

## **How Does Party Position Change Happen? The Case of Gay Rights in the U.S. Congress**

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### **Abstract**

Democrats and Republicans are increasingly divided on questions of gay rights. Debate exists about the mechanism producing such party position change among elected officials. Some scholars claim that fears of seeming inconsistent keep politicians from changing their stands, so party position change occurs chiefly via turnover among elected officials. Yet using both co-sponsorship and roll-call data from the U.S. Congress, I find that both mechanisms underlie party position change on gay rights, with conversion playing a leading role. However unlike other “social” issues on which the parties have divided such as gun control and abortion, almost all the change on gay rights has occurred within the Democratic Party. As gay rights activists became more prominent in the Democratic Party Democratic incumbents adapted and took new stands, creating a partisan divide on the issue. The findings contribute to a broader understanding of how party position change occurs.

“Attitudes evolve, including mine.” – President Barack Obama on same-sex marriage. October 27, 2010.<sup>1</sup>

The apparent stability of the American two-party system reveals much fluidity on close inspection. If the Democrats and Republicans seem immortal, their policies and electoral coalitions are far less stable. Interest in how and why these changes occur has animated the realignment literature (Burnham 1970, Sundquist 1983), studies of “issue evolution” (Carmines and Stimson 1989, Adams 1997, Stimson 2004) and “party position change” (Wolbrecht 2000, Karol 2009.)

I focus here on the question of how party positioning on gay or LGBT (Lesbian, Gay, Bisexual and Transsexual) rights changed in Congress. The fight for gay rights has moved from the margins to the mainstream of U.S. politics. Support for LGBT rights has emerged chiefly among Democrats however, resulting in a partisan divide on the issue. I find that position shifts by Democratic Members of Congress (MCs), rather than turnover among them, played the chief role in this process.

### **Why Study Party Position Change on Gay Rights?**

Understanding the mechanism by which parties adopt new stands is important for several reasons. Party elites’ issue positioning helps voters infer individual candidates’ stands (Popkin 1991, Koch 2001) and shapes voters’ own views (Zaller 1992, Bartels 2002.) If legislators do not adapt party repositioning must be slow, given the low rate of turnover in Congress and those seeking policy change should work to elect new MCs rather than trying to win converts among incumbents.

In recent years gay rights has been a highly visible issue in national politics. Yet with few exceptions (Lindaman and Haider-Markel 2002, Smith 2007, Valelly 2012),

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<sup>1</sup> [http://www.politico.com/blogs/bensmith/1010/Attitudes\\_evolve\\_including\\_mine.html](http://www.politico.com/blogs/bensmith/1010/Attitudes_evolve_including_mine.html)

party position change on LGBT rights receives little attention. Gay politics studies focus more on public opinion (Brewer 2003), policy (Lewis and Edelson 2000, Mucciaroni 2008) or activism (Sherrill 1999, Engel 2007). Scholars find that Democrats are the more pro-LGBT rights party (Campbell and Davison 2000, Oldmixon 2005, Lublin 2005, Smith and Bishin 2010), but parties are not their focus.

If LGBT politics scholars seldom focus on parties, party experts rarely focus on gay rights. Scholars note that Democrats and Republicans have traded places on several issues including race (Carmines and Stimson 1989), women's rights (Wolbrecht 2000), fiscal policy (Burns and Taylor 2000), defense spending (Karol 2009) and trade policy (Shoch 2001, Mellow 2008). In addition, the parties have polarized on the newer "social" or cultural issues of abortion (Adams 1997) and gun control (Bruce and Wilcox 1998).

However, party position change on gay rights is distinctive. Unlike race, trade women's rights, defense or fiscal policy, LGBT rights were *not* on the political agenda prior to the 1970s. Nor have the parties traded sides on gay rights as they did on those issues. Instead, the parties have polarized, with Democrats increasingly supportive of LGBT rights and the GOP remaining opposed. In that the parties have polarized, rather than traded sides, the dynamic of the issue resembles those of gun control and abortion.<sup>2</sup>

Yet when the gun control and abortion issues reached Capitol Hill many MCs in both parties lined up on each side of the debate. Not so for gay rights. U.S. Rep. Bella Abzug (D-N.Y.) introduced the first gay rights bill in 1974 quietly without seeking co-sponsors since she feared that the issue was "dangerous" (Clendinen and Nagourney

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<sup>2</sup>Democratic voters were less supportive of abortion rights than Republicans until the mid 1980s (Adams 1997.) Yet GOP MCs were never more pro-choice than Democratic ones.

1999, 240). That year only one co-sponsor emerged. Most Democratic MCs now support LGBT rights, but this was not true until long after the issue reached Congress.

The slowness of the parties' polarization on gay rights could stem from Democratic MCs sticking to their original positions and turnover rates in Congress being low.

Alternatively, change may have been gradual because the incentives for MCs to adapt have increased slowly. If so we should see change in the positions of long-serving MCs on LGBT issues. Evaluating these competing explanations requires investigation.

I argue that shifts in party coalitions since the gay rights issue arose in the 1970s underlie this asymmetric dynamic of change in one party. LGBT activists found a home in the Democratic Party. At the same time the Republican Party incorporated religious conservatives (Layman 2001) who oppose LGBT rights. As a result, while public opinion on gay rights has changed a great deal, the parties have responded in very different ways. Democratic candidates, including incumbents, have faced changing incentives and have adjusted their stands, reorienting the Democratic Party over time.

The rest of this paper proceeds as follows. I briefly review theories of issue evolution and party position change as they relate to the role of conversion or position shifts by individual politicians. I then present evidence of a growing gay-rights constituency in the Democratic Party. Next I examine Congressional behavior using both co-sponsorship and roll call data from the House and Senate. I conclude with discussion of the implications of these findings.

### **Theory**

Scholars have long sought to understand change in parties' policies and coalitions. I focus on party position change in Congress, a topic that still divides scholars. Here a

central question is *how* parties' issue positioning changes, be it a reversal in the Democrats and Republicans' relative positions or a change in the extent to which divisions among legislators fall along party lines.

The prevalent view has been that MCs do *not* change their positions making turnover or replacement, in Carmines and Stimson's words (1989, 63), "the principal agent" of change in party issue positioning in Congress. MCs seldom take new stands, lest they appear "inconsistent and unprincipled" (Stimson 2004,65.)<sup>3</sup> Adams (1997, 724) likewise holds that "vacillating on a highly visible and emotional issue such as abortion is politically risky, and one would be hard pressed to come up with the names of more than a half-dozen politicians who did so successfully."

Others find a different mechanism at work. Wolbrecht (2000) sees conversion among MCs when the parties traded places on women's rights, but views her case as exceptional. Karol (2009) finds much conversion by MCs in cases when parties' issue positions changed. He views parties as coalitions of groups with intense preferences on particular issues managed by politicians.<sup>4</sup>

Karol argues that when a new group is "incorporated" in a party coalition, change in the party's issue positioning is gradual and conversion and turnover among elected officials both play a role. Initially some politicians from a party form a relationship with a new group, winning some support for themselves and, especially if they are prominent figures, altering their parties' image and electoral base. As the new group becomes a presence in the party other politicians not initially friendly to it will find it advantageous

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<sup>3</sup> Poole (2007,449) makes similar claims about reputational concerns inducing consistency in MCs' voting patterns.

<sup>4</sup> For a similar view of parties see Cohen et al 2008 and Bawn et al 2012 (forthcoming.)

to build ties to this new constituency. The resulting increase in visible support from the party's officeholders then stimulates more members of the group to support the party which in turn makes even more party politicians see the need to represent the group. This dynamic may play out over many years.

As a new group enters a party coalition entrenched incumbents may survive for a time without changing their stands on the group's issue.<sup>5</sup> Yet ambitious politicians have an incentive to appease all sectors of their parties. Failure to do so may produce a primary challenge, tepid support in general elections or difficulty in reaching higher office or a leadership role within the party. Karol holds that the imperative to remain on good terms with all party coalition groups will gradually outweigh politicians' personal reservations and fears of seeming inconsistent, leading to much adaptation by elected officials.

The groups most focused on gay rights, LGBT activists and social conservatives, only became integrated into party coalitions after the issue first reached Congress in 1974. Thus a group incorporation model may apply to the case. Adams' (1997) description of abortion as a "highly visible and emotional issue" holds true for gay rights as well. Change on LGBT rights has been slow, (a federal ban on discrimination on the basis of sexual orientation, first proposed in 1974, has yet to become law), making turnover a plausible mechanism behind the changes we see in Congress. So if we find shifts by MCs underlying party position change even on this topic we should not be surprised to see it on other less salient issues. Thus study of this case contributes to a broader debate about how parties' policies and coalitions change.

