

Abortion and Partisanship in the US Congress, 1976–2000: Increasing Partisan Cohesion and Differentiation

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The politics of the last quarter century in the United States cannot be fully understood without reference to cultural–religious issues such as abortion, prayer in the state schools, school curriculum including sex education and teaching the biblical account of creation, gay rights, gun control, the death penalty, and the proper roles of men and women. Cultural–religious conservatives defend traditional values such as patriarchy and sexual abstinence for the unmarried, while cultural–religious liberals challenge them. For example, the opponents of the Equal Rights Amendment (ERA) objected, not to its guarantee of formal legal equality which was uncontroversial, but rather to its potentially changing gender roles.¹ While the New Deal party system had been founded on a conflict between economic liberalism and economic conservatism,² recent contemporary US politics also contains an explicit cultural–religious dimension. Although they have not replaced the older economic issues associated with the New Deal party system, cultural–religious issues coexist with them and have transformed the contemporary US political agenda by disrupting older coalitions and creating new coalitions and cleavages.³

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¹ Jane J. Mansbridge, *Why We Lost the Era* (Chicago: University of Chicago Press, 1986).

² James L. Sundquist, *Dynamics of the American Party System* 2nd edn (Washington, D.C.: Brookings Institute, 1983), Ch. 10–12.

³ Edward G. Carmines and Geoffrey C. Layman, “Issue Evolution in Postwar American Politics: Old Certainties and Fresh Tension,” in Byron E. Shafer, ed., *Present Discontents* (Chatham, N.J.: Chatham House, 1997), 89–134; Byron E. Shafer, and William J. Claggett, *The Two Majorities: The Issue Context of Modern American Politics* (Baltimore: Johns Hopkins University Press, 1995); and Sundquist, Ch. 18.

For about two decades, the Christian right has been the primary carrier of cultural–religious conservatism. Since the late 1970s, the cultural–religious issues prioritised by the Christian right have distinguished it from the old right which emphasised economic conservatism.⁴ Although the Christian right is also economically conservative and attacks progressive taxation and a minimum wage, supports high levels of military spending and opposes welfare as well as labour unions, it gives priority to cultural–religious issues: putting prayer back into the state schools, restricting abortion rights, curtailing gay rights, opposing sex education in the state schools and opposing school textbooks that question traditional beliefs about gender roles, sexual behaviour, the patriarchal family, parental authority and the biblical account of creation. From its beginning, the Christian right has purposefully focused on cultural–religious issues in order to mobilize a new, previously politically apathetic constituency and also to detach some traditional Democratic voters from the Democratic coalition;⁵ for example, opposition to abortion could unite southern fundamentalists and northern Catholics. Not only has the Christian right effectively used cultural–religious issues to move conservative white evangelicals into the Republican party,⁶ but also cultural–religious concerns motivate Christian right activists.⁷ Hence, a common cultural–religious agenda permeates the Christian right regardless of the organisational diversity and particular institutional features of the Christian right.⁸ At the same time that the Christian right has emphasised cultural–religious issues, it has also become a core Republican constituency at all levels – as voters in both primaries and general elections, as activists campaigning for candidates and pressuring officials, as delegates to local and national Republican conventions, as party officials and as both elected and appointed officeholders.⁹

⁴ Gillian Peele, *Revival and Reaction: The Right in Contemporary America* (Oxford: Clarendon Press), Ch. 2–4; and Sundquist, Ch. 18. ⁵ Peele, Ch. 2, 3.

⁶ John C. Green, Corwin E. Smidt, Lyman A. Kellstedt, and James L. Guth, “Bringing in the Sheaves: The Christian Right and White Protestants, 1976–1996,” in Corwin E. Smidt and James M. Penning, eds., *Sojourners in the Wilderness* (Lanham, Md.: Rowman and Littlefield, 1997), 75–92.

⁷ Mark J. Rozell and Clyde Wilcox, “Second Coming: The Strategies of the New Christian Right,” *Political Science Quarterly*, **111** (1996), 271–94; and Duane Oldfield, *The Right and the Righteous: The Christian Right Confronts the Republican Party* (Lanham, Md.: Rowman and Littlefield, 1996), 69.

⁸ Matthew C. Moen, “The Changing Nature of Christian Right Activism: 1970s–1990s” in Smidt and Penning, eds., *Sojourners*, 21–37; Mary E. Bendyna and Clyde Wilcox, “The Christian Right Old and New: A Comparison of the Moral Majority and the Christian Coalition,” in Smidt and Penning, eds., *Sojourners*, 41–56; and Rozell and Wilcox, “Second Coming.”

⁹ Nancy L. Bednar and Allen D. Hertzke, “The Christian Right and Republican

One of the most visible and most important cultural–religious issues, the abortion issue generates intense political conflict because it necessarily involves fundamental values. Some abortion opponents believe that the foetus is a human being and therefore that abortion is murder. Some are defenders of traditional gender roles who see abortion as enabling women to escape their natural role of motherhood. Still others are sexual traditionalists who fear that abortion, like contraception, liberates women to be active sexually outside marriage. In contrast, some supporters defend abortion from a feminist perspective: in order to be genuinely independent, women must control their own bodies and therefore must be able to decide whether to continue or to terminate a pregnancy. These defenders of abortion insist that government must provide abortions for women who desire them but cannot afford to pay for them so that all women will have a genuine, not simply a formal, opportunity to have an abortion if they so choose. Others who defend governmentally provided abortions are pragmatists who think that it is better to avoid the long-term social ills associated with unwanted pregnancies. Some supporters of abortion rights simply portray abortion as a private matter of individual choice and conscience; these defenders of a woman’s formal right to choose do not necessarily support government-funded abortions for poor women. Although the abortion issue generates intense political conflict as evidenced by the murders of abortion workers as well as pro-life picketing at abortion clinics, although abortion is a hot-button issue which motivates Christian right activists and although the Republican and Democratic platforms have disagreed about abortion since 1980,¹⁰ it is unclear whether the abortion issue produces clear partisan divisions in Congress and whether partisan divisions in Congress over abortion have

Realignment in Oklahoma,” *PS: Political Science and Politics*, 28 (1995), 11–15; Carmines and Layman, “Issue Evolution”; Christopher P. Gilbert, “Christians and Quistians in Minnesota,” *PS: Political Science and Politics*, 28 (1995), 20–23; John C. Green, “The Christian Right and the 1994 Elections,” *PS: Political Science and Politics*, 28 (1995), 5–8; Green et al., “Bringing in the Sheaves”; James L. Guth, “South Carolina: The Christian Right Wins One,” *PS: Political Science and Politics*, 28 (1995), 8–11; Bruce Nesmith, “Rosy Scenario: The Republican–White Evangelical Alliance Holds in Iowa,” *PS: Political Science and Politics*, 28 (1995), 18–20; Oldfield, *The Right*; John F. Persinos, “Has the Christian Right Taken over the Republican Party?,” *Campaigns and Elections* (Sept. 1994), 21–24; and Clyde Wilcox, Mark J. Rozell, and J. Bradford Coker, “The Christian Right in the Old Dominion: Resurgent Republicans or Holy War?,” *PS: Political Science and Politics*, 28 (1995), 15–18.

