

ABSTRACT

Title of Document: THE CULTURE WARS AND THE AGENDA OF THE U.S. CONGRESS

Juliana Menasce Horowitz, Ph.D., 2006

Directed By: Professor Paul S. Herrnson, Department of Government and Politics

The scholarly literature on controversial cultural issues like abortion, gay rights, and school prayer thus far has focused in large part on the link between public opinion and the adoption of what political scientists have termed “morality policy.” While this literature has made significant contributions towards the understanding of the politics of the culture wars, the starting point for most studies of morality policy is a decision between two alternatives—to adopt or to reject a proposed policy or to cast a “yes” or “no” vote on a bill—that are already on the table. Yet, an important part of the puzzle—how cultural issues become part of the legislative agenda in the first place—has been largely ignored in the morality policy literature. This dissertation advances the literature by addressing the rise of cultural issues on the congressional agenda. More specifically, I examine the factors that make some members more likely than others to introduce bills on cultural issues, the circumstances under which committees are most likely to hold hearings on such issues, and congressional leaders’ decision to schedule floor votes on these controversial issues. Using rare

events logistic regression, negative binomial regression, and standard logistic regression analysis, I show that individual members of Congress and the majority party leadership, especially under Republican control, are motivated, in part, by electoral considerations, including the timing of elections, when they put cultural issues on the agenda of the U.S. Congress.

THE CULTURE WARS AND THE AGENDA OF THE U.S. CONGRESS

By

Juliana Menasce Horowitz

Dissertation submitted to the Faculty of the Graduate School of the
University of Maryland, College Park, in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy
2006

Advisory Committee:
Professor Paul S. Herrnson, Chair
Associate Professor Frances E. Lee
Associate Professor Irwin L. Morris
Professor Linda Williams
Professor Christopher H. Foreman, Jr.

© Copyright by
Juliana Menasce Horowitz
2006

Acknowledgements

While I have spent thousands of hours sitting alone in front of a computer over the past year, the completion of this project was certainly not an individual effort. I could not have gotten through all of this work without the support and guidance of my family, friends, and academic mentors. First, I would like to thank my advisor, Paul Herrnson, for always pushing me to pursue new and interesting angles of my research and for believing in my work and not letting me give up when my first set of results didn't match my expectations. I also thank the other members of my dissertation committee—Frances Lee, Irwin Morris, and Linda Williams from the Department of Government and Politics, and Chris Foreman from the School of Public Affairs—for asking stimulating questions and keeping me focused. Linda Williams has played a particularly central role in my education. I first met her when I was an eighteen-year-old freshman in her honors Introduction to American Politics class ten years ago. I have since taken her graduate courses and worked as her teaching assistant, in addition to having her on my dissertation committee. I feel privileged to have had the opportunity to work so closely with and learn so much from Linda. I am grateful to Ollie Johnson, my mentor in my undergraduate days at the University of Maryland, who always encouraged me to explore challenging research topics and first planted the idea of going to graduate school in my head. I thank Ann Marie Clark for her commitment to the graduate program and its students. No one makes it through this program without pondering at least once a month, “What would I do without Ann Marie?” I am indebted to all of the members of the American politics subfield in the Department of Government and Politics—both faculty and graduate students—for

providing an intellectual community where I could develop as a scholar. I especially would like to thank Nate Bigelow, Marie Fritz, Bidisha Biswas, Jenn Lucas, Dave Quinn, Edi Frajman, Liz Freund, Josh Dyck, Randy Roberson, Chris Whitt, Jenny Wustenberg, Tia Stokes-Brown, and Adam Hoffman for serving as sounding boards for my thoughts and ideas and for much-needed lunch and coffee breaks. I am lucky to have them as friends.

My parents, Gilda and Daniel Menasce, have given me so much that nothing I write here can capture how grateful I am to them. I would not be who I am and where I am today without their love, support, and patience. I learned more from them about how to be a good person, a good citizen, and a good worker than I could ever learn in school. I want to especially thank my dad for putting on his professor hat on many Saturday afternoons to help me with this project. I am grateful to my brother Flavio and his wife Jess for their support and friendship and for their interest in my work. I thank my grandmothers, Sarita Menasce and Nelly Rubinstein, and my aunts, uncles, and cousins who have cheered me on from thousands of miles away. Vovó Sarita deserves a special thank you for giving me the only existing copy of my grandfather's dissertation when I first started working on my own. Her gift inspired me and kept me working hard everyday. I would also like to thank the Horowitzes—Nancy, Larry, Kelly, Sam, and David—for being such a supportive, loving, and fun family. Finally, I thank my husband Ethan for never doubting that I could do this, even when I wasn't so sure. His inspirational (and totally silly!) pep talks got me through many slumps. I can't thank him enough for all the love and support he gives me everyday.

Table of Contents

Acknowledgements	ii
Table of Contents	iv
List of Tables	vi
List of Figures	vii
Chapter 1: Introduction	1
Defining Cultural Issues	7
Origins of the Contemporary Culture Wars.....	8
The Politics of Morality Policy.....	10
Morality Policy Adoption and Public Opinion	11
Setting the Stage for the Culture Wars in Congress	13
Plan of the Dissertation.....	19
Chapter 2: Key Battles in the Culture Wars	22
The Evolution of Cultural Conflicts	23
The Politics of Abortion Rights	24
The Fight over Gay Rights.....	29
Obstacles to Contraception Access.....	34
Talking about Sex in America’s Schools.....	38
The Role of Religion in Science Education.....	41
Protecting the Flag against Free Speech	42
God in the Public Square	45
The Politics of Stem Cell Research	49
The Right to Choose Death and the “Culture of Life”.....	52
Conclusion	55
Chapter 3: Bill Sponsorship and the Culture Wars	57
Introducing Cultural Issues: The Electoral Connection.....	59
The Culture Wars in the 108 th Congress.....	63
Data and Methods	69
Launching the Culture Wars in the House.....	80
The Culture Wars in the Senate	85
Conclusion	89
Chapter 4: Committee Hearings and the Cultural Agenda	91
Members’ Goals, Committee Agendas, and the Culture Wars.....	95
Data and Methods	98
Fighting the Culture Wars in Committee Hearing Room.....	100
The Decision to Hold Legislative Hearings.....	110
Conclusion	116
Chapter 5: Culture War Battles on the Floor	118
The Culture War as Political Tool	119
Beyond Strategic Disagreement.....	124
Bringing the Culture War to the Floor.....	125
Data and Methods	130
Strategic Disagreement in the House and in the Senate	135
The Political Dynamics of Election Years.....	139

The Influence of the President’s Agenda, Outside Events, and Public Opinion ..	147
Conclusion	150
Chapter 6: Conclusion	152
Advancing the Literature	156
What This Means for Democracy	158
Appendix A	161
Appendix B	163
Appendix C	164
Appendix D	166
Bibliography	168

List of Tables

TABLE 3.1 Number and Percentage of Members Who Introduced Cultural Issue Bills in the 108 th Congress	79
TABLE 3.2 Rare Events Logistic Regression Analysis of Cultural Bill Introduction in the House	81
TABLE 3.3 Change in Predicted Probability of Introducing a Cultural Issue Bill in the House	83
TABLE 3.4 Rare Events Logistic Regression Analysis of Cultural Bill Introduction in the Senate	87
TABLE 3.5 Change in Predicted Probability of Introducing a Cultural Issue Bill in the Senate	88
TABLE 4.1 Logistic Regression Estimates for Likelihood that a Cultural Issue Bill Will Receive a Hearing in a House Committee, 1981-2004	112
TABLE 4.2 Logistic Regression Estimates for Likelihood that a Cultural Issue Bill Will Receive a Hearing in a Senate Committee, 1981-2004	115
TABLE 5.1 Negative Binomial Regression Analysis of Number of Roll-Call Votes on Cultural Issues in the House	136
TABLE 5.2 Factor Change in the Expected Count of Roll-Call Votes on Cultural Issues in the House	138
TABLE 5.3 Negative Binomial Regression Analysis of Number of Roll-Call Votes on Cultural Issues in the House under Republican Leadership	141
TABLE 5.4 Factor Change in the Expected Count of Roll-Call Votes on Cultural Issues in the House under Republican Leadership	142
TABLE 5.5 Negative Binomial Regression Analysis of Number of Roll-Call Votes on Cultural Issues in the House under Democratic Leadership	143
TABLE 5.6 Factor Change in the Expected Count of Roll-Call Votes on Cultural Issues in the House under Democratic Leadership	144
TABLE 5.7 Negative Binomial Regression Analysis of Number of Roll-Call Votes on Cultural Issues in the Senate	146
TABLE 5.8 Factor Change in the Expected Count of Roll-Call Votes on Cultural Issues in the Senate	148

List of Figures

FIGURE 1.1	Public Attitudes on Abortion	6
FIGURE 3.1	Cultural Issues in the 108th Congress	64
FIGURE 3.2	Ideological Position of Cultural Issue Bills in the 108th Congress	66
FIGURE 3.3	Party Polarization and the Culture Wars in the House	68
FIGURE 3.4	Party Polarization and the Culture Wars in the Senate	68
FIGURE 4.1	Congressional Hearings on Cultural Issues by Committee Type, 1981-2004	102
FIGURE 4.2	Legislative and Non-Legislative Hearings on Cultural Issues in Constituency-Oriented Committees, House and Senate	105
FIGURE 4.3	Legislative and Non-Legislative Hearings on Cultural Issues in Policy-Oriented Committees, House and Senate	105
FIGURE 4.4	Cultural Issues Covered in Committee Hearings as a Percentage of All Hearings on Cultural Issues in the House and Senate, 1981-2004	107
FIGURE 4.5	Cultural Issues Covered in Committee Hearings as a Percentage of All Hearings on Cultural Issues by Party Control, 1981-2004	109
FIGURE 5.1	Number of Votes on Cultural Issues in the House, 1977-2004	127
FIGURE 5.2	Number of Votes on Cultural Issues in the Senate, 1977-2004	129

Chapter 1: Introduction

On Sunday, March 20, 2005, members of the U.S. House of Representatives were called out of their Easter recess into a special session to vote on a bill titled “For the Relief of the Parents of Theresa Marie Schiavo.” The private bill would allow the parents of a 41-year old brain-damaged Florida woman whose feeding tube had been removed after a decade-long review of her case by six different courts to appeal to a federal court to have their daughter’s feeding tube reinserted. On the floor of the House, Republican members equated the removal of Schiavo’s feeding tube with murder and torture and contended that they had a moral duty to vote in favor of the legislation, with Patrick McHenry of North Carolina calling it “one of the great moral issues of our day” (*Congressional Record*, 3/20/2005). Democrats, for their part, argued that state courts had found sufficient evidence that Schiavo did not want to live in her current condition and accused Republicans of exploiting Schiavo’s situation for political gain. Some, like John Conyers of Michigan, referenced an anonymous memo, later discovered to have been authored by a member of Republican Senator Mel Martinez’s staff, that urged Republicans to vote for the bill and called the Schiavo case “a great political issue” which would excite the pro-life base (Allen 2005). After three hours of impassioned debate and with more than one-third of its members absent, the House approved the legislation by a 203-58 vote.

Less than two weeks before members of the House were called upon to weigh in on Schiavo’s fate, the Senate had convened to debate an amendment offered by Democratic Senator Charles Schumer to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. Schumer’s measure sought to prohibit violent

anti-abortion protesters from declaring bankruptcy in order to avoid court-imposed fines. In the course of the debate, Schumer and other Democrats highlighted a series of incidents in which violence or the threat of violence had been used against abortion clinics, women seeking abortions, and abortion doctors and their families. Schumer pointed out that close to 80 percent of all abortion clinics in the country had been shut down because of the rise in violent protests.¹ Republicans, who believed the measure was unnecessary because existing laws already barred people who file for bankruptcy from having debt incurred as the result of a malicious act dismissed, accused Democrats of manipulating the abortion issue to further their political goals. Senator Charles Grassley of Iowa suggested that the first time Schumer offered a similar amendment in 1999, the Democrat from New York had been more concerned with helping Vice President Al Gore in his run for the presidency than with the safety of abortion providers. Gore's primary opponent, former senator Bill Bradley, had accused the vice president of not being a strong enough supporter of abortion rights. With the Senate evenly split, Grassley contended, Schumer had offered the controversial amendment to give Gore the chance to cast the tie-breaking vote, thus showing off his pro-choice credentials. Republicans also claimed that Schumer's amendment was an attempt to kill the entire bankruptcy bill. In 2004, Republicans in the House had rejected the bankruptcy bill because of the provision against anti-abortion protesters. On March 8, 2005, however, Schumer's amendment was defeated in the Senate. President George W. Bush signed the Bankruptcy Abuse Prevention and Consumer Protection Act into law one month later.

¹ For a full account of Schumer's testimony see *Congressional Record*. 2005. 109th Cong., 1st sess., p. S2203.

The debates over Schiavo and Schumer's amendment on the floor of the House and the Senate are just two of numerous examples of the congressional politics of what observers of American politics call "culture wars" (Hunter 1991; Layman 1997; Sharp 1999). Contrary to earlier cultural conflict in America, in which one religion was often pitted against another (e.g. anti-Catholic sentiments among Protestants in the eighteenth and nineteenth centuries, anti-Semitism in the late nineteenth and early twentieth centuries), contemporary culture wars divide Americans into orthodox and progressive camps regardless of the religion they practice (Hunter 1991). On the orthodox side are those who look to a strict interpretation of religious text for answers about private and public conduct. Progressives, on the other hand, are guided by scientific rationality and personal experience (Hunter 1991). Progressives are often religious themselves, but their interpretation of religious text tends to be contextual and subjective. Among the most prominent issues in today's culture wars are abortion, gay rights, pornography, and school prayer.

Since Hunter (1991) first articulated the concept of the American culture wars, several scholars, journalists, and politicians have adopted the framework. At the 1992 Republican National Convention, for example, Pat Buchanan declared that "There is a religious war going on in our country for the soul of America. It is a cultural war, as critical to the kind of nation we will one day be as was the Cold War itself."² Immediately following the election of George W. Bush in 2000, stories in widely circulated newspapers like the *New York Times* and *USA Today* began to

² This speech is widely cited and the transcript can be found at <http://www.buchanan.org/index.html> among several other Internet sources.

categorize states won by the Republican presidential candidate—mostly culturally conservative, rural states--as red states and those won by Democratic candidate Al Gore—mostly culturally progressive, coastal states—as blue states.³ The recent characterization of America as a culturally divided country persisted through the 2004 presidential election and intensified as exit polls indicated that as much as one-fifth of Americans cited “moral values” as the most important issue in their voting decision.⁴ This, along with the election of social conservative senators like Tom Coburn of Oklahoma and Jim DeMint of South Carolina, on the one hand, and social progressives like Barack Obama of Illinois, on the other, has led some political analysts to conclude that there is a growing cultural divide among the American people that has increased the political salience of cultural issues among the public and politicians alike.

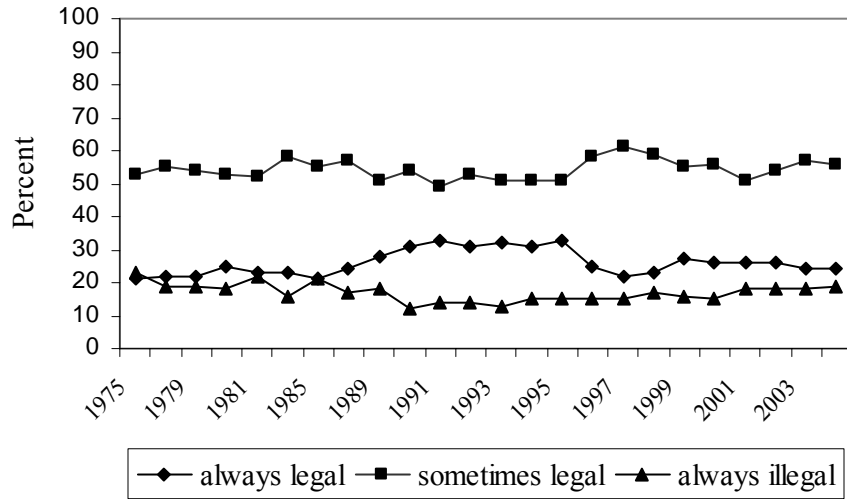
There is little evidence, however, that the American cultural landscape is, in fact, changing or that public opinion is becoming more polarized on cultural issues than it has previously been (see, for example, Fiorina 2004 and Green 2004). Because public opinion on cultural issues is based on deeply held religious or ethical beliefs, it is unlikely to fluctuate significantly (Converse and Markus 1979; Adams 1997; Fiorina 2004). For example, attitudes on abortion, one of the most controversial issues in the culture wars, have remained relatively stable since the 1970s, when the Supreme Court made the procedure legal. As Figure 1.1 illustrates, a

³ For several examples of newspaper articles that focus on the red state/blue state dichotomy, see Morris P. Fiorina’s *Culture War? The Myth of a Polarized America*.

⁴ Full exit poll results for the 2004 presidential election are available at <http://www.cnn.com/ELECTION/2004/pages/results/states/US/P/00/epolls.0.html>. Polling experts have since questioned the conclusion that this figure is indicative of heightened polarization along cultural lines. See, for example, ABC News polling director Gary Langer’s “A Question of Values,” *New York Times*, November 6, 2004.

majority of Americans believe abortion should be legal under certain circumstances. Those circumstances often include cases of rape or incest and situations in which carrying the pregnancy to term poses a health risk to the mother. With the exception of a brief period in the late-1980s and early-1990s in which the percentage of Americans that believed abortion should always be legal jumped to just above 30 percent, the percentage of Americans who say abortion should always be legal and those who say it should never be legal has hovered around 20 percent.

FIGURE 1.1
Public Attitudes on Abortion



Source: Gallup Organization.

While the evidence of a culture war among the American public is tenuous, the war rages on in the rhetoric of politicians, activists, and media pundits, as the battle in Congress over whether or not to allow the parents of the dying Florida woman to continue to appeal to judges to have their daughter's feeding tube reinserted, the daily protests outside the woman's hospice, and the many hours of cable news coverage of her final days prove. In this project, I seek to identify conditions that motivate members of Congress to step up the fight over cultural issues. I examine the factors that make some members more likely than others to introduce bills on issues like gay rights, abortion, and sex education, the circumstances under which committees are most likely to hold hearings on cultural issues, and congressional leaders' decision to schedule floor votes on such issues.

Defining Cultural Issues

Political scientists who study cultural issues often refer to such issues as morality policy or social regulatory policy, which is broadly defined as "the exercise of legal authority to affirm, modify, or replace community values, moral practices, and norms of interpersonal conduct" (Tatalovich and Daynes 1998: xxx). While some may interpret this definition so widely as to include, for example, efforts to alleviate poverty or to promote racial equality, two goals that are often motivated by moral values, it is clear from the many scholarly articles and books on the subject that the definition of morality policy issues in the context of this literature does not refer to a broad, philosophical conceptualization of morality. Rather, the literature focuses on a narrow set of controversial issues that deal with government regulation of private behavior, the expression of religion in the public square, and other matters regarding

freedom of expression. Among the issues commonly associated with morality policy are abortion, censorship, flag burning, school prayer, and gay rights. It is this narrow definition of cultural or morality policy issues that I adopt in this project. I use the terms “morality policy” and “cultural issues” interchangeably. While cultural issues are not confined to any particular topic or policy area—for example, abortion is essentially a health care issue, flag burning is a civil liberties issue, and gay rights is a civil rights issue—political scientists have found both theoretical (see, for example, Mooney 2001 and Smith and Tatalovich 2003) and empirical (see, for example, Layman and Carsey 2002 and Carsey, Green, Herrera, and Layman 2003) justification for categorizing them under the cultural issue umbrella.

Origins of the Contemporary Culture Wars

The emergence of contemporary cultural issues in advanced industrial societies like the United States has been widely documented, particularly by comparative politics scholars. In an analysis of survey data from over two dozen countries, including the United States, South Africa, Japan, and several Eastern and Western European countries, from 1970 to 1988, Inglehart (1990) finds that conflicts over cultural issues typically arise when religious traditionalists react to a society’s shift to postmaterialism. The trend toward postmaterialism in the postwar era, which has been particularly pronounced in the United States and Western Europe, has been marked by increasing economic security. As a result, new social movements have emerged which transcend class structures and focus instead on cultural and symbolic issues linked to collective identities rather than on economic grievances (Inglehart 1990; Larana, Johnston, and Gusfield 1994). Many of the groups that have flourished

in this new context have been culturally progressive, such as the gay rights and women's rights movements.

As postmaterialists began to embrace culturally progressive values, traditionalists perceived changes in society as an attack on their way of life and on the traditional roots that, in their view, held society together. Scholars often call this phenomenon “status politics.” The theory of status politics borrows from the work of Max Weber (1946), whose theory of stratification suggests that groups compete not only for material resources but also for status and public respect (Hofstadter 1964; Moen 1984; Scott 1985; Wald, Owen and Hill 1989). Moen (1984), for example, uses this theory to explain support for school prayer in the wake of the *Engel v. Vitale* (1962) decision, in which the Supreme Court ruled that school prayer violates the “establishment clause” of the First Amendment. He finds that those who were most likely to support school prayer—those in rural areas, the less educated, and religious traditionalists—were also the most likely to feel that contemporary lifestyles posed a threat to their traditional values. Scott (1985) presents a similar finding in his study of support for and opposition to the Equal Rights Amendment. Like Moen (1984), Scott (1985) suggests that those who held traditional values perceived the rapid structural and ideological changes associated with industrialization and urbanization in a pluralistic society as a major threat to their traditional lifestyle.

Recently, journalist Thomas Frank articulated a theory he calls “the Great Backlash.” Combining aspects of the status politics literature with an analysis of the contemporary American political context, Frank (2004) concludes that politicians who are conservative on economic issues have been able to win the support of

working-class Americans in rural states by convincing them that the domination of American culture by coastal elites poses a threat to their traditional culture and that they must fight back. Frank (2004) suggests that these conservative politicians have been effective in mobilizing voters to elect Republicans against their own economic interests by couching the culture wars in the language of class conflicts. In this narrative, the liberal elite, spearheaded by Hollywood, university professors, and news producers, is attempting to impose its values on Middle America while the less powerful struggle to maintain their conservative moral tradition (Frank 2004).

The Politics of Morality Policy

Issues that tap into religious and cultural differences are not new to American politics (see, for example, Gusfield 1986 on the Temperance movement of the 19th century and the cultural assimilation agenda of the Progressive movement in the early-1900s). However, scholars have only recently begun to study these issues as a policy area with its own political dynamics and implications. Perhaps because cultural issues are controversial or because their consequences are often difficult to quantify, political scientists have traditionally shied away from studying them systematically, preferring instead to study distributive and regulatory policies (Mooney 2001; Smith and Tatalovich 2003). However, as symbolic cultural issues have become more prominent in the postmodern world, it has become impossible for political scientists to continue to avoid studying the political causes and consequences of the culture wars.

Morality Policy Adoption and Public Opinion

The morality policy literature thus far has focused in large part on the link between public opinion and the adoption of various morality policies. In 1961, Key suggested that “Unless mass views have some place in the shaping of policy, all the talk about democracy is nonsense” (7). While many studies find the link between public opinion and public policy to be less than perfect (see, for example, Dye 2001), several studies suggest that certain characteristics which are common to all cultural issues make political leaders especially inclined to take cues from the public on such issues.

First, cultural issues are what Carmines and Stimson (1980) call “easy issues,” meaning that they elicit gut responses that do not require any conceptual sophistication. Some areas of morality policy are, indeed, technically complex. For example, there are questions about whether or not abortion is acceptable at any stage of the pregnancy if the life of the mother is in jeopardy, or about the scope of the “establishment clause” of the Constitution and the Founding Fathers’ true intent in providing for the separation of church and state in the Bill of Rights. However, these issues can be easily understood as a basic question of values, which is, in fact, how most people understand morality policy (Carmines and Stimson 1980; Tatalovich and Daynes 1988; Meier 1994; Mooney and Lee 1995; Layman and Carmines 1997). Because cultural issues can be understood in simple, non-technical terms, virtually everyone has an opinion (Glick and Hutchinson 2001), which makes it nearly impossible for politicians to make decisions regarding such issues without taking public’s view into account.

A second characteristic of morality policy that makes political leaders more likely to respond to public opinion is that people's positions on these controversial policy issues are rooted in deeply held religious and ethical values and, therefore, there is little room for compromise (Smith and Tatalovich 2003). This, some argue, makes risk-averse politicians unlikely to voluntarily take sides in morality policy debates unless they are prompted by their constituents to do so (Mooney and Lee 1995; Tatalovich and Daynes 1998; Smith and Tatalovich 2003).

Empirically, morality policy scholars have observed a strong link between public opinion and morality policy adoption. In their study of patterns of adoption of abortion regulation reform in the states prior to the *Roe v. Wade* ruling in 1973, Mooney and Lee (1995) find that socioeconomic conditions that typically explain adoption of distributive, redistributive, and regulatory policies are not good determinants of abortion regulation adoption. Instead, they find that when it comes to morality policy in general and abortion policy in particular, elected officials strive to reflect the general opinion of their constituents (see also Cohen and Barrilleaux 1993).

Scholars' heavy focus on policy adoption, including comparative studies of patterns of innovation and diffusion, has made state politics an especially conducive context for the study of morality policy. Few studies look at the dynamics of morality policy-making at the national level. Those that do look at such dynamics tend to focus on the roll call voting behavior of members of Congress. For example, Haider-Markel's (1999) analysis of roll call voting on gay and lesbian issues in the 95th to 104th House and Senate shows that gay interest groups influence legislative voting

behavior through campaign contributions and grassroots mobilization. However, Haider-Markel (1999) finds, the efforts of gay interest groups are more likely to succeed when they attempt to block negative legislation than when they attempt to expand the rights of the gay community. The study also shows that member ideology, religion, party affiliation, and constituency preferences are strong predictors of voting behavior on gay issues. Chressanthis, Gilbert, and Grimes (1991) and Gohmann and Ohsfeldt (1994) find similar patterns of voting behavior in their analysis of abortion roll calls.

Setting the Stage for the Culture Wars in Congress

While the morality policy literature has made significant contributions towards the understanding of the politics of the culture wars and the determinants of policy adoption and roll-call voting behavior, there has not been as much of an effort to explain how cultural issues become part of the legislative agenda in the first place. The starting point for most studies of such issues is a decision between two alternatives, to adopt or to reject a proposed policy or to cast a “yes” or “no” vote on a bill that is on the table, for example. Yet, as Bauer, Pool, and Dexter (1963: 405) suggest, “the most important part of the legislative decision process [is] the decision about which decision to consider.”

Because of limited resources, members of Congress must be selective about which issues to promote among the many that compete for prominence on the political agenda (Easton 1965; Cobb and Elder 1972; Walker 1977; Carmines and Stimson 1989). Meetings with constituents and staffers, media appearances, and committee and subcommittee hearings are only a few of the time-consuming

activities senators and representatives undertake routinely. In addition, the cost of acquiring information about potential issues constrains the number of issues Congress can realistically tackle at any given time. Therefore, individual members and congressional party leaders consider both the facts surrounding a particular issue, including its urgency and the number of people it affects, and their own political goals when deciding which issues should constitute the governmental agenda.

Members of Congress propose thousands of bills each year. However, only a small percentage of bills introduced reach the House or Senate floor (Davidson and Oleszek 2002). In his study of agenda setting in the U.S. Senate, Walker (1977) suggests that three conditions determine the likelihood that proposed legislation will appear on the chamber's agenda. First, the proposed bill must affect a large number of people and, therefore, have broad political appeal. Second, there must be convincing evidence that the bill addresses a serious problem that requires government intervention (see also Kingdon 1995; Stone 2002). Finally, there must be an easily understood solution for the problem.

The extent to which morality policy-making fulfills these conditions is questionable. For example, even though cultural issues have broad symbolic appeal because they are rooted in cultural, ethical, and religious beliefs, there is little evidence that policies on these issues affect a large number of people (Studlar 2001; Smith and Tatalovich 2003). In addition, while politicians' attention to cultural issues can sometimes be easily traced to a particular event, such as the increased attention to right-to-die issue following widespread media coverage of Dr. Kavorkian's suicide machine (Glick and Hutchinson 2001), it is not always so. Finally, members of

Congress often introduce legislation on cultural issues with the knowledge that, if their bill passes, its constitutionality will likely be challenged in the courts because many of these issues deal with matters like privacy and the separation between church and state. Therefore, it is not always clear that members of Congress are, indeed, offering an easily understood solution for a problem when they elevate a morality issue to political prominence.

Another, and perhaps more plausible, explanation for the rise of morality policy on the legislative agenda is that individual members and congressional leaders put cultural issues on the agenda to further political goals. In 1974, Mayhew characterized members of Congress as “single-minded seekers of reelection” (Mayhew 1974: 5) whose actions are carefully guided toward the achievement of that goal. More recently, a number of scholars have rejected Mayhew’s contention and have adopted, instead, Fenno’s (1973, 1978) theory that members have multiple goals, including making good public policy and pursuing institutional power. For example, Aldrich (1995), Erikson and Wright (2001), and Crespín, Gold, and Rohde (2003) find evidence that members are motivated by ideological preferences in addition to electoral goals. However, regardless of what other goals members may have, the fact remains that they cannot continue to pursue those goals in Congress unless they succeed in their bid for reelection (Fiorina 1986; Arnold 1990). Even party leaders, who typically have safe seats and for whom attainment of institutional power is likely to be the primary goal, are likely to be empowered or weakened if their party gains or loses seats in an election (Aldrich 2001; Davidson and Oleszek 2002).

Several characteristics of morality issues make them particularly advantageous to politicians as an election approaches. First, when members of Congress are motivated by reelection, they will emphasize symbol over substance and will frame issues in dramatic, often confrontational, terms (Mouw and MacKuen 1992). Smith and Tatalovich (2003) suggest that government officials avoid morality issues because they offer little room for compromise. Yet, it is precisely this characteristic that makes morality policy attractive at election time. As Gilmour's (1995) concept of strategic disagreement suggests, politicians often propose bills they know will not be acceptable to their opponents because keeping an issue alive can be more politically advantageous than getting a bill passed.

As congressional districts have become increasingly homogeneous due, to some extent, to self-segregation on the part of voters who seek residence among others of similar racial, ethnic, and socio-economic background (see, for example, Gimpel and Schuknecht 2003 and Stonecash et al. 2003), pursuing a strategy of disagreement that emphasizes the differences between the two parties on controversial cultural issues has become especially helpful for reelection-minded politicians. Electoral competition in homogeneous districts, where one political party is often dominant, is likely to come from within a member's party (Galderisi, Ezra, and Lyons 2001; Goodliffe and Magleby 2001; Hacker and Pierson 2005). Therefore, members of Congress are encouraged to look for issues that excite their party's activists, who typically stand firmly on one side or the other in the culture wars.

