**A House Divided? Roll Calls, Polarization, and Policy Differences in the U.S. House, 1877–2011**

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Studying political conflict in legislatures is necessary for understanding many issues related to governance, but changes in who serves and what is debated creates difficulties for characterizing that conflict over time. Focusing on the enduring issue of civil rights in the U.S. since Reconstruction, we show that using current methods and measures to characterize elite ideological disagreements are hard to interpret or reconcile with historical understandings because of their failure to adequately account for the policies being voted upon and the consequences of the iterative lawmaking process. Incorporating information about the policies being voted provides a starkly different portrait of elite conflict -- not only are contemporary parties relatively less divided than is commonly thought, but the conflict occurs in a smaller, and more liberal, portion of the policy space. In addition to revising commonly held beliefs about the nature of elite conflict occurring since Reconstruction, our argument also highlights several substantive and methodological issues with using measures based on elite behavior to compare political conflict and polarization across time.

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The study of political conflict is at the center of political science, and the study of political polarization in particular is among the most important avenues of research today, centrally important for studying lawmaking, representation, and the performance of American political institutions (Binder 1999;2003; Fiorina, Abrams, and Pope 2005; Hetherington 2009; Krehbiel 1998; Lee 2008; Levendusky 2009; McCarty, Poole, and Rosenthal 2006). What polarization means can be unclear (Lee 2015), but increasing elite disagreements are often interpreted as reflecting increasing ideological disagreements. We question such an interpretation and argue it is difficult to reach any conclusion about the meaning of past and contemporary disagreements without accounting for policy content.

We demonstrate the difficulties of existing methods and suggest a partial corrective by focusing on the political conflicts concerning African American civil rights since 1877. Perhaps no conflict in American politics is more long-standing and important than that over black Americans' legal status and civil rights, from the founding through the Civil War and Reconstruction and up to the present. Focusing on elite conflict in this issue not only probes the ability of political elites to deal with enduring issues, but it also provides a rich historical record against which competing characterizations of policy preferences can be compared. Despite being more likely to cast party line votes in recent Congresses, for example, elected officials' preferences on civil rights issues are almost certainly more similar now than at any other time in American history -- members may disagree about the appropriate formula for preclearance under the Voting Rights Act, but few contest whether African Americans should have the right to vote.

We argue for a revised interpretation of measures that are commonly used to characterize ideological disagreement and political conflicts in several respects. First, we show that current measures of political conflict provide erroneous conclusions about elite policy preferences

regarding civil rights because they fail to account for the evolving policy agenda. Widely used measures suggest not only that that the policy preferences of currently sitting members are more extreme and divided than those between members who served following the American Civil War, but they also implausibly predict that currently sitting Democrats would oppose Federal policies to protect black Americans' civil rights that were considered in the post-Reconstruction era. The estimates also suggest that the ideological scope of the policies being debated has not shifted in over 100 years despite dramatic changes in American politics and society.

Second, when we account for the issues being voted by leveraging the relationship between linked sequences of policies (e.g., the passage of the 1965 Voting Rights Act and its' subsequent reauthorizations), a different portrait emerges. While partisan-based divisions have increased in the post–World War II era, current interparty differences are considerably diminished relative to historical levels. Moreover, the scope of political conflict has narrowed considerably—only a fraction of the issue space that was contested post-Reconstruction is politically relevant today (because of prior lawmaking activity). These conclusions resonate with commonly held historical understandings, but they contradict the conclusions of commonly used measures.

Last, and perhaps most importantly, the differences we document highlight the difficulty of characterizing policy preferences on the basis of voting coalitions alone because of the fact that many observationally equivalent behavioral models can rationalize the pattern of observed votes.

In revising our characterization of elite conflict and polarization, our findings have important consequences for how we study representation, lawmaking, and the performance of political institutions. If, as we argue, existing roll call-based measures face difficulties when characterizing ideological disagreements over time, and if the characterizations of the nature of political conflict change once the policies being voted on are accounted for as we suggest, then it

is difficult to interpret the meaning of the numerous regressions that employ such measures to try to account for the impact of concerns related to the impact of elite policy preferences (e.g., preference divergence, preference homogeneity, and the amount of policy gridlock). To be clear, we are not the first to raise these cautions (see, for example, Poole and Rosenthal 1989; McCarty 2011), but our focused exposition combined with our demonstration for how to account for policy context will hopefully highlights limitations that are often too quickly assumed away.

We establish our argument as follows. Section I discusses the problem of constructing temporally comparable measures of policy preferences by highlighting the implausible conclusions that are implied by widely used extant measures. Section II argues for the need to better account for policy content, and Section III provides a partial corrective by separately analyzing civil rights votes and incorporating knowledge about the policy content of votes to better anchor the policy space being estimated. The appendix demonstrates similar consequences result when analyzing civil rights votes in the U.S. Senate but also votes related to Social Security. We conclude in section IV by discussing the broader implications of our findings.

## I. Measuring Political Conflict over Time Using Roll Calls

Given the pervasive need to quantify and compare conflict over time, scholars have long used information about how members vote in Congress to characterize changing patterns of political conflict. While roll call–based measures were originally defined explicitly in partisan terms (e.g., Rice 1928), modern measures are interpreted by many as measuring the extent to which the most-preferred policies differ within and between Congresses. For example, the large literature using roll call based estimates to measure "gridlock intervals" and their impact on lawmaking over time presumes not only that the elite voting behavior reflects policy preferences, but also that the

cardinality of the estimates themselves can be meaningfully compared over time (e.g., an ideal point of 1 is twice as extreme as an ideal point of .5 regardless of when those members served).

In addition to producing measures that have been used in many secondary analyses, an entire research agenda on polarization has arisen around the meaning and causes of what the measure suggests about the nature of political conflict over time. Polarization can mean many things, but it is commonly defined as the difference between the two parties' average ideal point, estimated using a statistical model applied to roll call voting behavior in Congress. This difference is interpreted as measuring the ideological distance between the average most-preferred policies of party members. Figure 1 graphs the difference in average ideal points over time using two estimators that are commonly used to characterize political conflict over time.