¹⁰ Barbara H. Craig and David M. O’Brien, *Abortion and American Politics* (Chatham, N.J.: Chatham House, 1993), 166–68; “Republican Platform,” *Congressional Quarterly Weekly* (abbreviated *CQ*), Aug. 17 1996, 2324; and “Draft Democratic National Platform,” *CQ*, Aug. 17 1996 (suppl.), 43.

increased or not since abortion was placed on the congressional agenda in the mid 1970s.

While the political parties in the US Congress have never displayed the strict party-line voting associated with some legislatures such as the UK House of Commons, numerous studies of Congress have documented that since the early 1980s congressional parties have become more cohesive, more differentiated, and more consequential.¹¹ Both congressional parties have become more ideologically homogeneous with the disappearance of their anomalous wings: liberal and moderate Republicans and conservative southern Democrats.¹² In addition, the Christian right which strongly opposes abortion has become influential within the Republican party at all levels, not just in presidential nominating conventions. The increasing importance of the congressional parties together with the incorporation of the Christian right into the Republican party would lead us to expect increased differentiation between the congressional parties on the abortion issue.

However, because conservatism and liberalism on cultural-religious issues do not necessarily coincide with conservatism and liberalism on economic issues, abortion might disrupt the partisan coalitions in Congress just as the race issue formerly divided congressional Democrats.¹³ James Sundquist was one of the first scholars to note the difference

¹¹ John H. Aldrich and David W. Rohde, "The Transition to Republican Rule in the House," *Political Science Quarterly*, 112 (1997-98), 541-67; Albert D. Cover, N. Pinney, and G. Serra, "Voting Behavior in the US House and Senate," *Party Politics*, 3 (1997), 221-41; Michael Foley and John E. Owens, *Congress and the Presidency* (Manchester: University of Manchester Press, 1996), Ch. 5; Bruce I. Oppenheimer, "The Importance of Elections in a Strong Congressional Party Era," in Benjamin Ginsberg and Alan Stone, eds., *Do Elections Matter?* 3rd edn (Armonk, N.J.: M. E. Sharpe, 1996), 120-40; John E. Owens, "Taking Power? Institutional Change in the House and Senate," in Dean McSweeney and John Owens, eds., *The Republican Takeover of Congress* (London: Macmillan, 1998), 33-70; John E. Owens, "The Return of Party Government in the US House of Representatives: Central Leadership-Committee Relations in the 104th Congress," *British Journal of Political Science*, 27 (1997), 353-78; David W. Rohde, *Parties and Leaders in the Postreform House* (Chicago: University of Chicago Press, 1991); Barbara Sinclair, "House Majority Party Leadership in an Era of Divided Government," in Lawrence Dodd and Bruce Oppenheimer, eds., *Congress Reconsidered* 5th edn (Washington, D.C.: Congressional Quarterly Press, 1993), 237-58; Steven S. Smith, "Forces of Change in Senate Party Leadership and Organization," in Dodd and Oppenheimer, eds., *Congress Reconsidered* 5th edn, 259-90; and Andrew J. Taylor, "The Ideological Development of Parties in Washington, 1947-1994," *Polity*, 29 (1996), 275-92.

¹² Nicol Rae, *The Decline and Fall of the Liberal Republicans* (Oxford: Oxford University Press, 1991); and Cover, "Voting Behavior in the House."

¹³ Ira Katznelson, Kim Geiger, and Daniel Kryder, "Limiting Liberalism: The Southern Veto in Congress, 1933-1950," *Political Science Quarterly*, 108 (1993), 283-306.

between the economic and cultural–religious dimensions and the tension between the two types of conservatives within the Republican coalition.¹⁴ Focusing on partisan identifiers, Carmines and Layman have concluded: cultural–religious issues “pit upper-income Republicans, who have fairly moderate views on social and cultural concerns, against Republican religious conservatives, who are extremely conservative on cultural matters”.¹⁵ Furthermore, the cultural–religious concerns which motivate Christian right activists do not fire the enthusiasm of many Republicans.¹⁶ In addition, Democratic identifiers tend to take moderate, not liberal, positions on cultural–religious issues.¹⁷ Also, Craig and O’Brien warned: “Often presented as a ‘*Republicans against*’ versus ‘*Democrats for*’ issue because of each party’s presidential platforms, the abortion controversy in Congress is decidedly more complex. Throughout the 1970s and 1980s, the battles in the Senate were fought with Republicans as the admirals on both sides.”¹⁸ Hence, the conflict within the Republican party between cultural–religious conservatives and moderates and the cultural–religious centrism of Democratic identifiers would militate against increased partisan differentiation in Congress on the abortion issue.

An earlier article demonstrated that a significant degree of partisanship characterised congressional voting on some abortion-related legislation in the 104th Congress (1995–96).¹⁹ However, as a study of a single Congress, that article only provided a snapshot of congressional voting on abortion legislation at a particular time and did not examine whether that degree of partisanship was unique or long-established and whether it survived subsequent elections and especially reduced Republican majorities in the House. Hence, to decide between these alternative expectations and to extend and update that earlier study, this article explores the internal cohesion of the congressional parties and the partisan differentiation between them on abortion-related legislation over time.

Partisan cohesion indicates the internal coherence or unity of a congressional party on a particular legislative vote. A congressional party is most united when 100 per cent of its legislators vote the same way; it is perfectly incoherent when 50 per cent vote one way, 50 per cent the other. When 75 per cent of a party vote against the other 25 per cent, an American

¹⁴ Sundquist, *Dynamics*, Ch. 18.

¹⁵ Carmines and Layman, “Issue Evolution,” 122.

¹⁶ Oldfield, *The Right*, 68–69.

¹⁷ Carmines and Layman, 118–19.

¹⁸ Craig and O’Brien, *Abortion*, 117.

¹⁹ Douglas W. Jaenicke, “Abortion and Partisanship in the 104th Congress,” *Politics*, 18 (1998), 1–9.

congressional party is moderately coherent. While partisan cohesion indicates a party's internal unity, it does not indicate whether there is any difference between the parties in their congressional voting.