In addition, because cultural issues evoke deeply held beliefs, they are especially susceptible to manipulation by politicians who use emotive, abstract

symbols to engage the public and to bring a response from people who had remained apathetic in the past (Edelman 1964; Cobb and Elder 1972; Baumgartner and Jones 1993). Finally, cultural issues are appealing to politicians because they are wedge issues that can lead some voters to abandon their normal party loyalty, even if only temporarily (Davidson and Oleszek 2002). For example, religiously devout blacks, Latinos, and ethnic Catholics who support the Democratic Party on social welfare and economic issues are often uncomfortable with the party's pro-choice position while middle- and upper-class women who might prefer the economic policies of the Republican Party tend to disagree strongly with the party's position on abortion (Davidson and Oleszek 2002). By putting cultural issues on the agenda, members of Congress force their opponents to take a position that could alienate some of their otherwise loyal voters while, at the same time, exciting their own party's base.

Both Republicans and Democrats in Congress use legislation on cultural issues as a tool to highlight the differences between their position and that of their opponents and to force their opponents to take an unpopular position. It is not uncommon, for example, especially in the Senate, where one can circumvent the tight grip of the leadership by introducing non-germane amendments, for Democrats to offer symbolic measures that simply affirm the chamber's support for the Supreme Court's decision in *Roe v. Wade* or for women's right to reproductive freedom more generally. This forces moderate Republicans, whose constituents are often in favor of reproductive rights, to either alienate their constituents by voting against the Democratic measure or to draw criticism from powerful party leaders and potential primary challengers by voting with the opposition.

Yet, as Frank (2004) suggests, it is Republicans who have been most successful at putting their opponents on the defensive in the culture wars. Since the 1970s, Republican operatives have worked closely with conservative religious leaders to develop a simple message that resonates with a public that is not otherwise engaged in the political process (White 2003). For example, in 1979, Paul Weyrich, a small-government, fiscally conservative Republican who served as press secretary for Republican Senator Gordon Allott of Colorado in the late-1960s, co-founded the culturally conservative Moral Majority with televangelist Jerry Falwell (Hallow 2005). A decade later, Ralph Reed, who started his political career as executive director of the College Republicans National Committee, joined Republican presidential candidate and Southern Baptist minister Pat Robertson's Christian Coalition as its executive director. The close ties the Republican Party has forged with traditionalist religious leaders who deliver the Republican message to their television audience and church membership have given Republicans an advantage in translating the narrative of the culture wars into electoral support.

Democrats, on the other hand, have not been as effective in framing a culturally liberal narrative that resonates with a wide audience. This has become particularly difficult for Democrats in the aftermath of the Bill Clinton-Monica Lewinsky affair, when Clinton's job approval rating remained high but polls showed that an overwhelming majority of Americans questioned the president's moral judgment and did not believe he shared their values (White 2003). Since then, Democrats have gone through great lengths to show voters that they have a deep sense of personal morality. As a result, Democratic candidates for office often feel

the need to balance their support for culturally liberal policies with personal opposition to these policies. For example, in the 2004 presidential election, John Kerry often qualified his pro-choice position on abortion with statements about his religious faith and his personal belief that life begins at conception (Finer 2004). Answering a question about same-sex marriage in his third debate with George W. Bush, Kerry expressed opposition to a proposed constitutional amendment defining marriage as a man and a woman but went on to say, “The president and I share the belief that marriage is between a man and a woman. I believe that. I believe marriage is between a man and a woman.”⁵

Plan of the Dissertation

In the pages to come, I test several hypotheses related to the link between the electoral considerations of individual members and party leaders in Congress and the rise of cultural issues on the congressional agenda. While there is reason to believe that Republican members are particularly inclined to use such issues as part of their electoral strategy, I also examine the extent to which such considerations affect agenda setting on culturally liberal issues, those that are most closely associated with the Democratic Party. I begin in Chapter 2 with an overview of some of the most controversial battles in the culture wars.

In Chapter 3, I focus on individual members’ motivations for putting cultural issues on the agenda by sponsoring legislation that seeks to move morality policy in a liberal or a conservative direction. Using data from the 108th Congress, I show that members respond, in part, to the agenda their primary opponents put forth in the

⁵ John Kerry, October 13, 2004. Transcripts from all presidential debates are available on the website of the Commission on Presidential Debates, <http://www.debates.org/pages/debtrans.htm>.

previous election and suggest that members introduce bills on cultural issues to protect themselves against potential challenges in future primaries. In addition, I show that senators are more likely to introduce bills that advocate a culturally conservative position during the last two years of their term, when they are most likely to be concerned with reelection.

Chapter 4 looks at the role committees play in setting the culture war agenda in Congress. The authority of committees to hold hearings on any issue, even those that were not referred to the committee through legislation, gives committee leaders tremendous agenda setting powers. The analysis in this chapter is divided into two parts. First, I present descriptive statistics on committee hearings on cultural issues between 1981 and 2004 and show that committees, including those that are described in the literature as constituency-oriented committees, often seek out cultural controversies on their own. I then analyze the circumstances under which bills that were introduced and referred to a congressional committee during this period are most likely to receive a hearing. Here, the relationship between electoral considerations and agenda setting on cultural issues is not as clear as it is in the analysis of bill sponsorship. Still, there is evidence that committees under Republican control are more likely to hold hearings on cultural issues in a congressional election year.

In Chapter 5, I seek to explain the extent to which the timing of elections, the leadership style of individual leaders, and presidential politics affect the scheduling of floor votes once legislation on cultural issues is reported out of committee. Because bills can be brought to the floor at any time, regardless of the order in which they

were placed on the floor calendar, the decision to schedule a floor vote is often shaped by political considerations. Looking at the number of votes on cultural issues each month of each year between 1977 and 2004 in the House and 1979 and 2004 in the Senate, I find that, in an election year, the number of roll call votes on such issues increases in the months closest to the election. This is particularly the case when Congress is under Republican leadership. The analysis also shows that leadership matters. The number of votes on cultural issues was considerably higher under the leadership of Newt Gingrich, who was known for his confrontational style. Finally, I conclude in Chapter 6 by summarizing the findings of the previous chapters and outlining the academic and practical implications of my research. I present a detailed explanation of the data and methods employed in each part of the study in the appropriate chapter.

Chapter 2: Key Battles in the Culture Wars

On August 23, 1992, just days after Pat Buchanan called on delegates at the 1992 Republican National Convention to join him in a culture war for the soul of America, New York Governor Mario Cuomo appeared on CBS's "Face the Nation" to discuss the presidential election. When asked about the strong focus on religion and moral values at the Republican convention, Cuomo criticized Republicans for "tearing this country apart, cursing people, dividing us, saints and sinners, you know, condemning the people they thought were sinners because they don't live the way these Republicans want to live."⁶ Cuomo went on to denounce Buchanan for "spitting venom in the face of the American people." In response to Cuomo's appearance on the Sunday morning show, Buchanan wrote an article defending his position. In it, Buchanan called abortion the "Bosnia of the cultural war" and homosexuality "both morally wrong and medically ruinous."⁷ He then listed a number of issues—abortion, gay rights, prayer in public schools, women in combat, pornography—he considered central in this war before concluding with this message to Cuomo: "That, Mario, is what the cultural war is all about."

This war of words between Mario Cuomo and Pat Buchanan provides a snapshot of the divisions between the culturally progressive and the culturally orthodox. In this chapter, I offer some examples of how these divisions have played out in local communities, state legislatures, and in the federal government by

⁶ A transcript of Cuomo's August 23, 1992, interview on CBS's "Face the Nation" with host Bob Schieffer is available through LexisNexis Academic.

⁷ Buchanan's article, "The Cultural War for the Soul of America," September 14, 1992, is available at <http://www.buchanan.org/pa-92-0914.html>

outlining recent developments in some of the most contentious issues in the culture wars. Each of these issues—abortion, gay rights, access to contraceptives, sex education, the role of creationism in science education, school prayer, expressions of religion in the public square, flag desecration, right-to-die issues, and embryonic stem cell research—has a complex history and intricate political and policy dynamics and many have been documented extensively by scholars (see, for example, Irvine 2004 on sex education, Humphry and Clement 1998 on the right to die, and O’Connor 1996 on abortion). It is not my intention to offer a comprehensive account of how each of these issues has unfolded, but to highlight a few key events that give context to the culture wars in Congress.

The Evolution of Cultural Conflicts

Abortion and gay rights are the two most prominent cultural issues today and, as such, their development is covered more thoroughly in this chapter than that of other issues. Nevertheless, the other debates I highlight are just as central to the contemporary culture wars at the national, state, and local levels. They frequently begin either as a local conflict, like the Stonewall Riots in the fight for gay rights, or as a personal event, as was the case in the mobilization for and against abortion rights. As the next few pages show, many of these local controversies and personal experiences first attained national status through the involvement of national interest groups or the Supreme Court. While each of these cultural clashes have different starting points and address seemingly unrelated issues, they have come under the culture war umbrella since the 1970s, when conservative religious leaders began to organize politically around these issues in order to affect the outcome of elections

(White 2003). In recent years, with more congressional and presidential candidates taking sides in these controversies and with the advent of 24-hour cable news channels and conservative talk radio, the culture wars have become increasingly central to the national political discourse.

The Politics of Abortion Rights

The abortion issue first captured the interest of the American public in 1962, when Sherri Finkbine, the host of a children's television show in Arizona, traveled to Sweden to obtain a legal abortion after being denied one in the United States. Finkbine, a married mother of four, had learned that tranquilizers she had taken contained thalidomide, a drug associated with severe birth defects (Epstein and Kobylka 1992; O'Connor 1996). The story gained wide media coverage and prompted pollsters to ask the public about their opinion on Finkbine's case in particular and on abortion in general (O'Connor 1996). What ensued was a decades-long battle that still rages on today between abortion rights advocates and adversaries for the hearts and minds of the American people and lawmakers.

While the public did not begin to pay attention to the abortion debate until the 1960s, activists on both sides had already been clashing for over a century. From the 1820s, when New York became the first state to adopt laws criminalizing abortion, until the *Roe v. Wade* (1973) Supreme Court ruling, which made abortion legal, proponents and opponents of abortion rights focused their attention primarily on state legislatures (Goggin 1993; O'Connor 1996). By the late-1960s, however, abortion rights organizations like Planned Parenthood and the National Abortion Rights Action League (now known as NARAL Pro-Choice America) had become convinced that

lobbying legislators in all fifty states was neither practical nor cost-effective. Drawing on the *Griswold v. Connecticut* (1965) Supreme Court decision, which repealed a Connecticut ban on the sale of contraceptives on the basis that it violated a couple's right to privacy, abortion rights leaders decided to fight state abortion bans in the Supreme Court, where they could tackle every state at once (Epstein and Kobyłka 1992; O'Connor 1996). The new strategy paid off and, in 1973, the Court ruled state bans on abortion unconstitutional.

Immediately following the *Roe* decision, antiabortion activists began to pursue an aggressive strategy in the states that involved lobbying legislatures—successfully in many cases—to pass measures to restrict access to abortion. The goal was twofold. First, they wanted to see how far they could push legislators to impose restrictions and still remain within the scope of *Roe* (Halva-Neubauer 1993). In some cases, however, they pushed for laws they knew were too restrictive so pro-choice groups would spend their already limited resources on judicial battles (O'Connor 1996). Some of the more questionable laws dictated who was allowed to perform abortions and under what circumstances. Others called for parental and spousal consent and required physicians to submit detailed reports to the state verifying that the fetus was not viable and documenting each procedure (Halva-Neubauer 1993; O'Connor 1996). As antiabortion advocates had intended, pro-choice groups took the fight to the courts. In 1976, in *Planned Parenthood of Central Missouri v. Danforth*, the Supreme Court ruled that a 1974 Missouri bill that encompassed restrictions that were similar to that of several other states had gone too far (Epstein and Kobyłka 1992; Halva-Neubauer 1993; O'Connor 1996).

Following the favorable 1976 Supreme Court ruling, abortion rights activists reduced their political activities to a large extent. O'Connor (1996) suggests that pro-choice leaders were somewhat complacent after the legal victory. She quotes NARAL's then-executive director Michael T. Malloy as saying that, "Before you know it this will be past history and abortion will just be another medical procedure. People will forget about this whole thing" (Malloy, quoted in O'Connor 1996, 63). In the meantime, antiabortion activists continued to mobilize their supporters and to advance their cause.

After Missouri's highly restrictive abortion law was struck down by the Supreme Court, antiabortion groups shifted their attention to the U.S. Congress, although they never completely withdrew from the fight in the states. The first major victory for antiabortion activists in Congress in the post-*Roe* era was the Hyde amendment, some version of which has been adopted each year since 1976 (Goggin 1993; Tatalovich and Schier 1993; O'Connor 1996). The Hyde amendment prevents federal funds from being used to cover the cost of abortions for women on welfare. By 1980, Reverend Jerry Falwell's Moral Majority, an evangelical Protestant organization, had joined forces with the mostly Catholic antiabortion groups. Together, this new antiabortion alliance invested their resources into the 1980 congressional and presidential campaigns (O'Connor 1996). While it is questionable that their efforts were the primary reason for the gains, religious conservatives claim credit for replacing five pro-choice Democratic senators, thus giving Republicans the majority in that chamber, and electing Ronald Reagan president that year. While this new conservative majority could not enact some of its most extreme antiabortion

proposals, it cut funding for family planning programs significantly (Tatalovich and Schier 1993; O'Connor 1996).

One of the biggest failures of antiabortion members of Congress in the late-1970s and early-1980s was their inability to pass the Human Life Amendment, which would have established that life begins at conception (O'Connor 1996). The proposed constitutional amendment was the top priority of the antiabortion movement and, upon its failure, activists once again turned their attention to the states. This time, in addition to lobbying state legislatures to restrict abortion procedures through limited funding, as Congress had done, antiabortion activists also introduced referenda and ballot initiatives where possible (Halva-Neubauer 1993). In some states in which initiatives were on the ballot, like Michigan, Arkansas, and Colorado, voters sided with antiabortion activists against state funding of abortions. In others, like Massachusetts, Rhode Island, and Oregon, antiabortion ballot initiatives failed (Halva-Neubauer 1993).

In the late-1980s and early-1990s, a more conservative Supreme Court gave antiabortion advocates two important victories. The first was the *Webster v. Reproductive Health Services* (1989) ruling upholding by a 5-4 margin an antiabortion Missouri law that included some of the same restrictions as the 1974 law. The second was in 1992, when the Court, again by a 5-4 margin, ruled in *Planned Parenthood of Southeastern Pennsylvania v. Casey* that states were permitted to restrict abortion rights but not to ban it. These two decisions empowered the antiabortion movement at the state level. They also served as a wake-up call for pro-choice activists who, before the rulings, did not believe a woman's right to choose

was truly in jeopardy (Goggin 1993; O'Connor 1996). Subsequently, a newly energized abortion rights movement raised enough money and mobilized enough support to help elect four new pro-choice governors, two senators, and nine representatives in 1990 and a pro-choice president, Bill Clinton, in 1992 (Goggin 1993; O'Connor 1996).

In recent years, the battle between abortion rights advocates and antiabortion groups has focused largely on late-term abortion, often called “partial birth” abortion by those who oppose the procedure. In 1996 and 1997, President Clinton vetoed bills banning late-term abortions sent to him by a conservative Congress. Unable to generate enough support in the Senate to override the president’s veto, antiabortion groups once again looked to state legislatures. As of 2004, more than thirty states had passed laws banning the procedure, although the law has been blocked by state courts in several of the states. In 2000, the Supreme Court ruled that Nebraska’s late-term abortion ban was unconstitutional because it did not include a provision for the health of the mother and its definition of “partial birth” abortion was so broad that it might be used to outlaw all abortions (Dailard 2004). Three years later, George W. Bush signed a federal law banning late-term abortions. The 2003 law resembles the Nebraska law and has already been deemed unconstitutional by three federal appeals courts (Weinstein 2006).

While the battle for and against abortion rights has been most intense at the state and national levels, local communities have seen their share of conflict over the issue. In Greenville, South Carolina, and Denver, Colorado for example, police arrested several members of the antiabortion group Operation Rescue between 1989

and 1993 for staging attacks on abortion clinics (Clarke 1999; Woliver 1999). Today, local clinics often rely on volunteer escorts to shield their patients from protesters who verbally—and sometimes physically—assault women seeking abortions.

Abortion politics at the local level has also focused on zoning laws that restrict or facilitate the operation of abortion clinics (Clarke 1999; Woliver 1999). In Greenville, for example, after city officials cracked down on abortion clinic violence by arresting and prosecuting the perpetrators in the early-1990s, antiabortion activists resorted to challenging city zoning laws and public health requirements. One group, Pastors for Life, went as far as buying a building adjacent to a Greenville clinic in order to monitor zoning ordinances violations that could be used in petitions to the city council against the abortion providers (Woliver 1999). Antiabortion activists use similar strategies everyday—both violent protests and zoning complaints—in local communities across the country.

The Fight over Gay Rights

As was the case with abortion, most states had anti-sodomy laws that criminalized sexual relations between gay men prior to the 1970s. This pattern began to change after New York City police raided the Stonewall Inn, a gay bar in Greenwich Village on June 27, 1969. Police raids on gay establishments were not uncommon at the time, as it was not uncommon for undercover police officers to pose as potential gay partners at such establishments in order to arrest men who took the bait (D'Emilio 2000). In June of 1969, however, Stonewall patrons, along with a crowd that had gathered outside the bar during the raid, resisted the police action and staged protests that lasted for three days. The event, which has come to be known as

the Stonewall Riots, empowered gay rights activists and brought issues of fair treatment of gays and lesbians to national attention (D'Emilio 2000; Wald 2000).

The Stonewall Riots ushered in a new era in gay rights politics in the states. Organizations like the Lambda Defense and Education Fund were created to challenge antigay legislation in state courts (D'Emilio 2000). In 1975, Pennsylvania became the first state to take legal action to protect the rights of gays and lesbians when Governor Milton Shapp issued an executive order protecting state employees from discrimination (Button, Rienzo, and Wald 2000). Within a decade, close to half of the states had repealed their anti-sodomy laws. Laws that protected the civil rights of gays and lesbians specifically were introduced in state legislatures in New York, Minnesota, Wisconsin, and Colorado, among others (Button, Rienzo, and Wald 1997, 2000). In 1982, the Wisconsin legislature became the first state legislature to enact a pro-gay rights law when a bill that had been introduced by Democrat David Clarenbach in every session since 1975 was finally brought to a vote (Haider-Markel 1997). By the late-1990s, eleven state legislatures had passed bills protecting gays and lesbians from discrimination and eight governors had issued executive orders similar to that of Pennsylvania in 1975 (Button, Rienzo, and Wald 2000). Focusing their efforts on state governments made sense to gay rights activists as many of the policy changes they sought, including the right to marry and protection from discrimination, fell under state—and sometimes local—jurisdiction.

Despite its many victories, however, the gay rights movements suffered some defeats in the 1970s and 1980s. Antigay initiatives were put on the ballot in several states in an attempt to repeal anti-discrimination laws. A bill introduced by California

state senator John Briggs in 1978 sought to have gay and lesbian teachers fired from school districts. Though unsuccessful, the bill signaled an era of increased intolerance toward gays (Donovan, Wenzel, and Bowler 2000). This trend continued into the 1980s at the state and national level with the election of Ronald Reagan and a Republican majority in the Senate and with the spread of AIDS among the gay community (D'Emilio 2000). In 1986, in a case that involved two Georgia men who were arrested for engaging in oral sex in the privacy of one of the men's bedroom reached the Supreme Court. In *Bowers v. Hardwick* (1986), the Supreme Court ruled that state anti-sodomy laws were, in fact, constitutional. This ruling was reversed in 2003 when the Court ruled in *Lawrence v. Texas* that anti-sodomy laws violate the right to privacy and equal protection under the law guaranteed in the U.S. Constitution.

Antigay activists continued to make inroads in their efforts to undermine gay rights laws in the states into the 1990s. The Christian Coalition of Maine successfully overturned a law that banned discrimination based on sexual orientation in housing, employment, and education in a special referendum election and ballot initiatives aimed at restricting the rights of gays and lesbians appeared on the ballot in several states, including Oregon, Idaho, and Colorado ((Donovan, Wenzel, and Bowler 2000; Green 2000). Yet, the efforts of antigay activists were thwarted in 1996 when the Supreme Court found Colorado's initiative to be unconstitutional. Writing the majority opinion for the 6-3 decision, Justice Anthony Kennedy said the measure was "inexplicable by anything but animus toward the class that it affects; it lacks a rational relationship to legitimate state interests" (*Romer v. Evans* 1996).

In light of the *Romer* ruling, antigay activists changed the focus of their attack on gay rights. In 1993, gays and lesbians had scored a partial victory when a Hawaii judge ruled that preventing someone from getting married simply based on his or her partner's gender might be a violation of Hawaii's constitution and agreed to send the case to trial. Thus, in the late-1990s, with their ability to invalidate state anti-discrimination laws damaged by *Romer*, antigay advocates began to focus primarily on targeting the right of same-sex couples to marry or to enter into civil unions that confer the same rights as those of married heterosexual couples (Green 2000; Haider-Markel 2000). In 1996, Bill Clinton signed the Defense of Marriage Act (DOMA), which defined marriage as being between a man and a woman and declared that states were not required to recognize same-sex marriages sanctioned by other states. By 1998, every state legislature, with the exception of Nevada's and Massachusetts', had either passed or considered passing a state version of DOMA (Haider-Markel 2000). In April of 2005, Kansas became the eighteenth state to pass a constitutional ban on gay marriage (Peterson 2005).

While antigay advocates have been widely successful in their fight against same-sex marriage, gay rights advocates have won some battles. In 2000, Vermont became the first state to recognize civil unions between same-sex couples. In 2004, the first same-sex marriage was performed legally in Massachusetts. In both instances, the law allowing gay and lesbian couples to marry or to at least enjoy most of the rights of married couples through civil unions came in response to court rulings. On April 20, 2005, Connecticut became the first state in which the state legislature approved a bill allowing same-sex couples to enter into civil unions and

the governor, Republican Jodi Rell, promptly signed it into law (Altimari 2005). And, finally, on January 20, 2006, a Baltimore ruled that a 1973 Maryland law defining marriage as a union between a man and a woman is unconstitutional.

Gay rights advocates and their opponents have used similar strategies in their fight for and against gay rights at the local level as those used at the state and national levels. Yet, defenders of gay rights have been more successful than their conservative counterparts at the local level. In the early-1970s, several large cities with sizable gay communities, like San Francisco, Seattle, and Minneapolis, and college towns, like Berkeley, Boulder, and Ann Arbor, adopted laws that protected gays and lesbians against discrimination (Button, Rienzo, and Wald 2000).

For much of the 1970s, local anti-discrimination provisions did not see significant challenges from antigay groups. However, by the late-1970s, the situation had changed. In 1977, Baptist singer Anita Bryant staged a massive campaign against a Dade County, Florida, anti-discrimination ordinance (D'Emilio 2000). Calling it a religious abomination and equating it with an invitation for gays to molest children, Bryant generated enough opposition to kill the Dade County measure by referendum. She then took her fight to other cities, including Eugene, Oregon, St. Paul, Minnesota, and Wichita, Kansas, where she was joined by other antigay Christian conservatives (Button, Rienzo, and Wald 2000).

Despite the efforts of antigay activists like Bryant and members of several local antigay religious organizations around the country, such as the Concerned Texans Inc, which successfully repealed a 1993 measure adopted by the city council of Austin, Texas, to provide domestic partnership for same-sex partners of city

employees, gay rights activists have won many battles at the local level, especially in recent years. As many local pro-gay rights laws were adopted in the 1990s alone as in the 1970s and 1980s combined (Button, Rienzo, and Wald 2000). Button, Rienzo, and Wald (2000) attribute this increased tolerance in recent years to more gays and lesbians coming out to their family and friends and, consequently, to more people realizing that such laws protect someone they know personally.

Obstacles to Contraception Access

The controversy over women's access to contraceptives is not new. In fact, Elizabeth Cady Stanton and other champions of women's rights made birth control a central issue of the suffrage movement in the 1800s (O'Connor 1996). From the late-1800s through the first half of the twentieth century, women's rights groups were engaged in challenges to state laws that prohibited the sale of contraceptives as well as the dissemination of birth control information. In 1965, however, in *Griswold v. Connecticut*, the Supreme Court decided in favor of a Planned Parenthood clinic director and its doctor, who had been arrested for providing counseling to married couples concerning birth control. The Court ruled that, while the U.S. Constitution did not contain an explicit protection of privacy rights, such protection was implicit in the Bill of Rights and, therefore, denying a woman the right to use contraceptives was unconstitutional (O'Connor 1996). Since then, the focus of the conflict over contraceptives between the culturally conservative and the culturally liberal has shifted somewhat. Current debates about contraceptives generally focus on access to emergency contraception that can prevent pregnancies after unprotected intercourse has taken place, coverage of contraceptives by health insurance companies, and

pharmacists' rights to refuse filling birth control pill prescriptions if doing so interferes with their religious beliefs.

As with other culture war issues, policy-making regarding women's access to contraception occurs at the federal, state, and local levels. In recent years, much of the debate over the issue has focused on health insurance coverage of birth control pills. In 1998, Maryland became the first state to require private insurers that offer prescription plans to cover the cost of birth control pills. Since then, about half of all states, including the southern states of North Carolina, Texas, and Georgia, have passed similar bills despite challenges from religious conservative groups (National Conference of State Legislatures 2005). In 2004, the California Supreme Court decided against Catholic Charities of Sacramento in ruling that the state's contraceptive coverage requirement did not infringe on the organizations right to practice its religion (Egelko 2004). The U.S. Supreme Court dealt another blow to social conservatives later that same year when it refused the organization's appeal.

In Congress, Democrats and moderate conservatives have backed multiple versions of bills calling for comprehensive insurance coverage of contraceptives since the 1990s. In 1998, the House and the Senate approved coverage of all Food and Drug Administration (FDA) approved contraceptives for federal workers under the Federal Employee Health Benefits Program. Shortly after taking the presidential oath in 2001, however, George W. Bush undermined the efforts of the Congress when he introduced a budget that eliminated coverage of birth control pills for federal employees. His action was reversed when the House voted 334-94 to restore coverage. Most recently, Senate Minority Leader Harry Reid of Nevada, a pro-life

Democrat, has introduced the Prevention First Act, which would require all insurance companies to offer the same coverage for contraceptives as they do for other prescription medications. Congress has not yet voted on the legislation.

Another, and arguably more controversial, piece of the recent contraception debate is the availability of emergency contraceptives, which prevents pregnancy after sexual intercourse, has taken place. Even though the FDA has declared that emergency contraceptives are not effective if a woman is, in fact, pregnant, Concerned Women for America and Focus on the Family, two of the most active religious conservative groups, refer to such drugs on their websites as abortifacients, thus changing the debate from one about pregnancy prevention to one about pregnancy termination, which is a more contentious issue among the American public.

Since 2000, nineteen bills aimed at expanding women's access to emergency contraception have been introduced in the House and the Senate, including the 2002 Compassionate Care for Female Sexual Assault Survivors Act, introduced in the House by Republican Connie Morella of Maryland and Democrat Louise Slaughter of New York, which would deny federal funds to hospitals that refused to provide emergency contraceptives to victims of sexual assault. None of the nineteen bills has received a vote on the floor of the House or the Senate.

State legislatures have also been slow to act on emergency contraception legislation. Only six states—California, New Jersey, New Mexico, New York, South Carolina, and Washington—require emergency room to dispense emergency contraception upon request (Alan Guttmacher Institute 2005). In 1997, the state of

Washington became the first state to allow pharmacists to dispense such medication without a doctor's prescription. Only five other states—Alaska, California, Hawaii, Maine, and New Mexico—have followed suit (Alan Guttmacher Institute 2005).

Finally, a recent controversy has erupted over the right of pharmacists to refuse to fill prescriptions for contraceptives if doing so conflicts with their religious beliefs. The recent call by conservative organizations such as Ohio-based Pharmacists for Life for “conscience clauses” for pharmacists who refuse to dispense birth control is reminiscent of the call for a “refusal clause” that allows doctors to refuse to perform abortions, some version of which has been enacted by Congress and forty-six states since the *Roe v. Wade* decision in 1973 (Alan Guttmacher Institute 2005b). So far, nine states have passed legislation that allows pharmacists to refuse to dispense contraceptives.

Since 2004, reproductive rights groups like the Alan Guttmacher Institute and Planned Parenthood have reported an increase in the number of cases in which local pharmacists refused to fill birth control prescriptions. Such instances have occurred in communities across the country, including in towns in Georgia, Wisconsin, Texas, and New Hampshire. In some instances, like in Fort Worth, Texas, women who have had their prescription denied have staged protests in front of pharmacies to alert other women to the situation (Jones 2004). While Congress has not yet acted on the issue of pharmacists' right to refuse to dispense contraceptives, a bill is pending in the House and the Senate that would guarantee women the right to have their prescriptions filled. The Access to Legal Pharmaceuticals Act of 2005, introduced in the House by Carolyn Maloney of New York and in the Senate by Frank Lautenberg

of New Jersey, states that if a pharmacist has a personal objection to contraception, another pharmacist in the same facility must be available to fill the prescription without delay.

Talking about Sex in America's Schools

The current battle over sex education focuses less on whether or not students should be taught about sex in schools but on what content sex education classes should cover. On the culturally conservative side of the issue are those who believe that students should be taught that practicing abstinence is the only way to prevent unwanted pregnancies and sexually transmitted diseases and that any other prevention method, such as the use of condoms and birth control pills, should not be offered as an alternative. Cultural liberals, on the other hand, support comprehensive sex education.

These opposing views about the extent to which sex education should teach children about different contraception and disease prevention began to take shape during the sexual revolution of the 1960s. Prior to the sexual revolution, sex education in most school districts encompassed teaching boys about masturbation and teaching girls about menstruation (Irvine 2004). But, as sexual norms were relaxed and the number of out-of-wedlock births increased, a rift emerged between those who, led by the Sex Information and Education Council of the United States (SIECUS), argued that access to preventive services, including comprehensive sex education, was the only effective way to reverse the trend and those who, led by the Christian Right, believed that sex education that included information on abortion and contraceptives would encourage students to engage in out-of-wedlock sexual activity (Irvine 2004).

Congress weighed in on the controversy in 1981 with the passage of the Adolescent Family Life Act (AFLA), a provision drafted by newly-elected conservatives to promote sex education that focused on chastity and morality rather than contraceptives and abortion (Irvine 2004). These are the lines along which most current battles over sex education are drawn. Most recently, the two camps have also clashed over what students should be taught regarding homosexuality.

Because curriculum decisions are typically made by local school boards, it is not surprising that the controversy over sex education is often intense at the local level. In Montgomery County, Maryland, an affluent, liberal suburb of Washington, DC, for example, a controversy erupted when the county school board unanimously approved a new sex education curriculum in 2004. The new curriculum, geared towards eighth and tenth graders, would contain information about abstinence as well as safe sex, including a video for tenth graders in which a woman is seen putting a condom on a cucumber. The new curriculum would also discuss homosexuality and teach tolerance toward different sexual orientations. Parents would be allowed to opt out of the program for their children.

