

Congress and the Constituent:
Investigating Member Responsiveness in
Contemporary Congresses

by

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CONTENTS

| | | |
|----------|--------------------------------------------------------------------------------------|-----------|
| | List of Tables | iii |
| | List of Figures | iii |
| | Acknowledgments | iv |
| 1 | Introduction | 1 |
| | The Gentleman from Mississippi | 1 |
| | The Changing Role of the Constituent | 3 |
| | Overview of Congress and the Constituent | 6 |
| 2 | A Theory of Constituents, Nationalization, and the Responsiveness of Congress | 8 |
| | The National Congress | 8 |
| | Congress, the President, and National Tides | 9 |
| | The Ideological Choice | 13 |
| | The Disappearing Constituent? | 18 |
| | What Constituents Want | 21 |
| | Applications | 24 |
| 3 | The Affordable Care Act | 27 |
| | Nationalizing Health Care | 27 |
| | Responsiveness to Uninsured Constituents? | 29 |
| | Analysis | 31 |
| | Data | 36 |
| | Results | 38 |
| | Discussion | 44 |
| 4 | Immigration, the Executive, and the People | 47 |
| | The GOP's Immigration Question | 47 |
| | Executive Action on Immigration | 49 |
| | Analysis and Data | 52 |
| | Results | 57 |
| | Discussion | 61 |
| 5 | Conclusion | 65 |
| | The Democratic Representative from Mississippi | 65 |
| | Summary of Findings | 66 |
| | Limitations and Future Research | 68 |
| | Theoretical Implications | 69 |
| | Policy Implications | 70 |
| | References | 72 |

LIST OF TABLES

| | |
|------------------|--------------------------------------|
| Table 3.1 | ACA Data and Sources |
| Table 3.2 | ACA Summary Statistics |
| Table 3.3 | ACA Logit and Count Model Results |
| Table 4.1 | Immigration Data and Sources |
| Table 4.2 | Immigration Summary Statistics |
| Table 4.3 | Immigration Logit Regression Results |

LIST OF FIGURES

| | |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Figure 2.1 | Proportion of Districts Splitting Tickets Between Presidential and House Party |
| Figure 3.1 | Predicted Sponsorship of anti-ACA Measures by Uninsured Population in District, 112 th Congress |
| Figure 3.2 | Predicted Sponsorship of anti-ACA Measures by DW-NOMINATE Score, 112 th Congress |
| Figure 3.3 | Predicted Sponsorship of anti-ACA Measures by Uninsured Population in District, 113 th Congress |
| Figure 3.4 | Predicted Sponsorship of anti-ACA Measures by DW-NOMINATE Score, 113 th Congress |
| Figure 4.1 | Predicted Cosponsorship of Bill Opposed to Obama Administration Executive Action on Immigration by Hispanic Population in District, 112 th Congress |
| Figure 4.2 | Predicted Cosponsorship of Bill Opposed to Obama Admin. Executive Action on Immigration by DW-NOMINATE Score, 112 th Congress |
| Figure 4.3 | Predicted Cosponsorship of Bill Opposed to Obama Administration Executive Action on Immigration by Hispanic Population in District, 113 th Congress |
| Figure 4.4 | Predicted Cosponsorship of Bill Opposed to Obama Admin. Executive Action on Immigration by DW-NOMINATE Score, 113 th Congress |

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CHAPTER 1

INTRODUCTION

“[T]he people who, in order to enjoy the liberty which suits them, resort to the representative system, must exercise an active and constant surveillance over their representatives, and reserve for themselves, at times which should not be separated by too lengthy intervals, the right to discard them if they betray their trust, and to revoke the powers which they might have abused.”

—Benjamin Constant, 1819 (Constant 1988, 326)

THE GENTLEMAN FROM MISSISSIPPI

Democratic Congressman Gene Taylor was reelected to his tenth full term in the United States House of Representatives, representing Mississippi’s 4th congressional district, in 2008 with nearly 75 percent of the vote, despite Barack Obama receiving just over 31 percent of the vote in the district that same year. A member of the Blue Dog Coalition (Ostermeier 2013), Taylor held conservative views that closely reflected those of his district and much of his state, despite his affiliation with the Democratic Party. “When I first went to Congress,” he explained, “almost all of the southern Democrats were pro-life, almost all of them were for Second Amendment rights, almost all of them believed in a strong national defense, and almost all of them believed in a balanced budget. Over the years that changed” (Trygstad 2014, 1). After Hurricane Katrina struck the Gulf Coast destroying Taylor’s home and the homes of many of his constituents, he went to work fighting insurance companies and seeking federal funds to help his constituents recover from the natural disaster (Ives 2008; George 2007). Taylor also sought to protect jobs in his district by working to keep military bases in Mississippi open, which he could fight for from his position as chairman of the House Armed Services Seapower and Expeditionary

Forces Subcommittee (Donnelly 2010). Despite sitting on the left side of the aisle, Taylor's party unity score—measuring votes in which the majority of Democrats vote against the majority of Republicans—was only 44 percent in 2010. Mississippi's 4th district had consistently reelected a seemingly ideal individual to represent their interests in Washington.

On November 2, 2010, Republican challenger Steven Palazzo defeated Gene Taylor by 5 percentage points (Haas 2011), a swing of more than 25 percent in only two years. Based on his conservative stances, willingness to buck his party, and support for the economic security and welfare of his constituents, it appears that Taylor was condemned by his party affiliation rather than his legislative behavior. Although he survived in the conservative Deep South as a Democrat for more than twenty years, 2010 was an election year of a different breed, one that seems to have grown more common in recent years. Despite Obama's initial popularity in the lead-up to his election in 2008, the president proved to be less favorable to many Americans upon actually taking office. However, Obama was not popular on the Gulf Coast of Mississippi two years before Taylor's loss, and yet the incumbent congressman managed to sail to a very comfortable victory just as he had in previous years. A pro-Republican tide was sweeping across the country in 2010, however, and Taylor could not escape it. Across the country, voters were rejecting the policies of the Democratic Party that had swept into power in a similar manner in 2006 and 2008. Moreover, the GOP had nationalized the election, setting the electoral agenda with issues favorable to their party (Jacobson 2011).

Gene Taylor's story is representative of a larger trend in contemporary politics, the nationalization of issues and perhaps the concurrent loss of members of Congress who are responsive to non-ideological characteristics of their constituencies. As the political discourse becomes marked by issues that are framed around ideology and partisanship rather than the people who are affected by them, the American system of government risks losing its responsiveness to the citizens it is designed to serve. In Taylor's case, it appears the district became more concerned with party affiliation than with consistent representation of their nonpartisan needs. If voters began prioritizing the ideological and partisan, it would not be surprising to see their elected officials doing the same. It is also possible that as polarization grows and partisan conflict dominates both ends of Pennsylvania Avenue, national political issues will become so prominent that they will also dominate the thoughts of the public. In other words, the rhetoric of Washington may be seeping into the electorate and shaping the way citizens think of issues and themselves. The result would be an ideological and electoral vicious circle that could threaten current conceptions of the member-constituent relationship.

THE CHANGING ROLE OF THE CONSTITUENT

In his seminal work on the behavior of Americans' representatives in the legislative branch, *Congress: The Electoral Connection*, David Mayhew proposes a simplified view of members of the institution as "single-minded seekers of reelection" (1974, 5). This affords a basic understanding of the legislative actions of elected officials, as they cannot hope to accomplish any other goals if they do not first secure membership in the institutions that effect change. As Mayhew explains,

viewing legislators through a reelection framework places an emphasis on one of the tenets representative democracy: accountability. In order for citizens to see their preferences enacted into law, the individuals they entrust with drafting and passing legislation must be responsive to their wishes. If the American people are unhappy with their representatives for not accurately or effectively championing their voices in Washington, they are able to replace these individuals with others whom they believe will accomplish this task. Although other objectives—including influence within the chamber, beneficial public policy, a post-Congress career, and private gain—may play an important role in determining the behavior of members (Fenno 1973), these must all be weighed against their impact on constituent opinion. Ideally, members of Congress seek to maximize their own utility legislating with consideration given to their reelection objectives. This is accomplished by satisfying the needs of constituents, who, in a system with accountability, will reward responsive members with reelection and punish those they deem neglectful with electoral abandonment.

Since the time of Mayhew's initial writing in the 1970s, electoral accountability has become easier in many respects, especially with regard to parties. Over the past forty years, the Democratic Party and Republican Party have become more internally homogenous in ideological terms, as well as more distinct from one another. This has resulted in party members in Congress giving more power to the party leadership in order to accomplish collective goals more effectively (Rohde 1991). Consequently, the leadership is able to set much of the legislative agenda (Cox & McCubbins 2005), composed of issues that affect the entire country. This is not to discount the role of constituents in this process, as it is often the constituents who put

pressure on their representatives to take up issues in Congress (Adler & Wilkerson 2012). However, party leaders largely determine the legislative form these issues take. As a result, the political discourse is often truncated to discussion of issues as they have been framed in Congress or by the president. As parties become more polarized and thus more prone to disagreement on these issues, the discourse also becomes more heavily based on underlying ideology that cuts across geographical borders. This nationalization of politics can lessen the role the district plays in the discussion of salient issues and their resultant legislative manifestations. Instead of weighing the district as heavily, party or personal ideological leanings may influence the behavior of members of Congress. On the other hand, it may be that the electorate has also become nationalized to the point of prioritizing its own ideology or partisan affiliation over demographic or other nonpartisan factors.

As a result, it is necessary to investigate the role the constituent plays in the current political landscape, one markedly different from the period in which Mayhew first asserted reelection as the proximate goal of representatives (1974, 16; Aldrich & Rohde 2001). Although ideology may have become more noticeable in Congress, there is little reason to doubt that members are still actively pursuing reelection in many of their behaviors. Remaining responsive to constituents is an expected necessity of achieving reelection, though the contemporary hyperpartisan era may have lessened the role of non-ideological constituency factors at the expense of partisan. By examining the behavior of members of Congress in recent years, particularly those in the Republican House majority, I will begin to provide insight into the composition of contemporary responsiveness to constituencies.

OVERVIEW OF CONGRESS AND THE CONSTITUENT

In order to begin understanding what changes in member responsiveness have taken place, it is necessary to create a theoretical framework through which to view case studies. Chapter 2, “A Theory of Constituents, Nationalization, and the Responsiveness of Congress,” addresses this first by providing an explanation of the current environment in which members of Congress work. It goes on to describe the relationship between the legislative branch and the president, the single most nationally influential figure in the country, as well as the effect it can have on nationalized electoral considerations. The chapter then introduces the role of ideology into the fray before suggesting that the influence of constituents may be declining, or at least changing, despite citizens’ wishes to the contrary. Finally, the applications of this theory to actual legislative examples are discussed.

Chapter 3 addresses the GOP’s distaste for the Affordable Care Act and party members’ responsiveness to constituent factors related to the health care law. After providing background of the law’s passage and its continuing controversy, I present an original dataset of bills that would alter some aspect of the Affordable Care Act combined with information on district demographics, district partisanship, and member ideology in the 112th and 113th Congresses. Using this data, I examine member responsiveness to certain aspects of the constituency, particularly the percent of uninsured constituents in a district. This investigation casts some doubt on the assumption that members will be influenced by the size of affected populations within their district.

Chapter 4, “Immigration, the Executive, and the People” looks at the role constituents have played in the Republican response to the actions the Obama administration has taken on immigration. After briefly addressing the immigration debate within the GOP and the nature of Obama’s executive actions, I use another original dataset to examine how district and member characteristics affect the desire of representatives to nullify or criticize the president’s activities. Particular attention is given to the Hispanic population in the district in order to better understand member response to local, nonpartisan concerns. Separation from constituents’ demographic interests is less apparent here, indicating that members may not have entirely reprioritized influences on their legislative behavior.

Finally, Chapter 5 will summarize my central findings and place them in theoretical context. I will also explore the implications of these results for both theory and policy, and discuss the potential limitations of my research and how future research can expand upon this work.

CHAPTER 2

A THEORY OF CONSTITUENTS, NATIONALIZATION, AND THE RESPONSIVENESS OF CONGRESS

“[Democrats of the 1950s and 1960s] were quick to recognize electoral necessity; members were expected to ‘vote the district first’ when conflicts with the party’s position arose, and they were encouraged to serve their constituents diligently in order to keep the seat for the party.”

—Jacobson (2013, 258)

“I announced yesterday in caucus that anybody who wants to routinely vote against the leadership on procedural grounds, don’t ask me to see their visiting firemen when they’re in town.”

—House Appropriations Chairman Dave Obey (D-WI)
March 2008 (Soraghan 2008, 1)

THE NATIONAL CONGRESS

Shortly after the midpoint of the 20th century, the United States Congress was a far different sight from the center for partisan debate it is thought of as today. The various groups gathered to form the Democratic New Deal Coalition had ceased to exhibit solidarity on many issues as northerners and southerners moved further apart on the ideological spectrum, and as their respective regions of the country evolved in differing ways, the party began to transform (Jacobson 2013). A party that had once been marked by a “district first” mindset was witnessing an exodus of southern conservatives and an influx of African Americans supportive of the Voting Rights Act, as well as northern liberals. As the parties became more ideologically cohesive as a result, the leadership became able to exercise more control over the rank-and-file, assisted by a number of reforms that began in the 1970s. This realization of the agreement principle of conditional party government—which stipulates that as the

rank-and-file grow more homogenous in their preferences, they will cede more power to the leadership in order to satisfy collective goals of the party (Rohde 1991)—would shape the legislative agenda of the future, as party leaders were now ceded more power from members. This process of ideological unification in the parties leading to strengthened leadership would occur in the Republican Party, the minority in the House for decades, as well. By the time it took back the majority in 1995 under Speaker Newt Gingrich, the GOP was a highly cohesive party generally committed to conservative ideals. No longer were the parties big tents of members attempting to find common ground while representing disparate constituencies. They had transformed into unions of like-minded members representing like-minded constituents, championing the same causes, or at the very least, causes with a similar ideological basis. To be sure, diversity still existed within the parties, but members and their supporters were far more homogenous than they had been only a few decades prior.

