remind my colleagues of those words from the New Testament, "Thou shalt love thy Lord, they God, with all thy heart, thy soul, and mind. This is the greatest of all commandments. And thou shalt love thy neighbor as thyself. This is the second greatest commandment of all." (Rep. Gunderson, May 14, 1996, Congressional Record, page H4922)

The rhetoric surrounding this issue is consistent with the morality policy framework. The arguments both for and against abortion and gay rights draw on absolutist, ethical, and
religious principles that do not give way to compromise. Some quote the Bible and some talk about the destruction of civilization. These issues seem to be framed in way that makes compromise impossible. One legislator even said as much.

After debate and voting, a bill must pass in identical form in both the House and Senate. It is highly unlikely that two identical bills will emerge from both houses. After the House and Senate versions of a bill have passed, they need to be reconciled. “The most common way of resolving interchamber differences on major legislation is by conference committee” (Sinclair, 1997a: 53). The presiding officer in each chamber appoints legislators to serve as conferees, working out the differences between the two versions. Conferees must compromise, producing an end product that will pass in both chambers. Again, these issues will complicate this process. Some issues are easier to compromise on than others. Disagreements on appropriations bills can be resolved by splitting the numerical differences in spending. Substantive policy provisions—such as the Partial Birth Abortion Ban Act—are more difficult to resolve (Sinclair, 1997a).

When conference committees stalemate, leadership must often intervene to broker compromise (Sinclair, 1997a). Assuming the House and Senate differences can be resolved—and they almost always are—the new version goes back to both chambers for final approval in either an up or down vote. After approval of the conference report, the bill is sent to the president for his signature. He can sign, in which case it becomes law. The president may also veto the bill, in which case it is sent back to Congress. Congress can override the president’s veto with a super majority, in which case the bill becomes law.
Theoretical Perspectives

I base this research on a number of epistemological assumptions. The first is that political phenomena are complicated and unravel in a way no more orderly than social science research does. When students come to graduate schools to learn their trade, they are generally required to take a research methods class where they are exposed to the nomological deductive approach to research, the scientific method. We were all taught that research develops in an orderly step by step manner: generate hypotheses, test, report. Little do we know that our research, once underway, takes us in directions we had not anticipated. It is constantly evolving. We may find a new article buried in a footnote, we may undergo certain life experiences, we might find a new dataset. All of these things can open new intellectual doors for us and inhibit the strictly linear development of research, which is neither a good nor bad phenomenon. The same can be said of political phenomena. Of course, we assume there is some order to the political world, or else we would not be in the business of trying to decipher it. But we are not studying neat linear phenomena. The political world is complex and beyond the scope of any particular research tradition (Dodd, 2001; Dryzek, 1986) or methodology. Thus, the best research will bring a variety of theoretical and analytic approaches to bare on the study of politics.

The second epistemological assumption is that political circumstances are fragile and evolve as actors and institutions learn. Tilly (1997) makes the compelling argument that social scientists study “half-happenings,” or, what could have been. He quotes poet Jorge Luis Borges, “que pudieron ser y no fueron” (17). In the context of the American political consciousness, Tilly could have just as easily quoted Sen. Edward M. Kennedy’s

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^2 “I think about things that could have been but never were”, from Historia de la Noche.
sentiment on the occasion of his brother Robert's funeral, "Some men see things as they are and say why. I dream things that never were and say why not." It is the job of the social scientists to say, why not? When we study politics we often hold variables constant, and in doing we learn what is and what could be under a different set of circumstances. What might Congress look like if Cannon had not been overthrown? What if the Stonewall patrons had gone home peacefully? What is Justice Brennan had voted with the minority in the Roe decision? At the same time, we understand that we cannot hold everything constant, so some of the change we measure in politics is wholly unexpected. The political world we study is the product of interactions, interactions of individuals, groups, institutions, and their environment. These interactions are filled with errors that give way to unanticipated consequences that they then correct at varying speeds. That is, actors and institutions learn (Argyris and Schon, 1996; Tilly, 1997; Weick, 1979).

My third epistemological assumption is that nomological deductive and interpretive approaches to political science are not mutually exclusive. From a nomological deductive perspective, research starts with theory. From there, we deduce testable hypotheses, measure, analyze, and report. A scholar might also take a more inductive interpretive approach. In that case the scholar immerses herself in the object of her inquiry and draws conclusions from the experience. From both perspectives, the larger goal is to develop, accumulate, and contribute to knowledge (Dryzek, 1986). In the case of this research, I have tried to blend those two approaches. The deductive approach took the project part way, where it was picked up by the more inductive approach. This section develops the empirical theoretical approach I took to this project,
and it is built on a variety of literatures. The danger with this approach is that the
theoretical base from which you work makes you schizophrenic. However, if done well,
this approach provides a more holistic and insightful research. Many contemporary
political scientists have encouraged the discipline approach the study of politics through a
number of theoretical lenses (Allison, 1971; Dodd, 2001; Heclo, 1994; Skocpol, 1992).
We would no more want to marry ourselves to a single theoretical perspective than we
would any single statistical technique. The goal of this project is to understand the
legislative process of morally controversial issues, and this lends itself to a multi-
theoretical perspective.

Understanding Congress

It is useful to understand the House not just as an idiosyncratic legislative body,
but as an organization (Froman, 1968)—an assemblage of “ongoing interdependent
actions into sensible sequences that generate sensible outcomes” (Weick, 1979: 3). It
comprises of a variety of internal actors and internal rules and structures. The internal
actors are the individual legislators, and these legislators interact with each other in the
context of the institutional environment provided by the House and their own external
districts. The institution itself is entrenched in a social structural environment from
which it receives messages and demands. The outside demands are policy related.
Citizens and interest groups make demands upon the institution for certain legislative
outcomes. Legislators have their ideal outcomes, many of which are policy related, but
others that are not. These include power, control, or career advancement, but the larger
goal of the organization is good governance through the successful allocation of values
and resources (Easton, 1965a, 1965b). To understand the legislative process of morality
policies—really, to understand the legislative process more generally—we need to understand the different organization aspects of the House in an integrative way.

The Institution

Our discipline has a rich tradition of studying politics through the lens of institutions, but the first great American institutionalist was probably Madison. For him, not only would the institutions of government affect the outputs of government, but they would also mitigate aspects of the human person that challenge governance. Madison approached the founding with the abstract understanding that human beings are selfish, avaricious, and willing to use violence. Moreover, people were naturally prone to form overlapping factions. This had the potential to threaten governance because majority factions could oppress minority factions. Complicating this problem, Madison believed that people had varying abilities and intellects. That the chaff might have a role in governing undercut the possibility of good governance. To combat these concerns, Madison advocated an institutional arrangement that would mitigate the bad effects of factiousness and inequality. He writes in Federalist 10, "[a] republic, by which I mean a government in which the scheme of representation takes place, ...promises the cure for which we are seeking."

Contemporary institutionalists may harbor different assumptions about the human person and the nature of society, but they would all share the premise that institutions matter. Institutions shape our politics. And as institutions evolve, so too does our political system. Of course, the institutional approach is varied (Rockman, 1994). Some scholars have taken a more historical approach. For example, Lowi (1979) examines the development of interest group liberalism with the state, and makes the argument that the
intersection of the two has left that state unable to govern. To counteract this, Lowi advocates a revitalization of laws and institutions. Skowronek’s (1993, 1982) approach is more explicitly historical. He argues that the very institutional arrangements of the past affect the development of the American state and the presidency. The work of these scholars seeks to “intertwine the play of societal forces with institutional structures and processes, rather than dissect them” (Rockman, 1994: 147).

Other scholars have taken a more rational choice approach to institutional politics (Rockman, 1994: 151-154). Indeed, this has been the dominant theme in congressional studies for many years. The idea is that legislators have fixed preferences, be they reelection (Mayhew, 1974), policy considerations (Fenno, 1973), or personal power (Dodd, 1977). The institution is structured in such a way as to maximize the pursuit of these preferences. As the social structural environment of Congress has changed in the past 200 plus years, so too have legislator preferences. At the same time, remember that the overall goal of the institution is good governance. Thus, it will be structured in a way to encourage and provide behavioral incentives for legislative stewardship on the part of individual legislators. It is when the institutional structures come into conflict with legislator interests that we see bargaining and change in the institution (Dodd, 1986a, 1986b; Rockman, 1994: 151-154). That is, members learn and restructure the House accordingly. Others have taken a more bounded rationality approach. The assumption of this approach is that both institutions and individuals have cognitive limitations on the amount of information they can process. Therefore, they set up structural boundaries in the form of function and jurisdiction to filter information. In this environment, individual preferences and interests are not fixed. Rather, they react to institutional arrangements
and develop "cognitive shorthand" for dealing with environmental stimuli (Rockman, 1994: 149-150).

Institutional political scientists are not the only ones to recognize the influence of institutional arrangements on political outcomes. Institutionalists with a social choice bent analyze how the aggregation of preferences within the institution produces outcomes, or social choices. The thrust of their argument is that different methods of aggregation (i.e., different "rules") produce different social choices, even if the preferences are the same. In an election, this means that identification of the winner is as contingent on electoral rules as it is on the distribution of preferences in a polity, calling into question the existence of a policy mandate (Riker, 1982). As we saw in the 2000 presidential election, the method of aggregating votes in the United States led to the selection of a president who did not actually receive more popular votes. In a legislature, that means that it is possible to manipulate the rules of the game, manipulate the agenda, or trade votes to produce certain outcomes (Riker, 1982, 1986). The Speaker of the House, by controlling what comes to the floor for a vote, can certainly manipulate the legislative process to stack the deck in favor of his party's desired outcome. One longtime rule known as the "king of the hill" rule allowed the majority party through the Rules Committee to manipulate the amendment process. The rule stated that when the House was voting on a series of amendments, the outcome of last amendment voted on would be agreed to. So, it did not matter how the prior votes turned out. The last vote was the only vote that mattered. And simply by deciding the order in which the House would consider amendments, the Rules Committee was making one outcome more likely
than another outcome. All this calls into question the extent to which any social choice is actually the “right” choice, or the most democratic choice.

These approaches to institutions are not mutually exclusive. They all provide us with distinct and valuable perspectives on politics, and they are all based on the seemingly simplistic assumption that institutions matter and institutional structures have consequences. With any legislation, leaders are left with the task of structuring the rules of the legislative process such that the preferred outcome of their Conference is achieved. When the legislation is moral, this task is complicated by an unwillingness of some legislators to compromise. The rules must be highly structured, allowing for the preferred outcome while allowing dissent in the form of amendment and floor debates—as long as these do not undermine the possibility of passage.

The Legislator

In the rational choice tradition that dominates Congressional scholarship, we have built on Mayhew’s (1974) elegant argument that members of Congress as utility maximizers—“single-minded seekers of re-election”. This presupposes that legislators are rational. That is, goal oriented. In the traditional economic sense, rationality makes enormous demands on the individual. She needs to have clearly ordered preferences, attach utility values to her preferences, and be aware of all alternatives and consequences. In a normative sense, we might all agree that legislative decision-making “ought” to be reflective of that kind of rationality. But that is probably nor realistic (March and Simon, 1958). Legislators are not rational in that strict sense. Indeed, there is no evidence supporting this assumption (Simon, 1955). Rather, we often think of legislators as

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3 Under Republican control, the “king of the hill” rule has been replaced with the “queen of the hill” rule, which states that the amendment receiving the most votes is the one that is agreed to.
boundedly rational. The problems with which legislators are dealing and the environment in which legislators make decisions are often too complex to be reduced to simple utility calculations (Jones, 1994; Simon, 1957). Moreover, they lack the cognitive abilities to be aware of all their alternatives and attach utility values to the alternatives of which they are aware (Simon, 1972).

In spite of the cognitive limits on boundedly rational legislators, we can deduce from this idea that legislators are goal oriented. The question is, what are their goals? Mayhew (1974) assumes that re-election is a legislator’s singular goal. Legislators may also be driven by policy and re-election goals (Aldrich and Rohde, 2001; Fenno, 1973). Dodd (1986a, 1986b, 1977) argues that legislators are primarily motivated by the quest for power. There is truth in all of these arguments, and it would be foolish to argue that legislators do not want any of these things. However, re-election is probably only instrumental to the policy and power goals. In and of itself re-election is not a valuable commodity, and yet it is a primary goal, since without it neither of the other goals are possible to achieve in the context of the House. When voting on legislation, the representative must strike a pareto optimal balance in such a way that power and policy are maximized and re-election is not compromised. When making calculations about specific legislation, a representative must first attempt to determine the extent to which voting one way or another will earn him the ire of his district and therefore compromise re-election. If there is no effect, then he is free to base his judgment on other secondary criteria (Arnold, 1990).

Morality policies tend not to be mundane under the radar policies. They tend to be highly salient with constituents and are likely to affect a representative’s re-election
and therefore power and policy goals. Understanding exactly how these issues affect re-election is difficult to pinpoint. Many members, particularly those with state legislative experience, have a long abortion track record from which it may be politically difficult to deviate. Constituents generally know what they are getting into ahead of time. But gay rights is newly on the congressional agenda in the last few years. So many members do not have track records and are grappling with this issue for the first time. Unlike with abortion, constituents may not know where candidates stand on this issue, making buyer’s remorse more problematic. Many people have known and vocal opinions on both abortion and gay rights; others do not. However, public opinion data suggests that open gayness is becoming more acceptable and mainstream for many Americans (Wilcox and Wolpert, 2000). Representatives have the difficult job of calculating how their actions will affect those constituents with “potential” opinions (Arnold, 1990). The hypocritical nature of moral issues (see Chapter 1) complicates any calculations made on this topic. Legislatures will probably overestimate the demand for moral regulation in this area. Moreover, they may find it politically difficult to stand up for gay rights, if that is what they believe is just, because the legislative conflict is cast in categorical terms of good and evil and rights and wrong. Legislators are not beating down the door to be seen as standing up for sin.

The combination of high salience and low complexity suggests that a legislator can only win favor with her constituency by vocally engaging morality policy issues (Meier and McFarlane, 1993). While that is consistent with the rational choice framework, it is unclear whether or not representatives will act with or against the preferences of their constituents—whether they will be trustees or delegates. If a
representative acts as a delegate, the morality policy framework suggests that those variables that measure district level values—such as partisanship and religious conservatism—should be particularly important predictors of support for gay rights and abortion. However, morality issues may challenge the traditional way scholars think about goal ordering and maximization, and this may lead to trustee behavior. A legislator’s voting calculus may be influenced by individual, rather than district level considerations (Froman, 1963). Avoidance of internal dissonance may be a legislator’s primary motive, so she will be strongly influenced by her own internal and fundamental values—not seemingly crass power or re-election calculations. Thus, we should expect ideology, partisanship and religious conservatism to be particularly strong predictors of support for these issues, because they are reflective of those underlying values. This does not mean that representatives are irrational. It means that representatives adjust their decision-making calculations based on the policy area (Clausen, 1973).

Practically speaking, representatives are probably neither trustees nor delegates. They do not need to commit to one role or the other, because they may be genuinely reflective of their district’s overall preferences in these areas, since moral issues generally are so high profile. There is no zero-sum trade off between a legislator’s personal values and the values of his district. Conservative districts elect conservative representatives and liberal districts elect liberal representatives (Dalton, 1996: chapter 11). We set up a false dichotomy when we isolate district variables from elite variables (Kingdon, 1973). The district level and individual level morality variables should both be important. And regardless of which set of variables is more important, a legislator is, on the one hand, enhancing his quest for power and policy voting the way he perceives his constituency to
prefer, and on the other hand limiting internal dissonance by voting his conscience.

Sometimes voting one’s conscience and voting the district may be mutually exclusive endeavors. But they do not have to be, particularly when dealing with high profile moral issues.

Leadership

The role of leadership in the House is different than the role of individual legislators. In an obvious way, individual legislators will focus on pursuing their own goals, while leaders must concern themselves with larger issues of governance. In a more technical way, while legislators are continually forced to choose between dyadic alternatives, it is leadership that shapes these alternatives (Arnold, 1990). Leaders have both party and institutional responsibilities. As we saw earlier in this chapter, their institutional responsibilities include setting schedules and distributing information. Their primary party responsibility is to secure passage of their party’s legislative agenda. Good leaders bring legislators together. They are, to paraphrase the president, uniters, not dividers. They must be able to do that, because if they cannot, then Congress fails to meet its obligation to legislate (Davidson and Oleszek, 2000: 164).

Leaders have a number of strategies for bringing legislators together and meeting their party and institutional responsibilities. When the goals of legislators are not fixed, leaders must persuade partisans and nonpartisans alike to support their agenda. Persuasion may mean coercing opponents into supporting your agenda, or it might mean charming opponents into supporting your agenda. Leaders can keep legislators off committees, they can quash legislation, and they can make it difficult for a legislator to bring federal goodies to her district. If preferences are fixed, leaders must try to bargain
with legislators (March and Simon, 1958: 129; Arnold, 1990: 88). This often involves compromise and modification of existing legislation. But absent any real power to censure dissident legislators, persuasion is probably the more effective strategy. Leadership may not be able to get legislators to agree, but it may be able to tinker with legislation and procedures enough garner the necessary 218 votes for passage. No body will get everything; most people (in the winning coalition) will get something. Compromise is the key to legislating. If the absolutist nature of moral issues make compromise difficult, then the job of leadership will have to be innovation if it is to built winning coalitions and govern effectively.

The style of House leadership has evolved a great deal over 200 plus years. Nineteenth century Speakers had czar-like powers. They made committee assignments, appointed chairs, and controlled the Rules Committee. When Democrats and Insurgent Republicans overthrew Speaker Cannon in 1910, the Speakership's considerable powers were disbursed into the hands of committee chairs. With this dispersion of power and loss of formal powers, a Speaker's chief power was his power to persuade, bargain, and broker agreements. Comparing the leadership styles of the nineteenth and early twentieth century Speakerships of Reed and Cannon with that of Rayburn, Cooper and Brady (1981) note that while Reed and Cannon relied on absolute power and authority, Rayburn relied on personal friendships and loyalty. While Cannon and Reed were intolerable of defection, Rayburn was permissive. And while Cannon and Reed were highly partisan, Rayburn tried to mute partisanship and restrain conflict.

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4 See Hechler (1940) for an excellent discussion of Republicans insurgency and the overthrow of Cannon.
In the late 1970s, power in the House centralized, and leaders became more powerful vis-à-vis committee chairs. While Speaker O'Neill did not have many of the formal powers enjoyed by his nineteenth century predecessors, he exerted power by transforming the position. O'Neill made the system of Democratic leadership service oriented, he used what formal powers he had to influence outcomes, and he made caucus decision-making more inclusive (Sinclair, 1989). The 1970s House reforms had made legislating more difficult, and the Republican minority became very adept at using the amendment process. Democrats looked to their leadership to respond. Leaders, in turn, became involved in post-committee adjustments and helped develop special rules to thwart the Republicans (Sinclair, 1997b). In the 1980s, Speaker Wright was much more aggressive at building party consensus. By 1986, the Democrats had won back the Senate, Republican President Reagan was a lame duck in the last two years of his administration, and he had been weakened by the Iran Contra scandal. Wright saw this as an opportunity for Democrats, and he took a great deal of initiative in designing a Democratic policy agenda and challenging the President (Sinclair, 1989).

When the Republicans took the House in 1995, they formally strengthened the Speakership under Newt Gingrich, giving it powers it had not had since Czar Cannon. Many Republicans felt that they owed Gingrich for delivering them from the desert into majority status. Also, with the infusion of Southern Republicans, there seemed to be high levels of ideological homogeneity within the Republican Conference. Finally, the Republicans had campaigned on a common agenda, the Contract with America. This gave them a clear legislative agenda around which to rally in the first 100 days of the
104th Congress (1995-1996). All of this seemed to facilitate centralization in the hands of the Speakership (Dodd and Oppenheimer, 1997a).

Of course, in any organization ruled essentially by majority votes, leaders have as much power as their subordinates or, for our purposes, rank and file, allow (Dodd and Oppenheimer, 1997a; Weick, 1979: 16). The tolerance of rank and file for strong leadership varies with policy and electoral considerations (Aldrich and Rohde, 2001; Rohde, 1991; Cooper and Brady, 1981). By late 1996, the tolerance of the Conference for Gingrich receded. The Republicans had focused almost exclusively on the Contract items, taking a gamble that it would provide them with enough momentum to sustain them through the 1997 elections. Moreover, they injected high levels of partisanship into the appropriations process, attempting to dominate the Democratic president, control policymaking and lay foundations for future elections. These strategies ended in two government shutdowns for which the American people blamed the Republicans in Congress. When Gingrich compromised with the President to end the shutdowns, many of his conservative rank and file were disappointed, as they wanted to wait the President and the Democrats out (Dodd and Oppenheimer, 2001a, 1997a).

Gingrich retained his formal powers, but a czar-like Speakership became impossible in the context of intraparty division. The policy preferences of the party remained constant, but their electoral considerations, given the repudiation of the Republican Congress by the American people, undermined strong policy leadership (Aldrich and Rohde, 2001). In the 105th Congress, Gingrich allowed his party to pursue an agenda of scandal, investigating and impeaching the President for matters related to the Lewinsky affair. When this strategy yielded a loss of seats in the 1998 elections,
Gingrich was too undermined as Speaker to continue in that position. Former revolutionaries no longer retuned his calls, and even once loyal "neophyte" Rep. Mary Bono (R-CA) withdrew her support (Clines et al., 1998). He not only resigned from the Speakership, but also resigned from the House (Dodd and Oppenheimer, 2001a). The Republican Conference selected Rep. Bob Livingston (R-LA) to succeed Gingrich as Speaker, but Livingston resigned from the House before even officially taking on that role, after Hustler magazine revealed that Livingston had engaged in an extramarital affair. Gingrich was eventually replaced by J. Dennis Hastert (R-OH) as Speaker of the House.

The Gingrich years left the House with a poisonous atmosphere. This made Hastert's job as Speaker more difficult, but he seemed a better fit for the task than Gingrich. Hastert is a conservative, but his style is less aggressive and he has given greater authority to committee chairs. Managing morality issues would probably be difficult under any circumstance, but now, when the House is so fractious and so partisan, when the Revolutionary Republicans are so reticent to compromise, the role of leadership is even further complicated. The Republican leadership was aggressively partisan under Gingrich, and that led to a loss of seats and public disaffection. Hastert's style has been more muted, but the Conference has still lost seats during his tenure. Now, when social structural changes in the environment are forcing issues such as abortion and gay rights on to the House's legislative agenda, leaders must find ways to effectively legislate morality. Given the absolutist nature of moral conflict, post Cannon strategies of bargaining, persuasion, and inclusion will probably be the most effective. Of course, this
assumes that both parties can resolve the need for compromise with the ideological wings of their party.

The Social Structure

As discussed in Chapter 2, the last 100 years has seen a re-examination of the family, the role of women, and sexuality. This trend has accelerated in the last 50 years, as the United States entered the post-industrial economic era. The formerly agrarian and then industrial economic bases were challenged, as technology advanced and expanded production capacities while reducing the reliance on a human workforce. “The resulting vulnerability of the agrarian and industrial workforce focused greater attention on careers in education, technology, leisure industrial, and private service delivery” (Dodd, 1981: 400). It also gave way to various citizens groups concerned with new issues such as the environment and consumer protection. Congress was slow to keep up with these systemic changes. So while political forces concentrated on industrial concerns, a growing segment of the population was occupied with new post-industrial concerns such as gay rights and abortion rights. Like many issues, these are eventually forced onto the congressional agenda by conflicting mass political groups (Dodd, 1981).

Post-industrial economic transformation brought about changes in the structure of political conflict. New issues tended to crosscut party coalitions. Moreover, they raised cultural concerns “that conflicted with codes of morality and religious beliefs among many traditional groups in society” (Dodd, 1981: 401). As a result, the norms that held society together in the early part of this century seem sadly anachronistic to many. The norms that celebrated a two-parent home with well-defined gender roles and a narrower conception of sexuality seemed not to apply to postindustrial society. Segments of
society clinging to those norms felt that their status was threatened and that their preferred social relationships were not held in proper esteem by society at large. The Christian Right holds onto those norms and has successfully counter-politicized them.

The “educated citizens of the post-industrial era expect the national government to address a broadening array of quality of life issues overlooked in the industrial era—from racial equality to gender equality. . .and the list goes on” (Dodd, 2001: 400). However,

Two political arrangements inherited from the advanced industrial era exacerbate [this problem]. First, government reliance on expensive and impersonal bureaucracies to implement post-industrial programs further magnifies their cost and accentuates perceptions of cultural insensitivity. Second, electoral rules and interest-group politics entrench pre-existing political parties in the post-industrial era, inhibiting the rise of new parties that might address the new. . .cultural issues. (Dodd, 2001: 401)

Citizens confronted with a government unable to address salient issues will begin to question the legitimacy of government, the consequences of which are discussed in Chapter 1. Social-structural changes have injected new inputs into the House, and the House will need to be resilient and innovative in the face of these changes. Indeed, for any political system to survive, it must be able to endure stress and adapt (Easton, 1965a)—it must learn. The House is currently trying to manage these issues, but it remains to be seen whether or not they can manage them in a way that averts legitimation crisis.

Learning and Governing

Like any organization, the House must continually adapt and learn how to govern in different environments and under different circumstances (Argyris and Schon, 1996; Dodd, 1994). Organizations receive inputs from and react to their environments.
Eventually, organizations react in a routinized manner based on a shared understanding of the world that develops through a learning process. Organizational learning is lagged. This means that as the world changes, both our perception of the world and our routines endure. Objectively, the world changes, while inter-subjectively, our shared worldview remains the same. Holding fast to the outmoded worldview eventually leads to system crisis. The organization is confronted with problems endemic to its current environment and is unable to resolve the new problems using the old worldview. This forces the organization to abandon old ideas and experiment with new ones, and this experimentation eventually leads to the development of a new worldview (Dodd, 2001, 1994, 1991). This kind of learning assumes a certain level of "drama and discontinuity," as the organization grasps for new ways to deal with crisis (Zhou, 1993: 1139).

Time and again the House has demonstrated its capacity to learn. This should hearten those observers of Congress concerned about legitimation crisis. Moreover, while learning may be indicative of systemic trauma, it does not have to be that way. Learning may involve simple trial and error adjustment to the environment. The values and actions of the organization remain in place, while instrumental mechanisms change. In the context of Congress, learning to communicate with one's district electronically provides us with an example of this nontraumatic instrumental learning. As the United States became more wired and citizens became more sophisticated, constituents started checking their representative's voting record online. They started cruising websites in search of information about government. Finally, they started sending emails—as

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5 Learning might also develop in an incremental path dependent process. See Zhou (1993) for an explanation.

opposed to snail mail. Years ago, Congress had no infrastructure for dealing with the increased demand for immediate information and the ever increasing volume of electronic communication. Adjusting to these kinds of environmental changes have been labor intensive, but not traumatic. Most office have detailed webpages with links to the representatives stance of a variety of issues. They also facilitate communication.