Though most parents welcomed the changes in the Montgomery County sex education curriculum, it drew criticism from eight parents who attended the school board meeting in which the changes were approved (Dana 2004). The parents' objection was rooted primarily in religious beliefs. For example, one father quoted by the *Washington Post* said, "We are a Catholic family and feel strongly that the school system has no right or business telling our children that . . . a homosexual orientation is acceptable" (Dana 2004). Within days, parents on both sides of the

issue began a fierce letter-writing campaign to let the school board members know how strongly they opposed or supported the new changes and, a few months after the new curriculum was approved, two conservative groups, Citizens for a Responsible Curriculum and Parents and Friends of Ex-Gays and Gays, successfully sued the school system (Aratani and de Vise 2005). A federal government issued a temporary restraining order preventing the school board from implementing the changes until new revisions are made.

In addition to local school boards, state governments have also been involved in the sex education controversy. At the state level, however, the debate has been more about funding decisions than about curriculum development. In 1996, Congress included a provision in its welfare reform bill establishing a federal program to fund abstinence-only sex education and requiring states that apply for such funds to match it (Boonstra 2004). Since the election for president of George W. Bush, an evangelical Christian with close ties to socially conservative groups, in 2000, federal funding for state abstinence-only sex education programs has increased significantly. This has fueled the controversy in the states. For example, in Ohio, researchers and activists have joined forces to challenge the \$32 million the state spent on abstinence-only sex education programs between 2000 and 2005 (McEnery 2005). Several recipients of these state funds are local chapters of religious conservative organizations, like the Ohio Right to Life Foundation, that run training programs for teachers and often offer seminars in public schools that teach material deemed inaccurate by scientists and health professionals (McEnery 2005). California, on the other hand, has refused to accept federal funds that require its public schools to teach

abstinence-only and has, instead, established a state-funded comprehensive sex education program. As states become strapped for cash, however, it becomes increasingly difficult to reject federal support.

The Role of Religion in Science Education

In 1925, John Scopes, a biology teacher in a Tennessee high school, was charged with teaching the theory of evolution in violation of state law. The trial, known as the Scopes Monkey Trial, gained national attention, in part because the lead prosecutor was three-time Democratic presidential candidate William Jennings Bryan (Douglas 2002). The case was taken to the Tennessee Supreme Court, which ruled in favor of Scopes but did not deem Tennessee's anti-evolution law unconstitutional. In 1968, the Supreme Court ruled that anti-evolution laws do, in fact, consist of an unconstitutional violation of the First Amendment because they are designed to keep a theory out of the classroom simply because it contradicts the biblical account of divine creation (*Epperson v. Arkansas* 1968). Traditionalists suffered another blow in 1987 when the Supreme Court ruled against a Louisiana law that stated that neither creationism nor evolution was required to be taught in Louisiana schools, but that if one was taught the other must also be taught (*Edwards v. Aguillard* 1987).

Like sex education, the teaching of creationism in science classes has been primarily a state and local issue. In 1999, the Kansas Board of Education stirred controversy when it removed any mention of evolutionary theory from standardized tests and gave local school districts the autonomy to decide whether or not to include it in their curriculum (Gunn 2004). Even though the Kansas Board of Education reversed its decision a year later, the fact that it had passed in the first place

empowered social conservatives to challenge the teaching of evolution in other states, including South Carolina, Louisiana, Missouri, Michigan, Ohio, and municipalities, like Blount County, Tennessee, and Cobb County, Georgia. In 2005, however, supporters of intelligent design, a version of creationism that accepts that the earth is over four billion years old but that it was created by a higher being, suffered defeat when voters in the rural town of Dover, Pennsylvania, ousted eight members of the school board who had voted a year earlier to mandate that Dover high schools teach the theory of intelligent design in biology classes.

Conservative groups have also taken their fight to the U.S. Congress, although with much less success than they have enjoyed at the state and local level. In 2000, proponents of intelligent design went to Capitol Hill to share their concern about science education with congressional staff and members (AGI Report 2000). Two years later, the Senate rejected an amendment introduced by Rick Santorum of Pennsylvania to the No Child Left Behind Act that would have added the disclaimer that “Biological evolution is a controversial theory” to the bill (Dunn 2004). For the most part, however, Congress has steered clear of the controversy, thus leaving it up to the states and local school boards to decide how to approach the teaching of evolution and creationism.

Protecting the Flag against Free Speech

Flag desecration first became a contentious issue during the Civil War, when a supporter of the Confederacy was convicted and executed for treason for shredding an American flag and dragging it through the mud in defiance of the North (Goldstein 1996). The issue resurfaced following the 1896 presidential election, when

Democrats sometimes destroyed American flags to protest William McKinley's use of the flag as a symbol of his campaign, and again in the 1960s, when demonstrators burned the flag to protest the Vietnam War (Goldstein 1996). Although instances of public desecration of the flag have been rare since the end of the Vietnam War, the debate has been lively since the Supreme Court ruled in 1989 that a Texas law that banned flag desecration violated the constitutional right to free speech (*Texas v. Johnson* 1989).

The *Johnson* case involved a Texas man who set fire to an American flag in front of the Dallas City Hall during a protest of the 1984 Republican National Convention. Since the *Johnson* ruling, there have been few cases of flag desecration. According to the Citizens Flag Alliance, an organization that coordinates various groups' efforts to amend the U.S. Constitution to protect the flag and whose website lists flag desecration occurrences by year, only 120 cases have been documented since 1989, an average of seven per year.⁸ The number is even smaller if one considers that the organization includes in its listing incidents such as that of an Oklahoma teenager who used a flag he had in his car to wipe oil from his car's dipstick at a convenience store in 1996. Still, the low incidence of flag desecration has not diminished politicians' interest in the issue. In fact, a constitutional amendment to ban flag desecration has been introduced in almost every session of Congress since the *Johnson* ruling. While several versions of the amendment have passed in the House of Representatives, most recently in June 2005, it has failed to

⁸ Citizens Flag Alliance,
http://www.cfa-inc.org/?section=issues&subsection=issues_acts&content=issues_acts

receive a two-thirds majority support in the Senate. The 2005 House-approved amendment is pending in the Senate.

Politicians' attention to flag desecration seems especially high during a campaign season. Candidates who oppose amending the constitution to ban flag desecration tend to avoid using the issue during their campaigns out of fear of being labeled unpatriotic for opposing a position that has long been defended by veterans' groups like the American Legion and United Veterans of America. However, they are often forced to defend their position by their opponents. In the 2000 senatorial election, for example, George Allen of Virginia used the issue in attacks against his Democratic opponent, Senator Chuck Robb, a Vietnam Veteran who had voted against the constitutional amendment in the Senate, thus forcing Robb, who had not made this position a centerpiece of his campaign, to answer questions from the media about it (Peter 2000).

More recently, religious conservative organizations have also made the ban on flag desecration an important piece of their lobbying efforts at the federal and state levels, citing protection of the flag as recognition and protection of America's Christian heritage (Cushman 2003). By 2002, the legislatures of all fifty states had approved non-binding resolutions calling on Congress to pass a flag protection amendment and send it to the states for ratification. With five socially conservative freshman senators in the 109th Congress, state legislators may be close to getting their wish.

God in the Public Square

While social conservatives define their positions on every issue in the contemporary culture war in religious terms, only a small set of issues explicitly deals with the expression of religion in the public square. These are issues involving the display of religious symbols in public places, overt mentions of God in government-sponsored activities, and government-sponsored prayer. In recent years, public school prayer, Ten Commandments displays in courthouses and other government property, and the phrase “under God” in the Pledge of Allegiance have been among the most strongly disputed expressions of religion in the public square. Because opposition to such expressions is rooted in their constitutionality in light of the Establishment Clause of the First Amendment, civil liberties groups like the American Civil Liberties Union (ACLU) and People for the American Way often fight such policies in court.

Public school prayer has been a central issue in the culture wars since the Supreme Court ruled against it twice in the early-1960s. In *Engel v. Vitale* (1962) the Court ruled that a prayer approved by the New York State Board of Regents for use in New York public schools violated the constitutional separation between church and state. A year later, the Supreme Court declared Bible reading and recitation of the Lord’s Prayer in public schools unconstitutional (*Abington v. Schemp* 1963). The decisions, which prominent conservative religious leaders like Rev. Billy Graham equated with the Communist rejection of religion, were not popular among most Americans at a time when anti-Communist sentiment was pervasive (Alley 1994).

Following the Supreme Court decisions banning school prayer in public schools, the House and the Senate held a series of hearings on proposed amendments to reverse the decisions. While congressional opposition to the decisions was strong, members were reluctant to amend the constitution and the proposed amendment failed, sometimes on the floor, sometimes in committee (Alley 1994). Similar amendments introduced in the 1970s, 1980s, and 1990s also failed, including an amendment proposed by President Ronald Reagan soon after taking office in 1981.

In the mid-1990s, the battle over school prayer flared in Galveston, Texas, when a group of Mormon and Catholic students, alumni, and their parents challenged a prayer recited over the public address system at Santa Fe Independent School District football games. Similar disputes take place in communities across the country routinely, but this local controversy received national attention in 2000, when the ACLU argued the case on behalf of those opposed to the public prayers before the Supreme Court. The case also captured the interest of a national audience because the governor of Texas, George W. Bush, had virtually secured the Republican presidential nomination by the time the court decision was announced. When the Supreme Court ruled in June 2000, that it was unconstitutional for public schools to hold organized prayer before football games, Bush called the decision disappointing and suggested that it violated students' right to practice their religion (Greenhouse 2000).

While the debate over school prayer has been at the center of the culture wars for decades, two controversies dealing with public expressions of religion, public displays of the Ten Commandments and the phrase "under God" in the Pledge of

Allegiance, have risen to national prominence in recent years. A national debate regarding the appropriateness of the phrase “under God” in the Pledge of Allegiance ensued following a 2002 ruling by the 9th Circuit Court of Appeals in California that the phrase, which was inserted in the Pledge by the U.S. Congress in 1954, violated the constitutional separation of church and state (*Newdow v. U.S. Congress* 2002). The case was brought by Michael Newdow, a Sacramento atheist who objected to the recitation of the Pledge of Allegiance in his daughter’s second grade class at a public school because of its mention of God. Conservative evangelical leaders like Jerry Falwell and James Dobson expressed outrage over the decision on cable news shows, while representatives from the ACLU and Americans United for Separation of Church and State defended the action of the 9th Circuit Court. In 2004, the Supreme Court reversed the Circuit Court’s decision, but did not rule on the constitutionality of the Pledge of Allegiance. Rather, it determined that Newdow did not have standing to bring the suit before the 9th Circuit Court because he did not have legal custody of his daughter (*Elk Grove v. Newdow* 2004).

Another national debate regarding the separation of church and state emerged in 2003, this time concerning the constitutionality of posting the Ten Commandments on public property. Challenges by socially liberal organizations and citizens to Ten Commandments displays are not new. In fact, the Supreme Court ruled in 1980 against a Kentucky law that required public schools to display the religious document (*Stone v. Graham* 1980). Legal challenges and protest continued across the country in the decades following the ruling. For example, an organization called the Christian Family Association organized a rally in Green Bay, Wisconsin, in 1997 to call for a

countywide referendum that would put a Ten Commandments monument in the Brown County courthouse despite the Brown County Board's rejection of the religious display (Vogels 1997). However, these local controversies received little national attention until 2003, when Alabama Supreme Court Chief Justice Roy Moore refused to comply with a federal judge's order that he remove a 5,300-pound Ten Commandments monument from the Alabama Supreme Court building. The fact that a chief justice had defied the law propelled the story to national news. Moore remained defiant when the U.S. Supreme Court refused to hear his appeal and was subsequently removed from office by the Alabama Court of the Judiciary. Since then, Moore has announced that he will challenge Alabama governor Bob Riley in the Republican primary in 2006.

In June 2005, the Supreme Court ruled on two cases involving Ten Commandments displays. In *Van Order v. Perry*, the Court decided by a 5-4 vote that a Ten Commandments monument that had been placed outside of the Texas Capitol in 1961 did not violate the constitutional separation of church and state because it was part of a larger display that included other historical documents (Lane 2005). In the second case, *McCreary v. ACLU*, however, the Court ruled by the same margin that framed copies of the Ten Commandments that had been placed in courthouses in two Kentucky counties must be removed because they constituted a government endorsement of religion (Lane 2005). With the rulings, which the Court handed down on the same day, the justices established that the constitutionality of Ten Commandments displays must be evaluated on a case by case basis.

Congress has weighed in on the Pledge of Allegiance and Ten Commandment debates with symbolic gestures, but has not acted on substantive legislation that would affect policy regarding the two controversies. Following the 9th Circuit Court ruling regarding the constitutionality of the phrase “under God” in the Pledge of Allegiance, for example, the House and the Senate passed bills expressing their disagreement with the decision and reaffirming the Pledge of Allegiance. The bill passed unanimously in the Senate. In the House, where the bill passed by a 401-5 vote, members protested the court ruling by taking to the steps of the Capitol to recite the Pledge, virtually shouting the contested phrase. Several attempts in the House and the Senate to amend the Constitution to protect the Pledge of Allegiance, however, have received few or no co-sponsors and have not been given hearings in committee. Congressional action on the Ten Commandments controversy has followed a similar pattern. While Congress has passed resolutions in support of Alabama Justice Roy Moore, several attempts to enact legislation requiring that the Ten Commandments be posted in the House and Senate chambers as well as in other government buildings have been stalled in committee.

The Politics of Stem Cell Research

Embryonic stem cell research or, more specifically, the use of federal funds for such research, is one of the most recent controversies in the American culture wars. Prior to 2001, federal funding of stem cell research was primarily an issue of concern for the scientific community. Despite clashes between conservative Republicans in Congress and the Clinton administration over the conditions under which the government should fund experiments on human embryos in the mid-1990s,

the debate was often technical and did not generate much interest among the American public during Bill Clinton's tenure.

On August 9, 2001, George W. Bush addressed the nation during prime time to announce that his administration would authorize federal funds to be used only for research using twenty-two stem cell lines that had already been created. The scientific community decried the president's decision which, in addition to limiting the research to a few existing lines, also canceled the National Institutes of Health review of research grant proposals for embryonic stem cell research, which Clinton had approved in 2000 (Dunn 2005). In his address to the nation, however, Bush shied away from the complexities of the scientific research and couched his position, instead, in religious terms, declaring that "human life is a sacred gift from our Creator. I worry about a culture that devalues life, and believe as your President I have an important obligation to foster and encourage respect for life in America and throughout the world. And while we're all hopeful about the potential of this research, no one can be certain that the science will live up to the hope it has generated."⁹ Since then, opposition to stem cell research has become an important part of the agenda of the Christian Right, which sees its position as consistent with respect for a "culture of life" that includes opposition to abortion.

Despite the advocacy of conservative religious organizations, most Americans disagree with the Bush administration's position on stem cell research. A May 2005 *CBS News* poll shows that 58 percent of all respondents approve of embryonic stem cell research and 64 percent of those who approve of the research favor extending

⁹ For a full transcript of the President's address, please see <http://www.whitehouse.gov/news/releases/2001/08/20010809-2.html>

federal funding for it. The overwhelming support for the research among the public and the promise embryonic stem cell research holds for treating life-threatening illnesses like diabetes, spinal cord injury, and Parkinson's disease have led even some staunch pro-life Republicans in the U.S. Congress to challenge the Bush administration on the issue. In the House, for example, where a bill providing for an expansion of federal funding for embryonic stem cell research passed in May 2005, pro-life Republican Jim Ramstad of Minnesota has called the comparisons between embryonic stem cell research and abortion "a horrible insult to 100 million Americans suffering the ravages of diabetes, spinal cord paralysis, heart disease, Parkinson's and Alzheimer's disease, multiple sclerosis and Lou Gehrig's disease" (*Congressional Record*, 5/23/2005). Senator Orrin Hatch of Utah, who consistently receives the highest possible rating from the National Right to Life Committee, is leading the fight in support of embryonic stem cell research in the Senate despite a veto threat to any bill that calls for an expansion of federal funds from George W. Bush.

Bush's opposition to government funding of embryonic stem cell research has also been challenged in the states. In 2004, California voters approved Proposition 71, an initiative backed by Republican Governor Arnold Schwarzenegger that allocated \$3 billion over ten years to stem cell research. Since then, state officials across the country have expressed an interest in funding stem cell research in their states in order to compete with California, which is likely to benefit financially from the biotechnology community's interest in the research (Jones 2005). The governors of Wisconsin and New Jersey have proposed hundreds of millions of state dollars to

fund stem cell research. The New York state legislature has committed \$1 billion and similar proposals have been introduced in Massachusetts and Illinois (Jones 2005).

The Right to Choose Death and the “Culture of Life”

The culture wars intensified in 2005, when socially conservative members of Congress and George W. Bush inserted themselves in a controversy that had been brewing in Florida courts and in the state legislature for seven years. In 1998, the husband of a 35-year-old brain damaged woman sought legal action to have his wife’s feeding tube removed against her parents’ wishes. The husband claimed, and the court concurred, that the woman, who had been diagnosed as being in a persistent vegetative state, would not have wanted to be kept alive artificially in that condition. The case received much publicity in Florida, where Schiavo’s parents continued to appeal their case, unsuccessfully, before several judges and Governor Jeb Bush and Republicans in the state legislature successfully pushed for a bill that would make it illegal for a feeding tube to be removed in the absence of a living will only to see it ruled unconstitutional by a Pinellas County judge a few months later (Cerminara and Goodman 2005).

In March 2005, the Schiavo case captured a national audience as members of Congress passed and George W. Bush signed a bill requiring federal courts to hear the woman’s parents’ appeal again and calling for her feeding tube, which had been removed a few days earlier, to be reinserted in the meantime. Following the actions of the national legislative and executive branches, cable news channels directed their coverage almost entirely to the case, which continued to play out in several courthouses and outside of the hospice where Schiavo was receiving care. Like their

opposition to embryonic stem cell research, religious conservatives attributed their opposition to removing Schiavo's feeding tube to a general concern for a "culture of life" and camped out outside of the hospice for days to express their opposition to terminating Schiavo's life (Hull 2005). Among the most vocal protesters was Randall Terry, founder of Operation Rescue, the organization that staged often-violent protests outside of abortion clinics in the 1980s and 1990s.

Despite intense opposition by prominent Republicans and conservative organizations, the American public overwhelmingly supported Schiavo's husband's decision. According to an *ABC News* poll conducted on the day Congress enacted the Schiavo bill, 63 percent of all Americans, including 54 percent of conservatives, favored removing Schiavo's feeding tube (Langer 2005). The courts also sided with Schiavo's husband and the feeding tube was not reinserted. Schiavo died on April 1, 2005.

The Schiavo case, however, was not the first time the question of whether those with a physically or mentally debilitating medical condition should have the right to instruct their doctor to terminate their lives generated a national debate. In 1976, the New Jersey Supreme Court ruled that the parents of 21-year-old Karen Ann Quinlan, who had suffered irreversible brain damage and fallen into a persistent vegetative state, had the right to have their daughter's respirator removed despite the objection of the woman's doctors (Humphry and Clement 1998). The *Quinlan* decision and the advocacy of Quinlan's parents following her death motivated legislation in the states and in Congress as well as judicial decisions in support of advanced directives that allow adults to designate a guardian to make medical

decisions for them if they are unable to make decisions for themselves (Humphry and Clement 1998). Today, all fifty states recognize advance directives as a legal document.

More controversial than the right to instruct doctors to disconnect machines that keep one alive artificially is whether or not doctors should be allowed to assist a suffering patient to commit suicide by administering or prescribing lethal drugs. In 1990, this issue gained visibility when Jack Kevorkian, a Michigan doctor, unveiled his “suicide machine,” a contraption that allowed patients to inject poison into their bloodstream with the push of a button, to the national press (Humphry and Clement 1998). Kevorkian’s machine raised ethical questions and led conservative state legislators in four states—Iowa, Rhode Island, Virginia, and Oklahoma—to pass laws explicitly banning physician-assisted suicide immediately. Several states followed suit in subsequent years despite legal challenges by terminally-ill patients.

In 1997, the Supreme Court ruled in *Washington v. Glucksberg* and *Vacco v. Quill* that states did have the constitutional right to ban physician-assisted suicide. That same year, however, advocates of the practice scored a victory when Oregon became the first state to make it legal for doctors to prescribe medication in lethal dosages to terminally-ill patients who choose to terminate their lives. The Death with Dignity Act, a citizens’ ballot initiative, received the vote of 60 percent of Oregon voters (Humphry and Clement 1998). In 2001, U.S. Attorney General John Ashcroft threatened to revoke the licenses of doctors who prescribed lethal doses of federally controlled substances under the Oregon physician-assisted suicide law. Five years later, however, the Supreme Court ruled in *Gonzales v. Oregon* that the attorney

general does not have the authority to infringe on a state's right to regulate medical practice. Although physician-assisted suicide has not made the national headlines as consistently as other culture war issues since the late-1990s, this latest ruling by the Supreme Court is likely to change that. State legislatures across the country, including in Vermont and California, are currently considering laws that mirror the Oregon act and conservatives in Congress are likely to take up the issue as they return to Washington for the start of the second session of the 109th Congress.

Conclusion

I begin to explore the dynamics of congressional agenda setting on cultural issues in the next chapter. The remaining chapters of this project focus on the rise of cultural issues on the agenda of the U.S. Congress. Yet, as this chapter reminds us, the culture wars are being waged simultaneously in multiple venues. As in the fight for and against abortion and gay rights, two of the most contentious issues in the culture wars, struggles between social conservatives and progressives over all cultural issues unfold in America's towns, cities, and states, as well as in the national arena. Frequently, the venues in which the culture wars play out reflect the strategies on either side of various debates. In the case of abortion, for example, *Roe* forced antiabortion state legislators to be creative in their lawmaking by using the power of the purse to restrict abortions, among other legislative strategies. *Romer* played a similar role in the political battle over gay rights. Once state governments were limited in their ability to ban anti-discrimination laws that protected gays and lesbians, antigay activists shifted their strategy to legal challenges against same-sex marriage.

Sometimes a culture war controversy unfolds in a particular venue due to the nature of the issue at hand. For example, policies related to school curriculum are typically set by local school boards. Therefore, conflicts over the content of sex education and the teaching of creationism in science classes generally play out in local communities before they capture the attention of lawmakers at the federal level. Yet, while the state and local dynamics of the culture war have been documented extensively, the circumstances under which these controversial issues move from the state and local level, where they often originate, to the U.S. Congress have not received sufficient treatment.

Chapter 3: Bill Sponsorship and the Culture Wars

In 2002, voters in Maine's 2nd congressional district were treated to an intense primary season as Republican and Democratic candidates battled for a chance to run for the open-seat previously occupied by Democrat John Baldacci, who vacated the seat to serve as Maine's governor. On the Democratic side, Michael Michaud, a 22-year state legislator and president of the state senate, led the field of seven candidates. His closest opponent was State Senator Susan Longley, the openly gay daughter of former governor James Longley. Michaud, a former mill worker, appealed to Democratic voters on economic issues and received the endorsement of the AFL-CIO. Yet, his views on cultural issues were decidedly to the right of his opponents and of his party's primary voters, a point his opponents stressed in debates (Tuttle 2002). As a state legislator, he had supported strict restrictions on abortion rights and had voted against gay rights bills (Quinn 2002; Tuttle 2002). While contributions from culturally conservative groups accounted for less than 2 percent of the \$407,611 in PAC contributions he received in the primary season, it was unusual for a Democrat to receive money from such groups in the first place. Culturally liberal groups, on the other hand, threw their support behind Longley and their contributions accounted for 69 percent of the \$19,627 in PAC contributions her campaign received. In June 2002, Michaud won his party's nomination by a small margin of 3.7 percentage points.

In his general election contest, Michaud also faced opposition from the left on cultural issues. His opponent, Kevin Raye, a pro-choice Republican who had served as Senator Olympia Snowe's Chief of Staff and defeated three other contenders to

become the Republican nominee, received the endorsement of abortion rights groups. With the strong backing of major labor groups but without the help of liberal cultural groups that typically support Democratic candidates, Michaud defeated Raye by only four percentage points. A few months later, as a freshman in the 108th Congress, the culturally conservative Democrat sponsored legislation to require the pharmacy benefits program of the Department of Defense to cover emergency contraception. While Michaud's bill never received a hearing in committee or a vote on the floor, the mere fact that he introduced legislation to make emergency contraceptives accessible may have earned him points with Democrats in Maine's 2nd district. In 2004, Michaud was unopposed in the Democratic primary.

Bill sponsorship is a useful tool for members of Congress seeking to demonstrate to constituents that they care about certain issues. The chairs of congressional committees have the ability to advance or to kill a bill by controlling the hearing schedule and majority party leaders exert tremendous agenda setting power by deciding the order in which legislation is considered on the floor. However, the ability to introduce legislation affords every member of Congress, including those who have not attained positions of power within their respective chamber, the ability to put items on the congressional agenda and to claim credit for doing so. In this chapter, I analyze the circumstances under which members of the House and the Senate are likely to sponsor bills, resolutions, and amendments on cultural issues. I posit that the introduction of bills on such issues reflects, in part, electoral considerations by members of Congress.

Introducing Cultural Issues: The Electoral Connection

Even though political scientists have produced a vast literature on the U.S. Congress, studies of bill introduction are rare. Instead, scholars have focused primarily on determinants of roll call voting behavior (see for example, Snyder and Groseclose 2000) and on the motivations that shape members' behavior more broadly (see for example, Fenno 1973, 1978 and Mayhew 1974). Still, those who have sought to explain patterns of bill sponsorship have provided helpful insights into this important aspect of policy-making. This limited literature shows that political and institutional factors, such as seniority, committee assignment, state size, constituency characteristics, and proximity of reelection, affect the number of bills a member of Congress introduces in a given session of Congress as well as the issue content of such bills (Schiller 1995; Woon 2004; Sulkin 2005). Because legislators and their staff are engaged in multiple activities, including research, media appearances, constituent services, and committee hearings, the decision to sponsor certain bills is indicative of a legislator's priorities in the face of time constraints, limited resources, and careful consideration of the political consequences of linking him or herself to any given issue (Schiller 1995; Woon 2004).

When it comes to cultural issues, it is reasonable to expect members of Congress to be particularly mindful of the electoral consequences, both positive and negative, of their activities. Cultural issues are typically controversial and polarizing and, as such, they pose a risk for members who worry about alienating part of the electorate (Mooney and Lee 1995; Tatalovich and Daynes 1998a; Smith and Tatalovich 2003). On the other hand, members of Congress often resort to symbolic issues on which there is little room for compromise as elections approach in order to draw clear distinctions between their views and that of their opponents and to force their opponents to take a position on an issue they would prefer to avoid (Mouw and MacKuen 1992; Gilmour 1995; Davidson and Oleszek 2002).

Sulkin's (2005) study of issue politics in Congress provides a useful framework for analyzing the dynamics of bill introduction on cultural issues. At the core of Sulkin's argument is the idea that reelection-minded members of Congress seek to shield themselves from future challenges by acting on the issues that were central to their challengers' campaigns.¹⁰ Sometimes, introducing a single bill that shows concern with a particular issue raised by one's challenger during the campaign, even if it does not reflect the challenger's exact proposal, is enough for members to claim credit for putting the issue on the agenda, even if the bill never receives a hearing or makes it out of committee (Sulkin 2005). This process of co-opting one's opponent's campaign issues, which Sulkin calls "issue uptake," may explain Congressman Michaud's introduction of the emergency contraception bill in the 108th Congress.

A similar scenario took place in 2002 in Michigan's 6th congressional district, where eight-term Republican Representative Fred Upton faced a primary challenge from the right. Even though Upton opposes abortion rights, his exception in the case of rape and when the life of the mother is at risk and his support of stem cell research prompted State Senator Dale Shugars, a staunch conservative, to enter the race. Shugars, who held weekly prayer meetings at his campaign headquarters, made his strong antiabortion position the focus of the race and charged that Upton was too liberal for the southwest Michigan district in what some call the state's Bible Belt (Pickler 2002; Ryan 2002). In fact, Shugars contended that there would have been no reason for him to enter the race had Upton not voted against a bill that would have banned U.S. aid to overseas family planning clinics that provided abortion services

¹⁰ Sulkin's (2005) definition of challengers does not follow the standard definition used in the campaigns and elections literature. In that literature, a challenger is one who runs against an incumbent member of Congress. In Sulkin's definition, which I adopt in this chapter, a losing candidate for congressional office is considered to be a challenger. For example, Kevin Raye is considered the challenger in the 2002 election in Maine's 2nd district, even though he opposed Michael Michaud in an open-seat race.

(Pickler 2002). With his culture war rhetoric, Shugars received 74 percent of the \$12,427 he received in PAC contributions from culturally conservative groups. Nevertheless, Upton had the support of the state Republican Party and was able to run a successful campaign against Shugars (Ryan 2002). When Upton went back to Capitol Hill for his ninth term, however, he reassured the religious base in his conservative district by introducing the Broadcast Decency Enforcement Act of 2004, which increased the fines imposed on radio and television broadcasters who transmitted obscene, indecent, and profane material.

While Sulkin's study of issue uptake focuses on general election dynamics, the examples from Maine's 2nd district and Michigan's 6th district suggest that, in the case of cultural issues, it is with potential primary challenges that members of Congress are most concerned. Because the Republican and Democratic parties are polarized on cultural issues, advocacy groups and voters who are most committed to advancing cultural issues on both sides are solidly on the Republican or Democratic camp, depending on ideological orientation. Therefore, the cooptation of cultural issues is more likely to occur in response to primary contests, when candidates compete for the support of their party's voters and of major groups in their party's coalition (Galderisi, Ezra, and Lyons 2001; Herrnson 2004; Hacker and Pierson 2005). By putting cultural issues on the agenda in response to a primary challenger's attention to such issues, members show that they are deserving of the support of the party's most loyal voters and advocacy groups in the next election, thus staving off future competition. With increased homogeneity that has resulted in one-party congressional districts, primary elections, though frequently uncontested, are often the only way for voters to hold members of Congress accountable (Galderisi, Ezra, and Lyons 2001; Goodliffe and Magleby 2001). As such, by keeping potential primary opponents away, members of Congress are often guaranteed reelection.

In this chapter, I test the hypothesis that the more attention a member's primary challenger pays to conservative (liberal) cultural issues, the more likely the member is to introduce a bill on a conservative (liberal) cultural issue in the following congressional term. I also hypothesize that members who face a competitive primary will be more likely to introduce a cultural issue bill that reflects the position of their party's base in the following term, even if their primary challenger did not rely heavily on such issues in his or her campaign. Again, this is intended to signal to the party's most loyal supporters that the member is deserving of their support the next time he or she is up for reelection. Finally, cultural issues evoke emotional responses and can be used effectively by members attempting to distinguish themselves from their opponents and to mobilize otherwise disengaged constituents and loyal partisans. Therefore, I posit that members of Congress are more likely to introduce bills on such issues as an election nears. Because House members are said to be constantly running for reelection because of the two-year election cycle in that chamber, this hypothesis only looks at senators, who are most concerned with reelection during the last two years of their six-year term, when voters and the media are most likely to be paying attention (Erikson and Wright 2001).

