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Excerpt
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I

Party Polarization in the U.S. Congress

One year to the date after the Supreme Court's *Bush v. Gore* decision brought the 2000 presidential election to an end, the House of Representatives passed the Help America Vote Act (HAVA). By passing the bill, which authorized \$2.65 billion to help localities both update antiquated voting equipment and recruit, hire, and train poll workers, House members hoped they had solved the problems that led to the fiasco in Florida. Three hundred and sixty-two legislators, which included substantial majorities of both parties, voted for the bill's final passage; only 20 Republicans and 43 Democrats voted against it.

Congressional observers and the American public may have been surprised to see the House, an institution criticized for being trapped in partisan warfare, find a bipartisan solution to one of the most highly partisan episodes in American history. Indeed, Democrats and Republicans alike praised House Administration Committee Chair Bob Ney and Ranking Member Steny Hoyer for working together to insure that future ballots are properly cast and appropriately counted. Congressman Chaka Fattah, a Democrat on the committee, offered the following assessment during floor debate: "I want to thank Chairman Ney, who I think has exhibited extraordinary leadership in moving this forward, and Ranking Member Hoyer, [for] bringing together a bipartisan group of people."¹

¹ Congress, House of Representatives, 107th Congress, 1st session, *Congressional Record* (12 December 2001): H9290.

The overwhelming final passage vote belied procedural differences, which had substantive disagreements at their root, between Democrats and Republicans in the House. John Conyers, the ranking member on the Judiciary Committee, wanted to offer an amendment to the committee bill that would have required state and local governments to meet much more stringent federal voting standards. The Republican leadership prevented the House from voting on his amendment when the Rules Committee reported a closed rule, which the House adopted on a highly partisan 223–193 vote. All but 3 Republicans voted for the rule and all but 16 Democrats voted against it. Fattah's very next comment after praising the committee leaders described the Democrats' frustration with a closed rule: "I know there are some who are disappointed in the rule. I am disappointed in the rule. I would have preferred that we would have been able to have a more open process here on the floor in terms of the House fashioning its will."² Nonetheless, when given only a choice of the status quo and the Ney-Hoyer Bill, Fattah and many of his fellow Democrats voted for the latter. When the Republicans blocked Conyers from offering his amendment during floor consideration, the Democrats settled for including it in their motion to recommit the bill to the House Administration Committee with instructions to adopt the amendment and to report forthwith. The House rejected the motion to recommit, 197–226, when all but 1 Republican and 11 Democrats voted along party lines. Within 10 minutes of this rejection, the House passed the bill.

Substantive differences did not play out in the final passage of this bill; rather, substantive disagreements were fought over procedural questions. Rather than defeat Conyers's language in amendment form, which may have subjected their members to criticisms from future opponents, Republicans defeated it through two procedural votes: (1) adoption of a closed rule and (2) defeat of the motion to recommit. The Republican leadership reasoned that they could most easily accomplish their substantive goal (defeat of Conyers's language) in the least electorally damaging way through a sophisticated use of procedures. The Republican's procedural machinations frustrated Democrats, who resorted to using additional procedural machinations on a piece of legislation that enjoyed overwhelming bipartisan support.

² Congress, House of Representatives, 107th Congress, 1st session, *Congressional Record* (12 December 2001): H9290.

I. The Argument of the Book

The story behind the House passage of the election reform bill illustrates the argument of this book: the divide between the political parties in Congress can increasingly be characterized as a disagreement about procedures. Behind the simplicity of that statement lurks a complex process involving the voters, the representatives, and the legislative process over more than 30 years of congressional history.

Since the early 1970s, the voters throughout the United States have become increasingly balkanized. For a variety of speculated reasons, voters' decisions on election day are increasingly similar to their neighbors' decisions (Gimpel and Schuknecht 2004, Oppenheimer 2005). The electorates within particular geographic jurisdictions cast increasingly partisan votes. For example, in the 1976 presidential election, when Jimmy Carter beat Gerald Ford by about 2 percentage points in the popular vote, 26.8 percent of the American public lived in a county that gave one of the presidential candidates at least 60 percent of the vote (Bishop 2004). In other words, roughly three-quarters of the American public lived in a county where the presidential votes were distributed fairly evenly between the two candidates. Twenty-eight years later, when George Bush beat John Kerry by about 2.5 percentage points in the popular vote, 48.3 percent of the American public lived in a county where either candidate secured at least 60 percent of the votes. In less than three decades, 80 percent more Americans lived in a county filled disproportionately with either Democratic or Republican voters.