Unlike partisan cohesion which refers to the internal coherence or unity of a political party, partisan differentiation measures the degree of difference between the congressional parties on legislative votes. Because it is possible for partisan coherence to coincide with a lack of partisan differentiation (i.e., because the parties vote the same ways²⁰), it is necessary to examine the degree of partisan differentiation between the congressional parties as well as the internal cohesion of each. Representing the degree of difference (if any) in the congressional parties' voting patterns on legislation, partisan differentiation is measured on a scale of 0 to 200 with 200 representing perfect partisan differentiation (100 per cent of Republicans voting against 100 per cent of Democrats) and 0 indicating that there was no difference in the percentage of each party voting for (or against) legislation.²¹ Also, because different partisan divisions can produce identical partisan differentiation (see note 21), it is essential to examine the cohesion of each party as well as the degree of differentiation between them. By examining changes in the cohesion of each con-

²⁰ For example, during the first session of the 104th House, each congressional party voted unanimously for open committee hearings, for paperwork reduction, and for congressional compliance with national employment laws. While both House Republicans and House Democrats demonstrated maximum internal coherence on these legislative issues, there was no differentiation between them on these votes.

²¹ Partisan differentiation is the difference between (1) the sum of the percentage of one party voting for legislation (or amendment) and the percentage of the other party voting against it and (2) the sum of the percentage of the first party voting against the legislation plus the percentage of the other party voting for it. (If the difference is a negative number, the minus sign is ignored.) For example, a bare partisan vote (*Congressional Quarterly Weekly* defines a partisan vote as a majority of Republicans voting against a majority of Democrats) of 51 per cent of Republicans voting against 51 per cent of Democrats produces an extremely low partisan differentiation of 4 ($51 + 51 - [49 + 49] = 4$). Ninety per cent of Republicans opposing 90 per cent of Democrats produces a high partisan differentiation of 160 ($90 + 90 - [10 + 10] = 160$) as would 100 per cent of Republicans opposing 80 per cent of Democrats ($100 + 80 - [0 + 20] = 160$). In the US, 100 would represent moderate partisan differentiation. However, that overall moderate differentiation can be produced in a number of ways: for example, 75 per cent of Republicans opposing 75 per cent of Democrats ($75 + 75 - [25 + 25] = 100$) or 90 per cent of Republicans versus 60 per cent of Democrats ($90 + 60 - [10 + 40] = 100$).

For a non-partisan vote, defined by *Congressional Quarterly* as a majority of Republicans voting with a majority of Democrats, partisan differentiation must be less than 100 ($100 + 49.9 - [0 + 50.1] = 99.8$). A non-partisan vote where 65 per cent of Republicans and 55 per cent of Democrats vote together produces a low partisan differentiation of 20 ($65 + 45 - [35 + 55] = 20$).

gressional party, it is possible to determine whether any increased differentiation between them is the product of the increased cohesion of one party or the increased cohesion of both.

To obviate the problem that the particular abortion issue can affect the differentiation between and the internal cohesion of the congressional parties, this article examines congressional voting on seven abortion issues over time: (1) the Hyde amendment which prohibited federal Medicaid funds and later other federal health care funds from being used to provide abortions, (2) banning the use of federal funds for abortions for federal prisoners, (3) extending the anti-abortion ban on the use of federal funds to the local funds of the District of Columbia, (4) excluding even privately financed abortions from overseas military hospitals, (5) excluding abortion coverage from the health care plans of federal employees, (6) the Reagan administration's Mexico City policy of denying funds to international family planning organisations which use their own resources either to provide abortions or to lobby for abortion rights, and (7) the Supreme Court's 1973 *Roe v. Wade* decision which prohibited governmental interference with a woman's right to choose to have an abortion in the first two trimesters of pregnancy. While both chambers have held roll call votes on the first six abortion issues, only the Senate has voted on the *Roe* decision. Since the article tracks the degree of differentiation between the parties and the internal cohesion of each party for each abortion issue from the first to the most recent roll call vote, any change in partisan differentiation and cohesion cannot be attributed to the particular abortion issue. Furthermore, if increased differentiation and cohesion characterise all seven abortion issues, that change cannot be attributed to the particular issue.

Because the first six of these abortion issues do not touch on a woman's formal constitutional right to choose to terminate a pregnancy nor the Supreme Court's *Roe* decision which entrenched that right, one would not necessarily expect clear partisan differentiation on them. Hence, any significant increase in partisan differentiation on these abortion issues would underscore the increasing partisan dimension of the abortion conflict in particular and cultural–religious issues more generally.

The final issue of support for or opposition to the 1973 *Roe* decision involves the fundamental right of a woman to choose an abortion. Even so, opposition to the *Roe* decision is not equivalent to support for the anti-abortionists' ultimate goal of prohibiting abortions since not all opponents of the *Roe* decision desire an anti-abortion constitutional amendment. While some opponents of *Roe* simply want to return the decision to permit

or prohibit abortions to the individual states – the position which existed prior to *Roe*, others support a constitutional amendment prohibiting abortion throughout the United States.

The article first provides a case study of congressional voting on one particular abortion issue, the Hyde ban, and then employs six graphs in order to show the partisan differentiation and cohesion for all the selected abortion issues. Those graphs indicate that the case study is an example of a general trend towards increased partisan differentiation and cohesion that characterises all seven abortion issues. The first two graphs present partisan differentiation in both the House and Senate on the selected abortion issues; and the other four graphs present each party's cohesion in each chamber on each of the abortion issues. If the differentiation graphs manifest increased partisan differentiation, the cohesion graphs can reveal whether that increase is a function of the increased cohesion of either one or both parties.

A CASE STUDY: THE HYDE BAN

As a result of the Supreme Court's *Roe* decision, low-income women were able to obtain abortions paid for by Medicaid – the health care programme for low-income Americans jointly funded by the national and state governments. Almost immediately, abortion opponents led by Hyde (R-IL) sought to prohibit such federally funded abortions by attaching an anti-abortion ban to the relevant appropriations legislation. When the House in 1976 passed the Hyde amendment prohibiting the use of any of the appropriated funds to pay for or to provide any abortions, partisan differentiation was a low 55; 73.4 per cent of Republicans voted for this prohibition while 54.1 per cent of Democrats voted against it. This version of the Hyde ban allowed no exceptions. To resolve the conflict between the House bill and the Senate's which contained exceptions, the conference committee proposed a single exception to the ban – when the woman's life was in danger. The House adopted the conference amendment in a non-partisan vote (see note 21) with low partisan differentiation of 40.4: 82.5 per cent of Republicans and 62.3 per cent of Democrats voted for it.²² In 1977, the House again passed the version of the Hyde ban which allowed no exceptions; 82.4 per cent of Republicans voted for this legislation while 60 per cent of Democrats voted against;²³ partisan differentiation now increased to 77.8. In 1978, the House defeated attempts to increase the

²² *CO*, 3 July 1976, 1762, and 15 Sept. 1976, 2654.