CONGRESS, THE PRESIDENT, AND NATIONAL TIDES

The Republican Revolution's "Contract with America" exemplifies this reframing undergone by the parties. This commitment to conservative principles emphasized the vision of a party explicitly intending to act as a unit to accomplish similar goals, a departure from the conception of parties a few decades prior that had to search for coalitions on individual issues. A similar endeavor was undertaken by the Democrats with 2006's "Six in '06" platform, which centered around particular issues meant to make the midterms a referendum on President George W. Bush (Bash & Barrett 2006). This is not to suggest that the parties are now intentionally making

each election about specific ideals with an ideological slant, but rather that these are examples of the extreme result of the now clearer points of agreement between party members and how messages can be shaped as a result. In general, these underlying concurrences will naturally lead to the discussion of similar issues in most districts come election season. It is necessary, then, to examine the effects of these shared preferences on politics and thus constituents.

Oftentimes the biggest point of vexation for members of Congress is a president of the opposite party. Despite the separation of the president and Congress into different branches of the federal government, the nationally influential role of the executive branch enables it to have an impact on non-presidential elections as well. Scholars have demonstrated the link between presidential approval and midterm election results (Tufté 1978; Abramowitz & Segal 1986; Abramowitz et al. 1986), indicating that localized elections are not entirely separable from national factors in the minds of voters. This contention is also supported by coattail effects, which typically suggest that successful candidates at the top of the ballot can increase the vote share of candidates with similar partisan affiliations further down the ballot (Campbell 1986). From the 1950s through the 1980s these effects had a diminished role in elections, before picking up again from the early 1990s through the present (Jacobson 2013, 171), indicating a potentially increased nationalization of politics in the minds of the electorate. This possibility is also supported by the aforementioned restructuring of the parties around more ideological, national issues over the course of the latter half of the twentieth century. Political elites, perhaps more eagerly than political scientists, certainly take into account the role of presidential approval and

coattail effects in midterm elections as well (see Nyhan 2010). As a result, it should not come as a shock that politicians may criticize a president of the opposition party as a means of reining in the benefits for a popular president's party or as a means of highlighting their opposition to the policies of an unpopular president's party.

Direct and seemingly constant criticisms of the president likely do not come as a surprise to any observer of politics during the last two administrations, as both George W. Bush and Barack Obama have proven to be highly polarizing occupants of the White House. Democrats framed much of their 2006 campaign as an election that should be used to send a message of stern disapproval to then-President Bush, just as Republicans did with President Obama in 2010 and 2014. Attempts by the non-presidential party to focus the election around the shortcomings of the incumbent administration are not rare, especially when considering elections rhetorically labeled referenda on the president. This was very much the case in the 2006 election, in which the Republican Party fared notably poorly despite a well-performing economy, due to George W. Bush's abysmal approval ratings (Jacobson 2007). Today it is President Obama who receives much of the blame for failed policies and imperfections in the country as Republicans have sought to make the 2010 and 2014 midterms referenda on the 44th president. The results of these elections are not wholly surprising, as 1998 was the first postwar midterm election in which the party of the president did not face a net loss in House seats (Jacobson 2013, 166).

The consistency of the president influencing congressional elections is representative of the broader topic of national tides in congressional elections, which can be further examined by considering the deterrence of quality challengers to

incumbent members of Congress. While Mayhew's (1974) maxim about members' foremost desire of reelection certainly rings true today, it might be inaccurate to imagine that members attempt to secure reelection by currying favor at home with constituent services. Although the incumbency advantage of members of the House has often been attributed to constituent services provided by the members (King 1991; Parker & Davidson 1979), the ability of incumbents to deter high-quality challengers is not to be underestimated (Levitt & Wolfram 1997; Cox & Katz 1996).

The possible connection between this "quality effect" (Cox & Katz 1996) and nationalization is not difficult to deduce: potential challengers doubt their ability to defeat the incumbent on the issues that are particularly salient that cycle, or are aware of the national tide being in favor of the incumbent's party. The perception of an impending negative election cycle for Party A, for example, will deter potentially high-quality challengers from running against incumbents of Party B. These perceptions are not a closely held secret: "Exactly those things that politicians and political scientists...believe influence congressional voters also guide the strategic decisions of potential candidates" (Jacobson 2013, 177). Most notably these include the popularity of the individual at the top of the ballot, the state of the economy, and other potentially salient national issues. The records of the parties and the members themselves can also have an effect on the shape these national tides take (Cox & McCubbins 2007). Certainly a member who is popular within the district would deter challengers as well, but national-level influences remain important factors nonetheless (Jacobson 2013). Potential challengers may, for example, bide their time until it appears to be a year that will hurt the incumbent's party and only then launch

a campaign. It is in this type of situation that citizens of a district are viewed less as constituents, citizens whose needs should be represented in Washington, and more as voters, individuals who can be convinced or motivated to cast their ballots for a certain candidate. In other words, the constituent is someone to be served while the voter is someone to be persuaded.

THE IDEOLOGICAL CHOICE

In the event of an election that is based less on the needs of the district and more on the ideological chasm between Democrats and Republicans, the goal of reelection seeking members will be to generate support around the nationally prominent issues. In effect, they will allow the whirlwind of politics to overshadow the often tedious and uncertain process of crafting policy that could benefit the constituency. This leads to Fenno's questioning, "*What does an elected representative see when he or she sees a constituency?*" And as a natural follow-up, *What consequences do these perceptions have for his or her behavior?*" (Fenno 1978, xiii, emphasis in original). In a nationalized system, an elected representative would see potential votes to be won by supporting the correct position on an issue rather than constituents to service on the basis of more individual needs. A member of Congress in this type of environment would not necessarily see, for example, a district comprised of individual senior citizens that are having difficulties receiving their Social Security checks, but may instead decide she must declare her commitment to keeping Social Security solvent as a means of appealing to the voters in her district via position-taking tactics. Thus, a nationalized system may lead to a focus on issues rather than the people affected by the issues. In extreme cases, this could mean a

member of Congress could spend the much of their time in Washington working on issues that are nationally salient but not particularly relevant to her constituents. As Richard L. Hall explains, “[t]he representative from South Dakota who concentrates legislative time on South Africa, and the senator from South Carolina who takes little interest in textile tariffs...are not being ideal districts delegates” (1996, 3).

More ideologically cohesive congressional parties, the occurrence of explicit or implicit party platforms during election years, the role of the president and other national factors in shaping the outcome of midterm elections, the framing of these elections as referenda, and the sensing of nationwide electoral tides by potential challengers are all indicative of a growing nationalization of the political environment in the United States. Tip O’Neill’s contention that “All politics is local” rang true during his tenure in Congress or his reign as Speaker of the House, but changes in the political arena over recent decades have called into question the accuracy of the phrase. This is not to say that district-minded members have vanished or that constituent characteristics are negligible factors in the minds of representatives, but rather that the discourse has become such that voters now cast their ballots with more consideration given to national issues than O’Neill’s aphorism would imply. In addition to the state of the economy, many recent congressional elections have focused on more nationally salient issues, such as the 2010 health care law, foreign affairs, immigration, the debt standoff, and the inability of politicians to work across the aisle. As Republicans and Democrats in Washington have grown more ideologically distant from one another, voters have been given the opportunity to

demonstrate their support for clearly contrasting ideas on many of the most salient issues of the day.

The concept of nationalized American politics is far from innovative, with examinations of the growth of issue focal points in the United States beginning five decades ago (Stokes 1965; 1967). After examining variances in party votes for House elections from 1952 to 1960, Stokes concludes that the constituency's importance as "a distinct arena of conflict in congressional elections" (1967, 196) has declined. He links this change in part to the growth of non-local media sources that are presenting larger portions of the population with the same view of issues. Two decades after Stokes, Claggett et al. (1984) found little evidence of the nationalization of American politics. However, in the three decades that have passed since that work, the political environment has experienced significant changes, including the polarizing presidencies of George W. Bush and Barack Obama, the Speakership of New Gingrich, and the advent of 24-hour cable news networks and partisan websites. Moreover, the ideological overlap between the most liberal Republicans and the most conservative Democrats has become negligible if not nonexistent (Brady & Hahn 2015), and the parties have become increasingly more loyal (Sides 2011). As a result, the prospect of contemporarily nationalized politics requires further investigation.

Ideological sorting has resulted in two major political parties that are more closely associated with political ideology than in decades past. Ballots are typically cast in favor of one of two ideologically distinct parties, the conservative Republican Party and the relatively liberal Democratic Party (Fiorina & Levendusky 2006). Although there is no consensus on whether ideological sorting has led to the

polarization of the electorate (Fiorina et al. 2008; Fiorina & Levendusky 2006), the Republican Party has certainly become a clearer alternative to the Democratic Party and vice versa, such that George Wallace's contention that there is not a "dime's worth of difference" between the two parties is clearly not true today. This exercise in responsible party government has allowed voters to hold the parties accountable for the state of the national political environment. By considering the role of the now-endangered conservative Southern Democrat, we can more clearly comprehend the effect of nationalized politics on the behavior of members of Congress.

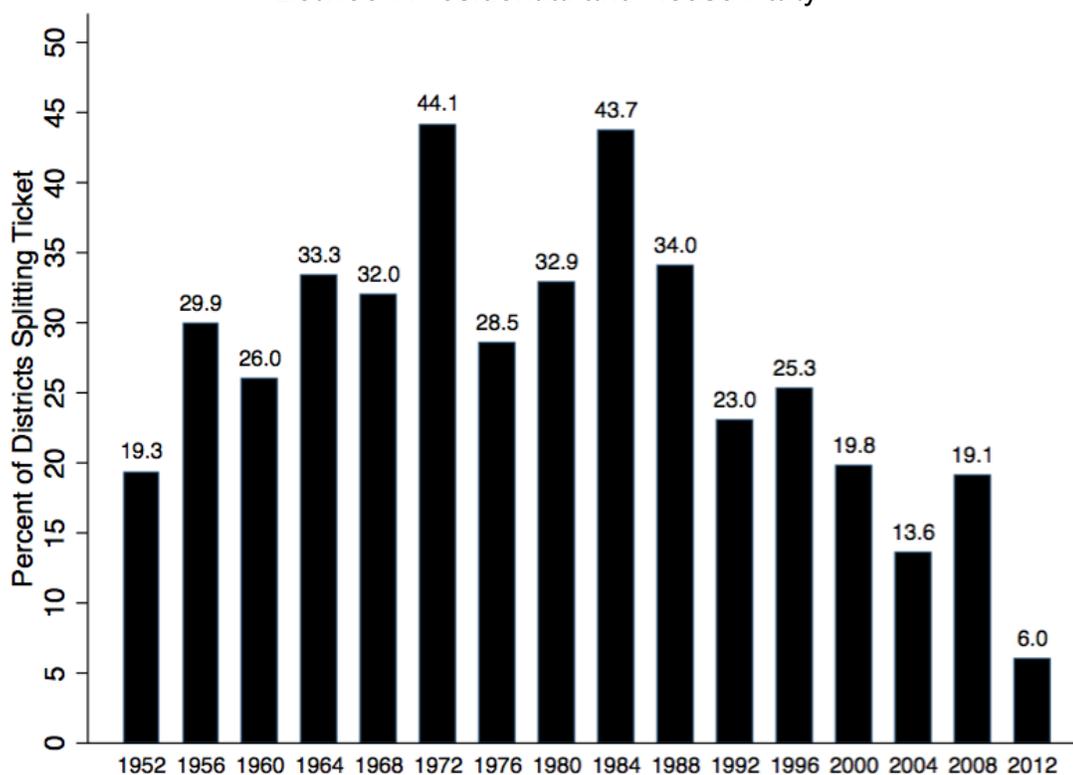
Despite their differences on many issues, congressional Democrats in the 1950s remained members of the same party. However, as questions of Civil Rights became more salient in the political discourse, the party coalition began to fracture. Conservative members from the segregated South spoke on behalf of constituents who resisted the changes happening across the country. Meanwhile, members representing more liberal areas of the country championed civil rights. As decades of ideological sorting followed, the two camps split from one another and found homes in fresh-faced parties that contained more ideologically coherent members who represent more ideologically coherent constituents. The result is two parties that can champion more ideological causes than ever before, causes more likely to generate support and mobilize bases. Because the parties are now divided along ideological lines, issues can appeal to a wide range of voters across the country, pro-life voters in Indiana and Arizona can share issue positions with voters in Mississippi and Alaska. Ideology is not bound by geographical borders, and as a result, campaigning on issues that strike a national chord enables parties to coordinate their message more

effectively. Taking advantage of the national issue of the Affordable Care Act, for example, anti-Democrat advertisers across the country were able to utilize the same tactic of claiming a member “cast the deciding vote” in favor of the law (Wilner 2014).

The effects of the ideological sort and the often national focus of candidate messages have bled into the electorate, where partisan adherence is growing. Among the most obvious places to observe this trend is in the decline in split-ticket voting districts. As Figure 2.1 shows, the proportion of districts voting for a presidential candidate and House candidate of differing parties has been trending downward since the mid-1980s, before which it hovered around 30 percent. In 2012, for the first time in the postwar era, the percentage of districts splitting their ballots dipped below 10 percent. In an early 2015 article for *Politico*, former Republican Representative Tom Davis of Virginia notes the decline of the local identity of candidates for Congress due to the increasing importance of party identity in vote choice. Davis partially attributes the decline to the ideological sorting of voters, which he contends has led to the current dearth of split ticket voting we see on Election Day (Davis & Frost 2015). As voters support their preferred party more fiercely at the ballot box, the partisan affiliation of candidates for public office seems to be growing more important. Certainly it is possible that the greater ideological similarities between party members and their constituents has allowed members to offer better constituent services, and that is rewarded with support for the party at the polls. However, it is also possible that the paucity of split-ticket voting is the result of increased partisanship, the result

of which is voters casting their ballots for a particular party rather than for a particular candidate.

