

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

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

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

The Culture War as Political Tool

Despite the heated rhetoric from candidates, office holders, political activists, and the media, culture war confrontations on the floor of the House and the Senate happen infrequently. Since the late-1970s, when religious conservative groups first became involved in election campaigns, there has been an average of six roll call votes a year on cultural issues in the House and two in the Senate.¹ When cultural issues do come up, however, they spark controversy and expose the polarization between the parties. It is, therefore, reasonable to expect party leaders to act strategically when deciding when to keep such issues off the floor and when to bring them to the floor for a vote. In this paper, I test four main hypotheses: that the number of roll call votes on cultural issues increases as congressional elections near, that the number of roll call votes on cultural issues is higher under divided government, that the number of roll call votes on cultural issues is higher in the two months before a presidential election, and that the leadership style of individual leaders affects the number of roll call votes on cultural issues.

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

¹ During the same period (1977-2004), the House held an average of 547 roll call votes and the Senate held an average of 383 votes.

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

Yet, the lead-up to congressional elections is not the only time strategic disagreement is likely to be used as a political tool. Presidential politics also plays an important role in this decision. For example, under divided government, the majority party in Congress sometimes passes measures it knows the president will veto in order to highlight the differences between its position and that of the president’s when it believes the public will side with Congress (Gilmour 1995). In the culture war, the most recent example of this is the battle between Republicans in Congress and President Bill Clinton over late-term abortions, a procedure that takes place after the first trimester of pregnancy.² In April of 1996, President Bill Clinton vetoed the Partial Birth Abortion Ban Act, citing the absence of a provision to allow the procedure when continuing the pregnancy would put the health of the mother at risk as his reason for doing so. The following year, the Republican Congress sent the president a bill that was virtually identical to the 1996 bill with full knowledge that the president would, again, veto it because it did not include an exception for the health of the mother. But, as John Feehery, communications director for then-House Majority Whip Tom DeLay put it, the

² Those opposed to the procedure often prefer the term “partial birth abortion” to “late term abortion,” the term most widely used by the medical community.

Republican leadership sent the bill to the president to “draw brighter lines between their views and those of the president and the congressional Democrats” (quoted in McDonald 1997). On October 8, 1997, the new version of the Partial Birth Abortion Ban cleared the Congress. Clinton vetoed it just two days later.

The timing of presidential elections is also likely to intensify the use of strategic disagreement as members of Congress are likely to bring controversial issues they believe will help their party’s candidate to the floor in order to bring national attention to those issues and to force the other party’s candidate to take a position (Davidson and Oleszek 2002). Members of Congress can also use the floor to draw attention to unpopular positions by the other party’s presidential candidate, as was the case in 1988 when Republicans in the House, then in the minority, brought a surprise privileged resolution to the floor, forcing the chamber to vote on a requirement that the Pledge of Allegiance be recited on the floor of the House at the beginning of each day’s session. This was done to bring attention to the fact that Democratic presidential candidate Michael Dukakis had vetoed a bill approved by the Massachusetts state legislature that required public school teachers to lead students in the Pledge of Allegiance when he served as governor of that state (Davidson and Oleszek 2002). Vice President George Bush, the Republican candidate, had attempted to bring attention to Dukakis’ veto, calling the Democratic candidate’s patriotism into question. With the backing of congressional Republicans, Bush was able to keep the pressure on Dukakis for the actions he took at governor of Massachusetts.

Finally, the use of strategic disagreement depends, in part, on the willingness of individual leaders to employ the tactic for political gain. Not every congressional leader

agrees that disagreement is the most effective style of leadership. In the 1950s, Senate Majority Leader Lyndon Johnson ignored the pleas of liberal Democrats in the Senate who wanted him to bring far-reaching civil rights legislation to the floor over President Dwight Eisenhower's veto threat to underscore the differences between Democrats and Republicans (Gilmour 1995). Yet, Johnson was more interested in passing bills through compromise than he was in advancing issues through confrontation. His willingness to compromise with southern Democrats and conservative Republicans to pass a civil rights bill that did not address school desegregation and other controversial provisions angered liberals, who believed that having an all-encompassing bill filibustered by conservatives would do more to advance their cause than passing a weakened bill ever could (Gilmour 1995).

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

way to show voters that there were clear differences between the two parties. His effort paid off and he continued to push for controversial votes, especially on cultural and welfare issues, as Speaker of the House (Gilmour 1995; Sinclair 2005).

