

Wedge Issue Politics:

The Effects of Controversial Issues on Legislative Behavior

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by

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When House Majority Leader Tom DeLay (R-TX) was forced to vacate his leadership position following an indictment in 2005, California Representative David Dreier was a leading candidate to fill the opening DeLay left. However, Dreier was not selected for the job after a group of conservative Republicans questioned his commitment to the conservative agenda. One of the reasons for doubt cited by these lawmakers was Dreier's vote in favor of federal funding for embryonic stem cell research.¹ Prior to 2005, Dreier had consistently voted in favor of legislation banning federal funding of embryonic stem cell research. However, following a referendum in which the congressman's district approved a measure allowing and providing funding for embryonic stem cell research in the state of California, he supported federal funding for the research nationwide. This paper seeks to answer the following question: Why did David Dreier, along with several of his colleagues from California, change his voting pattern?

In order to find the answer to this question, this study will examine contentious issues in the American political realm, as well as the impact of the particular issue of stem cell research on legislative behavior. This study seeks to explore the hypothesis that legislators align their positions on wedge issues with the preferences of their districts in order to gain reelection. Specifically, it examines representation in order to determine whether the representational affiliation of a member of Congress, such as delegate or trustee, is shifted due to district opinions on wedge issue. In order to test the hypothesis, a review of the literature has been conducted, first to determine current trends in representation, second to clearly define the term "wedge issue," and finally to examine

¹ Shesgreen, Dierdre. "DeLay's Legal Trouble Helps to Consolidate Rep. Blunt's Power." *The St. Louis Post-Dispatch*. 29 September 2005. pg A9.

patterns in Congressional roll-call voting. Data will be gathered from the 2004 California statewide election regarding stem cell research in order to determine district opinion. The behavior of representatives will then be analyzed to determine whether stances changed in accordance with the popular opinion of representatives' districts.

If, as Mayhew states in *Congress: the Electoral Connection*, the main goal of a legislator is to win reelection, then there may be certain situations in which that representative must appeal to the majority of voters in his district. When an issue is at hand that is widely known throughout the district, which voters view as important, and about which the constituency holds strong opinions, it may be in the best interest of the representative's reelection campaign to align his vote in the legislature with the preferences of the majority of his constituents. In such a situation, the issue may be a *wedge issue*, and we might say that the representative is acting in the representational role of a *delegate*. However, before determining whether wedge issues generally cause a legislator to act as a delegate, literature must be reviewed to discover the meaning of representation, the stability of political roles, and in which situations certain legislators will take on different roles.

Representation is the chief component of this study, and in order to fully understand the concept of representation, it is important to discuss historic views of the subject, as well as more modern approaches. Thomas Hobbes was a seventeenth century philosopher and is best known for his political work *Leviathan*, published in 1651. Hobbes defined representation in terms of "author" and "actor"—an "author" was a person who performed words and actions, and an "actor" was a person to whom an author gave authority to perform words and actions on his behalf. Representation, or as Hobbes

called it, *personation* occurred when the multitude of men gave up their right of governing themselves to an assembly or king. In Hobbes' opinion, there was to be one "actor" to represent a nation, and that person was to be a sovereign monarch. Hobbes felt that a monarch could create a unified nation out of a multitude of men because, in theory, the monarch acted on behalf of all people.² Today in the United States, political representation is generally not imagined in terms of a sovereign monarch who is responsible for the needs of all persons in a nation. Instead, representation is viewed to be a representative who stands in place of the people in a certain geographic area, who is concerned with local desires and who represents those desires to the nation.

Another view which has had a great deal of influence on modern views of representation is the one presented by Edmund Burke. Burke was an 18th century British philosopher and Member of Parliament and is well known for his works concerning the American and French Revolutions.³ Though he never systematically characterized his philosophy on representation or dedicated an entire publication to the subject, he made his position clear in his speeches, letters, and writings concerning the English constitutional system.⁴ Burke believed that the government of a nation ought to be comprised of the most elite citizens of the nation. He stated that the people, especially the poor, did not know what was in their own best interest; therefore, they could not know what was in the best interest of a nation. He spoke of the ridiculousness of listening to the opinions of the poor:⁵

² Hobbes, Thomas. *Leviathan*. Ed. Richard Tuck. New York: Cambridge University Press. 1991.

³ Fasel, George W. (1983). *Edmund Burke*. Boston: Twayne Publishers.

⁴ Burke, Edmund. "The English Constitutional System." *Representation*. Ed. Hanna Fenichel Pitkin. New York: Atherton Press, 1969.

⁵ *Ibid*, 172.

The most poor, illiterate, and uninformed creatures upon earth are judges of a *practical* oppression. It is a matter of feeling; and as such persons generally have felt most of it, and are not of an over-lively sensibility, they are the best judges of it. But for *the real cause*, or *the appropriate remedy*, they ought never to be called into council about one or the other. They ought to be totally shut out; because their reason is weak; because, when they are roused, their passions are ungoverned; because the smallness of the property which individually they possess renders them less attentive to the consequence of the measures they adopt.

Burke believed that a “natural aristocracy” should govern—that only those men who were reared in a place of estimation, who were educated, and who served in such positions as army commanders, professors of science and liberal arts, or lawyers, were fit to lead a nation.⁶

Burke’s ideas about representation were probably very common during his time—he was clearly not an advocate of the American ideal of “all men are created equal,” but it is questionable whether powerful Americans embraced equality. If one compares Burke’s philosophy with the political scene in America following the Revolution, it is probably clear that he and the Founding Fathers did not disagree. The Constitutional Convention was made up of only the most educated American men; the first President was a brilliant military commander; the Constitution was specifically designed to reserve the most powerful legislative assembly, the Senate, for elites; and in many states, poor men—those who did not own land—were not even granted the right to vote. It was not until 1820 that a “common” man, Andrew Jackson, was elected president; and in many cases states did not abolish property ownership as a qualification to vote until the 1830s, and it was 1917 before Senators were elected directly by the American people.

Burke’s work describes perhaps the dominant political philosophy of elites during his time, but it is also important because it outlines the representational role of a trustee.

⁶ Burke, Edmund. “The English Constitutional System.” *Representation*. Ed. Hanna Fenichel Pitkin. New York: Atherton Press, 1969.

He believed it was the duty of a legislator to consider the opinions of his constituency, and then act according to national best interest. He stated in a letter to his constituents, “Your representative owes you not only his industry, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.”⁷ Today, scholars define a trustee as a representative who, if he had “evidence of overwhelming constituent preference on a policy position that conflicted with his conscience, his inclination would be to vote with his conscience,”⁸ a position with which Burke would surely agree.

Hanna Pitkin’s 1967 book *The Concept of Representation* is one of the most important and heavily cited works relating to representation to date. Her reviews of Hobbes and Burke reveal changes that have taken place as societies have shifted from monarchical and elitist political theory towards modern day views of equality between representatives and those represented. She defines representation as “the making present *in some sense* of something which is nevertheless *not* present literally or in fact.”⁹ In a political sense in the United States, representation might be defined as the making present of the opinions of members of a geographical district by an elected official in the legislature.

The most important framework laid out in the book is Pitkin’s theory of four types of representation. First, formal representation is concerned with the rules and institutions that allow representation to take place, such as fair and frequent elections. Symbolic representation occurs when constituents perceive that their representative is effectively acting on their behalf in the legislature, whether they truly are or not. Chiefly, the

⁷ Pitkin, Hanna Fenichel (Ed.) 1969. *Representation*. New York: Atherton Press. 175.

⁸ Price, Ken D. 1985. “Instability in Representational Role Orientation in a State Legislator: A Research Note.” *The Western Political Quarterly*, Vol. 38, No.1 (March 1985), 162-171.

⁹ Pitkin, Hanna Fenichel 1967. *The Concept of Representation*. Los Angeles: University of California Press.

symbol, or representative is the recipient of feelings, and he must augment the good feelings of his constituency about him. Descriptive representation refers to the legislature reflecting the demographic makeup of the population. This type of representation is based on the theory that people are best represented by those who look like them or share something in common with them—black interests are best represented by black people, for example. Finally, substantive representation is said to occur when the policy preferences expressed by a representative through actions parallel the policy preferences of his or her constituency. Pitkin suggests that substantive representation is an effect of a representative responding directly to the wishes of his constituency, but does not reason that such responsiveness is the only way to achieve a substantive relationship. Substantive is the most important form of representation for my research, because it is an attempt to measure congruency between the actions of representatives and the preferences of their districts.

In order to best represent their district, some scholars suggest that representatives take on certain roles in order to make decisions about issues in the legislature. Representational role theory is the dominant theory for classifying representational orientations of legislators. Burke first developed this theory, and believed that a representative either responded to the will of his constituents, or did what he thought was best. Today, role theory has evolved beyond Burke's either-or situation to include three types of orientations: delegate, trustee, and politico.¹⁰ A delegate is considered to be a representative who will consistently vote the preferences of his constituency, even if they run contrary to his own. A trustee, as outlined in the discussion of Burke, votes his own

¹⁰ Price, Ken D. 1985. "Instability in Representational Role Orientation in a State Legislator: A Research Note." *The Western Political Quarterly*, Vol. 38, No.1 (March 1985), 162-171.

convictions with little regard to district opinion, believing that constituents would understand his choice if they were fully informed. A politico is a combination of delegate and trustee, and will usually claim to take one role or the other depending on the issue at hand. For example, a politico will act as a delegate when his constituency has a great deal of knowledge about the issue, or if that issue will affect the district. However, when the issue is complicated or unimportant to the district, the representative will act as a trustee.

Donald J. McCrone and James H. Kuklinski examined representational role theory and sought to test the role of delegate, which the authors believe hinges on two fundamental conditions. First, a representative must believe that she is a delegate—she must take on that role, considering herself subservient to the will of her constituency. Second, the district must provide “consistent cues” to the legislator so that she may develop a correct sense of and accurately reflect her district’s opinion in her legislative behavior.