²³ *CO*, 15 June 1977, 1320.

number of exceptions and to strike the ban from the appropriations bill. Producing a partisan differentiation of 80.2, 78 per cent of Republicans voted against increasing the number of exceptions while 62.1 per cent of Democrats voted for the proposed increase. Partisan differentiation fell to 50.8 when 86.7 per cent of Republicans and 61.3 per cent of Democrats voted against deleting the Hyde ban.²⁴

In 1979, the House defeated a proposal that the chamber abandon its support for a single exception and accept the three exceptions permitted by the Senate. While 79.7 per cent of Republicans voted against this motion, 60.9 per cent of Democrats voted in favour; partisan differentiation was 81.2. A month later, the House attached the Hyde ban to the Child Health Assurance Program and again chose to allow only one exception rather than three. First, the House defeated an amendment allowing three exceptions to the ban; partisan differentiation on this liberalising amendment was 72.8. Then the House passed an amendment which permitted the single exception; this vote generated a partisan differentiation of 63.4.²⁵

In 1988, the House again explicitly adopted the version of the ban which permitted only one exception rather than three. First, the House defeated a motion to accept the Senate's three exceptions to the ban; 79.3 per cent of Democrats voted for this liberalisation while 82.8 per cent of Republicans voted against; this partisan differentiation of 124.2 was not exceeded until 1997. When the House later voted to instruct its conferees to insist upon allowing only a single exception, partisan differentiation fell to 82.²⁶ In 1989, the House voted to accept the Senate's three exceptions; partisan differentiation was 95 because 76.6 per cent of Republicans opposed this liberalisation while 70.9 per cent of Democrats voted for it.²⁷

Producing a differentiation of 106 in 1993, 90.8 per cent of Republicans voted for the version of the Hyde which permitted three exceptions while 62.2 per cent of Democrats voted against it.²⁸ In 1995, responding to the Republican-controlled appropriations committee's proposal to eliminate the mandatory funding of Medicaid abortions in cases of rape and incest, a Republican proposed an amendment to restore mandatory funding of abortions in those cases. On this vote, partisan differentiation was 112.8; 79.3 per cent of Democrats voted for restoring the three exceptions while 77.1 per cent of Republicans voted for the committee's weakened version

²⁴ *CO*, 17 June 1978, 1588. ²⁵ *CO*, 3 Nov. 1979, 2496, and 8 Dec. 1979, 2806.

²⁶ *CO*, 17 Sept. 1988, 2616, 2618. ²⁷ *CO*, 14 Oct. 1989, 2744.

²⁸ *CO*, 3 July 1993, 1776.

of the single exception – states had to use Medicaid funds to provide abortions for low income women only if their pregnancies threatened their lives but not in the other two cases.²⁹ Finally, in 1997, the House applied the Hyde ban with its three exceptions not only to Medicaid's direct provision of abortions but also to any health care plans provided by Medicaid. With 95.1 per cent of House Republicans voting for Hyde's amendment and 70.4 per cent of Democrats opposing it,³⁰ this vote marked the apogee of both partisan differentiation (131.0) and also Republican support for the Hyde ban.

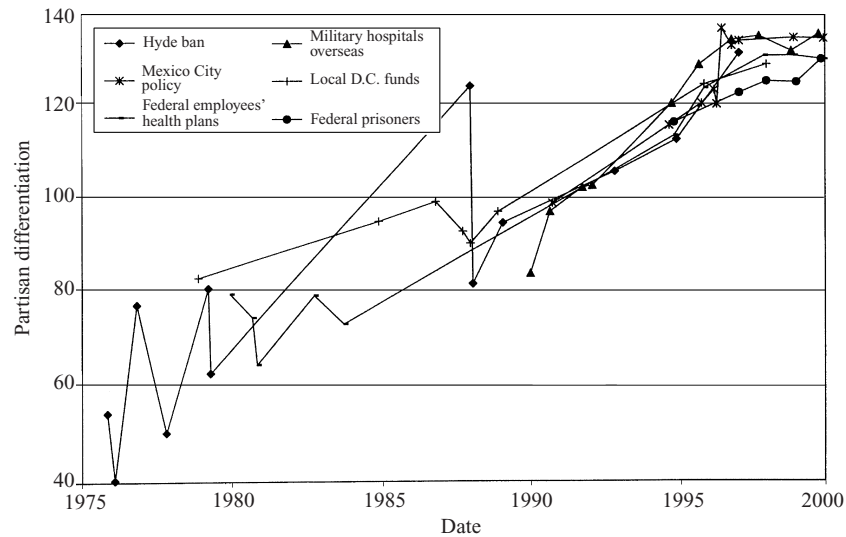
Hence, between 1976 and 1997, partisan differentiation on the Hyde ban in the House increased 76 points from 55 to 131 (Graph 1 below). Also, between 1978 and 1997, a qualitative change occurred among House Democrats. In 1978, 61.3 per cent of Democrats had voted with 86.7 per cent of Republicans against removing the Hyde ban with its single exception from the appropriations bill. While only 38.7 per cent of House Democrats had voted to remove the Hyde ban in 1978, 70.4 per cent did so in 1997 although the 1997 bill now permitted three exceptions, not one.³¹ Furthermore, the House Republicans' movement away from their original preference for permitting only one exception to the ban and towards the Democrats' original preference for three exceptions did not produce partisan confusion since the Democrats had also moved away from their original position to outright opposition to the Hyde ban.

Partisan differentiation on the Hyde ban has also increased in the Senate. In a non-partisan vote in 1976, 72.5 per cent of Democrats and 58.8 per cent of Republicans voted to remove the Hyde ban from the appropriations bill; partisan differentiation was only 27.4. About three months later in a perfectly non-differentiated vote, 69.2 per cent of Republicans and 69.0 per cent of Democrats voted to adopt the conference amendment which banned the use of appropriated funds for abortions except when the woman's life was in danger. Producing another nearly perfect non-differentiated vote in 1977, 56.8 per cent of Republican senators and 57.4 per cent of Democrats voted against the proposal to delete the Hyde ban. Also in 1977, partisan differentiation reached only 35 when the Senate defeated an anti-abortion attempt to eliminate the medically necessary exception and therefore to reduce the number of permitted exceptions to three: life in danger, rape, or incest. In 1977 and 1978, majorities of both parties voted against proposals to permit only one exception to the Hyde ban; partisan differentiation was 30.6 in

²⁹ *CO*, 5 Aug. 1995, 2402.

³⁰ *CO*, 13 Sept. 1997, 1997.

³¹ *CO*, 17 June 1978, 1588, and 13 Sept. 1997, 1997.