Learning may also involve a more fundamental shift in values (Argyris and Schon, 1996). Passage of civil rights legislation in the 1960s reflects that kind of fundamental learning. With the major committee chairs held by unsupportive southern Democrats, civil rights activists took their battle for equal protection to the federal courts. It was more than a decade after the Brown (1954) decision and seven years after President Eisenhower used U.S. troops to integrate Little Rock High School that Congress finally dealt with this issues. It required a process of learning whereby legislators understood that civil rights was a salient national issue demanding the attention of the national legislature—not simply a states’ rights issue. The learning process was certainly helped along by coverage of the Freedom Rides and the urging of President Johnson. In both cases, the Congress learned, and it is only in learning—either instrumentally or fundamentally—that an organization can endure in a world that is subject to periods of stability and change (Easton, 1965b).

With the politicization of post-industrial moral issues, the House must learn to legislate morality, and this requires both fundamental and instrumental learning on the part of the institution. The House has dealt with morally controversial issues in the past, such as slavery and prohibition. However, the social structure—the environment—has changed, and so the House will have to build on older principles of governance while
searching for new ones. That is where the learning imperative currently resides. The House needs to learn how to govern such that it can address the issues effectively and avoid legitimation crisis. While this may be complicated by the fact the Republicans have only controlled the House since 1995 and are learning how to govern more generally, a Democratically controlled House would almost certainly be facing the same learning imperative, having focused its energies on industrial redistributive politics and constituent service. However, the 1994 elections probably did mark the beginning of a new order in the House. The question is, what model of governance should be employed in this new order (Dodd and Oppenheimer, 1997b)?

Some scholars have argued that the House should employ a conditional party government (CPG) model. Under this model of governance, when the electoral bases of the parties in the House and the parties themselves are internally homogenous and externally polarized, rank and file cede substantial powers to their leadership to pursue the policy interests of the party across an array of issues, but not all issues (Aldrich and Rohde, 2000; Rohde, 1991). Aldrich and Rohde (2001) suggest that the aggressive partisanship displayed by the Republican majority suggests that they are employing the CPG model. They may be right, but it remains to be scene whether that is the wisest model of governance under current conditions (Dodd and Oppenheimer, 2001b). While the party and its leadership are increasingly conservative, its aggressiveness has been tempered by disaster. The Conference maintains control of the House, but they have suffered seat losses in each election since their initial victory. Moreover, the American people held Gingrich in contempt during the shutdowns and impeachment. Well before his resignation, Gingrich even fought off a potential revolt by his lieutenants. Moreover,
the defection of Senator Jeffords from the Republican Party calls into question just how homogenous the Party is to begin with.

Surely if the assumptions of the CGP model were met, the Republicans would have been loyal to Gingrich and the Conference would have been rewarded by the public for their efforts. In fact, there are a number of factors that undermine the possibility of CPG. First, the close seat distribution between the parties means that Republicans need near unanimity on the part of its Conference. Second, the competitive seat distribution means that legislators in unsafe seats will be more likely to follow the preferences of their districts, rather than the party. To the extent that district preferences and party preferences diverge, the Conference will not be as disciplined as the CPG model demands. Third, the emergence of post-industrial issues have changed the structure of political conflict and crosscut the parties. If the Republicans avoid these important issues, the CPG loses its substantive meaning. Finally, rank and file may be unwilling to trust leaders, in that the Republican leadership is unbalanced and disproportionately from the South. In a country as diverse and pluralistic as the United States, CGP may be difficult to sustain. And if it leads to conflict, the American people will probably reject it (Hibbing and Smith, 2001).

Given the circumstances that undermine CPG, any party wanting to sustain itself as a congressional majority may want to employ constructive partisanship. This involves fundamental learning on the part of representatives that all politics is neither local nor individualistic. Rather, legislators must realize that they have shared interests in their party winning or losing. Parties wanting develop a reputation for effective governance

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7 See Dodd and Oppenheimer (2001b) for an expanded discussion of this.
must cooperate with the President and the Senate, they must compromise and subdue the ideological wings of their party, and leaders must assemble shifting coalitions from issue to issue. This model may lack stability, but it is likely to produce policy outcomes that the American public will favor (Dodd and Oppenheimer, 2001b). Besides, no matter how attractive CPG is in an abstract sense, it probably is not feasible.

**Conclusion**

This dissertation suggests that support for gay rights and abortion policies are influenced by certain non-rational, non-economic variables that measure an individual's fundamental values. Because of their absolutist nature, morality policy issues complicate an already complicated process, and present unique challenges to legislators and leaders. While leaders can certainly assemble winning coalitions of these issues, they need to do so in such a way that does not poison the legislative process and water-down the policy outputs—no easy task, given that there is no consensus in the polity on which to draw. The aggressive CPG approach is probably not the best approach. Leaders must structure the legislative process such that, 1) there are substantive outcomes, and 2) the minority party or faction is satisfied with the basic fairness of the process. They may be unhappy with the outcome, but if the process is inclusive and open and competing groups feel they have a voice, their ultimate frustration may be allayed. Because political and social phenomena are complex, this project approaches the research from a variety of theoretical perspectives and epistemological approaches.
CHAPTER 4
THEORY, HYPOTHESES AND METHODS

Almost 100 years ago, sociologist William Graham Sumner wrote, "stateways cannot change folkways." In popular parlance, Sumner has been parsed as follows, "you can't legislate morality." That has been a common refrain in American politics, whether the polity is dealing with prohibition, civil rights, or abortion politics. Regardless of the folk wisdom the U.S. Congress legislates morality every year. This chapter lays the groundwork for exploring just how it is that Congress meets that challenge. Up to this point, the dissertation has explained what morality policy issues are, discussed the development of gay rights and abortion as morality policy issues, and explored different aspects of the legislative process. The next three chapters provide an analysis of the legislative process of these issues. This chapter provides a turning from the abstract to the empirical. First, a theory of legislating morality is developed. Second, the methodology employed to explore this topic is thoroughly explained and the hypotheses are developed.

A Theory of Legislating Morality

Moral issues are those values-based issues that draw on fundamental status concerns. Political conflicts in these areas are generally between people advocating for some perceived immoral good, and those who offer resistance because they see the immoral good as a threat to their way of life, to their fundamental principles about the nature of appropriate social relationships. No issue is moral in an a priori sense. Rather,
issues become moral when they are framed as such. As discussed in Chapter 1, scholars have identified some key characteristics of these issues. First, these issues reflect values on which there is no consensus in the polity. So they are controversial. Second, they are non-technical and therefore easy for constituents to understand and form opinions on. Third, the demand for the perceived immoral good is heterogeneous. Thus efforts to completely eliminate the behavior in question will ultimately fail. Fourth, many people are hypocrites with regard to these issues. Many decry the immoral behavior, while engaging in it or being sympathetic to it. This gives policy-makers a distorted picture of the demand for moral regulation.

Congress is our national deliberative legislative body. It has the responsibility of making laws. As any good institutionalist points out, institutions matter. They shape both our politics and our policy outcomes. The institutional context to lawmaking in the House provides a convoluted multistage process where legislation can be killed at any stage. It also allows for the manipulation of rules, in order to bring about or stack the deck against certain outcomes. To that end, leadership is particularly important, because leaders have the most ability to manipulate the process, and they have the responsibility to their Conference to do so in an effort to build winning coalitions and produce policies favored by the majority party. However, the House is comprised of 435 individual legislators, most of whom are not leaders. Each is boundedly rational, that is, goal-seeking. Common legislator goals include re-election, power within the Chamber, and policy. Assuming there is a disjunction between legislator and district level policy views, we should expect legislators to be motivated by re-election and to take on the role of delegate for their district. If they are motivated by policy, we should expect them to act
as trustees. Of course, if a legislator’s views are largely consistent with the dominant preferences of her district, then whatever role the legislator takes on, she is practically speaking a trustee and a delegate. While almost all legislators are partisans, they are not obligated to vote with their party and can act as free agents of behalf of themselves or their constituents. In this environment, where bills are in constant peril and party discipline is weak, the legislative process often involves compromise and bargaining. Since a majority cannot count on all its members to be loyal, winning coalitions, while comprised predominantly of majority members, often cross party lines and only emerge after compromise among legislators. Nobody gets everything they want, but hopefully the Pareto optimal outcome emerges.

Given their theoretically absolutist nature, morality policy issues should present the House with unique challenges. The normal legislative process involves manipulation and compromise, and morality policy issues should not be amendable to these traditional procedures. Legislators and leaders might like to avoid these issues, but if the issues are highly salient with the public, they will eventually be pushed onto the legislative agenda by sympathetic legislators or parties trying to leverage support from some constituency group—groups such as women, African Americans, or evangelical Christians. Congress is forced to either deal with moral issues or put its legitimacy as the national legislative body in jeopardy.

Based on our knowledge of the legislative process, the behavior of individual legislators, and the nature of moral issues, we should expect the legislative process of morality issues to develop in distinct ways. Legislator decision-making should be motivated by policy. Even so, this dissertation acknowledges that some legislators, the
hypocrites, will pursue these issues to win support for segments of their district. They will play to their constituents. For the most part, we assume that legislators are sincere, and that voting will be strongly influenced by those variables reflective of values-based status concerns. Traditional economic variables should be minimally influential, since these issues do not reflect economic concerns.

The morality variables can either be measured at the elite or district levels. Certainly legislators' individual ethical considerations will be important. However, legislators are elected by specific constituencies and should be reflective of the dominant preferences in their district. This is particularly the case with moral issues, because if they are in fact highly salient, then they should have been part of the constituency's voting calculations. That is, if the predominant view among a constituency is that *Roe v. Wade* should be overturned and abortions should be illegal, and if that issue is highly salient, then the constituents are unlikely to elect a pro-choice legislator to serve as their representative. So, indicators of an individual legislator's values should be influential, but so too should indicators of district level values.

Some non-moral predictors may also be influential. Sex is one example. While a representative's sex does not reflect his fundamental values, it may reflect his status. Likewise, level of urbanism may also be important. This is an economic variable, but it also taps an urban rural cultural divide. After all, urban areas were the centers of the counterculture during the 1960s and 1970s. Challenges to traditional ways of life have flourished in urban areas, thus urban areas have tended to be more socially permissive. Here again, an economic indicator may tap the district level demand for moral regulation.
Leadership also has a place in this theory, since leaders have the difficult task of managing moral issues such that winning coalitions are build around the majority party’s preferences. This is always a difficult task, but certain aspects of the current House provide additional complications. First, the seat margins mean that if party leaders are going to act from the top down, they will need unanimity on the part of their Conference to secure victory. Second, while the current congressional parties may be more homogenous in recent years than they usually are, it remains the case that legislators are elected from diverse districts. Thus, legislators are likely to “vote their districts,” and defect from their party. This is particularly the case for members in unsafe districts. Third, gay rights and abortion, with their absolutist characteristics that defy compromise, tend to crosscut the parties (Dodd, 2001b).

When managing morality under these conditions, skillful leaders should model their governance on the constructive partisan approach, which provides a number of useful strategies. First, rather than top down centralized party leadership, winning on these issues requires collaboration with their Conference, as well as sympathetic members of the minority party. Second, leaders should allow defection. They must accept that on these issues, legislators are going to be pulled by their own values, their district, or both. Punishing inevitable defection only increases tension within the chamber and the Conference or Caucus. Members must feel free to do what they think is right. Third, leaders must bargain with—not command—their rank and file. While not punishing defectors, leaders can encourage loyalty with the promise of committee assignments or the favorable treatment of personal legislation down the road. These leadership themes are further developed in Chapter 7. For now, it is enough to say that
since leaders cannot force compromise and strong-arm loyalty, they are better off acting in ways likely to produce bills that a majority of members can support of their own accord.

The two major components of this theory are that, 1) legislative voting on these issues will be strongly influenced by variables reflective of moral considerations; and 2), in the absence of a real power to compel rank and file, leaders should encourage constructive partisanship. The extent to which this theory is borne out in practice will be examined in Chapters 5, 6, and 7. The remainder of this chapter provides the analysis strategy.

**Hypotheses and Methods**

As discussed in Chapter 3, the analysis strategy approaches the political question at hand from a nomological deductive and an interpretive perspective. The former allows us to deduce expectations from larger theories and then put the expectations to the test. Implicit in the latter approach is an understanding that our theories are imperfect and incomplete. They will take us part of the way, and then the humble (and realistic) scholar will employ techniques that allow him to see new things and observe different aspects of political phenomena. Theory cannot tell us everything, so at some point we need to approach our research inquisitively, but with few expectations.

The political question at hand is an exploration of the legislative process. We are trying to understand how Congress manages morally controversial issues. As Haider-Markel (2001, 1999a) notes, most analyses of morality policy study the development of policy in the aggregate, focusing on referenda voting and attempting to determine the kinds of communities that have permissive moral regulations (Button et al., 1997;
Fairbanks, 1977; Haeberle, 1996; Haider-Markel, 1998; Meier, 1994; Meier and Johnson, 1990; Meier and McFarland, 1993; Mooney and Lee, 2000, 1995; Morgan and Meier, 1980; Wald et al., 2001, 1996). Much of this research finds that exclusively socioeconomic predictors do not work particularly well when explaining the development of morality policy. Nor should they, since political conflict in this area is driven by values based status concerns, not economic self interest. Government action in these moral areas is brought about because citizens demand government affirmation of their moral and normative order, their preferred social relationships—not protection of their material resources (Tatalovich and Daynes, 1998). This research takes a different approach, analyzing individual legislator voting behavior. Even so, I expect that many of the same morality politics variables that are significant in the aggregate will be significant at the individual level. The roll call analyses are supplemented with elite interviews.

Roll Call Analysis

Scholars who study morality politics at the elite level tend to argue that constituent forces will be strong predictors of legislator behavior (Mooney and Lee, 2000; Haider-Markel and Meier, 1996). This is because these issues tend to be salient and technically simple. Citizens care about them, and they are easy to understand, so it is easy for constituents to bring pressure to bear on their legislators. This may be true, and the analysis in this dissertation allows us to consider that. However, a more useful distinction than one between constituent and legislator variables can be made between morality and non-morality politics variables. The validity of the morality politics framework turns on whether moral or non-moral variables explain policy development.
The level at which we measure these variables are measured is a secondary concern. Therefore, we need to design models that include morality and non-morality variables (Wald et al., 2001). Whether measured at the elite or district level, we should expect morality variables, which measure values and culture, to be influential in shaping legislator support for pro-choice and gay rights policies.

The dependent variables

Conceptually, the dependent variables are levels of support for gay rights and pro-choice policies. I operationalize these by generating support scores for the 103rd, 104th and 105th Congresses. The scores comprise actions identified by the Human Rights Campaign (HRC), which is a gay rights organization, the National Organization for Women (NOW), which is a feminist organization, and a search of the Congressional Record for relevant legislation. If a legislator did not vote on at least a half of the score components, no score was calculated. The scores are not comprised exclusively of roll call votes. Rather, they measure general support for gay rights and pro-choice policies in the congressional environment, and such support can be demonstrated in a number of ways—including cosponsorship of legislation and the implementation of gay friendly office policies. The scores calculate percent support, and missed votes were not held against legislators. The scores range from 0 to 1, with 1 indicating the highest level of support for gay rights and pro-choice policies.

The use of office policies and cosponsorship information is an unconventional technique for studying congressional behavior. However, incorporation of these items into the support score allows us to measure support for gay rights and abortion politics even when issues do not make it to the floor. The legislative process includes much more
than the final roll call, and a more holistic score allows us to tap that. It also has the advantage of measuring support in areas not controlled by leaders, where legislators are free to act in accordance with their conscience. The score alphas in Table 4-1 indicate that the score components reasonably tap the same dimension and are therefore highly reliable. This lends credibility to the use of roll calls, cosponsorship items, and office policies. In the 104th and 105th Congresses, HRC asked representatives to voluntarily adopt written office policies indicating that sexual orientation is not a factor in employment decisions. Representatives taking this affirmative step were credited with

Table 4-1
Score Reliability Analysis

<table>
<thead>
<tr>
<th></th>
<th>Gay Rights</th>
<th>Abortion</th>
</tr>
</thead>
<tbody>
<tr>
<td>103rd Congress</td>
<td>.9326</td>
<td>.9444</td>
</tr>
<tr>
<td>104th Congress</td>
<td>.9219</td>
<td>.9876</td>
</tr>
<tr>
<td>105th Congress</td>
<td>.9281</td>
<td>.9865</td>
</tr>
</tbody>
</table>

Note: Entries are Cronbach’s alphas.

supporting gay rights. Cosponsorship items were incorporated into the score if the legislation in question advanced gay rights or pro-choice policies and had at least 50 cosponsors. Representatives taking this affirmative step to go on record supporting high profile gay rights or abortion rights legislation, even though the legislation never reached the floor, were credited with supporting gay rights or abortion rights.

Table 4-2 and 4-3 provides score means broken down by into various categories. In Table 4-2 we see that overall abortion score means decrease from the 103rd to the 104th Congress by about 5%, and then level off from the 104th to the 105th Congress. This probably comes as result of the large influx of Republicans in the 104th Congress, since the mean Republican score is well below the mean Democratic score. Republican scores
Table 4-2
Abortion Score Means

<table>
<thead>
<tr>
<th></th>
<th>103rd Congress</th>
<th>104th Congress</th>
<th>105th Congress</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Party</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Republican</td>
<td>.177 ( .299)</td>
<td>.178 ( .336)</td>
<td>.135 ( .267)</td>
</tr>
<tr>
<td>Democrat</td>
<td>.711 ( .312)</td>
<td>.777 ( .376)</td>
<td>.775 ( .358)</td>
</tr>
<tr>
<td><strong>Region</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>.407 ( .376)</td>
<td>.356 ( .444)</td>
<td>.326 ( .419)</td>
</tr>
<tr>
<td>East</td>
<td>.625 ( .390)</td>
<td>.630 ( .446)</td>
<td>.623 ( .435)</td>
</tr>
<tr>
<td>Midwest</td>
<td>.422 ( .363)</td>
<td>.351 ( .434)</td>
<td>.354 ( .418)</td>
</tr>
<tr>
<td>West</td>
<td>.577 ( .451)</td>
<td>.479 ( .479)</td>
<td>.512 ( .465)</td>
</tr>
<tr>
<td><strong>Sex</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>.458 ( .401)</td>
<td>.402 ( .457)</td>
<td>.393 ( .437)</td>
</tr>
<tr>
<td>Female</td>
<td>.801 ( .274)</td>
<td>.744 ( .387)</td>
<td>.757 ( .392)</td>
</tr>
<tr>
<td><strong>Overall</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>.496 ( .403)</td>
<td>.443 ( .462)</td>
<td>.440 ( .448)</td>
</tr>
</tbody>
</table>

*Note 1:* Standardized standard deviations in italics.

*Note 2:* Standard deviations in parentheses.

are steady from the 103rd to 104th Congress, but then drop by about 4% from the 104th to the 105th Congress. Meanwhile, Democratic scores increase by about 5% from the 103rd to 104th Congress and are steady from the 104th to the 105th. Women and Democrats are consistently the two most supportive groups in the House. The standard deviations indicate that these data are highly dispersed. Many representatives score well above and well below the overall mean. The standardized standard deviations\(^1\) indicate that in each Congress, Republican scores are more dispersed than Democratic scores.

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\(^1\) Because standard deviations are proportional to the mean, I have included the standardized standard deviation— also known as the K coefficient—to facilitate dispersion comparisons. This figure is calculated by dividing the standard deviation by the mean.
Table 4-3 provides data for the gay rights score. We see that the overall means scores increase steadily from Congress to Congress, in spite of the Republican influx in the 104th Congress. In the 103rd and 104th Congresses, mean gay rights support scores are well below mean abortion support scores. But by the 105th Congress, the overall mean gay rights score slightly overtakes the abortion mean. Both Republicans and Democrats show an increase in mean support for gay rights, but Democrat support increases more dramatically—an increase of about 20%, compared to the 6% Republican increase. The levels of dispersion fluctuate for Republicans and overall, while the Democrats become increasingly cohesive in their support of gay rights.

Table 4-3
Gay Rights Score Means

<table>
<thead>
<tr>
<th></th>
<th>103rd Congress</th>
<th>104th Congress</th>
<th>105th Congress</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Party</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Republican</td>
<td>.099 (.165)</td>
<td>1.667 (.239)</td>
<td>1.627 (.244)</td>
</tr>
<tr>
<td>Democrat</td>
<td>.565 (.333)</td>
<td>.589 (.344)</td>
<td>.393 (.303)</td>
</tr>
<tr>
<td><strong>Region</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>.227 (.295)</td>
<td>1.300 (.322)</td>
<td>1.256 (.353)</td>
</tr>
<tr>
<td>East</td>
<td>.505 (.368)</td>
<td>.729 (.369)</td>
<td>.549 (.372)</td>
</tr>
<tr>
<td>Midwest</td>
<td>.324 (.311)</td>
<td>.960 (.363)</td>
<td>.959 (.395)</td>
</tr>
<tr>
<td>West</td>
<td>.506 (.399)</td>
<td>.789 (.450)</td>
<td>.901 (.445)</td>
</tr>
<tr>
<td><strong>Sex</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>.346 (.346)</td>
<td>1.000 (.383)</td>
<td>1.797 (.746)</td>
</tr>
<tr>
<td>Female</td>
<td>.620 (.365)</td>
<td>.574 (.382)</td>
<td>.487 (.363)</td>
</tr>
<tr>
<td><strong>Overall</strong></td>
<td>.376 (.360)</td>
<td>.957 (.395)</td>
<td>.924 (.414)</td>
</tr>
</tbody>
</table>

*Note 1:* Standardized standard deviations in italics.

*Note 2:* Standard deviations in parentheses.
The independent variables

The model includes a variety of moral and non-moral variables. District and elite partisanship, ideology, and district and elite level religious conservatism are the morality politics variables. District level per capita income, % with some college or vocational education, % African American, % Rural, sexual orientation, sex, and interest group activity are the non-moral variables. Whether measured at the elite or district level, we expect that morality variables, which measure values and culture, will be influential in shaping legislator support for pro-choice and gay rights policies.

Legislator partisanship is operationalized as a dummy variable, with Republicans coded 1, and Democrats coded 0. The two parties have been polarized on abortion and gay rights for many years. Based on prior research, I expect Democrats to be more supportive of both policies than their Republican colleagues (Campbell and Davidson, 2000; Haider-Markel, 2001, 1999a, 1999b). District level partisanship is operationalized as the percentage of the district vote for the Democratic candidate, President Clinton, in the 1992 or 1996 elections (whichever was most recent in the Congress under consideration). This variable taps district levels attitudinal constraint on support for abortion and gay rights. Areas of high Democratic partisanship tend to be more supportive of permissive moral regulations (Haider-Markel and Meier, 1996; Wald et al., 1996). I infer from this that legislators representing districts with higher levels of Democratic partisanship will be more supportive of both gay rights and pro-choice policies.
Legislator ideology is measured using Poole and Rosenthal’s DW-NOMINATE (Poole and Rosenthal, 1991) scores. For the most part, these scores range from -1 to +1, with -1 being the most liberal and +1 being the most conservative. Initial analysis revealed high levels of collinearity between elite partisanship and ideology. Rather than suffer unstable coefficients, I reduced the collinearity by regressing elite partisanship on ideology and using the residuals from that equation in place of the DW-NOMINATE scores. This new indicator reflects the portion of ideology not explained by elite partisanship. This allows for a more confident interpretation of the direction and strength of the relationship between ideology and support for gay rights, but it limits our ability to substantively interpret the relationship between the two (Haider-Markel 2001, 1999). Based on prior research, I expect high levels of ideological conservatism to produce lower levels of support for pro-choice and gay rights policies (Haider-Markel, 2001, 1999b; Meier and McFarlane, 1993; Tatalovich and Schier, 1993).

Many code religious affiliation as a dichotomous variable: orthodox versus non-orthodox, fundamentalist versus non-fundamentalist. To facilitate the analysis, this research measures elite religious conservatism in a way that borrows from Green and Guth’s (1991) “rough ordering of major denominational families by theological conservatism” (575). Religious denominations are broken down into “families” and arrayed on an eight-point scale with scores ranging from zero (no affiliation) to 7 (highest...

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2 These data are available off of Keith Poole’s website at voteview.uh.edu.
levels of theological conservatism). Opponents of pro-choice and gay rights policies often see these issues as threats to moral traditionalism and "proper" social values (Wilcox, 2000). These people are often affiliated with religious denominations that espouse high levels of religious conservatism (Wald, 1997: Chapter 6). And indeed, empirical research suggests that those espousing higher levels of religious conservatism are the staunchest opponents of gay rights and abortion (Guth et al., 1993; Haider-Markel, 2001, 1999a, 1999b; Haider-Markel et al., 2000; Haider-Markel and Meier, 1996; Meier and McFarlane, 1993). In keeping with past research, I expect elite identification with theologically conservative denominations to produce lower levels of support for gay rights and pro-choice policies.

Various scholars have documented the relationship between community level religious conservatism and level of support for morality policies (Button et al., 1997: chapter 6; Fairbanks, 1977; Haeberle, 1996; Mooney and Lee, 1995; Morgan and Meier, 1980; Wald, 1997: chapter 6; Wald et al., 1996). It is a proximate indicator of the climate of opinion regarding these issues (Wald et al., 2001), and it reflects district level attitudinal constraints on support for gay rights and abortion. In keeping with this scholarship, I expect legislators representing districts with higher levels of theological

\[3\] Scale categories include the following denominations: 0 – unaffiliated; 1 – Jewish; 2 – Unitarian-Universalist; 3 – Roman Catholic, Orthodox; 4 – Disciples of Christ, Lutheran, Episcopal, Presbyterian, Methodist, Reformed Church in America, protestant, Christian, United Church of Christ, Friends; 5 – AME, Black Baptist; 6 – Mormon, Christian Scientist; 7 – Brethren in Christ, Seven Day Adventists, Apostolic Christian (Nazarene), Church of God, Evangelical, Christian Missionary Alliance, Baptist, Southern Baptist, Independent Baptist, Assemblies of God. This is not a complete list of denominations. About 150 were identified, and these are only the most prominent.

\[4\] It is important to note that Green and Guth’s (1991) arrangement of denominations reflects “judgments made in the literature concerning the extent to which denominations . . . adhere to traditional Protestant orthodoxy” (574). Thus conservatism is measured in relation to evangelical Protestantism, rather than religious piety, more generally.
conservatism will be less supportive of gay rights and pro-choice policies. District level religious conservatism was calculated using data based on Green and Guth’s 1991 study. They broke down county level data gathered by the Glenmary Research Center (Bradley et al., 1992) into congressional districts. Percentage of the district falling into each of the conservatism categories referenced in note two is multiplied by its number on the conservatism scale. These figures were then added together and divided by 100 to provide an aggregate level of religious conservatism with scores ranging from 0 – 7 for each district. Clearly, these figures are estimates, but they have proven to be useful.

The model controls for two aspects of a legislator’s sexuality. Representatives’ sex is a dummy variable, with men coded as 1 and women 0. Scholars have documented the systematic attitudinal differences between men and women on a variety of issues. Men and women do not differ with regard to all policy issues, but women have tended to express more liberal opinions about the role of government, the use of violence, and affirmative action (Conway et al., 1997). In the aggregate, men tend to be marginally more supportive of abortion rights and less supportive of gay rights than women (Erikson and Tedin, 1995), so I infer that male legislators may be more supportive pro-choice policies and less supportive of gay rights.

The gay rights model also controls for legislator sexual orientation. While sympathetic heterosexual legislators can provide good representation for gays and lesbians, gays and lesbians tend to make better representatives of their community’s interests (Haider-Markel et al., 2000). Therefore, the model includes a control for legislator sexual orientation. This is a dummy variable with gays and lesbians coded 1.