McCrone and Kuklinski measured district opinion concerning “contemporary liberalism” issues in the California state legislature during the mid 1970s—issues such as elimination of masculine references in the California state Constitution, the establishment of low-income public housing requirements, and the creation of environmental reserves—and then measured legislators’ perceptions of those opinions. The study concluded that representatives who consider themselves delegates are more likely to interpret district opinion accurately than non-delegates.

This study is important because it concludes that the delegate theory of representation can predict the behavior of representatives. However, there are very

strong conditions attached to the theory, both of which must be present in order for it to work. I question the first condition—that a legislator must believe he is a delegate in order to act as a delegate. Is it possible that a legislator need not be attached to a certain role? Politicos constantly choose which role to play—that of delegate of their constituents' wishes, or trustee of the local and national interest. If politicians *choose* to act sometimes as trustees and other times as delegates, are they really attaching themselves to a certain role? Furthermore, a legislator may only desire reelection and aim to please constituents on issues with which they are familiar. The study approaches issues that were well known throughout the United States during the time period from which the data was gathered. This type of issue is more likely to yield delegate-like behavior because of the potential repercussions a member of Congress would face if he did not please his constituents. In other words, the goals of a member of Congress may affect his representation, an issue which is not addressed in this particular study.

I agree with the second condition, that accurate cues must be provided to the representative in order for that representative to accurately reflect district opinion; however, it is possible that it is not the sole responsibility of the constituency to provide the legislator with their preferences. The legislator may utilize preferences determined by referendums, or some scholars may suggest that interest groups, which monitor and report public opinion, provide a means for the legislator to judge accurately his district's policy preferences. Especially concerning issues in which high electoral consequences are potentially involved, I would expect the legislator to be proactive in attempting to discern public opinion. McCrone and Kuklinski do not address this type of situation,

though they assert that representation is an intricate interaction between representatives and those they represent.

Ken C. Price challenged representational role theory in a 1985 study. Scholars who believe that role theory was a valid means to predict and explain legislative behavior assumed that political roles were stable over time—once a representative chose that she would act as a delegate, she would always act as a delegate. However, Price hypothesized that legislators had little attachment to or reason for using the delegate-trustee-politico approach, and therefore their role orientation would be inconsistent over time.

Price gathered data by interviewing 33 non-freshman members of the lower house of the California state legislature over a period of three year, asking them,

If you had evidence of overwhelming constituent preference (for example, a vote of your constituents on a referendum) on a policy position that conflicted with your conscience, would your inclination be to vote (A) your constituents' preference, (B) your conscience, or (C) depends on the issue.

He found that from 1978-1980, over half of the participants changed their role orientation at least once—only 14 were consistent in their selection through all three interviews. The trustee, or Burkean, role was the most inconsistent, with eleven of sixteen original trustees changing positions; delegates and politicos did not change as much, but they were far from stable.

Price concluded his study with the suggestion that the delegate-trustee-politico theory of representation has little meaning for describing and especially predicting the actions of legislators. Twenty years later, the roles are still being taught in political science courses, though the theory is not necessarily presented as a means to predict legislative behavior. Delegate and trustee are now understood more as descriptors for

certain actions. For the purposes of my study, I would like to predict situations in which a representative will take on the delegate role. Price found that representational roles are not stable over a period of three years, and this suggests that members of Congress do not hold fast to a certain representational style—changes in situations can change their behavior.

Price's finding of instability in representational roles is important for this study because it implies that legislators are willing to change the way in which they represent their district, perhaps with the goal pleasing their district in order to win re-election in mind. One tool that representatives can use to help make decisions, especially concerning re-election, is called the median voter model. Elisabeth R. Gerber and Jeffery B. Lewis define the median voter model as the prediction "that the logic of spatial competition will force legislators to take positions that correspond to the preferences of the median voter in their district."¹¹ The median voter can be defined as the "middle of the road" voter that must be persuaded to vote one way or another. In other words, if a candidate wins an election by gaining 50 + 1 percent of the vote, the median voter is the 1 percent that pushes him or her to victory.¹² It does not matter if the candidate does not appeal to the other 49 percent of his district due to the winner-take-all election system in the United States. Gerber and Lewis hypothesize that legislators from homogeneous districts are most constrained by the preferences of the median voter.

Gerber and Lewis published a study in 2004 in which they analyzed a set of individual level voting data, considering the relationship between the preferences of the

¹¹ Gerber, Elisabeth R. and Jeffery B. Lewis. (2004). "Beyond the Median: Voter Preferences, District Homogeneity and Political Representation." *Journal of Political Economy*, 2004, vol. 112, no. 6. 1364.

¹² Rice, Tom W. (1985). "An Examination of the Median Voter Hypothesis," *The Western Political Quarterly*, Vol. 38, No. 2 (June 1985), 211.

legislator's district and the legislator's behavior. They hypothesize that representatives commonly deviate from the preferences of the median voter in their districts.

The study attempts to examine three hypotheses concerning the median voter model in heterogeneous districts. The possibilities include: that heterogeneity is irrelevant and that legislators will converge to the median voter no matter what; that heterogeneity allows legislators more ability to diverge from the median; and finally that heterogeneity increases electoral competition and forces representatives to abide by the median voter. Gerber and Lewis utilize data gathered from 2.8 million ballots cast for 13 statewide measures and four partisan races in Los Angeles County, California to determine the preferences of the median voter for each of the county's 55 legislative districts (24 California Assembly, 14 California Senate, and 17 U.S. House of Representatives). They then employ role call votes, NOMINATE scores, and interest group ratings to assess the actions of the representative from each district relative to the preferences of the median voter in that district, or the quality of representation.

Gerber and Lewis found a positive relationship between median voter preferences and legislative behavior—legislators in conservative districts have more conservative positions, while representatives from more liberal districts are likely to take more liberal action. However, they also find that district composition plays an important role in the effect of the median voter—legislators from more heterogeneous districts seem to be less controlled by their district's median preferences, whereas legislators from more homogenous districts seem more likely to be very in-tune with their median voter. Legislators are especially attentive to the median voter when many constituents share

these preferences. One can infer from the article that representatives with homogenous districts are more likely to act as trustees.

Gerber and Lewis's study is important to this project because it offers situations in which representatives will act as delegates. Furthermore, it raises questions about district composition concerning this study—is it possible for typically heterogeneous districts to have homogenous preferences concerning certain issues: If that issue is of great salience to the district, might a legislator, fearing electoral punishment, attach more weight to that issue when taking action? Is there likelihood of a more homogenous district opinion when a wedge issue is involved? Will the representative then align his actions with the district's median preference? These are significant questions with significant implications for the wedge issue study.

An important gap in much of the literature on representation concerns so-called exceptional cases. To summarize Wahlke (1971), substantive representation is often not achieved due to a lack of coherent policy preferences among constituencies and poorly informed representatives except in exceptional cases. McCrone and Kuklinski (1979), though they do not go into detail, argue that there is a difference in representation when issues are unusually salient. Gerber and Lewis state that in exceptional cases, when policy preferences in a district are shared by many constituents, legislators are more likely to align themselves with district preferences. "What are these exceptional cases?" may be the most important question raised by any of these authors. Wedges issues may be the exception to the rule and a good fit to close the gap in research concerning representation.

Wedge issues are controversial and are often associated with morals or values – some issues may be so important to a voter that they may persuade him or her to vote for a candidate whose beliefs about the matter align with the voter's, regardless of party.¹³ At times, an issue will be so salient to an individual that it will create a wedge between that person and his or her "correct" party, or the party which would normally reflect that person's values. The term can also be related to Congress to signify issues that force representatives and senators to take a stand. Some of the most prominent “wedge issues” in the United States today are abortion, gay marriage, gun rights and stem cell research. Generally, most people have formed some sort of opinion on these issues.

Wedge issues are generally also what political scientists refer to as "easy" issues. In other words, they elicit a "gut" reaction in a voter and not a "conscious calculation of policy benefits for alternative electoral choices.”¹⁴ Carmines and Stimson describe the characteristics of "easy" issues as 1) being symbolic in nature, 2) dealing with policy ends rather than means, and 3) being on the political agenda for a long period of time.¹⁵ A voter needs little information or political knowledge to determine the positions of parties and candidates on these issues. An unsophisticated voter with a particularly strong opinion about such an issue might easily turn that attitude into a "single easy-issue" vote choice.

From this discussion, wedge issues can be determined using a five-question test. First, is there a great deal of public awareness about the issue? Second, is the issue divisive, especially along moral or ethical cleavages? Third, is there some sort of

¹³ Davidson, Robert H. and Walter J. Oleszek (2004). *Congress and its Members*. Washington, D.C.: CQ Press.

¹⁴ Carmines, Edward C. and James A. Stimson (1980). “The Two Faces of Issue Voting.” *The American Political Science Review*. Vol. 74 (March, 1980): 78-91.

¹⁵ *Ibid.*

emotional symbolism attached to the issue? Fourth, do politicians focus mainly on policy results, and ignore policy means? And finally, has the issue established itself on the political agenda for a sustained period of time?¹⁶ Assuming that all wedge issues fit this same basic definition, it can be concluded that each wedge issue will cause the same basic reaction in Congress, which will be discussed later.

By definition, wedge issues are divisive, and it is important to note the passion they tend to bring out from both ends of the spectrum. Right-to-Choose activists and Right-to-Life groups, hoping to be noticed by lawmakers, often sponsor (separate) marches in Washington, D.C. to publicize their opposing positions on abortion. A Right-to-Choose event can rarely take place without protest from the other extreme and vice-versa; the demonstrators feel so strongly that sometimes fights break out and people are arrested. Furthermore, some anti-abortion advocates have taken their desire to save unborn human lives to the ultimate extreme, bombing abortion clinics and murdering abortion doctors.

To further study the disputes wedge issues cause, take, for example, the 2004 presidential election. The candidates, George W. Bush and John Kerry dedicated months to the campaign trail, taking strong yet very opposite positions on several ethical issues. Kerry, the Democrat, was more liberal on issues such as stem cell research and abortion, stressing the importance of medical advancements as well as a woman's right to choose. Bush on the other hand, a conservative Republican, emphasized the importance of a culture of life, advocating that both embryonic stem cell research and abortion terminate potential life, and should therefore be limited.