Of course, issue cooptation on cultural issues may also occur in response to a general election challenge. However, there is no reason to expect a Republican (Democrat) to take up a Democratic (Republican) challenger's position on cultural issues unless the election was close, the member's challenger focused on cultural issues, and the positions the challenger took on such issues were closer to that of the member's party than to his or her own party's position. While this was the case in Congressman Michaud's 2002 election campaign, it is a rare scenario. In most cases, Republicans will run to the right of their Democratic challengers and Democrats will run to the left of their Republican challengers on cultural issues, and co-opting their general election challenger's campaign issues in the term following an election would

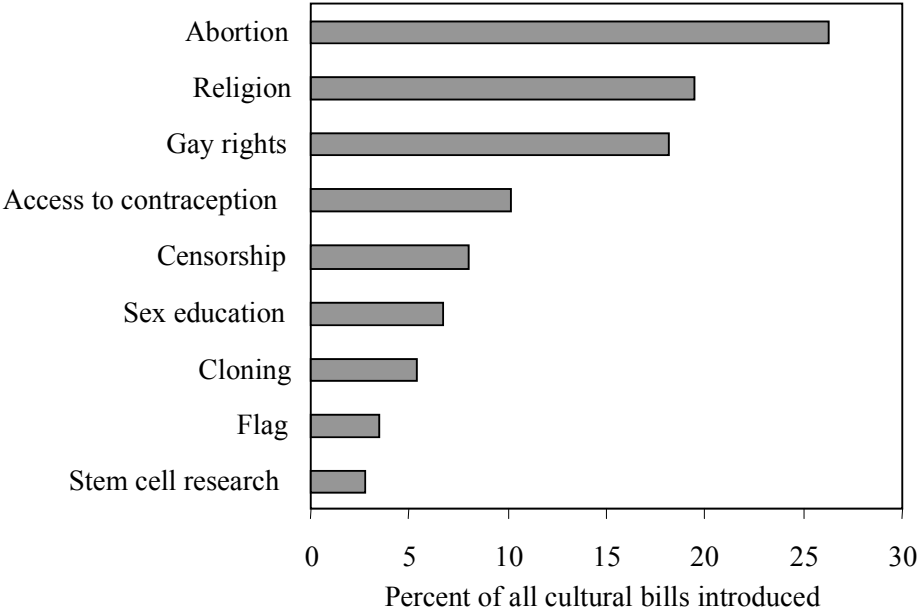
make members more vulnerable to challenges from their own party in the next primary. In her analysis, Sulkin (2005) offers the example of a Republican whose Democratic challenger supports universal health care coverage. While it would not be a politically savvy move for the Republican to subsequently introduce legislation calling for universal health care, she can introduce a bill supporting the building of a health clinic in the district, thus showing concern for health issues without adopting a controversial measure that could alienate her party's most loyal supporters. The heated rhetoric of the culture wars, however, makes it virtually impossible for members to introduce bills that do not move policy in a clearly liberal or clearly conservative direction, making strategic maneuvers of the type Sulkin (2005) describes unlikely when it comes to cultural issues.

The Culture Wars in the 108th Congress

One hundred fifty-one bills on cultural issues covering nine issue areas were introduced in the 108th Congress (2003-2004). Of those, 99 were introduced in the House and 52 in the Senate. Of the nine cultural issue areas of concern to legislators, abortion received the most attention. About one-quarter of all cultural issue bills dealt with abortion rights (see Figure 3.1). Among those were bills that called for a ban on late-term abortions and for parental notification for minors seeking abortions as well as resolutions expressing support for the pro-choice March for Women's Lives that took place in Washington, DC, in 2004 and bills that affirmed the right of military women living on U.S. military bases abroad to seek abortions. Bills dealing with matters of public expressions of religion, such as school prayer, Ten Commandment displays, and the use of the phrase "under God" in the Pledge of Allegiance, were the second most common, followed closely by bills concerning gay rights, which included conservative calls for constitutional amendments to ban same-sex marriage and liberal calls for the extension of domestic partnership benefits to gay partners.

FIGURE 3.1

Cultural Issues in the 108th Congress

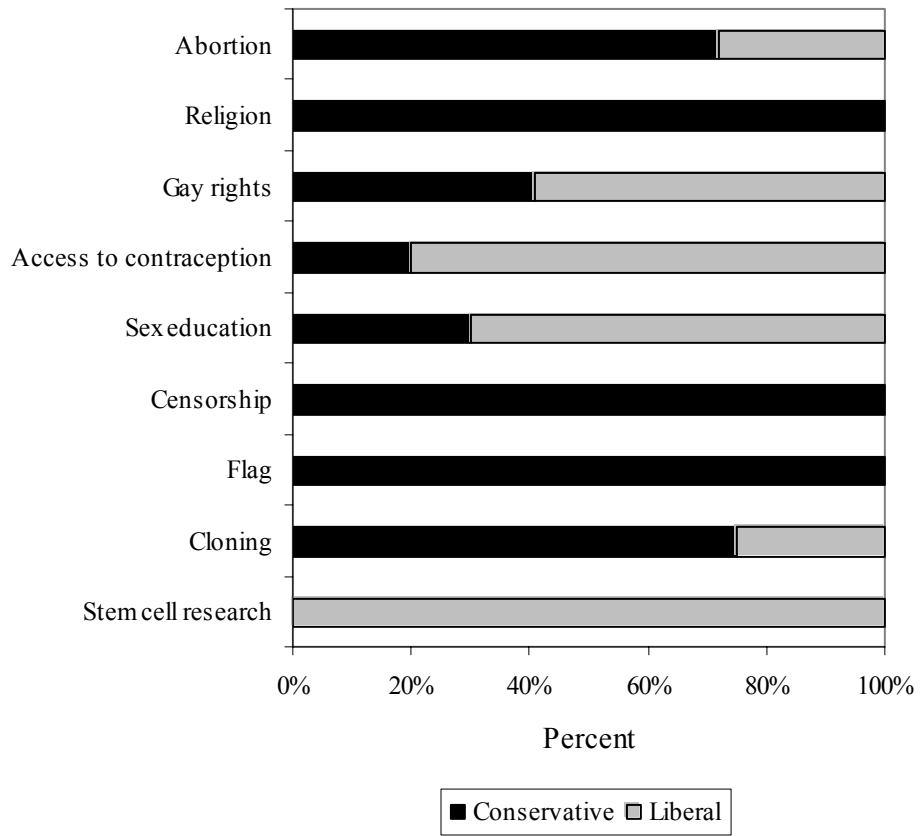


N = 151

Approximately two-thirds of cultural issue bills introduced in each chamber of the 108th Congress advocated a conservative position. As Figure 3.2 illustrates, the conservative position was particularly dominant in three issue areas. Every bill that dealt with public expressions of religion sought to weaken the separation of church and state. There was no attempt by legislators to prohibit public displays of religious symbols or to reinforce the separation of church and state in any way. In addition, all bills concerning flag desecration and censorship of potentially offensive material were conservative. Flag bills included proposed constitutional amendments to ban flag desecration as well as symbolic resolutions that would not affect policy but expressed opposition to any physical destruction of the flag. Censorship bills, for the most part, sought to impose harsh penalties on radio and television broadcasts that contained material that might be deemed indecent.

FIGURE 3.2

Ideological Position of Cultural Issue Bills in the 108th Congress



The only issue area in which the liberal position was offered every time was stem cell research, which accounts for less than 5 percent of all cultural issue bills introduced in the 108th Congress. Because of the promise it holds for a cure to life-threatening illnesses like diabetes, heart disease, and spinal cord injury, stem cell research has garnered support not only from Democrats and moderate Republicans but also from some unlikely allies. Senator Orrin Hatch, for example, a conservative Republican from Utah, has introduced bills to extend federal funding of stem cell research to embryonic cells, in spite of protests from conservative Christian groups. More recently, Senate Majority Leader Bill Frist from Tennessee, who typically sides with religious conservatives on cultural issues, has expressed support for a far-reaching proposal to fund stem cell research.

Despite some crossover, however, the congressional culture wars have been fought primarily along party lines (see Figures 3.3 and 3.4). Republicans sponsored 88 percent of conservative culture war bills in the House and 92 percent in the Senate. Similarly, Democrats introduced 78 percent of liberal House bills on cultural issues and 86 percent of Senate bills. The few defectors tend to be moderates from parts of the country that lean away from the ideological position of the members' party. For example, in the Senate, Republicans Lincoln Chafee of Rhode Island and Olympia Snowe of Maine introduced bills to expand access to contraception and Gordon Smith of Oregon introduced an amendment to extend protection to gays and lesbians under hate crime statutes, while Byron Dorgan, a Democrat from North Dakota, introduced bills against flag desecration and in favor of harsher penalties for indecent broadcasting. In the 108th House, Republicans who introduced liberal bills included Mike Castle from Delaware and Christopher Shays from Connecticut. Among Democrats who introduced conservative bills were two moderate Texans, Gene Green and Chet Edwards.

FIGURE 3.3

Party Polarization and the Culture Wars in the House

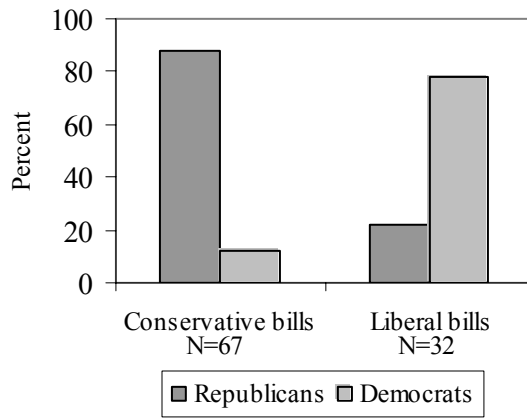
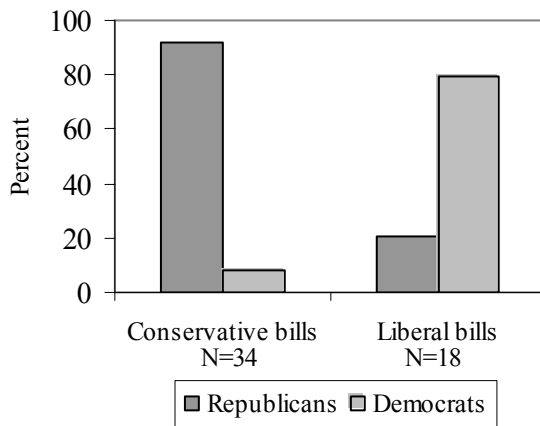


FIGURE 3.4

Party Polarization and the Culture Wars in the Senate



Data and Methods

In order to test the extent to which the cooptation of challengers' issues, primary election competition, and the timing of elections affect the likelihood that a member of Congress will introduce a bill on cultural issues, I compiled a list of all bills, resolutions, and amendments introduced by members of the House and the Senate in the 108th Congress (2003-2004) using THOMAS, the congressional information database maintained by the Library of Congress.¹¹ I coded each as a 1 if it tackles a cultural issue directly and as a 0 if it does not. I further classified each cultural issue bill as a liberal or conservative bill. Examples of liberal cultural bills are those that call for increased funding for family planning programs and that protect individuals against discrimination based on sexual orientation. Conservative bills, on the other hand, include those that seek to restrict access to abortions or contraceptives and that call for a constitutional amendment to ban same-sex marriage. I present results for liberal and conservative bill sponsorship separately. For models of liberal bill sponsorship, the dependent variable equals 0 if the member did not introduce a culturally liberal bill in the 108th Congress and 1 if the member did introduce a liberal bill. Likewise, for models of conservative bill sponsorship, a 0 coding indicates that a member did not introduce a culturally conservative bill in the 108th Congress and a 1 coding indicates that he or she did so. I also present separate models for the House and for the Senate.

Because the dependent variable in this analysis is dichotomous and has a considerably higher incidence of zeroes than ones, I employ rare events logistic

¹¹ See Appendix A for a list of keywords used in the search. THOMAS can be accessed at <http://thomas.loc.gov/bss/d109query.html>.

regression to analyze the likelihood of a member of Congress introducing a bill on a cultural issue. Standard logit models often produce biased coefficients in rare events data and in samples under 200 (King and Zeng 2001a, 2001b). The rare events logit model estimates robust standard errors and produces unbiased coefficients by reducing the mean square error (King and Zeng 2001a, 2001b). This is not a maximum likelihood technique and there is no measure in a rare events logit model that corresponds to the maximum likelihood and other goodness of fit measures in the standard logit model. For each relogit model, therefore, I present goodness of fit measures for the corresponding logit model in order to show that the model performs well. Although I frame the discussion of results around changes in predicted probability of introducing a liberal or conservative cultural bill for ease of interpretation, I also present rare events logit coefficients.¹²

To measure the effect of issue uptake in the House, I use the percentage of a member's primary election challenger's total political action committee (PAC) contributions that came from liberal or conservative cultural groups as a proxy for *primary challengers' attention* to cultural issues (contributions by liberal groups are used in the model of liberal bill introduction and contributions by conservative groups are used in the model of conservative bill introduction). For example, it is reasonable to expect primary challengers who received most of their contributions from conservative groups like the National Right to Life Committee and the Traditional Values Coalition to be candidates for whom moving cultural issues in a conservative direction is a priority during the campaign. Likewise, it is reasonable to expect those

¹² The rare events logit model was estimated using the relogit program available from Gary King's website (<http://gking.harvard.edu>). The program is a Stata ado file. Predicted probabilities were computed using the `setx` and `relogitq` commands that come with the relogit ado file.

who are funded mostly by Planned Parenthood or Human Rights Campaign to be particularly concerned with moving cultural issues in a liberal direction.

The measure of issue priority I employ is different from that used by Sulkin (2005). Sulkin (2005) counts the number of lines of newspaper coverage devoted to a particular theme that can be directly attributed to a statement by the candidate or by a member of his or her staff in order to identify the issue priorities of Senate candidates. Because media coverage of House races is infrequent, Sulkin (2005) relies on *CQ Weekly*'s special election issue to identify the issues that are important to House candidates. Unfortunately, when it comes to measuring the issue priorities of House primary candidates, neither measure is helpful. Newspaper coverage of House primary challengers is often reduced to articles that list the names of candidates on the ballot or that outline candidates' positions on particular issues. Only a small number of articles attribute statements to candidates or to their campaigns. Moreover, *CQ Weekly* does not cover primary elections as extensively as it does general elections. In fact, only seven articles on House primaries appeared in the publication in 2002, and most focused on a single issue rather than providing an overview of candidates' priorities.

Ideological PACs tend to give money to candidates who are already sympathetic to their cause and are more likely than corporate and other types of PACs to fund the bids of non-incumbents, which are often unsuccessful (Herrnson 2005). In fact, 70 percent of all primary challengers who received money from conservative or liberal cultural PACs lost their race by 10 percentage points or more. Of those, half lost by at least 20 percentage points. The willingness of ideological PACs to

invest in candidates that have little chance of being elected suggests that these PACs are often as concerned with disseminating their message and raising the visibility of issues they consider important as they are with shaping the composition of Congress (Herrnson 2005). Is it, therefore, reasonable to expect cultural issue PACs to give to candidates who make cultural issues a campaign priority rather than simply giving to candidates who share the groups' positions on issues. After all, candidates who hold a position on a particular issue but do not make the issue a campaign priority do little to raise issue visibility. For example, in one of the few primary races that received extensive newspaper coverage in 2002, the contest for the open-seat vacated by Republican Congressman Sonny Callahan in Alabama's 1st district, neither Jo Bonner, the eventual winner of the primary and general elections, nor Tom Young, Bonner's closest primary opponent, received PAC contributions from cultural groups. While some newspaper articles mentioned that all seven contenders for the Republican nomination shared a conservative position on abortion rights and other cultural issues, none of the quotes attributed to the candidates or to their campaign staff referred to such issues, suggesting that cultural issues were not central to the campaign even though the candidates had taken position on them.¹³ On the other hand, Jim Baker, who ran against Vic Snyder in Arkansas' 2nd district Democratic primary and received 11.4 percent of his PAC contributions from conservative groups, made statements in opposition to abortion rights, flag desecration, and cloning, but focused most heavily on health care, low wages, highway funding, and various issues that appealed to his district's farming community.

¹³ Not enough primary races received sufficient newspaper coverage for me to conduct a systematic comparison between the two measures of issue priority.

It is possible, however, that some House members focused on cultural issues during the primary season just as much as their challengers did and that bill introduction in the term following the election is a reflection of members' existing priorities. I account for that possibility by including a measure of *members' attention* to cultural issues. For this, I use the percentage of members' total PAC contributions that came from liberal or conservative cultural groups. All PAC contribution figures are based on reports to the Federal Election Commission (FEC).¹⁴ I merged FEC contribution files, which contain identification numbers for PACs and the candidates to which they give contributions in addition to the amount donated and whether the contribution was made in the primary or general election season, with PAC and candidate master files, which contain the names of PACs and candidates. I identified each PAC as being primarily concerned with conservative cultural issues, liberal cultural issues, or not primarily concerned with cultural issues. Most groups on the dataset are well known and easily identifiable as a cultural issue PAC or not. When I was unsure of a group's focus, I searched for the group's website or articles that mention the group and its mission. PAC contributions data for House members and their primary election candidates are from the 2001-2002 election cycle.

Unfortunately, limitations in the data make it difficult to test the theory of cultural issue uptake in the Senate. Unlike House races, which are contested in small, homogeneous districts, Senate races are statewide affairs that target a more diverse electorate and, therefore, rely on more sophisticated and costly campaign organizations. It is difficult, therefore, for cultural interest groups, especially religious conservative groups, which typically run grassroots efforts, to be as

¹⁴ Data is available for download at <http://www.fec.gov/finance/disclosure/ftpdet.shtml>.

effective in Senate elections as they are in House races (Green and Bigelow 2005). Consequently, campaign contributions by cultural issue advocacy groups to challengers in senatorial primary election cycles are rare. In fact, only three senators in the 108th Congress had faced primary challengers who received contributions from culturally conservative groups and only five had faced primary challengers who received contributions from culturally liberal groups.

An attempt to employ Sulkin's (2005) measure of challengers' issue priorities was also fruitless. Even though Senate primaries are statewide races and, as such, of interest to a larger audience than House races, they are typically less competitive than House primaries (Herrnson 2004). Newspaper coverage of Senate primaries is, therefore, limited. LexisNexis searches of state newspapers and searches on the Internet yielded inconclusive results about the extent to which Senate primary challengers paid attention to cultural issues in their campaigns. Consequently, I do not test the extent to which issue uptake affects the introduction of cultural issue bills in the Senate.

I do, however, include the percentage of senators' total PAC contributions that came from culturally liberal and conservative groups in the primary election cycle in which they were elected to the Senate. While the number of primary challengers who received such contributions is too small to include in the statistical analysis, 30 senators received contributions from conservative groups and 40 received primary contributions from liberal groups. Considering the generally low level of involvement by such groups in Senate primaries, it is reasonable to assume that senators who received the support of cultural groups in the early stages of their

campaigns are among the strongest supporters of the positions the groups advocate and the most likely to introduce bills on cultural issues.

The main measure of the effect of electoral considerations on bill sponsorship on cultural issues in the Senate is the *timing* of sponsorship. If the contention that culture war issues are good campaign material is correct, senators should be more likely to introduce bills on such issues the closer they get to reelection. I code members who were up for reelection in 2004, at the end of the 108th Congress, as 2. Those who will be up for reelection in 2006 are coded as 1 and those who will not face reelection until 2008 are coded as 0.

Following Goodliffe and Magleby (2001), I use a three-point measure to determine the level of *primary competition* members of the House and the Senate faced. For House members, the figure is for the 2002 election. For the Senate, the figure reflects competition in the year in which each member was elected to the 108th Congress. If the vote difference between a member and his or her closest opponent is 100 percentage points, the election is coded as 0, or uncontested. If the vote difference is between 11 and 99 percentage points, the election is coded as 1, or weakly competitive. Finally, elections in which the margin of victory was 10 percentage points or less are considered to be competitive and are coded as 2.

Finally, I use a series of control measures to account for factors other than electoral considerations that may affect the likelihood that a member of the House or the Senate will sponsor a bill on a cultural issue. To account for members' responsiveness to their constituents, I include a measure of *evangelical* adherence in each district for House models and in each state for Senate models. This data was

computed using GIS software to map county level figures provided by the Glenmary Research Center onto congressional districts and states.¹⁵ It measures the percentage of district and state residents who identify as evangelical Christians. Because the culture war rhetoric has been framed from its inception as a conflict between the religious orthodox and progressives, religious or otherwise, and the most vocal voices on the right are prominent evangelicals like Pat Robertson and Jerry Falwell, members who represent overwhelmingly evangelical constituents should be more likely to introduce conservative bills on cultural issues. On the other hand, members who represent states and districts with a low concentration of evangelicals should be more likely to introduce liberal bills on cultural issues.

The next set of control measures relate to member characteristics. *Member religion* is coded as 1 if the member is evangelical and as 0 if the member is not. For the Senate, I obtained detailed information about religious affiliation through LexisNexis and other Internet-based searches.¹⁶ I then used Layman's (2001) coding scheme to determine which religions are evangelical and which are not and coded each member accordingly. This measure is included in all models except for the model of liberal bill introduction in the Senate. The *religit* program does not run models that include variables that predict failure perfectly in the corresponding standard logit model. Of the fifteen evangelical senators in the 108th Congress, none introduced a bill that advocated a liberal position on cultural issues.

¹⁵ I thank Nate Bigelow for his generosity in sharing this data with me.

¹⁶ The National Journal's *Almanac of American Politics* also provides information on member religion. However, this information is not specific enough to be helpful for this analysis. For example, a member's religion may be listed simply as "Presbyterian." However, adherents of Presbyterian Church in America are evangelical while adherents of Presbyterian Church (USA) are not. Detailed religion data for House members was provide by John Green at the University of Akron.

The next measure of member characteristics is *sex*, coded as 0 for male and 1 for female, to account for the possibility of a gender gap effect in the culture war. This measure is not included in the model of conservative bill introduction in the Senate because it predicts failure perfectly in the corresponding standard logit model. None of the twelve women in the sample—eight Democrats and four Republicans—introduced a bill that moved cultural issues to the right.

As Figures 3.3 and 3.4 illustrate, the culture war is highly partisan. Rather than including a simple measure of members' party affiliation in the models, however, I control, instead, for whether or not members are Republicans elected in or after 1994. The measure correlates highly with member ideology ($r = -.63$ in the House and $r = -.62$ in the Senate using ADA scores as a measure of liberalism). It also accounts, however, for the political context of the *post-1994* era, a period during which the Republican Party has grown increasingly conservative, particularly on cultural issues (Hacker and Pierson 2005). In 1994, under the leadership of then-House minority whip Newt Gingrich, Republicans regained control of both chambers of Congress for the first time in forty years, picking up fifty-four seats in the House and eight seats in the Senate. Although the "Contract with America," the document that is often credited with propelling Republicans to victory in 1994, focused primarily on fiscal and institutional reforms, like calls for a balanced budget amendment and term limits for lawmakers, the Republican agenda also sought to curb abortion rights, deny welfare benefits to children born out of wedlock, and cut funding for sex education programs that did not teach abstinence only. Among the members of the Republican freshman class elected to the House in 1994 were Rick

Santorum of Pennsylvania and Tom Coburn of Oklahoma, who are now among the most socially conservative members of the Senate. Because no Republican member elected to the House in 1994 or later introduced a liberal bill on a cultural issue in the 108th Congress, the relogit program requires the measure to be excluded from the model of liberal bill introduction in the House.

Finally, I control for the total *number of bills* a member introduced in the 108th Congress. The total number of bills introduced ranges from 0 to 120 in the House and from 4 to 103 in the Senate. It is reasonable to expect the likelihood of introducing a cultural bill to be higher among members who introduce dozens of bills than among members who introduce only a handful of bills. I eliminate from the sample any member who was appointed to fill a vacant seat without an election, any member who did not serve the full session, and members from Louisiana, where the run-off election system makes it difficult to measure primary campaign dynamics. The resulting sample is presented in Table 3.1.

TABLE 3.1Number and Percentage of Members Who Introduced Cultural Issue Bills in the 108th Congress

	Number of members	Percentage of members
House		
Conservative bills	35	8.2
Liberal bills	21	5.0
Total number of members in sample	424	
Senate		
Conservative bills	16	16.7
Liberal bills	14	14.6
Total number of members in sample	96	

Launching the Culture Wars in the House

The models of conservative and liberal cultural bill sponsorship suggest that electoral considerations play a significant role in members' decision to introduce a bill on a cultural issue (see Table 3.2). There is also evidence that members who introduce culturally conservative bills and those who introduce culturally liberal bills do so in response to their constituents' views. Members' personal characteristics, however, are not significant predictors of whether or not they will introduce a bill on a cultural issue.

TABLE 3.2

Rare Events Logistic Regression Analysis of Cultural Bill Introduction in the House

	Conservative bills	Liberal bills
Primary challenger's attention	0.03** (0.02)	0.04** (0.02)
Members' attention	0.08** (0.04)	0.03** (0.10)
Primary competition	-0.04 (0.32)	-0.04 (0.46)
Evangelical	0.03*** (0.01)	-0.04** (0.01)
Member religion	0.08 (0.51)	0.84 (0.91)
Sex	0.45 (0.48)	0.28 (0.70)
Post-1994	0.85** (0.37)	^a --
Total bills	0.04*** (0.01)	0.04** (0.02)
Constant	-4.72*** (0.58)	-3.40*** (0.66)
Log likelihood ^b	-103.79	-62.11
Log likelihood chi-square ^b	34.05***	42.95***
Percentage correctly classified ^b	92.45	95.05
N	424	424

Notes: Robust standard errors in parentheses.

^a Variables dropped from the model because they predict failure perfectly in the corresponding logit model.

^b Based on goodness of fit of corresponding logit model.

* $p \leq .10$; ** $p \leq .05$; *** $p \leq .001$.

As predicted, members of the House engage in issue uptake when it comes to sponsoring bills on cultural issues. A member whose primary election opponent was among the most attentive to liberal cultural issues is 22 percentage points more likely than a member whose opponent did not emphasize a culturally liberal agenda to introduce a liberal bill in the term following the election when all other variables are held at their mean (see Table 3.3).¹⁷ Members who introduce conservative bills on cultural issues are even more responsive to their primary challengers' attention to the culture wars. There is a 61-percentage-point increase in the probability of introducing a conservative bill from members whose primary opponent did not focus on culturally conservative issue to members whose opponents were among the most focused on such issues.

¹⁷ Appendix B contains a list of minimum, maximum, and mean values for all independent variables in the House models.

TABLE 3.3

Change in Predicted Probability of Introducing a Cultural Issue Bill
in the House

	Conservative bills	Liberal bills
Primary challenger's attention	0.61**	0.22**
Members' attention	0.08**	0.55**
Primary competition	-0.04	-0.01
Evangelical	0.26***	-0.09**
Member religion	0.08	0.04
Sex	0.03	0.02
Post-1994	0.05**	^a
Total bills	0.70***	0.58**
N	424	424

^a Variables dropped from the model because they predict failure perfectly in corresponding logit model.

*p≤.10; **p≤.05; ***p≤.001.

Members do not seem to respond, however, to primary competitiveness. The measure is not statistically significant in either House model. Alternative models including an interaction term aimed at testing the significance of competitiveness among members whose primary challengers' campaign focused heavily on cultural issues did not yield statistically significant results and did not change the effect of the other variables significantly. This suggests that simply having a primary opponent who is concerned with either conservative or liberal cultural causes, even one who does not receive a large share of the vote, makes members of Congress apprehensive about future primary challenges and motivates them to introduce bills on cultural issues that reassure party loyalists of their commitment to these partisan causes.

Partisanship also affects the likelihood of introducing a bill on cultural issues in the House. While Republicans introduced close to 90 percent of all conservative bills on cultural issues in the 108th House and Democrats introduced just under 80 percent of liberal bills, as Figure 3.3 shows, Republicans who were elected in 1994 or later are particularly inclined to introduce conservative bills. Compared to all other members, these Republicans were 5 percentage points more likely to introduce conservative bills on cultural issues (see Table 3.3). None of the Republicans elected since 1994 introduced a liberal cultural issue bill. In contrast, three Republicans elected prior to the Gingrich-led revolution introduced liberal bills in the 108th House. Mike Castle of Delaware introduced legislation in favor of comprehensive sex education and stem cell research, James Greenwood of Pennsylvania introduced bills in support of funding for family planning programs and cloning, and Christopher

Shays of Connecticut introduced a bill opposing employment discrimination based on sexual orientation.

In addition to partisanship and electoral considerations, members also respond to their constituents when deciding whether or not to introduce a cultural issue in the House. When it comes to culturally conservative bill introduction, members from districts with the highest percentage of evangelicals are 26 percentage points more likely than those from districts with the lowest percentage of evangelicals to sponsor legislation. In the case of culturally liberal bills, an increase from the weakest to the strongest presence of evangelicals in a member's district lowers the probability that the member will sponsor legislation by 9 percentage points. Interestingly, the religion of members themselves does not play a significant role in the decision to introduce cultural bills. Evangelical members are neither more likely to introduce conservative bills nor less likely to introduce liberal bills than those who are not evangelical.

The Culture Wars in the Senate

The Senate models do not perform as well as the House models in predicting the factors that make members more likely to sponsor legislation on cultural issues (see Table 3.4). Still, when it comes to the introduction of conservative bills, there is evidence that senators take electoral considerations into account. Senators who served the last two years of their term in the 108th Congress were 17 percentage points more likely than senators who would not be up for reelection until 2008 to pursue a conservative cultural agenda by sponsoring legislation (see Table 3.5).¹⁸

¹⁸ Appendix B contains a list of minimum, maximum, and mean values for all independent variables in the Senate models.

The timing of elections does not play a significant role in the decision to sponsor culturally liberal legislation.

TABLE 3.4Rare Events Logistic Regression Analysis of Cultural Bill Introduction
in the Senate

	Conservative bills	Liberal bills
Timing	0.61* (0.35)	0.23 (0.45)
Members' attention	0.04 (0.03)	0.02 (0.04)
Primary competition	-0.85 (0.56)	0.35 (0.57)
Evangelical	0.01 (0.01)	-0.4* (0.02)
Member religion	0.73 (0.77)	^a --
Sex	^a --	0.47 (0.74)
Post-1994	1.45** (0.57)	-0.06 (0.72)
Total bills	-0.01 (0.01)	0.02 (0.01)
Constant	-4.72** (0.58)	-1.84** (0.86)
Log likelihood ^b	-37.24	-33.00
Log likelihood chi-square ^b	12.02*	13.77**
Percentage correctly classified ^b	81.25	87.50
N	96	96

Notes: Robust standard errors in parentheses.

^a Variables dropped from the model because they predict failure perfectly in the corresponding logit model.

^b Based on goodness of fit of corresponding logit model.

*p≤.10; **p≤.05; ***p≤.001.

TABLE 3.5

Change in Predicted Probability of Introducing a Cultural Issue Bill
in the Senate

	Conservative bills	Liberal bills
Timing	0.17*	0.06
Members' attention	0.52	0.16
Primary competition	-0.17	0.09
Evangelical	0.09	-0.3*
Member religion	0.11	^a
Sex	^a	0.06
Post-1994	0.23**	-0.01
Total bills	-0.10	0.25
N	96	96

^a Variables dropped from the model because they predict failure perfectly in corresponding logit model.