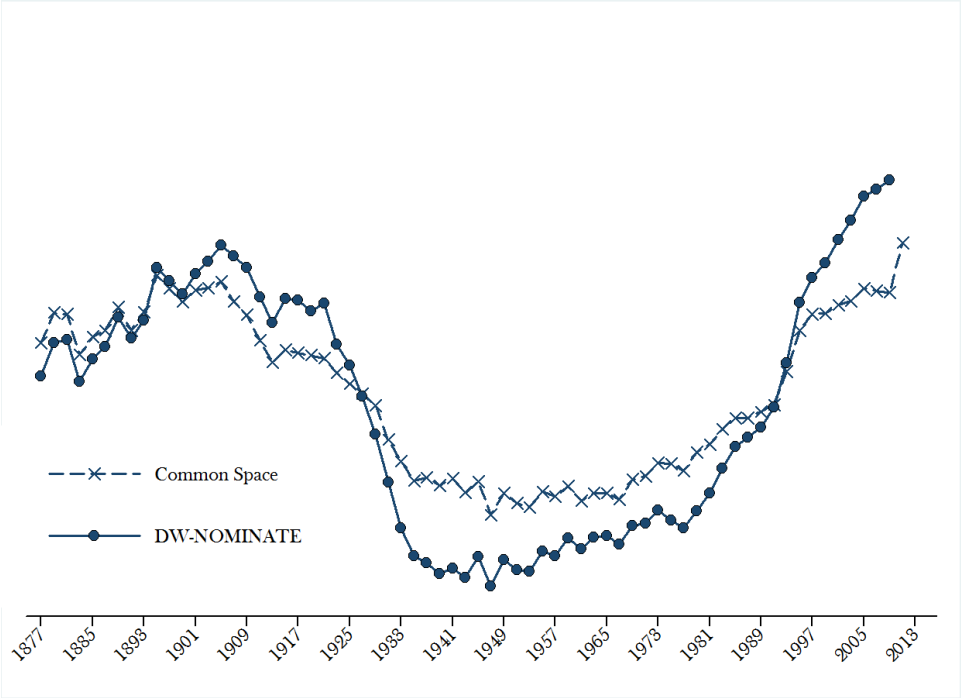


**Figure 1: Elite Polarization in Congress, 1877–2013**

Figure 1 provides the portrait of elite polarization in the United States that has been largely cemented as an empirical truth: the U.S. is now more ideologically polarized than ever, and the

state of American politics is therefore, as one notable book title claims, *Even Worse Than It Looks* (Mann and Ornstein 2012).[4] Three aspects of Figure 1 are worth noting. First, the ideal points of the two parties in what is often assumed to be a liberal-conservative ideological dimension are now further apart than they have ever been in U.S. history. Second, inspecting the member-level estimates used to construct the mean differences in Figure 1 reveals that the scope of ideological conflict has not shifted, contracted, or expanded in more than 200 years: ideal points generally range from −1 to 1 in 1789, and they generally range from −1 to 1 today. Third, differences in how commonly used statistical models attempt to ensure overtime comparability do not affect these conclusions: identical conclusions emerge if we assume ideal points are unchanging over time (Common Space) or if they vary parametrically by legislator (DW-NOMINATE).[5]

We question not only whether parties' policy preferences as more divergent than ever before, but also whether the analysis of roll call votes along can measure policy preferences as is typically assumed. Although political conflict is pervasive and members are certainly casting more votes along party lines in recent Congresses than they have in the recent past, claims that members are therefore more ideologically divided now than they were following the Civil War seem implausible. A deeper dive reveals support for this concern. If the estimates reflect temporally comparable policy preferences, as is commonly presumed, the fact "that Jesse Helms is more conservative than Robert Taft, Sr. even though they never served in the Senate together" (Poole and Rosenthal 2001, 8) implies not only that the ideal point of Helms is more extreme than Taft's, but also that Helms should be predicted to prefer more conservative policies than Taft. To

[4] The figure plots the difference between the median Republican and median Democrat. Common Space scores assume ideal points are fixed; DW-NOMINATE allows ideal points to trend linearly.
[5] In the Appendix we show that even allowing for idiosyncratic variation in member ideal points does not change the basic patterns.

be clear, the ability to compare the policy preferences measured by past and present ideal points -- and therefore construct measures of polarization, gridlock intervals, or any other function of the estimated ideal points as is done by many -- relies critically on such over time hypotheticals.[6]

To explore the comparability of the recovered estimates we predict how contemporary elites would vote on prominent past votes using estimates that are presumed to be comparable over time. To do so, we focus on two key votes from the late 19th and early 20th centuries that were resolved almost exclusively in the first dimension of DW-NOMINATE (which is commonly thought to reflect basic liberal-conservative policy disagreement) and for which we have strong priors as to their policy content: whether to limit Federal authority to use the army to maintain peace at the polls in 1877, and whether to enact anti-lynching legislation in 1922.

Figure 2 plots the DW-NOMINATE estimates of every member who served in the House between 1877 and 2011 at the time they cast their first vote on a civil rights issue relative to the cutting line that is estimated to divide supporters and opponents for each policy.[7] The fact that both cutting lines are nearly vertical reveals that these votes were largely decided by ideal points

[6] McCarty (2011) aptly notes "Despite the fact that D-NOMINATE produces a scale on which Ted Kennedy can be compared to John Kennedy and Harry Truman, some caution is obviously warranted in making too much of these comparisons…Being liberal in 1939 meant something different than liberal in 1959 or in 2009. So one has to interpret NOMINATE scores in different eras relative to the policy agendas and debates of each" (pg. 79). Determining the extent to which the seemingly common scale is problematic and the extent to which the changing agenda makes comparisons and attributions of policy preferences difficult is precisely what motivates our inquiry.

[7] By assuming that members' ideal points change parametrically, DW-NOMINATE produces estimates that can arguably be compared across time – hence, it is possible to conduct such counterfactual explorations.

in the first dimension; ideal points to the left in the left-hand graph are predicted to vote to prohibit the presence of the army at the polls in 1877, and ideal points to the right of the cutting line in the right-hand graph are predicted to vote in favor of anti-lynching legislation.

**Figure 2: Predicting the Vote on prohibiting the Army from the Polls (1877) and on Anti-Lynching Legislation (1922) Using DW-NOMINATE**

Comparing the identities of the plotted ideal points relative to the estimated cutting lines in Figure 2 reveals immediate problems. Democrats sitting in Congress in 1877 and 1922 may have been less likely to support the racially progressive positions associated with these two votes, but it is implausible to think that contemporary Democrats would share those views. It is difficult to imagine that Jack Flynt (D-GA), a signer of the Southern Manifesto and a segregationist until his resignation in 1979, and former Confederate vice president Alexander Stephens (D-GA), who defended the Confederacy as founded "upon the great truth that the negro is not equal to the white man", would be more likely to support retaining the authority of the Federal government to use the military to ensure black American males' voting rights in the South than would John Lewis

(D-GA), a leader in the civil rights movement, or Adam Clayton Powell (D-NY), one of the original Freedom Riders (Schott 1988, 334). But this is what the estimates used to characterize levels of elite polarization and ideological differences would predict and it is therefore clear that the policy content of the first dimension has clearly changed over time in a manner that is not reflected in the DW-NOMINATE estimates.