Figure 2.1: Proportion of Districts Splitting Tickets Between Presidential and House Party



Source: Ornstein et al. 2013 through 2008; Bensen 2013 for 2012 data

THE DISAPPEARING CONSTITUENT?

A risk of support for parties instead of candidates is the possible decrease in importance of district representation in the minds of members. That is, rather than act as a proxy for the will of her constituents, a member may act as an agent of her party. Indeed, these may not be conflicting roles, as members can certainly represent populations with ideological dispositions similar to that of the party. The party's demands may come before the district's if a conflict between the two arises with member's under the assumption that party affiliation listed by their name on ballots

will ultimately protect their seat. Thus, the result could be that other, less political district characteristics, including demographics, may be lost in the contemporary partisan and polarized political environment. Consequently, a nationalization of politics may be resulting in the weakening role of the constituent in influencing the behavior of members of Congress. More broadly, it appears that the changing political environment may be causing politicians to adopt a new way of thinking about their response to the demands of constituents. This restructuring of responsiveness on the part of members of Congress may mean that ideology has become prioritized at the expense of demographics and other more localized district attributes, or perhaps that the preferences of the members and the national party have superseded those of the constituent (Mayer & Cannon 1999). Regardless, it appears that the role of the constituent as a factor in behavior of representatives is shifting.

In *Participation in Congress*, Hall contends that “Members of Congress are quite sensitive to the intensity of district interest,” and that when they “perceive that a bill is directly relevant to the district they represent, they are more likely to become actively involved” in its fate (Hall 1996, 3). But Congress and the electorate have grown more polarized over the last twenty years and the national interest has grown in the minds of the public. Much of this can surely be attributed to the round-the-clock news coverage of cable networks such as CNN, Fox News, and MSNBC, the latter two of which did not launch until the year of Hall’s publishing. The political news landscape has also been supplemented by online sources such as partisan blogs, online newspapers, and other websites. Moreover, as newspaper revenue and readership decline (Jacobs 2014), the public is left with fewer sources of localized

news, an issue Stokes (1967) foreshadowed decades ago. As a result, voters are consuming news intended for the entire country, and are thus being provided political information unavoidably national in nature. Further consideration of member responsiveness is necessary in order to determine how this and other nationalization effects have reformed the role of the constituent from previous eras for which Hall's description may have been more accurate.

Historically, members have been viewed as highly responsive to their constituents' needs. In *Congress: The Electoral Connection*, Mayhew (1974) frames members of Congress as being chiefly focused on attaining reelection. As a result, incumbents must seek to satisfy their constituents and broadcast their accomplishments, adopting strategies of credit claiming, position taking, and advertising in order to accomplish these goals. In doing so, members attempt to convince voters that they have been well-represented in Washington, requiring representatives to be attentive enough to the needs and whims of their constituents that this picture can be painted accurately. Building off of this point, Richard Fenno contends this "electoral goal is achieved—first and last—not in Washington but at home" (1978, 31), again placing emphasis on the role of the constituent in determining member behavior. Voters, however, may have begun growing more attentive to the party and the ideology of candidates (Nie et al. 1976; Erikson & Wright 1980).

The change in the political environment since the legislative behavior studies of the Mayhew era were published have certainly affected the actions of members, but they likely have also reshaped the role of the constituent as it relates to members.

For example, it is possible to construe the incumbency advantage members of Congress enjoy as evidence of the importance of constituency services, as incumbents are able to provide this assistance and challengers are not. However, with increased polarization in the electorate, it is also possible that rather than awarding incumbents for attentiveness, constituents are awarding incumbents because of their party affiliation (Abramowitz et al. 2006). Various measurements of personal incumbency advantage include the sophomore surge, the difference between a candidate's vote share upon first reelection and initial election, and the retirement slump, the decline in party vote share when the incumbent retires. Averaging these together gives "slurge," a more accurate reading of the personal incumbency advantage. Slurge has been declining since its peak in the 1980s (Jacobson 2013, 33-35; Gelman & King 1990), indicating a decline in this advantage. The fact that incumbents continue to get reelected in over 90 percent of races ("Reelection Rates" 2014) suggests other factors at play, perhaps including voters casting ballots for parties rather than candidates. Issues being conveyed to voters in the form of nationalized messages from the media and political elites, as well as the constant discussion of partisanship in Congress, has conceivably primed the electorate to weigh factors like party identification, stance on nationally salient issues, and ideology more strongly than a candidate's ability to cater to the district's individualized needs.

WHAT CONSTITUENTS WANT

Members of Congress are aware that, in the minds of many constituents, more importance is placed on resolution of an issue occurring, rather than *how* the issue is solved (Adler & Wilkerson 2012, 5-6, 19; Fiorina 1981; Lenz 2012). Using the

Medicare Modernization Act passed by a unified Republican government as an example, Adler and Wilkerson contend that the public largely determines the legislative agenda, while Congress is able to dictate the answer (2012, 11). A sizeable expansion of the welfare system runs counter to the interests of the vast majority of the GOP, and yet it was this party that was forced to take up the issue because Republicans were in power when the issue of prescription drug coverage for seniors reached peak salience. The bill passed by Congress was partisan in nature (Foote 2007), receiving only 10 Democratic votes (CNN.com 2003), and far from popular even within the Republican majority, requiring large amounts of arm-twisting to ensure its passage (Tapper & Morris 2004). Despite the controversial passage process, Republicans were able to run on the fact that they had indeed addressed a major issue, and maintained their majority as well as the White House the following November. This implies the ability of lawmakers to respond how they wish on many issues, as long as they frame their behavior as seeking a solution to a particular salient issue. As a result, representatives may toe their party line or act based on their own personal beliefs rather than in a manner that would best benefit many of their constituents without worrying about electoral repercussions so long as they frame their behavior as an attempt to fix a problem.

In their discussion of beliefs about ideal government functioning, John R. Hibbing and Elizabeth Theiss-Morse contend that Americans do not necessarily desire a system that requires them to be deeply involved with their representatives, “but, rather, a system that is instinctively in touch with the problems of real Americans and that would respond...if those real Americans ever did make an actual

request upon the system” (2002, 131). This “latent representation,” as the authors refer to it, reflects a preference of Americans that may be undermined by recent trends in politics. In a nationalized system, the degree to which members are in touch with the “real Americans” in their district becomes hazier. As a result of these considerations, it is worth examining how much of a role constituent factors, whether ideology or demography, have in influencing the behavior of contemporary elected officials. When constituents desire a particular outcome on an issue, they expect to have a representative who is responsive and will champion their voice in Congress, but the realization of this wish is not necessarily guaranteed in a nationalized political dialogue.

In the event that constituents have a specific preference on the outcome of legislation, it is likely that the motivations for this preference are either demographic or ideological and partisan. Demographic constituent concerns can arise when legislation is relevant to various segments of the population defined by income, education, race, age, military population, and similar descriptors that are not inherently partisan in nature. Such district characteristics are typically easily measured and fit the Mayhew and Fenno era’s perception of the type of factors to which members are responsive. However, representatives may also be responding to broader elements of their districts, including the party preference of a district and the strength and direction of its ideological leaning. If a constituency is particularly conservative, for example, their member of Congress may fight for increased national defense spending even if very few constituents serve in the armed forces. As a result, members can be responsive to the population they have been elected to represent in

multiple ways, and will thus perceive different implied constituent preferences depending on their prioritization of these factors.

APPLICATIONS

Even to the casual observer, the amount of partisan bickering in Washington and around the country seems to have increased during the past several years. Among the most prominent actors in this change have been President Obama and consistently irritated and vocal House Republicans. The GOP controlled the chamber for the last two full Congresses, and has held onto its majority for the 114th Congress as well. A better understanding of the role of constituents can be gained by examining their behavior as it applies to a sample of the nationalized dialogue, especially as it applies to their political nemesis, the national actor President Obama.

Two issues that have been particularly salient in recent years are the 2010 health care law and immigration reform. Each of these can be linked to a specific affected community within individual congressional districts, and each of which has clear implications on a national scale. The Affordable Care Act (ACA), also known as Obamacare, is an issue that essentially divides Congress down the aisle, with Democrats typically standing by President Obama and Republicans staunchly opposed. In considering the law, members have clear options: dismantle some or all of the Affordable Care Act, or accept it as a part of legislative reality. Within the district, those lacking health insurance can generally consider this a law designed to benefit them, and thus one can examine the connection between this population and the decision their representatives make with regard to the ACA. In the case of immigration, the legislative options are not as clear for members of Congress, as there

is no single piece of legislation or immigration reform plan around which to base support or disapproval. As a result, members have had to make their stances on other forms of immigration-related legislation. Bills criticizing the Obama administrations actions on immigration, for example, enable so-inclined members to demonstrate their unhappiness with perceived executive overreach or deleterious effects on the country. In this case, the Hispanic community is the population most directly affected by their representatives' behavior. Like legislation aimed at repealing or weakening the ACA, these proposals take aim at the most recognizable national political figure, the president. Consequently, both types of endeavor are adding an even stronger national focus to already nationalized issues.

A dual examination of legislation on these issues allows for the observation of Republicans acting legislatively on national issues by employing what has become the centerpiece of GOP rhetoric, criticisms of the Obama administration. Health care and immigration politics both have significant demographic and ideological implications for constituents as well. Analysis of these issues also allows for the consideration of legislation at two different periods of development, written, passed through Congress, and signed into law (the Affordable Care Act) versus legislation on an entire issue still in the infancy of its modern manifestation (immigration reform and modern executive overreach complaints). While the growing Hispanic population nationwide provides ample reason for the Republican Party to listen closely to and act upon this group's interests, it is unlikely that political strategists will deem the uninsured a target population for future elections. Member responsiveness to neither population would suggest a dim outlook for constituent demographics on member

behavior in the future. Responsiveness to only one of these populations would tell a different, more nuanced story than responsiveness to both populations. The latter two possibilities do not entirely discount the role played by constituents, but rather propose a reassessment of the dyadic relationship between constituents and their members of Congress.

The following analyses will test the theory that the recent changes to the political landscape have redesigned the factors to which members of Congress respond when considering the needs of their district. Although representatives are still likely responsive to demographic characteristics of their constituents, these features of the population may have a lessened impact on legislators' behavior as partisanship, polarization, and ideology increase in prominence and become more deeply ingrained in national politics. In doing so, this thesis will concisely provide insight into whether contemporary American governmental institutions are changing or even losing their connection to the people they are designed to serve.

CHAPTER 3

THE AFFORDABLE CARE ACT

“While ObamaCare is the law of the land, it is costing us jobs and threatening our health care. Speaker Boehner and House Republicans remain committed to repealing the law.”

—Spokesperson for Speaker of the House John Boehner
November 8, 2012 (Frates 2012)

NATIONALIZING HEALTH CARE

On March 23, 2010, President Barack Obama signed the Patient Protection and Affordable Care Act (ACA) into law, catalyzing opponents of the dataset law to launch myriad efforts to amend, delay, or repeal parts or the entirety of the law. Republican critics of the ACA levied criticisms of overreach, inefficiency, and unconstitutionality as they began legislating against the law. Five years later, a count of Republican endeavors to alter the ACA has emerged as a familiar talking point for Democrats, who claim members of the GOP personify congressional gridlock as a result of “time wasted on partisan antics that should have been spent instead...creating jobs” (O’Keefe 2014a). Republicans counter that the American people are unhappy with the law and believe it frustrates economic growth. In the four years following Obama’s signature, the Republican-controlled House of Representatives voted over 50 times to modify or repeal the ACA, and in November of 2014 filed a lawsuit against President Obama for alleged “abuses of the president’s executive authority” with regard to administration delays in enacting the health care law (O’Keefe 2014b; Parker 2014). While these votes and litigation efforts have become hallmarks of partisan rhetoric since the law’s passage, the actual number of attempted alterations to the ACA on the part of Republicans is far higher.

Democrats had been seeking to reform the health care system in America for decades before passing the Affordable Care Act, with the unsuccessful Clinton administration attempt in the early 1990s serving as a prime example. Much like Bill Clinton had more than a decade earlier, then-candidate Barack Obama ran a presidential campaign with heavy emphasis on changing the American health care system. The 2008 Obama campaign was pioneering for many reasons, including in its ability to garner grassroots support nationwide and capture the attention of the country, supporters and detractors alike. Combining a plethora of tactics, such as outreach conducted through new media (Abroms & Lefebvre 2009), the campaign and later the administration roused interest in the goal of reforming the health care system. Coupled with the prominence of Obama in the public mindset and his direct association with health care reform, these methods grew the salience of the issue. As it was championed by perhaps the most nationally recognizable figure, the president, it is easy to understand how the health care reform process and its eventual offspring became nationalized. Moreover, the partisan divide over the Affordable Care Act has been strong since it was signed into law, making it a lasting point of contention between partisan segments of the public (KFF.org 2015).

Elite political messengers have also contributed to the stoking of public interest in the law nationwide. In 2012 congressional races, for example, nearly 30 percent of all pro-Republican advertisements featured some mention of health care, more than the deficit and government spending. Pro-Democrat advertisements featured the issue almost 8 percent of the time. By contrast, local issues were not in the top 15 most common topics of pro-Republican ads, and were mentioned in just

over 5 percent of pro-Democrat ads (Fowler & Ridout 2013). Others have kept the health care law in the public mind by attaching it to other salient issues that affect the entire country. Perhaps the most notable example of this is the late-2013 government shutdown that featured Senator Ted Cruz (R-TX) demanding that the Affordable Care Act be defunded (Raju 2013). In another highly publicized event, the Supreme Court considered the constitutionality of the law, upholding the statute in a tight 5-4 decision. For these as well as numerous other reasons, the Affordable Care Act has become a nationalized topic that is thought about less as a law that impacts the individual and more as an ideological, partisan, and nationally consequential issue. As a result, it is possible that the role of the constituent is being lost or substantially altered in this process.