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<sup>5</sup> Fenno (1978) discerns a "protectionist stage" late in an MCs' career when he typically does not seek out new allies.

One may ask if a focus on party-linked interest groups is needed to explain the growth in support for gay rights in Congress when public opinion has clearly become more supportive of those rights in the decades since the issue first reached Capitol Hill in the 1970s. There is no doubt that this shift in mass attitudes is important for MCs.

Yet changing public opinion cannot fully account for the partisan gulf on the issue in Congress since even GOP and Democratic MCs facing the same publics diverge on LGBT (and many other) issues. In the 111<sup>th</sup> Congress thirteen states had a “mixed delegation”, i.e. a Senator from each party. The median rating from the Human Rights Campaign, the leading gay rights lobby, for Democratic Senators from these states was 88%, as contrasted with 10% for the median Republican from the same set of states.<sup>6</sup> Similarly, Presidential nominees and party platforms have diverged on LGBT rights since the 1980s, although both parties seek majorities in the same Electoral College.

Of course we may not expect MCs to represent all constituents’ views. Instead we may think legislators’ party affiliations and public opinion interact as MCs focus more on the views of a “sub-constituency” (Fenno 1978, Bishin 2000, 2009, Smith and Bishin 2010) comprising their co-partisans and –in varying degrees- independents and weak identifiers with the other party, while disregarding the opinions of those unlikely to vote for them. Democratic (and independent) identifiers are more pro-gay rights than GOP ones and this gap has grown.

Yet it is important to note a version of this sub-constituency approach, focusing exclusively on public opinion, i.e. the views of MCs’ fellow partisans and ignoring independents and weak partisans of the other party, doesn’t fully account for the party

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<sup>6</sup> [http://www.hrc.org/files/assets/resources/111thCongressional\\_Scorecard.pdf](http://www.hrc.org/files/assets/resources/111thCongressional_Scorecard.pdf)

divide in Congress on gay rights. A majority of Democratic, independent *and Republican* survey respondents have long favored a ban on discrimination in employment based on sexual orientation and allowing gays and lesbians to serve openly in the military before the repeal of “Don’t Ask, Don’t Tell”<sup>7</sup>, yet few GOP MCs have taken such positions.

In short, public opinion, even public opinion among partisans, cannot fully account for the growing support in Congress for gay rights being so concentrated in the Democratic Caucus. The parties’ incorporation of and responsiveness to interest groups that care deeply about this issue can explain what changes in public opinion cannot.

The combined effects of increased pressure from a group growing in importance within a party’s coalition and a shifting public opinion gives elected officials incentives to revisit policy stands they took earlier in their career when conditions were different. I turn next to a brief description of the growing prominence of these groups in party coalitions followed by analysis of the changing positions of MCs.

### **The Growth of Gay Rights Activism in the Democratic Party**

The growing partisan divide in Congress reflects a growth of activist constituencies on the issue in both parties since the 1970s. On the GOP side, a key development in keeping Republican politicians from moving in tandem with the shifts in public opinion has been the growth of the Christian right as a key party constituency. The story of that movement is important for the parties’ evolution on gay rights issue. Yet it

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<sup>7</sup> For example, already in 2004 64% of Republican American National Election Study respondents agreed, “laws should protect homosexuals against job discrimination.” On GOP respondents’ support for repealing “Don’t Ask, Don’t Tell” see <http://www.gallup.com/poll/127904/Broad-Steady-Support-Openly-Gay-Service-Members.aspx>

has been well-described elsewhere (Green and Guth 1988, Wilcox 1992, Oldfield 1996, Layman 2001), so my focus is on the growth in LGBT activism in the Democratic Party.

The modern American gay rights movement is dated to the Stonewall riots of 1969. Soon that movement entered electoral politics. In California Dianne Feinstein reached out to gay rights activists and won support for her campaign for the San Francisco Board of Supervisors in 1969 (Hirshman 2012,154.) Gay rights activists sought recognition in the Democratic Platforms starting in 1972 (Clendinen and Nagourney 1999). The National Gay and Lesbian Task Force was founded in 1973 and “strove to make the Democratic Party responsive to the gay community” (D’Emilio 2000, 469.)

The Task Force was joined in 1980 by the Human Rights Campaign (HRC), the leading LGBT rights group active in elections (Engel 2007, 66.) The HRC is officially non-partisan, but since 1990 91% of its contributions have gone to Democrats.<sup>8</sup> These lobbies’ budgets, staffs and campaign contributions grew substantially in the late 1980s and early 1990s (Rimmerman 2000), increasing their visibility in Congress. The HRC began releasing scorecards rating MCs in 1989.<sup>9</sup>

Overtly partisan gay rights activism grew substantially during this period as well; a gay and lesbian caucus emerged at the 1980 Democratic National Convention and in 1983 at the Democratic National Committee.<sup>10</sup> At the local level many LGBT Democratic clubs were founded, starting with the Alice B. Toklas Democratic Club in San Francisco in 1972 (Fejes 2008,117), a group created by activists who had worked on Feinstein’s 1969 campaign. There were thirty such clubs by 1988 and a short-lived

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<sup>8</sup> See [www.opensecrets.org](http://www.opensecrets.org)

<sup>9</sup> <http://www.hrc.org/blog/entry/new-hrc-scorecard-shows-lgbt-highs-and-lows-of-111th-congress>

<sup>10</sup> “Have the Democrats Learned?” Palm Beach Post February 11,1983 P.A20.

National Association of Gay and Lesbian Democratic Clubs.<sup>11</sup> In 1998 the National Stonewall Democrats was founded as an umbrella organization linked to the Democratic National Committee (Rimmerman 2000,68.) 72 local chapters had an active web presence in June 2012.<sup>12</sup>

LGBT activism in the Democratic Party is not confined to gay groups or the formal party structure. Many LGBT individuals work for Democratic candidates outside the framework of gay rights groups. For example in 2012 at least 1/6<sup>th</sup> of the “bundlers” raising \$500,000 or more for President Obama’s re-election were gay and at the grassroots level the Obama campaign directly recruited gays and lesbians to work on the President’s campaign rather than for an LGBT organization.<sup>13</sup> Gay rights activists also exist in the GOP, but they are far fewer and, unlike their Democratic counterparts, are in direct conflict with a large core constituency of their party, the Christian right.

In sum, public opinion has become more supportive of gay rights, but Democratic MCs have also faced a growing constituency within their party focused on LGBT rights while their Republican colleagues’ party coalition includes social conservatives strongly opposed to gay rights. Thus Democratic MCs have a growing incentive to take pro-gay rights stands while Republicans have reason not to do so. Democratic MCs’ incentive to change may outweigh concerns about seeming consistent, but this matter requires closer investigation.

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<sup>11</sup> “ ‘ACDC’ Wants to Be Heard.” *Palm Beach Post* February 24,1988 1D

<sup>12</sup> For a list of local affiliates see: <http://www.stonewalldemocrats.org/chapters>

<sup>13</sup> “Biden Comments on Same-Sex Marriage Expose Internal White House Divisions” *Washington Post* May 8,2012, “Seeing an Obama Army in Gay Pride Legions” *New York Times* June 25,2012.

## **Data**

I now turn to a mix of co-sponsorship and roll call data to better understand how parties' positioning on LGBT issues has changed in Congress. I focus on the cases of discrimination in the private sector, the "Don't Ask, Don't Tell" policy and the Defense of Marriage Act. By tracking these issues I reveal the growing partisan divide on them and the contribution made by to it by conversion and replacement among MCs. By focusing on specific bills I insure that changes in the agenda or the votes used to create interest group ratings and scales are not driving the results presented. By using multiple measures including both roll-calls and co-sponsorship decisions I make it less likely that my findings are the artifact of a particular measure or bill.

While roll calls are familiar, co-sponsorship requires some discussion. MCs sponsoring a bill invite colleagues to "co-sponsor." Co-sponsoring allows MCs to take a stand on bills that may not reach the floor. Lobbies, including the Human Rights Campaign, use co-sponsorship along with votes to rate MCs. Wolbrecht (2000) uses co-sponsorship to track parties' stands during the years in which the ERA was not brought up for a vote. Likewise, for years there were few votes on LGBT issues (Haider-Markel 1999) and these often differed from one Congress to the next. I also examine Congressional voting on the issue of gays in the military and compare MCs' votes on the 1996 Defense of Marriage Act with co-sponsorship decisions in the current Congress regarding the proposed repeal of that law.