The problems go beyond mere shifts of the estimated policy space. That Democrats are always to the left of Republicans despite their changing first-dimension preferences over race suggests that DW-NOMINATE estimates reflect partisan rather than ideological differences—ideal points less than 0 are consistently Democratic, but they are not consistently liberal (Schickler, Pearson, and Feinstein 2010). Because the estimated dimensions are defined in terms of interparty versus intraparty voting coalitions rather than the issues involved, it is therefore unclear how to interpret the policy content if the parties' positions change over time.

Finally, the distribution of ideal points suggest that the scope of political conflict is unchanged—ideal points range from −1 to 1 in 1877 according to DW-NOMINATE and they range from −1 to 1 today. This stability seems hard to reconcile with the profoundly changing political, economic, and social circumstances in the United States over time. In civil rights policy, for example, there have been extensive changes in policies and in preferences among legislators and society at large and many issues that were formerly politically contentious are no longer so.

Consider that in 1903 Sen. Benjamin Tillman of South Carolina responded to a suggestion that the federal government act to protect black Americans' voting rights by calling for the repeal of the 15th Amendment, warning that it was repeal "or the other way of reducing the colored

majority."[8] In 1946, Senator Theodore Bilbo of Mississippi advised "every red-blooded white man" on "the best way to keep the n——r from voting. You do it the night before the election. I don't have to tell you any more than that" (Newton 2010, 103–4). Fast-forward to 2006, when a Republican Senate voted 98–0 and a Republican House 390–33 to reauthorize the Voting Rights Act. The vote was not without partisan conflict or ideological disagreement, and conservative amendments to revise the Act's triggering formula and to strike the extension of bilingual ballots were defeated 96–318 and 185–238. These contemporary policy differences are important, but they are not equivalent to earlier differences by any reasonable measure.

These issues raise serious questions about how variation or stability in such measures should be interpreted. Given the ambiguous and changing mapping between policy and rollcall estimates noted above, it seems hard to interpret variation in rollcall estimates as being necessarily related to variation in policy preferences as many empirical works assume. This would not surprise Keith Poole or Howard Rosenthal, who were careful to emphasize that their estimator of the structure of political conflict did not entail a model of how issues could be reliably mapped on to this structure (1997, 5), but it would likely come as a surprise to many who have used rollcall-based estimates to characterize variation in policy preferences or related measures (e.g., gridlock intervals) that depend on the ability to directly compare the estimates over time. Moreover, given the issues with existing estimates, how might we do better?

There are at least two reasons why it is difficult to interpret extant ideal point estimates in terms of temporally comparable policy preferences. First, there is a tendency to interpret the parameters of the statistical models used to analyze voting behavior in terms of the parameters of

[8] "Tillman Talks of a Race War," *Cleveland Plain Dealer,* August 10, 1903.

the behavioral voting model used to motivate the statistical model, but nothing ensures that the estimates from the latter necessarily reflect the interpretations suggested by the former. Second, even if we are willing to assume voting is ideologically based, ignoring the changing content of the congressional agenda and estimating orthogonal dimensions based on the nature of political conflict rather than policy content produces estimates that fail to account for the dramatic changes in policy over time and thus are hard to square with historical understandings.

Using patterns of observed behavior to characterize changing levels of preference divergence requires both a behavioral model for the observed actions and a statistical model to estimate the parameters of that behavioral model. When analyzing elite behavior, most models assume that members vote for the policy alternative that is closest to their most-preferred policy, with some idiosyncratic voting error (e.g., Clinton, Jackman, and Rivers 2004; Heckman and Snyder 1997; Poole and Rosenthal 1989). Estimators differ in what they assume about the distance function members use to evaluate the competing options, but common behavioral models assume that members vote in favor (1) or against (0) a vote depending on:

$$\Pr(y_{it} = 1) = \Pr(u(x_i - \theta_{y(t)}) - u(x_i - \theta_{n(t)}) > \varepsilon_{it}) \quad (1)$$

where $y_{it}$ is the vote of legislator i on vote t, $x_i$ is the most-preferred policy of legislator i (ideal point), $\theta_{y(t)}$ is the location associated with the success of vote t, $\theta_{y(t)}$ is the location associated with the failure of vote t, and $\varepsilon_{it}$ is an idiosyncratic error that is assumed to be independent across votes and legislators. Because the only observable parameters in equation (1) are the votes $y_{it}$ cast by legislator i on vote t, interpreting the meaning of the recovered estimates is difficult.

As with any latent variable model, the precise meaning of the recovered parameters is not well defined, and the estimates reflect any feature that produces persistent voting coalitions. Stability might be a consequence of preference-based motivations, but it might also reflect

partisan-based motivations. The stability in individual voting behavior captured by $x_i$ is often thought to reflect policy preferences because of the behavioral model that is used to justify the statistical model, but many observationally equivalent behavioral models are possible. The same class of concerns that have been raised against the ability to detect partisan-based incentives on the basis of roll calls alone (e.g., Krehbiel 2003) can also be raised against interpreting such estimates as measuring policy preferences—many behavioral models provide observationally equivalent rationalizations of the observed voting patterns. For example, Clinton, Jackman, and Rivers (2004) show how the model in equation (1) can be expressed as a standard binary choice model, with the complication that only the choice itself is observed:

$$\Pr(y_{it} = 1) = \Pr(\alpha_t + \beta_t x_i > \varepsilon_{it}) \qquad (2)$$

Thus written, it is immediately clear that many interpretations can rationalize the parameters because only $y_{it}$ is observed. For example, perhaps $x_i$ is best understood as reflecting the probability that the majority party supports the bill for reasons that may have nothing to do with policy preferences ($x_{M,t}$) – e.g., electoral position-taking -- plus a member-specific (or perhaps even a vote-specific) deviation from the majority party position $s_i$ such that the estimated ideal point is defined by: $x_i = x_{M,t} + s_i$. In this purely partisan-based model, members of the minority party would presumably have a much larger $s_i$ than would members of the majority. Alternatively, perhaps each vote depends on the weight ($w_t$) given to party ($x_P$) and personal preferences ($x_i^*$), such that $x_i = w_t x_i^* + (1 - w_t) x_P$.