RESPONSIVENESS TO UNINSURED CONSTITUENTS?

Upon Obama's election, and with the goal of providing universal health care for all Americans (Obama 2009), the administration and its Democratic allies in Congress sought to solve the issue of millions of Americans without health insurance coverage. Although debate exists over the beneficial effects of the law thus far, it is reasonable to consider the uninsured the population that stands to benefit the most from the Affordable Care Act. As a result, it is this group of constituents that one would expect to garner the greatest response from members of Congress on this issue. For representatives who are highly responsive to the demographic needs of their constituents, one would expect to observe greater support for—or in the current highly partisan environment, at least less zealous opposition to—legislation that is intended to benefit the uninsured members of the district. On the other hand, if the

issue of the ACA has been fully nationalized, members might be more likely to behave in ways that reflect their own ideological stances. Finally, if members believe that their constituents are more concerned with their ideology being represented, they may be most responsive to the ideological leanings of the district.

Passing without a single Republican vote in either the House of Representatives or the Senate, the Affordable Care Act is certainly a partisan topic. Further, discussions of the law highlight points that run counter to several GOP ideals, namely fiscal conservatism and small government. Consequently, efforts to block the legislation while it was being drafted, revised, debated, or voted upon are expected whether members oppose on a partisan, ideological, or even policy basis. Avoiding demise at all of these points in the legislative process, the law successfully traversed the chambers of the Capitol and received the president's signature, which would typically be enough to quiet a sizable segment of the opposition. In the case of the ACA, however, passage was just the beginning of the continuing debate about the health care law. While acting against a bill as it is being crafted or voted upon demonstrates opposition in the general sense, it is often difficult to measure the intensity with which a member is opposed to a particular piece of legislation from votes alone (Hall 1996). Continuously endeavoring to repeal, replace, or alter a piece of legislation after it has passed, however, is emblematic of passionate opposition.

When this sort of legislative behavior on a particular issue is prevalent in a party, further examination is warranted regarding which factors influence members to act in this manner. In the case of the Affordable Care Act, Republican members of Congress have continuously attempted to repeal or alter the law after its passage,

raising a question about which considerations motivate these efforts. If members are as responsive to constituent factors as Mayhew (1974) and Fenno's (1978) arguments suggest, one would expect to observe the most influential roles being played by district demographics and perhaps the ideology of the district. If, however, the issue has become nationalized to the point that members are not particularly responsive to the demands of their constituency, the biggest factors may prove to be member ideology or other non-constituent elements.

ANALYSIS

Although a sizable literature exists on member responsiveness to constituents, the lack of recent work, particularly as it affects the Republican response to the Obama administration, puts scholars at risk of falling behind in examining the effects under a potentially more nationalized and certainly more polarized political dialogue. After studying the legislative behavior of members of the GOP and their stances on the Affordable Care Act, greater insight will be gained into the degree to which representatives consider the constituency. Further, a deeper understanding can be gained regarding how, in the contemporary political environment, members prioritize the many factors that weigh on their decision-making, including the party, their own ideology, their district's ideology, and the district's demographics. If elected officials are responsive to the needs or desires of the citizens they are entrusted to represent, the often disheartening view the public takes of contemporary politics may require reevaluation. On the other hand, if representatives do not consider their constituents as strongly in their legislative actions, the ideological divisions and partisanship in Washington may be here for the foreseeable future.

In examining member responsiveness to the uninsured and other demographic segments of the district population with regard to the Affordable Care Act, the current state of political and government affairs in the United States will be more easily understood. Although attempts to alter the health care reform law began within a day of its passage during the 111th Congress (O'Brien 2010), the two subsequent Congresses feature a Republican House majority with a Tea Party element that was lacking from the earlier Congress. As a result, considering the 112th and 113th Congresses, the two most recent, will prove most relevant to the contemporary environment in Washington. The media (O'Keefe 2014a) and politicians (Pelosi 2015) alike often mention the number of votes the House has taken to repeal the Affordable Care Act, but an even more direct measure of strong member opposition is an inventory of all legislation written to amend, alter, or repeal the ACA, regardless of whether a vote occurred.

By searching the Library of Congress's legislative database for all Republican-sponsored bills that mention Obamacare or the Affordable Care Act introduced during the 112th or 113th Congress¹, I compiled an original dataset comprised of all GOP attempts to partially or entirely deconstruct or change the health care law during this time period. I also utilized the United States Census results in order to gather data on district measures, such as demographic information and health coverage data. With the addition of Cook Partisan Voting Index (PVI)

¹ This search entailed finding legislation on Congress.gov introduced during either the 112th or 113th Congresses that contained the terms "Obamacare" or the full term "Affordable Care Act." Results were then restricted to only those pieces of legislation introduced into the House of Representatives and sponsored by members of the Republican Party. A search of the 112th Congress yielded 169 results, while the 113th yielded 239 results.

information for each district, DW-NOMINATE scores, and relevant committee assignments for each member, I constructed a complete dataset containing all measures pertinent to the debate surrounding the Affordable Care Act.

The emergence of the conservative Tea Party in the months after the 2008 elections, which solidified during the dataset reform debate, could easily be seen as a factor in the anti-Affordable Care Act movement. As a result, when considering possible motivations for sponsorships, the conservative nature of members should certainly be taken into consideration, leading to the inclusion of members' first dimension DW-NOMINATE scores. The partisan nature of the district from which each member hails must also be considered, as sensitivity to this may imply a shift in member responsiveness away from nonpartisan factors and toward the district's ideology. Cook PVI numbers, which measure the amount by which a presidential candidate won the district, will serve as a proxy for this. When considering demographic constituency demand variables that may be driving member behavior regarding the Affordable Care Act, the most relevant variable to include would be the prevalence of health insurance in a district, captured here with US Census data on the percentage of a district without health insurance. Other constituency-based variables are included, such as median income, unemployment, and age, as are control variables including sex and presence on the Energy and Commerce Committee and its subcommittee on Health. Comparing all of these variables across the 112th and 113th Congresses will allow for a clearer understanding of which factors are motivating the legislative behaviors of congressional Republicans in the contemporary political environment.

Three outcomes are possible: the locally unresponsive, the politically responsive, and the constituent demographic responsive. The locally unresponsive outcome would be supported by results that indicate members acting with little consideration for the demands of their home district, implying members may be more affected by national and personal political and ideological factors. In the event that members are politically responsive, they may react to political and ideological factors within the constituency. This may indicate that the traditional conception of members who are largely responsive to constituent demographics should be reevaluated. Nonetheless, an association between member behavior and less partisan constituent factors—including, in this case, the uninsured population of the district—could support this conventional perception.

The discussion of the health care law appears to have been nationalized to the point that the focus is no longer on reform and insuring all Americans, but instead on the role of the government, the disagreement between the parties, and the difficulties experienced by enrollees. As a result, one would not expect to observe a significant relationship between district demographic variables and sponsorship of anti-ACA legislation if the debate has truly shifted. Specifically, the ideological opposition consistent with party membership implies that the percentage of uninsured constituents in a district should have little effect on sponsorship of such legislation.

Gathering all Republican-sponsored legislation to deconstruct the Affordable Care Act between 2011 and 2014 allows one to obtain a count of each member's sponsorship of this sort of measure. It also affords the opportunity to assign each member a binary measure of active participation in the deconstruction of the ACA

(i.e., whether the member sponsored any legislation to alter or repeal the ACA). As a result, it is possible to determine the factors motivating a general opposition to the Affordable Care Act and also which factors affect the frequency with which a member sponsors legislation aimed at altering the dataset law.

Most Republicans are able to criticize the Affordable Care Act with little if any concern over electoral blowback, because opposition to the ACA is highly consistent with the platform of the GOP. Some members, however, may be constrained by the aforementioned district characteristics, the focus of this analysis. Each general election could result in a change in control of the House of Representatives, the Senate, and the White House, so the Republicans' success at directly associating the opposition with the health care law ("Obamacare") has enabled them to use their condemnations as an electoral tactic. The Republican Party is therefore able to benefit from the ongoing ACA debate on multiple levels without compromising the electoral goals of its members (Mayhew 1974).

There is a possibility that members have shifted their prioritization of influences in response to greater constituent emphasis on ideological issues following the nationalization of the political dialogue. While some members may be more motivated than others to fight against the ACA, the GOP's disagreement with numerous aspects of the law makes it unlikely that any particular segment of the party will be significantly more opposed than others. With approximately 90 percent of incumbent members of the House achieving reelection in 2012 ("Reelection Rates" 2014), as well as similar salient issues and committee membership, it is doubtful that these results will differ substantially between the 112th and 113th Congresses.

DATA

During the 112th Congress, 100 of 240 Republican members included in this dataset sponsored some form of legislation in opposition to the contemporary form of the Affordable Care Act. The same is true for 119 of 234 Republicans in the following Congress. For those members of the 112th Congress who sponsored legislation, the mean number of legislation sponsored was 1.69 pieces, as compared to 2.01 in the 113th Congress. Table 3.1 lists the various independent variables used in this analysis, while Table 3.2 displays summary statistics for several of these variables.

In order to test these relationships, two models were run for both Congresses examined here. The results of these analyses can be found in Table 3.3. The first model for each Congress (Models I and III) displays the effects of various independent variables on the binary anti-ACA response variable, equal to 1 if the member had sponsored any legislation that would alter or repeal the Affordable Care Act in the relevant Congress, and equal to 0 otherwise. A logit model was fit in order to evaluate the probability of a Republican member sponsoring legislation in opposition to the dataset reform law. The effects of particular variables on the amount of deconstructive ACA legislation sponsored (Models II and IV) were also examined, with a count serving as the dependent variable. In order to accomplish this, I employ a count model. Rather than utilizing a Poisson model, overdispersion necessitates the use of a negative binomial regression model to perform this analysis (Long & Freese 2006).

Table 3.1 Data and Sources

| Variable | Type | Description | Source |
|----------------------------------------------|--------------|---------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| Percent uninsured | Quantitative | Percent uninsured in district | US Census data |
| Cook PVI | Quantitative | Cook Partisan Voting Index, 2012. Share of vote by which Romney won district | Polidata (2013) |
| Energy and Commerce com., not Health subcom. | Categorical | 1 = Member of Energy and Commerce committee, but not Health subcommittee, 0 otherwise | United States House of Representatives (2015) |
| Health subcommittee | Categorical | 1 = Member of Health subcommittee of Energy and Commerce committee, 0 otherwise | United States House of Representatives (2015) |
| Total bills sponsored | Quantitative | Total number of bills sponsored during given Congress | Library of Congress (2015) |
| Percent unemployed | Quantitative | Percent unemployed in district | US Census data |
| Female member | Categorical | 1 = female member, 0 otherwise | Center for American Women and Politics (2015) |
| Median income | Quantitative | Median income in district | US Census data |
| Age 20-24 | Quantitative | Percent of district between the ages of 20 and 24 years old | US Census data |
| DW-NOMINATE, 1 st Dimension | Quantitative | DW-NOMINATE score, 1 st Dimension. Higher values indicate a more conservative stance on the role of government | Carroll et al. (2013) |

Table 3.2a Summary Statistics
112th Congress

| | Obs. | Mean | Median | SD | Min. | Max. |
|-------------------------------------------|------|-------|--------|-------|-------|--------|
| % uninsured | 240 | 14.17 | 13.74 | 4.47 | 5.1 | 30.07 |
| Median income (\$ thousands) | 240 | 52.23 | 48.87 | 12.48 | 28.65 | 101.90 |
| % unemployed | 240 | 9.54 | 9.28 | 9.54 | 3.10 | 15.82 |
| Age 20-24 | 240 | 6.79 | 6.68 | 1.23 | 4.20 | 11.71 |
| DW-NOMINATE, 1 st Dimension | 240 | 0.68 | 0.67 | 0.17 | 0.11 | 1.29 |
| Cook PVI | 233 | 7.85 | 8 | 9.88 | -41 | 29 |
| Total bills spon. | 243 | 16.98 | 14 | 11.33 | 0 | 65 |

Table 3.2b Summary Statistics
113th Congress

| | Obs. | Mean | Median | SD | Min. | Max. |
|-------------------------------------------|------|-------|--------|-------|-------|--------|
| % uninsured | 234 | 13.76 | 13.50 | 4.17 | 5.60 | 28.70 |
| Median income (\$ thousands) | 234 | 53.95 | 50.46 | 12.91 | 31.35 | 110.44 |
| % unemployed | 234 | 7.79 | 7.75 | 1.94 | 2.60 | 14.40 |
| Age 20-24 | 234 | 6.91 | 6.70 | 1.25 | 4.60 | 11.80 |
| DW-NOMINATE, 1 st Dimension | 234 | 0.73 | 0.74 | 0.18 | 0.03 | 1.26 |
| Cook PVI | 234 | 10.45 | 10 | 6.40 | -2 | 29 |
| Total bills spon. | 234 | 14.82 | 13 | 9.55 | 0 | 58 |

RESULTS

Model I, which examines the 112th Congress, uses the binary measure of anti-Affordable Care Act legislation as its response variable, and yields significant results only for member presence on the Health subcommittee of the House Committee on Energy and Commerce and the variable controlling for the total number of bills sponsored during that Congress. The statistical significance of the former variable is unsurprising, as members of this subcommittee specialize in the legislative matters most associated with the Affordable Care Act. The lack of significance of any other