### **Evidence from Co-Sponsorship of Anti-Discrimination Bills**

The bill I track is the main anti-discrimination measure promoted by gay rights activists. From 1974 to 1993 this was the "Civil Rights Amendment Act" (CRAA), which

would have amended the Civil Rights Act of 1964 to ban discrimination in employment, education, housing or public accommodations based on “affectational or sexual preference” (changed to “sexual orientation in 1979.) In 1993 LGBT lobbying shifted to the new, narrower “Employment Non-Discrimination Act” (ENDA), a bill that would not amend the Civil Rights Act.<sup>14</sup> ENDA was recently broadened to cover the transgendered. The CRAA was never voted on and ENDA has reached the floor only once in each chamber.<sup>15</sup> Yet MCs’ co-sponsorship reveals their changing positions on this issue.

Figures 1 and 2 show the number of U.S. Representatives and Senators co-sponsoring the main anti-discrimination bill, be it the CRAA or ENDA, from the 94<sup>th</sup> through the 111<sup>th</sup> Congresses (1975 to 2010.)<sup>16</sup> The Figures report the number of co-sponsors from each party in each chamber.

**[Figures 1 and 2 about here]**

Figures 1 and 2 illustrate four key points. First, supporters of anti-discrimination measures were few at first, comprising less than 10% of Democratic Representatives in the first two Congresses examined (1975-1978) and only 4 Senators in both parties in the 96<sup>th</sup> Congress (1979-1980.) Second, support has grown substantially in both Houses of Congress. Third, this growth has been slow. Fourth, the support for these bills has come

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<sup>14</sup> In the Senate the key anti-discrimination measure was not actually called “The Civil Rights Amendments Act” until the 99<sup>th</sup> Congress (1985-1986) and from 1979-1984 focused only on employment discrimination as the later ENDA introduced both chambers would also do.

<sup>15</sup> [www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=104&session=2&vote=00281](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=104&session=2&vote=00281), <http://clerk.house.gov/evs/2007/roll1057.xml>

<sup>16</sup> I start in 1975, not 1974, because that was the first time co-sponsors were sought. A gay rights bill was only introduced in the Senate in 1979 so the Senate chart starts four years after the House. In this and all subsequent figures and tables I include the sponsor of the bill along with co-sponsors, but refer to co-sponsorship rather than constantly repeat “sponsor and co-sponsors.”

chiefly from Democrats. GOP co-sponsorship, always limited, has actually declined in recent years as moderate Republicans have become rare. Thus the growing partisan divide on gay rights has a different dynamic than the broader polarization evident in Congress. While polarization stems from the decline of moderates in both parties (Fleisher and Bond 2004, Poole and Rosenthal 2007), in the case of gay rights only one party has changed.

### **How Did Party Positions Change?**

#### **Evaluating the Roles of Conversion, Replacement and Mobilization.**

The growing partisan divide on the question of gay rights is undeniable. Yet the question remains *how* this party position change came about in Congress. Massive turnover occurred on Capitol Hill over the decades depicted in Figure 1, with few MCs in either chamber serving continuously throughout the entire period. Does turnover explain the change we see, with newer cohorts of Democratic MCs taking more pro-gay rights stands than their elders? Or do changes of position by individual legislators underlie the parties' increasing divide on gay rights?

A formula developed by Rapoport and Stone (1994) allows us to disaggregate change in a population into three categories: conversion, replacement and mobilization. This formula has been used in longitudinal studies of Iowa Caucuses (Rapoport and Stone 1994) and national convention delegates (Herrera 1995, Wolbrecht 2002 and Layman et al 2010.) Much as turnout may vary from year to year in the Iowa Caucuses, change in the share of Democratic MCs supporting LGBT rights could stem from “mobilization” or growth in the size of the Democratic caucus in Congress in addition to conversion by incumbents and replacement of retiring MCs with new ones who take new

stands. Thus both the replacement and mobilization terms measure the effects of compositional change in the party caucus. The formula is:

$$T_2 - T_1 = (\beta\alpha)(S_2 - S_1) + \beta(1 - \alpha)(N_2 - D_1) + (1 - \beta)(N_2 - T_1) \quad (1)$$

Where

$T_1$  = The mean opinion of the party at time<sub>1</sub>

$T_2$  = The mean opinion of the party at time<sub>2</sub>

$\beta$  = The ratio of the number of MCs present at time<sub>1</sub> to time<sub>2</sub>

$\alpha$  = The proportion of MCs present at time<sub>1</sub> who are also present at time<sub>2</sub>

$S_1$  = The mean opinion at time<sub>1</sub> among the MCs present at both time<sub>1</sub> and time<sub>2</sub>

$S_2$  = The mean opinion at time<sub>2</sub> among the MCs present at both time<sub>1</sub> and time<sub>2</sub>

$N_2$  = The mean opinion of New Members of Congress at time<sub>2</sub>

$D_1$  = The mean opinion of MCs dropping out by leaving Congress after time<sub>1</sub>

Note that this formula provides a very conservative estimate of the importance of conversion in producing party position change. If the incentives for MCs to take a new stand are increasing, new and returning MCs will be more likely to co-sponsor so than those who left Capitol Hill at the end of the last Congress, if only because those retiring MCs were not operating in the new environment. MCs leave Congress for many reasons; death, retirement, a bid for higher office as well as defeat. The counterfactual implied by this formula that *none* of the departing MCs would have adapted to changing conditions had they stayed in Congress for another term is implausible.

In Table 1 I report results based on Rapoport and Stone's formula disaggregating change in House and Senate Democratic Caucuses' positions on the leading anti-discrimination measure, i.e. the Civil Rights Amendment Act from 1974-1992 and the

Employment Non-Discrimination Act from 1993 to 2004. I report the share of change attributable to conversion, replacement and mobilization. The percentage reported in the final column is simply based on dividing conversion by the total effect of conversion, replacement and mobilization. In the more recent years a substantial replacement effect is visible on ENDA, however the sign for mobilization is negative in this case. So the contribution of the two terms relating to turnover in Congress is mixed, leaving conversion or adaptation by MCs to account for a majority of the net growth in support for gay rights among Democrats.

**[Table 1 about Here]**

The results shown in Table 1 demonstrate that conversion by Democratic MCs, accounts for most of the growth in support for both the CRAA and ENDA in the House and Senate. Democratic MCs who initially did not co-sponsor these anti-discrimination bills later did so in large numbers. In both the House and the Senate the role of conversion was greater on the CRAA than on ENDA. This may be the case because the CRAA was considered when gay rights was a new issue on the political agenda.

The results from the Rapoport and Stone reveal a reality different from what prior studies lead us to expect. That being the case, multiple tests are useful and can increase our confidence in basic findings. Another way to look at these data is to estimate logistic regression models. In these models the dependent variable is MCs' co-sponsorship decisions. The data are pooled over multiple Congresses with each MC in each Congress constituting an observation coded as a 1 if she co-sponsored the anti-discrimination bill in question and a 0 otherwise. Since many MCs serve in multiple Congresses, I report robust standard errors clustered on individual legislators. I report separate results on the

Civil Rights Agreements Act and the Employment Non-Discrimination Act, as well as combined results for both bills from 1975 through 2004.<sup>17</sup>

The variable *Congress Number* reflects the time when MCs' co-sponsorship decisions occur. Observations from more recent Congresses take higher values. To the extent that this coefficient is positive and significant Representatives were more supportive of gay rights in more recent years, controlling for other factors.

By contrast, the variable *Congress First Elected* reflects when the MCs began serving, with those present when a gay rights bill was first introduced coded as 1, and the number increasing by one for those first elected in each subsequent Congress.<sup>18</sup> To the extent that this coefficient is positive and significant Representatives first elected more recently were more supportive of gay rights, controlling for other factors. If the traditional view is correct we would expect to see the *Congress First Elected* coefficient be significant and positive, accounting for most of the change we see while the *Congress Number* coefficient was insignificant since individual MCs issue positioning would be stable over the course of their careers.

I also report models including Common Space first and second dimension D-NOMINATE scores. These scores are calculated so as not to change over the course of MCs' careers. It is possible that liberal or conservative Democratic MCs were disproportionately first elected in certain years or present in certain Congresses, so this is an important control to include. It also allows us to estimate predicted probabilities of support for anti-discrimination bills by moderate and liberal Democratic MCs.