Because many behavioral models can rationalize an observed voting pattern, it is difficult to determine which behavioral model is best.[9] Other than parsimony, in the absence of observable

[9] Parameters are identified only relative to an assumed normalization. Common assumptions include either that the ideal points have a mean of 0 and a variance of 1 (Clinton, Jackman, and

covariates there is little reason to suspect that any behavioral model is more likely to be true than the others. Although the pattern of divergent ideal points graphed in Figure 1 is usually discussed in terms of ideological divergence, nothing ensures that this is the appropriate interpretation of the increase in party-correlated voting behavior.

Similar difficulties arise when interpreting the meaning of the dimensions recovered by the statistical models. Akin to an eigenvalue-eigenvector decomposition in exploratory factor analysis, the dimensionality of the political conflict recovered by NOMINATE models is determined by iteratively fitting higher-dimensional models to account for the residual variation from the lower-dimensional model. As such, the recovered dimensions are based more on the nature of the *conflict* than on the nature of the *content*; differences in voting coalitions rather than differences in the issues being voted upon are what distinguish the estimated dimensions. As Poole and Rosenthal (1997, 46) note: "The first dimension divides the two major political parties. The dimension can be thought of as ranging from strong loyalty to one party to weak loyalty to either party and to strong loyalty to the second, opposing party. The second dimension differentiates the members by region within each party." Scholars usually interpret the meaning of the dimensions in ideological terms—for example, the first dimension reflects preferences in the liberal-conservative dimension and the second dimension reflects cross-cutting issues such as those related to race—but nothing in the statistical model ensures that either dimension has any necessary relationship to policy outcomes in a stable ideological space. In fact, as with any exploratory factor analysis, the recovered dimensions could be arbitrarily rotated to produce new (correlated or uncorrelated) dimensions that account equally well for the observed behavior. As a

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Rivers 2004) or else that the minimum and maximum values of the ideal points range from [−1,1] (Poole and Rosenthal 1997). The scale itself provides no guidance as to whether a −1 indicates a preference for liberal policies, a preference for Democratic policies, or something else altogether.

result, if parties' positions change on an issue—as happened with civil rights (Carmines and Stimson 1989)—then it becomes difficult to interpret what estimates based on stable party-based voting coalitions imply about the underlying ideological conflict at stake.

The desire of scholars to make comparisons over time exacerbates these ambiguities; the ability to make comparative statements depends on the claim that an ideal point of 1 in 1980 represents the same set of policy preferences as an ideal point of 1 in 1880 and that the meaning of a one-unit difference in ideal points is constant over time. Such comparisons are difficult and require either information or assumptions about the relationship between the parameters over time.[10] Constraints are most commonly imposed on the ideal point parameters—assuming that legislator i's ideal point varies parametrically over time (e.g., constant, linear, polynomial, etc.), but as Figure 1 reveals, most results are not sensitive to the choice of over-time constraint. Some have explored how the issue parameters vary over time (e.g., Clinton 2012), but the studies are limited by issue-specificity and temporal reach, and they have not produced generic estimates.[11]

## II. Elite Conflict over Civil Rights, 1877–2011

We demonstrate the implications of our argument by examining elite level conflict over black Americans' civil rights in the U.S. Congress. A focus on this issue is justifiable for several reasons. For one, it is a vitally important issue in American politics, and has been since the

[10] An entire literature explores the critical issue of how to compare measures of elite behavior over time (Bailey 2007; Groseclose, Levitt, and Snyder 1999; Martin and Quinn 2002; Poole and Rosenthal 1997). We make temporal comparisons by assuming that preferences are constant, but see the appendix for alternatives.

[11] Some work attempts to take account of information about the votes, usually within a single Congress. Krehbiel and Rivers (1988) consider a sequence of votes on amendments to the minimum wage in the Senate; Clinton and Meirowitz (2004) analyze several dozen votes pertaining to a supposed log-roll; Clinton (2012) considers the relationship between amendment votes on the minimum wage in a Congress; and Pope and Treier (2011) consider votes related to the Great Compromise in the constitutional convention.

founding. We also have strong priors about the direction of policy change and policy preferences over time. Policy differences between racial liberals and conservatives may remain large, but any reasonable measure should show that these differences have declined from the period when proponents of using the full force of the federal government to enforce the 15th Amendment sat in Congress with those seeking its repeal. In addition, the scope of the policy debate has also unquestionably shifted to the left—racially conservative policies that were once popular and nationally supported are no longer considered politically acceptable.

To be clear, we do not mean that "potent differences on racial politics" no longer exist, or that the decline in the acceptability of overt racism means that we are living in a post-racial society. Nor do we deny that partisan differences on race have increased over the last few decades. Rather, we are claiming that the historical equivalences suggested by ideal points are highly misleading; if the measures suggest that Tom Delay (R-TX) is as conservative as Theodore Bilbo, for example, such a characterization would discount the magnitude of white supremacy, the commitment of political elites to maintaining it, and the costs imposed on generations of Americans.

One difficulty in characterizing policy preferences using roll call votes and common statistical models is that the policy content being voted upon is ignored; no information is typically used when estimating the location of policy proposals in the policy space $\theta_{y(t)}$ and $\theta_{y(nt)}$. In fact, these parameters are identified only because of assumptions about the utility function.[12]

We account for policy content in two ways. To address the fact that the fraction of issues involving civil rights issues varies over time, and to define the meaning of the recovered dimensions in terms of policy content rather than political conflict, we only analyze votes directly

[12] As a result, Poole and Rosenthal (1997) explicitly warn against using these parameters, and Clinton, Jackman, and Rivers (2004) focus directly on a reduced form that estimates cutting planes rather than location parameters.

involving civil rights. In doing so, we follow Poole's suggestion to subset roll calls by issue area to better understand changes in how a given issue maps on to the structure of voting across time (2005, 185). This is important because a difficulty of interpreting existing measures of political conflict vis-à-vis particular policy debates is that political conflict over race-related issues has not always corresponded to partisan divisions (and therefore a single dimension in DW-NOMINATE).[13] Moreover, because the existence of a vote on an issue depends on the willingness of elected officials to consider the issue (Lee 2008; 2009), using the entire roll call record to make inferences about preferences pertaining to civil rights possibly conflates the concepts being measured -- as the Appendix details, less than 5% of the roll calls in a Congress dealt with civil rights issues

We use the statistical model proposed by Clinton, Jackman, and Rivers (2004) to fit a single one-dimension model using all civil rights votes cast in the House.[14] For comparability, we assume that members' ideal points are constant across time, but our results do not depend on this normalization strategy and the appendix shows similar results for alternative approaches.[15] Given the assumption of fixed ideal points, the changes in polarization we depict are the result of replacement rather than individual preference change. This is substantively appropriate and consistent with the literature's claim that replacement is the primary contributor to polarization.