Table 3.3 Logit and Count Model Results

| | <u>112th</u> | | <u>113th</u> | |
|-------------------------------------------------|-------------------------|------------------------|--------------------------|------------------------|
| | (I) <i>Anti-ACA</i> | (II) <i>Count</i> | (III) <i>Anti-ACA</i> | (IV) <i>Count</i> |
| % uninsured | 0.0185 (0.0376) | 0.0120 (0.0250) | -0.00161 (0.0439) | -0.0115 (0.0278) |
| Median income (\$ thousands) | 0.00424 (0.0144) | 0.00733 (0.00963) | -0.0339** (0.0147) | -0.0198** (0.00879) |
| Percent unemployed | -0.0356 (0.0762) | -0.00847 (0.0541) | -0.0832 (0.0901) | 0.0167 (0.0589) |
| Age 20-24 | 0.0146 (0.124) | 0.000133 (0.0872) | -0.252** (0.125) | -0.142* (0.0770) |
| Female | 0.643 (0.464) | 0.366 (0.286) | -0.124 (0.532) | 0.151 (0.283) |
| Energy and Commerce com., not Health subcom. | -0.143 (0.583) | -0.530 (0.501) | -0.616 (0.685) | -0.555 (0.461) |
| Health subcommittee | 1.358** (0.627) | 1.025*** (0.302) | 2.070*** (0.788) | 0.985*** (0.263) |
| DW-NOMINATE, 1 st Dimension | 1.112 (0.863) | 0.845 (0.586) | 0.760 (0.850) | 1.098** (0.542) |
| Cook PVI | 0.00470 (0.0168) | 0.00166 (0.0121) | -0.0592** (0.0276) | -0.0184 (0.0163) |
| Total bills spon. | 0.0483*** (0.0140) | 0.0222*** (0.00844) | 0.0701*** (0.0175) | 0.0498*** (0.00893) |
| Constant | -2.366 (1.801) | -1.995 (1.252) | 3.240* (1.849) | 0.491 (1.106) |
| lnalpha | | -0.643 (0.414) | | -0.658 (0.299) |
| alpha | | 0.526 (0.218) | | 0.518 (0.155) |
| N | 233 | 233 | 234 | 234 |
| LR χ^2 | 26.1 | 27.77 | 40.64 | 56.64 |
| Prob > χ^2 | 0.004 | 0.002 | >0.001 | >0.001 |
| Pseudo R ² | 0.0827 | 0.0521 | 0.125 | 0.0864 |

Standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

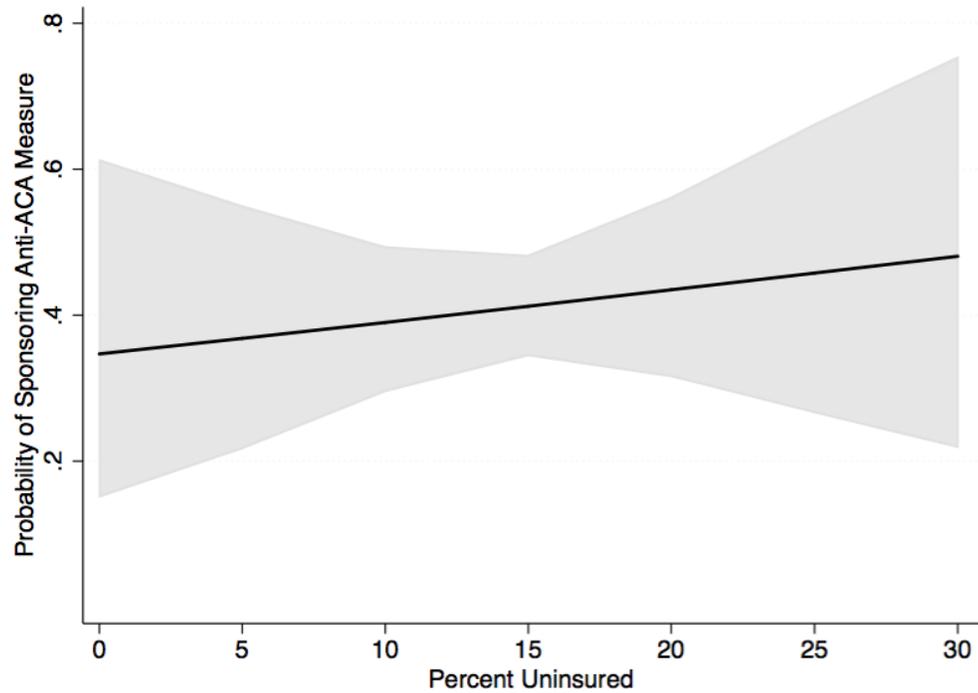
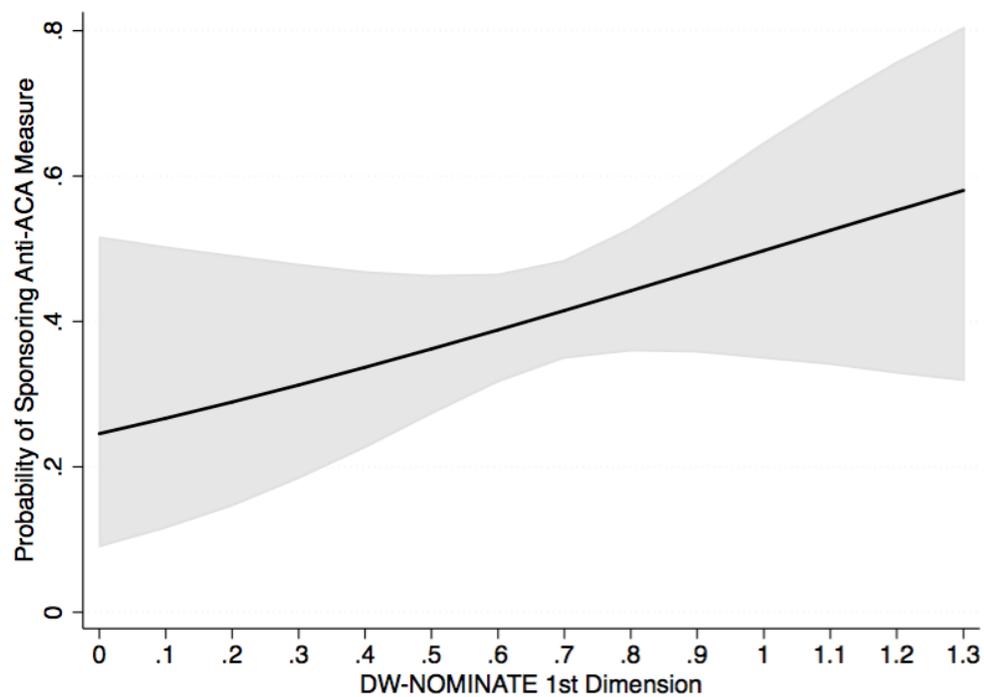
variables, however, is a more complex finding, and may indicate that other factors are driving behavior or that the measures included in these models are not revealing

because the entirety of the party is staunchly opposed to the health care law. These results hold for the count model (Model II), which examines the frequency with which members sponsor legislation to change the health care law.

Analysis of the 113th Congress also reveals the significance of Health subcommittee membership and the total number of bills a member sponsors, but it also results in several other points of significance. Model III's examination of active legislative opposition to the Affordable Care Act reveals some response to demographic characteristics. The negative coefficient on median income indicates that as a district gets wealthier, members are less likely to sponsor anti-ACA legislation, a somewhat counterintuitive finding that may be deserving of further research. This result can also be found in the count model (Model IV) run for the 113th Congress. Another demographic variable to which members responded in this Congress is the young adult population, those between the ages of 20 and 24 who are able to stay on their parents' health insurance as a result of the law. As might be expected, members representing districts with high young adult populations are less likely to attempt to alter the Affordable Care Act. Finally, the conservativeness of districts, captured by Cook PVI data, is also significant. Somewhat surprisingly, the more conservative the district, the less likely a member is to work to change the ACA. This may be a function of Republican members feeling safe in their reelection chances because they doubt the district will vote for a Democrat, removing the need for the member to be as active on health care. Correspondingly, it may be that members representing more moderate districts feel the need to highlight their

opposition to the Affordable Care Act as a means of setting the electoral agenda for early November.

Similar constituency demographic relationships exist in Model IV, which considers the frequency of sponsorship for the 113th Congress. A difference between this model and Model III, however, can be found in which ideological factors are significant. In the count model, Cook PVI is no longer significant, and instead, members' first dimension DW-NOMINATE scores are associated with sponsorship. The positive coefficient indicates that members sponsor legislation in opposition to the Affordable Care Act more often if their personal ideology is more conservative. Considering the two models for the 113th Congress together, the results indicate that more conservative members sponsor more anti-ACA bills on average, but that conservatism is not necessarily enough to prompt any sponsorship of such legislation. Despite the occasional statistical significance of member or district ideological leanings, neither of these measures is associated with sponsorship in more than one model. This implies that ideology may not be the driving factor in this particular examination of sponsorship. The variable measuring the percentage of a member's constituency without health insurance is insignificant in each of the four models that were run. As a result, it appears that district policy considerations are also not a primary motivating factor in the sponsorship of legislation opposing the Affordable Care Act, although some factors, such as the percentage of young adults in the district, do appear to matter. Figures 1 and 3 display the predicted probability of member sponsorship of a bill with an anti-Affordable Care Act provision by the percentage of uninsured constituents a member represents for the 112th and 113th

112th Congress**Figure 3.1** Predicted Sponsorship of anti-ACA Measures by Uninsured Population in District**Figure 3.2** Predicted Sponsorship of anti-ACA Measures by DW-NOMINATE Score

113th Congress

Figure 3.3 Predicted Sponsorship of anti-ACA Measures by Uninsured Population in District

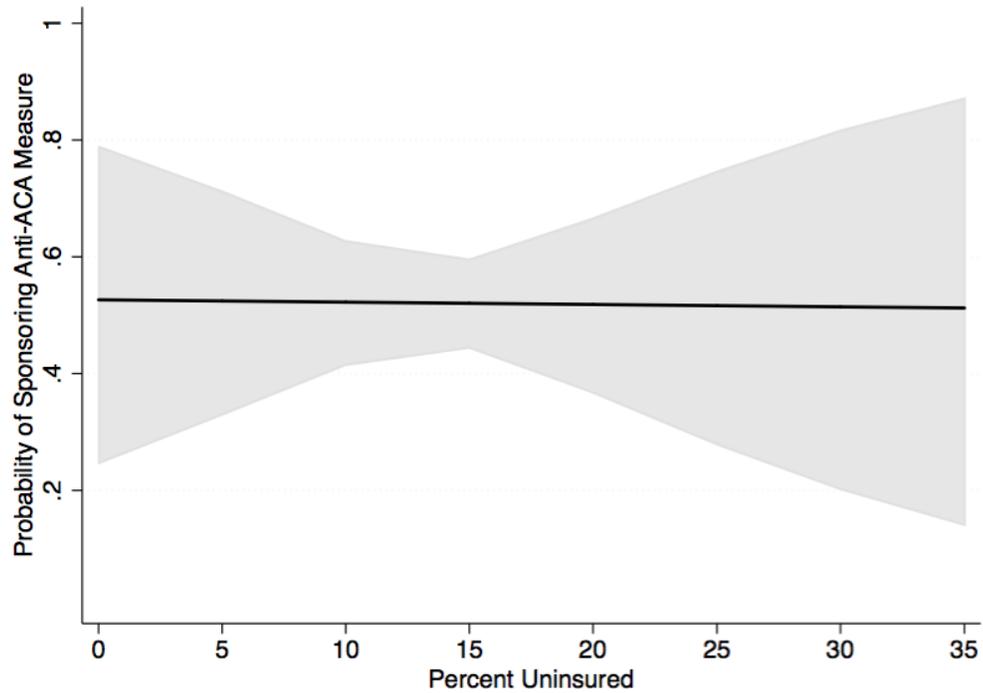
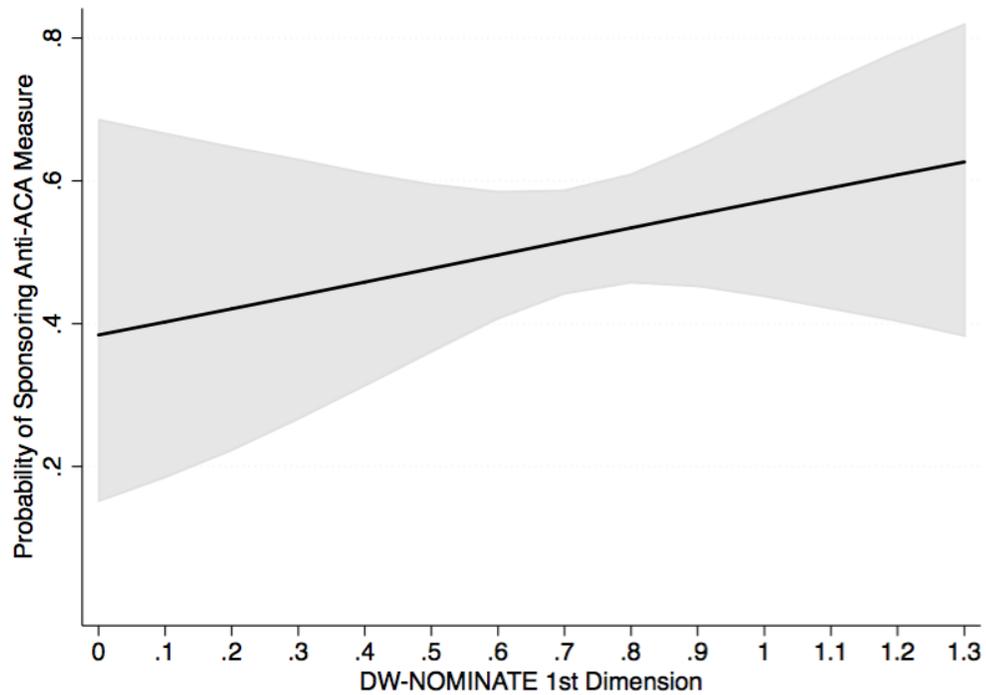


Figure 3.4 Predicted Sponsorship of anti-ACA Measures by DW-NOMINATE Score



Congress respectively, showing that this factor of the district does not appear to be a significant factor in member decisions to change the law aimed at assisting this segment of the population. In examining the binary sponsorship of any sort of anti-ACA measures, first dimension DW-NOMINATE score does not show significance, implying that a member's conservativeness does not play an influential role in driving active legislative opposition to the law (Figures 2 and 4). This, coupled with the lack of significance of several other variables, may indicate that another factor might be at play. It could simply be the case that all Republicans are displeased enough with the law to continue to oppose it, not only the most conservative faction.