¹⁶ Conover, Pamela Johnston, Virginia Gray and Steven Coombs (1982). "Single Issue Voting: Elite-Mass Linkages." *Political Behavior* (Vol. 4): 309-331.

Wedge issues also elicit fervor when they are placed on ballots. In November 2003, the Massachusetts Supreme Court ruled that it is unconstitutional to prohibit same-sex couples from marrying, and a further ruling in February 2004 stated that civil unions are an unacceptable alternative in instances when those couples are not allowed to marry. The following May, Massachusetts began issuing marriage licenses to same-sex couples. Several states responded to the Massachusetts decision with ballot initiatives that would amend their state constitutions to define marriage as a union between one woman and one man; several of those states went even further to prohibit anything that resembles marriage, such as civil unions, from being administered to gay couples. During the November 2004 election, eleven states voted on gay marriage amendments.

The campaigns for and against these amendments were waged by many state-specific organizations. Gay rights activists came out strongly opposed to the initiatives, while many religious organizations backed the amendments. In Ohio, for example, the Ohio Catholic Conference took a strong stand supporting the measure. Executive director of the organization, Timothy Lackhaupt, summed up the OCC's position: "We believe that marriage is between a man and a woman. Our basic reason for supporting this is to maintain the sanctity of marriage."¹⁷ However, some religious groups actually came out opposing the gay marriage ban in Ohio. Pastors and Rabbis, including gay and lesbian ministers, gathered to demonstrate their opposition to Issue One, characterizing the policy as "cruel," "unholy," and "heinous." Furthermore, faith leaders from the United Church of Christ would not support Issue One, believing that Christ would not want the church to be

¹⁷Briggs, David (2004). "Same-sex marriage is No. 1 in minds of religious groups." *The Plain Dealer*. 29 Oct 2004. A12.

exclusionary.¹⁸ Despite strong religious opposition from these church leaders, and warnings from Ohio's U.S. Senators DeWine and Voinovich and Governor Bob Taft about the economic implications if the amendment were adopted, Ohio's measure passed with a 61.8% majority. In the end, all eleven state amendments passed with a significant amount of the popular vote.¹⁹

Some have argued that wedge issues have a considerable impact on the public, particularly on voting behavior, where they can generate single-issue voters. Conover, Gray, and Coombs define a single issue as the any issue that causes a public or person to allow their participation in politics to be guided by that one issue. Some have suggested that many voters based their choice of candidate solely on wedge issues during the 2004 election. According to CNN.com, exit polls showed that the largest percentage of voters, 22%, named "moral values," which many wedge issue debates are based upon, as the election's most important issue. Some formerly heavily Democratic neighborhoods in Brooklyn, New York, voted Republican based on beliefs about moral issues such as gay marriage and abortion.²⁰ Eighty percent of those who based their votes on one or more "moral value" voted for Bush.²¹

Wedge issues are also prominent in Congressional campaigns. If it is assumed that one of the primary goals of any member of Congress is to be reelected, wedge issues may also play a role in the behavior of members of Congress. In order to appeal to the voters in his or her home district, a member of Congress may take actions such as *credit*

¹⁸ Briggs, David (2004). "Same-sex marriage is No. 1 in minds of religious groups." *The Plain Dealer*. 29 Oct 2004. A12.

¹⁹ National Conference of State Legislatures (2004). "Same-sex Marriage Measures on the 2004 Ballots."

²⁰ Farrel, Bill (2004). "Boro's heart turns red in shift from 2000, Voters go big for Bush." *New York Daily News*. 7 Nov 2004: Suburban section, page 1.

²¹ Bothelo, Greg (2004). "Exit polls: Electorate is sharply divided." *CNN.com*.

*claiming or opposition taking.*²² If an MC claims credit, he or she may assert responsibility for a specialized action that took place in a unit of Congress—amending a bill about gun control in committee, for example. When a member of Congress position takes, he or she will publicly state his or her opinion about an issue that is of interest to voters—voting "yes" or "no" on a controversial issue in a roll call vote, or announcing that he or she will support the president on an issue that is important to his or her constituency.²³

Members of Congress may also have other goals that wedge issues might influence. First, many representatives are genuinely interested in creating and implementing good public policy.²⁴ Representatives from California in both Chambers may be interested in sponsoring or co-sponsoring initiatives concerning stem cell research, especially since voters their districts approved Issue 71 in November, a ballot initiative that allows for \$3 billion in California tax dollars to be spent supporting the research.²⁵ Second, most members of Congress are interested in broadening the scope of their personal power, and may do so by earning the support of their party due to their positions on many issues, including wedge issues. Furthermore, once a representative gains power, such as minority/majority leader in either Chamber or Speaker of the House, he or she will be forced to take strong stands on wedge issues, as well as determine whether an issue will appear on the legislative agenda.

Interest groups, defined by *Washington Representatives* as "persons working to influence government policies and actions to advance their own and their client's

²² Mayhew, David R. (2004). *Congress: The Electoral Connection*. Second Edition. New Haven, CT: Yale University Press.

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ Bruck, Connie (2004). "Hollywood Science." *The New Yorker*. 18 Oct 2004: 62.

interest," form around single issues to lobby all three branches of government, especially Congress.²⁶ For example, one very powerful interest group, the National Rifle Association (NRA) and its lobbying arm, the Institute for Legislative Action (ILA), have formed for the purpose of promoting and defending the Second Amendment right to bear arms. The NRA boasts more than 4 million members on whom they depend to contact members of Congress when legislation involving gun rights is proposed. The ILA employs professional lobbyists whose campaigns on Capitol Hill include "enacting laws that recognize the rights of honest citizens to carry firearms for self-protection; preemption bills to prevent attacks on gun owner rights by local anti-gun politicians, and fighting for legislation to prevent the bankrupting of America's firearms industry through reckless lawsuits."²⁷ This is just one example of an interest group that has formed around a wedge issue in Washington.

Wedge issues have even made their way into hearings by the United States Supreme Court. Perhaps the most famous wedge issue decision was *Roe v. Wade* in 1973. The *Roe* ruling was an attempt to answer the abortion questions about a woman's privacy and when life begins. The opinion of the Court, issued by Justice Blackmun, declared that states could not restrict the ability of a woman to have an abortion within the first three months of her pregnancy. Blackmun pointed out the debate the issue raised: "We forthwith acknowledge our awareness of the sensitive and emotional nature of the abortion controversy, of the vigorous opposing views, even among physicians, and of the deep and seemingly absolute convictions that the subject inspires." *Roe v. Wade* is still a contentious issue today, and with the possibility of President Bush appointing as many as

²⁶ Wright, John R. (2003). *Interest Groups and Congress*. New York: Longman.

²⁷ NRAILA.org (2005). Interest group website.

four Supreme Court Justices during his second term, there are speculations that President will select new justices that may potentially overturn the decision.

In the legislative branch, the division of government with which this project is concerned, members of Congress cast votes for or against proposed legislation—wedge issues and non-wedge issues alike. In order to study representation, it is extremely important to study voting behavior, as it is the means by which a member of Congress represents his or her constituency. Examining the pattern of role call behavior and the changes in that pattern has two purposes. First, it provides answers about how accurately a member of Congress is representing his or her district. Second, it can provide clues about the goals of a member of Congress by demonstrating whether that member is aligning his or her votes with the party, the district, or perhaps a personal policy goal.

The argument that members of Congress act as delegates when dealing with wedge issues may be problematic due to Morris P. Fiorina's 2004 study, *Culture War: the Myth of a Polarized America*. Fiorina argues that the American population is, in fact, *not* deeply divided on controversial issues, including abortion and gay rights. The media, he states, is largely responsible for the perception among the American population that there is a huge difference between people living in “blue” liberal areas and “red” conservative areas. If Fiorina is correct, that Americans are moderate even on traditionally divisive issues, then factors other than constituency opinion may be influencing representatives.

When one thinks of the so-called “culture war” taking place in the United States today—a deep division over issues among the population—abortion is often the first issue to come to mind. There are few for whom pictures of avid protests from pro-lifers

and pro-choice advocates, abortion clinic bombings, and horrifying tales of back-alley abortions would not quickly become visible in the mind's eye. Though these images are thought to reflect a large divide in the American public, they actually best represent the views of the polarized and tremendously vocal factions from the extreme right and left. The conflict exists within these factions, and with the political elite. The American public, however, takes a much more moderate stance, favoring legal abortion with reasonable regulations. The public largely agrees that abortion should be allowed in cases involving trauma, such incest, rape, life or health of the mother, or extreme birth defects; while imposing tougher restrictions for abortions motivated by social reasons, including that the mother is not married and does not want to marry the man, or the mother does not want any more children.²⁸

The following chart depicts the attitudes of Americans toward the issue of abortion when asked the following question:²⁹

Please tell me whether or not you think it should be possible for a pregnant woman to obtain a legal abortion if:

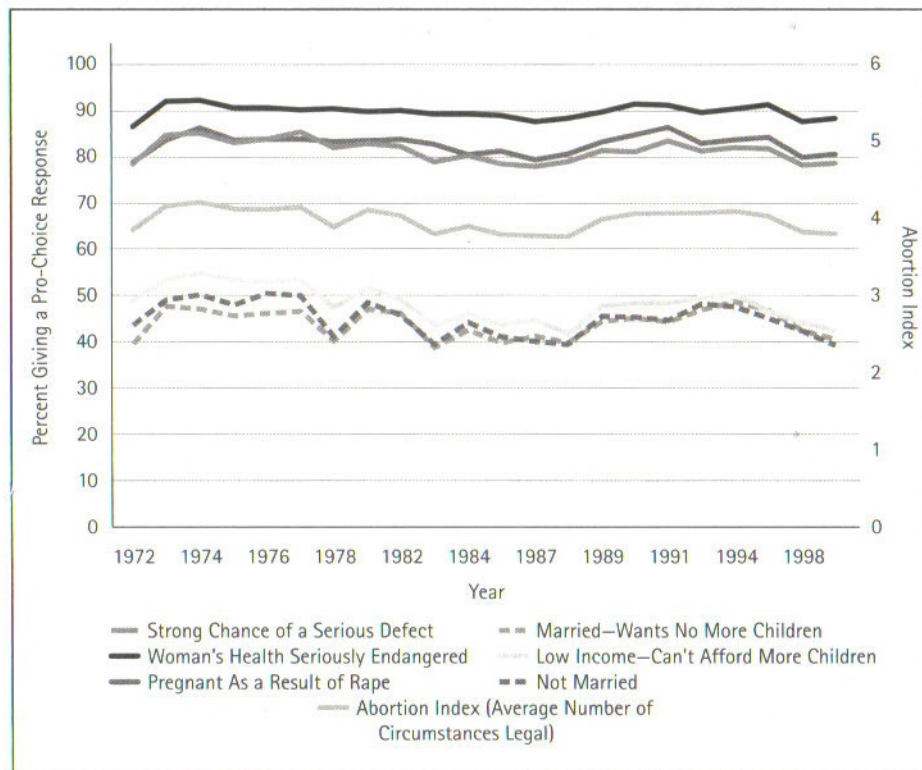
- 1. the woman's health is seriously endangered*
- 2. she became pregnant as a result of rape*
- 3. there is a strong chance of a serious defect in the baby*
- 4. the family has low income and cannot afford any more children*
- 5. she is not married and does not want to marry the man*
- 6. she is married and does not want any more children*

²⁸ Fiorina, Morris P. (2005) *Culture War? The Myth of a Polarized America*. New York: Pearson Longman. pp. 34-37.

²⁹ Ibid.

FIGURE 4.2

Popular Attitudes Toward Abortion Have Been Remarkably Stable Since *Roe v. Wade*



Source: Fiorina, Morris P. (2005) *Culture War? The Myth of a Polarized America*. New York: Pearson Longman..

Large majorities of Americans support abortion in the first three situations, while the last three are typically favored by a minority, though this minority includes a significant number of Americans.³⁰

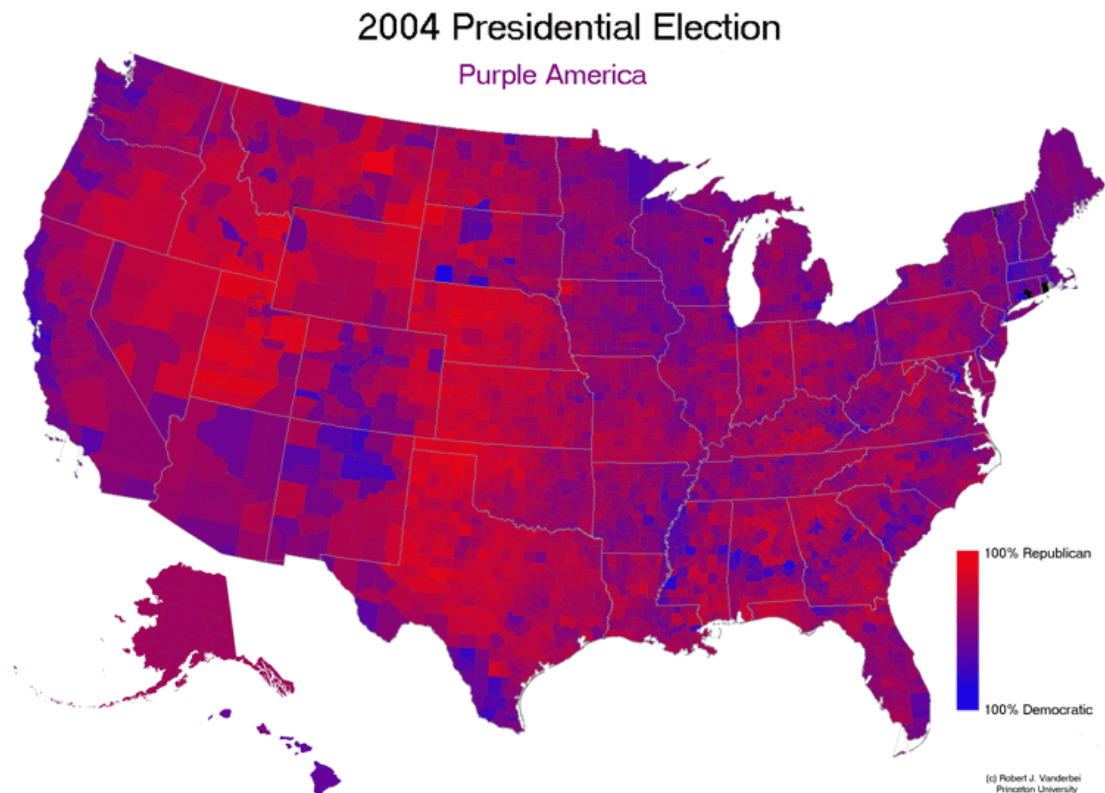
Fiorina's argument about abortion flies in the face of the popular belief that Americans are deeply divided over at least one wedge issue. Issues involving homosexuality have traditionally been a divisive issue in the U.S., though they have not been on the agenda for the length of time that abortion issues have. There has been a shift in public opinion since the 1980s when the majority of the American public felt that homosexual relations should be illegal. Today, the population does not see the value in

³⁰ Fiorina, Morris P. (2005) *Culture War? The Myth of a Polarized America*. New York: Pearson Longman. pp. 34-37.

criminalizing private sexual acts, though roughly 60% of Americans believe that homosexuality is wrong. However, there are divisions over gay marriage, which became a hot-button issue in 2004 when marriage licenses became available in Massachusetts and San Francisco. A federal amendment banning gay marriage was introduced in Congress in the summer of 2004, but it failed to rally public support; however, eleven gay marriage initiatives to ban gay marriage through state constitutional amendments passed in the November 2004 elections.

Fiorina's study, though very a very interesting explanation of public opinion and the fabricated culture war, may not be particularly helpful for this study. Fiorina examines public opinion at the state and national level, while this project is interested in public opinion at the district level. Fiorina states several times that there are regional differences in opinion—blue areas in the northeast, an area heavily populated by Catholics, may not be as liberal as blue areas on the west coast, for example. Furthermore, Fiorina does not necessarily measure the intensity of opinions in the areas he studies. A state may appear to be “purple” as he demonstrates in the most recent publication of his study, but it is a measure of aggregate opinion. If the citizens of the state are strongly divided, a “culture war” may still exist. An interesting way to view the breakdown of red versus blue areas in the U.S. is to look at a map put together by Princeton University called “Purple America.” This map, though it depicts votes by county for president, may be a good predictor of which areas in the U.S. will feel strongly about certain wedge issues, and may be useful to representatives simply because it is

broken down to a small level.³¹ However, intensity of opinion is still an important factor for representatives to weigh when calculating voting decisions.



Source: Vanderbei, Robert J. (2004). "Election 2004 Results." <http://www.princeton.edu/~rvdb/JAVA/election2004/>

Leading Congressional scholar John W. Kingdon presents six models of legislative voting that members of Congress follow when making public policy decisions. Kingdon asserts that representatives must make complex decisions with limited time and information, and these models work together in order to help the representatives make difficult decisions—the decision rules allow for simplified choices. The first model is cue taking, a strategy that allows representatives to cut information and time costs by

³¹ Vanderbei, Robert J. (2004). "Election 2004 Results." <http://www.princeton.edu/~rvdb/JAVA/election2004/>. Date Accessed: February 10, 2006.

voting in the same way as a like-minded and better informed congressional colleague. The U.S. committee system in Congress allows for representatives to specialize in certain areas, therefore, many legislators rely on others to determine how they should vote in areas in which they themselves are not specialists.

“Policy Dimensions” is Kingdon’s second model of legislative voting. This idea states that a congressman comes to the table with certain perceptions and attitudes about the issue at hand—this is known as the first dimension. The member of Congress then compares that position to the position laid out in the wording of the legislation—the legislation itself is the second dimension. The congressman bases his vote—yea or nay—upon how the legislation fits his position. Kingdon states at this point that when the legislation concerns civil liberties, that the congressman will weigh heavily the views of his constituency, though his party is more important when governmental affairs such as the economy are on the agenda.

The third is called the predisposition-communication model, which states that a congressman measures the strength of his predisposition toward an issue based on his past behavior and voting record, the position of his party, and the effects the issue will have on his constituency. If his predisposition is strong, he will vote along with it. If it is not, an elaborate process of communication with colleagues, party leadership, and constituents follows until he reaches a decision.

The consensus model, the fourth, states that if there is no controversy over an issue or a bill, a member of Congress will vote with the consensus. When contention arises over the proposed legislation, the calculus becomes much more complex, and the member of Congress will weigh other factors into his vote choice.

The past behavior model assumes that a congressman's decisions are related to past behavior. Once a member of Congress has established a voting record on an issue, he will generally continue to vote the same way when that issue comes to a vote. If he does change his position, it will be gradually and incrementally to avoid the appearance of his vote being easily swayed.³² Presidential candidate John Kerry, for example, was labeled a "flip-flopper" by the Bush campaign in 2004 for changing his position on the Iraq War by voting in favor of the war, then opposing funding for the war.³³

Finally, Kingdon presents the goals model, which asserts that members of Congress vote in accordance with their goals. These goals include re-election, as Mayhew presented in *Congress: the Electoral Connection*, as well as a desire to gain power and influence in Washington, and instituting what the representative believes is good public policy.

Kingdon states that the six models are not conflicting, but in fact work together to assist legislators. However, he seems to prescribe to the assertion that members of Congress make their decisions based on the goals model. First, a representative desires to satisfy her constituents. Not only did the constituency enable her to achieve office, but the constituency is also responsible for keeping the representatives in office when she runs for reelection—therefore, she will do their best to please her district, especially when issues are highly visible and salient. When considering her vote on an issue, the member of Congress will take into account the reaction of the district she represents, as well as the gain or loss of votes her position on an issue will mean for her in the next

³² Kingdon, John W. (1977). "Models of Legislative Voting." *The Journal of Politics*, Vol. 39, No. 3 (Aug., 1977), p. 567.