Graph 1: Partisan Differentiation on Abortion, House of Representatives

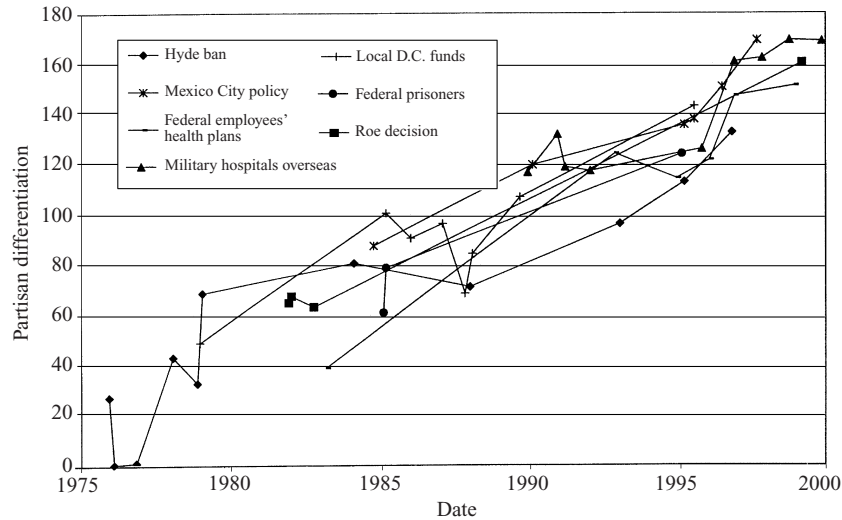
1977 and 43.2 in 1978. Also, producing another nearly perfect non-differentiated vote in 1978, 78.8 per cent of Republicans and 76.9 per cent of Democrats defeated an amendment to permit Medicaid-funded abortions for rape victims only if the crime was reported within 48 hours (Graph 2 below).³² In 1979 on a party line vote, albeit one with a low partisan differentiation of 33, the Senate again defeated a proposal to reduce the number of exceptions to three. Also, in 1979, the Senate again rejected the House’s single exception; on this partisan vote, partisan differentiation was 68.6.³³

In 1984 and 1988, the Senate passed the version of the ban which permitted a single exception so that three exceptions now defined the pro-abortion position. In 1984, the Senate defeated an attempt to add rape and incest as exceptions to the ban; partisan differentiation was 80.6 since 73.6 per cent of Republicans opposed this liberalisation while 66.7 per cent of Democrats favoured it. In 1988, the Senate voted twice to decide between its position of three exceptions and the single exception passed by the House; on those two votes, partisan differentiation was only 71.2 and 65 when 67.3 per cent and 60.0 per cent Democrats voted for three and 68.3 per cent and 67.5 per cent of Republicans voted for one.³⁴

³² CO, 3 July 1976, 1775; 17 Sept. 1976, 2666; 2 July 1977, 1392, and 30 Sept. 1978, 2709.

³³ CO, 21 July 1979, 1489, and 29 Sept. 1979, 2176.

³⁴ CO, 13 Oct. 1984, 2673, and 17 Sept. 1988, 2622.



Graph 2: Partisan Differentiation on Abortion, Senate

In 1993, producing a moderate partisan differentiation of 96.4, 86.4 per cent of Republican senators voted to retain the Hyde ban while 61.8 per cent of Democratic senators voted to remove it. Two years later, partisan differentiation increased to 113.2 when 86.8 per cent of Republican senators again voted for the ban but now 78.3 per cent of Democrats voted against. Finally, in 1997 partisan differentiation reached 133 when 75.6 per cent of Democrats voted to eliminate the Hyde ban from the Children's Health Insurance Program while 91 per cent of Republican senators voted to retain it.³⁵ Hence, between the 1977 and 1997 Senate votes on whether to eliminate the Hyde prohibition, partisan differentiation increased by 132 points (Graph 2).

PARTISAN DIFFERENTIATION AND COHESION ON THE SEVEN ABORTION ISSUES

As revealed by the six graphs, the increased partisan differentiation and cohesion which are visible in congressional voting on the Hyde ban also apply to the other abortion issues. Most importantly, Graphs 1 and 2 reveal the same trend of increased differentiation for all abortion issues in both chambers; there is a steady and significant upward slope from low or moderate partisan differentiation for the earliest votes on these abortion

³⁵ *CO*, 2 Oct. 1993, 2685; 4 Nov. 1995, 3414, and 28 June 1997, 1545.

issues to much higher levels of partisan differentiation for the most recent roll call votes. Also, in the House, the variation in the degree of partisan differentiation varies very little from abortion issue to abortion issue. In contrast, in the Senate, there is greater variation in the degree of partisan differentiation on particular abortion issues; for example the Senate has less partisan differentiation on the Hyde ban and the related ban on using federal funds to provide abortions for prisoners than on the other abortion issues. However, that variation in the degree of partisan differentiation in the Senate according to the particular abortion issue should not obscure the more important finding: partisan differentiation has increased sharply in both chambers on all the selected abortion issues (Graphs 1, 2).

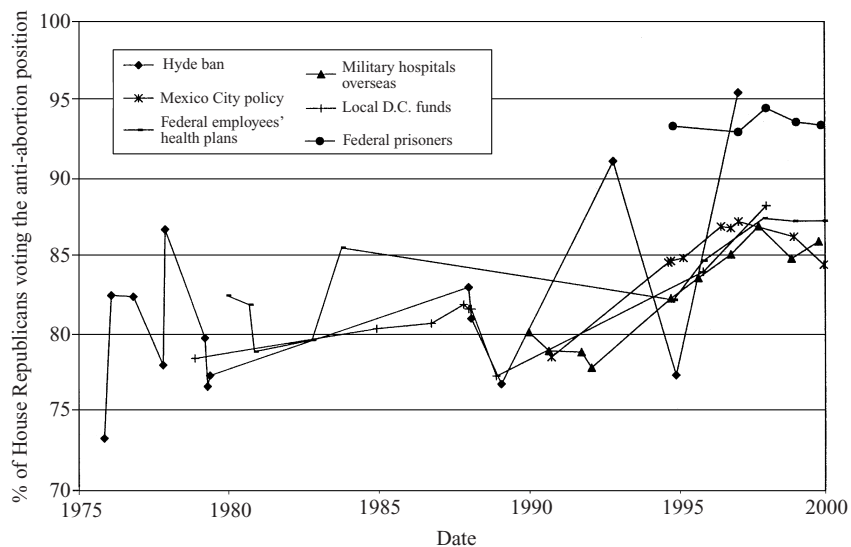
Graph 1 clearly reveals increased partisan differentiation in the House on five of the six abortion issues. The only exception is the abortion issue of banning federally financed abortions for prisoners. That exception is simply due to the first roll call vote on this abortion issue occurring as late as 1995 and producing the relatively high partisan differentiation of 116.4 which was similar to the level of partisan differentiation generated by the other abortion issues in the 104th House. For the other five abortion issues, there has been a significant increase in the partisan differentiation in the House. Prior to 1988, no vote on these abortion issues produced a partisan differentiation which exceeded the moderate score of 100. Even as late as 1990, with the exception of the 1988 vote on whether to permit three exceptions to the Hyde ban, no House vote on these abortion issues had produced a partisan differentiation exceeding a moderate differentiation of 100. For example, the votes on the proposal to remove abortion services from the health care plans of federal employees produced partisan differentiation of 80 or lower in the 1980s. Also, from 1979 to 1988 the votes on the proposal to prohibit the District of Columbia from using its local funds to provide elective abortions generated partisan differentiation between 81 and 100. In contrast, by the end of the 106th Congress (1999–2000), partisan differentiation in the House exceeded 125 for all six abortion issues (Graph 1).