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<sup>17</sup> The results do not include the two most recent Congresses in which ENDA was revised to include protections for the transgendered.

<sup>18</sup> I do not distinguish between MCs who were freshmen when the issue first arose and those first elected earlier.

The results reported in Table 2 are broadly similar to those in Table 1. For both chambers and for both the Civil Rights Amendment Act and the Employment Non-Discrimination Act *Congress Number* is a strong predictor; legislators are more likely to co-sponsor gay rights bills in later Congresses, regardless of when they were first elected. This is true even when the NOMINATE scores are included in models. The interpretation of this finding is that regardless of a Democratic MC's ideological position in the space mapped by the NOMINATE scores, s/he is more likely to support gay rights in more recent years. In recent years this has become a standard position for liberals and even moderate Democrats. Unsurprisingly, NOMINATE scores are also strong predictors of MCs' co-sponsorship decisions in both chambers, with those having high (conservative) scores on the first dimension and the second one both less likely to co-sponsor.

By contrast, *Congress First Elected* is not a significant predictor of Senators' stands in either model in the earlier or the more recent period. This finding is further evidence that turnover was *not* an important factor in the growth of support for anti-discrimination legislation in the Senate Democratic Caucus.

That variable does have a significant coefficient in the House when NOMINATE scores are included in the model, albeit mostly because the number of observations is far greater than in the Senate, as the House coefficient is only slightly larger than the equivalent Senate one. Even then the effect is concentrated in the earlier years when the Civil Rights Amendments Act was considered and the coefficient is notably smaller than the coefficient for *Congress Number* even in that period.

In sum, the main difference between these findings and those presented in Table 1 is that they make the role of conversion in the growth of support for gay rights among

Democrats appear even more central and turnover much less important.

**[Table 2 about Here]**

Another way to understand these results is to look at the predicted probabilities derived from logistic regression results. In Figure 3 I present the predicted probability that four types of Democratic Representatives will co-sponsor the gay rights bill in successive Congresses from 1975 through 2004. These types of MC are distinguished by when they were first elected and their ideological positioning. I define liberal Democrats as those with a D1 NOMINATE score one standard deviation above the Democratic mean. I also compare the probabilities of support for a gay rights bill by those already serving in the 95<sup>th</sup> Congress (1975-1976) with a freshman MC in succeeding Congresses.

Thus the figure includes four lines displaying the probability that a liberal MC first elected in 1974, a liberal freshman, an MC first elected in 1974 whose NOMINATE score is at the party mean and a freshman Democratic MC whose NOMINATE score is at the party mean will co-sponsor the anti-discrimination bill in a given Congress.

**[Figure 3 about Here]**

The results presented in Figure 3 are clear. All four types of Democratic MC become markedly more apt to co-sponsor gay rights bills over time. Not surprisingly, in all Congresses liberals are more likely to co-sponsor than Democratic MCs positioned at the party mean. Yet there is little difference between liberal Democratic MCs first elected by 1974 and freshmen liberals, even in the later years. By far the greater difference is between the liberal and moderate Democratic Representatives, whenever they were elected. MCs with NOMINATE scores at the party caucus mean were far slower than liberals to sign on to anti-discrimination bills.

However, a gap opens up in the 1990s and from that point onward the probability that freshmen at the party ideological mean will co-sponsor is increasingly greater than that for those first elected by 1974 at the party mean. By the end of the period observed the freshmen at the party mean are 28% more likely to co-sponsor than their very senior colleagues. However, even the senior group of Representatives has a 55.4% of co-sponsoring by the end of the period, indicating massive change in this group as well.

A closer, if necessarily selective look at some prominent MCs behind these numbers reveals many who “evolved” on this issue at different rates.<sup>19</sup> Consider only those Democratic Representatives present when co-sponsors for the Civil Rights Amendment Act were first sought. In the House Henry Waxman and George Miller of California, both “Watergate Babies” first elected in 1974, supported gay rights from their earliest days in Congress. Morris Udall, a less orthodox liberal who was in Congress for years before the two Californians, did not sign on to CRAA until 1982. Jim Oberstar of Minnesota, another “Watergate Baby” who served until his 2010 defeat, never favored the CRAA and did not co-sponsor ENDA until 2001. Similarly, John Dingell of Michigan, now the Dean of the House, had been in Congress for nearly a generation before LGBT rights became an issue. For many years Dingell did not co-sponsor gay rights measures, but like Oberstar did so starting in 2001. Of course other more socially conservative Democrats who served during the same period as these MCs, e.g. John Murtha of Pennsylvania, never signed on to CRAA or ENDA.

The story is the same in the Senate. In 1979 the original Democratic sponsor and co-sponsor of the CRAA were Paul Tsongas and Daniel Patrick Moynihan respectively.

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<sup>19</sup> The following examples are drawn from co-sponsorship on the bills listed in the Appendix for Figure 1.

In the following Congress Ted Kennedy, Daniel Inouye and Alan Cranston, who had not co-sponsored in 1979, signed onto the CRAA in 1981 and would consistently support it and later ENDA in later years. Other liberal Democratic Senators present when the CRAA was first introduced signed on still later: Howard Metzenbaum and Claiborne Pell in 1990 and Patrick Leahy in 1992. When the bill was reframed as ENDA in 1993 Senators Bradley, Glenn, Levin and Riegle signed on for the first time. (Glenn's failure to endorse the CRAA was an issue in his failed bid for the Democratic Presidential nomination in 1984.)<sup>20</sup> Some long-serving Senate Democrats signed on still later; Joe Biden became an ENDA backer only in 2001. Not every long-serving Democratic Senator modified his position however. Robert Byrd of West Virginia, who spent nearly 32 years in the Senate after the CRAA was first introduced in 1979, never signed on, for example. All these are examples of MCs present when an anti-discrimination bill was first introduced in their chambers. Many others first elected after that time still only embraced LGBT rights measures years after arriving on Capitol Hill.

### **Party Position Change and MCs' Positions on "Don't Ask, Don't Tell"**

The issue of gays in the military offers a useful supplement to the examination of co-sponsorship of anti-discrimination bills. In this case there are two recorded votes cast by MCs in both Houses seventeen years apart on the same policy. Recorded votes are more visible than co-sponsorship decisions and if we see a similar trend on both it will increase our confidence that our findings are not due to some quirk of co-sponsorship behavior. Moreover, the two votes also permit an examination of the changing politics of

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<sup>20</sup> "Gay Rights Stand Costly to Glenn" *Reading Eagle* December 16, 1983 p.7

LGBT rights in a different policy area from the Civil Rights Amendments Act and ENDA that may have had more emotional resonance in American politics.

Bill Clinton's attempt to lift the ban on military service by openly gay and lesbian personnel in 1993 caused a backlash and the President retreated. Congress passed a bill, which Clinton signed, that codified Reagan's executive order stating "homosexuality is incompatible with military service." The combination of this law with a more liberal executive order issued by Clinton in late 1993 resulted in the "Don't Ask, Don't Tell" or DADT policy that prevailed for nearly twenty years.

In 1993 a large bipartisan majority on Capitol Hill favored codifying the ban on "gays in the military." GOP MCs in both chambers overwhelmingly supported the restrictive policy. The ban had many Democratic backers as well, including President Clinton, over half of House Democrats and 25 of 55 Senate Democrats.

In the ensuing two decades however public opinion swung decisively against the ban. While only 44% of respondents in the ABC News/Washington Post Poll favored allowing open gays and lesbians to serve in 1993, by 2008 75% did.<sup>21</sup> Architects of DADT, including former President Clinton and Gen. Colin Powell, endorsed repeal.<sup>22</sup> Starting in 2000, all candidates for the Democratic presidential nomination supported repeal.<sup>23</sup> Starting in 2005 a bill to repeal DADT was introduced in Congress. The number

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<sup>21</sup> "Acceptance of Gay People in Military Grows Dramatically" *Washington Post* July 19,2008

<sup>22</sup> "Presidents Bush, Clinton Team Up in Toronto" *The Note* May 29,2009  
blogs.abcnews.com, "Colin Powell Now Says Gays Should Be Able to Serve Openly in the Military" *Washington Post*, February 4,2010.

<sup>23</sup> "Officers Riled by Policy on Gays Proposed in Gore-Bradley Debate." *New York Times* January 7,2000, "Where do Candidates Stand on Variety of Issues?" *Burlington (Iowa) Hawkeye*, January 14,2004 p.26, "For 'Don't Ask, Don't Tell' Split on Party Lines." *New York Times* June 8,2007

of co-sponsors grew from 122 Representatives in the 109<sup>th</sup> Congress to 192 in the 111<sup>th</sup> Congress. In the 111<sup>th</sup> Congress (2009-2010) a unified Democratic government existed for the first time since DADT was codified and the ban was finally repealed.