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5 John Green graciously provided similar data based on the 1990 census. The author is grateful for his generosity.
and heterosexual representatives coded zero. Since an accurate count of gays in Congress cannot be made, this research identifies gays who were out at the time or subsequently came out. Five gays are identified in the 103rd Congress, six in the 104th, and two in the 105th.

A variety of district level socioeconomic and demographic variables are included. These are district per capita income, level of education, percent rural, and percent African American. These variables are generally employed when studying economic policies, because they are indicators of policy demand (Wald et al., 2001). I expect the impact of these variables on support for morality policies to be slight. However, because higher levels of education are usually associated with higher levels of tolerance, I expect this to produce higher levels of support for gay rights and pro-choice policies (Button et al., 1997: chapter 3; Guth et al., 1993; Haider-Markel, 1997; Haider-Markel and Meier, 1996; Haider-Markel et al., 2000; Wald et al., 1996; Wilcox and Wolpert, 2000). These variables are all operationalized using Census data. Research suggests that the urban/rural variable will be particularly important with regard to gay rights. Levels of urbanism are positively associated with the support for gay rights at the state and local levels (Haeberle, 1996; Wald et al., 1996). Backing into this approach, this research employs percentage of each district classified as rural by the U.S. Census Bureau to measure the effects of the urban/rural distinction. We can expect legislators representing more rural districts to be less supportive of gay rights.

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6 They are Reps. Kolbe, Gunderson, Frank, Studds, and Huffington.

7 They are Reps. Kolbe, Gunderson, Frank, Studds.

8 They are Reps. Frank and Kolbe.
Percent African American is included to control for the attitudinal and behavioral race related patterns that have been documented by scholars (Conway, 2000; Glynn et al., 1999; Erikson and Tedin, 1995). African Americans tend to have more left leaning ideological tendencies than whites, though African Americans in the electorate—as opposed to at elite levels—tend to be more conservative on an array of moral issues. On gay rights, African Americans have nuanced views—tending to be supportive of equal opportunities, but not necessarily civil rights protections (Button et al., 1997: chapter 3).

Haider-Markel (2001, 1999a and 1999b) demonstrates the importance of taking interest group activity into account when considering the conditions under which legislators will be supportive of gay rights. We expect to find the same relationship regarding abortion activity. In a prima facie sense, interest groups should not have much influence over legislator behavior when dealing with high profile moral issues, given the constituent pressures. However, they may have some success at the margins by convincing members that a given piece of legislation makes only incremental changes from existing policy. Interest group activity is operationalized as the amount of money contributed to the primary and general election campaigns of representatives in the 1992, 1994 and 1996 election cycles by HRC and NARAL. Unfortunately, there are no single issue anti gay rights and prolife PACS of the magnitude of HRC and NARAL, or else I would have included them in the analyses. I expect legislators receiving contributions from HRC and NARAL to be more supportive of gay rights and pro-choice policies, respectively.

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9 These data were obtained from the Center for Responsive Politics.
This research employs OLS regression analyses. The equations are as follows:

\[ Y(\text{Support for Gay Rights}) = a_0 + b_1(\text{Republican}) + b_2(\text{Ideology}) + b_3(\text{Legislator Religious Conservatism}) + b_4(\text{District Level Religious Conservatism}) + b_5(\text{District Democratic Partisanship}) + b_6(\text{District Per Capita Income}) + b_7(\text{District Level of Education}) + b_8(\% \text{ District African American}) + b_9(\% \text{ District Rural}) + b_{10}(\text{Out Gay or Lesbian}) + b_{11}(\text{Male}) + b_{12}(\text{HRC Contributions}) \]

\[ Y(\text{Support for Pro-Choice Policies}) = a_0 + b_1(\text{Republican}) + b_2(\text{Ideology}) + b_3(\text{Legislator Religious Conservatism}) + b_4(\text{District Level Religious Conservatism}) + b_5(\text{District Democratic Partisanship}) + b_6(\text{District Per Capita Income}) + b_7(\text{District Level of Education}) + b_8(\% \text{ District African American}) + b_9(\% \text{ District Rural}) + b_{10}(\text{Male}) + b_{11}(\text{NARAL Contributions}) \]

Based on the morality politics framework, I expect support for gay rights and pro-choice policies to be affected by the morality politics variables—those variables that represent district and elite level principles and values. Specifically, I expect increasing levels of ideological and religious conservatism (individual and district level), and Democratic partisanship (individual and district) to produce lower levels of support for gay rights and pro-choice policies.

Many of these variables are also regressed on a non-moral, explicitly economic, indicator. Each year the Concord Coalition, a deficit reduction advocacy group, identifies important roll calls and generates deficit reduction support scales. In any given year, they may identify twelve votes. The votes are weighted, and representatives are given points for casting deficit reduction votes. Possible scores run from 0 to 100, with 100 indicating the highest levels of support for deficit reduction. Concord Coalition scores for the years under consideration are based on the roll calls listed in APPENDIX A.

The crux of the morality policy argument is that moral issues are unique. Since moral issues draw on values-based status concerns, economic indicators should not work
well explaining support for moral regulation. The flip side of that argument is that moral indicators should not work well when exploring support for an explicitly economic indicator. Additional regressions were run to assess the extent to which the morality politics framework explains support for an economic policy. If it performs well, that suggests that the morality policy framework applies across an array of issues and is therefore not analytically useful. These deficit reduction scores were used because there are no obvious normative implications to supporting deficit reduction or not, while a more general indicator of economic conservatism might tap normative concerns relating to collectivism or individualism and therefore draw on status concerns. Some of the variables, such as sex and out gay or lesbian, which were included in the abortion and gay equations, were eliminated from the economic model, because there is no theoretical reason to include them. While the models may not be well specified if one was really trying to explain support for deficit reduction, excluding obviously extraneous variables probably better specifies the model. The equation is as follows.

\[
Y(\text{Support for Deficit Reduction}) = a_0 + b_1(\text{Republican}) + b_2(\text{Ideology}) + b_3(\text{Legislator Religious Conservatism}) + b_4(\text{District Level Religious Conservatism}) + b_5(\text{District Democratic Partisanship}) + b_6(\text{District Per Capita Income}) + b_7(\text{District Level of Education}) + b_8(\% \text{ District African American}) + b_9(\% \text{ District Rural})
\]

**Personal Interviews**

In the summer of 2000, I conducted personal interviews with Republican and Democrat representatives and staff, and one former Republican member. They were all promised anonymity, so their names are not listed in this dissertation. Interviewees were told that if quoted, they would be referred to as “a Republican/Democrat member/staffer.” The subject breakdown is contained in Table 4-4. More Republicans
were interviewed than Democrats. I suspect this is because in the summer of 2000 I was also interning in the office of a very conservative Republican. This closed some Democratic doors for me, but it also opened Republican doors. The subjects were not selected at random. Letters requesting an interview were distributed to all Republican and Democratic members of the Judiciary Committee, Health, Education, and the Workforce Committee, and the Rules and Appropriations Committees. These representatives were selected because gay rights and abortion legislation often go through these committees. Follow-up calls were made and interviews were conducted with whomever responded affirmatively.

Table 4-4
Person Interview Breakdown

<table>
<thead>
<tr>
<th></th>
<th>Republicans</th>
<th>Democrats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>Representatives</td>
<td>11</td>
<td>5</td>
</tr>
<tr>
<td>Totals</td>
<td>17</td>
<td>10</td>
</tr>
</tbody>
</table>

*Note: One former representative is included in the Republican totals.*

While the roll call analyses were used to test quantitatively the expectations drawn from Congressional and morality politics literature, the personal interviews were used to test these same expectations, but qualitatively. The goal was to flesh out and give voice to whatever the roll call analyses indicated. The interview data would either support the roll call analyses, or they would point to hypocrisy on the part of legislators. Either way, they are an invaluable component of this dissertation. In addition, it was hoped that they would elucidate Conference/Caucus and leadership strategies used to manage these highly controversial and absolutist issues.

The personal interview is one of several survey research techniques. When deciding which technique to employ, researchers are faced with a number of
considerations, such as cost, response rate, and potential bias. Working in a Congressional office and knowing the volume of mail received by member offices on a daily basis, I thought self-administered questionnaires (SAQs) would yield a low response rate. More importantly, the interviewer has no control over who actually fills out the SAQ. In all likelihood, a staff member would have filled out the SAQ. I determined that personal interviews would yield a higher response rate and allow me to identify who exactly was responding. To their benefit, SAQs reduce interviewer based error and reduce the likelihood that respondents will withhold honest—yet, socially unacceptable—responses (Weisberg et al., 1996). All survey research, regardless of technique, is based on the idea that people have true answers and that researchers just need to ask them what they are. Any disjunction between the true answer and the observed answer is attributed to error. Error can be introduced in a number of ways and it seriously compromises the validity of one’s data. However, given that the interviewees are public people or speak on behalf of public people, I did not think that either technique would affect the respondent’s candor. I did not expect them to reveal potentially harmful answers, no matter how I asked the question. This is particularly the case, given the topic of the interviews, gay rights and abortion politics.

The survey instrument comprises a series of open-ended questions. Respondents were all asked the same questions. However, I should note that my approach to the interviews was more collaborative than standardized. The instrument was designed to mimic the social interaction of a conversation, rather than the contrived interaction of a traditional interview. For example, when a respondent asked me to clarify the meaning of a question, I did. Some would argue that this compromises both the validity and
reliability of the instrument, but I do not think this presents “a problem, since what we are looking for is not the standardization of the interaction but stability of meaning across situations and respondents” (Suchman and Jordan, 1992: 262). To some extent, it is a trade off, and I placed more importance on “stability of meaning.” The instrument can be found in APPENDIX B.

**Conclusion**

This chapter develops a theory of legislating morality and describes a multifaceted approach to studying the Congressional politics of moral issues. Theoretically, we expect legislators to be motivated by policy, and cast votes based on fundamental principles—rather than economic considerations. We also expect the possibility for compromise to be low, making skillful leadership management critically important. Two techniques are employed to explore this theory, roll call analyses and personal interviews. Both accommodate a nomological deductive approach, whereby we deduce expectations from larger theories, and then put these expectations to the test. One technique does this quantitatively, and the other qualitatively. The techniques also allow for an interpretive analysis of the political question. That is, the techniques allow us to test existing theories, but they also allow for us to push the bounds of our theoretical constraints and discover aspects of legislating morality not derived from existing theory.
CHAPTER 5
PERCEIVING MORAL DECISIONS

Legislator decision-making has long been a topic of congressional research. As discussed in Chapter 3, most scholarship builds on the assumption that legislators are boundedly rational, and therefore goal oriented. Given that, the central question for many scholars is, what are their goals? Scholars have explored an array of goals, such the desire for re-election, the desire to see certain policy goals enacted, and the desire for power within the chamber. Regardless of which goal actually motivates legislators, we assume legislators act purposively, that goals motivate decision-making. The morality policy literature suggests that certain issues engender intense moral conflict. Under these circumstances, legislators will be motivated primarily by the achievement of favorable policy.

Scholars have identified certain characteristics of moral issues. They tend to be non-technical and thus easy for constituents to understand, rife with hypocrisy, subject to framing, and of heterogeneous demand. Finally, they are issues on which there is no consensus within the polity. The reason legislators are motivated by policy goals vis-à-vis moral legislation is that when the House deals with these issues, legislators are dealing with policies that relate directly to their internal values and status concerns. Thus, the stakes are high, and they are driven to reduce internal dissonance by enacting certain policies consistent with their moral considerations. They are guided by their own fundamental principles as reflected in, among other things, religion and ideology. This
all means that legislators are not "voting their district," per se. They act as trustees for what they consider to be right and good. Of course, because these issues are so high profile and divisive, if districts care about these issues at all, they are likely to elect members whose own views reflect the dominant views of the district. Thus, there is little or no electoral risk in embracing the trustee role.

This chapter explores the ways in which legislators and staff perceive moral conflicts generally and relating to abortion and gay rights. Second, the chapter discusses legislator decision-making. The goal is to determine the extent to which the respondents perceive and react to moral conflicts in ways consistent with the existing scholarly literature. The approach to this analysis is interpretive and based on interviews conducted by the author with staff and House members in the summer of 2000. This analysis is followed up with a more quantitative exploration of this topic in Chapter 6. The initial results suggest that legislators do indeed perceive moral conflicts in ways consistent with the literature. Moreover, decision-making seems to be consistent with the theory of moral decision-making developed in Chapter Four.

What is "Moral"?

The basis of this dissertation is that moral issues challenge the standard legislative process by virtue of their absolutist nature. Of course, this is all built on the assumption that legislators actually perceive some issues as uniquely moral, and therefore react differently to them. Many respondents acknowledge that moral issues are "different." One Republican legislator characterizes the difference between moral and non-moral issues as follows,

They're different. And they're different because many times the passions run deeper. And [constituents] have formed opinions about it for like tax policy or
maybe an energy policy, there’s a lot of complexities there that the public might
have general impressions about or general philosophical bents on, but many times
the nuances are, they just would leave to lawmakers. But when you’re looking at
the abortion question, if you’re looking at something as heartfelt as gay issues,
they understand them, they believe deeply, and they express themselves on that.
So I believe that there is a difference as to the communication from your
constituents on these other sometimes we call them hot button issues, because
they do really strike a passion among voters.¹

The respondent seems to make the same kinds of distinctions made by scholars. Moral
issues present legislators with difficulty because they are non-technical. Constituents
react to them on a visceral level and do not do not hesitate to communicate with
legislators on these subjects. They form specific opinion; they communicate specific
opinion. On an array of other policy issues, constituents may have general impression,
but they are less likely to have strong and specific opinions.

When asked to identify specific issues that stand out as particularly high profile
moral issues, legislators and staff gave various kinds of answers. On the one hand, some
suggested that while certain issues stand out, all issues have some moral component and
are cause for reflection. One Democratic legislator notes,

[W]here you’re trading interests or balancing interests, there are substantive
values we should be tending to. And that suggests that the moral issues are not
just the hot button issues, like abortion or school prayer or whatever people
explicitly relate to some religious belief, but it really covers virtually the entire
policy spectrum.²

A Republican legislative counsel develops this point further,

Almost everything we end up doing here has some kind of moral component to it
or another. And it’s just a matter of how polarized people on the other side of the
issue are. When you’re talking about something like abortion, which is kind of
the banner marquee moral issue up here, there isn’t much room in the middle.
You’re either fiercely opposed to it or fiercely in favor of a woman’s right to

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¹ Interview with the author, July 13, 2000.
² Interview with the author, July 19, 2000.
choose, and we used to say that the middle of the road was the surest place to get run over.\(^3\)

Both respondents make a number of important points. They argue that all law is moral, or has some moral component. This echoes morality policy literature discussed in Chapter 1. Indeed, all law is moral. All law codifies right and wrong. However, what makes morality policy different is that it reflects issues on which there is no consensus in the polity. The second respondent seems to make that point. Moral issues—unlike many other kinds of issues—are highly polarized. Just as there is no overwhelming consensus in the polity, there is no consensus on Capitol Hill. Not only that, but because these issues draw on fundamental values and are so polarized, there is very little room, on the face of it, for compromise. The second respondent went on to suggest that gay issues, gun control, and immigration are all issues, which like abortion are moral in the divisive sense he described.

Another respondent suggests that some issues are moral not because of some innate quality, but because of their framing. One Democratic representative points out that distinctions are not necessarily made between moral and non-moral issues: rather, certain issues are framed categorically—"right or wrong, black and white"\(^4\). A Republican representative emphasizes the importance of issue framing vis-à-vis abortion politics. Reproductive issues, in general, are divisive, and legislative factions around the various reproductive policies tend to overlap. That is, representatives who oppose abortion are often the very same representatives who oppose policies advocating contraception. This representative makes the point that by framing contraception issues

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\(^3\) Interview with the author, August 2, 2000.

\(^4\) Interview with the author, July 18, 2000.
as a method of reducing abortions, the representative has been able to garner support from pro-life representatives. The representative notes,

[T]here are two or three [pro-life] members that over my years...I have gotten them. You can work with people on family planning. I’ve gotten some that didn’t quite understand the issue...You still have your basic pro-life, but when you come to understand family planning and what it can do in preventing abortion [you can win supporters].^5

Both of the preceding respondents echo points in the literature. Specifically, no issue is inherently moral. However, under certain circumstances issues can take on a moral framing that frustrates the legislative process. The flip side of this is that moral issues can be reframed and “de-moralized.”^6 Reframing a moral issue can facilitate the compromise we traditionally associate with the legislative process. However, more often than not the framing runs in the other direction—non-moral to moral. One Republican legislative counsel makes the point that moral framing can be an expeditious and even opportune way to will votes. He says,

[T]here are plenty of members, House, Senate, both, who automatically, I think they jump to the moral component of the argument because that’s in their view the easier way to win votes. They will speak of a bill in terms of, you know, if you support my bill it means that you support the rights of minorities, you support the rights of the unborn, you know, goodness, light, mom and apple pie...[Y]ou’re making it very, very difficult for anyone to oppose you. Or you’re trying to do that. And I am of the opinion that using moral arguments in debate and in Congress, for that reason, is very, very disingenuous.^7

The respondent makes the point, also prevalent in the literature, that not only are issues subject to moral framing, but there is a great deal of hypocrisy present in moral debates. To some extent the hypocrisy appears to be by design, because if you can successfully

^5 Interview with the author, July 18, 2000.

^6 Former Republican representative’s interview with the author, June 29, 2000.

^7 Interview with the author, August 2, 2000.
put an issue in a moral frame of reference, you force your opponents to “stand up for sin.”

Others suggest that while there may be a moral component to many issues, certain issues are particularly high profile. Two Democrat staff members note,

Well, there’s the usual, abortion. I think gay/lesbian civil rights comes into this. There’s a whole, you could make a moral case for almost any piece of legislation from environmental legislation, God’s green earth, to almost anything. . . . and campaign finance.8

Well, I think abortion is the obvious one, particularly with religious overtones. I suppose from my point of view you could say that providing more aid to poor people has a moral component to it. I’m not sure everyone agrees with that. People tend to look at the issues like the ones that come before the Judiciary Committee, like abortion, like school prayer. . . .9

The respondents themselves may have an expansive view of moral issues, but they both understand that certain issues take on a unique moral significance. They are particularly high profile and to some extent religious in nature.

Other respondents took a more limited approach. Without describing the distinction between moral and non-moral issues, they simply identified those issues that they consider to be moral. Almost every single respondent identified abortion, and many others identified family planning, stem cell research, school prayer, impeachment issues, and hate crimes. Few respondents mentioned gay issues, and this comes as no surprise. While gay issues are moral, as defined in this dissertation, they are not currently as high profile as the other issues mentioned. Abortion and family planning, in particular, are two issues with which the House is forced to deal every year. This is because these issues are tied to the appropriations process in a number of different places. Gay issues

8 Legislative director’s interview with the author, August 1, 2000.

9 Administrative assistant’s interview with the author August 8, 2000.
are not, and they only become high profile in the House when an idiosyncratic issue is raised that forces the House to pay attention—such as Hawaii considering gay marriages in the early 1990s. There are legislative entrepreneurs that may try to get these issues on the agenda periodically, but unless the moment is right and the leadership cooperates, gay related legislation does not tend to make it to the floor. Abortion, on the other hand, is guaranteed to hit the floor every year.

Finally, a number of respondents made the point that the identification of issues as “moral” is contingent upon religion, and that those issues that evoke religious overtones are the ones they consider to be the high profile moral issues. When asked to identify particularly high profile moral issues, one Republican legislator responded, “I think what you’re really talking about is religious issues.” A Republican staffer notes, “whenever you get religious, it becomes a moral debate.” Religious overtones may not be necessary for an issue to be considered moral, but this respondent seems to suggest that they are certainly sufficient. Of course, it depends. If the religious issue is consensual, then it will not take on the moral characteristics described in Chapter 1.

Collectively, we can take from these respondents some confidence that certain issues take on a moral quality and therefore have unique characteristics. Certain issues are different. According to the respondents, moral issues are different for many of the reasons identified by scholars. They are polarizing, subject to framing, rife with hypocrisy, and they draw on religious—or, at the very least, values based—concerns. The

10 Interview with the author, July 11, 2000.
11 Interview with the author, August 9, 2000.
question still remains, what patterns of politics do these issues breed? To address that question, the remainder of the chapter explores legislative decision-making.

**Jumping off the Fence: Moral Decision-Making**

While the next chapters gives us an opportunity to measure in a more controlled way what influences legislator decision-making, this section explores decision-making in the words of representatives and their staff. The morality politics framework suggests that when confronted with issues such as abortion and gay rights, because these draw on status concerns and fundamental values, legislators’ decision-making will be guided by predictors reflective of the values-based nature of these issues. The preceding section seems to bear that distinction out. In fact, members do perceive some issues differently. The questions remain, how do they then decide to vote? Representatives approach these issues in a variety of ways.

A number of legislators note that these issues are hard, but not because they do not know what to do. Rather, they understand that these issues are highly symbolic and highly divisive. They need to be guided by their consciences, but they must also be cognizant of the plurality of values in the House. One Democratic legislator, an attorney by training, compares the distinction between non-moral and moral issues to the distinction between, for example, a commercial case and a slip and fall case. He notes,

I prefer commercial cases, because it’s just money. One way or another, it’s just money. And on the face of it, the slip and fall case is also about money, but... I [am of the] view that in the slip and fall you could argue that you were looking for a higher... Oh my god, you really have to try to do justice in that one, and that’s what makes it so hard... There have been things that have come out which are difficult. But they weren’t difficult in deciding what I needed to do, because as an intellectual matter and as a moral matter I’ve found that there were imperatives, that it went to my view of the core of doing this job.

He goes on to say,
[Moral issues] are emblematic of a set of values. . . . I may be the only person in the world that sees China and education connected. But it all has to do with realization of human potentials and rights. . . . One of the reasons why I consistently voted and spoken out on gay and lesbian rights—I don’t care how it polls—is that to me it is like the China issue and there are a number of other human rights issues. But it’s not just human rights, to really achieve human rights, you really need skills, you need empowerment.

And finally,

I think that within any particular cultural context. . . . there’s more general agreement that this is kind of a moral ethical set of issues. Whether that is. . . . some of the issues around religion and reproductive rights that has taken on a general tone of values issues in the United States. Whereas one can imagine a society. . . . where those issues don’t have that dimension. . . . I think a different way to put it is the symbolic value of what’s done takes on parity, or is perhaps supreme to the functional intent. Where symbolism becomes more important than the function. It might be true of reproductive rights. Another area where it might be true is guns. It’s the case many people that unfettered access to a firearm takes on incredible symbolic importance. But I don’t share that. . . . I see a gun, and I see a mechanical object. They see a gun, and it’s much more symbolic of something else. . . . I try to recognize when it’s an issue where it has strong moral overtones to the person who comes here to talk to me.12

The representative makes a number of important points (which is why he is quoted at such length). He notes that these issues are difficult, though not because he is himself conflicted. He is not. But the stakes are higher when Congress confronts these kinds of issues. Ethical considerations are at stake, and the representative seems for feel more of an imperative to do the right thing. What makes this difficult is that the representative understands that these issues are not just divisive; rather, they are symbolic of a set of values. The representative’s point echoes scholarly discussions suggesting that these issues are really status and cultural based. Congress is not just dealing with the issue on the table. Congress is dealing with an array of issues, some of which are fundamentally important and will affect people’s way of life. Also, the Congressman understands that

12 Interview with the author, July 18, 2001.
these issues are frame dependent—another reason why representatives from disparate perspectives have difficulty legislating morality. Finally, the representative indicates that while he himself is guided by certain imperatives, he attempts to recognize that certain issues take on a different kind of significance for many of his constituents and colleagues. He may not agree, but he tries to be cognizant of their frame of reference.

A Republican legislator makes similar points in a more succinct fashion. He notes that when he is considering moral legislation,

[S]ince I have a pretty well known established record, there's not a lot of pressure externally. To me, as a person, there's always huge internal pressure when morality becomes part of the decision, because you want to do what you think is right in the context of the whole community and the context of the whole environment in which all of us live and work together, which must... respect the morality of everyone.\textsuperscript{13}

Here again, the legislator indicates that by virtue of his established track record the difficulty with moral issues lies not in deciding how to vote. For him, the difficulty lies in doing what is right—following his conscience, as he later indicates—while recognizing and respecting the value pluralism at work nationally and in the House. These representatives acknowledge the presence of principled disagreement. They have strong feelings and know how they will vote, but they are cognizant that while doing what they think is right, they draw on values that do not resonate with the rest of the chamber. These representatives seem to be a minority. Most representatives did not acknowledge the presence of a morally equivalent opposition.

In explaining their decision-making process, other representatives and their staff emphasize the distinction they make between voting on moral issues versus non-moral issues. For the most part, these respondents suggest that while their boss may be willing

\textsuperscript{13} Interview with the author, June 28, 2000.
to defer to their district on non-moral issues, particularly if they do not have strong feelings, that is not the case with moral issues. When voting on moral issues, respondents indicate that legislators are guided by their consciences and do not succumb to external pressure. A Democratic staffer describes his boss’s decision-making process as follows,

[For moral issues], it more comes down to right and wrong, because on the other issues he just listens to what people are generally telling him they want. I mean those issues, like whether or nor we’re going to tax the internet or something, these things, I mean, he listens to kind of what the experts are telling him, maybe some of the companies in his district, things like that that aren’t going to affect people’s lives in a real serious way. Whereas on these more, like these issues that we’re talking about, then it’s more, ‘yeah, those guys are telling me that, but I feel like what’s right is this, so I’m going to do this.’ I think that’s generally how he handles it.14

A Republican legislative director characterizes his boss’s decision-making process in similar terms. When asked if his boss defers to his constituents on some kinds of issues, he notes,

I’d like to say yeah, but I think not moral issues. I think he’s staked out very known very high profile positions at least as far as our constituents are concerned about how he is going to vote. When you kind of go down a kind of a ladder from moral issues to ones that don’t necessarily have a moral component to them, there’s more leeway, for him to listen and to respond.15

A Republican representative makes similar distinctions. He says,

My decision making process is as follows. If I, I mean I kind of consider myself the representative, thus our name, ... I also consider myself as a leader, so I kind of balance those two missions when I’m deciding things. If my district indicates, and I have a pretty good idea that this is a fair representation of my district, if they indicate somewhere between 45 and 55 percent on a certain issue, I vote the way I want to. If it gets between 40 and 45, 55 and 60 percent on an issue I begin to really, begin to weight what they think, if it happens to be different than mine. I factor that in. If it’s over 60 percent I factor what they think heavily into my decision making process, and if it’s more than that I generally vote with them. Now obviously I get elected in that district, so I am by that mission a

14 Interview with the author, August 15, 2000.

15 Interview with the author, August 2, 2000.
representative of most of their views. So you’ll often have differences of opinion. Now where I, now an example of this would be minimum wage, the increase, I’m not crazy about it from an economic standpoint, but my district overwhelming is for it, like 80 percent so I have voted for those increases, even though I don’t think it’s good economics. It’s not good macroeconomics I should say anyway. But on moral issues, this is the thing, I’m getting to, on moral issues I decided before I came up here that I was going to vote exactly the way I thought I should vote, regardless of what everyone thought about it and let the chips fall where they may. . . . And luckily I’m a conservative fellow and I can fall down exactly how the majority of my district falls down on those issues.\(^\text{16}\)

A Republican legislative director echoes this point. He notes that because his boss is somewhat more conservative than his district, on some issues his boss may be willing to defer to his district—on guns, in particular. However, on moral issues such as the ones explored in this dissertation, the respondent indicated that his boss and his former boss cannot be compelled to vote against their firmly held views. On abortion he notes, “Both my members, whenever I served with them, they are wholly pro-life and very pro family and therefore no amount of mail, no amount of constituent input, no amount of lobbying by Congress will change their views, no matter what.”\(^\text{17}\)

The irony of moral legislation appears to be that while constituents are more likely to form opinions and aggressively promote them with their legislator, these are the very issues on which legislators are least likely to be responsive. Respondent after respondent suggests that representatives take up the trustee mantle when considering moral issues. Again and again, legislators and staff indicate that—however they vote on other issues—on moral issues, their conscience is their guide. They develop positions based on deeply held values, and they cannot be easily moved. Various respondents emphasize the importance of personal religiosity in legislator decision-making.