The 1988 House vote on the proposal to allow three exceptions to the Hyde ban, not a vote on the Hyde ban itself, produced a surprisingly high partisan differentiation of 124.2 (Graph 1). However, a motion to accept the Senate's three exceptions to the ban, not a vote on the Hyde ban itself, produced this anomalously high differentiation. Yet a level of partisan differentiation that had been anomalous in 1988 was no longer exceptional in the 104th and later Congresses. By the late 1990s and 2000, all six

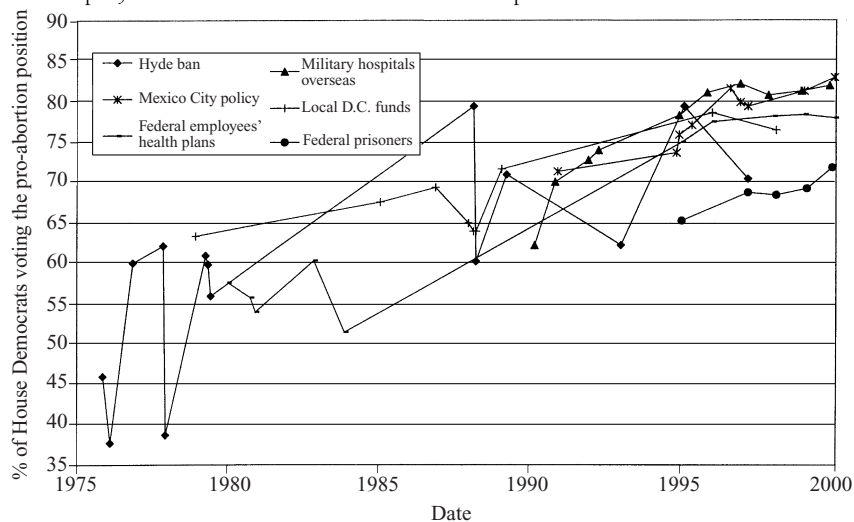
abortion issues had achieved a higher level of partisan differentiation than that 1988 vote on whether the Hyde ban should permit three exceptions rather than only one. Furthermore, the House was now voting on the actual anti-abortion bans themselves, not merely on whether to permit fewer or more exceptions to them. In the House, the most recent roll call votes on the six abortion issues produced partisan differentiation ranging from a low of 128.6 to a high of 135.0 (Graph 1, Table 1 below). Hence by the century's end, in the House, there was little difference in the degree of partisan differentiation on the six issues in the most recent roll call votes. More importantly, for the five abortion issues for which there had been roll call votes prior to 1995, differentiation between the congressional parties in the House had increased substantially.

Graph 2 indicates that roll call votes in the Senate produced a similar upward trend in partisan differentiation on the seven selected abortion issues. For all seven abortion issues, there is the same upward slope from relatively low partisan differentiation in the 1970s and 1980s to much higher levels of differentiation in the 104th and later Senates. In the 1970s, Senate votes on the Hyde ban produced almost no partisan differentiation. Even through 1985, none of the seven abortion issues generated more than moderate differentiation of 100 and usually partisan differentiation was less than 100. In the early 1990s, partisan differentiation began to creep above the moderate level of 100 for some, but not all, of these seven abortion issues. However, the most recent Senate roll call votes on these abortion issues have regularly produced partisan differentiation ranging from 124 to 169 (Graph 2). Hence, between the earliest and the most recent Senate votes on these abortion issues, partisan differentiation has increased significantly for all seven abortion issues. For example, in the early 1980s, the Senate votes on the *Roe* decision produced low partisan differentiation; however the 1999 Senate vote on *Roe* produced high partisan differentiation of 160 (Graph 2).

For each of the abortion issues, Graphs 3, 4, 5, and 6 present the anti-abortion cohesion of Republicans in the House (Graph 3) and Senate (Graph 5) and the pro-abortion cohesion of Democrats in the House (Graph 4) and Senate (Graph 6). These graphs again indicate that the story of the Hyde ban represents a more general pattern. Depicting the percentage of Republicans voting the anti-abortion position and the percentage of Democrats voting the pro-abortion position in each chamber, these four graphs show that in both chambers the increased partisan differentiation on the seven selected abortion issues has been produced by the increased cohesion of each congressional party around its



Graph 3: Anti-Abortion Cohesion of House Republicans



Graph 4: Pro-Abortion Cohesion of House Democrats

respective anti- and pro-abortion position. Graphs 4, 5, and 6 reveal a steady increase in the pro-abortion cohesion of Democrats in both chambers and in the anti-abortion cohesion of Republican senators.

Graph 3 reveals a more complex story about the anti-abortion cohesion of House Republicans, but even here there is a clear trend of House

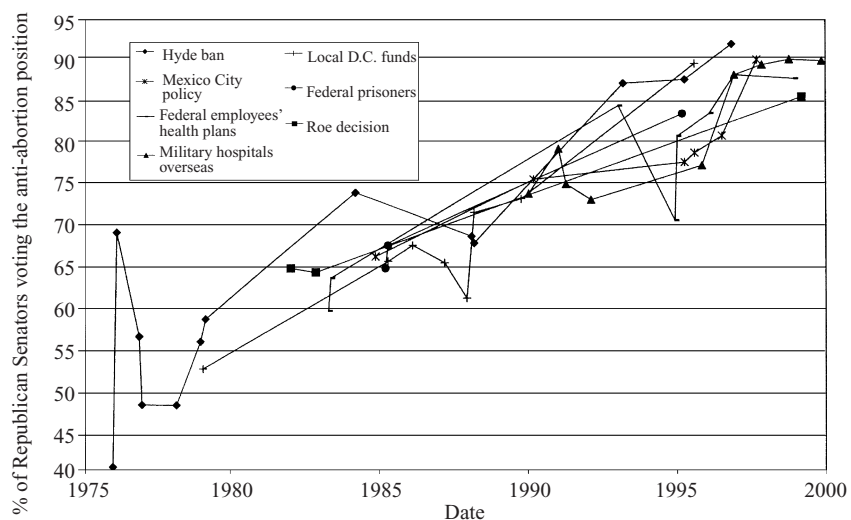
Table 1. *Summary of the partisan differentiation and cohesion data*