³³ Harris, John F. (2004). "Despite Bush Flip-Flops, Kerry gets Label." *The Washington Post*. 23 September 2004. p. A1.

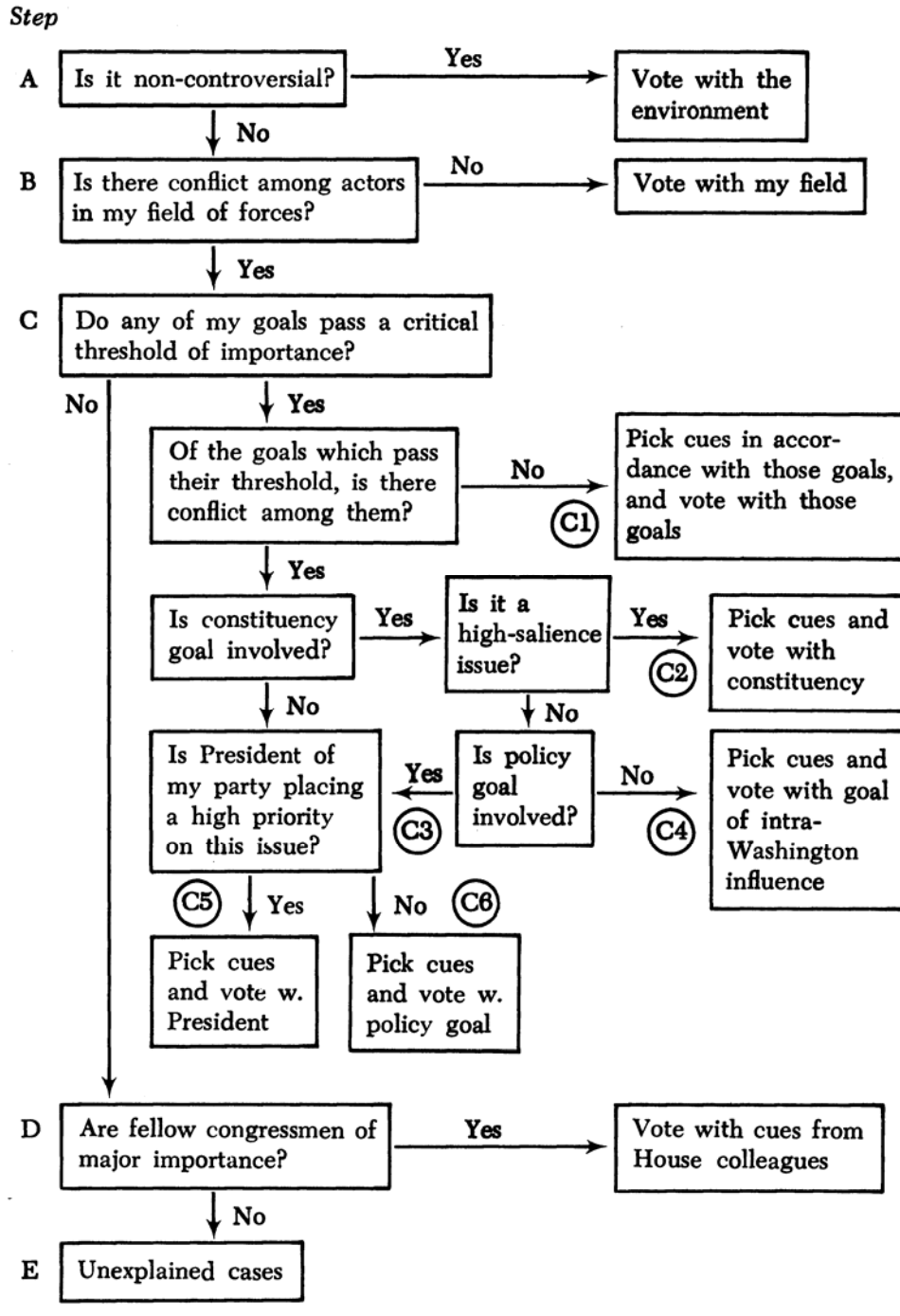
election. Next, members of Congress are generally interested in gaining influence and power within the government. Leadership positions in Washington enable a representative to “bring home the bacon” to her district, which is extremely helpful in a reelection bid. This can be done by voting along with the positions of the representative’s party leadership, favor trading, or following the preferences of the president perhaps to gain an appointment. Finally, the voting decisions of members of Congress can be motivated by a genuine interest in making what they believe is good public policy. Policy attitudes and ideology affect the representative’s decision, and previous behavior also weighs in because the representative’s voting record defines her traditional position on the issue at hand—the voting record is the “more than words” of the legislature.

When calculating a decision, Kingdon argues, a member of Congress begins at the lowest level possible—if a “decision rule” can be applied, he applies it immediately. This generally occurs when an issue is not controversial. When an issue is contentious, he moves on to a more complicated method of decision making. Kingdon’s table demonstrating the path members of Congress take to reach decisions follows.³⁴

³⁴ Kingdon, John W. (1977). “Models of Legislative Voting.” *The Journal of Politics*, Vol. 39, No. 3 (Aug., 1977), p. 575.

FIGURE 1

AN INTEGRATIVE MODEL OF LEGISLATIVE VOTING DECISIONS



Kingdon describes the path that a legislator will follow when a controversial issue is at hand:

If one or more goals are important enough, he asks if there is conflict among the goals which have been evoked...If there is some conflict among the goals which the legislator considers relevant to his decision, he proceeds implicitly to some decision rules which help him sort out the conflicts and make a satisfactory choice...the congressman considers the constituency interest first. He may not end up voting with the constituency, but he always considers it when it is above the minimal level of importance. Placing this goal first is in keeping with the fact that the congressman owes his tenure in office to his constituency...If the issue is of high salience, and if constituency is a relevant consideration, the model postulates that in view of the likelihood that important constituents will notice and disapprove of a vote out of keeping with their interests, the constituency consideration will dominate.³⁵

Therefore, the constituency is the most important factor when a congressman considers his vote on an issue that is both salient and controversial.

According to the research of some scholars, political parties have the most influential role in congressional decision making. Due to their importance in the calculus of voting decisions of members of Congress, it is important to study them in this review of congressional voting behavior. Samuel C. Patterson and Gregory A. Caldeira examined trends in party voting in the U.S. Congress. Party voting can be defined as a vote in which “majorities of the two congressional parties, the Democrats and Republicans, oppose one another.”³⁶ According to Patterson and Caldeira, party cleavage in the U.S. is moderate when compared to other political systems around the world for two reasons. First, party divisions do not run deep among American citizens—many Americans consider themselves Independents rather than identifying themselves with the Democratic or Republican Party. Second, the separation of the executive and legislative

³⁵ Kingdon, John W. (1977). “Models of Legislative Voting.” *The Journal of Politics*, Vol. 39, No. 3 (Aug., 1977), p. 576-578.

³⁶ Patterson, Samuel C. and Gregory A. Caldeira. (1988). “Party Voting in the United States Congress.” *British Journal of Political Science*, Vol. 18, No. 1. (Jan., 1988), p. 111.

branches of government means that parties in the legislature can be more lenient with their discipline since the head of state is not derived from the legislature.

Patterson and Caldeira found that members' of Congress willingness to vote with their party changes in intensity throughout time. First they noted that significant party realignment, such as the Democratic realignment of 1932, will increase party voting for several years, after which party support begins to dwindle. The strength and centralization of party leadership in Congress can also contribute to a rise in party voting. A powerful Speaker of the House, for example, may have the power to sway the votes of members of his party through promises or threats. Finally, party voting is stronger in the first session of a Congress—the non-election year—than in the second session when representatives are campaigning and attempting to court their constituencies.

The authors argue that the party loyalty of members of Congress respond to both exogenous and endogenous forces. In other words, internal factors such as the composition of the membership, procedural rules, leadership opportunities and the agenda, as well as external factors including the will of the electorate, influence the party alignment of legislators. Congress is neither a body reliant completely upon the wills and whims of various constituencies, nor is it entirely an exclusive club in which members make decisions based on the rules of the game.

The electoral and partisan context provides more opportunity to explain when and why party voting takes place. First, Patterson and Caldeira assert that when national parties stand opposite one another on the “great issues of their time,” high levels of partisan voting will follow.³⁷ On the same note, partisan voting is likely to decrease as

³⁷ Patterson, Samuel C. and Gregory A. Caldeira. (1988). “Party Voting in the United States Congress.” *British Journal of Political Science*, Vol. 18, No. 1. (Jan., 1988), p. 118.

conflict on the national scale decreases. Next, when the presidency and the majority of seats in either the House or Senate are held by the same party, party voting will rise for several reasons. First, the President's agenda tends to dominate the legislative agenda because his colleagues in party leadership positions in the legislature set the said agenda. Second, the President can give the leaders of his party extra leverage with which to increase party voting—the rank and file party membership can be coerced to fall in line. Finally, the minority party may become more cohesive, causing even more polarization between the parties. This is quite likely what is taking place in the legislative branch at the current time as Republicans control the presidency and both houses of the legislature. Democrats appear to have become quite cohesive in their fight against the majority, engaging in several filibusters and attempting to regain control of Congress in 2006. Patterson and Caldeira also state that when districts favor a representative and a president from the same party, party voting will increase. On the other hand, representatives whose districts are split are less likely to vote along party lines.

The authors argue that four independent variables affect the degree of partisan cleavages in Congress. The relative size of the majority and minority are important because party voting runs higher when the majority is large—partisan cohesiveness is stimulated in both the majority and the minority in such cases. Party voting is higher when the positions of Republicans and Democrats within their parties are homogeneous and opposed to the opposite party. The level of support for the President is also a factor—partisan polarization can decline if there is strong bi-partisan support for the President, such as in times of war. The previous record of party voting also affects partisan cleavages because Congress changes at a slow rate, and the degree of partisan

cleavage present in the previous session is often a model for the degree of partisan cleavage in the current session.