As Table 3 comparing voting on the ban in the House and Senate in 1993 and 2010 below shows, support for DADT diminished radically among House Democrats, but actually slightly *increased* among House Republicans. As in the case of anti-discrimination bills focused on the private sector, much change is evident in the positions of MCs, but that change is concentrated in the Democratic ranks.

Table 3 also reveals how the 115 Representatives present in both 1993 and 2010 voted. These MCs differed little from their co-partisans on either occasion. Yet there is reason to expect that they would be somewhat distinctive. Long-serving MCs are likely to represent safe districts and have less need to take moderate stands. Thus most Democrats still in office in 2010 already opposed the ban in 1993. Yet, as in the House as a whole, the ban was initially divisive among long-serving Democrats, with 31 in favor and 44 opposed. By contrast all 40 Republicans present for both votes favored the ban in 1993.

In 2010 the shift evident in Congress as a whole on gay rights was also visible among these long-serving Representatives. Instead of 31 votes for retaining the ban, as in 1993, there were only 12 from the long-serving Democrats, and 61 against. Most of the Democrats who had favored the ban in 1993 opposed it by 2010, while those who initially opposed it continued to do so.<sup>24</sup>

While much change is evident among long-serving House Democrats on DADT,

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<sup>24</sup> The number of Democrats in the long-serving group declines from 75 to 73 because Ralph Hall and Nathan Deal switched to the GOP between the first and second votes.

little is visible among House Republicans. No GOP Representatives serving in both 1993 and 2010 favored lifting the ban in 1993 and only one did in 2010. Thus, as in the whole House, polarization on “Don’t Ask Don’t Tell” emerges in the subgroup of long-serving Representatives almost entirely because of shifts among Democrats.

How do switchers differ from those who were found on one side of the debate on both occasions? The median D1 NOMINATE score of the Democrats who switched to the anti-DADT side in 2010 is -.35. By comparison, the median D1 NOMINATE score of those Democrats who were consistent opponents of DADT is -.52. The median score among Democrats who took the anti-gay rights side in both years is -.24. Unsurprisingly, the issue breaks down on liberal-conservative lines within the Democratic Caucus and the switchers tended to be moderates. As gay rights become more of a mainstream cause, all but the most conservative Democratic MCs have embraced it to some extent.

In a narrow accounting sense, turnover not conversion was the mechanism behind most of the change in the parties’ positioning and the reversal in the House as a whole that permitted the abolition of DADT. Yet given the seventeen years that elapsed between the two votes massive turnover was inevitable, making it impossible for change among the long-serving MCs to account for most of the shift that occurred.

Yet it does *not* follow that MCs were locked into positions and their departure from the scene was necessary for change to occur. The defeats, deaths and retirements that occurred in the many years between the two votes had little to do with legislators’ stands on a policy that was barely discussed for many years. Thus there is reason to believe that the same changing party coalitions that led many long-serving Democratic

MCs to switch sides would have also affected those who left office in the years between the two votes, had they only remained in Congress.

Table 3 also reports the division among Senators by party on a 1993 amendment stripping the ban on gays and lesbians serving openly in the military from a defense funding bill. Republicans rejected the amendment 31-3. Democrats were split, with only 30 supporting it and 25 opposed. In the Senate, unlike the House a majority of Democratic MCs opposed DADT in 1993. Yet in both chambers Democrats were divided, while Republicans were almost entirely opposed.

33 Senators served both in 1993 when the Senate rejected the bid to lift the ban on openly gay and lesbian individuals serving in the military and in 2010 when the ban was repealed. Of those 31 voted or made known their position on both occasions. Table 3 reports the stands they took. In this long-serving group of Senators fifteen favored and sixteen opposed DADT in 1993. Thus in this subgroup, the anti-gay rights forces were also initially in the majority, albeit more narrowly than in the Senate as whole. This was so in part because Democrats are overrepresented in this group compared to their numbers in the Senate in 1993 or 2010 and in part because long-serving Democrats were more supportive of gay rights than were Democrats generally.

In 2010 however, 22 of these 31 long-serving Senators voted for repeal, with only 9 opposed. In the intervening years seven Senators switched from the anti-gay rights side to the pro-gay rights one.<sup>25</sup> All of the switchers were Democrats, including Arlen Specter who had changed parties in the interim. One other Democratic DADT supporter in 1993,

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<sup>25</sup> Two Democratic Senators voting for repeal in 2010 had voted for the policy when serving in the House in 1993 (Durbin and Menendez) while six others (Brown of Ohio, Cantwell, Cardin, Reed, Schumer and Wyden) along with Bernie Sanders—who caucuses with the Democrats- opposed DADT in 1993 in the House and in 2010 in the Senate.

Richard Shelby switched to the GOP in 1995. The vote switchers were Senators Baucus, Conrad, Dorgan, Reid, Rockefeller and Kohl. The median D1 NOMINATE Score for this group is -.31, while that for the Senators who consistently opposed DADT was -.396. As in the House, it is moderate Democrats who switched positions on DADT.

These seven switches were consequential in two respects. Firstly, they made the Senate Democratic Caucus unanimous for repeal. More importantly, the switchers were pivotal in producing the needed super-majority. Repeal passed by a 65 to 31 margin, but the cloture motion passed 63-33. Had even four of the seven switchers stuck to their original positions cloture would have failed and the statutory ban on gays and lesbians in the military would have remained law. This case shows that voting behavior as well as co-sponsorship behavior changed on gay rights among long-serving Democratic MCs, with policy consequences.

#### **Party Position Change and MCs' Positions on the Defense of Marriage Act**

Marriage remains the most controversial LGBT rights issue. The key federal legislation is the 1996 Defense of Marriage Act (DOMA.) The two provisions of DOMA are that a state is not bound to recognize marriages contracted in other states and that the federal government will only recognize heterosexual marriages.

In 1996 a huge bipartisan majority on Capitol Hill voted for DOMA and President Clinton signed it. Yet on this issue, as on others, much change is evident and a partisan divide has emerged. Since the adoption of DOMA several states and the District of Columbia have allowed same-sex marriage. Public opinion has become increasingly supportive of marriage equality (Baunach 2011.) In 1996, when DOMA became law,

only 25% of Americans supported same-sex marriage.<sup>26</sup> Starting in 2011 a series of polls showed a majority or plurality supporting same-sex marriage. While younger respondents remain more supportive than their elders, the trend toward a more liberal view is evident in all generational cohorts.<sup>27</sup> In 2008 the Democratic Platform included a call for the Repeal of DOMA for the first time.<sup>28</sup>

After years of dormancy in Congress the issue re-emerged in 2009 when the newly proposed Respect for Marriage Act, which would repeal DOMA, won a substantial number of co-sponsors. Yet the mechanism underlying this change requires investigation.

While the case of anti-discrimination legislation can be best explored via co-sponsorship data and that of gays in the military via roll-call votes, the case of the Defense of Marriage Act is more complicated. There has been no floor vote on repealing the 1996 law in either House of Congress as of July 2012. So in order to determine the importance of conversion vs. replacement I compare the votes taken in 1996 with the co-sponsorship of the Respect for Marriage Act in the 112<sup>th</sup> Congress (2011-2012.) A vote and co-sponsorship are not exactly the same of course even if both constitute “position-taking” in Mayhew’s (1974) sense. Yet those co-sponsoring a bill can normally be expected to vote for it, while some others who may be reluctant to take a stand before it is necessary may also vote yes. So comparing a recorded vote at one time to co-sponsorship decision if anything underestimates the change in MCs’ stands.

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<sup>26</sup> “Over Time a Gay Marriage Groundswell” *New York Times* 8/21/2010

<sup>27</sup> “Poll: Support for Same Sex Marriage Continues to Rise” *Los Angeles Times* 11/3/2011

<sup>28</sup> <http://www.presidency.ucsb.edu/ws/index.php?pid=29613>

Table 4 reports the positions of Representatives and Senators on DOMA in 1996 and 2012.<sup>29</sup> As Table 4 reports, in 1996 large majorities of Senators in both parties favored DOMA: Democrats by more than 2-1 and Republicans unanimously. By 2012 however, substantial change is evident. While Republicans remain unanimous in favor of DOMA a majority of Democrats now favor repeal. By examining the positions of long-serving Senators present in both 1996 and 2012 we can see if individual MCs' position-changing underlies the parties' shifts on this gay rights issue.