		Case 1: Hyde ban	Case 2: federal prisoners	Case 3: D.C. ban	Case 4: overseas military hospitals	Case 5: federal employees' health care benefits	Case 6: Mexico City policy	Case 7: <i>Roe</i> decision
House	increase in per cent of Republicans voting the anti-abortion position	21.7	no change ^a	9.5	5.7	4.5	5.8	n/a
	increase in per cent of Democrats voting the pro-abortion position	16.3	6.6 ^a	13.1	19.7	20.3	11.6	n/a
	partisan differentiation on the most recent vote	131.0	129.6	128.6	135.0	129.6	134.0	n/a
	points increase in partisan differentiation	76.0	13.2 ^a	45.2	50.8	49.6	34.8	n/a
Senate	increase in per cent of Republicans voting the anti-abortion position	34.1 ^b	18.1	35.9	15.6	27.2	23.1	19.9
	increase in per cent of Democrats voting the pro-abortion position	32.0 ^b	13.6	11.3	10.4	28.9	17.8	26.6
	partisan differentiation on the most recent vote	133.0	124.4	143.4	169.0	151.4	169.4	160.4
	points increase in partisan differentiation	132.2 ^b	63.4	94.4	52.0	112.2	81.8	93.0

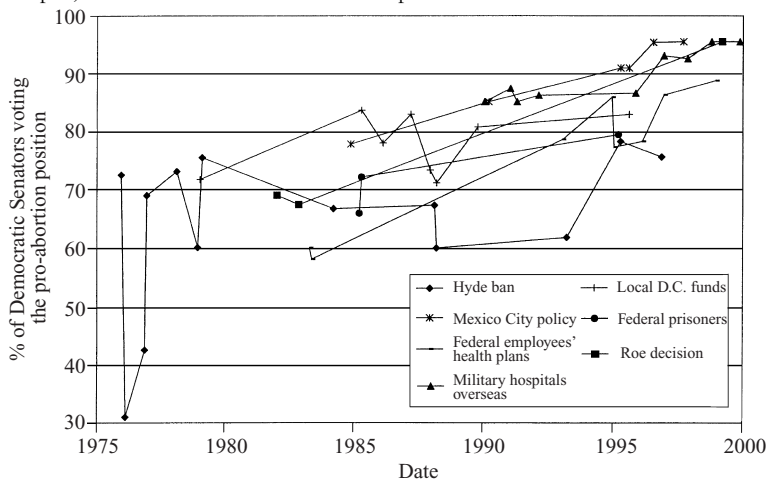
^a The availability of roll-call data for only 1995 to 2000 plus the relatively high levels of partisan cohesion and differentiation of the original 1995 vote explain the small amount of change.

^b Based on the votes on the 1977 and 1997 proposals to eliminate the Hyde ban.

n/a No available data.



Graph 5: Anti-Abortion Cohesion of Republican Senators



Graph 6: Pro-Abortion Cohesion of Democratic Senators

Republicans becoming more cohesively anti-abortion. Graph 3 reveals that a substantial majority of House Republicans voted the anti-abortion position even in the late 1970s and early 1980s. Except for the earliest 1976 vote, more than 75 per cent of House Republicans have consistently voted the anti-abortion position when the House voted on these six abortion issues. Even though a substantial majority (75 per cent or more) of House

Republicans have consistently supported anti-abortion legislation, they have still become more cohesively anti-abortion (Graph 3). After 1995, about 85 per cent or more of House Republicans voted the anti-abortion position on all six abortion issues; indeed in the most recent votes, 95 per cent and 93 per cent respectively voted for the Hyde ban and to prohibit federally funded elective abortions for prisoners.

Graphs 3 and 4 reveal that House Democrats are not as cohesively pro-abortion as their Republican counterparts are anti-abortion. In the most recent congressional votes on each of the six abortion issues, the percentage of House Republicans voting the anti-abortion position exceeded the percentage of Democrats voting the pro-abortion position. Yet, despite the greater absolute cohesion of House Republicans on these abortion issues, at the same time, there has been a greater increase in the pro-abortion cohesion of House Democrats than in the anti-abortion cohesion of House Republicans (Graphs 3 and 4, Table 1). For example, in 1984 only a small majority of House Democrats voted to allow the health care plans of federal employees to provide abortion services. In contrast, in 1998, 1999, and 2000, about 78 per cent of House Democrats voted to permit those health plans to provide abortion services.

Although the anti-abortion cohesion of Republican senators and the pro-abortion cohesion of Democratic senators varies somewhat from abortion issue to abortion issue, each senatorial party is now relatively unified around its respective anti- and pro-abortion position; and each senatorial party has become more cohesive over time on each of the seven abortion issues (Graphs 5, 6). Like their House counterparts, Republican senators are most united when voting for the Hyde ban; more than 90 per cent of Republican senators voted for that ban in 1997. In addition, more than 85 per cent of Republican senators have recently voted for the Mexico City policy, to prohibit privately financed abortions in overseas military hospitals, and to prohibit the District of Columbia from using its local funds to provide abortions. Graph 5 reveals that Republican senators are now much more united around anti-abortion than they were in the 1970s, 1980s, and early 1990s.

Graph 6 reveals that Democratic senators are currently unified around pro-abortion on a range of abortion issues. Since the 104th Congress, about 95 per cent of Democratic senators voted to support the *Roe* decision, to oppose the Mexico City policy, and to remove the ban on privately financed abortions in overseas military hospitals. However, less than 80 per cent of Democratic senators voted against the Hyde ban and the related

policy of prohibiting the use of federal funds to provide abortions for prisoners.

Even so, the variation in the anti-abortion cohesion of Democratic senators according to the particular abortion issue should not obscure that they are substantially more unified today than in the past on all seven abortion issues. As indicated by Graph 6, the overall trend has been towards increased pro-abortion cohesion for Democratic senators. For example, as was also true for House Democrats, in 1977 only a minority (42.6 per cent) of Democratic senators voted outright to strike the Hyde ban whereas 75.6 per cent voted against it in 1997. Hence, while Democratic senators have less cohesion on the Hyde ban than the other six abortion issues, they are now much more unified in their opposition to the Hyde ban itself than previously.