Beyond Strategic Disagreement

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

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

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

Bringing the Culture War to the Floor

Cultural issues arrive on the floor of the House and the Senate directly, in the form of bills, resolutions, and amendments that deal strictly with cultural issues, or indirectly, as provisions in legislation that is not designed primarily to address such issues. These are most often appropriations bills that include provisions prohibiting the use of funds allocated in the bill for abortion services or to enforce court decisions that prohibit organized prayer in public schools or to fund abstinence-only sex education, for example. Prior to the Republican takeover of 1994, cultural issues were brought to the floor of the House for a vote primarily through indirect means (see Figure 1). In the mid-1990s, however, under Newt Gingrich's leadership, there was a surge in the number of roll call votes that took on issues like abortion, religion, and gay rights directly. The number of votes that dealt with cultural issues indirectly did not fluctuate significantly

between 1977 and 2004, with the exception of a considerable drop in 2002. That same year also saw a drop in the number of votes that dealt strictly with a cultural issue, which suggests that the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001, and real wars in Afghanistan and Iraq pushed the symbolic culture war aside temporarily.

[Figure 1]

In the Senate, where roll call votes on cultural issues are more infrequent than in the House, the pattern has been different. With the exception of a small bump in the number of votes that dealt with cultural issues directly in 1984, there were virtually no votes on cultural issues, direct or otherwise, between 1977 and 1987 (see Figure 2). Between the late-1980s and mid-1990s, however, the number of roll call votes that were strictly about cultural issues exceeded the number of votes on broader legislation that included provisions on cultural issues. Although conservatives have typically pursued the culture war agenda more aggressively than liberals, this increase in the number of roll call votes on cultural issues coincided with a period of Democratic control of the Senate. It is possible that during this time, a contentious period in congressional politics that started with Democrats taking back the Senate in 1986 and culminated with the Republican Revolution of 1994, Republican lawmakers forced controversial cultural issues onto the floor agenda in the Senate to draw distinctions between the parties, a feat Republican members of the House could not accomplish with as much success because of the tight control the majority party exerts over the floor schedule in that chamber.

[Figure 2]

Data and Methods

Looking at annual patterns of the incidence of roll call votes on cultural issues provides an interesting snapshot of the dynamics of the culture war on the floor of the House and the Senate. However, one year often feels like a lifetime in politics. For example, the priorities of members in February or March of an election year are likely to differ from their priorities in September and October, when the campaign is in full swing and voters are more likely to pay attention to what is going on in Washington. In order to capture these variations, I use months rather than years as the unit of analysis. Thus, for every year between 1977 and 2004 in the House and 1979 and 2004 in the Senate, there are twelve observations, for a total of 336 and 312 observations, respectively.³

The dependent variable in this analysis is the number of bills, resolutions, and amendments on cultural issues on which each chamber took roll call votes each month of each year since 1976. I compiled this information using the search engine in THOMAS, the congressional information database maintained by the Library of Congress.⁴ Votes on appropriations and other far-reaching bills that contain provisions regarding cultural issues but that are not primarily about these issues are not included because the circumstances under which such legislation is brought to the floor are likely to be related to the political dynamics of issues that are more central to the bill than to the dynamics of the culture wars. I also exclude any procedural vote that was taken in the course of

³ Data from 1977 and 1978 were not included in the Senate model because information on the number of days the chamber was in session each month, an important control variable, is not available for the 95th Senate. No roll call votes on cultural issues were taken in the Senate in 1977 and 1978 and, as such, the absence of those years does not affect the analysis.

⁴ See appendix for a list of keywords used in the search. THOMAS can be accessed at <http://thomas.loc.gov/bss/d109query.html>.

considering legislation on cultural issues. While procedural votes can be as political and polarizing as substantive votes, they can only occur after the original proposal has been brought to the floor and, as such, do not provide an accurate count of the number of times a cultural issue was put on the agenda each month. For example, a month in which two bills received roll call votes could also include three procedural votes on each of the bills, for a total of eight votes. Meanwhile, a month in which four bills received votes but only one procedural vote was taken on each would also register as having eight votes, even though cultural issues were brought to the floor on twice as many occasions in the second example. I use a negative binomial regression model to test the seven hypotheses I have posited. The negative binomial model is appropriate when the dependent variable is a count of events and there is significant evidence of overdispersion, meaning that the variance of the count variable is greater than its mean (Long and Freese 2003).⁵