**[Table 4 about here.]**

Table 4 also shows that the trend among the 28 long-serving Senators is the same as that within the Senate as a whole. In 1996 most Senators in the long-serving group favored DOMA, Republicans unanimously and Democrats by a 2-1 margin. By 2012 DOMA advocates are a small minority among Democrats in the long-serving group because eight Democratic Senators have turned against that law. Yet GOP Senators in the long-serving group are unmoving. A look at the records of Democratic Senators serving in the House when DOMA was enacted reveals even more switching on the issue.<sup>30</sup>

Turning to the House, the pattern evident in the Senate reappears, broadly speaking, in the whole House and the long-serving MCs respectively. In both years the Democrats are split, but in 1996 the large majority are pro-DOMA and in 2012 more than 80% favor DOMA repeal.<sup>31</sup> From Table 4 we can see that the long-serving group of Democratic Representatives starts out less favorable to DOMA than the Democratic

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<sup>29</sup> Senate co-sponsors of DOMA repeal are here: <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:SN00598:@@P>. All figures are current as of June 25, 2012.

<sup>30</sup> Democratic Senators serving in the House when DOMA was enacted include Durbin, Cardin, Johnson, Reed, Schumer and Menendez, all of whom voted for the bill, but have co-sponsored repeal, and Brown of Ohio, who has consistently opposed DOMA.

<sup>31</sup> Rep. Sheila Jackson-Lee voted "present" in 1996 and is not included in Table 4.

Caucus as a whole. Yet in this group many MCs reversed their positions. One pro-DOMA Democratic MC, Ralph Hall of Texas, switched parties, while sixteen, (nearly two-thirds) of the original Democratic DOMA backers in the long-serving group of Representatives, reversed themselves and co-sponsored the repeal measure in 2012.

If we look at the Common Space D1 DW NOMINATE scores we can compare three groups of Democratic MCs; consistent supporters of DOMA, consistent opponents and those who moved from support to opposition. (There was no movement in the opposite direction.) Among the Democratic Representatives who voted for DOMA and have not co-sponsored its repeal in 2012 the median D1 NOMINATE score is -.352. The median score of those who initially favored DOMA but turned against it is -.455. The score for those who opposed DOMA from the beginning is -.551. Thus as in the case of Don't Ask Don't Tell support for gay rights among long-serving incumbents was initially concentrated on the left of the Democratic Party but over time many MCs not as far to the left have modified their stands as well.

In all three cases I have examined, anti-discrimination legislation, gays in the military and marriage, the pattern is the same; the parties have polarized as Democrats have become more supportive of gay rights while Republicans have changed little. In each case this trend is evident among continuing MCs, who often took new stands.

### **Discussion**

Support for LGBT rights proposals –limited to a handful of legislators when the topic was first broached on Capitol Hill in the mid-1970s- is now mainstream in

Congress. Yet the growth in support for gay rights is concentrated within the Democratic Caucus, making the issue one more case in which the two parties are polarized.

Yet the partisan divide on gay rights developed differently from those evident on other social issues like abortion and gun control. On those issues considerable support for the liberal positions once existed among Republicans, but it declined as Democratic support for them grew. By contrast, LGBT rights advocates have never received much backing from GOP MCs. Change has come from adaptation by Democratic lawmakers. As the LGBT activists became a more important part of the Democratic coalition the incentives for Democratic incumbents to adopt positions this group favored grew and MCs' behavior changed.

Both conversion and replacement contributed to the changes evident on gay rights. Conversion's role was more important however, contrary to the dominant view of party position change in the literature. Many Democratic MCs changed their stands to embrace gay rights, whether the particular policy in question was discrimination in the private sector, military service or marriage. This was evident in both the House and Senate and evident whether the behavior was voting on the floor or co-sponsorship decisions.

The ideological position of Democratic MCs was far more predictive of their positions on LGBT rights questions than their seniority. At first LGBT rights advocates found allies only on the liberal fringe of the Democratic Caucus. Over time however all but the most conservative Democratic MCs have embraced the cause, at least to some degree, as support for gay rights has become a standard part of the Democratic program in a way it was not a generation ago. What it meant to be a liberal and, increasingly, a Democrat, changed and long-serving politicians changed with it. This case highlights the

fact that to remain consistent from an ideological and partisan standpoint often requires elected officials to take new positions. Ideological consistency is not policy consistency.

Had position-shifting not been so common among Democratic MCs the gradual policy change evident on gay rights would have been even slower. Don't Ask Don't Tell would still be law and the parties' images would have been less defined on LGBT issues.

Moving beyond the case of LGBT rights, these findings, joined with previous studies finding large-scale adaptation by politicians (Wolbrecht 2000, Karol 2009), strengthen the case for a model of party position change based on elite conversion. Politicians, even those with long records, do adapt and parties and public policy change as a result. Even when a party's evolution is quite gradual, as has been the case for Democrats on LGBT rights, the inference that the gradualism is due to generational replacement among politicians driving the process may be mistaken. Instead it may be the case that politicians' incentives to adopt new stands have only gradually increased.

These findings have implications beyond academic debates about party position change. They suggest that advocates for gay rights and, more broadly, other initially unpopular causes of all sorts should not give up on incumbents. Elected officials do not change their stands on a visible, emotional topic lightly, but under the right circumstances they will do so and important changes in public policy may follow.