*p≤.10; **p≤.05; ***p≤.001.

As in the House, Republicans who were elected in 1994 or later were particularly likely to sponsor conservative legislation on cultural issues in the 108th Senate. The probability of introducing a culturally conservative bill is 23 percentage points higher for these Republicans than it is for Democrats and for Republicans who were elected before their party took back the Senate in 1994. This measure of partisanship did not have a significant effect on the sponsorship of liberal bills in the 108th Senate, however. This is likely due to the introduction of liberal bills by three moderate Republicans who have been elected since 1994, Lincoln Chafee of Rhode Island, Gordon Smith of Oregon, and Olympia Snowe of Maine.

When it comes to the introduction of culturally liberal bills, the percentage of evangelicals in a senator's state is the most significant predictor. Senators from states with the highest percentage of evangelicals are 30 percentage points less likely than those from states with the lowest percentage of evangelicals to introduce bills that move policy on cultural issues in a liberal direction. Like in the House, evangelical senators are no more likely than those who are not evangelical to introduce conservative bills. Evangelical senators did not introduce any culturally liberal bills in the 108th Senate.

Conclusion

Although the culture war manifests itself most intensely in Congress in committee hearing rooms and when legislation is brought to the floor of the House or the Senate for debate and, ultimately, a vote, the agenda-setting process begins with the introduction of bills, amendments, and resolutions by individual members. The findings in this chapter suggest that the introduction of bills on cultural issues is

guided, in part, by electoral considerations. In the House, individual members put cultural issues on the agenda so they can claim credit for supporting such issues, thus discouraging potential competitors when they are up for reelection. Members of the 108th Congress were considerably more likely to introduce conservative (liberal) bills on cultural issues if they had just faced a primary opponent who advocated a culturally conservative (liberal) agenda.

There is also evidence that electoral considerations play a role in senators' decision to sponsor conservative legislation on cultural issues. Senators are more likely to put culturally conservative items on the agenda as the end of their term approaches and they prepare to run for reelection. Because conservative positions like restricting abortion and gay rights are often couched in religious terms and evoke strong reactions from people who often do not follow the more intricate issues before Congress, they can be useful tools in mobilizing voters who might not participate in elections otherwise. In the next chapter I continue to examine the extent to which political considerations affect the rise of cultural issues on the congressional agenda with a look at what happens to cultural issue bills once they are referred to a House or Senate committee.

Chapter 4: Committee Hearings and the Cultural Agenda

Writing as a doctoral candidate in the late-1800s, President Woodrow Wilson declared that “Congress in its committee-rooms is Congress at work” (Wilson [1885] 1963, 69). Since the time of Wilson’s writing, the workload of committees has become increasingly burdensome. In the 108th Congress, for example, more than ten thousand bills were referred to congressional committees. Despite the benefit of full-time committee staffs and a subcommittee system that allows for further division of labor within each committee, it has become impossible for committee members in the modern Congress to give equal consideration to each bill that comes before them. The heavy committee workload and other political obligations in Washington and in their home districts and states have forced members to be particularly selective about which issues will be featured on their committees’ agenda. In this chapter, I explore the circumstances under which cultural issues rise to prominence on the agenda of congressional committees.

Committees are often described as tools of their parent chamber and as “gatekeepers.” Among the key institutional functions of committees is the division of labor that makes it possible for the House and the Senate to consider a large number of issues by relying on the expertise and research of committee members on matters under their committees’ jurisdiction. As gatekeepers, committee members keep legislation they do not believe will receive the support of the majority on the floor from advancing through the legislative process (Deering and Smith 1997; Davidson and Oleszek 2002). These two views of the function of committees suggest that committees react to an existing agenda rather than playing a key role in setting it. A

third view suggests that committees are often tools of the majority party (see, for example, Cox and McCubbins 1993 and Matlzman 1997). When the majority party is cohesive, strong party leaders will use committee assignment as a way to reward the party's most loyal members. Members, for their part, will remain loyal to the party leadership in order to maintain their assignments.

Since the early-1900s, when House members revolted against the Czar rule of Speaker Joseph Cannon, committees have become more autonomous and more active in the agenda-setting process (Deering and Smith 1997). In 1974, the agenda-setting role of committees was strengthened when the House approved a rule allowing for bills to be referred to multiple committees. Multiple referrals were already allowed in the Senate, though its use in that chamber was rare (Sinclair 2000). In the House, however, the possibility of multiple referrals encouraged committee members to seek out new, politically advantageous issues that were not previously under their committees' jurisdiction (Deering and Smith 1997; Davidson and Oleszek 2002).

The key tool available to committees in the agenda-setting process is the ability to hold hearings on any issue their members deem important, whether legislation has been referred to the committee or not (Murphy 1978; Baumgartner and Jones 1993; Talbert, Jones, and Baumgartner 1995). Committee hearings raise the visibility of new issues and allow members of Congress to redefine old ones, particularly when the issue at hand or the witnesses selected to testify before the committee command media attention (Murphy 1978; Sinclair 1986; Talbert, Jones, and Baumgartner 1995; Davidson and Oleszek 2002; Rohde 2005). In 2004, for example, the Senate Judiciary Committee drew the attention of the media when it

called upon NASCAR star John Andretti to testify on behalf of a proposed constitutional amendment to ban flag desecration.¹⁹ Andretti delivered an emotional testimony in which he talked about what the flag means to his father, an Italian immigrant who came to the United States with nothing, and accused those who desecrate the flag of having “total disregard for our military.”²⁰

In addition to raising the visibility of issues, committee hearings also afford members of Congress the opportunity to seek exposure for themselves (Payne 1982; Davidson and Oleszek 2002). In a study comparing the behavior of committee members during hearings in the 1950s and the 1970s, Payne (1982) finds that members increasingly use “lone wolf” techniques, meaning that they use their time to deliver statements and to promote themselves rather than to investigate the merits of any particular policy issue. In the 1950s, members interrupted each other more to ask follow-up questions and there was more give-and-take during hearings as members attempted to change the minds of colleagues and to learn as much as possible from witnesses (Payne 1982). Now, few committee members are present at a time. Many leave the hearing room as soon as their time to question witnesses is over. Since the 1970s, the rise in the level of education in the United States and advancements in electronic media have made voters more aware of what politicians do in Washington which, in turn, has made politicians particularly concerned with the goal of reelection (Davidson 1986). Committee hearings are the perfect venue for reelection-minded

¹⁹ See for example, Maureen Gropper, “NASCAR driver waves flag for constitutional amendment,” *USA Today*, March 10, 2004, http://www.usatoday.com/news/washington/2004-03-10-flag-burn_x.htm.

²⁰ U.S. Senate. Committee on the Judiciary. *Letting the People Decide: The Constitutional Amendment Authorizing Congress To Prohibit the Physical Desecration of the Flag of the U.S.*, Hearing, March 10, 2004. LexisNexis Congressional.

members of Congress to promote their ideas, demonstrate their expertise in certain policy areas, and claim credit for advancing legislation in a way that is not always possible when they are sharing the stage with hundreds of others on the floor of the House and dozens in the Senate (Rohde 2005).

Between 1981 and 2004, there were 94 legislative hearings on cultural issues in the House and 41 in the Senate. Legislative hearings are those that tackle proposed bills, amendments, and resolutions that have been referred to a committee.

Congressional committee members may also hold non-legislative hearings, which are exploratory in nature and do not relate to proposed legislation (Talbert, Jones, and Baumgartner 1995). About 49 percent of committee hearings on cultural issues between 1981 and 2004 were of this variety. In this chapter, I combine descriptive statistics with logistic regression analysis to examine the various cultural issues committee members feature in legislative and non-legislative hearings, the extent to which different types of committees use legislative and non-legislative hearings to put cultural issues on the agenda, and the conditions under which bills on cultural issues are most likely to receive a hearing once they have been referred to a committee.

Like in the previous chapter, I posit that electoral motivations play a key role in the agenda setting process on cultural issues in congressional committees. More specifically, I hypothesize that bills on cultural issues are most likely to receive a hearing when they are introduced and referred to committee in a congressional election year. Contrary to what the literature suggests, I also expect reelection-minded members serving in constituency-oriented committees to actively pursue a cultural agenda by holding non-legislative hearings on controversial cultural issues.

Members' Goals, Committee Agendas, and the Culture Wars

Early studies of the committee system focused primarily on its institutional function and the relationship between committees and their parent chamber and the majority leadership. Since the early-1970s, however, starting with Fenno's (1973) study on the ways in which the political goals of members affect the committee assignment they seek, congressional scholars have begun to pay more attention to the relationship between members' committee activities and their individual goals (see, for example, Murphy 1978, Deering and Smith 1997, Sinclair 2000). The model developed by Fenno (1973) and corroborated by Bullock (1976) and Deering and Smith (1997) suggests that members who have a personal interest in certain policy areas seek assignment where they can affect policy decisions, like the Judiciary Committee, the International Relations Committee, or the Education and the Workforce Committee. Those who are particularly concerned with reelection seek assignment on committees that provide the most service to constituents, like Transportation and Infrastructure, Armed Forces, and Agriculture. Finally, members who are particularly interested in power and prestige seek assignment on committees whose work affect all other members in the chamber, like the Appropriations, Ways and Means, and the Rules Committee in the House. In the Senate, where members can satisfy their goal of acquiring institutional power through other means (e.g. the threat of a filibuster or putting a hold on a bill), committee assignments are not typically classified as prestige-oriented. Rather, Deering and Smith (1997) classify the third set of Senate committees, including the Finance and Armed Service Committees, as mixed policy-constituency committees.

Policy-oriented committees often serve as battlegrounds for the Culture Wars. Their members are among the most ideological and, therefore, most likely to pursue new issues and agendas that highlight the differences between the positions of the two parties (Sinclair 1986; Deering and Smith 1997). In 2003, for example, the House Judiciary Committee held a contentious hearing on the Unborn Victims of Violence Act, also known as the Laci and Conner's Law in reference to Laci Peterson, the eight-month old California woman whose 2002 murder received wall-to-wall coverage on cable news channels for several months. Proponents of the bill invited Tracy Marcimiak, a woman who was violently attacked by her husband just one week before she was to give birth, to testify before the committee. During her emotional testimony, Marcimiak held up a picture of herself holding her son's body and asked members of the committee, "Does it show one victim, or two?"²¹ Also called upon to testify, however, was Juley Fulcher, Public Policy Director for the National Coalition Against Domestic Violence. Fulcher accused the bill's proponents of not doing enough to protect battered women and to punish those who hurt them and called the Unborn Victims of Violence Act a mere attempt by abortion opponents to establish the legal rights of fetuses in order to promote an anti-choice agenda.

Unlike policy-oriented committees, constituency-oriented committees are not characterized by strong partisanship. Rather than being concerned with issues, members whose primary goal is reelection tend to be concerned with providing services. Their projects often include highways, military installations, incentives for small businesses, farm subsidies, and other services that promote growth and

²¹ U.S. House. Committee on the Judiciary. *Unborn Victims of Violence Act of 2003, or Laci and Conner's Law*, Hearing, July 8, 2003. LexisNexis Congressional.

development in their home districts and states (Deering and Smith 1997). Because the needs of constituents are, for the most part, stable, members of constituency-oriented committees are not likely to broaden their committees' agenda unless a crisis, like the devastating earthquake in San Francisco in 1989 or the destruction caused by Hurricane Katrina in the Gulf region in 2005, forces them to do so (Sinclair 1986; Deering and Smith 1997). As such, one might expect these members to shy away from symbolic and controversial cultural issues that divide the electorate and do not offer material benefits for which reelection-minded members of Congress can claim credit.

Yet, contrary to what the theory suggests, members of constituency-oriented committees do not always avoid participation in the culture wars. Between 1981 and 2004 these committees held hearings on abstinence-only sex education, the safety and effectiveness of the abortifacient drug RU-486, access to contraceptives by low income women, and employment discrimination based on sexual orientation. As congressional districts have become increasingly homogeneous in ideological and partisan orientation (see, for example, Gimpel and Schuknecht 2003 and Stonecash et al. 2003), the potential risks associated with pursuing controversial cultural issues have become less of a concern for many members. In fact, because these issues often mobilize the base of both parties, reelection-minded members from increasingly safe districts who may see a potential primary challenge as a bigger threat to their seat, as Chapter 3 suggests, will likely find it beneficial to raise the visibility of and take a position on emotionally-charged issues like gay marriage, abortion rights, and school prayer from time to time.

Data and Methods

The data in this chapter comes from a variety of sources. For the descriptive analysis, I use data collected by Frank R. Baumgartner and Bryan D. Jones and distributed through the Center for American Politics and Public Policy at the University of Washington.²² The Policy Agenda's hearings dataset contains detailed information on all congressional hearings from 1947 to 2000. For this project, I was particularly interested in the year the hearing took place, the committee in which the hearing was held, the description of the topics covered in the hearing, and whether or not the hearing pertained to proposed legislation. Using the topic descriptions, I created a variable reflecting whether or not the hearing addressed a cultural issue. Less than half of one percent of all hearings was classified as cultural issue hearings. Hearings that did not deal with cultural issues and hearings that took place prior to 1981 were excluded from the dataset and data from hearings that took place between 2001 and 2004 was added. The recent data was gathered using LexisNexis' Congressional database. In addition, I coded each committee as a mixed (Senate only), policy-, prestige- (House only), or constituency-oriented committee based on Deering and Smith's (1997) classification and added information on which party was in control of the House or the Senate when the hearing took place.²³

The second part of this analysis relies on logistic regression results to measure the extent to which the timing of congressional elections affects the likelihood that proposed legislation on cultural issues will receive a hearing in committee. To create

²² The data is available on the website of the Center for American Politics and Public Policy's Policy Agendas Project, <http://www.policyagendas.org/datasets/index.html>.

²³ See Appendix C for a list of committees in each category.

the dependent variable, I conducted a keyword search using THOMAS, the congressional information database maintained by the Library of Congress, to identify every cultural issue bill that was referred to a House or Senate committee between 1981 and 2004.²⁴ I then coded each bill as 0 if it did not receive a hearing and as 1 if it did.²⁵ The independent variable of interest, *election year*, is coded as 0 if the hearing was not held in a congressional election year and as 1 if it was.

A series of control variables were also included in the model based on findings in previous studies of committee agenda setting and congressional agenda setting more generally. First, I measure the extent to which the *president's agenda* affects whether or not a bill receives a committee hearing. This measure has a value of 0 to 3, indicating the number of cultural issues the president mentioned in his State of the Union address in the year in which the bill was referred to committee. For years in which an outgoing president delivered the State of the Union address, I used the incoming president's speech at his party's convention the previous year as a measure of that president's agenda.

It is also possible that committee members respond to *public opinion* or to *outside events*, rather than to the timing of elections, when deciding to hold a hearing on a cultural issue bill. These two measures reflect the salience of cultural issues and outside events that took place one month before the bill was referred to committee.

Chapter 5 has a more detailed treatment of how these measures were compiled. A list of events included in the analysis can be found in Appendix D.

²⁴ See Appendix A for a list of keywords used in the search. THOMAS can be accessed at <http://thomas.loc.gov/bss/d109query.html>.

²⁵ In the House, most hearings on cultural issues took place in a subcommittee. Bills that receive a subcommittee hearing were also coded as 1.

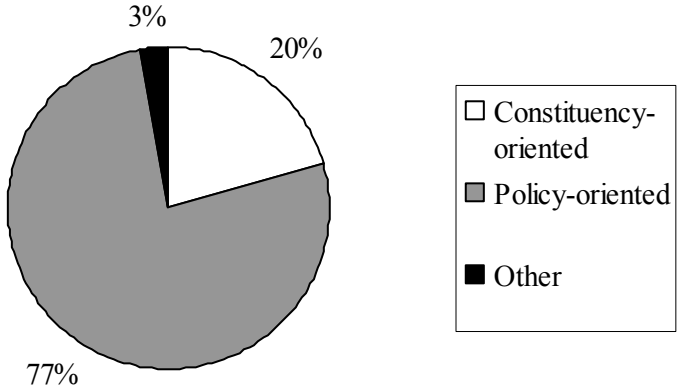
Finally, *Republican control* is coded as 1 if Congress—and, therefore, committees—was under Republican leadership when the bill was referred to committees and as 0 if it was under Democratic leadership. *Majority party* is coded as 1 if the bill was introduced by a member of the majority party and as 0 if it was not. Bills that were referred under Republican leadership should be more likely to receive a hearing, as cultural issues, which were first introduced in the political arena by conservative groups, are often thought to be more beneficial to Republicans than to Democrats. Bills that are introduced by members of the majority party should also fare better than those that are not. Models for the House and the Senate were run separately to account for institutional differences in the two chambers.

Fighting the Culture Wars in Committee Hearing Room

Between 1981 and 2004, the House and the Senate held 176 hearings on cultural issues, evenly divided between those that addressed proposed legislation and those that did not. Over three-quarters of all hearings on cultural issues during this period took place in a policy-oriented committee (see Figure 4.1). Members of policy-oriented committees are typically among the most partisan in their chamber and, as such, it is not surprising that they would be the most likely to pursue controversial issues like abortion, gay rights, and other cultural issues. Moreover, because cultural issues often relate to constitutional matters regarding privacy rights and separation between church and state and proposed legislation on such issues is often in the form of constitutional amendments, bills on cultural issues are often referred to the policy-oriented House and Senate Judiciary Committees. The Judiciary Committee held

seventy-one percent of all legislative hearings on cultural issues in the House and the Senate between 1981 and 2004.

FIGURE 4.1
Congressional Hearings on Cultural Issues by
Committee Type, 1981-2004



N = 176

Policy-oriented committees are not the only ones that hold hearings on cultural issues, however. About 20 percent of the hearings between 1981 and 2004 took place in constituency-oriented committees. Of those, 17 percent dealt with proposed legislation and 83 percent did not, indicating that, contrary to what the literature suggests, members of constituency-oriented committees, those who are most concerned with reelection, actively seek out these controversial issues. For example, on March 18, 1994, the House Committee on Small Businesses conducted a hearing on the impact of the high prices of long-term contraceptives like Norplant and Depo-Provera on the use of such products by and their availability to low-income women. The committee, under Democratic leadership, called upon six witnesses, all of whom were women and all of whom testified in support of making long-term contraceptive more widely accessible. On February 16, 2004, the Republican-controlled Senate Appropriations Committee held a non-legislative hearing to examine educational programs that encourage sexual abstinence among adolescents. Among the witnesses, almost all of whom supported abstinence-only sex education, were a pastor and several leaders of grassroots organizations that promote sexual abstinence. Constituency-oriented committees are especially likely to seek out cultural issues under Republican control. The proportion of non-legislative hearings held in constituency-oriented committees in the House and Senate is 14 percentage points higher under Republican leadership than under Democratic leadership (see Figure 4.2). This difference is even higher for hearings that took place in policy-oriented committees (see Figure 4.3), suggesting that the most partisan Republicans tend to pursue a cultural agenda more aggressively than partisan Democrats.

Prestige-oriented committees in the House and mixed policy- and constituency-oriented committees in the Senate are not key players in the culture wars. Together, these committees held only five hearings on cultural issues in the twenty-four year period between 1981 and 2004.

FIGURE 4.2

Legislative and Non-Legislative Hearings
on Cultural Issues in Constituency-
Oriented Committees, House and Senate

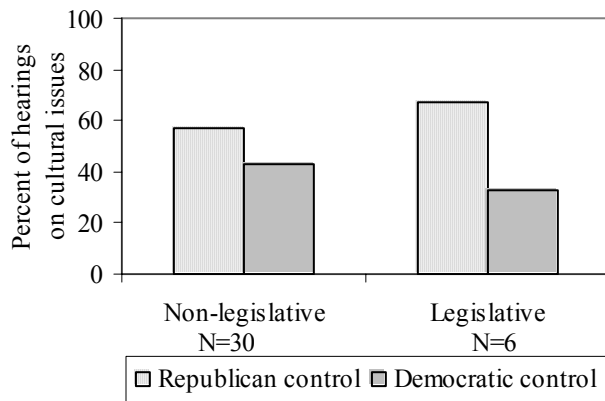
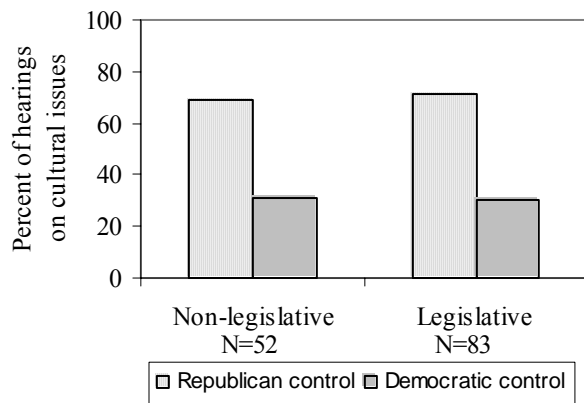


FIGURE 4.3

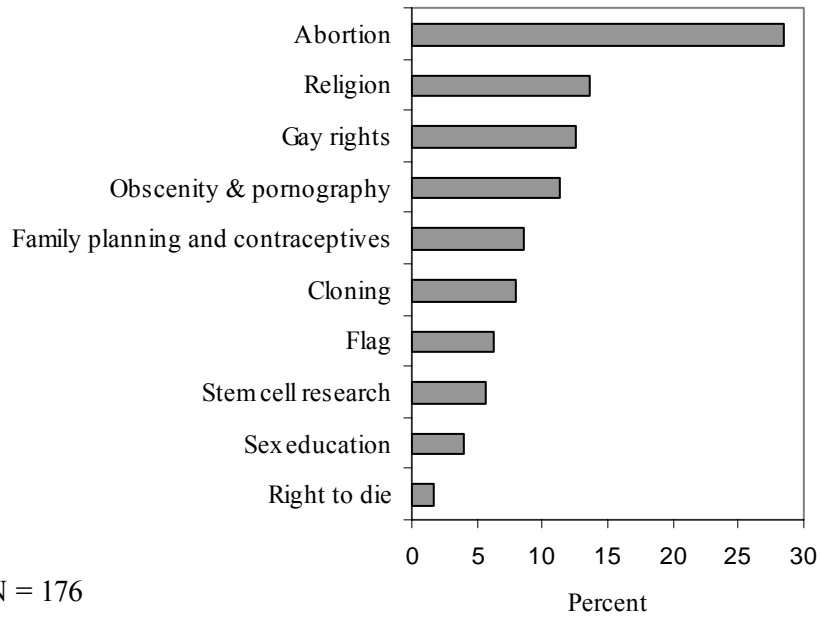
Legislative and Non-Legislative Hearings
on Cultural Issues in Policy-Oriented
Committees, House and Senate



Of the cultural issues on which congressional committees have held hearings, abortion is the most prevalent. Close to 30 percent of all hearings on cultural issues in the House and in the Senate dealt with some aspect of abortion rights, including parental notification for minors undergoing the procedure, the extent to which fetuses feel pain, and protection for abortion clinics against violent protests (see Figure 4.4). Following abortion, matters concerning public expressions of religion, gay rights, and pornography were featured most widely in congressional hearings between 1981 and 2004. In the Senate, cloning and stem cell research received a lot of attention in non-legislative hearings, making up 16 and 24 percent of such hearings, respectively. Overall, only eight percent of congressional hearings on cultural issues addressed cloning and only six percent addressed stem cell research.

FIGURE 4.4

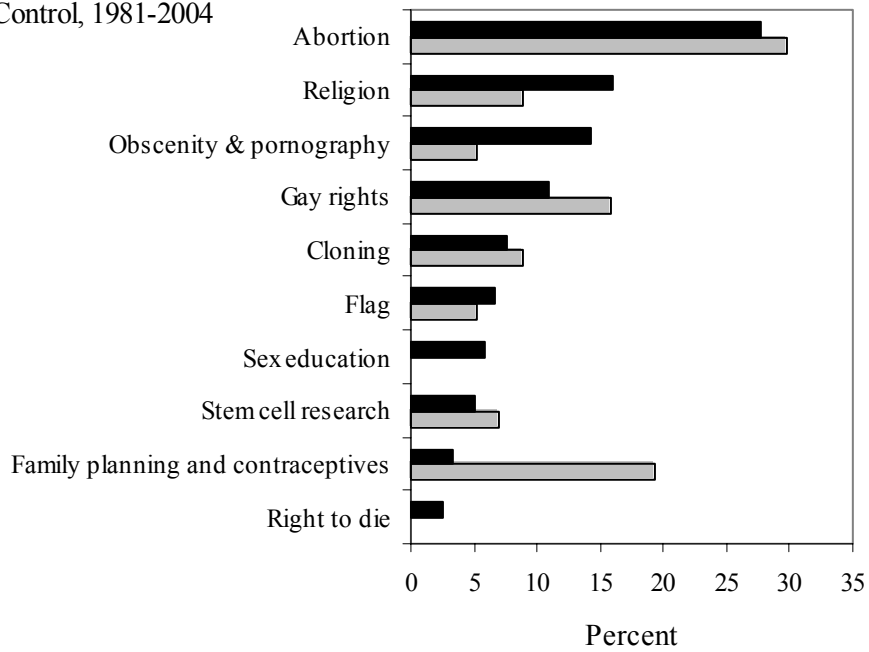
Cultural Issues Covered in Committee Hearings as a Percentage of All Hearings on Cultural Issues in the House and Senate, 1981-2004



Abortion remains the most prevalent issue among the cultural issues members of Congress address in committee hearings when the sample is divided between hearings that took place under Republican and Democratic leadership. About 27 percent of all hearings on cultural issues that took place under Republican control and 30 percent of those that took place under Democratic control between 1981 and 2004 dealt with abortion rights (see Figure 4.5). The most noticeable difference in the issues Democrats and Republicans pursue is the Democrats' concern with family planning and access to contraceptives and the Republicans' concern with obscenity and pornography. Of the hearings on cultural issues held under Democratic leadership, 19 percent addressed issues related to the accessibility of contraceptives and funding for domestic and international family planning programs. Only 3 percent of committee hearings on cultural issues under Republican leadership dealt with such issues. On the other hand, issues regarding potentially obscene and pornographic material featured more prominently on the agenda of Republican-controlled committees. Fourteen percent of committee hearings on cultural issues under the party's leadership were concerned with topics like sexually explicit content on cable and broadcast television, regulation of pornographic content on the Internet, and the effect of pornography on sexual abuse. In Democratic-controlled committees, only 5 percent of hearings on cultural issues dealt with obscene and pornographic material.

FIGURE 4.5

Cultural Issues Covered in Committee Hearings as a Percentage of All Hearings on Cultural Issues by Party Control, 1981-2004



N_{Republican} = 119

N_{Democrat} = 57

■ Republican control ■ Democratic control

The Decision to Hold Legislative Hearings

Of the 176 committee hearings on cultural issues between 1981 and 2004, 90 tackled proposed legislation. Yet, during that time, over a thousand bills on cultural issues were referred to a committee in the House or the Senate. Some hearings addressed more than one piece of legislation, making the number of bills on cultural issues that received a hearing 94 out of 763 referred bills in the House (12 percent) and 41 out of 270 referred bills in the Senate (15 percent). Although there is little evidence that the decision to hold a legislative committee hearing on a cultural issue in the Senate is motivated by electoral considerations, there is some support for the electoral consideration hypothesis in the House.

Contrary to expectations, being referred to a committee in a congressional election year makes a cultural issue bill less likely to receive a hearing in the House (see Table 4.1). Holding all other variables at their mean, the likelihood that a bill will receive a hearing if it referred to a committee in an election year decreases by nine percentage points. Because congressional districts have become more homogeneous and, therefore, more likely to be either solidly Democratic or solidly Republican, it is possible that committee leaders are most likely to schedule hearings on polarizing cultural issues that appeal to a party's most loyal voters in non-election years, in time for these issues to become important in the party's primary.

It is also surprising that cultural issue bills referred to House committees under Republican leadership are less likely to receive a hearing, although this is likely, at least in part, due to an unusually high number of bills on flag desecration introduced in 1989. In that year, with Congress under Democratic control, the

Supreme Court ruled in *Texas v. Johnson* that a Texas law banning flag desecration violated the constitutional right to free speech, a decision that was greeted with protests around the country and was unpopular in public opinion polls (Goldstein 1996). Following the decision, amendments to ban flag desecration and symbolic resolutions expressing disapproval of the ruling were offered in the House, most of them by Republicans. While only one hearing was held on the issue in the House in the 101st Congress, the hearing considered several of the proposed bills, amendments, and resolutions.

TABLE 4.1

Logistic Regression Estimates for Likelihood that a Cultural Issue Bill
Will Receive a Hearing in a House Committee, 1981-2004

	Logit coefficients	Change in predicted probability
Election year	-1.34** (0.55)	-0.09**
President's agenda	0.66*** (0.18)	0.20***
Public opinion	0.04 (0.04)	0.08
Outside events	-0.41 (0.52)	-0.03
Republican control	-1.40*** (0.35)	-0.12***
Majority	0.31 (0.23)	0.03
Election year * Republican control	1.60** (0.72)	0.23**
Constant	-2.85*** (0.37)	
LR chi-square	41.88***	
Percent predicted correctly	87.7	
N	763	

Notes: Standard errors in parentheses; *p≤.10; **p≤.05; ***≤.001.

Even though bills referred to House committees in an election year and when the House is under Republican control are less likely to receive a hearing, an interaction term shows that bills referred to committee in an election year in which the Republican Party is in the majority are 23 percentage points more likely to receive a hearing (Table 4.1). This finding supports the notion that cultural issues are most likely to be put on the agenda of the U.S. Congress when it is most advantageous from an electoral perspective for members to put them there. In this case, it appears that Republican committee leaders in the House are most likely to feature such issues in congressional committee hearings in an election year, when voters are most likely to pay attention to what politicians are doing in Washington. Finally, House committees are also responsive to the president's agenda when it comes to holding hearings on cultural issues. Bills referred to a committee in a year in which the president mentioned three different cultural issues in his State of the Union address, the most any president mentioned between 1981 and 2004, are 20 percentage points more likely to receive a hearing than are bills referred to committee in a year when the president did not mention a cultural issue in his address.

In the Senate, a different pattern emerges. Like in the House, being referred to a Senate committee at a time when the chamber is under Republican control or in an election year do not improve the chance that a bill on a cultural issue will receive a hearing (see Table 4.2). Yet, contrary to the House model, there is no indication that cultural issue bills introduced in an election year in which Republicans control the Senate are more likely to receive a hearing. This is likely due to the fact that only one-third of all senators are up for reelection in a given election year, making the

timing of elections not as critical in the Senate as it is in the House, where all 435 members are up for reelection every two years. Moreover, the Senate model shows that a bill that is introduced by a member of the majority party, whether the chamber is under Democratic or Republican control, is 23 percentage points more likely to receive a hearing than a bill that is introduced by a member whose party is in the minority (Table 4.2). The committee activity of senators is also more responsive than that of their counterparts in the House to events in the culture war that take place outside the Congress. A bill that is introduced the month after a highly publicized cultural battle, including controversial court decisions and actions by state legislatures, is 10 percentage points more likely to receive a hearing in a Senate committee.