To be clear, we do not address whether the assumed behavioral model is false and voting behavior is driven by factors besides policy preferences. Instead, we explore whether using the

[13] While scholars sometimes refer to the second dimension of NOMINATE as capturing racial politics, the appendix reveals that this is only true between 1920 and 1970 – for the remainder of the period civil rights issues were decided nearly exclusively in the first dimension.
[14] Civil rights roll calls were identified by Katznelson and Lapinski (2006).

[15] In each case, we assume that the estimated ideal points have mean 0 over the entire period and variance 1 to define the scale. In terms of model fit, the constant ideal-points civil rights model is indistinguishable from a two-dimension DW-NOMINATE fit in terms of percentage correctly predicted (91 percent) and aggregate proportional reduction in error (APRE) (0.64).

same statistical models and incorporating more information about a particular policy produces estimates that are more consistent with historical understandings and which may therefore provide a greater confidence in interpreting ideal point estimates as reflecting policy preferences.

Figure 3 traces the median location in the House of Representatives using the estimated issue-scores for African American civil rights for three groups: Republicans, Southern Democrats, and Northern Democrats. Unlike the estimates of DW-NOMINATE, in which the average Republican ideal point is always greater than that of the average Democrat, the civil rights–specific estimates in Figure 3 depict the well-known shift in the parties' positions: Republicans began the period being very supportive of liberal civil rights policies (i.e., the median Republican ideal point is nearly −1), but the position of the Republican Party gradually shifted in a more conservative direction over time. While Northern and Southern Democrats supported very conservative positions in the 19th and early 20th centuries, both moved to adopt more liberal positions on civil rights over time. Because the changes in Figure 3 are due to replacement, the instability of the Democratic median in the 1940s and 1950s and the shift in Southern Democrats is a consequence of changes in the composition of these groups.

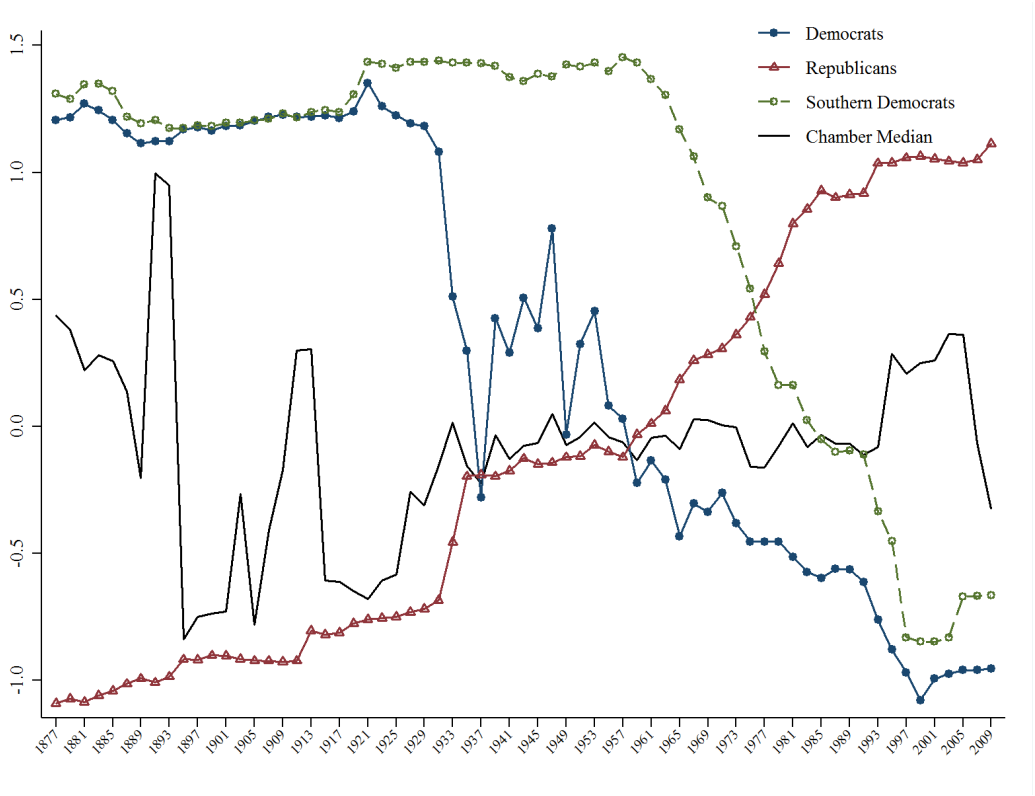



**Figure 3: Party Medians on House Civil Rights Votes Using a Civil Rights Dimension, 1877–2009**

While the rank ordering of the policy preferences held by these groups of elites based on the issue-specific estimates graphed in Figure 3 is more consistent with historical understandings than the ordering evident in Figure 2, problems remain. First, Figure 3 reveals not only that the magnitude of party differences on civil rights issues equal those in the immediate post-Reconstruction period, but also that the most-preferred policies of contemporary Republicans are equivalent to those of Southern Democrats immediately following the Civil War.

These problematic implications suggest that constraining ideal points over time alone cannot adequately ground temporal comparisons given the turnover in membership and the evolution of civil rights policy. To do better, we use the sequential and cumulative nature of civil rights policy change in the United States to incorporate information about the relationship between the policies being voted upon. Between 1957 and 2006, for example, a sequence of votes

on Federal protection of African American voting rights was taken in Congress that can be used to help ground the relative location of the policies being voted upon.

Figure 4 depicts the hypothetical ordering of one such sequence. Because the ordering is based on the conventional understanding of the content being voted upon (see, for example, Bailey 2007), what matters is the relative ordering; we have no information about the actual distances involved. For example, wherever the pre-1957 status quo might have been in the policy space, the 1957 civil rights bill proposed to move policy leftward, albeit by a modest amount. When it passed it set the status quo for the next vote to the left of the previous status quo. Similarly, when the 1960 Civil Rights Act was later proposed and passed, it likewise moved policy modestly leftward. Absent an exogenous shift to the status quo, the location of the midpoint on final passage for the 1960 bill should be to the left of the midpoint for the 1957 legislation.