SUMMARY

Abortion-related legislation in the contemporary Congress produces partisan coherence and differentiation, not incoherence and a lack of differentiation. While perfect party-line voting does not occur on abortion-related legislation just as it does not on other issues, and even if the congressional parties may not be as unified on abortion as they are on some economic issues, there is still significant partisan cohesion and differentiation on much abortion legislation. Abortion legislation in the contemporary Congress produces partisan coherence and differentiation, not incoherence and a lack of differentiation. Furthermore, the new Republican majorities elected in 1994 are associated with a significant increase in partisan cohesion and differentiation on all seven abortion-related issues.

Table 1 summarises the most recent partisan differentiation on each of the abortion issues and also the changes in each party's internal cohesion and in the differentiation between the parties. Unless otherwise noted, any change represents the difference between the first and most recent votes on the particular abortion issue. To obviate any possible methodological objections, the graphs permit other comparisons. For 24 of the 25 possible cases, Republicans and Democrats in both chambers were more unified around their respective anti- and pro-abortion positions on the most recent vote than they had been on the first roll call vote on the same abortion-related legislation (Table 1). The only exception, the House voting to prohibit federally financed elective abortions for prisoners, has already been explained.

Table 1 and Graphs 1 and 2 also confirm that there is at least moderately high partisan differentiation on all six issues in both chambers of the contemporary Congress and also on the *Roe* decision in the Senate. For all 13 cases, the most recent partisan differentiation ranged from a moderately high partisan differentiation of 124 to a high differentiation of 169.

In addition, those current levels of partisan differentiation represent a significant increase in partisan differentiation for 12 of the 13 cases (Table 1, Graphs 1 and 2). That one exception – the House voting to ban the use of federal funds to provide abortions for prisoners – has already been explained. For the remaining 12 cases, the 34.8 points increase in partisan differentiation in the House on the Mexico City policy represents the smallest increase in partisan differentiation; yet an increase of almost 35 points constitutes more than one-sixth of the 200 points partisan differentiation scale. For the other four House cases, partisan differentiation increased by 45 to 76 points. In five of the seven cases in the Senate, partisan differentiation increased by between 82 and 132 points. In the Senate, the smallest increase in partisan differentiation occurred on the legislation banning privately financed abortions from overseas military hospitals; yet, even here partisan differentiation increased by 52 points. Presenting the general trend towards increased partisan differentiation on the seven abortion issues, Graphs 1 and 2 demonstrate that the increases summarised in Table 1 are not an artificial product of the particular votes which are used to calculate the extent of the change.

Since the greater anti-abortion cohesion of congressional Republicans and the greater pro-abortion cohesion of congressional Democrats produced the increased partisan differentiation on the abortion issue, the increase in each party's cohesion on the abortion issue needs to be explained. However, since this article simply sought to determine whether partisan differentiation on the abortion issue had changed over time, this article only adumbrates likely explanations for the increase.

First, the Christian right and other cultural-religious conservatives in the Republican party have probably contributed to the growing anti-abortion cohesion of congressional Republicans. In addition, the growing weight of southern Republicans among congressional Republicans in both chambers has also probably contributed to congressional Republicans becoming more cohesively anti-abortion. Furthermore, as a result of both the Christian right and self-selection, even non-southern Republicans have probably moved in an anti-abortion direction. While non-southern Republicans are less anti-abortion than their southern colleagues, personnel turnover has made non-southern Republicans today more anti-

abortion than their predecessors. The growing economic conservatism of congressional Republicans also probably contributes to their increasing anti-abortion cohesion (see conclusion).

In the Democratic party, the presence of the women's movement and its allies probably explains the increase in the pro-abortion cohesion of congressional Democrats. Also, the declining weight of southern Democrats who historically constituted the most conservative wing of the congressional Democratic party has probably contributed to the party's increased pro-abortion cohesion. Furthermore, today's southern congressional Democrats and even white southern congressional Democrats are not as conservative as they once were. Finally, according to the two graphs, partisan differentiation increased significantly after the 1994 electoral earthquake³⁶ which apparently replaced anti-abortion Democrats with anti-abortion Republicans.

CONCLUSION

The moderately high levels of partisan differentiation on various abortion-related issues suggest that cultural–religious issues divide the congressional parties just as they divide the parties-in-the-electorate.³⁷ Given the role and influence of the Christian right within the Republican party and the hostility of the Christian right to abortion rights, abortion will continue to generate clear partisan differentiation in Congress.

The data on abortion-related votes also indicate that the difficulties for congressional Republicans posed by the differences between economic and cultural–religious conservatives should not be exaggerated. First, even if the congressional parties are less united on the abortion issue than on economic issues, their cohesion and differentiation on this cultural–religious issue are undeniable. Second, in Congress, Republican differences over abortion are no greater than Democratic differences. Third, as indicated by the nearly unanimous support of congressional Republicans for the Hyde amendment with its three exceptions, economic conservatives and cultural–religious conservatives share a number of policy positions even though they get there by different routes: for example, pro-family tax cuts and increased military spending as well as hostility to

³⁶ Walter Dean Burnham, "Realignment Lives: The 1994 Earthquake and Its Implications," in Colin Campbell and Bert A. Rockman, eds., *The Clinton Presidency: First Appraisals* (Chatham, N.J.: Chatham House, 1996), 363–95.

³⁷ Carmines and Layman, "Issue Evolution."

welfare.³⁸ Hence, it is misleading to emphasise the differences between economic and cultural–religious conservatives while ignoring what unites them in the Republican coalition. For example, since Christian right activists are conservative on a broad range of issues, not just on cultural–religious matters,³⁹ economic conservatism may be the glue which binds the Republican coalition.

While the abortion issue will remain a source of partisan division, some of the data from 1995 to 2000, the constraints of public opinion,⁴⁰ the non-partisan strategy of the anti-abortion National Right to Life Committee, and the continuing, albeit reduced, heterogeneity of both congressional parties suggest that the differentiation between the congressional parties on the abortion issue might be near its peak.

³⁸ Nigel Ashford, “The Republican Policy Agenda and the Conservative Movement,” in McSweeney and Owens, eds., *Republican Takeover*, 96–116; and Barbara Ehrenreich, “The New Right Attack on Social Welfare,” in Fred Block, Richard A. Cloward, Barbara Ehrenreich, and Frances Fox Piven, *The Mean Season: The Attack on the Welfare State* (New York: Pantheon Books, 1987), 161–96.

³⁹ James Guth, John Green, Corwin Smidt, and Lyman Kellstedt, “Fresh Troops and Hardened Veterans,” in Ginsberg and Stone, eds., *Do Elections Matter?* 3rd edn, 218.

⁴⁰ Craig and O’Brien, *Abortion*, Ch. 7.