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

I use two different measures to test the extent to which the dynamics of presidential politics affects the number of votes taken each month on cultural issues. First, I look at the effect of *divided government*, which is coded as 0 if the party of the

⁵ House: $G^2 = 57.54$, $p < .001$; Senate: $G^2 = 9.98$, $p < .001$

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

Cultural issues are controversial and likely to be brought to the floor as part of a strategy to elicit disagreement for political gain. As such, I expect the *leadership* style of the Speaker of the House and of the Senate Majority Leader to matter because not all leaders are equally committed to the practice of strategic disagreement. For example, I expect the number of votes on cultural issues in the House to be particularly high under New Gingrich's leadership and lower under the leadership of Democrat Tom Foley, who was not known to be a particularly aggressive agenda-setter (Sinclair 2005). I also expect leadership to matter less in the Senate, where bills are brought to the floor under rules set by unanimous consent and where any Senator is typically allowed to offer amendments that are not germane to the bill at hand. Because unanimous consent requests can be blocked by any individual senator, unanimous consent agreements are often the product of negotiations between the majority and minority leaders (Sinclair 2000). In the House, on the other hand, bills are brought to the floor under guidelines stipulated by the Rules Committee, whose membership is selected by the Speaker and typically includes some of the most loyal members of the majority party. I include dummy variables for each Speaker of the House and Senate Majority Leader, with the exception of Tip O'Neill in the House and Robert Byrd in the Senate. The period in which the House and Senate

were under O'Neill's and Byrd's leadership, respectively, is used as the comparison group.

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

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

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

Lastly, I include the number of days each chamber was in session each month. This information is archived in THOMAS. The number of *days in session* varies ranges from 0 to 27 in the House and from 0 to 24 in the Senate. The number of roll call on cultural issues should be higher in months with longer legislative sessions.⁶

Strategic Disagreement in the House and the Senate

At first glance, there appears to be little evidence that strategic disagreement plays a significant role in the scheduling of roll call votes on cultural issues. Neither proximity to an upcoming election nor the presence of divided government is a significant predictor

⁶ The analysis was previously conducted using an additional control measure to account for whether or not the chamber was controlled by the *Republican* Party. However, this measure is left out of the model presented here because it is correlated with more than one leadership measure.

of the number of votes each month in the House or the Senate (see Table 1).⁷ It is clear, however, that the willingness of individual leaders to bring cultural issues to the floor plays an important function in setting the culture war agenda in the House.

[Table 1]

As expected, the number of votes on such issues was particularly high under Newt Gingrich's leadership. Holding all other variables at their mean, the expected number of votes on cultural issues increased by a factor of 7.1 during Gingrich's tenure as Speaker of the House relative to the number of votes on cultural issues under Democrat Tip O'Neill's leadership (see Table 2). The House also held more votes on such issues under Tom Foley and Dennis Hastert than under O'Neill, but the magnitude of the increase was considerably smaller compared to the increase under Gingrich's leadership. On the other hand, there was no significant change in the number of votes on cultural issues in the House under Jim Wright's leadership compared to the period in which the chamber was under O'Neill's leadership. Even though Wright is generally seen as a Speaker who employed strategic disagreement tactics in order to put Ronald Reagan and Senate Republicans on the defensive on a number of issues (Roberts and Smith 2003; Sinclair 2005), the findings of this analysis suggest that cultural issues were not among his chosen weapons.

That Wright did not pursue a cultural agenda is not surprising since it is generally believed that cultural issues help Republicans and hurt Democrats. After all, it was conservative groups like the Moral Majority and the Christian Coalition that first

⁷ An interaction term accounting for the effect of divided government in the two months prior to a presidential election on the number of roll call votes is also statistically insignificant and was, therefore, not included in the final model.

launched the culture war in the political arena. Yet, it is somewhat surprising that the number of votes increased by virtually the same magnitude under Foley's and Hastert's leadership relative to the number of votes under O'Neill's leadership. The number of votes might have increased more dramatically under Hastert had he not presided over the House in the post-9/11 period, when security issues and the wars in Afghanistan and Iraq became particularly salient. Contrary to my expectation, closeness to a presidential election is negatively correlated with the number of votes on cultural issues in the House.