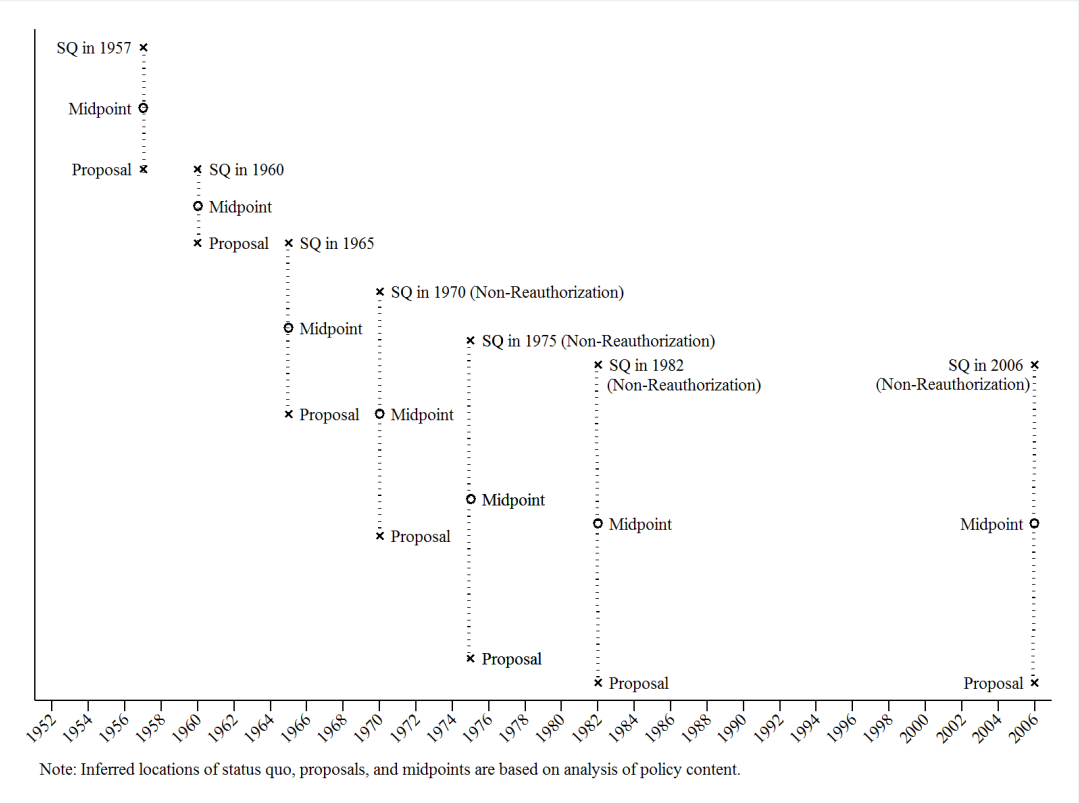
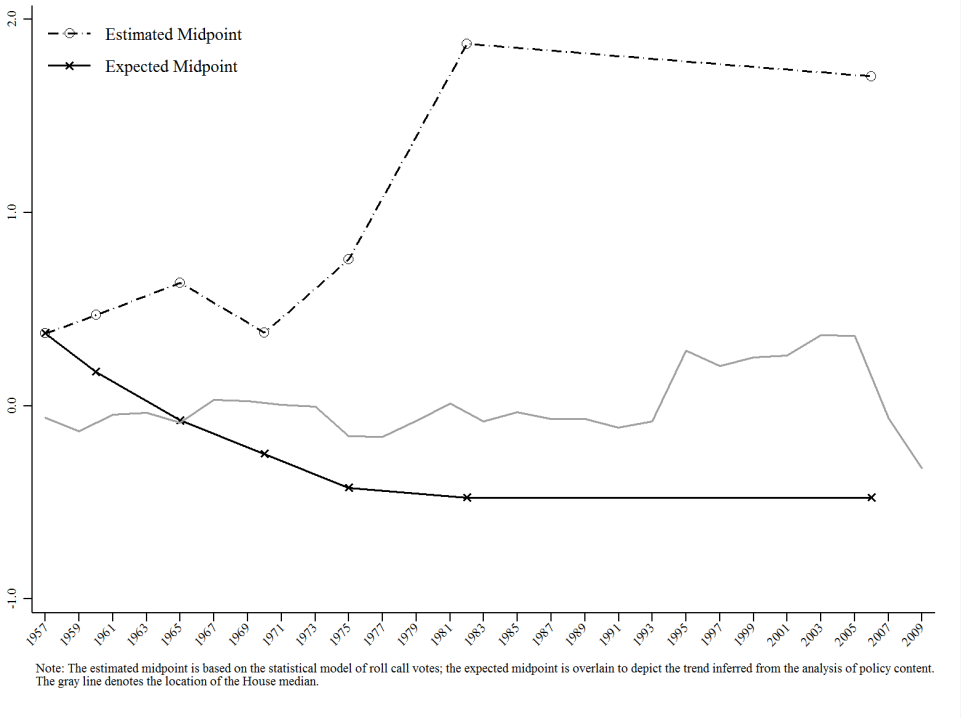



**Figure 4: Expected Midpoint Locations for Voting Rights Act Final Passage Votes, 1952–2006**

Upon passage, the 1960 act, in conjunction with the 1957 act, became the new status quo. The 1965 Voting Rights Act moved policy considerably to the left, and so we can infer that the midpoint for the vote to pass the 1965 act should be to the left of the midpoint on final passage of the 1960 act. In 1970, Section 4 of the Voting Rights Act was set to expire, but the status quo was not a reversion to the pre-1965 act, as many of its provisions had been permanent. The status quo—that is, no legislative action—would be a rightward move, but one that was still to the left of the 1960 status quo. Because the 1970 proposal again moved policy leftward, the midpoint on final passage should be to the left of the 1965 midpoint.[16] The same was true of the 1975 reauthorization and extensions, which also made the nationwide ban on tests permanent so that the status quo (no legislative action) when the expiring sections were next up for reauthorization in 1982 was to the left of where it had been in 1975. The 1982 amendments and reauthorization largely maintained the 1975 bill but made also made a key section conditional on showing discriminatory results rather than intent. We can once again infer that the midpoint on final passage should be to the left of where it had been seven years earlier.[17] Because the 2006 reauthorization did not significantly expand the scope of the act, and from a policy perspective, the status quo was generally where it had been in 1982, the midpoint should not change dramatically from its' location of 25 years earlier.

[16] The 1970 act suspended all tests across the nation until 1975, extended the triggering formula to include the elections of 1968, and extended the time before a county or state could "bail out" of Section 5 from five to 10 years.