\(^{16}\) Interview with the author, July 19, 2000.

\(^{17}\) Interview with the author, July 31, 2000.
[My bosses] seek counsel from other factions like other members they are close to, just based on facts I think. . . [T]hey want to make sure that they are making a conscious decision. But I believe, on moral issues especially, I think it’s all based on the member himself and their beliefs and convictions. My boss is the leader of the Prayer Breakfast. And he’s a very devout Christian, and he’s very family oriented.\(^{18}\)

I think he’s pretty solid core on that sort of thing, and I don’t know if he’s ever really torn up that much. And he’s a devout Catholic. . . So that makes it easier votes.\(^{19}\)

[My boss] is an Orthodox Jew, and so he certainly feels a religious pull when on moral issues. And there are some issues where the religious community will call him. But he pretty much came into Congress rock solid and with his beliefs intact, so there isn’t a lot of swaying you can do.\(^{20}\)

For these respondents, it seems that the values on which they draw when considering moral issues are religious. Other respondents discuss the importance of their own beliefs and convictions, without explicitly mentioning religion.

There are two things that pretty much direct me when I make a decision. First of all my conscience is one. And the other one is my conviction. And the other one, my constituents. . . It’s always sort of like a mixture of the three of them. Let’s take for an example abortion. Abortion is an issue that I could go either way in terms of my constituency. African Americans who make up a great part of my constituency are very conservative people when it comes to abortion and choice and that kind of thing. They would rather not see it happen. But on the other hand, I have to think about the fact that as an elected official, particularly a Congressperson, I represent all of the country. I don’t just represent my constituency. The entire nation is now my constituency. That’s what I think of also. And I think of my own conviction, that is, and my own conviction regarding that one issue is that abortion is wrong, but I should not be able to say to a woman look you can’t do this because I don’t feel that you should do it as a government official.\(^{21}\)

[My boss] is a pretty firm person in what she believes in. [It is my boss’s] state and local career in elected politics that I think helps [my boss] formulate those

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\(^{18}\) Republican legislative director’s interview with the author, August 8, 2000.

\(^{19}\) Republican staffer’s interview with the author, August 9, 2000.

\(^{20}\) Democratic legislative director’s interview with the author, August 7, 2000.

\(^{21}\) Democratic representative’s interview with the author, July 11, 2000.
ideas already. . . . She doesn’t usually bend to the votership. . . . I think they’re conscience votes and she also has a legislative record from back home. And she doesn’t go against, she formulated her conscience votes back then and is firmly pro-choice. 22

I will say that on many of these issues that are identified as moral issues, many members don’t feel much pressure at all, because they’ve already staked out a position. They really have no interest in changing their position. 23

One legislator, though firmly pro-choice, still reaches out to others for guidance on moral issues. For example, when the House voted on the partial birth abortion bill, the respondent discussed the issue with medical experts to determine the extent to which women needed to have this procedure available to them. The representative did not want to depend solely on the guidance of colleagues, believing that their views can be skewed and extreme. So, while the legislator is pro-choice, certain issues may challenge the representative and require additional consideration.

I mean, on partial birth abortion, maybe you’ve heard of it, but you didn’t know much about it. So you have to read the information. I talked to my doctor friends to find out their opinion and what alternatives there were and how these things work. 24

As one Democratic administrative assistant notes, representatives must ultimately vote based on their own values and determination about right and wrong. In principle, this can mean voting against one’s district—this can mean acting as a trustee.

I think from members of Congress who are elected officials that issues on which there is a strong moral component, members may be less able to be swayed by letters from constituents or by presentations from lobbyists or other activist organizations or from their leadership. I think most members of Congress on sort of key moral issues. . . . they’ve got a position and I think that most people wouldn’t like to think that if you took a particular position on abortion and then your mail

22 Democratic legislative director’s interview with the author, August 1, 2000.

23 Republican representative’s interview with the author, June 29, 2000.

24 Republican representative’s interview with the author, July 18, 2000.
started to come in and you know, it was 10 to 1 against that that then you would just switch. . . [C]ertainly he listens to the arguments that people present, but I think his feeling is that most members of Congress and most elected officials, most people they take into account their lives and their experiences and what they hear from people, but they ultimately decide based on what they think personally is the right thing to do and they hope is there that you’re reasonable representative of your district to begin with, or you wouldn’t have gotten elected, and you’ve also given them as broad a sense as you can, a detailed sense as you can of where you are in these issues. So when you take a position it’s not a complete surprise.\(^{25}\)

Of course, the hope is that your district supports you. This is not unlike a point made by the respondent referenced in note twenty-six of this chapter. Others echo it as well.

There is no issue that I have ever seen emerge that could be considered a litmus vote for anything even remotely approaching a majority of our constituents. [The district] a very progressive place and I think she is in line with the vast majority of constituents. You’ll never agree with everyone.\(^{26}\)

Well I vote the way most of them [want], but not the way all of them do. By definition that would be impossible. Yeah, I think I’m pretty much in sync with my district on a wide range of issues both of moral and economic and whatever. ..But I don’t view myself as kind of a missionary for that issue in my district. You have my position, I’m not ashamed of it in any way at all, but I’ve never seen myself as a one issue Congressman. And I try to project that to my constituents.\(^{27}\)

The respondents indicate doing what they think is right, regardless of mail or other external pressures. However, many find themselves supported by their districts on these issues. They have long career track records, and their views are well known. Thus, there is not electoral risk in being a trustee, because there is no great disjunction between members and their districts. This is rather a common theme, and it suggests that trustee delegate distinctions are not all that useful. One Republican representative makes this point exactly.

\(^{25}\) Interview with the author, August 8, 2000.

\(^{26}\) Democratic legislative director’s interview with the author, August 8, 2000.

\(^{27}\) Republican representative’s interview with the author, June 29, 2000.
I think ultimately you’ve got to lead. I’ll give you a good example. You just can’t sit there and wet your finger and put it up in the air on abortion, or on domestic partners or on any number of things. . . . And my modus operandi has always been to listen as much as I can and as long as I can, to think it through myself and then you reach the point, hopefully prior to the time you actually vote, where you become a spokesman for that way in which you’re going to vote. And there are a lot, the people who don’t agree with you, they’re gone. But you will influence, that’s what this is all about. You know Edwin Burke [sic] asked a famous question about whether you should vote your conscious or vote the way your constituents want you to vote, and I think that’s portends that those are mutually exclusive. I don’t think so. I think they can be inclusive if you accept your role as a leader to ultimately move people one way or another. You’re never going to move all of them. But this business is about ultimately a majority of people determining to do things, whether it’s tax themselves or whatever else it is. And so I’ve always kind of taken the role to ultimately come to a decision and then try to be a leader for what I think is the right thing to do.28

The representative makes the point that while he casts his votes based on his conscience, and not blunt electoral calculations, in voting his conscience he takes on a leadership role. Hopefully he can move people in one way or another, thereby diminishing any disjunction between him and his district.

Along those same lines, a former Republican representative echoes the previous respondent’s point about leaders and discusses instances when being a leader meant voting against the prevailing attitudes in his district regarding moral issues of the day.

Well, you wrestle with these problems and I have. . . . [I experienced] the struggle of conscious...within me when the civil rights battles were raging in the 1960’s over the passage of the initial Civil Rights Act of ’64 and the Voting Rights Act of ’65 and the Housing Act. . . in 1968. And for me it was a matter of religious conviction. I listened very carefully to the clergy who came to my office and were part of the broad civil rights coalition, the leadership conference on civil rights. Through it I became very friendly with a man, now deceased, Joe Rauh, who was the counsel, the lawyer for many years of that leadership conference on civil rights. And the moral arguments, the religious convictions that I had from my own personal faith...weighed very heavily in my mind. They were supervening as far as I was concerned. I don’t want to sound heroic; I don’t want to suggest that I’m not as guilty of doing the political calculus as anyone else. I certainly think about those things. Or did back when I was running for office and had to count votes. But I think there are supremely transcendent moral

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28 Interview with the author, June 28, 2000.
convictions that you can have that enable you to take positions and stands that are not always politically popular initiative, and you have to assume then the role of trying to be an educator and hope that you can be sufficiently persuasive with your arguments, that you can win over at least some, not all, there's some that are just absolutely beyond your help. You can't get to them, but that you can win over enough thoughtful people that may be on the borderline one way or the other, to your point of view. So I think moral issues prominently associated in my mind with the issues that were so divisive.

When asked if he thinks his district supported his positions on moral issues, the former representative notes,

Not on the open housing bill, I don't think. I think initially I had the laboring order to bring them around on the grounds that this was not an invasion of property rights, to tell landlords to turn somebody down and if you do you're going to be subject to the penalties provided for in the law that was passed on discrimination against people on the basis of race, color, ethnic background for housing. Now there were, I think when I supported gay rights back in the 60's when the gay and lesbian alliance had far less power than they do today. . . . [B]Jack when I voted on an amendment to a bill that had been offered to deny representation to gays or lesbians, from the legal, the Corporation for Legal Services. . . . And I voted against [the] amendment. I thought it was unfair and discriminatory and it became an issue in the last primary contest that I had which was more severely fought than any other since the first one that I fought when I was first elected. That was an issue that I had voted to support, gay rights.

Author: Well it seems like you tried to take a leadership role with your constituents.

Respondent: Yes. Yes on those issues I did. It seemed to me, not to be patronizing about it, that maybe they hadn't come along, been advanced sufficiently far in their thinking to realize that this was a very hurtful thing in a democratic society, to have these groups suffer discrimination. And it was damaging to the very core of our democracy.

The respondent makes a number of important points. The representative echoes the point made by other respondents that when confronted with moral issues, he cast his votes based on moral and religious considerations. For many legislators, this is easy, because they reflect their the district's dominant preferences. However, this respondent points to specific instances where he was not only voting with his conscience, but also voting

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29 Interview with the author, June 29, 2000.
against his district. He acted as a true trustee and leader of his district. This suggests that legislator discussions about doing what they think is right are not totally empty. When push comes to shove, they actually will lead.

**Conclusion**

We learn a number of things about moral decision-making in this chapter. First, scholarly discussions about moral versus non-moral legislation seem to have real world applicability—rather than being abstract analytical constructs. We can conclude that legislators do perceive a distinction between moral and non-moral issues. Moreover, respondent distinctions correspond quite nicely with scholarly distinctions. For example, scholars and representatives concur that moral issues do indeed tap fundamental values, they are subject to framing and reframing, and they tend to be absolutists and therefore not amenable to compromise. Second, given the unique qualities of moral issues, respondents indicate that they vote their consciences. They cast votes with an eye toward specific policy outcomes, based on their fundamental values and cannot easily be moved by external pressures. This does not necessarily mean that they vote against their district, but that is certainly a possibility.
CHAPTER 6
EQUIVOCATION AND ABSOLUTISM

Based on interview data, Chapter 5 establishes that legislators and staff perceive differences between moral and non-moral legislation. Moreover, legislators claim that voting on these issues is guided by their conscience, as opposed to district level electoral considerations. This chapter allows us to test that quantitatively. As described in Chapter 4, pro-choice and gay rights support scores have been developed for each Congress. Using OLS and applying the morality politics framework, this chapter analyses individual legislator support scores. To further demonstrate that moral issues are distinct, the morality politics framework is also applied to an explicitly economic indicator. The expectation is that the predictors that explain support for moral issues should not explain support for economic policy. The economic indicators employed in the analyses are Concord Coalition deficit reduction scores, calculated for each member, in each Congress.\(^1\) While economic policy does have normative and even moral implications, deficit reduction tends to crosscut partisan and ideological coalitions.

While we expect the morality politics framework to perform poorly when applied to the Concord Coalition scores, we expect support for pro-choice and gay rights issues to be heavily influenced by district and elite level variables that draw on fundamental principles and values. Indeed, that is the conceptual hypothesis guiding

\(^1\) Chapter 4 provides further explanation of these scores.
this research. Specifically, I expect increasing levels of ideological and religious conservatism (individual and district level), and Democratic partisanship (individual and district) to produce lower levels of support for gay rights and pro-choice policies.

The results suggest that the framework performs well. However, many of the explicitly economic predictors also emerge strongly. This suggests that these issues may have moral and non-moral dimensions, and that Button et al. (2001) are correct in their assertion that any analysis of morality politics should include a mix of moral and non-moral predictors. Also, we notice that the morality politics framework performs much better when applied to gay rights than when applied to abortion. This suggests that not all moral issues give way to the same legislator decision-making process. Different issues are dealt with in different Congressional environments that either enhance or diminish the possibility of traditional compromise and coalition politics. Moreover, some issues may be successfully "de-moralized," as one respondent suggested in the previous chapter.

Abortion and the Politics of Equivocation

Tables 6-1 through 6-3 provide the OLS results of the analyses of the pro-choice scores. For each Congress, three regressions were run: one with the non-moral variables, another with the moral variables, and another with all the variables. This allows us to measure the additive value of including the moral variables in our analysis. Elite partisanship is included in all three models, but district partisanship is not. This is because not including elite partisanship sets up a non-moral straw model. One can hardly model congressional voting behavior in a meaningful way and not include that variable, since it is time and again one of the most important predictors of
Table 6-1
Support for Pro-Choice Policies in the U.S. House, 103rd Congress (1993-1994)

<table>
<thead>
<tr>
<th>Independent Variables</th>
<th>Non Moral</th>
<th>Moral</th>
<th>Inclusive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constant</td>
<td>.588****</td>
<td>.861****</td>
<td>.582****</td>
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<tr>
<td>Per Capita Income</td>
<td>.00001***</td>
<td>0.00006</td>
<td>0.00001***</td>
</tr>
<tr>
<td>% with Some College</td>
<td>-.0008</td>
<td>0.004**</td>
<td>0.001</td>
</tr>
<tr>
<td>% African American</td>
<td>.003****</td>
<td></td>
<td>0.001</td>
</tr>
<tr>
<td>% Rural</td>
<td>-.245****</td>
<td></td>
<td>-.020</td>
</tr>
<tr>
<td>Gender – Male</td>
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<td></td>
<td>-.136****</td>
</tr>
<tr>
<td>Contributions from NARAL PAC</td>
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<td>0.00005****</td>
<td>0.00005****</td>
</tr>
<tr>
<td>Party ID – Republican</td>
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<td>-.536****</td>
<td>-.504****</td>
</tr>
<tr>
<td>Ideology – Conservatism</td>
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<td></td>
<td>-.898****</td>
</tr>
<tr>
<td>District Religious Conservatism</td>
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<td></td>
<td>-.018</td>
</tr>
<tr>
<td>Legislator Religious Conservatism</td>
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<td></td>
<td>-.008</td>
</tr>
<tr>
<td>% Vote for Clinton in 1992</td>
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<td>0.0008</td>
<td></td>
</tr>
<tr>
<td>Adj. R Square</td>
<td>.566</td>
<td>.637</td>
<td>.699</td>
</tr>
<tr>
<td>R Square</td>
<td>.573</td>
<td>.641</td>
<td>.707</td>
</tr>
<tr>
<td>N of cases</td>
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<td>432</td>
<td>432</td>
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**** p<.001, *** p<.01, ** p<.05, * p<.10

Note a: The dependent variable is level of support for pro-choice policies.
Note b: The score was derived from the following items: Consponsorship of HR25 and HR26; House Roll Calls 60, 61, 69, 106, 107, 309, 582 (1st session).
Note c: Column entries are unstandardized regression coefficients.
Table 6-2

<table>
<thead>
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<th>Independent Variables</th>
<th>Non Moral</th>
<th>Moral</th>
<th>Inclusive</th>
</tr>
</thead>
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<td>.506***</td>
</tr>
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<td>% with Some College</td>
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<td>---------</td>
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</tr>
<tr>
<td>% African American</td>
<td>.004****</td>
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<tr>
<td>% Rural</td>
<td>-.132</td>
<td>---------</td>
<td>.022</td>
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<tr>
<td>Gender – Male</td>
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<tr>
<td>Contributions from NARAL</td>
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<td>---------</td>
<td>.00004****</td>
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<td>Ideology – Conservatism</td>
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<td>-.930****</td>
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<tr>
<td>District Religious Conservatism</td>
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</tr>
<tr>
<td>Legislator Religious Conservatism</td>
<td>---------</td>
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<td>-.002</td>
</tr>
<tr>
<td>% Vote for Clinton in 1992</td>
<td>---------</td>
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<td>.0003</td>
</tr>
<tr>
<td>Adj. R Square</td>
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<td>.598</td>
<td>.647</td>
</tr>
<tr>
<td>R Square</td>
<td>.535</td>
<td>.602</td>
<td>.656</td>
</tr>
<tr>
<td>N of cases</td>
<td>433</td>
<td>433</td>
<td>433</td>
</tr>
</tbody>
</table>

**** p<.001, *** p<.01, ** p<.05, * p<.10

Note a: The dependent variable is level of support for pro-choice policies.
Note b: The score was derived from the following House Roll Calls 349, 350, 382, 432, 433, 526, 574, 641, 642, 756 (1st session), 51, 167, 320, 332 (2nd session).
Note c: Column entries are unstandardized regression coefficients.
Table 6-3

<table>
<thead>
<tr>
<th>Independent Variables</th>
<th>Non Moral</th>
<th>Moral</th>
<th>Inclusive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constant</td>
<td>.572****</td>
<td>.638****</td>
<td>.364**</td>
</tr>
<tr>
<td>Per Capita Income</td>
<td>.00001**</td>
<td></td>
<td>.000003</td>
</tr>
<tr>
<td>% with Some College</td>
<td>.003</td>
<td></td>
<td>.005***</td>
</tr>
<tr>
<td>% African American</td>
<td>.004****</td>
<td></td>
<td>.003**</td>
</tr>
<tr>
<td>% Rural</td>
<td>-.240***</td>
<td></td>
<td>.031</td>
</tr>
<tr>
<td>Gender – Male</td>
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<td></td>
<td>-.090**</td>
</tr>
<tr>
<td>Contributions from NARAL</td>
<td>.00005****</td>
<td></td>
<td>.00005****</td>
</tr>
<tr>
<td>Party ID – Republican</td>
<td>-.542****</td>
<td>-.575****</td>
<td>-.536****</td>
</tr>
<tr>
<td>Ideology – Conservatism</td>
<td></td>
<td>-.993****</td>
<td>-.844****</td>
</tr>
<tr>
<td>District Religious Conservatism</td>
<td></td>
<td>-.046***</td>
<td>-.040*</td>
</tr>
<tr>
<td>Legislator Religious Conservatism</td>
<td></td>
<td>.006</td>
<td>.002</td>
</tr>
<tr>
<td>% Vote for Clinton in 1992</td>
<td></td>
<td>.004***</td>
<td>.004**</td>
</tr>
</tbody>
</table>

Adj. R Square                   | .614      | .684     | .724      |

R Square                        | .620      | .687     | .732      |

N of cases                      | 431       | 431      | 431       |

**** p<.001, *** p<.01, ** p<.05, * p<.10

Note a: The dependent variable is level of support for pro-choice policies.
Note b: The score was derived from the following House Roll Calls—23, 65, 167, 194, 217, 358, 362, 363, 388, 447 (1st session), 171, 260, 280, 288, 387, 408 (2nd session).
Note c: Column entries are unstandardized regression coefficients.

behavior in any area. And more than simply tapping individual legislator preferences, elite partisanship is also influenced by certain electoral or political strategies made by
legislators vis-à-vis their district and their Conference or Caucus. That is, it captures political as well as normative considerations. District partisanship is a different phenomena, and it is included solely to capture district level values-based aggregate preferences.

In the inclusive models, the coefficients for elite partisanship indicate that in each Congress we can expect Republican to be more than 50% less supportive of pro-choice policies than their Democratic peers. This is we expected. The coefficients district level partisanship indicate that whether Republican or Democrat, legislators coming from districts that supported Clinton are more likely to support pro-choice policies. However, the coefficients are modest, indicating that for every 10% of the vote received by Clinton, we can expect a legislator’s support to increase by between .3 and 4%. Also, this variable is only significant in the 105th Congress from previous Congresses. In the moral models, the results are not that much more impressive. Again, the coefficient is only significant in the 105th Congress, and even then the coefficient is modest. For every 10% of the vote received by Clinton in 1996, we can expect a legislator’s support for pro-choice policies to increase by 4%. Though the coefficient is small, it is important to note that the substantive impact of this variable increases considerably and gains significance in the 105th Congress. Perhaps this is because Clinton was more of a lightening rod in those years in which impeachment was taking place. Thus, district level Democratic partisanship became a stronger predictor.

Ideology performs as expected, and in fact is the dominant variable. Higher levels of ideological conservatism produce low levels of support for pro-choice
policies. These results are consistent with previous findings on House abortion voting that argue that ideology is a more important predictor than either partisanship or constituency preferences (Tatalovich and Schier, 1993). The effects of district level religious conservatism increase slightly and gain significance from the 103rd and the 104th to the 105th Congress. The coefficients indicate that high levels of district religious conservatism produce lower levels of legislator support for pro-choice policies. In the latter Congress, we can expect a representative coming from a moderately conservative district dominated by Methodists and Episcopalians and scoring around 4 on the theological conservatism score to exhibit levels of support for pro-choice policies about 12% higher than their colleagues coming from districts dominated by the most theologically conservative denominations.

The emergence of district religious conservatism in the 105th Congress, along with the emergence of district level partisanship, suggests that not only were the moral considerations of President Clinton in the forefront of legislators’ political judgments, but that impeachment led to a more generalized increase in the moral tenor of the Congress, which bled over into other areas, substantive policy areas. The coefficients for elite religious conservatism are both modest and statistically insignificant. This disparity in the influence of elite and district level religious conservatism in the 105th Congress may be due in part to the nature of moral regulation. Often, public pronouncements and private behaviors are at odds with one another. This gives legislators a false impression of the demand for regulation (Meier, 2001). Comparing the impact of these two analogous morality policy variables, the relative strength of community religious conservatism may indicate that
larger and louder public demands for moral regulation come out of religiously conservative districts. Legislators are not anxious to "stand up for sin," so the influence of their own religious conservatism is muted by constituent demands. Legislators are probably not behaving in ways contrary to their own religious values, but community religious conservatism provides even greater motivation for representatives to act as moral gatekeepers.

Some of the non-moral variables emerge as strong predictors of support for pro-choice policies. District education, legislator gender, and NARAL contributions are statistically and substantively significant in all three Congresses. Percent district African American is significant in two of the three Congresses. In the inclusive models, education is consistently an important predictor. Across Congresses, as district level of education increases, so too does a representative’s support for pro-choice policies. For every 10% increase in district level of education, we can expect a 2-5% increase in support for pro-choice policies. Consistent with behavior literature, the analysis suggests that in each Congress, female legislators support pro-choice policies at higher levels than their male colleagues. Male legislators tend to be about 8 to 14% less supportive. PAC contributions have a small effect on legislator behavior. Depending upon the Congress, for every $1000 received by NARAL, we can expect a legislator’s support for pro-choice policies to increase by .5-5%. While not significant in the 103rd Congress, the percentage of one’s district that is African American is also an important predictor. For every 10% increase in a representative’s district classified as African American, we can expect her pro-choice support score to increase 3 to 4%, controlling for all the other moral and non-moral predictors.
While in the inclusive models district per capita is only significant in the 104th Congress, the coefficient suggests that as income increases, so too does support for pro-choice policies. The coefficient is modest in the 104th Congress, but it indicates that for every $1000 increase in per capita income, a representative’s support for pro-choice policies should increase 1%. We can expect a representative from a district with a per capita income of $50,000 will support abortion right 10% more than a colleague from a district with a per capita income of $40,000. Percent rural is the only sociodemographic predictor to be insignificant in every Congress.

These analyses point to some interesting conclusions. The framework suggests that moral, rather than economic variables are the key predictors of support for pro-choice policies, but the analysis suggests that a mix of moral and non-moral is important. While elite partisanship and ideology perform consistently well, many of the morality variables perform poorly in the 103rd and 104th Congress. At the same time, the sociodemographic variables emerge as strong predictors. As Wald et al. (2001) note, we should not omit these more traditional economic demand variables from our models when applying the morality politics framework, because there appear to be moral and non-moral dimensions to some of these issues. The non-moral models perform well, but they do not perform as well as the models including moral variables. Across the Congresses, the moral models explain 7 to 7.4% more variance than the non-moral models. The inclusive models perform the best. Using the non-moral models as a baseline, including the moral variables increases explained variance by about 4 to 6.2%. We can also conclude that the strength of the morality politics framework varies from Congress to Congress.
In that ideology and elite partisanship are the only morality policy variables that performs consistently, in a substantive and statistically significant sense, across all three Congresses, we can conclude that the morality politics framework does not perform as well as we might expect. I argue this is because abortion lends itself to incrementalism and equivocation (McFarlane and Meier, 2001; Mooney and Lee, 1995). Theoretically, morality policies should lend themselves to categorical policy development. But the emergence of the non-moral variables suggests that the legislative process of abortion politics may be more traditional than we previously thought, and not necessarily absolutist. Getting anything done in this area, given the complications moral issues pose, depends on “the strength and skills of activists in institutional settings who share the public’s mixed sentiments” (Guth et al., 1993: 66). As noted in Chapter 5, various respondents mentioned the importance of issue framing vis-à-vis moral issues. Skillful elites may have developed alternative abortion frames that facilitate compromise and equivocation on what some consider to be a fundamentally absolutist issue. A legislator may be for or against abortion rights, but may be willing to compromise, for example, on public funding or parental consent (McFarlane and Meier, 2001; Meier, 2001). The segments of the Congress and the polity who are staunchly opposed to or in favor of abortion rights will no doubt be unhappy with these kinds of compromises, but for a great many others they allow for policy and attitudinal nuance that are reflected in the public (Tatalovich, 1997; Abramowitz, 1995). Practically speaking, many abortion issues are considered in the context of appropriations legislation, where rival camps are forced to compromise. While authorization committees are free to deadlock on absolutist
issues, the Appropriations Committee must fund the government. It must report bills to the floor. So the ability of legislators to stand on principle alone is undercut by their obligation to the rest of the Chamber as appropriators.

Finally, one cannot help but notice that the overall performance level of each of the models drops from the 103rd to the 104th Congress, and then increases from the 104th to the 105th Congress. It is difficult to say why this happens, but an analysis of the individual variables suggests some interesting trends. The substantive effects of race, income and education increase from the 103rd to the 104th Congress. In the 105th Congress, it is a mixed bag, with effects of income and race decreasing and education increasing. Neither of the religious variables and the district partisanship variables are significant in the 103rd and 104th Congresses. District religious conservatism and district partisanship gain significant in the 105th Congress.