Perhaps the most important implication of this research is the finding that members of Congress are less likely to vote along party lines during election years. This lends credibility to the notion that the main goal of representatives is to be reelected, and signifies that they are willing to break with their parties in order to please their constituencies. This fact demonstrates that, while party may generally be the most important influence on a member of Congress's voting decision, there are times when constituency desires outweigh party loyalty.

A more recent study of the influence of parties by Gregory L. Hager and Jeffery C. Talbert, examines the affects of party upon the decisions of members of Congress. Hager and Talbert assert that in modern congresses, party is highly correlated with ideology. Furthermore, they argue that party is an important heuristic for voters, and that members of Congress might be willing to vacate their own preferences for those of the party, at least sometimes, in order to increase their chances of reelection. According to Hager and Talbert, party voting is on the rise in Congress. However, this finding may be due to the fact that parties have become more ideologically homogenous within their membership in recent years.

Party certainly does have an important role to play in the reelection of members of Congress. However, the effects of party influence may be weaker on substantive decisions such as role-call voting than they have been in past. Representatives assume that constituents are generally knowledgeable of only a few key votes. The public pays attention to the voting behavior of their representative; therefore the representative has a

vested interest in pleasing his or her constituency on these key votes. Though the voting behavior is important, the representative's party identification remains a brand name that the electorate can use as a short-cut to determine the candidate's likely record and ideology. Therefore, a member of Congress should be concerned with public reaction to a few specific votes, as well as the perception of his or her party by his constituents.

Members of Congress today generally do not rely on party funds for reelection as legislators of the past did. Therefore, representatives have less incentive to consistently vote along party lines; rather, they are most likely to vote with their constituents on most bills. However, party reputation is a collective good which the entire party should be interested in preserving. The Republican Party of the current 109th Congress, for example, has had its reputation damaged by alleged corruption amongst its important leadership, such as the indictment of Majority Leader Tom DeLay (R-TX) for supposed campaign finance violations, as well as the accusation of several prominent Republicans of receiving illegal contributions from lobbyists.

Political parties are a means for political actors to achieve their goals. Voting along party lines can assist a representative in gaining influence in Washington, which can, in turn, allow her to bring specialized benefits to her district or implement important policy—benefits which can both be used to strengthen a campaign for reelection. This phenomenon is likely what is taking place among California Republicans concerning stem cell research. Following the approval of a stem cell research referendum, eight California Republicans modified their stances on stem cell research from disapproval to approval in order to align with their districts counter to the stance of the national Republican Party and Republican leadership. Five other California Republicans, whose

districts approved the referendum, nearly all by at least ten percentage points, did not change their votes. Each of these representatives received an important committee or presidential appointment in either 2003 or 2005, which may be indicative of the notion that one must maintain the party's positions or party loyalty in order to gain power within the party.

Perhaps the most important finding of Hager and Talbert is that party influence is likely drowned out by constituency preferences on key or controversial votes. This implies that, while party is influential, representatives are most concerned with pleasing their electorate in order to gain reelection.

As a side note, Gerber and Lewis (2004) also determined that party pressures dominate legislative behavior when a representative's district is heterogeneous. In other words, if many voters in an electorate think alike, their representative is more restricted to voting along the lines of the electorate. Representatives whose districts have many types of voters who think in many different ways are less confined by the district's aggregate opinion, and often vote along party lines.

Representation is an extremely complex process involving both the representative and the represented, and many factors contribute to the way in which a representative carries out his or her duty. Representatives feel pressure from every direction when they make decisions, and no two issues are alike. This project examines the issue of stem cell research and its effect on the behavior of members of Congress. Stem cell research is an important issue in the United States. Considerable medical advances may be made possible by the study, and the issue has also produced significant debate in U.S. political system. Stem cell research is based on the stem cell, which is an unspecialized cell that

can potentially develop into any other cell, organ or tissue in the human body. Stem cells can be found in adult tissues such as umbilical cord, placenta, bone marrow, and baby teeth, as well as in human embryos. Embryonic stem cell research has been limited due to an executive order President Bush issued in 2001 that disallowed federal funding for study on embryos that were destroyed after August 2001. The science community was left with about 19 unstable, replicating embryonic stem cell lines, though research using adult stem cells was encouraged to continue. Scientists hope that in time stem cells will be a treatment for diseases such as Alzheimer's, cancer, diabetes and Parkinson's. Furthermore, doctors anticipate the alleviation of organ donation shortages by developing stem cells into any human organ and using those organs for patients requiring transplants.³⁸

It remains open for debate whether stem cell research merits the status of “wedge issue.” It is often classified as such in the media, but must be put to the five question test to determine whether this classification is correct.

1. Is there a great deal of public awareness about the issue?

Stem cell research is a topic with particularly high public awareness, though it is relatively new to the political scene. Prior to President Bush’s announcement concerning federal funding for embryonic stem cell lines in 2001, "significant" media coverage of the stem cell issue was limited. However, following the President's televised decision to limit funding to lines that had been created prior to August 9, 2001, polls suggested that 40-

³⁸ International Society for Stem Cell Research (2005). "Frequently Asked Questions." <http://isscr.org/public/faq.htm>. Date Accessed: 31 Jan 2005.

60% of Americans were following the issue closely or somewhat closely.³⁹ Though public awareness of the stem cell issue fell dramatically in 2002 and 2003, it surfaced again in 2004 as the presidential and congressional elections neared.

According to a 2004 survey conducted by the Pew Research Center and the Pew Forum on Religion and Public life, 85% of Americans reported having heard at least "a little" about the issue of stem cell research; half of those respondents admitted to having heard "a lot" about the debate. Those numbers are up from 2002 when only 27% of the population answered that they had heard "a lot" about stem cell research. The 2004 presidential election also brought stem cell research to the spotlight at the second debate. Additionally, celebrities who suffer from injuries and illnesses, such as the late Christopher Reeve and Michael J. Fox, have appeared in advertisements promoting stem cell research. This differs from an issue such as agricultural subsidies. Though federally sponsored agricultural subsidies affect the entire nation (and farmers especially), they are not generally talked about in the media, and the public most likely knows very little about them.

2. Is the issue divisive, especially along moral or ethical cleavages?

Stem cell research is a controversial issue because of the ethical questions involved. There are no moral reservations regarding adult stem cell research because it does not require the destruction of a potential human life. On the other hand, embryonic research must terminate the existence of an embryo in order to extract the stem cells. The 2004 presidential candidates summed up the debate very well. Senator Kerry argued, "I

³⁹ Nisbet, Matthew (2004). "Public Opinion About Stem Cell Research and Human Cloning." *Public Opinion Quarterly*. 2004 68(1):131-134.

believe if we have the option, which scientists tell us we do, of curing Parkinson's, curing diabetes, curing a spinal cord injury — anything — that's the nature of the human spirit. I think it is respecting life to reach for that cure." President Bush, in his response, said, "Embryonic stem cell research requires the destruction of life to create a stem cell. To destroy life to save life is one of the real ethical dilemmas that we face. But as well, we need to continue to pursue adult stem cell research."⁴⁰ The debate is clearly ethical in nature, as stem cell research involves questions of who will live and who will die.

Most embryonic stem cells are extracted from leftover embryos created for in vitro fertilization; the embryos can only be used with the donors' consent. Embryonic stem cells are able to adapt into more types of cells than adult stem cells, therefore stem cell advocates believe that new embryonic stem cell research should receive federal support. However, right-to-life groups argue that the destruction of a five-day-old embryo extinguishes a human life, and that such practices should be illegal, or at the very least, not funded by taxpayer dollars.

There is also disagreement about whether therapeutic cloning is an acceptable process for obtaining stem cell lines. Therapeutic cloning replaces the nucleus of a human egg cell with the nucleus of another cell from the body. After four to five days, stem cells are extracted and the embryo is destroyed. Scientists hope that this form of stem cell withdrawal will eliminate the possibility of patients' immune systems rejecting tissues derived from stem cells, because the stem cells would come from a cell in the patients' own bodies. This process does not lead to any sort of reproduction, but some opponents

⁴⁰ PBS NewsHour Transcript (2004).

of the method fear the reproductive possibilities of cloning, and do not wish to advance cloning technology in any way.

3. Is there emotional symbolism attached to the issue?

Stem cell research is a highly symbolized issue. To understand the symbols that are used by groups on both sides of the argument, it must be understood how the issue is framed. Conservatives are generally against embryonic stem cell research, and they link the issue to abortion. They symbolize their position characterizing an embryo as a living, innocent human being that is destroyed before it has the chance to live.⁴¹ Liberals, who are most in favor of embryonic stem cell research, see the dilemma as a health issue. They characterize the embryo as "material," and point to the cures and treatments that stem cell research makes possible that will improve the lives of many diseased or otherwise debilitated citizens (NewsHour, 2004).

Both liberal and conservative groups have formed around the issue, and engage in passionate discussion of the pros and cons of stem cell research. The Christian Coalition of America, for example, has mobilized its grassroots to contact Senators and representatives who oppose President Bush's policy on embryonic stem cell research. On their website, the group discusses its feeling concerning the use of adult versus embryonic stem cells,

Just over 200 Members of the House, including some pro-life Republicans and Democrats, have signed a letter to President Bush asking him to repeal his policy on federal funding for embryo stem cell research and basically to encourage

⁴¹ National Right to Life Committee Website (2004).

destruction of new human embryos for stem cell research. There is zero need for such a change in policy.⁴²

On the other hand, the liberal group NARAL Pro-Choice America has issued a petition that they hope will influence President Bush's policy on stem cell research. They give their assessment of the President's position:

President Bush has refused to allow this promising science to move ahead. Why? Because Bush has shown that he's incapable of setting aside his anti-choice politics for the good of our country. Bush's policy has shackled development of new treatments for diseases such as Alzheimer's, Parkinson's, cancer, and diabetes.⁴³

Both groups use emotionally charged language to emphasize their support or opposition to the issue, revealing their passion for policy outcomes that reflect their side's views.