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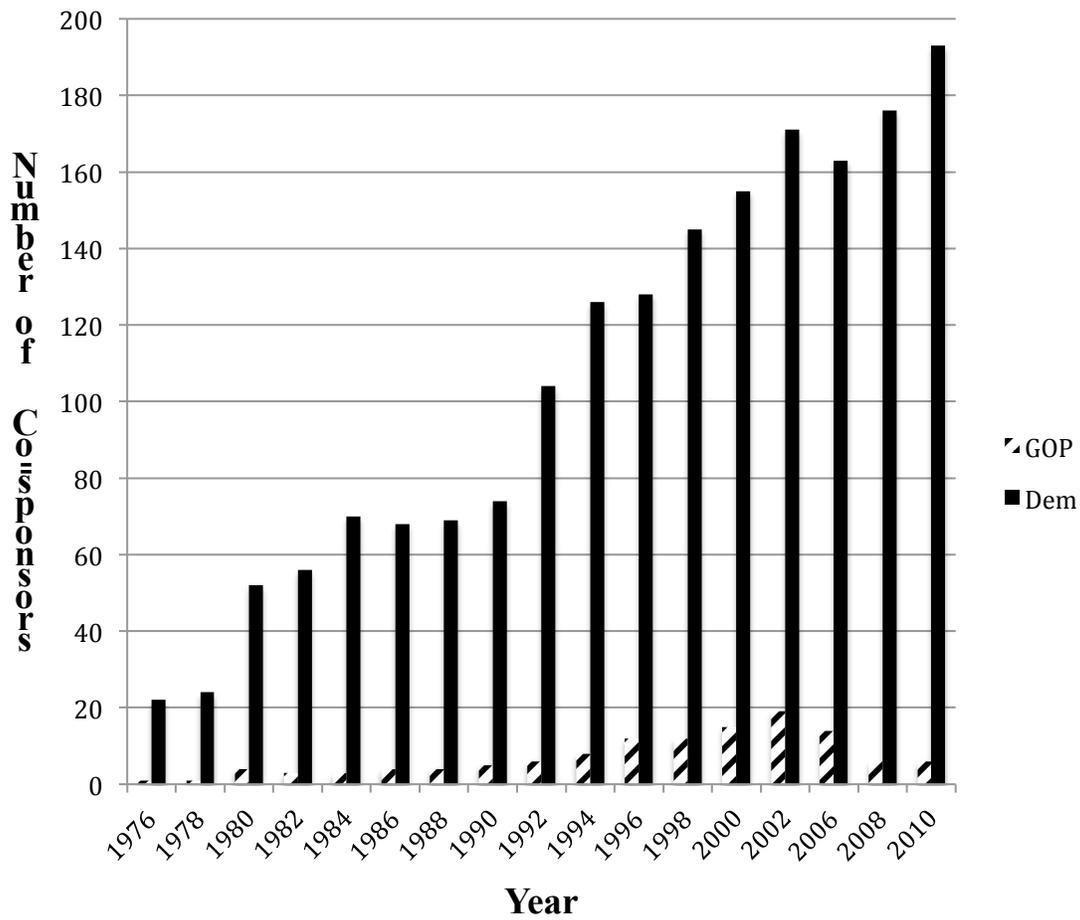
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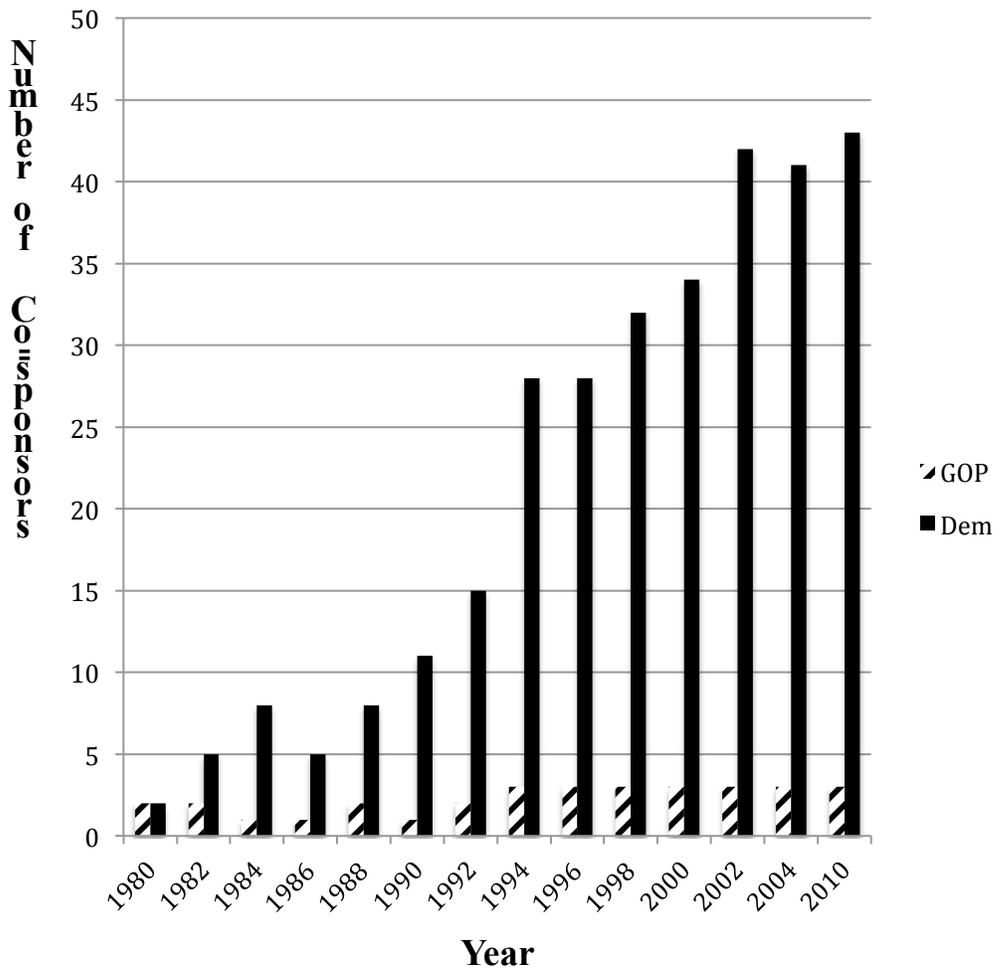
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**Figure 1**  
**Co-sponsorship of Bills Barring Discrimination**  
**on the Basis of Sexual Orientation by Party and**  
**Year**  
**U.S. House of Representatives, (1975-2010)**



**Figure 2**  
**Co-sponsorship of Bills Barring**  
**Discrimination on the Basis of Sexual**  
**Orientation by Party and Year**  
**U.S. Senate, (1979-2010)**



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**Table 1**

**Change in support for Civil Rights Amendment Act and Employment Nondiscrimination Act  
The Portions of Change due to Conversion, Replacement and Mobilization:  
Senate and House Democratic Caucuses**

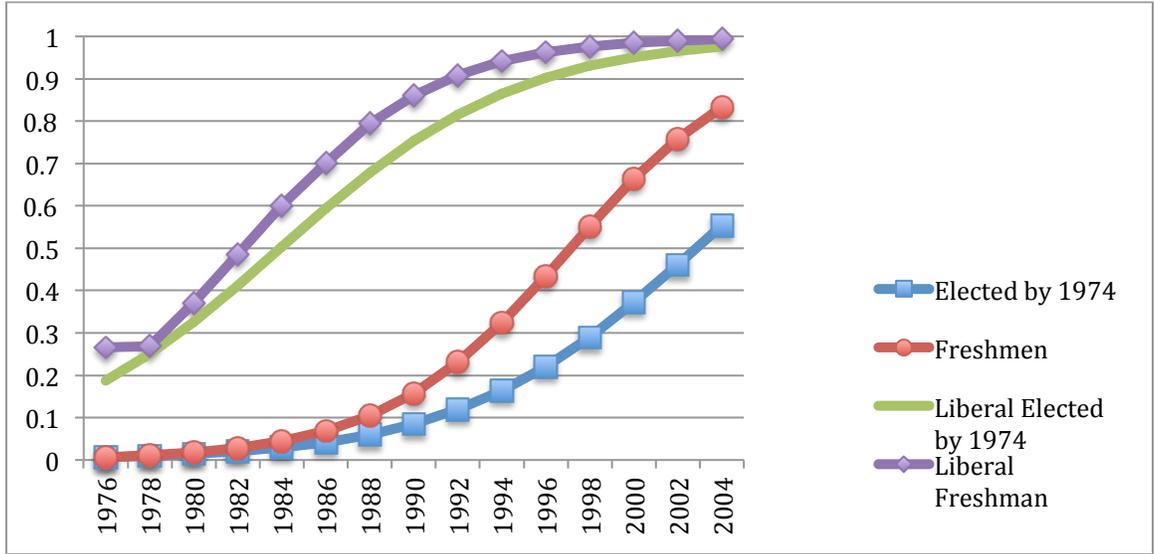
|               |                         | <b>Conversion</b> | <b>Replacement</b> | <b>Mobilization</b> | <b>Net Change</b> | <b>Conversion as a Share of Net Change</b> |
|---------------|-------------------------|-------------------|--------------------|---------------------|-------------------|--|
| <b>SENATE</b> | <b>CRAA (1979-1992)</b> | <b>.155</b>       | <b>.033</b>        | <b>.037</b>         | <b>.225</b>       | <b>68.9%</b>                               |
|               | <b>ENDA (1993-2004)</b> | <b>.194</b>       | <b>.239</b>        | <b>-.089</b>        | <b>.343</b>       | <b>56.5%</b>                               |
| <b>HOUSE</b>  |                         |                   |                    |                     |                   |  |
| <b>HOUSE</b>  | <b>CRAA (1975-1992)</b> | <b>.226</b>       | <b>.071</b>        | <b>.011</b>         | <b>.308</b>       | <b>73.4%</b>                               |
|               | <b>ENDA (1993-2004)</b> | <b>.167</b>       | <b>.168</b>        | <b>-.049</b>        | <b>.286</b>       | <b>58.4%</b>                               |

**Table 2**  
**Co-sponsorship of Bills Banning Discrimination on the Basis of Sexual Orientation**  
**Pooled Logistic Regression Models**  
**Robust Clustered Standard Errors in Parentheses**