[17] This inference is less certain. Insofar as the ban on tests was now permanent, we would expect the status quo to be to the left of where it had been in 1975. The decision in *Mobile v. Bolden* in 1978 makes the location of the midpoint more ambiguous by interpreting the 15th Amendment as prohibiting only electoral arrangements that were intentionally designed to discriminate on the basis of race. While the 1982 re-authorization effectively overruled the decision, the Court's intervention makes the location of the midpoint between the 1982 Act and the post-*Mobile* status quo less certain.



Note: The estimated midpoint is based on the statistical model of roll call votes; the expected midpoint is overlain to depict the trend inferred from the analysis of policy content. The gray line denotes the location of the House median.

**Figure 5: Estimated Versus Expected Trajectory of Policy Change, 1952–2009**

Although the precise location of the expected midpoints in the policy space is unclear—for parsimony we assume that the location of the expected midpoint of the 1957 Civil Rights Act is the midpoint that is estimated by the statistical model—what matters is the direction of the trend over time. Figure 5 plots how these historical expectations compare to the midpoints estimated in Figure 3, overlain on the House median and it reveals that the estimated midpoints are moving in entirely the wrong direction from what we would expect. Whereas more liberal policies were being enacted, the midpoint between the status quo and the enacted policies are estimated to be drifting more conservative. This characterization is hard to reconcile with the fact that the policies (and therefore also the status quos) being voted upon involve increasingly liberal positions.

The contrast between policy content and estimated positions results from the fact that later reauthorization votes on the Voting Rights Act had large majorities, with both Democrats and Republicans overwhelmingly in support. Because the few legislators voting in opposition to

reauthorization were relatively extreme in their voting behavior, the model responds by shifting the estimated midpoint in a conservative direction rather than shifting the overall policy space to the left. That is, rather than assume that most members voting in 2006 have more racially liberal policy preferences than those voting in 1965 and that the policy space has shifted to the left as a result of prior lawmaking activity, the model instead assumes that the underlying issue space is stable—neither drifting nor stretching and contracting over time. If, as seems likely, both the issues being considered and the issue preferences of members are changing over time the resulting ideal points will not be comparable.

Put another way, it is not likely that the Republican senators, such as John McCain, who voted with Strom Thurmond in 1990 against the Civil Rights Act of that year—which would have required employers whose practices had been shown to have a disparate impact on the basis of race, color, religion, sex, or national origin to demonstrate that the practices were justified by business necessity—would have also voted with Thurmond against the Civil Rights Acts of the 1950s and 1960s. And yet, because there were no proposals to repeal these earlier acts, such members receive estimates placing them on par with the racial conservatives of the 1950s.[18]

## III. Accounting for Policy Content

To better account for the changing nature of the issues being voted upon we follow Bailey (2007) and impute votes for particular legislators based on historical understandings and logical implications. Bailey (2007, 440) reasons that if a Supreme Court Justice voted in one case to allow the execution of those under the age of 16, then it can be logically inferred that this Justice would support the execution of those over 16 a separate case, even if they did not actually serve on the

[18] Thurmond's change in policy positions underscores the difficulty of cross-time comparisons. As discussed in the Appendix, allowing Thurmond and others' scores to change over time does not change our findings.

Court that considered the second case. Similarly, if a member of Congress voted in favor of the 1965 Voting Rights Act, we can infer—all else being equal—that the member would have also likely voted in favor of the 1957 Civil Rights Act because it was a much more modest federal action; if a member voted to reauthorize a much more liberal version of the Voting Rights Act in 1982 or in 2006, then we can infer that they would have also likely voted in favor of the original measure.

In other words, if a legislator supports a bill that moves policy further to the left from an already left-leaning status quo—such as strengthening and extending the federal supervision of elections established by the Voting Rights Act—then we can infer that this legislator would have supported an earlier bill to move policy leftward and set the status quo that the legislator is now willing to change even further if voting is based on a spatial voting model as is commonly assumed. Examining the substance of the issues under debate reveals whether a given roll call moved policy leftward or rightward from the status quo, and considering a sequence of such roll calls provides predictions about how legislators should vote based on a spatial voting model.

Such assumptions need to be carefully examined and accordingly, we only impute votes on final passage—and only on the basis of other final passage votes---to minimize concerns about killer amendments and other forms of strategic behavior. We also use only more radical policy proposals to infer votes on earlier ones. Opposition to the Voting Rights Act of 1965, for example, does not necessarily imply opposition to the Civil Rights Act of 1957, but opposition to the Civil Rights Act of 1957 does imply opposition to the Voting Rights Act of 1965. We also infer positions only on bills in which the issue at stake is largely the same. Thus, support for the Voting Rights Act implies support for the Civil Rights Act of 1957, as both acts were fundamentally concerned with

voting, but it does not necessarily imply support for the Civil Rights Act of 1964 that was more concerned with prohibiting discrimination in commerce.[19]

The imputations we make follow directly from the sincere, policy-motivated voting behavior assumed by the underlying behavioral model—that is, members vote for the most proximate policy outcome, and policy outcomes are identically perceived by all members. Voting to reauthorize the Voting Rights Act in 2006, for example, implies support for the 1965 Voting Rights Act because not only was the policy proposal in 2006 further to the left than the proposal enacted in 1965, but the status quo regarding black voting rights in 2006 was also unambiguously to the left of where it was in 1965. Given sincere, policy-motivated voting behavior, members willing to support the reauthorization of the Voting Rights Act in 2006 would also certainly prefer the original Voting Rights Act relative to the status quo that existed in 1965.[20]

Estimates generated using the augmented matrix of roll calls produces dramatically different conclusions about the nature of elite conflict over time.[21] Figure 6 graphs the median ideal points of Democrats (upper left), Republicans (upper right), and Southern Democrats (lower left) and the distance between the average Democrat and the average Republican (lower right) for with and without imputations.

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[19] The appendix provides a detailed discussion of the constraints that we impose: we perform imputations in 26 of the 350 House votes involving 19,299 votes (15 percent of the total votes) and impute in 37 of the 702 Senate votes involving 4,658 votes (7 percent). These imputations are well supported by the data: there are 4,530 instances in which a member voted on multiple constrained votes, and there are only 317 instances in which a member voted contrary to the imputations we impose (i.e., the member was against an earlier, less radical bill but in favor of a later, more radical one).

[20] Further support for the imputations we make come from the arguments made by the members themselves. In contrast to the Southern Democrats in 1965, nearly every member who spoke against reauthorization in 2006 argued that Section 4 was outdated, not that preclearance itself was unconstitutional, and no one suggested that the vote in 1965 was wrong.