The geographic sorting of partisans throughout America has been exacerbated by at least three political processes. First, voters are increasingly likely to match their ideology with their voting record and partisan identification (Fiorina 2006). Liberal Republicans and conservative Democrats have increasingly been isolated by both their ideology and their party. As the electorate has sorted itself ideologically, jurisdictions have increasingly elected consistently ideological candidates within and between elections.

Second, the creation of safe Democratic and Republican districts through redistricting has created increasingly polarized constituencies (Carson et al. 2007). House districts, which are subject to political manipulations, have become even more partisan than counties, whose borders remain constant. Again comparing data from the 1976 and 2004 elections, 113 representatives in the House came from districts

where Carter or Ford got at least 60 percent of the vote compared with 217 representatives who came from districts where Bush or Kerry got at least 60 percent of the vote. Although redistricting is the political punditry's favored explanation for party polarization, political scientists have uncovered relatively little systematic evidence that partisan gerrymandering has had any real effect on growing the partisan divide in Congress. Nonetheless, in particular states in particular redistricting cycles, enough evidence can be harnessed to at least provide the pundits with stories to substantiate their claims.

Third, the increasing importance of increasingly polarized party activists in the nomination process has resulted in the election of increasingly ideological congressional candidates who have increasingly ideological roll call voting records (McClosky, Hoffman, and O'Hara 1960, Herrera 1992, Layman and Carsey 2000, and Fiorina 2006). As the political party professionals have lost power to the hard-edged single-issue interest groups in the early stages of the electoral game, more moderate candidates either are choosing or are being forced to step aside in lieu of more ideologically pure candidates. When these ideologically purer candidates get elected, they are more accountable to and responsive to the ideologically extreme constituents that helped elect them.

The natural sorting of the American voter into purer partisan enclaves in combination with the ideological sorting, redistricting, and nomination manipulations comprises the electoral explanation for party polarization. Although this explanation is logically compelling, the systematic evidence is unconvincing. The electoral explanation suggests that the polarization of members should be differentiated according to the partisanship of their constituencies, and yet, member polarization is pervasive. Perhaps the simplest way to understand that there is more to the party polarization story than changes in the electorate is that even members from the surviving marginal districts – those districts that roughly divide their votes between the two presidential candidates – elect members who cast increasingly ideological votes. Democrats representing these moderate constituencies in the mid-2000s have roll call records that are almost 25 percent more liberal than the Democrats who represented moderate constituencies in the mid-1970s; Republicans in these districts vote 50 percent more conservatively than their 1970s counterparts.

This finding and others like it do not suggest that changes in the electorate are irrelevant to party polarization. The floor debate during the Help America Vote Act nicely illustrates the crucial link between these electoral changes and party polarization in the U.S. Congress. That link is the legislative process. Over the last half century, as the American electorate has sorted and has been sorted, the constituencies that have comprised the respective party caucuses have become more homogeneous. No longer is Speaker Nancy Pelosi trying to mollify two roughly equal ideological wings of the Democratic party as her counterpart, Speaker Sam Rayburn, had to do in the 1950s and 1960s. The dilemma that members used to face between doing what their parties wanted them to do and what their constituents wanted them to do has dissipated as the preferences of a member's party and her constituency have increasingly aligned.

When members stopped being pulled in two different directions, they ceded more power to their party leadership (Rohde and Aldrich 2001). In order to enact the party's agenda in the most efficient and most electorally pleasing way, the majority party leadership has increasingly worked its will procedurally. As John Dingell famously remarked, "If you let me write the procedures and I let you write the substance, I'll [beat] you every time."³ In debating the Help America Vote Act, the Republican party leadership reduced the Democrats' legitimate substantive argument to a squabble about procedures. Furthermore, they spared their members from having to cast any truly substantive vote other than the one to make voting in federal elections more standardized. Under a less restrictive rule, Democrats would have forced Republicans to either abandon their party or vote against strengthening federal protections in the voting process – a choice Republicans were happy to avoid. As the minority party has been shut out of substantive debates, it has increasingly relied on procedures to make substantive arguments. When the Democrats could not offer the Conyers language as an amendment during floor debate, they offered it as a motion to recommit the bill to committee. Because of

³ Quoted from Oleszek (1996, 12) – the original Dingell quote contained spicier language than the one reported in Davidson and Oleszek's Congress textbook. John Jackley (1992, 113) attributes a similar quote to Tony Coelho when he was Majority Whip: "Give me process and the other guy substance, and I'll win every time."

the Republican's use of procedures, the Democrats had to rely upon procedures to make their substantive point.