Perhaps the economic variables emerge in the 104th Congress, while the moral variables remain insignificant, because budget politics were highly salient in the 104th Congress. One should not forget that it was in the 104th Congress that the emboldened Republican majority and the obstinate and defensive Democratic President reached a political impasse over the budget, causing two government shut downs. This may have bled into other policy areas, causing the moral predictors to be marginalized. In the 105th Congress, the moral predictors re-emerge, and district partisanship gains significance. At the same time, two of the three previously significant socioeconomic variables—income and race—lose some of their substantive impact. One should not forget that impeachment politics topped the political agenda in the 105th Congress. This may explain why district partisanship
emerges, since this variable is operationalized as the percentage of one’s district that supported Clinton in the 1996 election. This Congress was about Clinton and his moral indiscretions. Again, impeachment politics may also have bled into other areas and increased the moral tenor of the entire Congress.

**Gay Rights and the Politics of Absolutist Conflict**

Tables 6-4 through 6-6 provide the OLS results for the gay rights support scores. While abortion tends to give way to equivocations and incrementalism, gay rights issues tend to give way to a more moralistic voting calculus and conform more closely to the morality politics framework. As with the abortion analyses, three regressions were run: one with the non-moral variables, another with the moral variables, and another with all the variables. It is interesting to note that all three models in each Congress perform better when applied to gay rights and when applied to abortion politics.

As the morality policy framework predicts, party, religion, and ideology are all important to explaining level of support for gay rights in the moral and inclusive models. We can expect Republicans to be at least 36% less supportive of gay rights than their Democratic colleagues. While the disparity between Republicans and Democrats is substantial, the coefficients suggest less party polarization on this issue than on abortion. District partisanship performs well. The coefficients are statistically significant in both the moral and inclusive models of each Congress. For every 10% of the vote received by Clinton, we can expect a legislator’s support to increase by between 4 and 6%. Controlling for party, legislators coming from districts that supported Clinton are more likely to support gay rights.
Table 6-4
Support for Gay Rights in the U.S. House of Representatives,
103\textsuperscript{rd} Congress (1993-1994)

<table>
<thead>
<tr>
<th>Independent Variables</th>
<th>Non Moral</th>
<th>Moral</th>
<th>Inclusive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constant</td>
<td>.455****</td>
<td>.547****</td>
<td>.257**</td>
</tr>
<tr>
<td>Per Capita Income</td>
<td>.000008**</td>
<td>-</td>
<td>-.000004</td>
</tr>
<tr>
<td>% with Some College</td>
<td>.001</td>
<td>-</td>
<td>.006****</td>
</tr>
<tr>
<td>% African American</td>
<td>.003****</td>
<td>-</td>
<td>-.00007</td>
</tr>
<tr>
<td>% Rural</td>
<td>-.336****</td>
<td>-</td>
<td>-.041</td>
</tr>
<tr>
<td>Out Gay or Lesbian</td>
<td>.284***</td>
<td>-</td>
<td>.135**</td>
</tr>
<tr>
<td>Gender – Male</td>
<td>-.098***</td>
<td>-</td>
<td>-.059**</td>
</tr>
<tr>
<td>Contributions from HRC</td>
<td>.00006****</td>
<td>-</td>
<td>.00003****</td>
</tr>
<tr>
<td>Party ID – Republican</td>
<td>-.391****</td>
<td>-.409****</td>
<td>-.389****</td>
</tr>
<tr>
<td>Ideology – Conservatism</td>
<td>-</td>
<td>-.996****</td>
<td>-.877****</td>
</tr>
<tr>
<td>District Religious Conservatism</td>
<td>-</td>
<td>-.067****</td>
<td>-.043****</td>
</tr>
<tr>
<td>Legislator Religious Conservatism</td>
<td>-</td>
<td>-.010*</td>
<td>-.007</td>
</tr>
<tr>
<td>% Vote for Clinton in 1992</td>
<td>-</td>
<td>.005****</td>
<td>.006****</td>
</tr>
</tbody>
</table>

Adj. R Square                   | .610      | .782        | .837       |
R Square                        | .617      | .784        | .841       |
N of cases                      | 434       | 432         | 433        |

**** p<.001, *** p<.01, ** p<.05, * p<.10

\textbf{Note a:} The dependent variable is level of support for gay rights.
\textbf{Note b:} The score was derived from the following: Consponsorship of HR431 and HR4636; House Roll Calls 29, 68, 70, 313, 460, 461, 462 (1\textsuperscript{st} session), 91, 92 (2\textsuperscript{nd} session).
\textbf{Note c:} Column entries are unstandardized regression coefficients.
<table>
<thead>
<tr>
<th>Independent Variables</th>
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<th>Moral</th>
<th>Inclusive</th>
</tr>
</thead>
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<tr>
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<td>.574****</td>
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</tr>
<tr>
<td>Per Capita Income</td>
<td>.00001****</td>
<td></td>
<td>.000002</td>
</tr>
<tr>
<td>% with Some College</td>
<td>-.003</td>
<td></td>
<td>.002</td>
</tr>
<tr>
<td>% African American</td>
<td>.003****</td>
<td></td>
<td>.002*</td>
</tr>
<tr>
<td>% Rural</td>
<td>-.424****</td>
<td></td>
<td>-.209****</td>
</tr>
<tr>
<td>Out Gay or Lesbian</td>
<td>.487****</td>
<td></td>
<td>.340****</td>
</tr>
<tr>
<td>Gender – Male</td>
<td>-.110***</td>
<td></td>
<td>-.044</td>
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<tr>
<td>Contributions from HRC</td>
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<td></td>
<td>.00003****</td>
</tr>
<tr>
<td>Party ID – Republican</td>
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<td>-.403****</td>
<td>-.360****</td>
</tr>
<tr>
<td>Ideology – Conservatism</td>
<td></td>
<td>-.800****</td>
<td>-.695****</td>
</tr>
<tr>
<td>District Religious Conservatism</td>
<td></td>
<td>-.089****</td>
<td>-.072****</td>
</tr>
<tr>
<td>Legislator Religious Conservatism</td>
<td></td>
<td>-.012*</td>
<td>-.012*</td>
</tr>
<tr>
<td>% Vote for Clinton in 1992</td>
<td></td>
<td>.007****</td>
<td>.006****</td>
</tr>
<tr>
<td>Adj. R Square</td>
<td>.626</td>
<td>.751</td>
<td>.802</td>
</tr>
<tr>
<td>R Square</td>
<td>.633</td>
<td>.754</td>
<td>.807</td>
</tr>
<tr>
<td>N of cases</td>
<td>432</td>
<td>432</td>
<td>432</td>
</tr>
</tbody>
</table>

**** p<.001, *** p<.01, ** p<.05, * p<.10

Note a: The dependent variable is level of support for gay rights.
Note b: The score was derived from the following: Implementation of Office Non-Discriminatory Policy; Cosponsorship of HR1863 and HR2959; House Roll Calls 529, 759 (1st session), 273, 314, 315, 316 (2nd session).
Note c: Column entries are unstandardized regression coefficients.
Table 6-6

<table>
<thead>
<tr>
<th>Independent Variables</th>
<th>Non Moral</th>
<th>Moral</th>
<th>Inclusive</th>
</tr>
</thead>
<tbody>
<tr>
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<td>.706****</td>
<td>.648****</td>
</tr>
<tr>
<td>Per Capita Income</td>
<td>.00001****</td>
<td>______</td>
<td>.00006**</td>
</tr>
<tr>
<td>% with Some College</td>
<td>-.003**</td>
<td>______</td>
<td>-.00009</td>
</tr>
<tr>
<td>% African American</td>
<td>.003****</td>
<td>______</td>
<td>.002**</td>
</tr>
<tr>
<td>% Rural</td>
<td>-.435****</td>
<td>______</td>
<td>-.178****</td>
</tr>
<tr>
<td>Out Gay or Lesbian</td>
<td>.352**</td>
<td>______</td>
<td>.272**</td>
</tr>
<tr>
<td>Gender – Male</td>
<td>-.073**</td>
<td>______</td>
<td>-.035</td>
</tr>
<tr>
<td>Contributions from HRC</td>
<td>.00005****</td>
<td>______</td>
<td>.00003****</td>
</tr>
<tr>
<td>Party ID – Republican</td>
<td>-.456****</td>
<td>-.523****</td>
<td>-.465****</td>
</tr>
<tr>
<td>Ideology – Conservatism</td>
<td>______</td>
<td>-.929****</td>
<td>-.742****</td>
</tr>
<tr>
<td>District Religious Conservatism</td>
<td>______</td>
<td>-.077****</td>
<td>-.067****</td>
</tr>
<tr>
<td>Legislator Religious Conservatism</td>
<td>______</td>
<td>-.008</td>
<td>-.003</td>
</tr>
<tr>
<td>% Vote for Clinton in 1996</td>
<td>______</td>
<td>.005****</td>
<td>.004***</td>
</tr>
</tbody>
</table>

Adj. R Square .731 .801 .843
R Square .736 .803 .847
N of cases 433 433 433

**** p<.001, *** p<.01, ** p<.05, * p<.10

Note a: The dependent variable is level of support for gay rights.
Note b: The score was derived from the following: Implementation of Office Non-Discriminatory Policy; Cosponsorship of HR1858 and HR3081; House Roll Calls 114, 347, 349, 398, 414 (2nd session).
Note c: Column entries are unstandardized regression coefficients.
Ideology performs as expected. As levels of ideological conservatism increase, levels of support for gay rights decrease dramatically. These findings are consistent with previous findings on House gay rights voting which find that higher levels of conservatism produce lower levels of support for gay rights (Haider-Markel, 2001, 1999a). They are also consistent with the abortion analyses in this chapter.

The effects of district level religious conservatism fluctuate slightly from Congress to Congress. They indicate that high levels of district religious conservatism produce lower levels of support for gay rights. Unlike in the abortion equations, this predictor is significant in each Congress, and the substantive impact is greater. Even in the 103rd Congress when the effects of district level religious conservatism are at their lowest, we can expect a representative coming from a moderately conservative district dominated by Methodists and Episcopalians and scoring around a 4 on the theological conservatism scale to exhibit levels of support for gay rights about 13% higher than a colleague coming from a district dominated by more theologically conservative denominations. The strength of district religious conservatism increases from the 103rd to the latter two Congresses. Beginning in the Republican Congresses, legislators seem to be more responsive to religious traditionalism at the grassroots levels. The slight influx of religious conservative legislators in the 104th and 105th Congresses may explain part of this. But it important to remember that when the Republicans took control of the House in the 104th Congress the increased numbers of religious conservative members was supplemented and supported by a majority party that was more generally sympathetic
to religious conservatives. Thus legislators became more sensitive to their own religiously conservative constituencies because they could be, in the case of Republicans, and because they had to be, in the case of Democrats.

Interestingly, the slope coefficients for elite religious conservatism are modest and in the inclusive models only significant in the 104th Congress. This disparity in the influence of elite and district levels of religious conservatism makes an interesting contribution to the morality politics literature. Opposition to gay rights has been a major agenda item for many Christian Right groups for about 30 years (Wilcox 2000). It has been their rallying cry. So it comes as no surprise then that as the salience of this issue increases in the 1990s with the gays in the military and Defense of Marriage Act battles, and as sympathetic legislators take control of the House, risk averse legislators respond to grassroots religious conservatism. What is surprising is that the legislator’s religious conservatism is so muted when the other variables are controlled for. The religious imperative to legitimate a particular moral order comes from the district—not from within.

Legislators are not necessarily behaving in ways antithetical to their own beliefs. As we saw with abortion, the disparity between elite and district level religious conservatism may be due in part to the hypocritical aspect of moral regulation. Often, public pronouncements and private behaviors are at odds with one another at the district and elite levels. This gives legislators a false and inflated impression of the demand for regulation (Smith 2001; Meier 2001). As with abortion, it seems that larger and louder public pronouncements—larger and louder demands for moral regulation—come out of religiously conservative districts.
Legislators are not anxious to "stand up for sin," so the influence of their own religious conservatism is muted by constituent demands. Thus, legislators have an even greater motivation to act as moral gatekeepers.

With the exception of legislator religious conservatism, the moral variables emerge strongly, but what of the non-moral variables? Two are significant in two of the three Congresses, and two more are significant in three of the three Congresses. Percent Rural and out gay or lesbian stand out. The influence of out gay or lesbian may fluctuate from one congress to the next, but the direction of the effect is constant—controlling for the other variables in the model, we can expect out gay or lesbian representatives to be consistently more supportive of gay rights than their straight peers. This finding is consistent with the work on this question (Haider-Markel et al., 2000). Sympathetic legislators may be good advocates for gay rights, but gays and lesbians—be they Republicans or Democrats—tend to be stronger advocates for their community's interests. While % district rural is insignificant in the 103rd Congress, it emerges as a strong and significant predictor in the 104th and 105th Congresses. As the percentage of one's district classified as rural increases, legislator support for gay rights sinks dramatically. This finding is also consistent with previous scholarship on this question (Haeberle, 1996, Wald et al., 1996). Explanations for this finding revolve around the development of gay cultures and continued permissiveness in urban areas, as well as the cultural divide implicit in urban/rural distinctions.

Percent African American and is significant in two of the three Congresses, and HRC Contributions is significant in three of the three Congresses. The effect
over time of % district African American has a similar pattern in the gay rights models as in the abortion models. It starts out as unimportant in the 103\textsuperscript{rd} Congress, and then grows in statistical and substantive significance in the 104\textsuperscript{th} and 105\textsuperscript{th} Congresses. The 104\textsuperscript{th} and 105\textsuperscript{th} Congress coefficients indicate that for every 10% increase in a representative’s district identified as African American, a representative’s support for gay rights increases by about 2%. This finding is modest, yet interesting, since African American constituencies tend to be socially conservative. HRC contributions give way higher levels of support for gay rights. For every $1000 donated to a legislator’s election campaign by the Human Rights Campaign, we can expect his support for gay rights to increase by about 3%. Therefore, we can expect legislators receive the maximum donation for the HRC during their primary and general election campaigns to have support scores 30% higher than their peers receiving no money for HRC. The effects are modest, but consistent with previous findings that gay rights interest groups can affect legislator behavior even under sub-optimal conditions (Haider-Markel, 1999b).

In the inclusive models, the effects of district per capita income are modest and only significant in the 105\textsuperscript{th} Congress. District level of education performs well in the 103\textsuperscript{rd} Congress. The coefficient indicates that as district level of education increases, so too does a legislator’s support for gay rights. However, the substantive and statistical significance of this variable drops in the 104\textsuperscript{th} and 105\textsuperscript{th} Congresses. Representatives’ sex does not perform as well in the gay models as it does in the abortion models. In the inclusive models, it is only significant in the 103\textsuperscript{rd} Congress.
Across the Congresses, we can expect male representatives to be about 3 to 6% less supportive of gay rights than their female colleagues.

**Money, Not Morality**

Thus far this chapter has attested the morality politics framework and found that it performs well. There are two caveats. First, the moral models perform better when applied to gay rights than when applied to abortion. Second, the best approach to explaining support for moral issues includes a mix of moral and non-moral indicators. A more complete exploration of this topic requires that the morality and non-morality frameworks be applied to an explicitly non-moral issue. Tables 6-7, 6-8, and 6-9 provide analyses of Concord Coalition deficit reduction scores.

Throughout this dissertation, we have pursued the argument that because moral issues draw and values based status concerns, they are unique and we should therefore expect support for moral issues to be explained by a set of moral predictors. The flip side of that argument is that if one applies the moral framework to a non-moral issue, we should expect the morality politics framework to perform poorly, since it is being applied to an issue which does not represent values based status concerns. This dissertation explores the flipside of the morality policy argument, in an effort to bolster its validity. The analyses focus on deficit reduction policies because these are explicitly economic, and do not draw on collectivists versus individualist normative concerns that are certainly moral and might be picked up if a more generalized indicator of economic conservatism or liberalism was employed. Representative’s gender, sexual orientation, and NARAL and HRC PAC contributions are not included
in these analyses. This is because there is no theoretical reason to expect that these variables affect support for deficit reduction. While the models are not well specified

<table>
<thead>
<tr>
<th>Independent Variables</th>
<th>Non Moral</th>
<th>Moral</th>
<th>Inclusive</th>
</tr>
</thead>
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<td>% with Some College</td>
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<tr>
<td>% African American</td>
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<td>-.015</td>
</tr>
<tr>
<td>% Rural</td>
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<td>-.040</td>
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</tr>
<tr>
<td>R Square</td>
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**** p<.001, *** p<.01, ** p<.05, * p<.10

Note a: The dependent variable is level of support for deficit reduction, as calculated by The Concord Coalition. Possible scores range from 0-100.
Note b: The score was derived from the following House Roll Calls: 40, 81, 82, 85, 86, 198, 349, 355, 420, 609, 610, 611 (1st session), 9, 10, 51, 52, 55, 65, 168, 179, 187, 194, 344, 327, 328, 395, 401, 402, 483 (2nd session).
Note c: Column entries are unstandardized regression coefficients.
Table 6-8

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<th>Independent Variables</th>
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<th>Moral</th>
<th>Inclusive</th>
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<td>% Rural</td>
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<td>______</td>
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**** p<.001, *** p<.01, ** p<.05, * p<.10

Note a: The dependent variable is level of support for deficit reduction, as calculated by The Concord Coalition. Possible scores range from 0-100.

Note b: The score was derived from the following House Roll Calls: 49, 86, 251, 295, 342, 370, 545, 560, 598, 644, 729, 741, 743, 802, 812 (1st session), 33, 53, 107, 117, 122, 168, 177, 179, 182, 205, 240, 244, 266, 345, 357, 383 (2nd session).

Note c: Column entries are unstandardized regression coefficients.
Table 6-9

<table>
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<tr>
<th>Independent Variables</th>
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</tr>
<tr>
<td>% with Some College</td>
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<td>% African American</td>
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<td>% Vote for Clinton in 1992</td>
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<td>-.179**</td>
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**** p<.001, *** p<.01, ** p<.05, * p<.10

Note a: The dependent variable is level of support for deficit reduction, as calculated by The Concord Coalition. Possible scores range from 0-100.
Note b: The score was derived from the following House Roll Calls: 27, 78, 90, 132, 147, 148, 215, 262, 264, 271, 301, 310, 316, 326, 336, 345, 350, 617 (1st session), 10, 87, 96, 98, 102, 185, 191, 210, 262, 464, 469, 538 (2nd session).
Note c: Column entries are unstandardized regression coefficients.
if one was really trying to explain support for deficit reduction, excluding the
aforementioned variables probably improves upon the specification.

There are two obvious conclusions to be draw from the analyses in Tables 6-7
through 6-9. The first is that all three models perform much better in the 103rd
Congress than they do the 104th and 105th Congresses. In the 103rd Congress,
ideology and elite partisanship are particularly important predictors of support for
deficit reduction and there appears to be a great deal of partisan and ideological
polarization, but that is not the case in the latter two Congresses. The 103rd Congress
is probably anomalous, though we certainly cannot know that for sure without
extending the analysis forward and backward. In spite of the 103rd Congress
polarization, it becomes evident by the 104th Congress that deficit reduction crosscuts
both party and ideology. Sometimes deficit reduction requires cutting spending, in
which case Republican conservatives get high marks; sometimes it means raising
taxes, in which case liberal Democrats get high marks. Over the course of a
Congress, representatives are asked to do both. In the analysis, the two deficit
reduction techniques should offset each other, making deficit reduction neither
implicitly partisan nor ideological.

The 103rd Congress is different. This was the first Congress of Clinton’s
presidency and deficit reduction legislation was the centerpiece of his domestic
agenda. The Republicans were still in the minority. Congress even dealt with a
Balanced Budget Amendment in the 103rd Congress. On some issues budget politics
was very partisan—no Republicans supported the President’s budget in 1993 because
it raised taxes at the highest brackets. Even so, budget politics was even more
contentious in the 104th Congress, which saw two government shutdowns. Perhaps deficit reduction in the 103rd Congress emphasized spending cuts, and therefore garnered high levels of conservative support. For whatever reason, general ideological orientations were influential in the 103rd, and this raises the overall predictive value of the models.²

The second conclusion is that in the 104th and 105th Congresses, neither the moral, non-moral, nor inclusive models work particularly well in explaining support for deficit reduction, though the non-moral models performs slightly better than the moral models. The religious variables and district per capita income are insignificant across the board. No single variable emerges strongly in each model, in each Congress. While Republican partisanship yields higher levels of support for deficit reduction in the 103rd and 104th Congress, it has the opposite effect in the 105th Congress. Again, we probably see these results because support for deficit reduction, as calculated by the Concord Coalition, sometimes means cutting spending, a traditionally Republican action, and sometimes means raising taxes, an action antithetical to elite Republican partisanship which is more associated with Democrats.

For our purposes, it is sufficient to say that the moral predictors perform abysmally in the latter two Congresses, as we should expect. Support for deficit reduction obviously does not draw on the same kinds of values-based status concerns as abortion and gay rights. Of course, the non-moral models also perform poorly. Again, we see these results because this dissertation has not undertaken a serious effort to explain support for deficit reduction. And if it had, the model would be

² A proper explanation of these findings requires an in-depth analysis that comes outside the purview of this dissertation.
specified differently. Deficit reduction is used for strictly illustrative purposes. It is less important that we design a model that explains deficit reduction, than demonstrate the poor performance of the moral models in these analyses. Still, it is interesting to note that the non-moral models perform better than the moral models, in the latter two Congress. The non-moral models explain .9 to 4% more variance than the moral models. In one instance, the 104th Congress, when one uses the non-moral models as a baseline, including the non-moral variables actually weakens the overall model slightly.

**Drawing Conclusions about Abortion and Gay Rights**

The morality politics framework suggests that moral, rather than economic variables, are the key predictors of support for gay rights. The non-moral models perform well, but the moral models perform consistently better. In the abortion analyses, we see that the moral model explains 7.1% more variance in the 103rd Congress, 7% in the 104th Congress, and 7.4% in the 105th. If we use the moral models as a baseline, the additive value of including the non-moral predictors is not that great, increasing the level of explained variance by 6.2% in the 103rd Congress, 4.9% in the 104th, and 4% in the 105th. The disparity in the performance of the moral and non-moral models is much more pronounced in the gay rights analyses. The moral models explains 17.2% more variance than the non-moral model in 103rd Congress, 12.2% more variance in the 104th Congress, and 7% more variance in the 105th Congress. Again, if we use the moral models as a baseline, the additive value of including the non-moral predictors is not that great, increasing the level of explained variance by 5.5% in the 103rd Congress, 5.1% in the 104th, and 4.2% in the 105th.
While the moral models perform better than the non-moral models, the best approach, in each instance, is the inclusive approach. Some of the non-moral variables make important contributions to the model. In the latter two Congresses, the rural/urban divide really emerges and seems to capture the effect of rural/urban cultural disjunction on support for gay rights. Out gay or lesbian is also important, and lends support to the work of Haider-Markel et al. (2000). These findings suggest that while morality policy variables are indeed important determinants of legislator support, they do not completely trump the effects of the non-moral variables. As Wald et al. (2001) note, we should not omit these more traditional variables from our models when applying the morality politics framework.

Comparing the gay rights and abortion models, one cannot help but notice that the morality politics framework performs better when applied to gay rights than it does when applied to abortion. Perhaps this is because abortion issue is amenable to incrementalism (McFarlane and Meier, 2001; Mooney and Lee, 1995) in a way that gay rights is not. As we said before skillful elite may have developed alternative abortion frames that facilitate compromise. Gay rights, on the other hand, is still understood by many as representative of the repudiation of a traditional way of life which has been the bedrock of western civilization—regardless of attempts to re-frame the issue as a civil rights battle. Also, gay rights has no connection to a redistributive bureaucracy, thus it is not dealt with in the context of appropriations legislation—abortion is. Appropriators must report their bills, so they must compromise on seemingly absolutist issues. This kind of forced compromise gives way to a great deal of policy nuance—for example, legislators may support for Roe v.
Wade, while opposing federal funds for abortion. For the most part, gay rights issues are not connected to the appropriations process. There is no forced compromise. There is no legislative equivalent of “love the sinner, hate the sin.” In most cases, legislators must either accept or reject gay rights. There is little opportunity to, for example, support gay rights, while opposing federal funds to teach about homosexuality in schools. There may not be any middle ground to negotiate, and so there is little nuance. ENDA may be the closest thing to compromise, and even that has failed.

Some might find the emergence of moral variables in both models puzzling. After all, don’t we think of legislators as “single-minded seekers of re-election”? Shouldn’t we expect them to make explicitly economic calculations? Perhaps, but legislators have their own agendas, and act in ways to realize them (Meier, 1994). Legislators may indeed act in ways to maximize their utility, but utility should be conceived of as something more complex than re-election (Fenno, 1973). We should not overlook the possibility that legislators act in ways to maximize their psychological utility. And in doing so, they draw on the their internal values as reflected in ideology. It may be that constituents put pressure on their representatives with regard to moral issues, but I think it is misleading to assume that there is any great representative/district disjunction (Kingdon, 1973), particularly regarding high profile moral issues. Representatives may feel pressure from their districts, but at the same time they may very well be in line with their districts. Representatives indicated as much in the preceding chapter. The question remains, knowing that there is a moral dimension to these issues, how do leaders built winning coalitions around
the dominant preferences of the Conference? That question is addressed in the following chapter.
CHAPTER 7
MANAGING MORALITY

The Constitution charges House leaders with no specific tasks. Indeed, the Speaker is the only House officer mentioned in Article I, section 2, and even then the role of the Speaker is given little description. All the Constitution says is, “The House of Representatives shall chuse [sic] their Speaker and other Officers”. Given the Constitution’s intentional vagueness on the role of the Speaker and House leadership, both have had room to evolve a great deal over the last 200 plus years. While contemporary leaders are not as strong as their predecessors, they are important policymakers and have developed both institutional and party roles. Their greatest task is that of building winning coalitions around their party’s agenda. In doing so, they enact their preferred policies and establish a reputation for governing ability among colleagues and the public. This chapter explores how leaders build winning coalitions around morally controversial issues.

Leadership Over Time

As Cooper and Brady (1981) note, the legacy left by the 19th century House to the 20th century House was “a set of rules which placed the majority firmly in control of the House and centralized power in the hands of the Speaker as the agent of this majority” (411). Over the course of the 19th century, leadership power grew to such an extent that Speakers of the 1890’s through 1910 were known as “czars”. Speakers Reed and Cannon were particularly skilled and good at using the leadership power that had been
consolidated into their hands to advance their party’s agenda. These men chaired the Rules Committee, made committee assignments and appointed committee chairs, controlled floor debate, referred legislation to committee, and the Republicans gave their Speakers “a special tool—a vote of the party caucus that would bind all party members to support the party’s policy position” (Smith and Gamm, 2001: 249). All of these powers had the effect of giving the Speaker “formal controls over the flow of legislation and a set of rewards and sanctions with which to influence the behavior of legislators” (249).