DISCUSSION

The GOP has challenged what it perceives to be a “government takeover of healthcare” (Kaplan & House 2010) in large part as a result of increases in spending and the expanded reach of the federal government, both of which run directly counter to the Republican platform. As a result, the party's steadfast opposition to the ACA paints an image of a principled commitment to the conservative ideals of small government and minimal government spending. For more than two years after the law's passage, the Republican Party used its attempts to dismantle the Affordable Care Act as an example of their dedication to these beliefs with the hopes of achieving electoral success and perhaps using the 2012 presidential election as a referendum on the law. Following the Supreme Court's ruling in *National Federation of Independent Business v. Sebelius* in June 2012 and Obama's reelection in November, Republican hopes of a momentous shift in the law's future were dashed. In more recent months, GOP campaign rhetoric concerning the Affordable Care Act

has declined precipitously as other issues have grown more salient and other political victories more likely (Przybyla 2014; Altman 2014a; Altman 2014b).

The 2012 election was considered by many to be a referendum on the Obama presidency, and his reelection could signal that the nation, while not overwhelmingly enthusiastic about the Affordable Care Act (“Public Approval” 2015), is supportive enough that Congress should not spend time seeking to significantly deconstruct it. As criticisms of the ACA have become less common in many areas of the political arena, it would not be surprising to find that the more ideologically motivated members of Congress would be the individuals continuing to rally against the law. This possibility is supported by the statistical significance of DW-NOMINATE scores in the 113th Congress count model (Model IV) and the lack of significance in the corresponding model for the 112th Congress (Model II). However, this relationship was not apparent in the logit model (Model III) analyzing the impact of member ideology on overall sponsorship, making this reading less certain.

Interestingly, the primary variable of interest, the percent of uninsured constituents in a district, was not statistically significantly associated with sponsorship of legislation that would alter the Affordable Care Act in any of the four models run. This casts some doubt on member responsiveness to non-ideological constituent demands. This conclusion is supported by the 112th Congress, in which no constituent demand variables proved significant. Results from the 113th Congress attest to this less, however, as demographic factors, such as young adult population, are relevant factors. The consistency of member responsiveness to demographic variables is nonetheless called into question by their lack of significance in the 112th

Congress. Both member ideology and district ideology are only significantly associated with sponsorship once each, indicating that they are also not consistent factors in member behavior on this issue. As a result, it is difficult to say with certainty what the most influential components are in a member's decision to seek changes to the Affordable Care Act. Nevertheless, the lack of member responsiveness to the percent of uninsured constituents in their district speaks to the potential issues that result from nationalization and polarization. As issues lose their connection to the people and become mere tools in the ideological struggle between Democrats and Republicans, Americans may have to reconsider if their elected officials are as representative as they believe them to be. However, analysis of only one type of legislation regarding only one issue is far from enough to warrant the death knell of representative democracy. Further research, including that in the following chapter, can and should provide greater insight into the responsiveness of members of Congress.

CHAPTER 4

IMMIGRATION, THE EXECUTIVE, AND THE PEOPLE

“The President’s decision to recklessly forge ahead with a plan to unilaterally change our immigration laws ignores the will of the American people and flouts the Constitution.”

—House Judiciary Committee Chairman Bob Goodlatte (R-VA)
November 2014 (House Judiciary Committee 2014)

THE GOP’S IMMIGRATION QUESTION

Although many issues, such as the Affordable Care Act, are obviously incompatible with the ideals of the Republican Party, not every salient topic in the political discourse results in an unambiguous split down the aisle. In many instances there exists overlap between members of opposing parties, as well as significant intraparty disagreement. In recent years, the topic of immigration reform has become a frequently discussed potential component of the legislative agenda. Unlike with the Affordable Care Act, the many competing interests of the Republican Party do not cleanly align to form a plainly evident position for the GOP as a whole. While the ACA directly conflicted with core principles of the Republican Party, namely small government and fiscal conservatism, the more nebulous topic of immigration does not allow for predetermined position-taking, as myriad manifestations of legislation exist.

As is the case with the ACA, there is an ideological opposition to many proposals to reform the immigration system, especially the prospects of “amnesty” or legal status for undocumented immigrants currently in the United States. Running counter to these reservations, typically held by the more conservative members of the party, are the concerns of the business community, typically associated with the more

moderate or “establishment” wing of the GOP, which has been more open to calls for reform (Newhauser et al. 2014, Robillard 2014). The resulting conflict within the party manifested in a 2014 midterm election strategy that aimed to “Keep the peace in the party; capitalize on the unpopularity of the health care law and its troubled rollout; and stick to legislative action in areas that don’t inflame conservatives, such as natural-gas development and federally funded health or science research” (Carney 2014, 329).

However, the ability of the Republican Party to avoid this splinter issue for years to come is dubious at best. The number of Hispanic voters could nearly double in the next fifteen years (Taylor et al. 2012), meaning the electoral role of this crucial demographic will only continue to grow. Following a presidential election in which the Republican candidate, Mitt Romney, received the lowest vote share on record for his party, a mere 27 percent, the need for GOP outreach to Hispanic voters is growing more pronounced (Carney 2014). Moreover, polls reveal that Democrats are viewed as more caring when it comes to the Hispanic population than Republicans (Gates-Davis 2014), indicating the need for a new perception of the GOP on the topic of immigration. Although some Republicans, including Speaker John Boehner, are outlining generalized plans for immigration reform, these strategies have been quickly dismissed by more conservative and ideology-driven members of the party who fear that reforms will give amnesty to those in the country without authorization. Members who would potentially vote in favor of more moderate reforms designed to capture enough Democratic votes to be a legislative success are also fearful of being primaried by more conservative candidates (Carney 2014). As a result, the

Republican Party is in a precarious position, attempting to balance the ideology of its conservative wing with the business and moderate mindsets of establishment members, all the while considering the potentially dire electoral consequences reform votes could have. GOP consultant and aide to former Speaker Dennis Hastert John Feehery warns that a lack of immigration reform would result in a Republican Party unable to “win the White House back in 2016, 2020, or 2024” (quoted in Harwood 2014).

EXECUTIVE ACTION ON IMMIGRATION

Since 2011, however, Republicans have been targeting the White House in a different manner when it comes to immigration. Rather than reforms to aid both current and potential immigrants, many Republicans deliver messages about strengthening border security and criticizing the Obama administration for perpetrating executive overreach (Dumain & Livingston 2014). In particular, many Republicans have taken issue with the use of executive orders and memoranda aimed at delaying the deportation of unauthorized immigrants through prosecutorial discretion (Davis 2014). One prominent example of Obama’s use of these tactics is the Deferred Action for Childhood Arrivals (DACA) policy, which could allow nearly two million young immigrants to avoid deportation and possibly obtain work authorization (Passel & Lopez 2012). In criticizing such measures, the GOP is echoing a similar message to the one it has presented regarding the Affordable Care Act, that Obama is abusing his power in order to promote policies without congressional approval (Gramlich 2013). By attempting to focus much of the debate on immigration—as well as the ACA—on the Oval Office, Republicans are

nationalizing the issues and possibly acting on partisan influences more than constituent influences.

Perhaps as a result of the complex nature of immigration reform within the Republican Party, its members are linking the issue to another national issue. As polarization and partisan politics have come to play a larger role in the political discourse in recent years, Republicans have found much to criticize in the actions of the Democratic Party, and President Obama's administration in particular. Rather than championing a particular aspect of immigration reform, the GOP has spent a large portion of its time underscoring the differences between Obama and their more conservative vision. Consequently, one type of legislation introduced has been highly political in nature, and focuses on a national topic rather than the effects of reform on congressional districts and their inhabitants. These bills seek to reprimand or prevent particular actions by President Obama and the executive branch, especially in response to executive actions that have delayed deportations, such as DACA. By finding which member and district characteristics are potentially associated with this category of legislation, the motivating factors of members of the GOP will be made clearer. This will also provide insight into the nationalized nature of politics by looking at an issue being addressed by criticizing a national actor rather than localizing the issue to the district. One method employed to accomplish this task is to examine the cosponsors of such legislation to determine which members are most actively critical of Obama's immigration actions. This will provide insight into how responsive members are to the characteristics of their constituencies on this issue.

The 112th Congress, spanning 2011 through January 2013, saw the introduction of multiple pieces of legislation introduced by House Republicans with the aim of limiting or critiquing the use of executive power on immigration (Bruno 2011). Two of these bills, both of which failed to leave the House, were H.R. 2497, the Hinder the Administration’s Legalization Temptation (HALT) Act, and H.R. 5953, the Prohibiting Back-door Amnesty Act. The former, introduced by Congressman Lamar Smith (TX-21) was cosponsored by 57 Republicans, while the latter received 41 Republican cosponsors and was introduced by Congressman Benjamin Quayle (AZ-3). The HALT Act aimed to revoke the ability of the Obama administration to provide relief to unauthorized immigrants through various means (H.R. 2497 2011). The Prohibiting Back-door Amnesty Act sought to nullify a June 17, 2011 Immigration and Customs Enforcement (ICE) memorandum that allowed agents to exercise more discretion in certain unauthorized immigrant cases (H.R. 5953 2012).

During the 113th Congress, which met during 2013 and 2014, two pieces of legislation were introduced by House Republicans that explicitly criticized the Obama administration for alleged overreach. The first was H.R. 5160, “To prevent expansion of the Deferred Action for Childhood Arrivals program unlawfully executed by Executive memorandum on August 15, 2012,” and was sponsored by Representative Marsha Blackburn (TN-7). The second was H.R. 5759, Preventing Executive Overreach on Immigration Act of 2013, sponsored by Representative Ted Yoho (FL-3). The Blackburn-sponsored H.R. 5160 received 57 Republican cosponsors—as well as one Democratic cosponsor, Nick Rahall (WV-3)—and focused on nullifying an

executive memorandum from August 15, 2012 which eased deportation efforts for children. Yoho's H.R. 5759 attracted 17 cosponsors, all of whom were Republicans. This bill also took aim at a memorandum, this time from November 20, 2014, and other actions from the executive branch that would have deferred action against unauthorized immigrants.

ANALYSIS AND DATA

There are various possibilities for which factors are the motivations for member stances on immigration, but most fall into one of two categories. The first is constituency demographics and localized characteristics, which includes factors such as the proximity of the district to the border and the percent of Hispanic constituents living in a member's district. The other category is comprised of ideological and partisan factors including district partisanship and the level of conservatism of the representative. Responsiveness to district partisanship rather than, for example, demographics may indicate a changing perception of the constituent by representatives, possibly as a result of a changing political environment. It is therefore possible that member behavior is being driven largely by constituency needs, or by partisanship and ideology, or by some combination of the two. Simultaneously examining two bills per Congress² allows for the investigation of a greater number of members and motivations to paint a more accurate picture of member behavior. This

² In both the 112th and 113th Congresses, legislation explicitly aimed at nullifying the administration's actions on immigration were limited, despite the prominence of the issue in GOP rhetoric. As a result, member support could be observed in a concise manner. One measure was omitted for lack of cosponsors (0) was H.R. 5316, "Safely Exacting Cautious Useful Rules for Immigration This Year (SECURITY) Act," sponsored during the 113th Congress by Rep. Steve Stockman (TX-36).

will also lower the chances that one particular bill attracted or repelled cosponsors based on various confounding factors.

An examination of several variables is necessary in order to determine which of these possibilities is most accurate (Table 4.1; Table 4.2). First, constituency demand factors, especially the Hispanic percentage of a district, will be considered. Other such variables include the proximity of the district to the US-Mexico border and the district's median income. Nationalization factors include the conservativeness of the member, measured by DW-NOMINATE first dimension scores. A lack of constituency demand variable significance could also be interpreted as supporting this interpretation. Other control variables³ include the sex of the member, their membership on the Judiciary Committee, which oversees immigration and border security legislation, and the total number of bills cosponsored by the member during the given Congress. Cosponsorship of the aforementioned bills is measured by a binary indicator variable equal to 1 if a member cosponsored either or both pieces of legislation during the respective Congresses. During the 112th Congress, 79 Republican members of the House of Representatives cosponsored at least one of the two pieces of legislation under consideration, and 21 of these members cosponsored both. In the 113th Congress, the number was slightly lower, as 65 members of the GOP cosponsored at least one, 10 of whom cosponsored both.

³ An indicator variable for Hispanic member of Congress was not included. For analysis of the 112th Congress, no Hispanic members cosponsored the legislation being examined, which results in perfect prediction of failure in logit models for Hispanic members. Only one Hispanic member, Bill Flores (TX-17), cosponsored the relevant legislation in the 113th Congress. As a result, and for continuity with the 112th model, this potential control variable was not used in the models in this chapter.