The HAVA debate is not atypical. In the 108th Congress (2003–4), members cast modestly fewer amendment and final passage roll call votes on their most important legislation than the 93rd Congress (1973–4) did. The number of procedural votes that they cast, however, doubled. In the 93rd Congress, there may have been a vote on the special rule of debate for the bill (but not always because most rules were uncontroversial); in the 108th Congress, there was a vote on the special rule as well as the motion to recommit, which would not have been offered in the 93rd Congress because the House would have already given the language a full hearing during the amending process. Furthermore, the increasing degree of party separation on the procedural votes dominates the modest increase in party polarization on amendment and final passage votes. When the procedural votes stopped establishing only the time and manner of debate and started dictating what they could debate, the roll call votes went from being largely unanimous to being almost completely divided along party lines.

Only when the changes within the constituency interact with the legislative process does the complete picture of party polarization in the U.S. Congress come into clearer focus. The Senate, whose constituencies and legislative processes are not as easily manipulated as those of the House, has not been immune to party polarization. In fact, the Senate is about 80 percent as polarized as the House. Although the constituency changes and legislative process changes have also been felt in the Senate, its party polarization has been driven largely by former Republican House members who took the strategies and practices from their House days with them when they moved to the Senate. It is not all former Republican House members who polarized the Senate; rather, it has been almost exclusively those former House members who came to the Senate after 1980.

II. Conclusions Reached in the Extant Literature

This comprehensive explanation for party polarization in the U.S. Congress overcomes the biggest weakness in the extant literature. The two existing families of explanations – those that examine electoral changes and those that examine institutional changes – are

independently incomplete. Those scholars who endorse the electoral explanations, including redistricting, the sorting of constituents, and the takeover of party nominations by the extremists have not shown the direct effect that constituency changes have had on the members of Congress. Furthermore, they are unable to explain why even those members from marginal districts have become decidedly more polarized over the last 30 years.

The institutional explanation, by itself, is also incomplete. Those scholars who suggest that institutional changes brought about party polarization in Congress do not rigorously show what gave rise to those changes or why and how the party leadership went about passing and implementing the changes in the institution. It is unlikely that Speakers Jim Wright, Newt Gingrich, and Denny Hastert are simply smarter than their predecessors or that they understand the connection between procedures and the final substance of legislation in a more nuanced way. In this book, I show that as the party caucuses have become more homogeneous, the rank and file members have ceded more power to their party leadership (Aldrich and Rohde 2001). The modern speakers are not necessarily smarter: they are just managing a more cohesive caucus than Speakers James Lawrence Orr, Nicholas Longworth, and Sam Rayburn.

Although the extant literature remains divided as to *the cause* of party polarization, it largely agrees on four basic conclusions. I use these accepted findings as building blocks throughout the construction and testing of my argument.

First, the parties in Congress have been polarizing for around 35 years. For the better part of the 100 years following the end of the Reconstruction, the parties slowly converged to the point that George Wallace, in 1968, complained that there “was not a dime’s worth of difference between the parties.” Beginning in the years immediately after Wallace’s observation, however, party voting in Congress began to increase. A decade and a half later, Poole and Rosenthal (1984) became the first political scientists to recognize and document the modern divergence in how political parties voted in Congress. Although Coleman (1997), Fleisher and Bond (2000, 2003), Rohde (1991), and Stonecash et al. (2003) begin their analysis in the years immediately after World War II, their findings, for the most part, show that most polarization has occurred since the late 1960s and early 1970s. This

finding is coupled with another set of polarization studies that only begin rigorous data analysis with the late 1960s and early 1970s (Collie and Mason 2000, Roberts and Smith 2003, and Theriault 2006).⁴

Second, party polarization can be demonstrated with any number of interest group ratings, ideology scores, or roll call summary measures. Different scholars using different methods and different data all show the same basic divergence between Democrats and Republicans in the halls of Congress. Party votes (Coleman 1997 and Stonecash et al. 2003), Party Unity scores (Coleman 1997, Rohde 1991, and Stonecash et al. 2003), DW-NOMINATE scores (Jacobson 2000, Theriault 2006), Americans for Democratic Action (ADA) scores (Brewer et al. 2002, Stonecash et al. 2003), American Conservative Union (ACU) scores (Collie and Mason 2000), and a mixture of ADA and ACU scores (Fleisher and Bond 2000) all show that Democrats have become more liberal and Republicans have become more conservative since the 1970s. Shipan and Lowry (2001) even show how the parties have diverged in a particular policy area.