The consolidation of leadership power came to an end in 1910 with the overthrow of Speaker Cannon. While his powers were little different from those of his immediate predecessors, he was a particularly aggressive Speaker and exercised these powers to their limit, becoming dictatorial (Davidson and Oleszek, 2000: 166). His aggressive style might not have been undone him, but for the regional heterogeneity within his Conference. Leaders accrue and exercise power by the continued good will of their Conference or Caucus. Hechler (1940) suggests that Cannon overstepped his bounds and alienated elements of the Republican Conference. He writes, the “[i]nsurgency aimed at wrestling control of the Republican Party from the conservative representatives of the large industrial and financial interests of the country, who were enacting legislation beneficial to those interests and detrimental to the agrarian Middle West” (220). Losing the support of many in the Conference, his authority was undermined and he was eventually overthrown by a coalition of Republicans and Democrats. He was forced to step down from the Rules Committee. When the Democrats won the House in the next election, the Democrats stripped their Speaker of many of the prerogatives enjoyed by Cannon and his predecessors.
In the years following the Cannon revolt, power was disbursed to Committee chairs, and “party leaders began to function less as the commanders of a stable party majority and more as brokers trying to assemble particular majorities behind particular bills” (Cooper and Brady, 1981: 417). By the time Rayburn took the reigns as Speaker in 1940, the Speaker had become more of a bargainer than an autocrat. The Speaker built issue dependent coalitions in the face of fierce independence. Rayburn’s particular style was decidedly personal. Rather than formal powers, Rayburn drew on personal friendships to compel loyalty. “In contrast to Cannon and Reed who emphasized policy goals over personal relationships, Rayburn sought to attain policy through personal relationships” (Cooper and Brady, 1981: 420). Rayburn also tolerated defection on the part of his Caucus. He would have preferred loyalty, but he did not want to alienate anyone. More generally, Rayburn sought to mitigate intra- and interparty conflicts. Rayburn also worked toward party goals using non-party strategies. That is, he did not try to mobilize partisan majorities. His strategies depended on the issue at hand the legislators drawn to that issue. In each instance, Rayburn bargained informally with legislators (Cooper and Brady, 1981: 420).

Over the next few decades, Speakers gradually regained some of the power and influence that had been lost following the Cannon revolt. By the 1970s, Committee chairs faced challenges to their leadership from above and below. Congressional reforms strengthened the hands of subcommittee chairs and the Democratic Caucus decided to elect Committee chairs by secret ballot. At the same time, the Speaker regained the right to appoint majority members to the Rules Committee. Speaker O’Neill, who served as Speaker from 1977-1987, while not invested with the same powers as his 19th century
predecessors, raised the profile and stature of the modern Speaker in innovative ways. He enticed party loyalty by bring many Democrats—including junior members—into the leadership fold. His goal and style was to build and act from consensus. O’Neill also expanded the whip system and placed junior legislators on leadership task forces. Moreover, since the House was the only elective branch of government held be Democrats, he became a well-known party spokesman (Davidson and Oleszek, 2000: 168).

Jim Wright succeeded Tip O’Neill as Speaker, and he employed a different style of leadership. Rather than a consensus builder, Wright was an aggressive and unilateral leader who pushed a Democratic agenda, rather than simply reacting to presidential initiatives. His aggressive style earned him the ire of many minority Republicans and Rep. Newt Gingrich accused him of various ethics violations. Wright was eventually forced to step down and was replaced by Tom Foley. Foley took the reigns as Speaker at a particularly partisan and poisonous time in the House. In the wake of the Wright departure, Foley’s primary goal was to restore civility in the House, and he chose his leadership style accordingly. While he used procedural tactics to frustrate the Republican minority, he generally acted as a consensus builder within his own caucus (Davidson and Oleszek, 2000: 169).

In the 1994 midterm elections, the Republicans regained control of the House after many decades in the minority. They were led by Newt Gingrich, a Georgia Republican who had worked his way up through the Republican Conference leadership structure and was a very aggressive minority partisan. Not content to be part of a permanent minority, Gingrich challenged House Democrats on procedural matters and
pushed a conservative agenda comprised of issues such as the line item veto, a balanced budget amendment, and an array of social issues (Connelly and Pitney, 1994; Dodd and Oppenheimer, 2001a: 23; Koopman, 1996). In 1988, Gingrich took the reigns at GOPAC, a political action committee that assisted Republican candidates at the state and local levels. Using GOPAC to recruit and assist candidates for office, Gingrich developed a highly competitive Republican farm team. In 1994, a large number of open seats and freshmen Democrats made the Democratic majority vulnerable, and the Republicans were ready with a slate of strong candidates. Under Gingrich's leadership, the Republicans ran on a common national agenda, the *Contract with America*, which advanced a number of important conservative issues and principles. This combination of strong Republican candidates, open seats, vulnerable Democrats, and an agenda around which to rally carried the Republicans to an historic victory. After many decades, they took back control of the House (Dodd and Oppenheimer, 2001a).

In the wake of their stunning victory, the Republican Conference unanimously elected Newt Gingrich Speaker of the House. The powers invested in him by his Conference were unrivaled since the days of Cannon. Many in the Republican Conference felt they owed their newly won majority status to Gingrich's careful stewardship and aggressiveness. Moreover, having run on a common agenda, the Conference needed a strong Speaker who would be able to see the *Contract* items through to the floor. Gingrich appointed committee chairs, sometimes bypassing seniority to reward loyal allies, and he was influential in making committee assignments. Though he did not chair the Rules Committee, he stacked it with partisan allies and
thereby had de facto control over the flow of legislation (Dodd and Oppenheimer, 2001a; Rosenbaum, 1995).

As discussed in Chapter 3, Gingrich was eventually forced to resign, having lost the support of his party. The Republicans held Gingrich responsible for the seat losses in the 1996 and 1998 elections, and he lost the support of many ardent conservatives because he compromised with President Clinton on budget matters after the disastrous government shutdowns. The Conference eventually replaced Gingrich with Dennis Hastert, a mild mannered, little-known conservative from Ohio. Hastert inherited a House that was even more acrimonious than the one inherited by Foley, and his style suited such an environment. Hastert is a champion of conservatism, but his style is lower key and less centralized. Delegating many responsibilities to committee chairs and allowing others to act as the party’s spokesperson, Hastert has provided leadership to his Conference and the House while not becoming a lightening rod for controversy.

The Republican seat losses in the 1998 midterm elections are almost as historically significant as the Republican victory in 1994, since it is generally the president’s party that loses seats in midterm elections. Hastert was faced with the challenge of regaining the confidence of the American people, and this required establishing a record of legislative accomplishments. In the 106th Congress, the Republicans under Hastert’s leadership “[g]ave up on across-the-board tax cuts as their central legislative agenda and focused instead on targeted tax cuts (to revoke the marriage penalty tax, for example), on popular social programs dealing with health and education that were supported by Democrats, and also on an alliance with Clinton to pass legislation normalizing trade relations with China” (Dodd and Oppenheimer, 2001a: 39).
And perhaps this strategy has paid off. In the 2000 election, the Republicans lost seats, but they retained control of the House and managed to avoid the leadership instability that ensued after the 1998 election.

The Context to Strength and Strategy

The story of leadership strength is one of the gradual accrual of formal powers, the dispersion of powers, the accrual of informal powers, and the reintroduction of formal powers? The question asked by many scholars is, under what circumstances do we see successfully strong leadership in the House. In their classic essay on this topic, Froman and Ripley (1965) suggest that strong party leadership emerges when leaders are active, the issues and actions under consideration are low visibility and procedural, constituency pressure is low, and state delegations are not engaged in collective bargaining. If this were strictly the case, then strong leadership would largely be irrelevant to the legislative process, since it would only emerge over nonsalient issues of consensus. However, Dodd (1983) points out that strong leadership can emerge even when these all these conditions are not met. Thus, in some instances, leaders have a hand in producing outcomes that are not foregone conclusions. Cooper and Brady (1981) argue that at a fundamental level, leadership strength depends upon the electoral context. Heterogeneity at the social structural level gives way to heterogeneity within the institution. That is, when districts are social structurally diverse, legislators are politically diverse. When the social structural context to elections produces a more homogenous set of legislators, party leaders will be stronger. Powers—formal and informal—will tend to be concentrated in their hands, as they work toward achieving party policy goals.
Aldrich and Rohde’s model of conditional party government (CPG), which they articulate in a number of places (Aldrich, 1995; Aldrich and Rohde, 2001; Rohde 1991), builds on the Cooper and Brady (1981) piece, Mayhew’s (1974) Congress: The Electoral Connection, and Fenno’s (1973) Congressmen in Committees. From Mayhew, they take the assumption that electorally independent representatives are motivated by a desire to get re-elected. From Fenno, they take the assumption that while legislators seek re-election, they are also motivated by policy goals—and not in a tangential way. Finally, from Cooper and Brady, they take the assumption that organization and leadership strength in the House are a functional of electoral considerations. Given these assumptions, the CPG model suggests that when the electoral bases of the parties in the House and the parties themselves are internally homogenous and externally polarized, rank and file cede substantial powers to their leadership to pursue the policy interests of the party across an array of issues, but not all issues. They cede these powers for both re-election and policy reasons. CPG “builds a base for reelection by enacting policies desired by majorities in members’ constituencies and enables members to achieve their personal policy goals” (Dodd and Oppenheimer, 2001b: 369).

Aldrich and Rohde (2001, 2000) suggest that the aggressive partisanship displayed by the Republican majority in the last few years indicates that they are employing the CPG model. Indeed, they provide ample evidence of, on the one hand, electoral polarization and, on the other hand, intra party homogeneity and inter party polarization. Moreover, they point to the considerable investiture of power in the hands of Speaker Newt Gingrich and the use of the Appropriations Committee to achieve party policy goals. Finally, just as Rohde (1991) suggested that the then Democratic House
majority was employing the CPG model and would continue to do so to its benefit, Aldrich and Rohde (2001) now argue that unless new crosscutting issues develop which threaten intra party homogeneity and inter party polarization, the current Republican House majority will continue to employ the CPG model.

Aldrich and Rohde may be right, the Republicans of the 104th Congress did cede substantial powers to their leadership, they did rally around a set of policy goals, and they did appear to be internally homogenous. But it remains to be seen whether that is the wisest model of governance under current conditions (Dodd and Oppenheimer, 2001b). The conditional party government model does not simply outline the conditions under which strong leadership emerges. The model implies that under those conditions that will be the most beneficial model in terms of policy and electoral goals. However, it is not clear that the party's aggressive stance and centralized leadership has reaped many policy victories (Gordon, 2000). Also, while the party and its leadership are increasingly conservative, its aggressiveness has been tempered by disaster. The Conference maintains control of the House, but they have suffered seat losses in each election since their initial victory. Moreover, the American people held Gingrich in contempt during the shutdowns and impeachment scandal. Well before his resignation, Gingrich even fought off a potential revolt by his lieutenants. The recent defection of Senator Jeffords from the Republican Party calls into question just how homogenous the Party is to begin with.

Surely if the assumptions of the CGP model were met, the Republicans would have been loyal to Gingrich and the Conference would have been rewarded by the public for their efforts. In fact, there are a number of factors that undermine CPG. First, the
close seat distribution between the parties means that in order to win on the floor, Republicans need near unanimity on the part of their Conference, which is unlikely. Second, the competitive seat distribution means that legislators in unsafe seats will be more likely to follow the preferences of their districts, rather than the party. To the extent that district preferences and party preferences diverge, the Conference will not be as disciplined as the CPG model demands. Third, the emergence of post-industrial issues has changed the structure of political conflict and crosscuts the parties. These are just the kind of issues Aldrich and Rohde (2001) suggest could compromise CPG. And they point to the bifurcation in the Republican Party outlined by Lowi (1995). On the one hand, the Republican Party comprises social conservatives whose agenda includes restricting abortion and gay rights, facilitating school prayer, and providing assistance to the poor. On the other hand, the party comprises economic conservatives for whom the social agenda has—at best—marginal importance. If the Republicans avoid important post-industrial social issues because of the bifurcation in their Conference, CPG loses its substantive meaning since it only applies to non-salient consensual issues. Finally, rank and file may be unwilling to trust leaders, since the Republican leadership is unbalanced and disproportionately from the South (Dodd and Oppenheimer, 2001b). In a country as diverse and pluralistic as the United States, CGP may be difficult to sustain. And if it leads to conflict, the American people will probably reject it (Hibbing and Smith, 2001).

Given the circumstances that undermine CPG, any party wanting to sustain itself as a congressional majority may want to employ a different model of governance. Dodd and Oppenheimer (2001b, 1997b) suggest constructive partisanship. They concede that the 2000 election results point deep partisan divides in American politics and suggest that
our political system is probably on the verge of a new era. Moreover, they concede that recent Congresses have been rife with extraordinarily high levels of aggressive partisanship. However, they suggest that certain aspects of the current political landscape (largely addressed in the preceding paragraph) make CPG unappealing and difficult to sustain.

The constructive partisanship approach involves fundamental learning on the part of representatives that all politics is neither local nor individualistic. Legislators must realize that they have shared interests in their party winning or losing. Rather than a centralized leadership that aggressively pursues partisan outcomes, parties wanting to develop a reputation for effective governance must cooperate with the President and the Senate, they must compromise and subdue the ideological wings of their party, and leaders must assemble shifting coalitions of majority and minority legislators from issue to issue. This model may lack stability, but it is likely to produce policy outcomes that the American public will favor (Dodd and Oppenheimer, 2001b, 1997b).

Parties employing a constructive partisan approach leave their leaders with a number of strategies. First, leaders must act collaboratively. They do not have the informal recourses necessary to act in a centralized or unilateral matter. Therefore, policy goals must be set by a consensus of the Conference—not a small leadership cadre. This point is particularly important, given the distinctly Southern conservative flavor of the current House leadership. A collaborative strategy that brings in many legislators—and many different kinds of legislators—may have the effect of generating policy that is acceptable to larger numbers of representatives and might even appeal to moderates in both parties. Even if this kind of collaborative approach generates policy disliked by a
portion of the Conference—as it almost certainly will—at least dissident legislators will have had a voice in the process. The benefit of this for the Conference is that leadership maintains a sense of legitimacy and dissidents do not become frustrated.

Developing an extensive whip system that brings an array of legislators from different regional and ideological bents into a position of leadership, as Speaker O’Neill did, is one aspect of collaborative leadership in action. More than just creating an inclusive leadership structure, an extensive whip system can provide leaders with valuable information about Conference or Caucus support for legislation. Leaders should also consider reaching out to caucuses and other informal chamber groups. These groups form in reaction to external policy demands made on the House (Hammond, 1998, 1997). While a number of factors contribute to the formation of caucuses and informal groups, the perceived failure of leadership to address concerns important to segments of the chamber certainly facilitates their development. Caucuses allow for like-minded legislators to come together in an effort to influence policymaking regarding their specific interest. It is no surprise, then, that the initial development of caucuses threatened party leaders. Eventually leaders reached out to these groups by providing them with representation among the leadership. Rather than a threat, leaders have come to see caucuses as groups around which winning coalition can be built (Hammond, 1991). Leaders should continue the practice of reaching out to these groups and providing them a voice in the policy-making process. While caucuses and informal groups are often intraparty organizations, this is not necessarily the case. Therefore, reaching out to these groups has the added benefit of proving leaders with a way to reach out to minority legislators and include them in their shifting coalitions.
Second, leaders must allow defection, as Speaker Rayburn did. Legislators are electorally independent of their party. The party provides them with money and services, but the party cannot prevent their name from appearing on the ballot. Under the conditions favorable to CPG, this would not be a problem, because presumably party districts would be relatively homogenous and representatives would not feel a district pull to vote against their party. However, representatives represent diverse districts and depend on the continued good will of their districts to remain in Congress. Therefore, to the extent that party positions and district positions diverge, it will sometimes be in a legislator’s best electoral interest to vote against their party and with their district. Leaders that seek to punish dissident representatives risk loosing their support in the future. Moreover, the idea behind constructive partisanship is that legislators form shifting, rather than consistently partisan, coalitions.

In addition to tolerating defection, leaders should also consider allowing dissident legislators to use the legislative process to make their points, thereby giving legislators a formal and public voice, rather than simply an informal voice behind closed Conference doors. Specifically, when leaders know they have assembled a winning coalition around a specific issue, they should allow unfriendly amendments to come to a vote on the floor. If they have a winning coalition and can defeat the amendments, they have lost nothing. At the same time, they have allowed dissidents to go on record and cast votes affirmatively in the other direction. Giving dissidents this legislative safety valve not only provides for open debate and gives the chamber more options, it may have the added benefit of keeping dissidents ultimately loyal to the party and the leadership. Unmuzzled by their Conference these legislators are less likely to resent their leaders.
None of this is to say that leaders cannot cajole and coerce legislators to vote one way or another. Good leaders will do both of those things in an effort to build winning coalitions. However, they will do so in the context of bargaining, which is the third leadership strategy employed under constructive partisanship. Leaders are not in a position to make unilateral decisions and demand that the rank and file fall in line. That kind of leadership cannot be sustained, and if it could, then traditional or conditional models of governance would dominate the House. Under constructive partisanship, leaders must bargain with, rather than command, legislators. An obvious question is, what puts leaders in a position to bargain with electorally independent legislators? Leadership's power to influence committee assignments is a valuable source of leverage. The rise of the seniority system diminishes leadership’s ability to completely control committee assignments, because once legislators are on committees, they cannot be removed. However, leaders can manufacture committee positions for loyal legislators by increasing committee sizes (Westfield, 1974), and they can also overlook seniority when making chair appointments. More generally, many legislators desire career success and power within the chamber, and leaders are in a position to affect both of these things (Dodd, 1983, 1977). Thus, legislators may be willing to support leaders on controversial or difficult issues, as a sign of loyalty and reliability. "Leaders, anxious to reward and nurture party loyalty, can help members with committee assignments, party appointments, electoral assistance, and the passage of personal legislation" (Dodd, 1983: 158). Here again, an extensive whip system is important, because whips provide leaders with support in trying to persuade dissident or on the fence legislators. Also, whips
provide information that allows leaders to know when and with whom to bargain (Dodd, 1983).

**Leadership and Moral Issues**

Given the constraints on CPG, constructive partisanship may be the most effective way to govern and build a record of legislative accomplishments. At the heart of constructive partisanship is the idea that progress and accomplishment comes through compromise. "Without a spirit of compromise among legislators, party leaders cannot build majority coalitions and pass controversial policy" (Dodd, 1983: 148). And it is only in meeting the challenges posed by salient and controversial issues that Congress retains its legitimacy and fulfills its obligation to govern—not just to represent, but also, to govern. High profile moral issues such as abortion and gay rights could theoretically constrain constructive partisanship, since these issues do not easily give way to compromise and splitting the difference. They seem to lend themselves to a more "conditional" approach, yet the "conditional" approach did not yield many policy victories in the 104th and 105th Congresses. In spite of the challenges to constructive partisanship inherent in moral legislation, the constructive approach is, under skilled leadership, probably the best way to manage morality. Again, the ideological wings of both parties will certainly be dissatisfied, but the legislative accomplishments should appeal to the American people.

**Conference and Caucus Attitudes**

Leadership actions with regard to morality issues start with an understanding of Conference and Caucus attitudes on these issues, as well as House ideological orientations. Table 7-1 provides the ideological scores for Republicans and Democrats in
### Table 7-1
Mean Ideological Scores

<table>
<thead>
<tr>
<th></th>
<th>Republicans</th>
<th>Democrats</th>
<th>The House</th>
</tr>
</thead>
<tbody>
<tr>
<td>103(^{rd}) Congress</td>
<td>.391</td>
<td>-.299</td>
<td>-.019</td>
</tr>
<tr>
<td></td>
<td>.338</td>
<td>.605</td>
<td>19.789</td>
</tr>
<tr>
<td></td>
<td>(.132)</td>
<td>(.181)</td>
<td>(.376)</td>
</tr>
<tr>
<td>104(^{th}) Congress</td>
<td>.387</td>
<td>-.334</td>
<td>.069</td>
</tr>
<tr>
<td></td>
<td>.504</td>
<td>.581</td>
<td>5.913</td>
</tr>
<tr>
<td></td>
<td>(.195)</td>
<td>(.194)</td>
<td>(.408)</td>
</tr>
<tr>
<td>105(^{th}) Congress</td>
<td>.437</td>
<td>-.335</td>
<td>.069</td>
</tr>
<tr>
<td></td>
<td>.343</td>
<td>.507</td>
<td>6.058</td>
</tr>
<tr>
<td></td>
<td>(.150)</td>
<td>(.170)</td>
<td>(.418)</td>
</tr>
</tbody>
</table>

*Note 1:* Entries based on Poole and Rosenthal's DW-NOMINATE scores.
*Note 2:* Standardized standard deviations in italics.
*Note 3:* Standard deviations in parentheses.

the 103\(^{rd}\), 104\(^{th}\), and 105\(^{th}\) Congresses. It comes as no surprise that on average the Republicans are consistently more conservative than Democrats. After a slight dip in the 104\(^{th}\) Congress, the mean levels of ideological conservatism among Republicans increase from the 103\(^{rd}\) to the 105\(^{th}\) Congress. At the same time, mean Democrat scores indicate in increase in Caucus ideological liberalism. This suggests that parties in Congress are increasingly polarized, with Republicans becoming more conservative and Democrats becoming more liberal. Figure 7-1 (next page) displays the distance between the mean party ideological scores. For each Congress, the Democrat mean is subtracted from the Republican mean. The larger the difference between the two number, the farther apart the parties tend to be, on average. And indeed, the parties are moving farther away from each other with each Congress.

The standardized standard deviations in Table 7-1 indicate that levels of Republican cohesion decrease slightly from .338 to .343 overall from the 103\(^{rd}\) to the
105th Congress. The Conference is the least cohesive in the 104th Congress. The Democrats became more cohesive in the years under consideration. Of course, regardless of the trends toward cohesion for Democrats and away from cohesion for Republicans, the Republicans tend to be more cohesive than the Democrats, overall.

The ideological distance between the parties is increasing. As we saw in Chapters 5 and 6, ideology is the single best predictor of support for gay rights and pro-choice policies. Conservatives tend to oppose gay rights and pro-choice policies, while liberals tend support gay rights and pro-choice policies. This suggests that—particularly with the Democrats being more cohesive—that the landscape of the House lends itself to CPG. Looking at Tables 7-2 and 7-3, it seems that abortion and gay rights are just the kind of
issues on which rank and file would cede powers to their leaders in order to govern decisively.

Table 7-2
Mean Party Support for Pro Choice Policies, by Congress

<table>
<thead>
<tr>
<th></th>
<th>Pro Choice Support</th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Republicans</td>
<td>Democrats</td>
<td>The House</td>
<td></td>
</tr>
<tr>
<td>103rd Congress</td>
<td>.177</td>
<td>.711</td>
<td>.496</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.689</td>
<td>.489</td>
<td>.813</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.299)</td>
<td>(.312)</td>
<td>(.403)</td>
<td></td>
</tr>
<tr>
<td>104th Congress</td>
<td>.135</td>
<td>.775</td>
<td>.440</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.978</td>
<td>.462</td>
<td>1.018</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.267)</td>
<td>(.358)</td>
<td>(.448)</td>
<td></td>
</tr>
<tr>
<td>105th Congress</td>
<td>.178</td>
<td>.777</td>
<td>.443</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.888</td>
<td>.484</td>
<td>1.043</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.336)</td>
<td>(.376)</td>
<td>(.462)</td>
<td></td>
</tr>
</tbody>
</table>

Note 1: Standardized standard deviations in italics.
Note 2: Standard deviations in parentheses.

Table 7-3
Mean Party Support for Gay Rights, by Congress

<table>
<thead>
<tr>
<th></th>
<th>Gay Rights Support</th>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Republicans</td>
<td>Democrats</td>
<td>The House</td>
<td></td>
</tr>
<tr>
<td>103rd Congress</td>
<td>.099</td>
<td>.565</td>
<td>.376</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.667</td>
<td>.589</td>
<td>.957</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.165)</td>
<td>(.333)</td>
<td>(.360)</td>
<td></td>
</tr>
<tr>
<td>104th Congress</td>
<td>.150</td>
<td>.771</td>
<td>.448</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.780</td>
<td>.393</td>
<td>.924</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.267)</td>
<td>(.303)</td>
<td>(.414)</td>
<td></td>
</tr>
<tr>
<td>105th Congress</td>
<td>.143</td>
<td>.684</td>
<td>.381</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.671</td>
<td>.503</td>
<td>1.037</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.239)</td>
<td>(.344)</td>
<td>(.395)</td>
<td></td>
</tr>
</tbody>
</table>

Note 1: Standardized standard deviations in italics.
Note 2: Standard deviations in parentheses.

It comes as no surprise that Democrats, the more ideologically liberal party, tend to support pro choice and gay rights policies more than Republicans. From the 103rd to
the 105th Congress mean Democratic support for pro-choice policies jumps 6%. In all Congresses, mean Republican support for pro-choice policies are about 60% lower than mean Democratic support. Interestingly, Republican support drops by about 4% in the revolutionary 104th Congress, and then creeps up slightly in the 105th. The patterns of support for gay rights are different. Mean Democrat support for gay rights jumps by about 15% from the 103rd to the 104th Congress, and then drops by about 9% from the 104th to the 105th. In each Congress, Republicans support for gay rights is considerably lower than Democratic support for gay rights, though Republican support also increases from the 103rd to the 105th Congress. It increases by about 5% from the 103rd to the 104th, and then drops slightly from the 104th to the 105th.

On closer examination these data suggest challenges to the CPG model. The standardized standard deviations allow us to assess the extent to which the parties are unified in either their support or opposition to both issues. Republicans are uniformly less supportive of abortion and gay rights than Democrats. However, Republican support for both of these issues is far more dispersed than Democratic support. Not only does Democratic mean support for abortion and gay rights increase from the 103rd to the 105th Congress, the Caucus becomes more cohesive and unified on these issues. Patterns of Republican support for these issues are somewhat different. Mean level of Conference support for pro-choice policies increases ever so slightly from the 103rd to the 105th Congress. But over time, the Conference becomes less unified on this issue. The patterns of support for gay rights are similar, but more dramatic. Mean support for gay rights increases by about 5% from the 103rd to the 105th Congress. It even increases from
the 103rd to the 104th Congress, in spite of the influx of the conservative revolutionaries. Even so, the Conference becomes less unified.

Figure 7-2 allows us to assess Republicans and Democratic support for these issues in relation to each other. This figure depicts the distance between the party means from one Congress to the next. In the 103rd Congress, the parties are much farther apart on abortion than on gay rights. In the 104th Congress, the parties move farther apart on both issues. While they are still more separated on abortion than on gay rights, the movement of the parties away from each other in the 104th Congress is more pronounced with gay rights, due to the sharp increase of mean Democratic support for this issue. In the 105th Congress, the parties—while still distant—move closer together on both issues.
Leadership Action

CPG works when the parties are internally cohesive and externally polarized. Under those conditions, rank and file legislators cede power to their leaders, who will then pursue a partisan agenda. The Republicans may have employed CPG, but aggressive partisanship often backfired on House Republicans during their tenure in the majority. This suggests that perhaps some of the assumptions on which CPG is built are not met under the current circumstances. Thus, given the constraints on CPG, this dissertation has argued that leaders should employ a constructive party model of governance—not that they are, but that they should. Constructive partisanship is built on the assumptions that certain important issues crosscut the parties, making the parties internally heterogeneous and non-polarized in relation to each other, that electorally independent legislators desire power, policy and reelection, and that under those conditions, successful governance is built on compromise. Leaders will need to built shifting coalitions by issue and sacrifice the ideological extremes of their party. To that end, leaders should employ a number of strategies, including collaborative decision-making, acceptance of dissent, and bargaining.