[Table 2]

In the Senate, only Democratic Majority Leader George Mitchell had a significant effect on the number of roll call votes on cultural issues. Interestingly, the expected number of votes increased by a factor of 4.5 during Mitchell's tenure relative to the number of votes under Robert Byrd, holding all other variables at their mean (see Table 2). Unlike other Democratic leaders, who are often timid when it comes to putting cultural issues on the agenda, Senate Democrats under Mitchell's leadership often pushed for votes whose purpose was simply to affirm the reproductive rights of women, which forced moderate Republicans to take a position that either went against their party's leadership or against their constituents (see, for example, S.25 in the 102nd Congress and S.636 in the 103rd Congress). In addition, Republican senators stepped up the number of nongermane amendments they offered on cultural bills during that period in order to challenge the new Democratic majority that followed three cycles of Republican control on issues that are often detrimental to Democrats.

The Political Dynamics of Election Years

Although the politics of strategic disagreement did not perform as well as expected as a predictor of the number of roll call votes on cultural issues, there is evidence that it plays a bigger role in the culture war in congressional election year in the House. When only election years are considered, the role of individual leaders and closeness to a presidential election remain significantly correlated with the number of votes in the House. Unlike in the full model however, the number of months since the previous congressional election is a significant predictor of the number of votes on cultural issues when only congressional election years are considered (see Tables 3 and 4).

[Table 3]

In the House, for each additional month away from the previous election or, in other words, for each month closer to the upcoming election, the expected number of roll call votes on cultural issues increases by a factor of 1.2, holding all other variables at their mean (see Table 4). In the second half of 1998, for example, the House held eight votes on cultural issues. For much of the year, Republicans had hoped to make President Bill Clinton's affair with a White House intern and the possibility of the president's impeachment a winning issue in the congressional election. However, a strong economy and a general feeling among the public that the country was headed in the right direction under the Democratic president undermined the Republican agenda (Jacobson 1999). Instead, as the campaign season heated up, Republicans in the House stepped up the culture war rhetoric that had helped them take back the House in 1994. Between July and October of 1998, the House voted on abortion, access to family planning, and adoptions

by single people or unmarried couples, an issue that is often brought up by conservatives who are not only opposed to single parenthood but who also seek to undermine the ability of same-sex couples to adopt.

[Table 4]

In the Senate, the most significant change from the full model to the congressional election model in regards to the strategic disagreement hypotheses is a dramatic increase in the magnitude of the factor change in the expected number of votes on cultural issues under George Mitchell. Compared to the number of votes under Byrd and holding all other variables at their mean, the number of votes increased by a factor of 48.6 under Mitchell (Table 6). While this may suggest that Mitchell was particularly inclined to bring the culture war to the floor of the Senate, a more reasonable explanation is that this reflects heightened attention to cultural issues by individual senators. Mitchell presided over the Senate in the aftermath of Christian Coalition founder Pat Robertson's run for the White House and of Pat Buchanan's "culture war" speech at the 1992 Republican National Convention, as well as during the lead up to the Republican Revolution of 1994. As such, it is likely that senators on both sides of the aisle, but particularly on the Republican side, contributed to this large increase in the number of votes during Mitchell's leadership by offering nongermane amendments on the floor.

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

In addition to the effect of leadership and, in the case of the House in congressional election years, the proximity to elections, members of the House and the Senate also take cues from the president and from the public when deciding to bring cultural issues to the floor for a vote (see Table 1). Holding all other variables at their

mean, the expected number of roll call votes increases by a factor of 1.4 in the House for each additional cultural issue the president mentions in his previous State of the Union address or nomination acceptance speech (see Table 2). In the Senate, the president's agenda only affects the cultural agenda on the floor in congressional election years, when the expected number of roll call votes increases by a factor of 3.4 for each additional cultural issue on the president's agenda (see Tables 5 and 6). In fact, other than the number of days the Senate was in session each month, the number of issues the president mentions in his State of the Union or acceptance speech is the only significant predictor of the number of roll call votes on cultural issues in the Senate in congressional election year.

[Table 5]

[Table 6]

In regards to public opinion, the House is considerably more responsive than the Senate, as is to be expected. Surprisingly, however, the influence of public opinion is statistically insignificant in the Senate, both in the full model and when only congressional election years are considered. In the House, for each additional percentage of Gallup poll respondents who cite cultural issues as the most important problem facing the country, the expected number of roll call votes increases by a factor of 1.1 (see Table 2).