| <b>SENATE DEMOCRATS</b>       |   |                   |  |                   |   |                  |  |
|-------------------------------|---|-------------------|--|-------------------|---|------------------|--|
| <b>VARIABLES</b>              | <b>Civil Rights Agreement Act (1979-1992)</b> |                   | <b>Employment Non-Discrimination Act (1993-2004)</b> |                   | <b>CRAA and ENDA Combined (1993-2004)</b> |                  |  |
| <b>Congress Number</b>        | .23<br>(.07)*                                 | .24<br>(.08)*     | .36<br>(.09)*  | .50<br>(.14)*     | .37<br>(.06)*                             | .49<br>(.07)*    |  |
| <b>Congress First Elected</b> | .06<br>(.15)                                  | -.10<br>(.20)     | -.10<br>(.19)  | -.02<br>(.24)     | .05<br>(.07)                              | .07<br>(.08)     |  |
| <b>D1 DW NOMINATE</b>         |   | -8.67<br>(4.81)   |  | -6.15<br>(2.76)*  |   | -6.94<br>(2.23)* |  |
| <b>D2 DW NOMINATE</b>         |   | -3.12<br>(1.44)*  |  | -4.89<br>(.90)*   |   | -3.97<br>(.74)*  |  |
| <b>Constant</b>               | -30.6<br>(15.0)                               | -37.83<br>(19.04) | -26.42<br>(18.31)                                    | -50.45<br>(20.17) | -43.44<br>(7.28)                          | -59.99<br>(9.52) |  |
| <b>Pseudo r-sq.</b>           | .04   | .33               | .06  | .49               | .26                                       | .54              |  |
| <b>N</b>                      | 366   | 366               | 296  | 296               | 662                                       | 662              |  |
| <b>HOUSE DEMOCRATS</b>        |   |                   |  |                   |   |                  |  |
|                               | <b>Civil Rights Agreement Act (1975-1992)</b> |                   | <b>Employment Non-Discrimination Act (1993-2004)</b> |                   | <b>CRAA and ENDA Combined (1993-2004)</b> |                  |  |
| <b>Congress Number</b>        | .17<br>(.02)*                                 | .30<br>(.03)*     | .25<br>(.04)*  | .42<br>(.08)*     | .22<br>(.02)*                             | .37<br>(.03)*    |  |
| <b>Congress First Elected</b> | .01<br>(.05)                                  | .13<br>(.06)*     | .04<br>(.03)   | .07<br>(.05)      | .04<br>(.03)                              | .10<br>(.04)*    |  |
| <b>D1 NOMINATE</b>            |   | -11.5<br>(1.4)*   |  | -11.0<br>(1.7)*   |   | -11.5<br>(1.15)* |  |
| <b>D2 NOMINATE</b>            |   | -4.0<br>(.5)*     |  | -5.1<br>(.6)*     |   | -4.3<br>(.4)*    |  |
| <b>Constant</b>               | -18.6<br>(4.0)*                               | -48.6<br>(6.2)*   | -29.1<br>(4.2)                                       | -53.3<br>(7.5)    | -26.8<br>(2.2)                            | -52.3<br>(3.34)  |  |
| <b>Pseudo r-sq.</b>           | .03   | .52               | .07  | .56               | .17                                       | .6               |  |
| <b>N</b>                      | 2454  | 2454              | 1281   | 1281              | 3735                                      | 3735             |  |

Figure 3

**Predicted Probabilities of Democratic U.S. Representatives Co-Sponsoring  
Anti-Discrimination Bills by Seniority and Ideology  
(1975-2004)**



**Table 3**  
**Voting On Policy Banning Gay & Lesbians in the Military by Party**  
**Democratic Senators and Representatives**  
**All Representatives and Those Serving in 1993 and 2010 Compared**

|   | <b>1993</b> |          | <b>2010</b> |          |
|---|-------------|----------|-------------|----------|
| All Representatives                             | Pro-Ban     | Anti-Ban | Pro-Ban     | Anti-Ban |
| Democrats                                       | 134         | 121      | 26          | 223      |
| Republicans                                     | 161         | 12       | 163         | 6        |
| <b>Representatives Serving in 1993 and 2010</b> |             |          |             |          |
| Representatives Serving in 1993 and 2010        | Pro-Ban     | Anti-Ban | Pro-Ban     | Anti-Ban |
| Democrats                                       | 31          | 44       | 12          | 61       |
| Republicans                                     | 40          | 0        | 41          | 1        |
| <b>All Senators</b>                             |             |          |             |          |
| All Senators                                    | Pro-Ban     | Anti-Ban | Pro-Ban     | Anti-Ban |
| Democrats                                       | 25          | 30       | 0           | 58       |
| Republicans                                     | 39          | 3        | 33          | 7        |
| <b>Senators Serving in 1993 and 2010</b>        |             |          |             |          |
| Senators Serving in 1993 and 2010               | Pro-Ban     | Anti-Ban | Pro-Ban     | Anti-Ban |
| Democrats                                       | 7           | 15       | 0           | 22       |
| Republicans                                     | 9           | 0        | 9           | 0        |

**Table 4**  
**Positions on the Defense of Marriage Act**  
**Senators and Representatives**  
**1996 & 2012**

|   | 1996<br>Votes |           | 2012<br>Co-sponsorships |           |
|---|---------------|-----------|-------------------------|-----------|
|   | Pro-DOMA      | Anti-DOMA | Pro-DOMA                | Anti-DOMA |
| All Representatives                             |               |           |                         |           |
| Democrats                                       | 118           | 65        | 42                      | 149       |
| Republicans                                     | 224           | 1         | 241                     | 1         |
| <b>Representatives Serving in 1996 and 2012</b> |               |           |                         |           |
| Democrats                                       | 26            | 36        | 9                       | 53        |
| Republicans                                     | 31            | 0         | 31                      | 1         |
| <b>All Senators</b>                             |               |           |                         |           |
| Democrats                                       | 32            | 14        | 20                      | 33        |
| Republicans                                     | 53            | 0         | 47                      | 0         |
| <b>Senators Serving in 1996 and 2012</b>        |               |           |                         |           |
| Democrats                                       | 12            | 6         | 4                       | 14        |
| Republicans                                     | 10            | 0         | 10                      | 0         |

## Appendix

Bill Numbers by Congress for co-sponsorship and roll call data used in tables and figures are listed below.

### Figure 1

#### **Civil Rights Amendments Act**

*House:* H.R.5452 (94<sup>th</sup> Congress) H.R. 2998 (95<sup>th</sup> Congress), H.R. 2074 (96<sup>th</sup> Congress), H.R. 1454 (97<sup>th</sup> Congress), H.R. 2624 (98<sup>th</sup> Congress), H.R.230 (99<sup>th</sup> Congress), H.R. 709 (100<sup>th</sup> Congress), H.R. 655 (101<sup>st</sup> Congress), H.R. 1430 (102<sup>nd</sup> Congress)

#### **Employment Non-Discrimination Act**

House H.R. 4636 (103<sup>rd</sup> Congress), H.R. 1863 (104<sup>th</sup> Congress), H.R. 1858 (105<sup>th</sup> Congress), H.R. 2355 (106<sup>th</sup> Congress), H.R. 2692 (107<sup>th</sup> Congress), H.R. 3285 (108<sup>th</sup> Congress), H.R. 3685 (110<sup>th</sup> Congress), H.R. 3017 (111<sup>th</sup> Congress)

### Figure 2

#### **Civil Rights Amendments Act**

*Senate:* S. 2081 (96<sup>th</sup> Congress), S.1708 (97<sup>th</sup> Congress), S.430 (98<sup>th</sup> Congress), S.1432 (99<sup>th</sup> Congress), S.464 (100<sup>th</sup> Congress) S. 47 (101<sup>st</sup> Congress), S. 574 (102<sup>nd</sup> Congress)

#### **Employment Non-Discrimination Act**

Senate S.2238 (103<sup>rd</sup> Congress), S. 932 (104<sup>th</sup> Congress), S. 869 (105<sup>th</sup> Congress), S.1276 (106<sup>th</sup> Congress), S. 1284 (107<sup>th</sup> Congress), S.1705 (108<sup>th</sup> Congress), S.1584 (111<sup>th</sup> Congress)

### Tables 1 and 2 & Figure 2:

As in Figure 1, albeit using bills through 109<sup>th</sup> Congress only.

*Congress Number & Congress First Elected* – Biographical Dictionary of Congress

NOMINATE Scores: <http://voteview.com/downloads.asp>

### Table 3:

*House:*

1993 Recorded Vote. Amendment 318 to H.R. 2401 September 29,1993

<http://clerk.house.gov/evs/1993/roll471.xml>

2010 Recorded Vote H.R.2965 December 15,2010

<http://clerk.house.gov/evs/2010/roll638.xml>

*Senate:*

1993 Recorded Vote Amendment 783 to S.1298

[http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=103&session=1&vote=00250](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=103&session=1&vote=00250)

2010 Recorded Vote H.R 2965 December 18,2010

[http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=111&session=2&vote=00281](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=111&session=2&vote=00281)

#### **Table 4**

*House:*

1996 Recorded Vote H.R. 3396 July 12, 1996 at

<http://clerk.house.gov/evs/1996/roll316.xml>

2012 Co-sponsorship H.R. 1196

<http://thomas.loc.gov/cgi-bin/bdquery/z?d112:HR01116:@@@P>

*Senate:*

1996 Recorded Vote H.R. 3396 September 10,1996 at

[http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=104&session=2&vote=00280](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=104&session=2&vote=00280)

2012 Co-sponsorship S.598

<http://thomas.loc.gov/cgi-bin/bdquery/z?d112:SN00598:@@@P>