In order to test which factors were associated with member support for criticisms of the executive branch's actions on immigration, measured using cosponsorship of such legislation, a logit model was run for both the 112th and 113th

Table 4.1 Data and Sources

| Variable | Type | Description | Source |
|----------------------------------------|--------------|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| Percent Hispanic | Quantitative | Percent Hispanic in district | US Census data |
| Cook PVI | Quantitative | Cook Partisan Voting Index, 2012. Share of vote by which Romney won district | Polidata (2013) |
| Judiciary com. | Categorical | 1 = member of Judiciary Committee, 0 otherwise | United States House of Representatives (2015) |
| Border state | Categorical | 1 = district in US-Mexico border state, 0 otherwise | Self |
| Total bills cosp. | Quantitative | Total number of bills cosponsored during given Congress | Library of Congress (2015) |
| Female member | Categorical | 1 = female member, 0 otherwise | Center for American Women and Politics (2015) |
| Median income | Quantitative | Median income in district | US Census data |
| DW-NOMINATE, 1 st Dimension | Quantitative | DW-NOMINATE score, 1st Dimension. Higher values indicate a more conservative stance on the role of government | Carroll et al. (2013) |

Table 4.2a Summary Statistics
112th Congress

| | Obs. | Mean | Median | SD | Min. | Max. |
|-------------------------------------------|------|--------|--------|-------|-------|--------|
| % Hispanic | 239 | 12.60 | 7.39 | 13.50 | 0.78 | 77.29 |
| Median income (\$ thousands) | 240 | 52.23 | 48.87 | 12.47 | 28.65 | 101.89 |
| DW-NOMINATE, 1 st Dimension | 240 | 0.68 | 0.67 | 0.17 | 0.11 | 1.29 |
| Cook PVI | 233 | 7.85 | 8 | 9.87 | -41 | 29 |
| Total Bills cosp. | 243 | 213.50 | 203 | 80.62 | 2 | 563 |

Table 4.2b Summary Statistics
113th Congress

| | Obs. | Mean | Median | SD | Min. | Max. |
|-------------------------------------------|------|--------|--------|-------|-------|--------|
| % Hispanic | 231 | 11.88 | 7.55 | 12.36 | 1.01 | 75.38 |
| Median income (\$ thousands) | 234 | 53.95 | 50.46 | 12.91 | 31.35 | 110.44 |
| DW-NOMINATE, 1 st Dimension | 234 | 0.73 | 0.74 | 0.18 | 0.03 | 1.26 |
| Cook PVI | 234 | 10.45 | 10 | 6.40 | -2 | 29 |
| Total Bills cosp. | 234 | 213.80 | 207 | 83.79 | 0 | 614 |

Congresses. Model I uses as its dependent variable cosponsorship of either or both H.R. 2497 and H.R. 5953 in the 112th Congress, while Model II utilizes the same dependent variable with H.R. 5160 and H.R. 5759 as the cosponsored legislation.

Examination of these immigration-themed bills criticizing the executive branch could produce three possible outcomes. The first, supporting the nationalization argument, would be the lack of importance of demographic constituent demands in both the 112th and 113th Congresses, implying that other factors are playing a more prominent role in Republican representatives' behavior than local interests. This outcome is feasible when one considers the particularly salient nature of the contemporary immigration debate and Obama's actions (Saad

2014). Framing the immigration debate in terms of executive overreach also affords Republicans an opportunity to criticize the Democratic Party in future elections and to deem them guilty of favoring unchecked presidential power by partisan association with the Obama administration. After eight years of an Obama White House, this argument could be used in a sort of referendum against the Democrats in 2016 (Jacobson 2007; Druckman 2001).

The second possibility, refuting the nationalization argument, would find no significance for ideological and partisan factors and instead only an association between cosponsorship and constituent needs. The growing electoral role of Hispanic populations within constituencies and the sizable impact reform could have on particular regions of the country lend credence to this potential finding (Wasniewski et al. 2013). Moreover, the reelection interest of members (Mayhew 1974) may most greatly benefit from adherence to constituency demands (Erikson 1978), and as a result, members could be particularly responsive to the racial and ethnic composition of their district (Grose 2005; Sharpe & Garland 2001; Welch & Hibbing 1984).

The final possibility is some mix between the two, which could indicate that the issue of immigration has not been as deracinated from constituencies as it may seem. This could demonstrate the influence of both party and member preferences (Ansolabehere et al. 2001), the latter of which could be largely influenced by constituent demands. Due to the interplay between district characteristics, such as Hispanic constituency, and national interests of the party, including adding the growing Hispanic population to the Republican coalition, it follows that this outcome could be observed. The significance of district support for the Republican presidential

candidate, captured by the Cook Political Voting Index, would indicate a response to constituency demands in the ideological or partisan sense rather than demographically. This could be indicative of the potentially changing factors to which members of Congress are responsive as the American political environment has transformed in recent decades.

RESULTS

The results of the logit models run to test these scenarios are included in Table 4.3. Model I, analyzing the 112th Congress, shows a positive and statistically significant relationship between first dimension DW-NOMINATE score and cosponsorship of executive overreach on immigration legislation, indicating that more conservative Republican members of the House were more likely cosponsors. However, no other variables of interest were revealed to be significantly associated with cosponsorship. This changes during the 113th Congress (Model II), where first dimension DW-NOMINATE score was significant, as were a binary measure of border state district and, perhaps most revealing, the Hispanic percentage of a member's constituents. NOMINATE score continued to have a positive association with cosponsorship, as did the border state variable, indicating that more conservative members and members from border state districts were both more likely to cosponsor critical immigration legislation. The negative coefficient on Hispanic percentage of district implies that, for the 113th Congress, as a district becomes more Hispanic, its member becomes less likely to be a cosponsor.

Table 4.3 Logit Regression Results

| | (I) <i>112th, Exec. Overreach Cosponsor</i> | (II) <i>113th, Exec. Overreach Cosponsor</i> |
|-------------------|-------------------------------------------------------------------|--------------------------------------------------------------------|
| Percent Hispanic | -0.0247 (0.0188) | -0.0830*** (0.0288) |
| Cook PVI | -0.00707 (0.0161) | 0.00755 (0.0298) |
| Judiciary com. | 0.337 (0.493) | -0.754 (0.629) |
| Border state | 0.816 (0.549) | 3.297*** (0.747) |
| Total bills cosp. | 0.00856*** (0.00201) | 0.00554*** (0.00202) |
| Female member | 0.309 (0.506) | 0.477 (0.559) |
| Median income | -0.0101 (0.0133) | 0.00343 (0.0143) |
| DW-NOM 1st | 2.806*** (0.953) | 2.074** (1.025) |
| Constant | -3.880*** (1.052) | -3.789*** (1.287) |
| Observations | 230 | 231 |

Standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

112th Congress

Figure 4.1 Predicted Cosponsorship of Bill Opposed to Obama Admin. Executive Action on Immigration by Hispanic Population in District

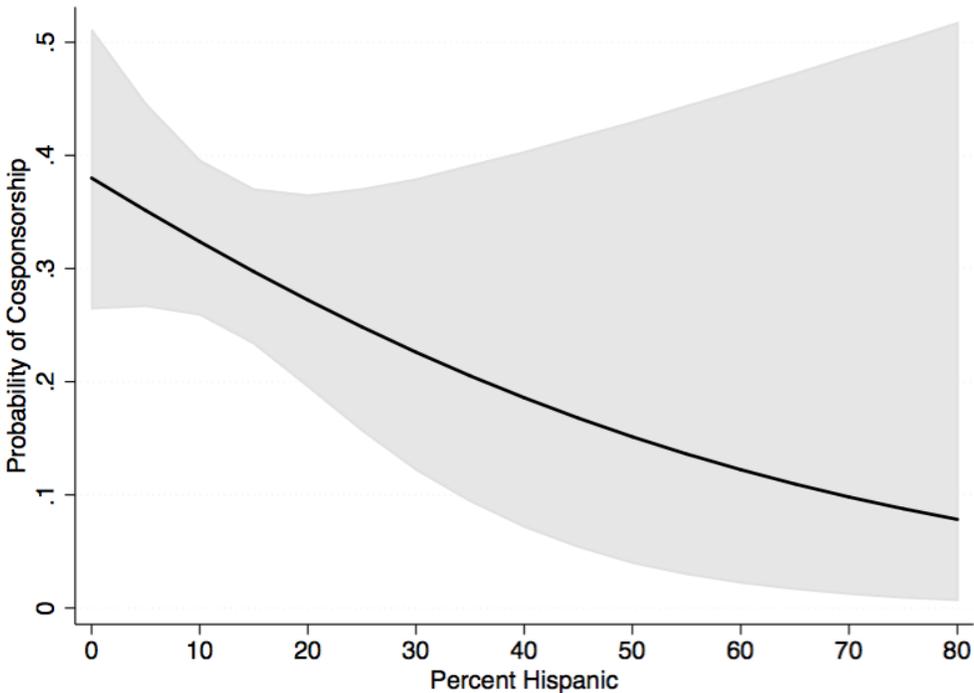
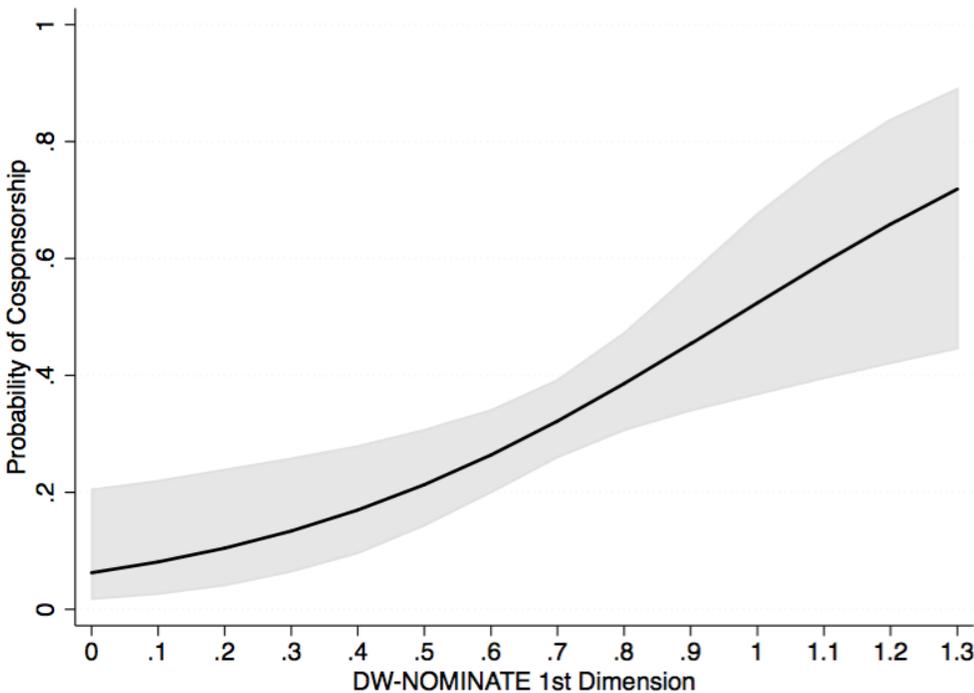


Figure 4.2 Predicted Cosponsorship of Bill Opposed to Obama Admin. Executive Action on Immigration by DW-NOMINATE Score



113th Congress

Figure 4.3 Predicted Cosponsorship of Bill Opposed to Obama Admin. Executive Action on Immigration by Hispanic Population in District

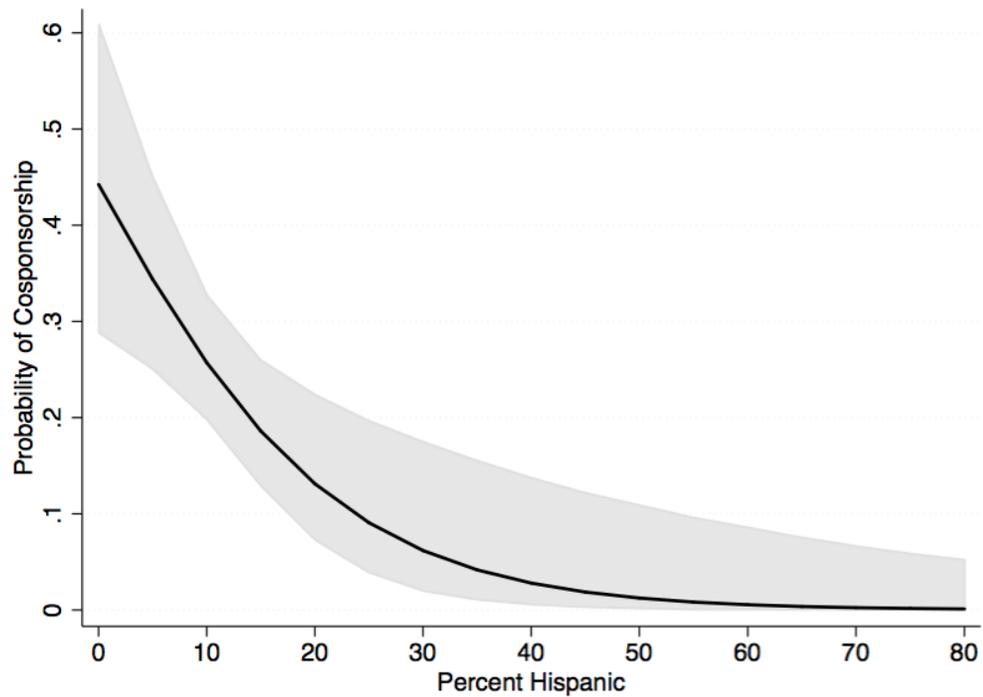
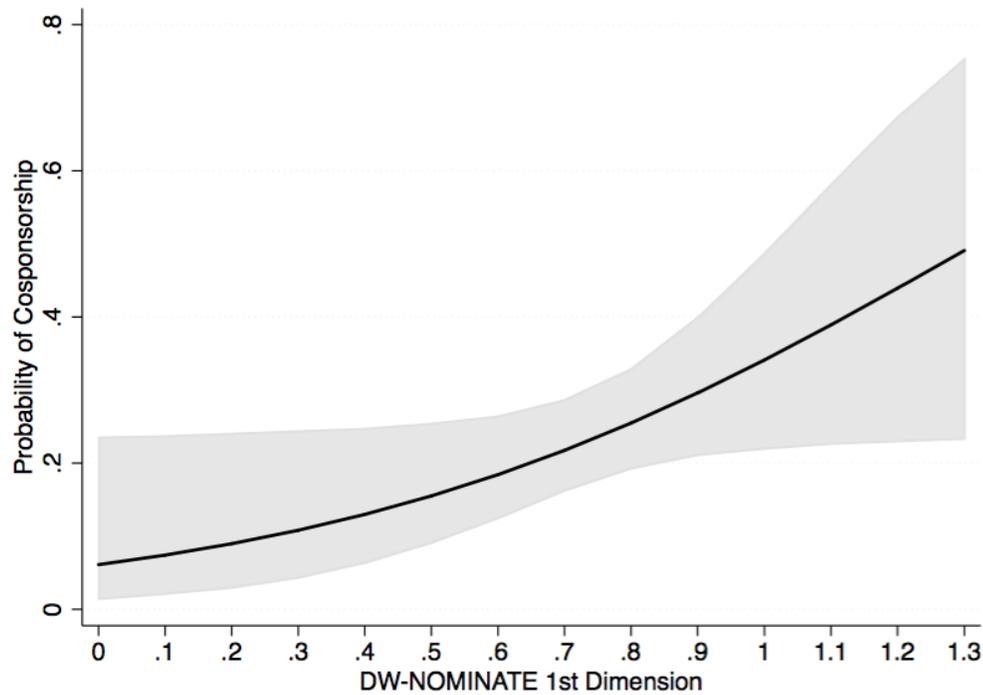