TABLE 4.2

Logistic Regression Estimates for Likelihood that a Cultural Issue Bill
Will Receive a Hearing in a Senate Committee, 1981-2004

	Logit coefficients	Change in predicted probability
Election year	-0.48 (0.77)	-0.04
President's agenda	0.06 (0.22)	0.01
Public opinion	-0.03 (0.05)	-0.04
Outside events	0.91* (0.53)	0.10*
Republican control	-0.32 (0.45)	-0.03
Majority	3.00*** (0.76)	0.23***
Election year * Republican control	-0.31 (0.97)	-0.02
Constant	-3.74*** (0.82)	
LR chi-square	36.81***	
Percent predicted correctly	85.9	
N	270	

Notes: Standard errors in parentheses; *p≤.10; **p≤.05; ***≤.001.

The differences between the House and the Senate in the factors that improve the likelihood that a bill on a cultural issue will receive a hearing in committee are likely due to procedural differences in the two chambers. Under the restrictive floor rules of the House, individual members do not have many opportunities to shape the congressional agenda on the floor. For example, the Rules Committee defines the number of amendments and which members are allowed to offer them before a measure reaches the floor. Moreover, amendments cannot stray from the topic of the original bill. This, combined with the large number of members one must share the stage with on the floor of the House, makes committees a key venue for members seeking to mold the agenda and to raise their own visibility. In the Senate, on the other hand, the rules allow members to make speeches and to offer amendments on any issue they deem important, thus allowing individual senators to use the floor as a platform from which to promote themselves and their political goals.

Conclusion

Committees play an important role in the congressional agenda setting process. By deciding which bills to hold hearings on among the thousands that are sent to them in each session and by scheduling non-legislative hearings on issues that are sometimes outside of the committee's official jurisdiction, committee members can attract media attention and change the national political discourse. This is especially the case when committees take up controversial issues that generate contentious hearings with passionate witnesses on both sides.

The analysis in this chapter suggests that the rise of cultural issues on the agenda of House committees is connected, in part, to electoral considerations.

Cultural issue bills that are referred to committee have a better chance of receiving a hearing in a congressional election year in which Republicans are in control of the chamber. This suggests that Republicans use committee hearings to raise the visibility of and to highlight the differences between their position and that of their opponents on symbolic cultural issues at a time when voters are most likely to be paying attention.

This chapter also challenges the contention in the morality policy literature that risk-averse politicians are unlikely to take up controversial and divisive cultural issues on their own. In congressional committees, members will sometimes seek out issues like abortion, flag desecration, and other contentious cultural issues when no such legislation has been submitted for their consideration. Non-legislative hearings on cultural issues take place even in constituency-oriented committees, where less ideological members who are most concerned with reelection seek assignment. This is particularly the case in Republican-controlled committees. In the next chapter, I examine the extent to which partisanship, electoral considerations, and other factors affect the fate of cultural issue bills once they leave committees and are put on the floor calendar.

Chapter 5: Culture War Battles on the Floor

In September of 2004, just three weeks before Congress adjourned and with less than two months to go in a contentious election campaign for control of the House, the Senate, and the White House, House Majority Leader Tom DeLay and Senate Majority Leader Bill Frist announced that their respective chambers would hold votes on a series of cultural issues before the end of the session. The plan included a vote on constitutional amendments banning flag desecration and same-sex marriage and on a bill to protect the phrase “under God” in the Pledge of Allegiance against legal challenges by curtailing the jurisdiction of federal courts. Republican lawmakers knew the controversial legislation, some of which had been defeated in the past, was not likely to pass. Yet, they pushed for the votes, a move Democratic Whip Steny Hoyer decried as an attempt to “give issues they think will score them political points at the polls first-class tickets to nowhere” at the expense of important issues like homeland security and health care. DeLay, for his part, defended the votes as “part of the process to get members on record” (quoted in Stone 2004).

The move by Republican leaders in the 108th Congress to set the floor agenda with an eye to upcoming elections is not a new phenomenon. In the late-1800s, the House approved a special rule that allowed legislation to be brought to the floor regardless of the order in which it had been placed on the calendar, thus giving majority party leaders a prominent role in the agenda-setting process (Sinclair 2000). Since the 1970s, a series of congressional reforms that weakened the committee system and allowed party leaders to make committee assignments and increasing party polarization have further enabled leaders to manipulate the floor schedule for

political gain (Smith 1989; Sinclair 1995). In this chapter, I examine the role of floor politics in the culture wars since the 1970s. More specifically, I analyze the extent to which the timing of elections, presidential politics, leadership style, outside events, and public opinion shape the cultural agenda on the floor of the House and the Senate.

The Culture War as Political Tool

Despite the heated rhetoric from candidates, office holders, political activists, and the media, culture war confrontations on the floor of the House and the Senate happen infrequently. Since the late-1970s, when religious conservative groups first became involved in election campaigns, there has been an average of six roll call votes a year on cultural issues in the House and two in the Senate.²⁶ When cultural issues do come up, however, they spark controversy and expose the polarization between the parties. It is, therefore, reasonable to expect party leaders to act strategically when deciding when to keep such issues off the floor and when to bring them to the floor for a vote. In this chapter, I test four main hypotheses: that the number of roll call votes on cultural issues increases as congressional elections near, that the number of roll call votes on cultural issues is higher under divided government, that the number of roll call votes on cultural issues is higher in the two months before a presidential election, and that the leadership style of individual leaders affects the number of roll call votes on cultural issues.

The theory of strategic disagreement developed by Gilmour (1995) is particularly useful for understanding when cultural issues appear on the floor agenda. Gilmour suggests that politicians bring up issues they know will generate

²⁶ During the same period (1977-2004), the House held an average of 547 roll call votes and the Senate held an average of 383 votes.

disagreement from their opponents when “political advantages of maintaining disagreements outweigh the benefits of a modestly better policy achieved through compromise” (Gilmour 1995, 3). The political advantage of strategic disagreement is most pronounced as elections near and each party is motivated to show its most loyal constituents that it is unwilling to compromise on issues that are important to its political base and to show the broader electorate that there are, in fact, important distinctions between the two parties (Mouw and MacKuen 1992; Gilmour 1995; Davidson and Oleszek 2002).

Yet, the lead-up to congressional elections is not the only time strategic disagreement is likely to be used as a political tool. Presidential politics also plays an important role in this decision. For example, under divided government, the majority party in Congress sometimes passes measures it knows the president will veto in order to highlight the differences between its position and that of the president’s when it believes the public will side with Congress (Gilmour 1995). In the culture war, the most recent example of this is the battle between Republicans in Congress and President Bill Clinton over late-term abortions, a procedure that takes place after the first trimester of pregnancy.²⁷ In April of 1996, Clinton vetoed the Partial Birth Abortion Ban Act, citing the absence of a provision to allow the procedure when continuing the pregnancy would put the health of the mother at risk as his reason for doing so. The following year, the Republican Congress sent the president a bill that was virtually identical to the 1996 bill with full knowledge that the president would, again, veto it because it did not include an exception for the health of the mother. As

²⁷ Those opposed to the procedure often prefer the term “partial birth abortion” to “late term abortion,” the term most widely used by the medical community.

John Feehery, communications director for then-House Majority Whip Tom DeLay, put it, the Republican leadership sent the bill to the president to “draw brighter lines between their views and those of the president and the congressional Democrats” (quoted in McDonald 1997). On October 8, 1997, the new version of the Partial Birth Abortion Ban cleared the Congress. Clinton vetoed it just two days later.

The timing of presidential elections is also likely to intensify the use of strategic disagreement as members of Congress are likely to bring controversial issues they believe will help their party’s candidate to the floor in order to bring national attention to those issues and to force the other party’s candidate to take a position (Davidson and Oleszek 2002). This is especially likely to be the case when a member of Congress is running for president. For example, on July 14, 2004, just one week after Senator John Kerry, the Democratic nominee, announced his choice of Senator John Edwards as his running-mate, Republicans pushed for a vote on S.J. Res. 40, a constitutional amendment to ban same-sex marriage. Both Kerry and Edwards had previously stated that they believed marriage is between a man and a woman. However, the vote on the Federal Marriage Amendment put them in the uncomfortable position of having to choose between casting a vote in favor of the amendment, a move which would alienate many Democratic voters, or voting against the amendment, which stated precisely the position the Democratic senators had claimed to hold, that marriage is a union between a man and a woman. When five Republicans joined forty-five Democrats in a successful filibuster of S.J. Res. 40, Kerry and Edwards were the only two senators who did not cast a vote.

Senator Robert Dole, the Republican presidential nominee in 1996, might have faced a similarly difficult choice when he ran for president had he not resigned from his Senate seat several months before the election. In the summer of 1996, Dole, an opponent of abortion rights except in the case of rape and incest and when the pregnancy might pose a threat to the life of the mother, expressed support for the inclusion of a “declaration of tolerance” in the Republican platform. The declaration would recognize that, while the party took an official stance against abortion, there was room for those with a differing view on the issue in the Republican tent. Dole’s support for the declaration drew opposition from conservative Christian leaders who had been influential in the Republican Party since the late-1970s. The Christian Coalition threatened to instruct its members to stay home on Election Day if Dole continued to push for a declaration of tolerance.²⁸ Ultimately, the declaration was left out of the Republican platform. Had Dole stayed in the Senate during his unsuccessful run for the presidency, Democrats would likely have taken advantage of the tension between the Republican nominee and a key Republican constituency group. Just three years earlier, Dole and eighteen Republicans had joined fifty-one Democrats to pass a bill to protect abortion providers and women seeking abortions from physical and verbal intimidation. In 1996, a similar bill would have posed a difficult political dilemma for the Republican nominee.

Finally, the use of strategic disagreement depends, in part, on the willingness of individual leaders to employ the tactic for political gain. Not every congressional leader agrees that disagreement is the most effective style of leadership. In the 1950s,

²⁸ More information on the backlash against Dole, including quotes from conservative Christian leaders, can be found on the website of the Republican National Coalition for Life, <http://www.rnclife.org/reports/1996/july96/july.html>.

Senate Majority Leader Lyndon Johnson ignored the pleas of liberal Democrats in the Senate who wanted him to bring far-reaching civil rights legislation to the floor over President Dwight Eisenhower's veto threat to underscore the differences between Democrats and Republicans (Gilmour 1995). Johnson was more interested in passing bills through compromise than he was in advancing issues through confrontation. His willingness to compromise with southern Democrats and conservative Republicans to pass a civil rights bill that did not address school desegregation and other controversial provisions angered liberals, who believed that having an all-encompassing bill filibustered by conservatives would do more to advance their cause than passing a weakened bill ever could (Gilmour 1995).

Since the 1970s, however, party leaders have been empowered by increased ideological cohesion within each party and, while some have been more willing than others to force disagreement on the floor, those who have chosen this tactic often enjoy strong support from their caucus (Smith 2005). Among leaders of recent years who have been especially inclined to use strategic disagreement are Jim Wright, the Democratic Speaker of the House in the late-1980s, and Newt Gingrich, who led the Republican takeover of the House in 1994 and served as Speaker from 1995 to 1998. Wright highlighted the differences between the Democratic majority in the House and President Ronald Reagan and the Republican majority in the Senate by forcing votes on issues like the environment and homelessness, which tended to unite Democrats and divide Republicans (Roberts and Smith 2003; Sinclair 2005). Gingrich, on the other hand, began to use confrontation as an electoral strategy while his party was in the minority as a way to show voters that there were clear differences between the

two parties. His effort paid off and he continued to push for controversial votes, especially on cultural and welfare issues, as Speaker of the House (Gilmour 1995; Sinclair 2005).

Beyond Strategic Disagreement

While the theory of strategic disagreement provides a good framework for understanding when cultural issues are likely to be brought to the floor for a vote, other factors may also contribute to the timing of such votes. For example, Kingdon (1995, 23) argues that "the president can single handedly set the agendas, not only of people in the executive branch, but also of people in Congress, and outside the government" (see also Neustadt 1991). While early studies of presidential influence suggest that Congress is particularly inclined to respond to the president's foreign policy initiatives (see, for example, Wildavsky's 1966 "two presidencies" theory), more recent studies find that the president also plays a significant role in setting the domestic policy agenda (see, for example, Sigelman 1979, Taylor 1998, and Edwards and Wood 1999).

Another possibility is that Congress puts items on its agenda in response to events members perceive as having serious consequences for the country (see, for example, Walker 1977). In the case of the culture war, these events are likely to come in the form of court decisions, actions by state legislatures, and other events that capture the attention of the national media. For example, the bombing of abortion clinics may put pressure on legislators to act swiftly on legislation that protects abortion providers against violence. Conservative proposals for a constitutional amendment defining marriage as a union between a man and a woman may come

soon after a court decision in favor of same-sex marriage, which cultural conservatives see as a threat to the institution of marriage.

Finally, it is possible that cultural issues reach the floor in response to shifts in public opinion. There is a suggestion in the political science literature that politicians are unlikely to push controversial cultural issues onto the agenda without being prompted to do so by the public because of the potential political fallout (see Mooney and Lee 1995, Tatalovich and Daynes 1998, and Smith and Tatalovich 2003). Thus, in addition to the three hypotheses that rest on the theory of strategic disagreement, I test three alternative hypotheses: that the number of roll call votes on cultural issues increases as the president's attention to such issues increases, that the number of roll call votes on cultural issues increases in the aftermath of widely publicized cultural conflicts outside of Congress, and that the number of roll call votes on cultural issues increases as the public's attention to cultural issues increases.

Bringing the Culture War to the Floor

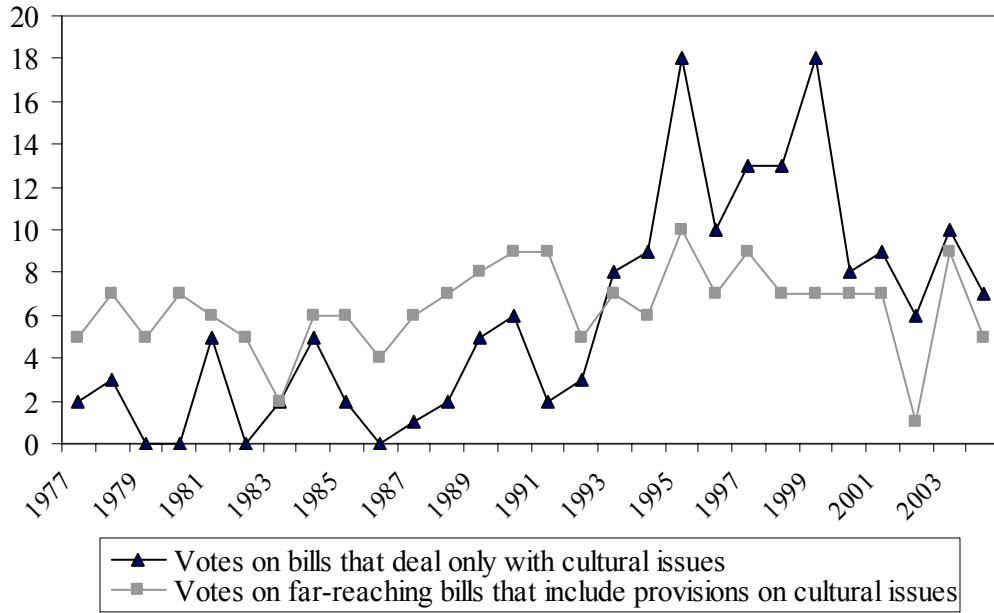
Cultural issues arrive on the floor of the House and the Senate directly, in the form of bills, resolutions, and amendments that deal strictly with cultural issues, or indirectly, as provisions in legislation that is not designed primarily to address such issues. These are most often appropriations bills that include provisions prohibiting the use of funds allocated in the bill for abortion services or to enforce court decisions that prohibit organized prayer in public schools or to fund abstinence-only sex education, for example. Because Congress must pass far-reaching appropriations bills every year, including controversial items in the bill gives those items a better

chance of being adopted than if they had been introduced as separate pieces of legislation.

Prior to the Republican takeover of 1994, cultural issues were brought to the floor of the House for a vote primarily through indirect means (see Figure 5.1). In the mid-1990s, however, under Newt Gingrich's leadership, there was a surge in the number of roll call votes that took on issues like abortion, religion, and gay rights directly. The number of votes that dealt with cultural issues indirectly did not fluctuate significantly between 1977 and 2004, with the exception of a considerable drop in 2002. That same year also saw a drop in the number of votes that dealt strictly with a cultural issue, which suggests that the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001, and real wars in Afghanistan and Iraq pushed the symbolic culture war aside temporarily.

FIGURE 5.1

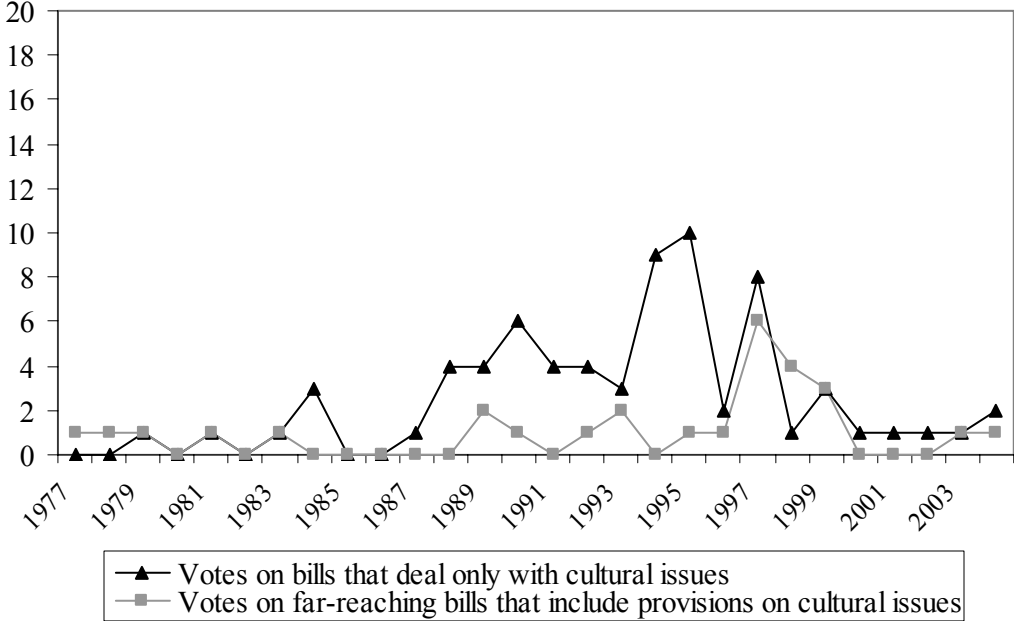
Number of Votes on Cultural Issues in the House, 1977-2004



In the Senate, where roll call votes on cultural issues are more infrequent than in the House, the pattern has been different. With the exception of a small bump in the number of votes that dealt with cultural issues directly in 1984, there were virtually no votes on cultural issues, direct or otherwise, between 1977 and 1987 (see Figure 5.2). Between the late-1980s and mid-1990s, however, the number of roll call votes that were strictly about cultural issues exceeded the number of votes on broader legislation that included provisions on cultural issues. Although conservatives have typically pursued the culture war agenda more aggressively than liberals, this increase in the number of roll call votes on cultural issues coincided with a period of Democratic control of the Senate. It is possible that during this time, a contentious period in congressional politics that started with Democrats taking back the Senate in 1986 and culminated with the Republican Revolution of 1994, Republican lawmakers forced controversial cultural issues onto the floor agenda in the Senate to draw distinctions between the parties, a feat Republican members of the House could not accomplish with as much success because of the tight control the majority party exerts over the floor schedule in that chamber.

FIGURE 5.2

Number of Votes on Cultural Issues in the Senate, 1977-2004



Data and Methods

Looking at annual patterns of the incidence of roll call votes on cultural issues provides an interesting snapshot of the dynamics of the culture war on the floor of the House and the Senate. However, one year often feels like a lifetime in politics. For example, the priorities of members in February or March of an election year are likely to differ from their priorities in September and October, when the campaign is in full swing and voters are more likely to pay attention to what is going on in Washington. In order to capture these variations, I use months rather than years as the unit of analysis. Thus, for every year between 1977 and 2004 in the House and 1979 and 2004 in the Senate, there are twelve observations, for a total of 336 and 312 observations, respectively.²⁹

The dependent variable in this analysis is the number of bills, resolutions, and amendments on cultural issues on which each chamber took roll call votes each month of each year since 1977 (House) and 1979 (Senate). I compiled this information using the search engine in THOMAS, the congressional information database maintained by the Library of Congress.³⁰ Votes on appropriations and other far-reaching bills that contain provisions regarding cultural issues but that are not primarily about these issues are not included because the circumstances under which such legislation is brought to the floor are likely to be related to the political dynamics of issues that are more central to the bill than to the dynamics of the culture

²⁹ Data from 1977 and 1978 were not included in the Senate model because information on the number of days the chamber was in session each month, an important control variable, is not available for the 95th Senate. No roll call votes on cultural issues were taken in the Senate in 1977 and 1978 and, as such, the absence of those years does not affect the analysis.

³⁰ See Appendix A for a list of keywords used in the search. THOMAS can be accessed at <http://thomas.loc.gov/bss/d109query.html>.

wars. I also exclude any procedural vote that was taken in the course of considering legislation on cultural issues. While procedural votes can be as political and polarizing as substantive votes, they can only occur after the original proposal has been brought to the floor and, as such, do not provide an accurate count of the number of times a cultural issue was put on the agenda each month. For example, a month in which two bills received roll call votes could also include three procedural votes on each of the bills, for a total of eight votes. Meanwhile, a month in which four bills received votes but only one procedural vote was taken on each would also register as having eight votes, even though cultural issues were brought to the floor on twice as many occasions in the second example.³¹ I use a negative binomial regression model to test the seven hypotheses I have posited. The negative binomial model is appropriate when the dependent variable is a count of events and there is significant evidence of overdispersion, meaning that the variance of the count variable is greater than its mean (Long and Freese 2003).³²

To test the effect of congressional elections on the number of roll call votes on cultural issues, I measure the *number of months* between the previous election and the month in which the vote took place. This measure ranges from 0 (November of a given election year) to 23 (October of the following election year) so that higher values represent closer proximity to an upcoming election. I expect this to be positively correlated with the number of votes on cultural issues, with a particularly strong effect in election years.

³¹ An alternative model including procedural votes in the Senate did not yield significantly different results.

³² House: $G^2 = 59.04$, $p < .001$; Senate: $G^2 = 12.32$, $p < .001$

I use two different measures to test the extent to which the dynamics of presidential politics affects the number of votes taken each month on cultural issues. First, I look at the effect of *divided government*, which is coded as 1 if the party of the president does not also controls the House or the Senate, depending on the model, and as a 0 if it does. I also include a dummy variable for *presidential election*, which is coded as 1 for September and October of a presidential election year, after each party has held its national convention and the campaign is in full swing. All other months are coded as 0. I expect both measures of presidential politics to have a positive effect on the number of roll call votes on cultural issues.

Cultural issues are controversial and likely to be brought to the floor as part of a strategy to elicit disagreement for political gain. As such, I expect the *leadership* style of the Speaker of the House to matter because not all leaders are equally committed to the practice of strategic disagreement. For example, I expect the number of votes on cultural issues in the House to be particularly high under New Gingrich's leadership and lower under the leadership of Democrat Tom Foley, who was not known to be a particularly aggressive agenda-setter (Sinclair 2005). Leaders are particularly likely to matter in the House, where bills are brought to the floor under guidelines stipulated by the Rules Committee, whose membership is selected by the Speaker and typically includes some of the most loyal members of the majority party. I include dummy variables for each Speaker of the House, with the exception of Tip O'Neill. The period in which the House was under O'Neill's leadership is used as the comparison group. In the Senate, where bills are brought to the floor under rules set by unanimous consent and where any senator is typically allowed to

offer amendments that are not germane to the bill at hand, there is little reason to expect the leader of the majority party to affect the number of floor votes on cultural issues each month. Because unanimous consent requests can be blocked by any individual senator, unanimous consent agreements are often the product of negotiations between the majority and minority leaders (Sinclair 2000). Therefore, I leave leadership variables out of Senate models.

Finally, I look at factors that are not contingent on the theory of strategic disagreement but that may affect the number of roll call votes in the House and the Senate. To measure the extent to which Congress responds to the *president's agenda*, I record the number of cultural issues the president mentioned in his State of the Union address in January of a given year. Because the address is typically given at the end of January, every month from February until December is coded accordingly. For years in which an outgoing president delivered the State of the Union address, I used the incoming president's speech at his party's convention the previous year as a measure of that president's agenda.

I also account for the effect of *outside events* on the number of roll call votes on cultural issues. Cultural conflicts take place across the country everyday, making it impossible to document every battle in the culture war. Instead, I have looked at timelines compiled by various advocacy groups on both sides of cultural conflicts and made available on the groups' websites to identify key events. Internet searches also yielded timelines on a number of cultural issues compiled by major news organizations, including CBS and ABC. I considered events that appeared on at least three different timelines to be significant events. I recorded the year and month in

which the event took place and lagged the variable by one month to allow for reaction time between the event and action by Congress.³³

As a measure of *public opinion* on cultural issues, I use the aggregate percentage of Gallup poll respondents who indicated that a particular cultural issue (in most polls, abortion was the only specific issue mentioned) or cultural issues in general (e.g. “decline of religious values” or “decline in morality”) were the most important problem facing the country. Unfortunately, the “most important problem” question is not asked in every poll. In 2004, for example, the question was asked every month except for August and November. In 1995, on the other hand, it was only asked in January and July. I fill in the missing months with the results of the last month in which the question was asked. Although this is not the most accurate measure, it is useful because that would be the last indicator of the salience of cultural issues available to a staff member in a congressional office who was tasked with tracking poll numbers. I then lag the variable to reflect public opinion one month prior to the month in question.

Lastly, I include two control measures to account for circumstances that may affect whether or not cultural issues are brought to the floor for a vote. First, I use the number of days each chamber was in session each month. This information is archived in THOMAS. The number of *days in session* varies ranges from 0 to 27 in the House and from 0 to 24 in the Senate. The number of roll call on cultural issues

³³ See Appendix D for a list of events included in this measure.

should be higher in months with longer legislative sessions.³⁴ I also include the *misery index* for each month in the model. The misery index is the unemployment rate added to the inflation rate.³⁵ A high misery index typically indicates a period of economic and social downturn for the country. I expect the number of votes on cultural issues to be lower in months with a high misery index, when economic issues are more likely to be a priority for members of Congress.

Strategic Disagreement in the House and in the Senate

At first glance, there appears to be little evidence that strategic disagreement plays a significant role in the scheduling of roll call votes on cultural issues. In the Senate, none of the variables associated with a strategy of disagreement are significant predictors of the number of roll call votes each month. In the House, neither proximity to an upcoming congressional election nor the presence of divided government affects the number of roll call votes significantly, while an upcoming presidential election has a small but negative effect (see Table 5.1, column 1).³⁶ It is clear, however, that the willingness of individual leaders to bring cultural issues to the floor plays an important function in setting the culture war agenda in the House.

³⁴ The analysis was previously conducted using an additional control measure to account for whether or not the chamber was controlled by the *Republican* Party. However, this measure is left out of the model presented here because it is correlated with more than one leadership measure.

³⁵ Annual and monthly misery index figures are available at <http://www.miseryindex.us/>.

³⁶ An interaction term accounting for the effect of divided government in the two months prior to a presidential election on the number of roll call votes is also statistically insignificant and was, therefore, not included in the final model.

TABLE 5.1

Negative Binomial Regression Analysis of Number of Roll-Call Votes on Cultural Issues in the House

	All years	Election years	Non-election years
Number of months since election	0.02 (0.02)	0.14** (0.06)	0.03 (0.06)
Divided government	-0.19 (0.31)	-0.57 (0.46)	0.06 (0.47)
Presidential election	-1.43* (0.77)	-1.73** (0.79)	--
Leadership			
Wright	-0.63 (0.70)	-0.43 (0.99)	-0.52 (0.99)
Foley	1.00** (0.47)	1.01 (0.67)	1.00 (0.73)
Gingrich	1.83*** (0.61)	1.44* (0.83)	2.74** (0.95)
Hastert	1.03* (0.60)	0.90 (0.77)	1.07 (1.00)
President's agenda	0.31** (0.16)	0.27 (0.22)	0.75** (0.32)
Outside events	-0.38 (0.39)	-0.79 (0.56)	0.03 (0.57)
Public opinion	0.07* (0.36)	0.04 (0.04)	0.10* (0.06)
Days in session	0.15*** (0.02)	0.14*** (0.04)	0.13*** (0.04)
Misery index	-0.02 (0.08)	-0.11 (0.12)	0.10 (0.12)
Constant	-4.34*** (1.36)	-5.09** (2.04)	-6.47** (2.26)
Log likelihood	-260.46	-111.54	-141.35
Log likelihood chi-square	86.06***	56.73***	43.23***
N	336	168	168

Notes: Standard errors in parentheses. O'Neill used as comparison group for leadership variables. *p≤.10; **p≤.05; ***≤.001.

As expected, the number of votes on cultural issues was particularly high under Newt Gingrich's leadership. The first Republican Speaker following forty years of Democratic domination in the House, Gingrich came to his new post ready to make up for the time his party spent in the minority by bringing as many conservative initiatives to the floor as possible. It is not surprising, then, that holding all other variables at their mean, the expected number of votes on cultural issues increased by a factor of 6.24 during Gingrich's tenure as Speaker of the House relative to the number of votes on cultural issues under Democrat Tip O'Neill's leadership (see Table 5.2, column 1). The House also held more votes on such issues under Tom Foley and Dennis Hastert than under O'Neill, but the magnitude of the increase was considerably smaller compared to the increase under Gingrich's leadership. On the other hand, there was no significant change in the number of votes on cultural issues in the House under Jim Wright's leadership compared to the period in which the chamber was under O'Neill's leadership. Even though Wright is generally seen as a Speaker who employed strategic disagreement tactics in order to put Ronald Reagan and Senate Republicans on the defensive on a number of issues (Roberts and Smith 2003; Sinclair 2005), the findings of this analysis suggest that cultural issues were not among his chosen weapons.

TABLE 5.2

Factor Change in the Expected Count of Roll-Call Votes on Cultural Issues in the House

	All years	Election years	Non-election years
Number of months since election	1.02	1.15**	1.03
Divided government	0.83	0.57	1.06
Presidential election	0.24*	0.18**	--
Leadership			
Wright	0.53	0.65	0.59
Foley	2.73**	2.74	2.72
Gingrich	6.24***	4.22*	15.45**
Hastert	2.79*	2.45	2.92
President's agenda	1.37**	1.31	2.15**
Outside events	0.68	0.46	1.03
Public opinion	1.07*	1.04	1.11*
Days in session	1.16***	1.16***	1.14***
Misery index	0.98	0.89	1.10
N	336	168	168

Notes: O'Neill used as comparison group for leadership variables. * $p \leq .10$; ** $p \leq .05$; *** $p \leq .001$.