On the face of it, morally controversial issues seem to defy constructive partisanship, because they are not amenable to compromise. More importantly, the parties seem to be polarized on these issues. Gay rights and abortion should be the very issues on which legislators cede power to leaders in order to bring about party policy goals. However, these issues divide both parties, to some extent. Given the House seat margins, there are just enough Republicans and Democrats who do not hold the dominant view of their party on these issues and will break ranks that leaders should be wary of
forcing a party agenda to the floor. Rather, leaders need to build coalitions on these issues.\(^1\) The problem for legislators is that coalition building and the constructive partisanship model implies sacrifice of ideological extremists. According to one Democratic legislative director, "[t]here's always a call to the center. . . [T]he party has to be very careful not to let extreme issues take over."\(^2\) It also requires compromise. Yet, compromise on these kinds of issues is difficult to fashion. Notes one Republican legislative director, "leadership has one of the toughest roles in both the Republican and Democrat leadership because for moral issues compromise almost isn't an option for some guys."\(^3\) And even if an aggressively partisan stance achieves floor victories, the atmosphere in the House is likely to be poisoned, because these are issues of principle and conscience.

No matter what the majority party in the House does on gay rights or abortion, there will be no substantive effect if the Senate and the President do not concur. Therefore, an aggressively partisan posture will probably yield little in the way of substantive results. This could present a problem for party leaders in Congress, because these kinds of postindustrial issues are highly salient with the American people and demand substantive attention. Individually, they may not be the deciding factor at the polls, but they are part of an array of issues that commands the attention of the public. Constructive partisanship is the alternative, but leaders are still left with the problem of building compromise coalitions. Substantive results are achievable, only to the extent

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\(^1\) Republican legislative director's interview with the author, August 9, 2000.

\(^2\) Interview with the author, August 7, 2000.

\(^3\) Interview with the author, August 8, 2000.
that the House is willing to accept incremental change. And it is around incremental change that compromise coalitions can be built.

**Collaboration and controlling the flow of legislation**

Under the Gingrich Speakership, decision-making tended not to be collaborative. Rather, a small cadre of party leaders set policy unilaterally and expected the Conference to fall in line. According to one Republican legislative director,

> With Newt Gingrich, to a certain degree, the approach and decision and the policymaking were top down. Decisions were made by the leadership... whether they be Gingrich, or Delay, or Armey. Decisions were made about, you know, the manner in which a bill would move, when a bill would move, what the Conference position would be and the whip was cracked... The whip was cracked and you were supposed to fall in line. There were those in the Conference, you know, the leadership knew, did not agree on a particular issue... and they were expected not to vote the... Conference way. But by the same token, they knew that there were a lot of Democrats who were very conservative, especially on abortion and reproductive rights issues, that would vote with the majority Republican line on that.⁴

In spite of this centralized aggressive stance on the part of Gingrich et al., the Republican House majority saw few policy victories on either abortion or gay rights. In the 104th Congress, the House cast six votes related to gay issues. Four of those votes were gay friendly and they were all defeated.⁵ Of the two anti-gay roll calls, one was a clear victory for the opponents of gay rights—the Defense of Marriage Act, which was passed and signed into law by President Clinton. The other passed the House but was stricken in conference.⁶ In the 105th Congress, there were five gay relevant roll calls. One anti-gay measure, HR 3717, passed but was never considered in the Senate. Two, the Riggs

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⁴ Interview with the author, August 2, 2000.

⁵ These were roll calls 273, 314, 315 and 529.

⁶ This is roll call 759.
Amendment to HR 4194 and the Largent Amendment to HR 4380, passed but were stricken in conference. Another, the Hefley Amendment to HR 4276, was defeated. However, the Hilleary Amendment to HR 4194 passed and was signed into law. The story is similar with abortion. In the 104th and 105th Congresses, outside of eliminating or restricting funding for abortion overseas and at home, Republicans had no major victories. The closest they came to a victory on the issue was the passage of the Birth Abortion Ban Acts of 1995 and 1997, but the President vetoed these. Access may be limited by funding restrictions, but procedures are still legal.

Of course, leaders may not necessarily be looking for real policy victories, so much as they are looking for symbolic political victories. Their management of morality issues could reflect a desire to bolster the Conference’s record on these issues, while forcing Democrats into the unenviable position of “standing up for sin.” According to one Democratic legislative director,

Now some [bills] make it out of the pack as what I often hear called message votes. . . . [U]sually the Republican leadership, because they control 100% what comes to the floor, they pull one or two [bills] out of the pack to give their members specific issues that they want their members to have a few votes to bolster their record on abortion or to bolster their record on being against “special rights for gays,” or something like that. They’ll put them out there and then usually they’ll do that with the understanding—implicit if not explicit—that the Senate will not take up those measures, because they are purely political.  

Also, the respondent notes, leaders allow some votes of a purely symbolic nature in an effort to “curry favor with a particular segment of the electorate.” Some of these are just

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7 In the 103rd Congress under Democratic control, nine gay related votes came to the floor. Three of the nine were gay friendly, and two of those passed and were signed into law. Of the six anti-gay measures, one was rejected, three passed and eventually became law, and two passed but did not become law.

8 Interview with the author, August 8, 2000.
resolutions and do not even have the force of law. While that kind of management garners political ground for a party, it fails to actually address important issues. And in that sense, it is bad governance.

On the other hand, what some call “message votes,” others call strategy. Pro-life leaders may be trying to bait opponents with passage of abortion restrictions such that the law is challenged and ends up in the Supreme Court, where they hope Roe will be overturned. According to one Republican legislative director, the goal of pro-life representatives “is to attempt to get legislation enacted that will prompt someone to challenge it, to put it before the Supreme Court and get a different position or decision than was given in Roe v. Wade.”

Also, perhaps to the Republican’s strategic credit, many of these votes reflect an incremental approach to these kinds of issues. One Democratic legislative director notes,

...there are a lot of these things that [the pro-choice community] will never win, or haven’t in a decade or more. You know, the Hyde Amendment and things like that...but there’s some of these new bills that come up that are much closer. You know, the anti-choice community is very, very clever and have more or less for practical purposes at least, abandoned the tactic of a Constitutional amendment on abortion. They are now going at death by a thousand cuts.

While leaders allow controversial bills to come to the floor for a variety of reasons—including symbolic posturing, opponent bating, and policy strategy—most controversial bills never make it to the floor. Why do some live while others die? What separates wheat from chaff? Because these issues are so divisive, many legislators and

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9 Democratic administrative assistant’s interview with the author, August 8, 2000.

10 Interview with the author, August 15, 2000.

11 Interview with the author, August 8, 2000.
staff think leaders should and do keep moral legislation off the floor as much as possible.

Various Republican representatives make this point clearly.

Well, for the most part [leaders] should keep off the floor issues that tend to divide us.\textsuperscript{12}

Leadership pushes bills and holds bills to avoid trouble, and they don’t want inflammatory [moral] issues on the floor.\textsuperscript{13}

I think what the leadership has been trying to do over the last couple of years is to let’s limit the number of [abortion] votes. Let’s not make every single bill have, you know, abortion stuff on it. Let’s decide these are the critical abortion issues and that we’ll address them this year.\textsuperscript{14}

The leadership would just as soon not have floor debates on these issues, but the leadership is, they’re conservative, and so they are supported by the underlying legislation that would ban partial birth abortions. . . . They support the underlying position.\textsuperscript{15}

A Democratic Representative suggests that leaders will even keep winning bills off the floor if they determine that the bill is too divisive. “I think there are issues where the leadership may realize that divide their party and that they’re not really amenable to compromise and so therefore they don’t want to put them out there.”\textsuperscript{16} This reticence on the part of leaders to allow bills to make it to the floor is particularly strong when a bill addresses morally controversial issues in a purely symbolic—rather than substantive way.

According to one Republican representative,

I think the things they attempt to keep off the docket or off the calendar are those things that are believed to be or perceived to be great moral issues, but in fact are political efforts to get folks on the record of no consequence to the real issue, if

\textsuperscript{12} Interview with the author, July 11, 2000.

\textsuperscript{13} Interview with the author, July 13, 2000.

\textsuperscript{14} Interview with the author, July 18, 2000.

\textsuperscript{15} Interview with the author, July 13, 2000.

\textsuperscript{16} Interview with the author, July 19, 2000.
you understand what I mean. . . . And I think leadership should [keep these issues off the docket], because I think that’s just playing with the minds and hearts of people when you put something up there that for all intents and purposes does nothing but establish a voting record that paints somebody in some kind of position. I have not seen, however, to the contrary any issue of significance that had moral connotations or overtones, where I saw any effort or heard there was an effort to keep it from coming to the floor.17

So, in many instances, leaders and legislators would prefer these issues not come to the floor, because they are divisive and do not lend themselves to compromise—the staple of the legislative process. Even so, some bills go the distance. And again, the question is, why? Support from the leadership and widespread chamber support—in that order—are the most important factors in getting bills to the floor. “Whether or not a bills gets to the floor depends on who’s in charge and whether they’re sympathetic.”18 And again, “[I]eadership decides what moves.”19 A Democratic representative makes this point exactly,

The Non-Discrimination Act, I think under Democratic leadership now, with that issues having come as far as it has, I think under Democratic leadership that bill would probably come to the floor. It depends on who’s in charge and whether they’re sympathetic.20

One Republican legislative director notes,

... two mains sorts of elements... have to be present before a bill is ever going to make it to the floor. One is clear support among a majority of the House. Whether it’s Republican or Democrat, whether it’s just Republicans or just Democrats, there has to be clear widespread support, enough so that you can win the votes to pass the bill. That being said, the leadership has got to be willing to bring it to the floor. ... [A] bill that [has] a clear majority of members in the House, but the leadership [doesn’t] want to bring it up for a vote, it will not come to the floor for a vote, unless you end up introducing a discharge petition. ... But

17 Interview with the author, June 28, 2000.

18 Democratic representative’s interview with the author, July 19, 2000.

19 Republican legislative director’s interview with the author, August 8, 2000.

20 Interview with the author, July 19, 2000.
by and large I think that if the leadership doesn’t want it to come for a vote, it ain’t coming up for a vote.\textsuperscript{21}

The interviewee makes an important point. Leadership decides what gets to the floor, and if leaders are not sympathetic to legislation, it probably will not get a vote. Even so, without a winning coalition—no matter how sympathetic leaders may be—leaders will tend not to allow losing votes.

In some cases, it is possible to envision a situation where an unsympathetic leadership will let a bill get to the floor. This generally requires grassroots pressure. Many issues—such as abortion and gay politics—have devout supporters and opponents that can be mobilized to such an extent that leaders are forced to move an issue, when they might otherwise let it die.\textsuperscript{22} And when support in the chamber grows for a piece of legislation, leaders can resist only for so long. “[T]he important thing to remember obviously, is 218 wins. . . I mean, there’s no way to keep stuff off the floor if you have that. There are ways to keep it off, but not on [morally controversial] issues.”\textsuperscript{23} Legislators can use a discharge petition to get legislation out of committee and on to the floor. But if a critical mass of support builds up behind a bill, it probably will not need to get that far. When a petition starts to accrue close to the necessary number of signatures, the leadership will generally move the bill.\textsuperscript{24}

\textsuperscript{21} Interview with the author, August 2, 2000.

\textsuperscript{22} Democratic legislative director’s interview with the author, August 1, 2000.

\textsuperscript{23} Republican legislative director’s interview with author, July 31, 2000.

\textsuperscript{24} Republican staffer’s interview with the author, August 9, 2000.
There is some evidence that the centralized decision-making process under Speaker Gingrich has changed under Speaker Hastert. Two Republican legislative directors make this point exactly. They note,

Under Denny Hastert as Speaker, there has been much more of a negotiative kind of approach. If not consensus building approach, then attempts to at least give each segment of the Conference, and even in certain degrees segments of the Congress, Republican and Democrat, the rights and the opportunity to make their views known, and to sort of be involved in the process of developing a bill or an amendment or a policy.  

. . . we have conferences every Wednesday, at least. If there's a tough issues, we'll have them more than that, and that will be on the agenda. And that's members only, and leadership, staff sometimes, but they just sit there and hash out the differences. And they get to debate and they try to come out with a unified position. That doesn't work that easily with moral issues, because they all tie into religion, and they all tie into convictions of your faith. It's very difficult. . . .[T]he fiscal and the budgetary things, policy issues are a lot easier to compromise on than your moral and ethical bills.  

Not only do Republican leaders make decisions in consultation with the rank and file, they also reach out to various informal groups and caucuses within the House. In the tradition of Speaker O'Neil, this brings more representatives into the decision-making process. In doing so, it ensures that disparate groups within the Conference are, at the very least, represented in the inner circle. In a House with such a narrow margin, this kind of inclusion is particularly important, because leaders cannot afford to write any group of legislators off. A Republican legislative director made this point.

. . . on every leadership staff is the coalition member, a member that is in charge of working with the outside groups and working with the coalitions. And those staff members will go to the Values Action Team meetings, and they will find out what the groups mean. And they will explain, if the groups want this done and the

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25 Interview with the author, August 2, 2000.

26 Interview with the author, August 8, 2000.
leadership knows that it doesn’t have the votes, that they won’t take it up... And so the leadership is really engaged in everything that is going on.

Allowing dissent and gauging support

Again and again, legislators and staff indicate that Republican and Democrat leaders do not apply pressure to legislators to vote a certain way when the House is considering morally controversial legislation.

Our leaders are not perfect by any stretch, but they, in my view have been pretty good on not leaning on us with regards to a moral issue. They are considered, what’s called up here, a vote of conscience. I cannot remember any leader ever leaning on me to vote on one of these things.

Well, really leadership is pretty good about not pressuring on these things, because moral issues are issues of principle, and so when it comes to issues of principle, the leadership usually backs off and people just have to vote their conscience.

I think those kinds of [moral issues] tend to be handled by the leadership as free votes... at least on the Democratic side, there’s more tolerance within the party organization for difference and dissent.

Indeed, we know from Chapters 5 and 6 that representatives draw heavily on ideology and religion when voting on these issues. Thus, representatives are not likely to be responsive to leadership pressure, since these issues are so fundamental. One Democratic legislative director notes, “I think leadership knows that on particularly high profile moral questions that they don’t have a lot of control. Votes are going to be votes of conscience, no matter what.”

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27 Interview with the author, July 31, 2000.
29 Republican representative’s interview with the author, July 18, 2000.
30 Democratic representative’s interview with the author, July 19, 2000.
31 Democratic legislative director’s interview with the author, August 1, 2000.
So, Republican and Democrat leaders are both permissive of dissent, and perhaps this is because they have no choice. It is important to note, however, that Republicans who express high levels of support for gay rights and pro-choice policies do not have a great deal of influence with leadership on these kinds of issues. One Republican staffer makes this point in reference to Representative Christopher Shays, a Republican who consistently supports gay rights. The Republican staffer notes,

Chris Shays...is not one of the stalwart, follows the leadership of the Republican Party all the time kind of people...And so he's introducing, I guess the polite way to term it as a Republican is that on the more moderate end of Republican policies, and I think he is probably doing it, he may very well have a person belief in that this ought to happen. But he doesn't have a lot of, I guess, pull with the leadership on social policy stuff. Because he's kind of at the far end, where there are just a handful of Republicans that would support something like that.32

More importantly, dissident Republicans are excluded from positions of formal party leadership. This is not the case with Democrats. Representative Bonior, the current Democratic Whip, in particular, expresses low levels of support for pro-choice policies. This puts the Democratic leadership in a difficult position, since the Caucus as a whole supports pro-choice policies. One Democratic representative points out,

Leadership has to balance, come to a balance in terms of how the majority or a simple minority or whatever of the Caucus is favoring an issues. Leadership cannot afford to take his or her own point of view and be the Democratic Caucus. ...Leadership has to walk a careful line being sure that they represent the membership and not themselves.33

According to one Democratic legislative director, the Caucus deals with this disjunction between the leadership and the Democratic Caucus by turning over the whipping operation to a pro-choice representative.

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32 Interview with the author, August 9, 2000.

33 Interview with the author, July 11, 2000.
Mr. Gephardt is a fence sitter [on abortion]. He has voted both ways in the past. And Mr. Bonior, his second in command, is not pro-choice. . . . [T]hese two individual's personal and district related views have enormous implications for to the Caucus, because they run the whipping operations. So what has happened is because they will not whip those issues, the pro-choice caucus and Congresswoman DeLauro, as assistant to the whip, take over the whipping operation. 34

This gets at both Republican and Democrat employment of their whipping operations. Both parties may allow dissent in voting, but they nonetheless make use of their whipping operations. They do not use the whips to apply pressure, but they use them to get a feel for Conference and Caucus support for controversial legislation, so they can design bills that will achieve support. They also use whip counts to pinpoint with whom the leaders need to bargain. There is no indication, as far as this research is concerned, that leaders career bargain with committee assignments or positions of power in the party, but leaders may negotiate on legislative language. One Republican legislative director notes, “they’ll whip check us and just get a feel for where we’re at.” 35

And a Republican Representative notes,

There’s not whip counts in the sense finding out who to lean on to vote a certain way. There are whip counts though, because they try to design bills that Republicans can pass. And so you have, if they want to make a few allowances for our moderates, then they try to craft a bill that they can get a majority of Republicans on. Now one example is writing funding for foreign countries, the equivalent of Planned Parenthood type organizations, which end up using the money for abortions. It’s always a huge fight. . . . And they sometimes whip that because sometimes that’s a bill breaker on getting enough votes to pass the bill, if it goes too far one way or the other. 36

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34 Interview with the author, August 8, 2000.

35 Interview with the author, August 8, 2000.

36 Interview with the author, July 19, 2000.
Democrats note that their whip system is used less frequently with these issues; when it is used, the focus is on informing members of the Caucus position and then asking representatives to at least inform the leadership if they plan to defect, so that they know where they stand.\(^\text{37}\)

Republican leaders have also been skilled at allowing dissent in more places than the final vote, while structuring the process such that their position ultimately prevails. They give dissident representatives an outlet for their views. One area in which they structure the process is in making committee appointments. Leaders take legislator views and interest group ratings into consideration, such that legislation in committee will be crafted, quashed, or reported by representatives who are sympathetic to leadership. According to one Republican legislative director who is a former staffer to a former member of the Republican leadership,

> In the Speaker’s office, what we did, because my old boss was in charge of the Steering Committee which assigns members to committees, . . . we requested members’ right to life scores and that way we could make sure that if we put them on committees that had jurisdiction over abortion, we knew that we could keep a pro-life majority on that committee. Because the last thing you want to do is put a pro-choice majority on the Armed Services Committee and have them pass an amendment overturning current law, thus allowing abortions on military installations overseas.\(^\text{38}\)

Thus, leadership stacks the deck for and against certain legislation. In taking ratings and policy views into consideration, leaders ensure that legislation will be marked up in a way consistent with leadership’s agenda.

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\(^{37}\) Democratic representative’s interview with the author, July 19, 2000; Democrat legislative director’s interview with the author, August 8, 2000.

\(^{38}\) Interview with the author, July 31, 2000.
Leaders also influence the rule making process, such that whatever comes to the floor for a vote is considered under conditions likely to produce the outcome leaders prefer. Sometimes, this means not permitting unfriendly amendments that are likely to receive support. With regard to legislation banning partial birth abortions, one Democrat legislative director notes,

...something like partial birth abortion as it’s been called up, is not just a moral question because it’s really been, the way it’s been wrote [sic] up in Congress has had a very political element to it... Republicans, since they’re in control of Congress right now, brought it up specifically because they wanted members to take that vote and they wanted Clinton to veto it, because there was a compromise that could have passed, which would have dealt with the vast majority of these late term abortions, which would just have expanded the exception slightly to allow [late term abortions when there were] severe adverse health consequences to the mother... But with that exception, Clinton would have signed it and it would have passed, and the Republican leadership—not only would they say no, we don’t want that particular amendment to be added, they wouldn’t even allow that amendment to be offered on the floor of the House.39

The interviewee’s assessment of Republican leadership motives may or may not be correct, but the larger point is that the leaders would not allow an amendment they perceived to be unfriendly on to the floor, because in all likelihood it would have been agreed to. So, in structuring the rules, leaders can structure outcomes. A Republican staffer with ties to the Rules Committee also makes this point.

It’s very rare that that leadership doesn’t have a good idea as to what it wants as the end product. And they would generally come to us and say, “Hey, listen. Here are the things we know we can’t beat on the floor. So whatever you do, you can’t allow these.” And then we have amendment needs and that sort of thing with leadership and their relevant authorizing committees... In other words, everything that is going to be somewhat controversial, we’re pretty much going to try to structure it a way that we’re pretty sure will win.40

39 Interview with the author, August 8, 2000.
40 Interview with the author, August 9, 2000.
The flip side of this is that when leaders think they can win—either on the floor or in conference—they allow unfriendly amendments. In this sense, their approach is both collaborative, because they are allowing input on the floor, and consistent with allowing dissent. When dealing with appropriations bills having to do with abortion, the Republican staffer from the above quote notes that,

...we allowed a pro-choice type amendment and we also allowed a pro-life type amendment, so that both sides of the issue could be voted on. Both were adopted and they were conflicting...And then the details were just kind of worked out in conference...Mysteriously, the Greenwood stuff disappeared, so what we came out with was a pro-life position.41

Other Republicans echo this point exactly, and emphasize the need to make allowances for Republican moderates.42 This may suggest a greater openness of the part of Republican leaders to allow dissent through the legislative process. Notes one Republican legislative director,

...most if not all appropriations bills in the last couple of years, this and last especially, have been brought to the floor under essentially open rules. You know, anybody at any time can offer an amendment to the bill if they don’t like it or they want to improve it. They will at least have the opportunity.43

However, it is important to note that leadership allowance of dissent through legislation varies by issue, as is evident in Table 7-4. Republican leaders show a greater willingness to allow abortion amendments than their Democrat counterparts of the 103rd Congress. The same cannot be said for gay rights amendments, where Republicans display less of a willingness to deal with the issue on the floor. However, we may see this disjunction

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41 The interviewee refers to Rep. Greenwood, a pro-choice Republican who often offers pro-choice amendments to legislation.

42 Republican legislator’s interview with the author, July 13, 2000; Republican legislator’s interview with the author, July 19, 2000; Republican legislative director’s interview with the author, July 31, 2000.

43 Interview with the author, August 2, 2000.
Table 7-4

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*Note:* In addition to the five 104th Congress gay related votes listed on the table, the House also voted on a motion to recommit DOMA.

between gay votes and abortion votes because abortion is tied to a redistributive government bureaucracy, and therefore the appropriations process, in a way gay issues are not. Thus, as an appropriations matter, it must be dealt with every year, as discussed in Chapter 6. Indeed, many of the abortion amendments we see are amendments to appropriations bills. There are few funding issues having to do with gay issues. Of course, the darker side of the open approach—at least as it relates to appropriations—is that allowing legislators to amend and therefore legislate with appropriations bills may actually harm the appropriations process. Whereas authorization committees can afford to be polarized and debate controversial issues for an extended period of time, the Appropriations Committee must fund the government every year, or the government shuts down.44 Making the Appropriations Committee manage moral issues on which compromise is presumably difficult, complicates a process that demands compromise.

**Conclusion**

Leaders find themselves in the difficult position of managing moral issues such that these issues are substantively addressed, at the same time certain aspects of the

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44 Republican legislative director’s interview with the author, August 9, 2000.
legislative process are unavailable—such as compromise and career bargaining. While some scholars suggest that the Republican majority should and indeed is employing something like the conditional party government model, other scholars suggest that aspects of the Conference and Congressional politics, more generally, undercut the possibility for conditional party government to sustain any majority party. Thus, to the extent that Republicans practice CPG under current circumstances, we should expect them to falter. A better model of governance may be the less disciplined and less elegant constructive party model, which involves the development of shifting coalitions, the sacrificing of party ideologues, and cooperation with the other chamber and the president. Specifically, leaders employing constructive partisanship should be guided by the following strategies: 1) collaborative decision-making, 2) allowance and even facilitation of dissent, and 3) bargaining. With regard to the latter strategy, career bargaining may not be practical when managing moral issues, since legislators tend to draw on their own fundamental principles. But bargaining over legislative language to entice support may work.

The goal of this chapter has been to outline the conditional party government and the constructive partisanship models of governance, and determine which model House leaders employed during the years under consideration in this dissertation. Interview data with Republican and Democrat staffers and representatives suggest that while Republican leaders in the 104th and 105th Congress made decisions from the top down, the leadership under Speaker Hastert has taken a more collaborative approach. The leaders are conservative and certainly have preferred outcomes, but they are willing to listen to dissent among their ranks. Not only did they listen, but there is also evidence that
Republicans and Democrats tolerate and provide legislative outlets for dissent. They probably have no choice in the matter. These issues are so emotional that legislators will probably not be responsive to strong-arming. When leaders know they can ultimately win on an issues, they even allow dissent in the form of allowing unfriendly amendments to come to the floor. Unfortunately, the bills on which they allow amendments are often appropriations bills, and the annual injection of moral issues into the appropriations process places a strain on a committee that absolutely must find compromise and report bills. Of course, Republican leaders manipulate the process such that any dissent they allow is likely to fail. Dissenters may not win, but at least they have a voice.

There is little evidence that Republican leaders sacrificed their ideologues in an effort to construct shifting coalitions; there is little evidence that they cooperated with President Clinton, the Senate, and House Democrats. Even so, it is not clear that they continue to take the hard-line partisan approach suggested by the conditional party government model. Republican leaders are far from “constructive,” but they appeared to have moved in that direction from Speaker Gingrich to Speaker Hastert. Whether or not this is enough to sustain the Republican Party as a dominant majority in the years to come remains to be seen. At the very least, they are no longer hemorrhaging. If the presence of Republican President George W. Bush in the White House causes them to move back toward the conditional approach they may have problems again, having over-estimated the extent to which they have a mandate to be aggressive partisans. If the move toward to the constructive partisanship continues, they may sustain themselves beyond the Bush years.
CHAPTER 8
CONCLUSIONS ON LEGISLATING MORALITY

The goal of this research has been to develop an understanding of how the U.S. House of Representatives legislates morality—how the House fulfills its obligations to the public as a national legislature, when the stakes are drawn between good and evil. As I discussed in Chapter 1, the project grew out of my own experience with cognitive dissonance, having moved to the South and realizing that the Yankee Republican Party I knew and loved seemed remarkably different than the Republican Party in the Deep South. Specifically, I noticed a disjunction between the regional parties on moral issues. Abortion, gay issues, prayer, drug use. These issues are of marginal importance in Bill Weld’s Republican Party, but in the South they are given a pride of place on the agenda. The project grew from an intellectual curiosity into a systematic exploration of elite level moral decision-making. The House seemed to provide the perfect context in which to study these issues, since it is one of only two national bodies in which legislators from disparate parts of the country come together and govern.