Figure 4.4 Predicted Cosponsorship of Bill Opposed to Obama Admin. Executive Action on Immigration by DW-NOMINATE Score



DISCUSSION

The models run in this chapter demonstrate the varying factors that may have contributed to Republican House members' decision whether to cosponsor legislation that criticized or intended to weaken the power of the Obama administration and executive branch on the topic of immigration during the 112th and 113th Congresses. Three possibilities were considered: constituency demand factors such as the Hispanic population in a district would be consistently significant, non-constituent factors would be exclusively associated, or a combination of these two outcomes would occur. Given the relevance of the ethnic composition of the district in the 113th Congress and lack of relevance in the 112th Congress, as well as the consistent significance of member ideology, it appears both localized constituency demand factors and non-constituent factors played a role in member behavior regarding cosponsorship. These results give rise to several questions, including why some measures are only significant in the later Congress, whether this provides any evidence in support or opposition to nationalization, and what implications this has on political affairs.

Although a part of the national political dialogue, the issue of immigration reform was not nearly as salient in the public mind during 2011 and 2012 as it has been in more recent years. Moreover, the 2012 election is likely to have united the GOP in opposition to the agenda of the Obama administration more than an election in which Obama's name was not on the ballot, such as in the 2014 midterms. While immigration had increased in salience to the public and in future electoral important to the GOP by 2014, Republicans may have continued to avoid the controversial issue under the assumption that the core voters turning out for the midterm election were

not the population that the party needed to sway (Campbell 1960), or simply because disagreements emerged as the issue became more pressing. A lack of salience with the public and a more simplistic rhetorical tactic may have enabled members to simply toe the anti-Obama party line, perhaps explaining the lack of significance of district Hispanic population in the 112th Congress. As the issue increased in prominence during the 113th Congress and the focus on electorally defeating Obama was surpassed by the desire to capture votes in future elections, members likely became more focused on appeasing important populations. That is, the focus may have shifted toward the future. The lack of a singular GOP immigration plan also means that there is no clear party line to toe, no clear difference between the parties as wholes. As a result, Republican House members may have shifted to focusing more on demographic aspects of the constituency rather than highlighting a nonexistent party talking point. Interestingly, the conservativeness of members matters across both Congresses, but the ideological stance of the district itself, for which the Cook Partisan Voting Index (PVI) acts as proxy, does not. This indicates that the focus of members has not shifted solely to ideology, because the 113th Congress saw representatives paying attention to demographic characteristics of the constituency but not the ideological characteristics of the constituency⁴.

This does not necessarily support the nationalization of politics argument, but rather may suggest a more nuanced argument. Perhaps the issues that become a part

⁴ Although one might suppose the partisanship of a district and the ideology of its member to be highly correlated, this data suggests a weaker relationship than might be expected. The correlation coefficient for DW-NOMINATE 1st dimension score and Cook PVI were 0.16 and 0.22 for the 112th and 113th Congresses, respectively. Moreover, Cook PVI remains insignificant even when DW-NOMINATE 1st dimension scores are omitted from the models.

of the national agenda could be determined by partisanship and ideology—which may have been the case with Obama’s immigration actions—but the manifestations of member behavior on the particular details of issues can still be influenced by how they will directly affect constituents, especially prior to the formation of a unified party stance. This points to the possibility that response to constituent factors has changed in recent decades, and as a result, members of Congress are prioritizing or weighing characteristics of their districts in new and different ways. In this case, immigration may have risen to saliency because it is a broad, rousing issue, but members will continue to take into consideration the real world impact on constituents unless they can satisfy both their reelection interest and partisan goals simultaneously. If there are many Hispanic constituents, the member will not be as likely to support legislation that could undo beneficial steps taken by the executive branch. On the other hand, if the legislation is in line with the ideology of the member, or if the district may be harmed by an influx of immigration, a representative may cosponsor such legislation. On immigration, it appears members act both as “trustees,” voting with their own personal conscience and ideology, as evidenced by NOMINATE score significance, and as “delegates” representing the needs of the constituents, although not paying as much attention to the ideology of the district (Fox & Shotts 2009; Kuklinski & Elling 1977).

Despite the national prominence of immigration and the ability of members to explain support for the legislation at hand as criticisms of the administration and unchecked or excessive demonstrations of power, representatives have not wholly shifted their focus from localized constituent demands to ideology. This is not to

discount the role of ideology and nationalization, as the legislation itself focuses more on the overall national impact than on affected districts, and member conservativeness is associated with cosponsorship in both Congresses, the only variable of interest to have a relationship with cosponsorship in the 112th. Exactly when these factors play a larger role and why, however, remains to be seen.

CHAPTER 5

CONCLUSION

THE DEMOCRATIC REPRESENTATIVE FROM MISSISSIPPI

After examining the current state of politics and representation in the United States, it appears that members of Congress like Gene Taylor may be rare breeds on two counts. First, as ideological sorting, partisanship, and polarization have increased, searching for a liberal Republican or conservative Democratic in Congress is becoming a fool's errand. More relevant to this research, however, is the fact that Congressman Taylor appears to have served his constituents based on their desires. When an issue affected his constituents, whether damage from natural disasters or the closing of major centers of employment, Taylor led localized fights to represent their interests. Even on ideology, he was representative of his constituents, coming from a conservative district and typically voting for conservative causes.

In 2014, Taylor launched a comeback bid, and, sensing his partisan affiliation was a primary reason for defeat, registered as a Republican. His former constituents, however, were not swayed to cast their ballots for the former Democrat. In the weeks leading up to the Republican primary, Congressman Steven Palazzo, who had defeated Taylor four years earlier, ran advertisements connecting the former representative with Nancy Pelosi and calling him a "lifelong Democrat" (Jaffe 2014, 1). The attacks on his old party history worked, and despite touting his conservative voting record and plan to improve the district's Keelser Air Force Base, Taylor was defeated in the primary race (Trygstad 2014). Although he could point to constituent work he had done in the past, and ran on his intentions to continue providing for the

district, his opponent's nationally focused attacks were able to prevent Taylor's return to Washington.

Gene Taylor's trajectory is not entirely surprising after considering the analysis presented here. A focus on the district's needs appears to no longer be enough to satisfy constituents who were consistently exposed to nationalized political issues, ideology, and partisanship. Taylor's ousting from Congress is symbolic of a change far larger than one to Mississippi's 4th district. It represents the change in congressional politics in Washington and across the country as nonpartisan factors are put on the backburner and ideology dominates the discourse. The change does not appear complete, however, as many members of contemporary Congresses respond to demographic factors.

SUMMARY OF FINDINGS

When much of the literature on member responsiveness to constituents was being written, the two major political parties were heterogeneous institutions composed of members whose views were often divergent on major issues facing the country. Elected officials were forced to find overlap in the wishes of their constituents in order to craft legislation capable of passing into law. As voters and their representatives began to sort into more ideologically homogenous parties, however, legislative preferences began to align and the parties began to grow apart. The result was a more cohesive message being delivered by each party, one that appealed to members and constituents regardless of geographic location. As the focus of the congressional agenda became nationalized, and as the president became a more polarizing figure, it is likely that the public and their representatives have been shaped

by the environment in which they act. This analysis focused on the member side of this dyadic relationship, particularly the House majority Republicans in the 112th and 113th Congresses.

Both the Affordable Care Act and the administration's behavior on immigration reform are inexorably linked to President Obama, making them unavoidably nationalized issues. The GOP presenting their efforts on health care and immigration reform in the form of opposition to the president, as well as national news coverage of the underlying ideological and partisan battles between the parties, have certainly accentuated this characteristic. As a result, this analysis is particularly relevant to contemporary Congresses and can also be considered when examining the tripartite relationship between Congress, the president, and the American people.

Following examination of endeavors to alter the ACA after its passage, the role of nonpolitical constituent characteristics is questionable. The population the 2010 health care law expected to affect the most, those without health insurance, did not influence the behavior of members of Congress. However, the defeat of demographic features of the district is not certain, as other affected portions of the district, such as young adults, influenced members' actions in some cases. The conservativeness of members was not a dominant factor here, implying that ideological is not necessarily overwhelming the entire debate.

In the case of representatives' responsiveness to constituents with regard to executive actions on immigration reform, demographic factors again appear only occasionally influential. Although Republican members of the House seem to have been influenced by the size of the Hispanic population in their districts during the

113th Congress, the same is not true of the 112th Congress. Moreover, member conservativeness was consistently associated with support of legislation critical of the Obama administration's immigration actions, indicating that ideology is playing a role on some issues. The occasional influence of ideology does not, however, prohibit other factors from shaping legislative behavior. Members also appear to be responding to features of the population other than those we might expect. On health care reform issues, the uninsured are a sensible focus of members' considerations, and yet this group did not prove influential. Similarly, Hispanic constituents were only sometimes a strong factor in the behavior of representatives in the case of executive action on immigration. Another constituent measure, the district's partisanship, was insignificant in every model run in this analysis, indicating that while ideology may be shaping issues and member's actions, the ideology of constituents is not. Considering all of the results from this study of the Republican response to the Affordable Care Act and Obama's executive actions on immigration, members appear to be inconsistently responsive to demographic district characteristics and their own ideological leanings, and unresponsive to the ideology of the district.

LIMITATIONS AND FURTHER RESEARCH

Despite examining multiple pieces of legislation across two Congresses, the sample size of this analysis is still relatively small. In expanding the scope of this thesis, future research could add to the understanding of contemporary member responsiveness to constituents by employing a longitudinal study of behavior on an issue from its earliest manifestations to the end of the legislative process as a means

of determining when, if at all, the prioritization of influences shifts. Moreover, individual pieces of legislation regarding the Affordable Care Act were not coded for the degree to which they would alter the health care law. Future investigations may find that the roles of the constituency and ideology differ after taking a more nuanced view of legislation. I have also only examined sponsorship and cosponsorship of legislation, leaving open and untested the possibility that members change the weight they give to different factors at various stages of the legislative process. The differences in responsiveness to nationally salient and less popularly considered issues are also worth examining, as this study focus on issues directly connected to the president. As a result, the conservativeness of representatives may play a larger role in the legislation examined here than it does on other issues. Further, this research only examined the behavior of Republican members of the House of Representatives, requiring future research to investigate the impact ideology and demographics have on both Democrats and senators, and how members of different parties and different chambers respond to issues.

THEORETICAL IMPLICATIONS

The results of this thesis imply that members are not entirely responsive to district demographic and ideological demands. Further, in the event that these influences are not associated with the behavior of legislators, the driving factor is not always purely based on the ideological leanings of the member of Congress. Instead, a more nuanced approach to member behavior must be taken, one in which the degree of issue nationalization, the particular type of legislation, and the role of other influential actors, including the president, are all considered. The belief that

partisanship and ideology have usurped constituent factors on most issues in Congress does not appear to be an entirely accurate portrait of the current House of Representatives. Instead, theorists should focus on the way these various factors interact with one another to influence members of Congress, and on which types of issues each factor has the greatest impact.

In combination with the member goal literature (Mayhew 1974; Fenno 1973; Fenno 1978), my findings can contribute to an understanding of Congress that applies to its modern manifestation. They suggest that members have not been entirely nationalized in their views as the district still plays an important role in certain sponsorship and cosponsorship decisions, but also that some sort of nationalization may be occurring due to the fact that the district is not a dominant factor in the decision-making process. The country and Congress may have left the nadir of nationalization (Claggett et al. 1984), but representatives continue to maintain some responsiveness to demographic characteristics of their district.

POLICY IMPLICATIONS

This thesis provides particularly interesting results when it comes to immigration reform, an issue that will only grow in salience as the 2016 elections approach. If conservatives continue to oppose reforms that benefit Hispanic populations, the intraparty disagreement of the GOP may continue into the future, potentially pitting them against members with large Hispanic constituencies. As the ideology of the district was not associated with member behavior on this issue or with regard to the Affordable Care Act, it is possible that members will act on future legislation considering only their own leanings and some demographic characteristics

of their constituents. As a result, members will likely support legislation if it is ideologically palatable or if they can take credit for a tangible benefit it provides to the district (Mayhew 1974; Adler & Wilkerson 2012). In other words, members may not be responsive to the ideology of the district, instead prioritizing their own ideology and case-specific demographics of their constituents. Going forward, these are the most likely ways of predicting member support for legislation. Demographics may not be the only factor to which members of congress respond, but neither is ideology.

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