That Wright did not pursue a cultural agenda is not surprising since it is generally believed that cultural issues help Republicans and hurt Democrats. After all, it was conservative groups like the Moral Majority and the Christian Coalition that first launched the culture war in the political arena. Yet, it is somewhat surprising that the number of votes increased by virtually the same magnitude under Foley's and Hastert's leadership relative to the number of votes under O'Neill's leadership. The number of votes might have increased more dramatically under Hastert had he not presided over the House in the post-9/11 period, when security issues and the wars in Afghanistan and Iraq became particularly salient.

The Political Dynamics of Election Years

Although the politics of strategic disagreement did not perform as well as expected as a predictor of the number of roll call votes on cultural issues, there is evidence that it plays a bigger role in the culture war in congressional election years in the House. When only election years are considered, Newt Gingrich becomes the only Speaker actively committed to pushing cultural issues onto the agenda and closeness to a presidential election remain significantly and negatively correlated with the number of votes in the House. Unlike in the full model however, the number of months since the previous congressional election is a significant predictor of the number of votes on cultural issues when only congressional election years are considered (see Tables 5.1, column 2)

In the House, for each additional month away from the previous election or, in other words, for each month closer to the upcoming election, the expected number of roll call votes on cultural issues increases by a factor of 1.15, holding all other

variables at their mean (see Table 5.2, column 2). In the second half of 1998, for example, the House held eight votes on cultural issues. For much of the year, Republicans had hoped to make President Bill Clinton's affair with a White House intern and the possibility of the president's impeachment a winning issue in the congressional election. However, a strong economy and a general feeling among the public that the country was headed in the right direction under the Democratic president undermined the Republican agenda (Jacobson 1999). Instead, as the campaign season heated up, Republicans in the House stepped up the culture war rhetoric that had helped them take back the House in 1994. Between July and October of 1998, the House voted on abortion, access to family planning, and adoptions by single people or unmarried couples, an issue that is often brought up by conservatives who are not only opposed to single parenthood but who also seek to undermine the ability of same-sex couples to adopt.

The timing of elections is particularly relevant in election years when the House is under Republican leadership (see Table 5.3, column 2). Models that look at the House under Republican and Democratic control separately without the variables for individual leaders show that, under Republican leadership, the expected number of roll call votes on cultural issues increases by a factor of 1.27 (see Table 5.4, column 2). Under Democratic control, on the other hand, none of variables related to strategic disagreement is significantly correlated with the number of roll call votes on cultural issues, in an election year or otherwise (see Tables 5.5 and 5.6).

TABLE 5.3

Negative Binomial Regression Analysis of Number of Roll-Call Votes on Cultural Issues in the House under Republican Leadership

	All years	Election years	Non-election years
Number of months since election	0.03 (0.02)	0.24** (0.10)	0.08 (0.09)
Divided government	0.30 (0.36)	0.28 (0.47)	0.36 (0.72)
Presidential election	-1.26 (0.86)	-1.197** (0.84)	--
President's agenda	0.00 (0.22)	0.37 (0.29)	-0.22 (0.51)
Outside events	-0.52 (0.45)	-0.73 (0.54)	-0.45 (0.75)
Public opinion	0.09 (0.06)	-0.01 (0.07)	0.19 (0.12)
Days in session	0.13*** (0.03)	0.11** (0.04)	0.11** (0.05)
Misery index	0.41 (0.32)	-0.10 (0.39)	1.00* (0.59)
Constant	-6.15** (2.82)	-5.76* (3.12)	-11.31** (5.44)
Log likelihood	-145.16	-57.30	-80.68
Log likelihood chi-square	25.38**	26.57***	10.87
N	120	60	60

Notes: Standard errors in parentheses. *p≤.10; **p≤.05; ***≤.001.

TABLE 5.4

Factor Change in the Expected Count of Roll-Call Votes on Cultural Issues in the House under Republican Leadership

	All years	Election years	Non-election years
Number of months since election	1.03	1.27**	1.08
Divided government	1.34	1.32	1.45
Presidential election	0.28	0.14**	--
President's agenda	1.00	1.45	0.80
Outside events	0.60	0.48	0.64
Public opinion	1.09	0.99	1.21
Days in session	1.14***	1.12**	1.12**
Misery index	1.51	0.90	2.72*
N	120	60	60

Notes: Standard errors in parentheses. * $p \leq .10$; ** $p \leq .05$; *** $p \leq .001$.

TABLE 5.5

Negative Binomial Regression Analysis of Number of Roll-Call Votes on Cultural Issues in the House under Democratic Leadership

	All years	Election years	Non-election years
Number of months since election	0.02 (0.03)	0.11 (0.11)	0.04 (0.08)
Divided government	-0.30 (0.13)	0.07 (0.79)	-0.16 (0.52)
Presidential election	-23.35 (74549.15)	-17.88 (4532.39)	--
President's agenda	0.13 (0.22)	-0.34 (0.33)	0.86** (0.39)
Outside events	-0.06 (0.78)	-17.74 (5245.80)	0.60 (0.86)
Public opinion	0.07 (0.12)	0.3 (0.19)	0.07 (0.15)
Days in session	0.16*** (0.04)	0.15** (0.06)	0.17** (0.06)
Misery index	-0.14** (0.07)	-0.30** (0.14)	0.03 (0.10)
Constant	-2.60* (1.45)	-1.180 (2.93)	-5.80** (2.08)
Log likelihood	-117.08	-50.16	-61.00
Log likelihood chi-square	27.64***	24.10**	13.69**
N	216	108	108

Notes: Standard errors in parentheses. * $p \leq .10$; ** $p \leq .05$; *** $p \leq .001$.

TABLE 5.6

Factor Change in the Expected Count of Roll-Call Votes on Cultural Issues in the House under Democratic Leadership

	All years	Election years	Non-election years
Number of months since election	1.02	1.12	1.04
Divided government	0.74	1.07	0.86
Presidential election	0.00	0.00	--
President's agenda	1.34	0.71	2.37**
Outside events	0.94	0.00	1.82
Public opinion	1.08	1.03	1.07
Days in session	1.18***	1.16**	1.18**
Misery index	0.87**	0.74**	1.03
N	216	108	108

Notes: Standard errors in parentheses. * $p \leq .10$; ** $p \leq .05$; *** $p \leq .001$.

In the Senate, all variables associated with a strategy of disagreement remain insignificant when only years in which a congressional election took place are considered (see Table 5.7). With only one-third of the Senate up for reelection in any given election year and with senators' ability to introduce any measures they want on the floor of the Senate in the form of non-germane amendments, it is possible that floor politics on cultural issues in that chamber is more responsive to members' individual goals than to the institutional-level explanations explored in this analysis. Because the majority party leadership does not have strict control of floor activity in the Senate as it does in the House, I do not present separate models for Democratic- and Republican-led Senates.

TABLE 5.7

Negative Binomial Regression Analysis of Number of Roll-Call Votes on Cultural Issues in the Senate

	All years	Election years	Non-election years
Number of months since election	-0.07 (0.38)	-0.50 (0.56)	0.60 (0.58)
Divided government	0.01 (0.03)	-0.02 (0.07)	0.06 (0.06)
Presidential election	0.45 (0.74)	0.57 (0.90)	--
President's agenda	-0.36** (0.17)	-0.21 (0.24)	-0.34 (0.26)
Outside events	-0.12 (0.53)	-0.77 (0.95)	0.55 (0.60)
Public opinion	-0.07 (0.05)	-0.04 (0.07)	-0.10 (0.07)
Days in session	0.16*** (0.04)	0.19** (0.07)	0.13** (0.05)
Misery index	-0.19** (0.07)	-0.18* (0.11)	-0.18* (0.11)
Constant	-1.21 (1.26)	-1.50 (1.93)	-1.74 (1.90)
Log likelihood	-149.53	-69.40	-75.48
Log likelihood chi-square	36.27***	15.97**	26.95***
N	312	156	156

Notes: Byrd used as comparison group for leadership variables Standard errors in parentheses. * $p \leq .10$; ** $p \leq .05$; *** $\leq .001$.

The Influence of the President's Agenda, Outside Events, and Public Opinion

In addition to the effect of leadership and, in the case of congressional election years, the proximity to elections, on the number of roll call votes in the House, members of the House also take cues from the president and from the public when deciding to bring cultural issues to the floor for a vote. Holding all other variables at their mean, the expected number of roll call votes increases by a factor of 1.37 in the House for each additional cultural issue the president mentions in his previous State of the Union address or nomination acceptance speech (see Table 5.2, column 1). The president's agenda is especially influential in a non-election year, when the expected number of roll call votes increases by a factor of 2.15 for each additional cultural issue the president mentions. In election years, however, the House is not responsive to the president's agenda on cultural issues. Interestingly, in the Senate, the president's agenda has a negative effect on the number of roll call votes on cultural issues when all years are considered. For each additional cultural issue on the president's agenda, the expected number of votes decreases by a factor of 0.7 (see Tables 5.8, column 1). As expected, the number of days the House and the Senate were in session each month are positively correlated with the number of roll call votes taken in each chamber. In addition, the misery index is negatively correlated with the number of votes on cultural issues in the Senate, suggesting that senators are less likely to hold votes on cultural issues when the country is facing an economic downturn that requires the attention of lawmakers. In the House, however, the misery index is only significant when the chamber is under Democratic control (see Table 5.6).

TABLE 5.8

Factor Change in the Expected Count of Roll-Call Votes on Cultural Issues in the Senate

	All years	Election years	Non-election years
Number of months since election	0.93	0.61	1.82
Divided government	1.01	0.98	1.06
Presidential election	1.57	1.76	--
President's agenda	0.70**	0.81	0.71
Outside events	0.89	0.46	1.73
Public opinion	0.93	0.96	0.90
Days in session	1.17***	1.21**	1.14**
Misery index	0.82**	0.83*	0.84*
N	312	156	156

Notes: Byrd used as comparison group for leadership variables. Standard errors in parentheses. * $p \leq .10$; ** $p \leq .05$; *** $p \leq .001$.

In regard to public opinion, the House is considerably more responsive than the Senate, as is to be expected. House members face reelection every two years and serve smaller, more homogenous constituencies. Surprisingly, however, the influence of public opinion is statistically insignificant in the Senate, both in the full model and when only congressional election years are considered. In the House, for each additional percentage of Gallup poll respondents who cite cultural issues as the most important problem facing the country, the expected number of roll call votes increases by a factor of 1.07 (see Table 5.2, column 1). Public opinion is not significant in election years, however.

Finally, events that take place outside of Congress, such as court decision and laws enacted by state legislatures do not seem to affect the number of roll call votes on cultural issues in the subsequent month. Despite the lack of statistical significance, however, it is interesting to note that the coefficient for outside events in most models is negative, contrary to expectations. Alternative models that include lags of up to three months confirmed the negative relationship and showed statistical significance in some cases (results are not presented as they do not change the effect of the other variables significantly). This fits the notion that escalation of the culture war in Congress is guided, in part, by a desire to increase the visibility of cultural issues. If a controversial court decision, like the 2002 9th Circuit Court ruling that the phrase “under God” in the Pledge of Allegiance is unconstitutional, or a local development, like the decision by San Francisco Mayor Gavin Newsom to issue marriage licenses to same-sex couples in his city in early-2004, generate media

coverage and direct the public's attention to cultural conflicts, there is no need for Congress to do so.

Conclusion

This chapter examined two sets of hypotheses concerning the number of roll call votes on cultural issues in the House and the Senate. The first set of hypotheses suggested that legislators put these items on the agenda, even when they know there is no chance an item will pass, with the purpose of generating conflict. Drawing distinctions between one's positions and those of his or her opponents on issues one's party dominates often brings political rewards. I found evidence to support this set of hypotheses in the House, where individual leaders and proximity to an election, particularly in a congressional election year and particularly when the House is under Republican control, affect the number of votes on cultural issues.

In the Senate, however, there is little evidence that cultural issues are brought to the floor as part of a broader strategy of disagreement. It is possible that culture war battles on the floor of the Senate, where any senator can typically offer an unlimited number of amendments on any subject he or she chooses and where majority party leaders do not have as much control of floor proceedings as their counterparts in the House do, reflect the political agenda of individual senators. This would explain, in part, why institutional-level indicators are not good predictors of the number of roll call votes on cultural issues in that chamber.

The second set of hypotheses focused on forces outside of Congress that have the potential to shape the congressional agenda. Contrary to the first set of hypotheses, which suggest that legislators actively seek out cultural issues, these

hypotheses focus on events Congress does not control and to which it can only react. I find evidence the House and responds positively to the president's agenda. As the number of cultural issues the president mentions in his State of the Union or acceptance speech increases, the number of votes on cultural issues increases. In the Senate, however, contrary to expectations, the president's agenda has a negative effect on the number of votes on cultural issues. It could be that senators put cultural issues on the agenda in order to raise the visibility of such issues rather than to shape policy and that they believe that the public and the media will pay sufficient attention to these issues if the president addresses them in his State of the Union address, thus freeing the Senate to work on more substantive legislation.

Congress also responds to shifts in public opinion, though not to the same extent that it responds to the president's agenda. In the House, public opinion is significant predictor of the number of roll call votes on cultural bills in the full model, but it loses its significance when only congressional election years are analyzed. Public opinion has no significant effect in the Senate. This, combined with the findings in the first part of the analysis, suggests that Congress may seek to shape public opinion on cultural issues rather than follow it. More work is needed to identify if this is, indeed, the case.

Chapter 6: Conclusion

At a conference on party polarization at Princeton University in 2004, former Republican Congressman Vin Weber of Minnesota observed that “the cultural differences that are driving a lot of polarization in the country are more evident in the rhetoric of the candidates and officeholders than they are in the policy outcomes we’re seeing out of the United States Congress.”³⁷ The data compiled for this study shows that, when it comes to the introduction of legislation, committee hearing activity, and the number of floor votes on cultural issues, Weber’s observation is absolutely correct. For example, in the 108th Congress, only 151 out of more than ten thousand bills, resolutions, and amendments introduced in the House and the Senate dealt with either a culturally conservative or culturally liberal issue. Of those, only about 6 percent received a hearing and 12 percent received a vote on the floor.

That the level of legislative activity on cultural issues does not match the intense culture war rhetoric in Congress is not surprising. In recent years, scholars have suggested that Republicans often use these controversial issues to secure the support of working-class voters in rural states but that, once in office, Republicans turn their attention to fiscal policies that hurt those culturally conservative voters who helped to elect them (see, for example, Frank 2004 and Hacker and Pierson 2005). And, while the political uses of cultural issues by Democrats have not been studied as extensively, Democrats have come under attack by progressive activists for using cultural issues for electoral gain. For example, a simple Internet search yields several

³⁷ A full transcript of Weber’s comments are available at <http://www.princeton.edu/~csdp/events/pdfs/Panel3.pdf>.

comments on gay rights message boards and liberal “blogs” criticizing Democratic officeholders for their inactivity on issues that matter to the gay community. One writer on the Independent Gay Forum says, “Despite all the gay money Democrats receive, their pro-gay actions at the national level have been mostly rhetorical.”³⁸ A commenter on a message board, expressing wavering support for John Kerry in 2004, writes, “Clinton reached out to gays in his '92 campaign and then dropped them like a hot potato in one of his first acts as president in '93 with his political savvy ‘don't ask, don't tell’ policy.”³⁹ And, following a recent announcement by Virginia’s newly-elected Democratic governor that he will not veto a measure by the Republican legislature to put a referendum on a constitutional ban to same-sex marriage on the ballot in 2006, a headline on a popular liberal website read, “Kaine to gays: Thanks for your votes. Please disappear.”⁴⁰

The findings in the previous chapters show that suggestions that Republicans and Democrats turn their attention to cultural issues when it is political expedient to do so are not unfounded. There is evidence, however, that when it comes to setting the agenda in the U.S. Congress, Republican members and leaders are particularly likely to consider the electoral benefits of promoting a culture war agenda. House members who introduced culturally conservative bills in the 108th Congress, about 90 percent of which were introduced by Republicans, were more inclined to do so if they had faced a primary opponent in the 2002 election whose campaign featured

³⁸ http://www.indegayforum.org/culturewatch/2005_05_15_archive.shtml

³⁹ <http://www2.usenetarchive.org/Dir3/File850.html>

⁴⁰ <http://www.dailykos.com/story/2006/1/14/14428/5591>

conservative culturally issues prominently. This conforms to Sulkin's (2005) theory of issue uptake, which suggests that members of Congress adopt their opponents' key issues in order to shield themselves from future competition. Those who introduced liberal legislation on cultural issues in the 108th House, most of whom were Democrats, also responded to how much of a priority culturally liberal causes were to their primary opponents, although their engagement in uptake was not as pronounced as that of their conservative counterparts. In the Senate, members were more likely to introduce culturally conservative bills if the 108th Congress coincided with the last two years of their term, a time when senators are particularly focused on the upcoming election and constituents are more attuned to the activities of their senators. The timing of elections is not a significant predictor of whether or not a member introduces a culturally liberal bill, however.

In congressional committees, where members can raise the visibility of issues by holding hearings and inviting compelling witnesses whose testimony is likely to attract media attention, there is also some evidence that the rise of cultural issues on the agenda is connected to electoral considerations. Bills on cultural issues that were referred to a House committee between 1981 and 2004 were more likely to receive a hearing in a congressional election year in which Republicans were in control of the chamber and, therefore, of committee chairmanships. This finding supports the notion that Republicans are more inclined to see the culture wars as a helpful theme in an election year. In Senate committees, on the other hand, bills on cultural issues that were introduced in an election year were no more likely to receive a hearing than those that were not introduced in an election year, regardless of which party was in

control. Instead, bills were most likely to receive a hearing if a member of the majority party introduced them. Senate committees also responded to widely publicized events in the culture wars outside of Congress, like court rulings, passage of controversial measures by state legislatures, and violent acts, like the bombing of abortion clinics and the murder of an abortion doctor. This suggests that Senate committees may be more likely than House committees to react to an existing agenda than to set their own when it comes to cultural issues.

Finally, once bills are reported out of committee and placed on the floor calendar, the majority party leadership has another opportunity to decide which items to put on their chamber's agenda. Because legislation does not have to be brought to the floor for a vote in the order in which it was placed on the calendar, majority party leaders often make political calculations when deciding when to schedule certain votes. When it comes to cultural issues in the House, the timing of elections once again plays a role. In congressional election years between 1977 and 2004, the number of votes on cultural issues in the House was higher in the months immediately preceding the election, when the media and the public are most likely to be paying attention, than it was in earlier months. This is particularly the case in an election year when the House is under Republican leadership. This was not the case in the Senate, however, where electoral considerations again did not seem to play a significant role in the rise of cultural issues on the agenda.

The differences between the dynamics of agenda setting on cultural issues in the House and the Senate suggest that the House may be more likely than the Senate to play politics with the culture wars. However, it is possible that in the Senate,

where there are more opportunities for individual members to set the agenda, the decision to schedule votes at a certain time or to hold committee hearings on certain issues is not as crucial as it is in the House, where the majority leadership has a tighter grip. For example, while the House Rules Committee, an arm of the majority leadership, governs floor activity in that chamber, including the number of amendments that can be offered, who is allowed to offer amendments, and the length of debate, senators are free to talk about and offer amendments on any issue they wish to promote. The evidence that electoral considerations play a role in senators' decision to introduce bills, resolutions, and amendments on culturally conservative issues indicates that, while the Senate as an institution may not politicize cultural issues to the extent that the House does, its individual members do.

Advancing the Literature

As Chapter 2 shows, policy on cultural issues, what scholars refer to as morality policy, is set in several different venues, including local school boards, state legislatures, and the U.S. Congress. Thus far, empirical studies of morality policy have focused primarily on policy adoption at the state level and have found a strong link between policy adoption and public opinion on controversial cultural issues (see, for example, Cohen and Barrilleux 1993 and Mooney and Lee 1995). The few studies that examine the dynamics of policymaking on cultural issues in Congress are mostly concerned with the choices legislators make when casting roll call votes on these issues (see, for example, Chressanthis, Gilbert, and Grimes 1991, Gohmann and Ohsfeldt 1994, and Haider-Markel 1999). Both sets of studies—those that focus on policy adoption at the state level and those that focus on roll call voting behavior in

Congress—have found a strong link between constituency preferences and policy decisions on cultural issues. Because politicians are risk-averse, some have concluded, it is unlikely that they would pursue such controversial measures without being prompted by the public to do so (see, for example, Mooney and Lee 1995, Tatalovich and Daynes 1998 and Smith and Tatalovich 2003).

I do not challenge the previous findings in the literature. Most members of Congress do not seek out controversial cultural issues, as evidenced by the small percentage of members of the House and the Senate who introduce legislation on such issues. Therefore, it is reasonable to expect that, when faced with the decision to cast a “yes” or “no” vote on these polarizing issues, these members would take cues from their constituents. Cultural conflicts often attract the attention of the media because they are easy for most people to understand and generate controversy which, in turn, boosts ratings. Voters who may not understand the complexities of most issues before Congress often have an opinion on most cultural issues. It would be unwise, then, for most members to ignore the position of voters in their districts or states when deciding how to vote on such issues. Yet, an important part of the puzzle—how cultural issues become part of the legislative agenda in the first place—has been largely ignored in the morality policy literature.

The research I present here advances this literature by looking at decisions that take place in the legislative process before a bill on a cultural issue is before members of Congress for a vote. While the study of morality policymaking at the state level has contributed much to our understanding of the differences in policy outcomes across the country, Congress is a more appropriate venue for the study of

agenda setting on cultural issues. The activities of Congress play a key role in framing the national political debate and any decision to put these issues on the agenda, even if no legislation is enacted, contributes to this debate. The activities of state legislatures on cultural issues, on the other hand, do not usually capture national headlines until a controversial measure is adopted.

The agenda-setting process starts with the simple decision by individual members to introduce legislation. Committees help to intensify the debate by choosing to hold hearings on certain issues. And finally, majority party leaders determine when these issues are presented to the chamber for a vote. In all three instances, I find significant evidence that the decision to put cultural issues on the agenda of the Congress is guided more by electoral motivations than by demands from the public.

What This Means for Democracy

In addition to advancing the scholarly literature on morality policy, the findings in this study also have implications for the functioning of representative democracy. It is certainly not unusual for politicians to make promises during a campaign season that they do not intend to keep once in office. This may disillusion voters and turn some away from the political process if they feel that their priorities are always the ones that are ignored. The problems created by the manipulation of cultural issues by politicians, however, go beyond the familiar pattern of candidates who do not deliver on their campaign promises.

Frank (2004) and Hacker and Pierson (2005) present a compelling argument that Republicans have developed the culture war narrative as a coordinated effort to

stir up support among those who, for the most part, would not back their party. As a consequence, conservative social and economic policies, including tax cuts for the wealthy and the elimination of social programs that benefit many of the voters who helped put the Republican Party in office, have been adopted by the Republican-led Congress since the party's victory in 1994 (Hacker and Pierson 2005).

A series of e-mails disclosed at a recent hearing of the Senate Indian Affairs Committee suggest that there is, indeed, a deliberate attempt on the part of conservatives to manipulate those who adhere to traditional cultural values for the promotion of political and financial goals that have little to do with these values. In an e-mail exchange between lobbyist Michael Scanlon, a former aide to Republican House Majority Leader Tom DeLay, and the lawyer for the Coushatta tribe, whose gaming interests he represented, Scanlon outlined a strategy to defeat a referendum that sought approval for the building of a Pinnacle Entertainment casino in Louisiana. Scanlon discussed the production of advertisements to be played on Christian radio giving "biblical reasons" for blocking Pinnacle. "The wackos," Scanlon wrote, "get their information through the Christian right, Christian radio, mail, the internet and telephone trees. Simply put, we want to bring out the wackos to vote against something and make sure the rest of the public lets the whole thing slip past them."⁴¹

While this dissertation does not address the extent to which members of Congress or other elected officials who are elected on a culture war platform change priorities once in office, it does offer evidence that there is little attention paid to cultural issues in the legislative branch. This is not in itself a bad thing. As Fiorina

⁴¹ A PDF document containing a full transcript of all e-mails released by the Senate Indian Affairs Committee on tribal lobbying matters is available on the committee's website, <http://indian.senate.gov>.

(2004), Green (2004), and others have suggested, there is little reason to believe that Americans are, in fact, engaged in a culture war or that most Americans want their elected officials to make cultural issues a priority. That Congress, especially under Republican leadership, is more likely to direct its attention to cultural issues when an election approaches, however, suggests that the attempt to divide Americans into two camps based on cultural values is primarily a top-down approach guided by political motivations that do not necessarily benefit those who are most vulnerable to the culture war rhetoric.

Appendix A

List of keywords used in search of full text of bills (a * indicates that both the singular and plural forms of the word were searched):

Abortion*
Reproduction
Reproductive choice
Roe v. Wade
Choice
Life
Unborn
Embryo
Embryonic
Fetus
Fetal
Family planning
Contraceptive*
Contraception
Birth control
Condom*
Church
Religion*
Religious
Stem cell
Prayer*
Pray
Silence
Meditation
Ten Commandments
Cloning
God
Pledge of Allegiance
Flag*
Domestic partner*
Domestic partnership
Civil union*
Unmarried
Marriage
Gay*
Lesbian*
Homosexual*
Homosexuality
Abstinence
Sex education

Sex
Sexual
Obscenity
Obscene
Pornography
Pornographic
Suicide
Right to die
Euthanasia
Evolution
Creationism
Intelligent design

Notes on keyword search:

- The text of each bill identified through this search was analyzed to ensure that the legislation does, in fact, deal with a cultural issue. For example, “suicide” is used as a keyword in hopes of detecting bills dealing with physician-assisted suicide. Bills that dealt with suicide prevention were excluded.
- Bills that deal with pornography in the context of child pornography were excluded.
- Bills that deal with abortion in the context of forced abortions were excluded (most of these dealt with forced abortions in China).

Appendix B

TABLE B.1

Values of Independent Variables for House Models

	Mean	Minimum	Maximum
Primary challenger's attention	0.63	0	69.04
Members' attention	0.85	0	13.87
Primary competition	0.38	0	2
Evangelical	30.78	0	86.70
Member religion	0.21	0 (not evangelical)	1 (evangelical)
Sex	0.14	0 (male)	1 (female)
Post-1994	0.32	0	1
Total bills	17.54	0	120

TABLE B.2

Values of Independent Variables for Senate Models

	Mean	Minimum	Maximum
Timing	1.0	0	2
Members' attention	2.44	0	51.10
Primary competition	0.5	0	2
Evangelical	31.16	2.65	75.46
Member religion	0.15	0 (not evangelical)	1 (evangelical)
Sex	0.14	0 (male)	1 (female)
Post-1994	0.33	0	1
Total bills	37.34	4	103

Appendix C

House Committees:

Constituency-oriented committees:

- Agriculture Committee
- Armed Services Committee (National Security Committee 1995-1998; Armed Services Committee 1947-1994)
- District of Columbia Committee 1947-1994) (became subcommittee of Government Reform and Oversight Committee in 1995)
- Resources Committee (Natural Resources 1993-1994; Interior and Insular Affairs Committee 1951-1992; Public Lands, 1947-1951)
- Merchant Marine and Fisheries, 1947-1994 (Jurisdiction merges with Transportation and Infrastructure Committee in 1995, see 118; prior to 1957, no standing subcommittees)
- Post Office and Civil Service Committee (1947-1994) (merged with Government Reform and Oversight in 1995)
- Transportation and Infrastructure Committee (Public Works and Transportation 1975-1994; Public Works, 1947-1975)
- Science Committee (Science, Space, and Technology, 1987-1994; Science and Technology, 1975-1987; Science and Astronautics, 1959-1975)
- Small Business Committee (Select Committee on Small Business 1947-1974)
- Veterans Affairs Committee

Policy-oriented committees:

- Banking and Financial Services Committee (Banking, Finance, and Urban Affairs Committee 1978-1994; Banking, Currency, and Housing, 1975-1977; Banking and Currency, 1947-1975)
- Education and the Workforce Committee (Economic and Educational Opportunities 1995-1996; Education and Labor 1947-1994)
- Commerce Committee (Energy and Commerce Committee, 1981-1994; Interstate and Foreign Commerce Committee, 1947-1981)
- International Relations Committee (Foreign Affairs Committee, 1979-1994; International Relations Committee, 1975-1979; Foreign Affairs Committee, 1947-1975)
- Government Reform and Oversight Committee (Government Operations Committee, 1953-1992; Expenditures in the Executive Departments, 1947-1952)
- House Oversight Committee (House Administration Committee 1947-1994)
- Judiciary Committee

Prestige-oriented committees:

- Appropriations Committee
- Budget Committee
- Rules Committee
- Ways and Means Committee

Senate committees:

Constituency-oriented committees:

- Agriculture, Nutrition, and Forestry Committee (Agriculture and Forestry 1947-1977)
- Appropriations Committee
- Commerce, Science, and Transportation (Commerce 1963-1977; Interstate and Foreign Commerce 1947-1963)
- Energy and Natural Resources (Interior and Insular Affairs 1950-1977; Public Lands 1947-1950)
- Environment and Public Works (Public Works 1947-1977)
- Post Office and Civil Service Committee (1949-1976) (Jurisdiction moved to Government Reform and Oversight Committee in 1977, Civil Service, 1947-1949)

Policy-oriented committees:

- Banking, Housing, and Urban Affairs
- Budget Committee
- Foreign Relations Committee
- Governmental Affairs Committee (Government Operations 1953-1977; Expenditures in the Executive Departments 1947-1953)
- Judiciary Committee
- Health, Education, Labor and Pensions (Labor and Human Resources Committee, 1979-1998, Human Resources, 1977-1979; Labor and Public Welfare, 1947-1977)

Mixed:

- Armed Services Committee
- Finance Committee

Appendix D

List of events used to create “outside events” variable:

Dec. 1976—Massachusetts Supreme Court overturns the conviction of a Boston abortion doctor convicted of manslaughter, citing that a fetus is not a “live and independent person”

June 1977—Supreme Court rules that states are not required to fund abortion

Feb. 1978—First bombing of an abortion clinic (Cincinnati, OH)

Nov. 1979—Supreme Court rules that a Kentucky law requiring that the Ten Commandments be displayed in public school classroom is unconstitutional

Feb. 1980—Supreme Court rules that states can fund abortions under Medicaid

Feb. 1982—Wisconsin becomes the first state to pass legislation to outlaw discrimination based on sexual orientation

June 1986—Supreme Court rules that anti-sodomy laws are constitutional

June 1989—Supreme Court rules that a Texas law banning flag desecration violates the constitutional right to free speech

July 1989—Supreme Court rules that a Missouri law imposing significant restrictions on abortion rights is constitutional

June 1990—Jack Kevorkian’s suicide machine is used for the first time to end the life of a patient suffering from dementia

June 1992—Supreme Court rules that a Pennsylvania law imposing significant restrictions on abortion rights is constitutional

March 1993—First murder of an abortion doctor (Pensacola, FL)

Ma 1993—Hawaii Supreme Court rules that banning same-sex marriage could be unconstitutional

May 1996—Supreme Court rules that a Colorado ballot initiative banning laws protecting gays and lesbians against discrimination is unconstitutional

July 1996—FDA advisory committee recommends approval of RU-486

Nov. 1996—Supreme Court refuses to hear challenge of a Mississippi federal court ruling that a school prayer law in that state was unconstitutional

Jan. 1997—Twin bombs go off at Atlanta abortion clinic

June 1997—Supreme Court issues two rulings against physician-assisted suicide

Nov. 1997—Oregon voters approve a ballot measure in support of the state's Death with Dignity Act

Jan. 1998—Fatal bombing of abortion clinic (Birmingham, AL)

Oct. 1998—Matthew Shepard is brutally murdered in Wyoming; abortion doctor murdered (Buffalo, NY)

Aug. 1999—Kansas Board of Education decides to delete references to evolution from science standards

April 2000—Vermont Governor Howard Dean signs the country's first law granting civil union rights to same-sex couples

June 2000—Supreme Court rules against prayer in Texas public school events

Sept. 2000—FDA approves RU-486

June 2002—9th Circuit Court rules that the phrase "under God" in the Pledge of Allegiance is unconstitutional

June 2003—Supreme Court rules that anti-sodomy laws are unconstitutional

Aug. 2003—Alabama Supreme Court Chief Justice Roy Moore suspended for refusing to remove a Ten Commandments display from the courthouse

Nov. 2003—Massachusetts Supreme Court rules that same-sex marriage ban is unconstitutional

Feb. 2004—Massachusetts Supreme Court rules that civil unions are not an appropriate substitute for same-sex marriage; San Francisco Mayor Gavin Newsom begins to issue marriage licenses to same-sex couples

May 2004—First legal same-sex marriage performed in Massachusetts

June 2004—Supreme Court rules that a father who did not want his daughter to be required to recite the Pledge of Allegiance does not have standing to sue but refuses to rule on the constitutionality of the phrase "under God" in the Pledge.