Scholars have generally explored morality policy at the state and local levels (Button et al., 1997; Fairbanks, 1977; Haeberle, 1996; Haider-Markel, 1998; Meier, 1994; Meier and Johnson, 1990; Meier and McFarland, 1993; Mooney and Lee, 2000, 1995; Morgan and Meier, 1980; Wald et al., 2001, 1996), but this dissertation explores abortion politics and gay rights at the national level in the context of the U.S. House. And the difference is more than just geographic. There are good reasons to believe that
the decision-making process at the national level will be different than what has occurred at the state and local levels. The federal system in the United States gives state and local governments a great deal of latitude in policy formation and implementation. With regard to morality policy, the federal system probably had the added benefit of keeping moral disagreements from becoming inflamed and damaging the political system (Mooney, 2000). Policy development is likely to be different in the House because the body does not represent a localized, relatively homogenous area. Rather, it represents that whole country, and must deal with a level of heterogeneity that is foreign to most state legislature. There are other important reasons for studying these issues in the context of the House, including the desire to push congressional research in a new direction. Finally, this research allows us to assess the extent to which Congress can meet its obligation to the American people to address salient policy issues, even when they are particularly challenging.

Given scholarly distinctions made between moral and non-moral issues, and given our understanding of Congressional politics, four questions run through this research. One, do legislators perceive the same kinds of moral distinctions as scholars? Two, is their voting consistent with those perceptions and consistent with the morality policy literature? Three, given the theoretically divisive nature of moral issues, how do leaders manage them? Four, does the analysis provided in this research suggest that the House is up to the task of legislating post-industrial issues, of which gay politics an abortion are two? These are the questions addressed in this final chapter.
Seeing Good and Evil

As noted throughout the dissertation, scholars identify moral issues as those that draw on fundamental principles and status concerns. Policy-making in these areas generally involves the regulation of one's private moral life, and the affirmation of preferred social relationships. As Tatalovich and Smith (2001) note, moral conflicts arises out of competing concerns for social status. One group, typically on the left, fights for an equalization and recognition of their social status. Another group, typically on the right, perceives the status claims of this new group as a threat to its status, and joins the battle to fight for preservationist policies. Since these issues do not draw on traditional class-based economic considerations, the morality politics framework predicts that economic predictors have minimal influence on elite decision-making. Rather, we should expect elite decision-making on these issues to be heavy influenced by those variables that reflect fundamental principles.

As we notes in Chapter 2, this understanding of morality policy fits well with the development of abortion and gay rights politics in the latter half of the 20th century, with homosexuals and women fighting for certain rights and evangelical Christians responding in kind. All three political movements developed over the course of the century and now apply countervailing pressures on the institutions of government. The abortion rights and gay rights movements represent the left leaning groups that strive for legitimation of their preferred social relationships. Efforts to secure abortion rights and gay rights have symbolic implications well beyond the actual procedures and relationships they represent. They threaten a prevailing way of life, which envisions a particular role for women and their reproductive capacities, and a particular arrangement of families and romantic
relationships. Thus, evangelicals and other social conservatives, who represent the right, resist the efforts of feminists, gays and lesbians, and those sympathetic to their causes.

Given the institutional context to this research, the initial question that needs to be addressed is, do legislators make the same kinds of distinctions as scholars? Do they perceive some issues as uniquely moral? Yes. The morality politics framework seems to have resonance with policymakers. Again and again, legislators and staff indicate that some issues—issues such as abortion, prayer in school, and gay rights—tap fundamental principles. On these issues, legislators indicate that their decision-making is guided by their internal values, rather than economic or electoral considerations. Moreover, legislators and staff concede that these issues are absolutist and therefore not amendable to compromise. Of course, that they are voting their conscience does not necessarily mean that they are voting against their district. It just means that they are motivated by policy, and cannot easily be swayed by external pressure. Indeed, most respondents indicated that their views on these issues are largely consistent with the dominant preferences of their districts.

The roll call analyses lend credibility to these assertions. And there are a number of things worth highlighting. In both the abortion and the gay politics analyses, the moral models perform consistently better than the non-moral models. The consistently strong impact of ideology, district partisanship, and district level religious conservatism (in the gay rights analyses) indicates that district and elite level moral considerations affect voting on these issues. The disjunction between elite and district level religious conservatism also suggests that, A) religiously conservative districts are making louder demands for moral regulations, and B) risk-averse politicians are responsive to those
demands. Of course, the inclusive models perform better than either the moral and non-moral models. This finding suggests that while there is a moral dimension to these issues, socioeconomic considerations certainly add to our ability to explain decision-making and should not be left out of morality policy analysis.

It is also important to note that the morality politics framework performs much better when it is applied to gay politics than when it is applied to abortion politics. Lowi is right, different kinds of policy issues do give way to distinct patterns of politics, but the patterns are not identical within issue types. Practically speaking, abortion politics can be successfully de-moralized by legislators, and this is probably because many abortion bills are dealt with in the sub-institutional context of the appropriations process. Legislators are not considering abortion, as a procedure, directly. Rather they are considering money, and that is something on which they are accustomed to compromise. More importantly, it is something on which they must compromise. This is because the Appropriations Committee must report bills to the floor that fund the government. Ultimately, the House must pass these bills, or the Government shuts down. Therefore, legislators do not have the luxury of engaging in moral standoffs.

**Learning to Lead**

Since elite behavior on gay rights and abortion are heavily influenced by absolutist values-based considerations, and since—according to respondents—compromise is difficult to forge, leaders have their work cut out for them. Recent scholarship on congressional leadership argues that leaders should foster conditional party government. This kind of governance takes place when the parties are externally polarized and internally homogenous. Under those circumstances, rank and file cede
substantial powers to their leaders to aggressively pursue party outcomes across an array of issues, but not all issues. While it is a less demanding form of governance than traditional party government, it is still probably not possible, given the composition of the current House. The less demanding constructive party model will probably work better. That is, it will probably facilitate the development of winning coalitions around dominant Chamber and Conference preferences. In doing so, the ability of the House to deal with salient post-industrial issues is enhanced.

The goal of constructive partisanship is to form moderated, issue specific, shifting coalitions that achieve legislative success in cooperation with the other Chamber, the other party, and the president. As discussed in Chapter 7, leaders can engage in a number of strategies to bring about constructive partisanship. These include collaborative decision-making, toleration and facilitation (when possible) of dissent, and bargaining. The interview data suggest that while Republicans leaders under Speaker Gingrich tried to adopt the conditional party government model, they achieved few successes. Speaker Hastert seems to be behaving in ways more consistent with the constructive model. In particular, he collaborates with the Conference and permits defection. Even so, the Republicans majority has had few high profile successes on moral legislation, and that may be because they are not constructive—though they are moving in that direction. The move toward constructive partisanship has paid off. They are no longer hemorrhaging, and there are indications that the tone of policymaking has become less contentious. If they continue on this path, they are more likely to have eventual success in the areas of moral regulation. These issues tend to crosscut parties, and they are the very issues on which legislators cannot be strong-armed. Thus, a more muted and subtle form of party
government is necessary on the part of leaders if they are to shepherd salient bills through the legislative process.

**Morality and Legitimation**

This research gives us reason to be both concerned and hopeful about the long-term legitimacy of the House of Representatives. If, as scholars have argued, moral issues such as gay rights and abortion are endemic to postindustrial society, and if these issues continue to be politicized at the national level, Congress will increasingly be called upon to legislate morality. As much as individual legislators and leaders would like to avoid these issues, they probably cannot. If they are salient with the American people, they will be forced onto the agenda one way or another. Unfortunately for Congressional parties, these are just the kind of wedge issues that divide parties and challenge governance (Dodd and Oppenheimer, 2001, 1997; Lowi, 1995).

Not only do these issues have the potential to divide parties, we have reason to believe, based on the research in this dissertation, that these issues may not be amenable to the normal legislative process, which inevitably requires compromise and give and take. Legislators do not want to compromise. Their constituents do not want them to compromise. This is because, for some, the normative stakes are too high. Legislators may differ in opinion on energy policy, but at least compromise in this area does not damn anyone to hell or assault western civilization. With morality issues, the bias is slanted toward standing one’s ground. This may garner electoral points, and it may even reduce an individual legislator’s internal dissonance, but it is probably not a good way to govern—not if legislators want to accomplish anything. As one Democratic legislator notes,
There's bias that being ethical means standing alone, and your individual integrity takes precedence over everything else. And of course I'm not about to minimize the importance of individual integrity, but what I'm saying is that often individual integrity might direct us to the kind of role we need to play in the institution as opposed to a kind of contrarian view which suggests that we think we're the only righteous person here in Sodom on the Potomac. You know, that kind of a case needs to be made for cooperative work on a committee and in a party setting. . . . And I think there's an ethical burden of proof on the person who will not cooperate in doing what needs to be done to bring policies to fruition.¹

The legislator's point is well made. Legislators are standing their ground, at the expense of fulfilling their responsibilities to the public. That might be okay if the issue under consideration is low profile. But when it is important, the respondent's sentiment suggests that it is as ethical, if not more, to compromise, to work with your colleagues, and get something accomplished. The strength of democratic governance in the United States is based on the ability of Congress—our national, deliberative institution—to identify issues of common concern and manage them effectively (Dodd, 1993). Congress has done this very well in the face of national trauma, such war and depression. It has overcome the wedge issues. Overcoming post-industrial wedge issues requires that either, A) legislators develop an appreciation for the need to compromise even those issue that intuitively seem uncompromise-able (after all, how can one compromise what God wants?); or B) skilled leadership which builds winning coalitions across party and coalition lines, while sacrificing ideological extremists. The former is unlikely, and so too is the latter, if it is the leaders that are the ideological extremists. Ironically, the costs of not compromising, and therefore not legislating, are also high. The public may lose faith in the institution (more than it already has), and its legitimacy will be diminished. If that happens, the executive, the judiciary, and state governments may increasingly marginalize its authority.

¹ Interview with the author, July 19, 2000.
How did the House do in the 1990s on gay rights and abortion? It's a mixed bag. This dissertation focused legislator decision-making and leadership strategies, not actual policy outcomes. However, there were few dramatic legislative achievements in these areas in the years under consideration. The Defense of Marriage Act stands out as an exception. Looking at the decision-making side of the equation, we have already suggested that it is absolutist, but to varying degrees. Gay rights appears to be absolutist, and for now that is probably not damaging to the institution. This issue, while more mainstream than it was many years ago, is probably not the issue on which American's cast their ballots. There is no groundswell of support for gay rights, and as we saw with the battle for African American civil rights 40 years ago, that is probably a requisite for success. Abortion is more high profile, but the analysis suggests that legislators have found ways to re-frame and equivocate on this issue. Again, no surprise, given its relationship to the appropriations process. It is also important to remember that the House is restricted on abortion by Roe. With the exception of a partial birth ban, there is very little they can do but dicker over money. (Here again, gay issues are different.)

The abortion analyses give us reason to be encouraged about the ability of Congress to meet post-industrial challenges, while the gay analyses give us reason to be concerned. If the House is considering an issue in the context of appropriations, legislators have more room to maneuver. Or, if the moral issue under consideration is low profile enough that absolutist policies do not cause the public to lose faith in the institution, then again the legitimacy of the institution is not immediately threatened. But what if the House is dealing with a high profile issues that is not tied to any redistributive bureaucracy? Or, what if the Appropriations Committee becomes so partisan that
members are unwilling to forge compromise on these issues, even in their must-compromise environment? Or what if the annual consideration of morally controversial issues causes legislators to see each other as morally suspect, which might in turn polarize legislators and compromise the legislative process, more generally? Or, what if the House is dealing with a high profile issue that has not been subjected to judicial review? Under those circumstances, absolutist politics become a real possibility and a real threat to the House’s legitimacy, if the ultimate result is gridlock.

Making Contributions and Moving Forward

Hopefully, this dissertation makes a number of contributions to the literature. In the area of morality policy, we can take from this research that our theoretical construct actually has resonance with legislators. Also, many of the predictors at work at the state and local levels also seem to affect decision-making at the national level. Even so, categorical distinctions between moral and non-moral issues are probably not useful. Support for moral legislation certainly draws from fundamental ethical and status considerations, but because socioeconomic considerations often inform our core values, these issues also have an economic dimension. So it should be no surprise that some of the socioeconomic predictors emerge. We should also take from the research an understanding that morality policy is more nuanced than scholars tend to argue. Moral issues may present us with unique challenges, but within the classification of “moral issues,” there is additional variation. As we saw with the comparison of abortion politics and gay rights, the decision-making process around these issues is not identical. Other institutional factors seem to influence policy development.
In the area of Congressional studies, we should take from this dissertation an even broader understanding of what it means to be a rational actor in Congress. As we have noted, many scholars have built upon Mayhew’s argument that legislators are “single-minded seekers of re-election.” Legislators are not single-minded seekers of anything. They are driven by policy, by power, and yes, by re-election. The morality politics theory developed in Chapter 4 argues that in when legislating morality, legislators are motivated by policy. Their own fundamental principles that may be echoed in their districts, creates an imperative to pursue policies that reinforce their preferred social relationships. This may require defection from their party, and it may demand defiance of their district—though not necessarily. Does this mean they are irrational? No, it just means that their goals are not always electoral or economic. Often goals are informed by abstract normative considerations. With regard to moral issues, legislators seem to pursue policies that reduce their internal dissonance, by affirming their status preferences.

Chapter 7 advances the argument made by some scholars that conditional party government may not be a successful governing strategy in the years to come. It is an elegant theory, but it is undercut by the divisive and crosscutting nature of moral issues, as well as heterogeneous makeup of the Chamber, among other things. Just as conditional party government did not sustain Democrats in the majority, as some predicted (Rohde, 1991), it will probably not sustain Republicans. Constructive partisanship is more complicated, and thus requires more astute and hands on leadership, but if done well, it is more likely to sustain a majority party, facilitate the management of morality, and enhance the long-term legitimacy of the House. Of course, this gets to a final contribution that as has already been discussed in this chapter: this research allows
us to better assess the long-term legitimacy of the House, given its management of gay rights and abortion.

Now the question is, in what directions should this project be taken? This dissertation leaves us with as many questions as it answers, and could easily expand into other areas in the years to come. A more holistic exploration of this topic requires the Senate be included in the analysis. As one respondent suggested in Chapter 7, sometimes House leaders let bills come to floor for a vote, knowing that the legislation will not be considered or not be passed in the Senate. Bicameralism allows House leaders to use moral issues as valence issues, in an effort to leverage support from a key constituency—the pro-life community, for example. But real policy making requires coordination between the branches, and good faith efforts. An holistic approach also requires an analysis of the end products of the legislative process. Whatever is passed by the House and Senate can be undone in conference, and that needs to be considered. Of course, that is also very difficult, particularly with abortion related appropriations riders. With the passage of appropriations bills as parts of larger omnibus bills, it is almost impossible to track whatever became of a specific amendment. Still, you can assess the general level of funding.

Since we know that legislator decision-making varies by issue, another obvious expansion of the project would be to analyze other issues. Analysis of other policies allows us to directly test the argument I have made in this dissertation, that moral issues handled in the context of appropriations legislation are, to some extent, de-moralized. Finally, I would like to extend my project backwards, and compare the legislation of moral issues at different times in our history. This probably allows us to better sort out
the effects of party versus ideology. In the 1990s, the Republican Party was relatively homogenous, in an ideological sense. Thus, the party and ideology variables tap similar phenomena. But in the 1960's, both parties were more ideologically diverse. The Democrats were comprised of conservative Southern Democrats and liberal blue-collar labor Democrats, while the Republicans were comprised of Goldwater neo-conservatives and the more patrician Yankee Republicans. Studying morality policy in this era allows us to test the independent effects or party and ideology more easily.

**Concluding Thoughts**

My own assessment of legislating morality is that at a basic level, it requires recognition on the part of policy-makers that principled disagreement exists. One has no normative incentive to even sit at the bargaining table with adversaries if one sees them as immoral, in an a priori sense. And why would you compromise with someone, if you think they are evil, and if you think your own role in the process is to protect goodness and light? I echo the point made by the Democratic representative quoted in this chapter; of course, we should demand ethics and principled behavior from our representatives, but we live in a highly pluralistic society, and therefore we are not informed by the same normative considerations. Legislation requires compromise and maybe even incrementalism. That is as true for moral issues as for non-moral issues. And compromise requires an appreciation of and sensitivity to the fact the one's adversaries are not necessarily unethical. They not necessarily trying to destroy western civilization, in the same way that they are not necessarily misogynist hate mongers. All parties involved are bound by their ethical principles. But the ethical imperative they have in common is the obligation to govern the nation. To the extent that individual moralistic
considerations get in the way of that obligation, Congress and the nation are both diminished. And so, I end this dissertation as I started it.

*If pride was a sin, thought Dr. Larch, the greatest sin was moral pride.*

John Irving, *The Cider House Rules*
APPENDIX A
VARIABLE SPECIFICATION, CODING AND DESCRIPTION

Dependent Variables

Pro-Choice Support Score  The score is calculated for each legislator for each Congress. Scores range between 0 and 1, with 1 indicating highest level of support for pro-choice policies. Score components were identified by NARAL and a search of the Congressional Record. Representatives were given one point for each pro-choice position they took. The scores are based on the following items:

103rd Congress—Consponsorship of HR25 and HR26; House Roll Calls 60, 61, 69, 106, 107, 309, 582 (1st session)
104th Congress—House Roll Calls 349, 350, 382, 432, 433, 526, 574, 641, 642, 756 (1st session), 51, 167, 320, 332 (2nd session)

The sum of points was divided by the total number of identified abortion related items. For each Congress, the formula follows.

\[
\frac{\text{# of pro-choice positions taken by the representative}}{\text{# of abortion related items}}
\]

Gay Rights Support Scores  The score is calculated for each legislator for each Congress. Scores range between 0 and 1, with 1 indicating highest level of support for gay rights. Score components were identified by HRC and a search of the Congressional Record. Representatives were given one point for each gay rights friendly position they took. The scores are based on the following items:

103rd Congress—Consponsorship of HR431 and HR4636; House Roll Calls 29, 68, 70, 313, 460, 461, 462 (1st session), 91, 92 (2nd session)
104th Congress—Implementation of Office Non-Discriminatory Policy; Cosponsorship of HR1863 and HR2959; House Roll Calls 529, 759 (1st session), 273, 314, 315, 316 (2nd session)

105th Congress—Implementation of Office Non-Discriminatory Policy; Cosponsorship of HR1858 and HR3081; House Roll Calls 114, 347, 349, 398, 414 (2nd session)

The sum of points was divided by the total number of identified abortion related items. For each Congress, the formula follows.

\[
\frac{\text{# of gay friendly positions taken by the representative}}{\text{# of gay related items}} \times \frac{1}{100} 
\]

Deficit Reduction Scores

The Concord Coalition calculates these scores. Concord Coalition identifies roll calls that reflect support for or opposition to deficit reduction. The roll calls are weighted by importance and representatives are given points for each deficit reduction vote they take. Please contact the author or The Concord Coalition for more specific weighting information. The scores range from 0-100, with 100 indicating the highest level of support for deficit reduction. The scores are based on the following House Roll Calls.

103rd Congress—40, 81, 82, 85, 86, 198, 349, 355, 420, 609, 610, 611 (1st session), 9, 10, 51, 52, 55, 65, 168, 179, 187, 194, 344, 327, 328, 395, 401, 402, 483 (2nd session)

104th Congress—49, 86, 251, 295, 342, 370, 545, 560, 598, 644, 729, 741, 743, 802, 812 (1st session), 33, 53, 107, 117, 122, 168, 177, 179, 182, 205, 240, 244, 266, 345, 357, 383 (2nd session)

105th Congress—27, 78, 90, 132, 147, 148, 215, 262, 264, 271, 301, 310, 316, 326, 336, 345, 350, 617 (1st session), 10, 87, 96, 98, 102, 185, 191, 210, 262, 464, 469, 538 (2nd session)

Independent Variables

Per Capita Income

This is a district level measure in dollar amounts operationalized using U.S. Bureau of the Census data, various years.
<table>
<thead>
<tr>
<th>Measure</th>
<th>Description</th>
<th>Data Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>% with Some College</td>
<td>This is a district level measure indicating the percentage of the district over 25 years of age with some college or vocational education beyond high school. Data source is the U.S. Bureau of the Census.</td>
<td></td>
</tr>
<tr>
<td>% African American</td>
<td>This is a district level measure indicating the percentage of the district identifying as African American. Data source is the U.S. Bureau of the Census.</td>
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</tr>
<tr>
<td>% Rural</td>
<td>This is a district level measure indicating the percentage of the district classified as rural by the U.S. Bureau of the Census.</td>
<td></td>
</tr>
<tr>
<td>Out Gay or Lesbian</td>
<td>This is a legislator measure. It is a dummy variable coded 1 for out gay or lesbian and 0 for everything else. Only gays and lesbians who were out during their service or subsequently came out are coded 1.</td>
<td></td>
</tr>
<tr>
<td>Gender—Male</td>
<td>This is a legislator measure. It is a dummy variable coded 1 for men and 0 for women.</td>
<td></td>
</tr>
<tr>
<td>Contributions from HRC</td>
<td>This is coded as the amount in dollars contributed to the primary and general election campaigns of each legislator by the Human Rights Campaign during the 103rd, 104th, and 105th Congress election cycles. The sources of the data are the Center for Responsive Politics and the Human Rights Campaign.</td>
<td></td>
</tr>
<tr>
<td>Contributions from NARAL</td>
<td>This is coded as the amount in dollars contributed to the primary and general election campaigns of each legislator by the National Abortion Rights Action League during the 103rd, 104th, and 105th Congress election cycles. The sources of the data are the Center for Responsive Politics and NARAL.</td>
<td></td>
</tr>
<tr>
<td>Party ID—Republican</td>
<td>This is a legislator measure. It is a dummy variable coded 1 for Republicans and 0 for Democrats.</td>
<td></td>
</tr>
<tr>
<td>Ideology—Conservatism</td>
<td>This is a legislator measure of ideology. It is operationalized using and Rosenthal’s DW-NOMINATE (Poole and Rosenthal, 1991) scores, which are available at voteview.uh.edu. Scores range from −1 to +1, with −1 being the most liberal and +1 being the most conservative. Initial analysis revealed high levels of collinearity between elite partisanship and ideology. I reduced the collinearity by regressing elite partisanship on ideology and using the</td>
<td></td>
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</tbody>
</table>
residuals from that equation in place of the DW-NOMINATE scores.

**District Religious Conservatism**

This is a district level indicator, which measures level of Protestant theological conservatism among constituents. It is measured on an eight-point scale with scores ranging from 0 to 7 and 7 indicating the highest level of Protestant theological conservatism. John Green and James Guth broke down the 1992 Glenmary Research Center enumeration of denominations (Bradley et al., 1992) into "families" and arrayed them on the eight-point scale. Percentage of the district falling into each of the categories is multiplied by its number on the conservatism scale. These figures were then added together and divided by 100 to provide an aggregate level of Protestant orthodoxy for each district. John Green of the University of Akron provided me with the percentages of each district belonging to each of the categories, and I made the remainder of the calculations.

**Legislator Religious Conservatism**

This is a legislator indicator, which measures the level of individual adherence to Protestant orthodoxy. Based on their self-reported religious affiliation, legislators are given a score between 0 and 7, with 7 indicating the highest level of adherence to Protestant orthodoxy. The categories are the same as those for district level religious conservatism.

**District Partisanship**

This is a district level indicator operationalized as the percent of the district vote going to the Democratic candidate in the most recent presidential election. For the 103rd and 104th Congresses, that is Gov. Bill Clinton in the 1992 election. For the 105th Congress, that is Pres. Clinton in the 1996 election.
APPENDIX B
SURVEY INSTRUMENT

Introduction: Thanks for meeting with me. I’m a doctoral candidate at the University of Florida, and I study Congress. I am on the Hill this summer doing research toward the completion of my dissertation. Let me briefly explain my project. I am studying the legislative process of morally controversial legislation. This is legislation that deals with basic moral principles of right and wrong. They often have religious overtones. I want to know how MC’s approach these issues. What kinds of pressures do they feel? Do they respond to these policies differently than they might other kinds of policies? And how does leadership manage these issues? Your responses will be confidential. To the extent that I refer to this specific interview or quote you, I will not use your name. Let me ask you a series of open-ended questions.

1. Are there any morally controversial issues the House has dealt with since you’ve been on the Hill? If so, what?

2. Has there been any legislation that sticks out in your mind that you would consider morally controversial? If so, what?

3. How do you (does your boss) deal with these issues? Are the pressures you face with morally controversial bills unique? If so, how?

4. How do you (does your boss) decide how to vote on these issues? What are the influential factors?

5. Were there leaders or other legislators that you looked to for advice?

6. Leadership has the difficult job of building coalitions. How do they manage morally controversial bills?

7. Do you think the leadership manages morally controversial legislation differently than other kinds of legislation? Do you think it’s more difficult to form coalitions?

8. I’ve notices that every session a member will submit moral legislation, and it goes nowhere. But every now and again, something like the Partial Birth bill makes it to the floor. Why do members submit these bills? And why do some make it, while other don’t?

9. What are important (electorally) constituency groups in your district?
10. Are any of these groups particularly vocal with regard to morally controversial legislation? If so, which ones?

11. Are you (is your boss) on the same page as your (their) constituency with these kinds of issues?

12. What do you think your constituents wanted you to do on all these bills? How was your mail?

13. What kinds off issues are most important to your constituents? What do they feel the strongest about?

14. Are there some issues on which you are more likely to defer to their constituency?

15. Which of these groups were the most influential when you were voting on DOMA and partial birth? And are these groups consistently the most important regarding morally controversial bills?
REFERENCES


BIOGRAPHICAL SKETCH

Elizabeth Anne Oldmixon was born and raised in Massachusetts, and she has had an interest in American politics for as long as she can remember. Elizabeth is the daughter of Suzanne and William Oldmixon, and the youngest sister of Carol, Katie, Mary, Bill, and Joan. She entered college in the fall of 1992, and spent her junior year, 1994-1995, studying abroad at Oxford University. In May 1996 she graduated from Providence College, in Providence, Rhode Island, summa cum laude, with a bachelor’s degree in political science and humanities. She entered graduate school that fall, and received her master’s degree in political science in May 1999 from the University of Florida. She received her PhD in political science in December 2001, also from the University of Florida, after spending summers at the ICPSR Summer Program in Quantitative Methods and in Washington, DC, doing fieldwork. Elizabeth was awarded an American Political Science Association Congressional Fellowship, and in the fall of 2001 she left Gainesville and joined the 49th class of Congressional Fellows in Washington, DC. At the conclusion of the Fellowship, she hopes to secure an academic appointment.
I certify that I have read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a thesis for the degree of Doctor of Philosophy.

Lawrence C. Dodd, Chairman
Manning J. Dauer Eminent Scholar in Political Science

I certify that I have read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a thesis for the degree of Doctor of Philosophy.

James D. Button
Professor of Political Science

I certify that I have read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a thesis for the degree of Doctor of Philosophy.

M. Margaret Conway
Distinguished Professor of Political Science

I certify that I have read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a thesis for the degree of Doctor of Philosophy.

Albert Matheny
Professor of Political Science

I certify that I have read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a thesis for the degree of Doctor of Philosophy.

Kenneth D. Wald
Professor of Political Science
I certify that I have read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a thesis for the degree of Doctor of Philosophy.

Leonard Beeghley
Professor of Sociology

This dissertation was submitted to the Graduate Faculty of the Department of Political Science in the College of Liberal Arts and Sciences and to the Graduate School and was accepted as partial fulfillment of the requirements for the degree of Doctor of Philosophy.

December 2001

Dean, Graduate School