4. Do politicians focus mainly on policy ends or policy means?

Legislators make judgmental statements about all kinds of legislation that comes through Congress; some of these judgments deal with governmental *means*, and some deal with governmental *ends*. If a congressman or congresswoman issues an opinion concerning means, he or she is addressing the way he or she feels the government should handle some issue: *The way to save embryos is to cut federal funding for stem cell research*. On the other hand, when focusing on ends, he or she is stating what he or she feels the results of governmental policy should be: *The government should support embryonic stem cell research*.⁴⁴ According to Carmines and Stimson (1980), when a

⁴² The Christian Coalition (2004).

⁴³ The Petition Site (2004).

⁴⁴ Mayhew, David R. (2004). *Congress: The Electoral Connection*. Second Edition. New Haven, CT: Yale University Press.

wedge or "easy" issue is involved, it is expected that the issue will generally deal with policy ends rather than means.

When it comes to stem cell research, it is not clear that politicians are making judgmental statements that deal with policy ends. The basis of the debate on Capitol Hill is whether or not taxpayer dollars should be funding a practice that some taxpayers view as unethical. Therefore, many of the statements made about stem cell research involve *how* money should be spent, which as a governmental means statement. For example, Representative Diana DeGette, a stem cell research advocate, says: "We need to have a federal policy that not only allows for complete funding for all stem cell lines, but also puts strict ethical controls."⁴⁵ Senator Sam Brownback, who opposes stem cell research on embryos, states: "We're having phenomenal success in adult stem cells. Let's follow that and let's increase that money."⁴⁶ Rather than promoting a position for or against stem cell research, the positions taken by law makers generally favor or oppose federal spending for the research.

5. Has the issue been part of the public agenda for a sustained period?

It is difficult to argue that stem cell research has been on the public agenda for a long period of time, because it is a very new science—it was only in 1998 that human stem cells were first isolated. However, the ethics behind the stem cell dilemma can be traced back to the 1970s and the abortion question. The basis of opposition to both abortion and embryonic stem cell research is the question "When does a fertilized cell

⁴⁵ PBS *NewsHour* Transcript (2004).

⁴⁶ *Ibid.*

become a life?" Some conservative religious die-hards believe that life begins at conception, while some pro-choice extremists believe that a fetus is not alive until it exits the mother's womb. The Pew Forum on Religion and Public Life found in its poll that 52% of Bush supporters favored protection of the embryo to furthering scientific research in 2004, while 67% of Kerry voters believed that conducting research was more important than saving embryos.

(6. Does the issue divide a like-minded electorate?)

It has also been suggested that a wedge issue is one that can divide a typically cohesive group. Stem cell research often divides members of the Republican Party. Nancy Reagan, a Republican, has been an avid supporter of embryonic stem cell research, while other conservative Republicans have been the strongest opponents to allowing the federal government to fund the science. Democrats on the other hand typically are very supportive of all forms of stem cell research, including embryonic and somatic cell nuclear transfer.

Stem cell research does not seem to be a wedge issue in the whole sense. Though the issue is divisive, emotional, and highly public, its focus on policy means and limited time on the legislative agenda separate it from other wedge issues. Further study and an empirical test are necessary to determine whether stem cell research is a true wedge issue. However, stem cell research itself remains highly controversial, and might provide an interesting study of legislative behavior concerning wedge issue or wedge-issue-like topics.

The legislative behavior examined in this project is based on three floor votes taken in the U.S. House of Representatives and a statewide referendum from California. Two of the bills, H.R. 2505 and H.R. 534, reached the floor prior to the 2004 election. California Proposition 71 was voted upon by the people of California in the 2004 election. The final bill, H.R. 810, came to the floor as a roll call vote in May 2005. This situation provides for a unique natural experiment. Did representatives change their vote on stem cell research following Proposition 71, which supplied a very good cue to the representatives about the preferences of their districts?

No bills directly concerning stem cell research reached a floor vote prior to the November 2004 election. Several were introduced; however, none made it past committee. Therefore, this study is based on floor votes on bills that concern human cloning, which is related to stem cell research. It is not perfect—there is certainly a possibility that a representative could disapprove of cloning but support stem cell research. However, support for stem cell research is closely linked with cloning, because embryonic stem cells can be cloned and used for research purposes, and many advocates of stem cell research would like to see the government allow researchers to pursue studies involving cloned cells.

The passage of Proposition 71 allowed for a California Institute of Regenerative Medicine to regulate stem cell research, as well as issue grants to the universities and

laboratories conducting it at a cost of \$3 billion to California taxpayers. The measure was approved by a margin of 59.1 percent to 40.9 percent.⁴⁷

House of Representatives bill 810 was a landmark bill for stem cell research. It was the first bill to reach a floor vote, which took place May 24, 2005. This legislation, sponsored by Diana DeGette (D, CO) and Michael Castle (R, DE), would have allowed excess embryos from in vitro fertilization clinics to be donated for research purposes with the consent of the parents of the embryo. H.R. 810 passed in the House by a vote of 238-194; however, it never reached the Senate floor and did not become law.

The following data table displays the name and district of each California member of the U.S. House of Representatives, his or her party, the percent of the vote he or she received in the 2004 election, the member’s vote on each of the three bills, and the percentage of the member’s district that voted yes or no on Proposition 71.

Representatives highlighted in yellow (McKeon, Dreier, Lewis, Calvert, Bono, Rohrabacher, Issa, Cunningham) voted in alignment with their district following the passage of Proposition 71. Those highlighted in blue (Pombo, Gallegly, Royce, Cox, Hunter) did not vote in-line with their district following their district’s approval of Proposition 71. The lone purple highlight, Thomas, was a case in which the representative voted out of alignment with his district after his district rejected Proposition 71.

California Representatives and Their Votes

District	Representative	Party	% vote 2004	H.R. 2505	H.R. 534	H.R. 810	Prop 71 % Yes	Prop 71 % No
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⁴⁷ California Secretary of State.

1	Thompson, Mike	D	67	N	N	Y	59.5	40.5
2	Herger, Wally	R	66.9	Y	Y	N	47	53
3	Lungren, Daniel	R	62			N	49.2	50.8
4	Doolittle, John	R	65.4	Y	Y	N	47.6	52.4
5	Matsui, Doris	D	71.4			Y	58.2	41.8
6	Woolsey, Lynn	D	72.7	N	N	Y	64.3	35.7
7	Miller, George	D	76.1	N	N	Y	66.1	33.9
8	Pelosi, Nancy	D	83	N	N	Y	71.7	28.3
9	Lee, Barbara	D	84.6	N	N	Y	70.2	29.8
10	Tauscher, Ellen	D	65.8	N	N	Y	64.1	35.9
11	Pombo, Richard	R	61.3	Y	Y	N	55.5	44.5
12	Lantos, Tom	D	68.1	N	N	Y	69.5	30.5
13	Stark, Fortney Pete	D	71.7	NV	N	Y	67.2	32.8
14	Eshoo, Anna	D	69.8	N	N	Y	67.8	32.2
15	Honda, Michael	D	72.1	N	N	Y	65.6	34.4
16	Lofgren, Zoe	D	70.9	N	N	Y	65.9	34.1
17	Farr, Sam	D	66.8	N	N	Y	68.1	31.9
18	Cardoza, Dennis	D	67.5		N	Y	49.7	50.3
19	Radanovich, George	R	66.1	Y	Y	N	46.6	53.4
20	Costa, Jim	D	53.5			Y	50.8	49.2
21	Nunes, Devin	R	73.2		Y	N	43.4	56.6
22	Thomas, William	R	100	Y	Y	Y	45.8	54.2
23	Capps, Lois	D	63.1	N	N	Y	60.6	39.4
24	Gallegly, Elton	R	62.9	Y	NV	N	54.8	45.2
25	McKeon, Buck	R	64.5	Y	Y	Y	52.2	47.8
26	Dreier, David	R	53.6	Y	Y	Y	54	46
27	Sherman, Brad	D	62.3	N	N	Y	62.9	37.1
28	Berman, Howard	D	71	N	N	Y	70.8	29.2
29	Schiff, Adam	D	64.7	N	N	Y	62.4	37.6
30	Waxman, Henry	D	71.3	N	N	Y	73.5	26.5
31	Becerra, Xavier	D	80.3	N	N	Y	70.3	29.7
32	Solis, Hilda	D	85.1	N	N	Y	61.6	38.4
33	Watson, Diane	D	88.6	N	N	Y	75.9	24.1
34	Roybal-Allard, Lucille	D	74.5	N	N	Y	64.9	35.1
35	Waters, Maxine	D	80.6	N	NV	Y	70.8	29.2
36	Harman, Jane	D	62	N	N	Y	63.5	36.5
37	Millender-McDonald, Juanita	D	75.1	N	NV	NV	68	32
38	Napolitano, Grace	D	100	N	N	Y	61.7	38.3
39	Sanchez, Linda	D	60.7		N	Y	58.1	41.9
40	Royce, Edward	R	68	Y	Y	N	50.5	49.5
41	Lewis, Jerry	R	83	Y	Y	Y	50.4	49.6
42	Miller, Gary	R	68.2	Y	NV	N	49.7	50.3
43	Baca, Joe	D	66.4	N	NV	Y	56.4	43.6
44	Calvert, Ken	R	61.7	Y	Y	Y	52.8	47.2
45	Bono, Mary	R	66.7	Y	Y	Y	55.8	44.2
46	Rohrabacher, Dana	R	62	Y	Y	Y	54.3	45.7
47	Sanchez, Loretta	D	60.4	N	NV	Y	54	46
48	Cox, Christopher	R	65	Y	Y	N	54.9	45.1

49	Issa, Darrell	R	62.6	Y	Y	Y	52	48
50	Cunningham, Duke	R	58.5	Y	Y	Y	57.6	42.4
51	Filner, Bob	D	61.7	N	N	Y	58.2	41.8
52	Hunter, Duncan	R	69.2	Y	Y	N	54.6	45.4
53	Davis, Susan	D	66.2	N	N	Y	66.9	33.1

The easiest way to analyze the data is to break it down on a case-by-case basis, starting with those legislators in blue who voted out of alignment with their districts, even though in these districts, Proposition 71 was approved with a median of 9.6 percentage points. All of these representatives share important similarities. First, they are all Republican incumbents who seem to be in “safe” districts—that is, they won the last election with more than 60% of the vote.⁴⁸ Representatives who win their seats in Congress by a large margin may be less concerned with pleasing their districts because they do not feel the pressure of a close election.⁴⁹

Next, each representative seems to be fairly heavily involved with the Republican Party and its leadership. Richard Pombo was appointed Chairman of the House Resources Committee in 2003, and received the position over several more senior colleagues.⁵⁰ Elton Gallegly was personally appointed by Speaker of the House Dennis Hastert (R-IL) to serve on the Permanent Select Committee on Intelligence in 2003. Ed Royce, who serves on the Financial Services Committee and the Committee on International Relations, chairs the subcommittee on Terrorism. Chris Cox was appointed chairman of the Securities and Exchange Commission by President Bush in 2005.