Finally, events that take place outside of Congress, such as court decision and laws enacted by state legislatures do not seem to affect the number of roll call votes on cultural issues in the subsequent month. Despite the lack of statistical significance, however, it is interesting to note that the coefficient for outside events in all four models is negative, contrary to expectations. Two alternate models that include lags of up to three

months confirmed the negative relationship and showed statistical significance (results are not presented as they do not change the effect of the other variables significantly). This fits the notion that escalation of the culture war in Congress is guided, in part, by a desire to increase the visibility of cultural issues. If a controversial court decision, like the 2002 9th Circuit Court ruling that the phrase “under God” in the Pledge of Allegiance is unconstitutional, or a local development, like the decision by San Francisco Mayor Gavin Newsom to issue marriage licenses to same-sex couples in his city in early-2004, generate media coverage and direct the public’s attention to cultural conflicts, there is no need for Congress to do so.

Conclusion

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

In the Senate, however, there is little evidence that cultural issues are brought to the floor as part of a broader strategy of disagreement, with the exception of the period during which the Senate was under the leadership of Democrat Majority Leader George Mitchell. It is possible that culture war battles on the floor of the Senate, where any senator can typically offer an unlimited number of amendments on any subject he or she

chooses and where majority party leaders do not have as much control of floor proceedings as their counterparts in the House do, reflect the political agenda of individual senators. This would explain, in part, why institutional-level indicators are not good predictors of the number of roll call votes on cultural issues in that chamber.

The second set of hypotheses focused on forces outside of Congress that have the potential to shape the congressional agenda. Contrary to the first set of hypotheses, which suggest that legislators actively seek out cultural issues, these hypotheses focus on events Congress does not control and to which it can only react. I find evidence that both the House and the Senate respond positively to the president's agenda. As the number of cultural issues the president mentions in his State of the Union or acceptance speech increases, the number of votes on cultural issues increases in both chambers. In the Senate, the president's agenda is particularly influential in a congressional election year.

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

Appendix

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

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

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

Notes on keyword search:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sept. 2000—FDA approves RU-486

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

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

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

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

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

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

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

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TABLE 1

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

	House	Senate
Number of months since election	0.02 (0.02)	0.00 (0.03)
Divided governments	-0.16 (0.31)	0.26 (0.45)
Presidential election	-1.43* (0.77)	-0.05 (0.84)
Leadership		
Wright	-0.59 (0.65)	--
Foley	1.06** (0.36)	--
Gingrich	1.96*** (0.38)	--
Hastert	1.11** (0.45)	
Baker	--	0.42 (0.77)
Dole	--	0.38 (0.77)
Mitchell	--	1.51** (0.61)
Lott	--	0.60 (0.78)
Daschle	--	-0.34 (1.00)
Frist	--	0.36 (1.03)
President's agenda	0.35** (0.15)	-0.14 (0.19)
Outside events	-0.37 (0.39)	-0.25 (0.63)
Public opinion	0.07** (0.34)	0.02 (0.06)
Days in session	0.15*** (0.02)	0.17*** (0.04)
Constant	-4.69*** (0.59)	-5.11*** (1.00)
Log likelihood	-258.77	-136.43
Log likelihood chi-square	84.87***	36.11***
N	336	312

Notes: Standard errors in parentheses. O'Neill and Byrd used as comparison group for leadership variables in House and Senate model, respectively. * $p \leq .10$; ** $p \leq .05$; *** $p \leq .001$.

TABLE 2

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

	House	Senate
Presidential election	0.2	--
Leadership		
Foley	2.9	--
Gingrich	7.1	--
Hastert	3.0	
Mitchell	--	4.5
President's agenda	--	--
Public opinion	1.1	--
Days in session	1.2	1.2
N	336	312

Notes: Results for statistically insignificant explanatory variables not shown.