Bibliography

- Abington School District v. Schemp*. 1963. 374 U.S. 203.
- Adams, Greg D. 1997. "Abortion: Evidence of Issue Evolution." *American Journal of Political Science* 41: 718-737.
- Alan Guttmacher Institute. 2005a. "Emergency Contraception." *State Policies in Brief*. June 1, 2005.
- Alan Guttmacher Institute. 2005b. "Refusing to Provide Health Services." *State Policies in Brief*. June 1, 2005.
- Aldrich, John H. 1995. *Why Parties? The Origin and Transformation of Political Parties in America*. Chicago: The University of Chicago Press.
- Aldrich, John A. 2001. "Congress: The Electoral Connection": Reflections on Its First Quarter-Century." *PS: Political Science and Politics* 34 (June): 255-256.
- Allen, Mike. 2005. "Counsel to GOP Senator Wrote Memo On Schiavo; Martinez Aide Who Cited Upside For Party Resigns." *The Washington Post*, April 7, 2005, A01.
- Alley, Robert S. 1994. *School Prayer: The Court, the Congress, and the First Amendment*. Buffalo, NY: Prometheus Books.
- Altimari, Daniela. 2005. "A Gay Rights Milestone: Rell Signs Civil Unions Bill; Opponents Call It a Sad Day." *Hartford Courant*. April 21, 2005. Online. LexisNexis Academic. 29 June 2005.
- American Geological Institute. 2000. "Evolution Opponents Hold Congressional Briefing." *Government Affairs Program Special Update*. May 11, 2000. Online. http://www.agiweb.org/gap/legis106/id_update.html. 29 June 2005.
- Aratani, Lori, and Daniel De Vise. 2005. "Supporters of Sex-Ed Fear Retreat; Conservatives Making Inroads in Montgomery." *The Washington Post*. May 7, 2005. Online. LexisNexis Academic. 29 June 2005.
- Arnold, Douglas R. 1990. *The Logic of Congressional Action*. New Haven, CT: Yale University Press.
- Bauer, Raymond, Ithiel de Sola Pool, and Lewis Anthony Dexter. 1963. *American Business and Public Policy: The Politics of Foreign Trade*. New York: Atherton Press.

- Baumgartner, Frank R. and Bryan D. Jones. 1993. *Agendas and Instability in American Politics*. Chicago: University of Chicago Press.
- Boonstra, Heather. 2004. "Abstinence Promotion and the U.S. Approach to HIV/AIDS Prevention Overseas." The Alan Guttmacher Institute.
- Bowers v. Hardwick*. 1986. 478 U.S. 186.
- Bullock, Charles S. III. 1976. "Motivations for U.S. Congressional Committee Preferences: Freshmen of the 92nd Congress." *Legislative Studies Quarterly* 1 (May): 201-212.
- Button, James W., Barbara A. Rienzo, and Kenneth D. Wald. 1997. *Private Lives, Public Conflicts: Battles over Gay Rights in American Communities*. Washington, DC: CQ Press.
- Button, James W., Barbara A. Rienzo, and Kenneth D. Wald. 2000. "The Politics of Gay Rights at the Local and State Level." In *The Politics of Gay Rights*, eds. Craig A. Rimmerman, Kenneth D. Wald, and Clyde Wilcox. Chicago: University of Chicago Press.
- Carmines, Edward G. and James A. Stimson. 1980. "The Two Faces of Issue Voting." *The American Political Science Review* 74 (March): 78-91.
- Carmines, Edward G. and James A. Stimson. 1989. *Issue Evolution: Race and the Transformation of American Politics*. Princeton, NJ: Princeton University Press.
- Carsey, Thomas, John C. Green, Rick Herrera, and Geoffrey Layman. 2003. "The New Party Professionals? An Initial Look at National Convention Delegates in 2000 and Over Time." Presented at the Annual Meeting of the American Political Science Association.
- Cerminara, Kathy L. and Kenneth W. Goodman. 2005. "Key Events in the Case of Theresa Marie Schiavo." Online. <http://www.miami.edu/ethics/schiavo/timeline.htm>. 29 June 2005.
- Chressantis, George A., Kathie S. Gilbert, and Paul W. Grimes. 1991. "Ideology, Constituent Interests, and Senatorial Voting: The Case of Abortion." *Social Science Quarterly* 72 (3): 588-600.
- Clarke, Susan E. 1999. "Ideas, Interests, and Institutions Shaping Abortion Politics in Denver." In *Culture Wars and Local Politics*. Elaine B. Sharp, ed. Lawrence, KS: University Press of Kansas.

- Cobb, Roger W. and Charles D. Elder. 1972. *Participation in American Politics: The Dynamics of Agenda-Building*. Baltimore: Johns Hopkins University Press.
- Cox, Gary and Mathew D. McCubbins. 1993. *Legislative Leviathan: Party Government in the House*. Stanford: University of California Press.
- Congressional Record*. 2005. 109th Cong., 1st sess., p. H1721.
- Congressional Record*. 2005. 109th Cong., 1st sess., p. H3749.
- Cohen, Jeffrey E., and Charles Barrilleaux. 1993. "Public Opinion, Interest Groups, and Public Policy Making: Abortion Policy in the American States." In *Understanding the New Politics of Abortion*. Malcolm L. Goggin, ed.. Newbury Park, CA: Sage.
- Converse, Philip E. and Gregory Markus. 1979. "Plus ça Change...: The New CPS Election Study Panel," *American Political Science Review* 73: 32-49.
- Crespin, Michael H., Suzanne M. Gold, and David W. Rohde. 2003. "Ideology, Electoral Incentives, and Congressional Politics." Paper presented at the Southern Political Science Association annual meeting, New Orleans, Louisiana, January 8-10, 2004.
- Cushman, Candi. 2004. "Honor the Flag and the Virtues It Represents." *Citizen*. June 2004. Online.
<http://www.family.org/cforum/citizenmag/departments/a0032300.cfm>. 29 June 2005.
- Dailard, C. 2000. "Courts Strike Partial Birth Abortion Ban, Decisions Presage Future Debates." *Guttmacher Report on Public Policy* 7 (4): 1-3.
- Dana, Rebecca. 2004. "Montgomery Expands Sex-Ed Curriculum." *The Washington Post*. Nov. 10, 2004. Online. LexisNexis Academic. 29 June 2005.
- Davidson, Roger H. 1986. "Congressional Committees as Moving Targets." *Legislative Studies Quarterly* 11 (February): 19-33.
- Davidson, Roger H. and Walter J. Oleszek. 2002. *Congress and Its Members*, 8th edition. Washington, DC: CQ Press.
- Deering, Christopher J. and Steven S. Smith. 1997. *Committees in Congress*, 3rd edition. Washington, DC: CQ Press.

- D'Emilio, John. 2000. "Cycles of Change, Questions of Strategy: The Gay and Lesbian Movement after Fifty Years." *The Politics of Gay Rights*, eds. Craig A. Rimmerman, Kenneth D. Wald, and Clyde Wilcox. Chicago: University of Chicago Press.
- Donovan, Todd, Jim Wenzel, and Shaun Bowler. 2000. "Direct Democracy and Gay Rights Initiatives after *Romer*." *The Politics of Gay Rights*, eds. Craig A. Rimmerman, Kenneth D. Wald, and Clyde Wilcox. Chicago: University of Chicago Press.
- Dunn, Kyla. 2005. "The Politics of Stem Cells." *NOVA ScienceNOW*. April 13, 2005. Online. <http://www.pbs.org/wgbh/nola/sciencenow/dispatches/050413.html>. 29 June 2005.
- Dye, Thomas R. 2001. *Top Down Policymaking*. New York: Chatham House.
- Easton, David. 1965. *A Systems Analysis of Political Life*. New York: John Wiley.
- Edelman, Murray. 1964. *The Symbolic Uses of Politics*. Urbana, IL: University of Illinois Press.
- Edwards, George C. III and B. Dan Wood. 1999. "Who Influences Whom? The President and the Public Agenda." *American Political Science Review* 93(2): 327-344.
- Edwards v. Aguillard*. 1987. 482 U.S. 578.
- Egelko, Bob. 2004. "Court Backs Coverage for Birth Control, Catholic Charities Can't Claim Religious Exemption." *San Francisco Chronicle*. March 2, 2004. Online. LexisNexis Academic. 29 June 2005.
- Elk Grove Unified School District v. Newdow*. 2004. 000 U.S. 02-1624.
- Engel v. Vitale*. 1962. 370 U.S. 421.
- Epperson v. Arkansas*. 1968. 393 U.S. 97.
- Epstein, Lee and Joseph F. Kobylka 1992. *The Supreme Court and Legal Change: Abortion and the Death Penalty*. Chapel Hill: University of North Carolina Press.
- Erikson, Robert S. and Gerald C. Wright. 2001. "Voters, Candidates, and Issues in Congressional Elections." In *Congress Reconsidered*, eds. Lawrence C. Dodd and Bruce I. Oppenheimer. Washington, DC: CQ Press.

- Fenno, Richard F., Jr. 1973. *Congressmen in Committees*. Boston: Little, Brown.
- Fenno, Richard F., Jr. 1978. *Home Style: House Members in their Districts*. Boston: Little, Brown.
- Finer, Jonathan. 2004. "Kerry Says He Believes Life Starts at Conception." *The Washington Post*. July 5, 2004. Online. LexisNexis Academic. 10 January 2006.
- Fiorina, Morris P. 1986. "Legislator Uncertainty, Legislator Control, and the Delegation of Legislative Power." *Journal of Law, Economics and Organization* 2 (1): 133-51.
- Fiorina, Morris P., Jeremy C. Pope, and Samuel J. Abrams. 2004. *Culture War? The Myth of a Polarized America*. White Plains, NY: Longman.
- Frank, Thomas. 2004. *What's the Matter with Kansas: How Conservatives Won the Heart of America*. New York: Metropolitan Books.
- Galderisi, Peter F., Marni Ezra, and Michael Lyons. 2001. "Introduction: Nomination Politics and Congressional Representation." In *Congressional Primaries and the Politics of Representation*, eds. Galderisi, Peter F., Marni Ezra, and Michael Lyons. 2001.. Lanham, MD: Rowman & Littlefield.
- Gilmour, John B. 1995. *Strategic Disagreement: Stalemate in American Politics*. Pittsburgh, PA: University of Pittsburgh Press.
- Gimpel, James and Jason E. Schuknecht. 2003. *Patchwork Nation: Sectionalism and Political Change in American Politics*. Ann Arbor, MI: University of Michigan.
- Glick, Henry R. and Amy Hutchinson. 2001. "Physician-Assisted Suicide: Agenda Setting and the Elements of Morality Policy." In *The Politics of Morality Policy: The Public Clash of Private Values*, ed. Christopher Z. Mooney. New York: Seven Bridges Press.
- Goggin, Malcolm L. 1993. "Introduction: A Framework for Understanding the New Politics of Abortion." In *Understanding the New Politics of Abortion*, ed. Malcolm L. Goggin. Newbury Park, CA: Sage Publications, Inc.
- Gohmann, Stephan F. and Robert L. Ohsfeldt. 1994. "Voting in the U.S. House on Abortion Funding Issues: The Role of Constituents' and Legislators' Ideology Before and After the Webster Decision." *American Journal of Economics and Sociology* 53 (4): 455-74.

- Goldstein, Robert Justin. 1996. *Desecrating the Flag: Key Documents of the Controversy from the Civil War to 1995*. Syracuse, NY: Syracuse University Press.
- Gonzales v. Oregon*. 2006. 546 U.S. __.
- Goodliffe, Jay and David B. Magleby. 2001. "Campaign Finance in U.S. House Primary and General Elections." In *Congressional Primaries and the Politics of Representation*, eds. Galderisi, Peter F., Marni Ezra, and Michael Lyons. 2001. Lanham, MD: Rowman & Littlefield.
- Green, John C. 2000. "Antigay: Varieties of Opposition to Gay Rights." *The Politics of Gay Rights*, eds. Craig A. Rimmerman, Kenneth D. Wald, and Clyde Wilcox. Chicago: University of Chicago Press.
- Green, John C. 2004. "The American Religious Landscape and Political Attitudes." *Pew Forum Survey Report*. Washington, D.C.: The Pew Forum on Religion and Public Life.
- Green, John C. and Nathan S. Bigelow. 2005. "The Christian Right Goes to Washington: Social Movement Resources and the Legislative Process." In *The Interest Group Connection: Electioneering, Lobbying, and Policymaking in Washington*, 2nd ed., eds. Paul S. Herrnsen, Ronald G. Shaiko, and Clyde Wilcox. Washington, DC: CQ Press.
- Greenhouse, Linda. 2000. "Student Prayers Must Be Private, Court Affirms." *The New York Times*. June 19, 2000. Online. LexisNexis Academic. 29 June 2005.
- Griswold v. Connecticut*. 1965. 381 U.S. 479.
- Gunn, Angus M. 2004. *Evolution and Creationism in the Public Schools: A Handbook for Educators, Parents, and Community Leaders*. Jefferson, NC: McFarland.
- Gusfield, Joseph R. 1986. *Symbolic Crusade: Status Politics and the American Temperance Movement*. Champaign, IL: University of Illinois Press.
- Hacker, Jacob S. and Paul Pierson. 2005. *Off Center: The Republican Revolution and the Erosion of American Democracy*. New Haven, CT: Yale University Press.
- Haider-Markel, Donald P. 1999. "Redistributing Values in Congress: Interest Group Influence under Sub-Optimal Conditions." *Political Research Quarterly* 52 (March): 113-144.

- Haider-Markel, Donald P. 2000. "Lesbian and Gay Politics in the States: Interest Groups, Electoral Politics, and Policy." *The Politics of Gay Rights*, eds. Craig A. Rimmerman, Kenneth D. Wald, and Clyde Wilcox. Chicago: University of Chicago Press.
- Hallow, Ralph Z. 2005. "Weyrich Fears 'Cordial' Ties between GOP and the Right." *The Washington Times*. June 17, 2005. Online. LexisNexis Academic. 10 January 2006.
- Halva-Neubauer, Glen. 1993. "The States after *Roe*: No "Paper Tigers." In *Understanding the New Politics of Abortion*, ed. Malcolm L. Goggin. Newbury Park, CA: Sage Publications, Inc.
- Herrnson, Paul S. 2004. *Congressional Elections: Campaigning at Home and in Washington*, 4th ed. Washington, DC: CQ Press.
- Herrnson, Paul S. 2005. "Interest Groups and Campaigns: The Electoral Connection." In *The Interest Group Connection: Electioneering, Lobbying, and Policymaking in Washington*, 2nd ed., eds. Paul S. Herrnson, Ronald G. Shaiko, and Clyde Wilcox. Washington, DC: CQ Press.
- Hertzke, Allen D. 1988. *Representing God in Washington*. Knoxville, TN: The University of Tennessee Press.
- Hofstadter, Richard. 1964. "The Pseudo-Conservative Revolt." In *The Radical Right*, ed. Daniel Bell. New York: Doubleday Anchor.
- Hull, Anne. 2005. "Beloved Wife and Daughter Became Face of a Public Debate." *The Washington Post*. April 1, 2005. Online. LexisNexis Academic. 29 June 2005.
- Humphry, Derek and Mary Clement. 1998. *Freedom to Die: People, Politics, and the Right-to-Die Movement*. New York: St. Martin's Press.
- Hunter, James Davison. 1991. *Culture Wars: The Struggle to Define America*. New York: Basic Books.
- Inglehart, Ronald. 1990. *Culture Shift in Advance Industrial Society*. Princeton: Princeton University Press.
- Irvine, Janice M. 2004. *Talk About Sex: The Battles over Sex Education in the United States*. Berkeley, CA: University of California Press.
- Jacobson, Gary C. 1999. "Impeachment Politics in the 1998 Congressional Elections." *Political Science Quarterly* 114 (Spring):31-51.

- Jones, Charisse. 2004. "Druggists Refuse to Give Out Pill." Nov. 8, 2004. Online. http://www.usatoday.com/news/nation/2004-11-08-druggists-pill_x.htm. 29 June 2005.
- Jones, Roland. 2005. "After California, More States Eye Stem Cell Research." *MSNBC*. Feb. 9, 2005. Online. <http://www.msnbc.msn.com/id/6847933>. 29 June 2005.
- Key, V.O. 1961. *Public Opinion and American Democracy*. Alfred A. Knopf, Inc.
- King, Gary and Langche Zeng. 2001a. "Logistic Regression in Rare Events Data." *Political Analysis* 9 (2): 137-163.
- King, Gary and Langche Zeng. 2001b. "Explaining Rare Events in International Relations." *International Organization* 55 (3): 693-715.
- Kingdon, John W. 1995. *Agendas, Alternatives, and Public Policies*, 2nd Edition. Boston: Little, Brown.
- Lane, Charles. 2005. "Court Split over Ten Commandments; Justices Forbid Copies on Walls of Courthouses but Allow Monument." *The Washington Post*. June 28, 2005. Online. LexisNexis Academic. 29 June 2005.
- Langer, Gary. 2005. "Poll: No Role for Government in Schiavo Case Federal Intervention in Schiavo Case Prompts Broad Public Disapproval." *ABC News*. March 21, 2005. Online. <http://abcnews.go.com/Politics/PollVault/story?id=599622&page=2>. 29 June 2005.
- Larana, Enrique, Hank Johnston, and Joseph R. Gusfield. 1994 "Identities, Grievance, and New Social Movements." In *New Social Movements: From Ideology to Identity*, eds. Enrique Larana, Hank Johnston, and Joseph R. Gusfield. Philadelphia: Temple University Press.
- Lawrence v. Texas*. 2003. 000 U.S. 02-102.
- Layman, Geoffrey C. 1997. "Religion and Political Behavior in the United States: The Impact of Beliefs, Affiliations, and Commitment from 1980 to 1994." *The Public Opinion Quarterly* 61 (Summer): 288-316.
- Layman, Geoffrey C. 2001. *The Great Divide: Religious and Cultural Conflict in American Party Politics*. New York: Columbia University Press.
- Layman, Geoffrey C. and Edward G. Carmines. 1997. "Cultural Conflict in American Politics: Religious Traditionalism, Postmaterialism, and U.S. Political Behavior." *Journal of Politics* 59: 751-77.

- Layman, Geoffrey C. and Thomas M. Carsey. 2002. "Party Polarization and "Conflict Extension" in the American Electorate." *Journal of Political Science* 46 (October): 786-802.
- Linder, Douglas. 2002. "The Scopes Trial: An Introduction." University of Missouri, Kansas City, Law School. Online.
<http://www.law.umkc.edu/faculty/projects/ftrials/scopes/scopes.htm>. 29 June 2005.
- Long, J. Scott and Jeremy Freese. 2003. *Regression Models for Categorical Dependent Variables using Stata*. College Station, TX: Stata Press.
- Maltzman, Forrest. 1997. *Competing Principals: Committees, Parties, and the Organization of Congress*. Ann Arbor, MI: University of Michigan Press.
- Matter of Quinlan*. 1976. 70 NJ 10, 355 A. 2d. 647
- Mayhew, David R. 1974. *Congress: The Electoral Connection*. New Haven, CT: Yale University Press.
- McCreary v. ACLU*. 2005. 000 U.S. 03-1693.
- McDonald, Greg. 1997. "GOP Looks to Distinguish Itself from Clinton Stance." *Houston Chronicle*. August 31, 1997. Online. LexisNexis Academic. 3 November 2005.
- McEnery, Regina. 2005. "Abstinence-only Programs under Fire; State Funding Should Stop until Approach Is Proved Effective, Agencies Say." *Plain Dealer*. May 21, 2005. Online. LexisNexis Academic. 29 June 2005.
- Meier, Kenneth J. 1994. *The Politics of Sin*. Armonk, NY: M.E. Sharpe.
- Miller v. California*. 1973. 413 U.S. 15.
- Moen, Matthew C. 1984. "School Prayer and the Politics of Life-Style Concern." *Social Science Quarterly* 65: 1065-71.
- Mooney, Christopher Z. 2001. "The Public Clash of Private Values." In *The Politics of Morality Policy: The Public Clash of Private Values*. New York: Seven Bridges Press.
- Mooney, Christopher Z. and Mei-Hsien Lee. 1995. "Legislative Morality in the American States: The Case of Pre-Roe Abortion Regulation Reform." *American Journal of Political Science* 39 (August): 599-627.

- Mouw, Calvin J. and Michael B. MacKuen. 1992. "The Strategic Agenda in Legislative Politics." *American Political Science Review* 86: 87-105.
- Murphy, Thomas P. 1978. *The Politics of Congressional Committees: The Power of Seniority*. Woodbury, NY: Barron's.
- National Conference of State Legislatures. 2005. "50 State Summary of Contraceptive Laws." Online.
<http://www.ncsl.org/programs/health/50states.htm>. 28 June 2005.
- Neustadt, Richard E. 1991. *Presidential Power and the Modern Presidents: The Politics of Leadership from Roosevelt to Reagan*. New York: Free Press.
- Newdow v. U.S. Congress*. 2002. 292. F.3d 597.
- O'Connor, Karen. 1996. *No Neutral Ground? Abortion Politics in an Age of Absolutes*. Boulder, CO: Westview Press.
- Payne, James L. 1982. "Rise of Lone Wolf Questioning in House Committee Hearings." *Polity* 14 (Summer): 626-640.
- Peter, Jennifer. 2000. "Flag Proposal Splits Candidates; Robb, Allen Take Opposite Sides as Senate Approaches Vote on Amendment." *The Virginian-Pilot*. March 28, 2000. Online. LexisNexis Academic. 29 June 2005.
- Peterson, Kavan. 2005. "Same-Sex Unions: A Constitutional Race." *Stateline.org*. April 14, 2005. Online.
<http://www.stateline.org/live/ViewPage.action?siteNodeId=136&languageId=1&contentId=20695>. 29 June 2005.
- Pickler, Nedra. 2002. "Congressional Races Affected by Redistricting and Term Limits." *Associated Press State and Local Wire*. July 9, 2002. Online. LexisNexis Academic. 5 August 2005.
- Planned Parenthood of Central Missouri v. Danforth*. 1976. 428 U.S. 52.
- Planned Parenthood of Southeastern Pennsylvania v. Casey*. 1992. 505 U.S. 833.
- Quinn, Francis X. 2002. "Michaud Congressional Bid Sharply Focused." *Associated Press State and Local Wire*. May 23, 2002. Online. LexisNexis Academic. 5 August 2005.
- Roberts, Jason M., and Steven S. Smith. 2003. "Procedural Contexts, Party Strategy, and Conditional Party Voting in the U.S. House of Representatives, 1971-2000" *American Journal of Political Science* 47 (April): 305-317.

- Rohde, David W. 2005. "Committees and Policy Formulation." In *The Legislative Branch*, eds. Paul J. Quirk and Sarah A. Binder. New York: Oxford University Press.
- Roe v. Wade*. 1973. 410 U.S. 113.
- Romer v. Evans*. 1996. 000 U.S. U10179.
- Ryan, Richard A. 2002. "Abortion Issue Turns Congressional Race Ugly." *The Detroit News*. Aug. 4, 2002. Online.
<http://www.detnews.com/2002/politics/0208/06/a10-553335.htm>. 5 August 2005.
- Schiller Wendy J. 1995. "Senators as Political Entrepreneurs: Using Bill Sponsorship to Shape Legislative Agendas." *American Journal of Political Science* 39 (February): 186-203.
- Scott, Wilbur J. 1985. "The Equal Rights Amendment as Status Politics." *Social Forces* 64: 499-506.
- Sharp, Elaine B. 1999. "Introduction." In *Culture Wars and Local Politics*, ed. Elaine B. Sharp. Lawrence, KS: University Press of Kansas.
- Sigelman, Lee. 1979. "A Reassessment of the Two Presidencies Thesis." *Journal of Politics* 41: 1195-1205.
- Sinclair, Barbara. 1986. "The Role of Committees in Agenda Setting In the U.S. Congress." *Legislative Studies Quarterly* 11 (February): 35-45.
- Sinclair, Barbara. 1995. *Legislators, Leaders, and Lawmaking: The U.S. House of Representatives in the Postreform Era*. Baltimore: Johns Hopkins University Press.
- Sinclair, Barbara. 2000. *Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress*, 2nd ed. Washington, DC: CQ Press.
- Sinclair, Barbara. 2005. "Parties and Leadership in the House." In *The Legislative Branch*, eds. Paul J. Quirk and Sarah A. Binder. New York: Oxford University Press.
- Smith, Steven S. 1989. *Call to Order: Floor Politics in the House and Senate*. Washington, DC: Brookings Institution Press.
- Smith, Steven S. 2005 "Parties and Leadership in the Senate." In *The Legislative Branch*, eds. Paul J. Quirk and Sarah A. Binder. New York: Oxford University Press.

- Smith, T. Alexander and Raymond Tatalovich. 2003. *Cultures at War: Moral Conflicts in Western Democracies*. Peterborough, Ontario: Broadview Press, Ltd.
- Snyder, James M., Jr. and Tim Groseclose. 2000. "Estimating Party Influence in Congressional Roll-Call Voting." *American Journal of Political Science* 44 (April): 193-211.
- Stone, Andrea. 2004. "Upcoming Votes Have Eye on Nov. 2: GOP Loads Congressional Calendar with Hot Topics to Play to Voters." *USA Today*. September 15, 2004. Online.
http://www.usatoday.com/printedition/news/20040915/a_votes15.art.htm . 3 November 2005.
- Stone, Deborah. 2002. *Policy Paradox: The Art of Political Decision Making*, Revised Edition. New York: Norton.
- Stone v. Graham*. 1980. 449 U.S. 39.
- Stonecash, Jeffrey M., Mark D. Brewer, and Mack D. Mariani. 2003. *Diverging Parties: Social Change, Realignment, and Political Polarization*. Westview Press.
- Studlar, Donley T. 2001. "What Constitutes Morality Policy? A Cross-National Analysis." In *The Politics of Morality Policy: The Public Clash of Private Values*, ed. Christopher Z. Mooney. New York: Seven Bridges Press.
- Sulkin, Tracy. 2005. *Issue Politics in Congress*. New York: Cambridge University Press.
- Talbert, Jeffery, Bryan D. Jones, and Frank R. Baumgartner. 1995. "Nonlegislative Hearings and Policy Change in Congress." *American Journal of Political Science* 39 (May): 383-406.
- Tatalovich, Raymond and Byron W. Daynes. 1988. *Social Regulatory Policy*. Boulder, CO: Westview Press.
- Tatalovich, Raymond and Byron W. Daynes. 1998. "Introduction: Social Regulations and Moral Conflict." In *Moral Controversies in American Politics: Cases in Social Regulatory Policy*, eds. Raymond Tatalovich and Byron W. Daynes. Armonk, NY: M.E. Sharpe, Inc.

- Tatalovich, Raymond and David Schier. 1993. "The Persistence of Ideological Cleavage in Voting on Abortion Legislation in the House of Representatives, 1973-1988." In *Understanding the New Politics of Abortion*, ed. Malcolm L. Goggin. Newbury Park, CA: Sage Publications, Inc.
- Taylor, Andrew. 1998. "Domestic Agenda Setting, 1947-1994." *Legislative Studies Quarterly* 23 (August): 373-397.
- Texas v. Johnson*. 1989. 491 U.S. 397.
- Tuttle, Jeff. 2002. "Expert: Michaud's Pro-Life Stance Could Stall Bid for U.S. House Seat." *BangorDaily News*. March 30, 2002. Online. LexisNexis Academic. 5 August 2005.
- Vacco v. Quill*. 1997. 521 U.S. 793.
- Van Order v. Perry*. 2005. 351 F.3d 173.
- Vogels, Lee. 1997. "Judge Who Displayed Ten Commandments To Be in Green Bay; He Plans to Attend Rally Seeking Similar Display in Brown County Court." *Milwaukee Journal Sentinel*. Nov. 2, 1997. Online. LexisNexis Academic. 29 June 2005.
- Wald, Kenneth D. 2000. "The Context of Gay Politics." In *The Politics of Gay Rights*, eds. Craig A. Rimmerman, Kenneth D. Wald, and Clyde Wilcox. Chicago: University of Chicago Press.
- Wald, Kenneth D., Dennis E. Owen, Samuel S. Hill, Jr. 1989. "Evangelical Politics and Status Issues," *Journal for the Scientific Study of Religion* 28: 1-16.
- Walker, Jack L. 1977. "Setting the Agenda in the U.S. Senate: A Theory of Problem Selection." *British Journal of Political Science* 7 (October): 423-445.
- Washington V. Glucksberg*. 1997. 000 U.S. 96-110.
- Weber, Max. 1946. "Class, Status, Power." In *From Max Weber: Essays in Sociology*, eds. H.H.Gerth and C.W. Mills, C.W. New York: Oxford University Press.
- Webster v. Reproductive Health Services*. 1989. 492 U.S. 490.
- White, John Kenneth. 2003. *The Values Divide: American Politics and Culture in Transition*. New York: Chatham House.
- Wilson, Woodrow. [1885] 1963. *Congressional Government: A Study in American Politics*. Cleveland: World Publishing.

Woliver, Laura R. 1999. "Abortion Conflicts and City Governments: Negotiating Coexistence in South Carolina." In *Culture Wars and Local Politics*. Elaine B. Sharp, ed. Lawrence, KS: University Press of Kansas.

Woon, Jonathan. 2004. "Issue Attention and Legislative Proposals in the U.S. Senate." Stanford University Graduate School of Business. Typescript.