Third, in as much as the Senate is analyzed, a high degree of similarity is present in divergence between the parties in both the House and the Senate. Fleisher and Bond (2003) and Theriault (2006) are the only aforementioned studies that rigorously deal with the Senate. Both show that the Senate has polarized almost as much as the House over the exact same time period. In fact, the correlation between House and Senate polarization mirrors the correlation among the various scores used to demonstrate polarization within either chamber.

Fourth, as party polarization grows and consumes more column inches in newspapers and more time in party caucus meetings, its causes need to be better understood. Parties composed of ideological members in the extreme lead to policy stalemate and, at the very least, make lawmaking more difficult (McCarty, Poole, and Rosenthal 2006, Gilmour 1995, and Groseclose and McCarty 2001). Although an internally consistent majority party may have an easier time garnering bare majorities to pass legislative proposals, the supermajoritarian requirements of cloture and overriding presidential vetoes make the enactment of that bill into a law more difficult (Krehbiel 1998 and Brady and

⁴ Jacobson (2000) conducts half of his analysis from the 1950s onward and the other half from the 1970s onward.

Volden 1998). In part as a consequence of this stalemate, but probably more so as a consequence of the bickering rampant throughout the media, the public reacts negatively to the venom that surrounds a Congress trapped in partisan warfare. As polarization erodes public approval of Congress, the democratic legitimacy of “the people’s branch” is undermined (Hibbing and Theiss-Morse 1995, 2002; King 1997; and Hetherington 2005). To resurrect Congress from its low public regard, an increasing number of political pundits and politicians have advocated reforms of both our electoral rules and institutional procedures. Redistricting commissions, open primaries, filibuster-free judicial appointments, and independent blue ribbon commissions are four reforms that have caught on to retard the causes or to alleviate the consequences of party polarization.

III. The Plan of the Book

Whereas the scholars researching party polarization have reached consensus on a number of crucial issues, such as the timing of polarization, the ways to demonstrate polarization, and the importance of understanding polarization, they remain largely divided on the cause of polarization. By the end of the book, I will not satisfy the reader who is in search of *the* cause. Rather, I explore, investigate, and integrate the various causes of party polarization. I will satisfy the reader who is looking for a more thorough understanding of the divide between the parties on Capitol Hill. In doing so, I do not turn the lights out on any particular cause, though I do suggest that the light shining on particular explanations and features of party polarization ought to be adjusted. I explicate the increase in party polarization in ten chapters, which are grouped into three different parts.

The first part of the book lays the groundwork for the analysis, which is presented in the second two parts of the book. The second chapter describes party polarization in Congress, going back to the end of Reconstruction in the late 1800s. This historical background provides a context to understand the current rise in party polarization. Furthermore, this chapter shows how pervasive polarization is throughout the country. In short, polarization cannot be explained entirely by the transformation of southern conservative Democrats into conservative Republicans. The third chapter explicates my argument

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for party polarization, by first introducing and then building upon the existing polarization studies. Only when the constituency-based changes interact with the legislative process can the entirety of party polarization in the U.S. Congress be understood and explained.

The second part of the book examines the changes that have been taking place in members' constituencies since the 1970s. Chapter 4 examines the changes brought about by redistricting. Chapter 5 examines the ideological and geographic sorting of constituents into more politically homogeneous districts. At the end of the chapter, I show how even members in politically heterogeneous districts have cast increasingly ideologically purer votes. Chapter 6 examines the effect of party activist extremism on member voting in Congress.

While the second part of the book provides the reasons why the legislative process has changed, the third part of the book describes the mechanisms of how it has changed and the ramifications of its changes on party polarization. Chapter 7 examines the connection between politically homogeneous districts and member behavior inside the chambers of the U.S. Capitol. As the constituencies have become more politically slanted, so, too, have the members, the party leaderships, and the committee leaders of both parties in both chambers. Chapter 8 shows how the evolving floor procedures have affected party polarization. In short, almost the entire growth of party polarization in both the House and the Senate since the early 1970s can be accounted for by the increasing frequency of and the increasing polarization on procedural votes. Chapter 9 explicitly considers the link between polarization in the House and polarization in the Senate. Finally, Chapter 10 concludes by recapping the lessons of this book and by suggesting future avenues of research for scholars interested in explicating the rise in party polarization in Congress.