TABLE 3
 Negative Binomial Regression Analysis of Expected
 Number of Roll-Call Votes on Cultural Issues in the
 House in Congressional Election Years

	House
Number of months since election	0.14** (0.06)
Divided governments	-0.55 (0.45)
Presidential election	-1.80** (0.79)
Leadership	
Wright	0.22 (0.96)
Foley	1.36** (0.55)
Gingrich	2.01*** (0.59)
Hastert	1.35** (0.62)
President's agenda	0.36* (0.21)
Outside events	-0.78 (0.57)
Public opinion	0.05 (0.04)
Days in session	0.14*** (0.04)
Constant	-6.65*** 1.35
Log likelihood	-110.68
Log likelihood chi-square	53.67***
N	336

Notes: Standard errors in parentheses. O'Neill used as comparison group for leadership variables.

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

TABLE 4

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

	House
Number of months since election	1.2
Presidential election	0.2
Foley	3.9
Gingrich	7.5
Hastert	3.8
President's agenda	1.4
Days in session	1.2
N	336

Notes: Results for statistically insignificant explanatory variables not shown.

TABLE 5
 Negative Binomial Regression Analysis of Expected
 Number of Roll-Call Votes on Cultural Issues in the
 Senate in Congressional Election Years

	Senate
Number of months since election	-0.04 (0.08)
Divided governments	-1.37 (0.87)
Presidential election	0.37 (0.90)
Leadership	
Baker	0.18 (1.24)
Dole	-16.58 (1603.40)
Mitchell	3.88** (1.49)
Lott	0.79 (1.56)
Daschle	2.75 (2.12)
Frist	-1.61 (1.65)
President's agenda	1.22** 0.58
Outside events	-0.93 (1.22)
Public opinion	0.08 (0.10)
Days in session	0.23** (-0.08)
Constant	-7.17 (205)
Log likelihood	-55.28
Log likelihood chi-square	32.49**
N	312

Notes: Standard errors in parentheses. Byrd used as comparison group for leadership variables.

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

TABLE 6

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

	Senate
Mitchell	48.6
President's agenda	3.4
Days in session	1.2
N	312

Notes: Results for statistically insignificant explanatory variables not shown.

Figure 1

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

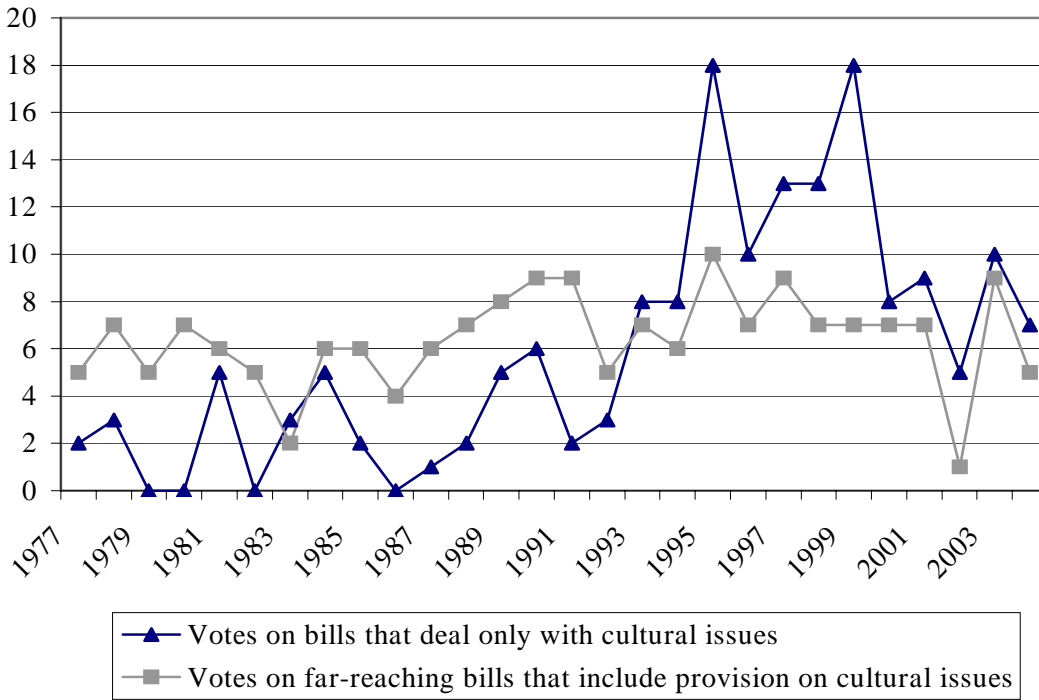


FIGURE 2
 Number of Votes on Cultural Issues in the Senate, 1977-2004