⁴⁸ Pombo, Gallegly, Royce, Cox and Hunter won their 2004 bids for re-election with an average of 65.28% of the vote.

⁴⁹ Mayhew, David R. (2004). *Congress: The Electoral Connection*. Second Edition. New Haven, CT: Yale University Press.

⁵⁰ A further connection with Republican leadership, Pombo has also been likened to the Abramhoff scandal, though he has not been indicted.

Finally, Duncan Hunter serves as chairman of the House Armed Services Committee. The Republican Party leadership, especially in the House, has taken a strong stand against federal funding for embryonic stem cell research, and these representatives have aligned themselves with the position of the Republican leadership. Perhaps these lawmakers feel that the benefits they can bring their districts through their appointments from the Republican Party will outweigh the potential costs or electoral punishment brought by of voting out-of-step with their district on the controversial stem cell research issue.

Bill Thomas, the lone member of Congress who voted “yes” for H.R. 810 after his district voted “no” on Proposition 71, is an interesting case. Thomas ran unopposed in his district, and won with one hundred percent of the vote. It is possible that on the stem cell research issue, Thomas believes that allowing funding for embryonic stem cell research is good public policy, and chooses to promote that despite district opinion. He seems to be acting more as a *trustee* by making the decision he feels is best for the district or nation, though his vote was not a direct reflection of the wishes of his constituency.

Finally, the eight representatives who aligned their votes with their districts must be examined. They share similarities with the legislators who appear to be unaffected by Proposition 71. First, they are all Republican incumbents who, with the exception of David Dreier and Duke Cunningham, are in “safe” districts. Second, several hold high-ranking positions in the Republican Party in the House. Why, then, did these representatives choose to vote differently? The answer is quite complicated.

One important change to note is the change in the pro-life/pro-choice voting record of these representatives. Prior to 2005, most of them were fairly staunchly pro-life—Dana Rohrabacher has been especially well known for his commitment to pro-life causes in Congress.⁵¹ Stem cell research, especially embryonic stem cell research, has been connected to the abortion debate for quite some time. Many conservatives argue that a fertilized embryo should be considered human life, and that the destruction of even a five day old fertilized cell is unethical and immoral. Members’ of Congress deviation from that point of view can be seen in the following chart of interest group ratings from NARAL Pro-Choice and the National Right to Life Committee, a pro-life organization.

Pro-life/Pro-choice Ratings for Select California Representatives

	1999	2000	2001	2002	2003	2004	2005
McKeon, Buck							
NARAL	n/a	0	0	n/a	0	0	0
NRTL	100	100	100	100	100	100	83
Dreier, David							
NARAL	n/a	0	0	n/a	0	0	0
NRTL	100	100	100	100	100	100	86
Jerry Lewis							
NARAL	n/a	0	15	n/a	10	0	0
NRTL	88	88	100	100	91	91	86
Ken Calvert							
NARAL	n/a	0	0	n/a	0	0	0
NRTL	100	100	100	100	100	100	86
Mary Bono							
NARAL	n/a	22	55	n/a	20	100	45
NRTL	75	75	50	50	55	55	60
Rohrabacher, Dana							
NARAL	n/a	0	0	n/a	0	0	0
NRTL	100	100	100	100	100	100	83
Issa, Darrel							
NARAL	n/a	0	0	n/a	0	0	0
NRTL	100	100	100	100	100	100	83
Cunningham, Duke							

⁵¹ Stolberg, Sheryl Gay. “Limits on Stem Cell Research Re-emerge as a Political Issue.” *The New York Times*. 6 May 2004.

NARAL	0	0	0	n/a	0	0	0
NRTL	100	100	100	100	100	100	n/a

Source: Project Vote Smart/National Right to Life Committee

Four of the representatives expressed support for stem cell research prior to the vote on H.R. 810. Mary Bono, a moderate Republican, helped bill sponsor Diana DeGette (D-CO) secure “yes” votes from her colleagues in the hallways prior to the vote, and was a co-sponsor of the bill.⁵² Duke Cunningham began to support embryonic stem cell research in 2003 after a San Diego scientist convinced him that many embryos left over from in-vitro fertilization are discarded as medical waste. Cunningham even vowed to attempt to change President Bush’s mind on the stem cell issue, hoping that he would see the potential of the research to save or improve lives.⁵³ Dana Rohrabacher, a strongly pro-life member of the California delegation who opposed the research in the past, was convinced to support embryonic stem cell research when he and his wife used in-vitro fertilization to give birth to triplets and learned that many embryos are thrown out. Furthermore, he was persuaded by Nancy Reagan following the death of President Reagan that stem cell research could help scientists find a cure for Alzheimer’s. Rohrabacher went so far as to sign a letter to President Bush in April 2004, urging him to alter his stance on embryonic stem cell research.⁵⁴ Ken Calvert, also a long-time supporter of pro-life causes, signed the letter to President Bush as well.

⁵² Mulkern, Anne C. “DeGette Wins Stem Cell Fight via Guts.” *The Denver Post*. 29 May 2005. A-1.

⁵³ Neikirk, William. “Bush Faces GOP Shift on Stem Cells.” *The Chicago Tribune*. 31 May 2005.

⁵⁴ Stolberg, Sheryl Gay. “Limits on Stem Cell Research Re-emerge as a Political Issue.” *The New York Times*. 6 May 2004.

Bono's, Cunningham's and Rohrabacher's districts all supported Proposition 71 by fairly large margins of 11.6, 9.6 and 15.4 percentage points. Calvert's district was more moderate on Proposition 71, and the measure passed by only 5.6 points. It seems most likely that these representatives were motivated by their own personal beliefs about embryonic stem cell research. District support for the issue surely further cemented the representative's decision, but each would probably have voted "yes" on H.R. 810 even if their district did not support Proposition 71.

David Dreier, another strongly pro-life representative, admitted that he did not make up his mind about the stem cell research bill until several days before the vote. Dreier is a high-ranking Republican—he serves as Chairman of the House Rules Committee. However, party pressure did not sway Dreier's vote, and he claims that Nancy Reagan influenced his decision.⁵⁵ It is interesting to note also that Dreier's district approved Proposition 71 by twelve percentage points, a substantial margin. Furthermore, Dreier won the closest election in California in 2004, gaining only 53.6% of the vote. These factors may have been important in the calculation of Dreier's decision—by aligning with his district, he may be attempting to avoid a rough campaign for re-election and another close race in 2006.

Jerry Lewis's case is also interesting. Lewis won his 2004 bid for re-election with 83% of the vote in his district; however, his constituents barely approved Proposition 71. Lewis, in the mean time, has remained quiet with his views on the stem cell research

⁵⁵ Allen, Mike and Rick Weiss. "Bush Rejects Stem Cell Compromise." *The Washington Post*. 26 May 2005. A-2.

topic, though he voted “yes” for H.R. 810. In a district that is seemingly very divided on a controversial issue, though very supportive of its representative, it remains possible that the representative would simply have to make his best judgment about how to vote based on personal beliefs. Either way he chooses to vote, he will potentially anger half of the district. In such a case, the representative must hope that his popularity will overcome any potential electoral repercussions.

The final two representatives, Buck McKeon and Darrel Issa, have not issued statements on stem cell research, and have not been mentioned in the news concerning stem cell research such as other representatives from California. Both have strong pro-life voting records in Congress, and both hold important committee positions. In these cases, it seems that the representatives’ district’s approvals of Proposition 71 may have played a role. However, there is a possibility that they were swayed by a number of other factors, including Nancy Reagan, who lobbied many California Republicans to support embryonic stem cell research.

The bottom line is that many factors influence the decisions of members of Congress, especially involving wedge issues. Party leadership can pressure representatives and deny them access to increased power if they do not choose policy positions that match the party’s platform. Wedge issues are some of the most important and highly visible debates during campaigns, and electoral pressures from the district and the threat of losing one’s job play a role. Motivation to make the best public policy to better the lives of people at the district, state, national or global level also weigh in.

It seems that my hypothesis is only correct in certain situations. I believe that the district will have the most influence on the roll call vote of a representative in cases such as David Dreier's, in which the member of Congress feels that his district is not "safe," and where there is a great deal of support for the issue. Otherwise, it seems that other factors are playing a more important role, especially the goal of creating public policy. Since wedge issues are often tied to one's values, it seems logical that many representatives would feel strongly enough about the issue to vote their own conscious, with or without district approval. However, it is important to note that only six of 53 representatives from California voted out-of-line with their district preference.

In closing, it must be reiterated that representation is an extremely complex process, and that lawmakers feel a great deal of pressure from many sides when they make decisions. Perhaps later studies could probe the saliency of issues in districts to see if this has an impact on members' of congress voting decisions.

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