[21] Appendix Table A1 contains model fit information.

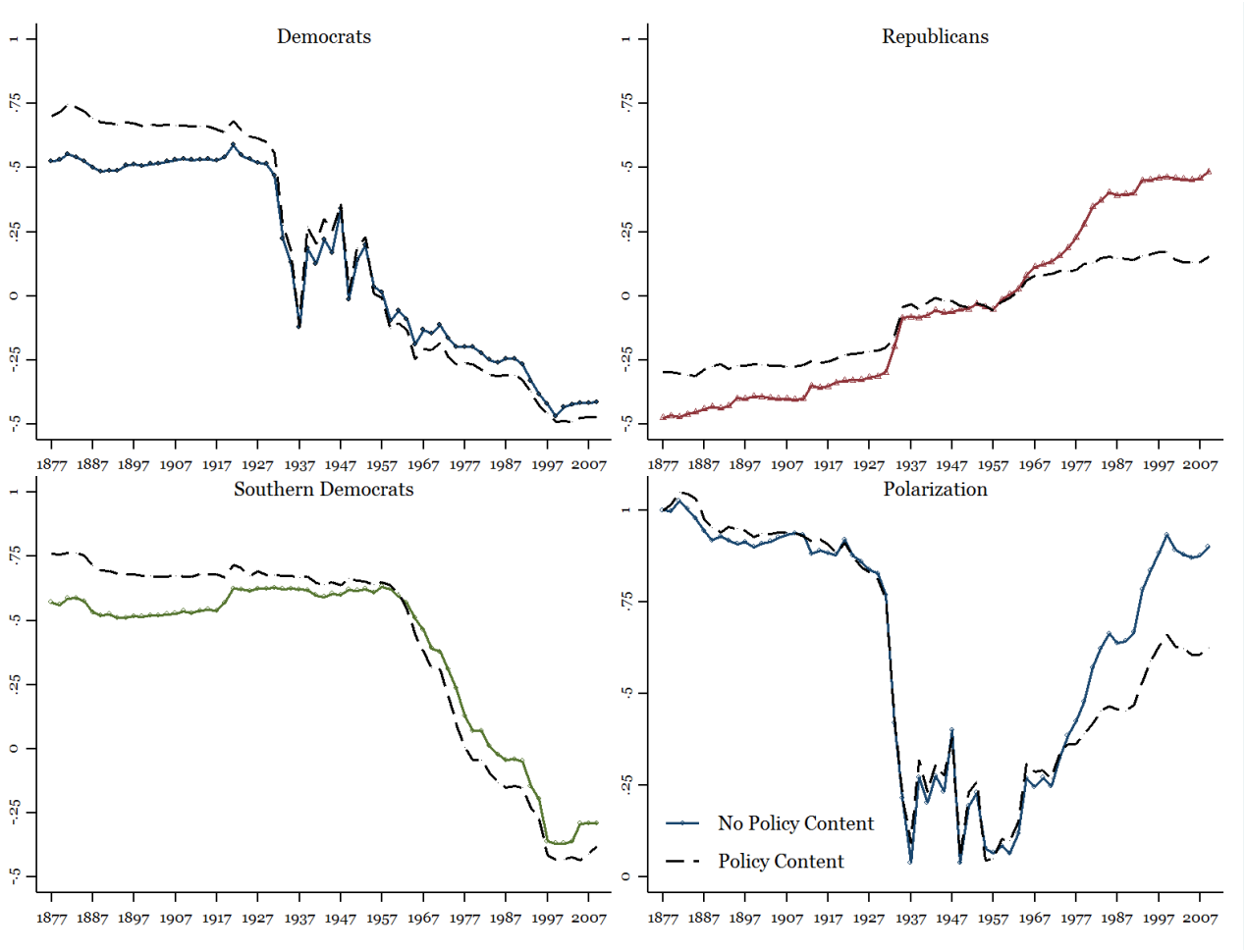


**Figure 6: Estimates of House Party Medians Using Civil Rights Votes, 1877–2009**

As Figure 6 reveals, accounting for policy content has very little effect among Democrats. The only noticeable impact is that the trend using imputed votes (dashed line) shifts the estimated ideal points of Democrats before the 1930s in a more racially conservative direction relative to the estimates that ignore policy content (solid line). Changes in the average ideal points of Democrats (upper left) and Southern Democrats (lower left) reflect the changing composition of the Democratic Party over time: while the racial conservativism of the average Democrat shifted dramatically during the New Deal to a more liberal position following World War II, the average Southern Democrat remained racially conservative until the early 1970s.

The most dramatic changes occur among Republicans. Without accounting for policy content, not only are average Republicans in 1877 more racially liberal than at any other point in history, but they are also more racially liberal than are average Democrats at any time. Ignoring policy content suggests that the average Republican in 1877 held more racially liberal policy views than the average Democrat in 2009. Moreover, as the solid line makes clear, the position of the average Republican has drifted conservatively over time and the average Republican in 2009 is predicted to be as racially conservative as the average Southern Democrats in 1877.

Incorporating policy content considerably dampens this shift. As the dashed line in the upper-right plot of Figure 6 reveals, accounting for the relationship in policy content between votes over time reveals that not only was the median Republican less racially liberal than the median Democrat in 2009, but also that the median Republican in 2009 was not as racially conservative as the median Southern Democrat in 1877. Accounting for the content of votes reveals a liberal shift in the policy space over time -- the conflict between contemporary Democrats and Republicans occurs entirely within what was the liberal half of the policy space following Reconstruction. Whereas the party medians ranged roughly from −0.5 to 0.75 in 1877, by 2009 they ranged only from −0.5 to 0.0 and they occupy only 40% of the earlier space.

This shift in the scope of political conflict has important implications for the estimated distance between the party medians (lower right of Figure 6).[22] Ignoring policy content (solid line) suggests that contemporary differences in party preferences are equivalent to the policy differences of the 1880s and 1890s, but including policy-specific information (dashed line) reveals

[22] The estimates are set to the same scale by measuring polarization as a fraction of the distance in party medians in 1877.

that contemporary differences are considerably less than they were in the post-Reconstruction period despite an increase since the 1970s.

Despite these improvements, the portrait of political polarization in the lower-right panel of Figure 6 is still arguably imperfect. When there are few votes, or if the votes are difficult to relate to past or future legislative activity, it is hard to account for policy content. For example, because the New Deal Democrats purposely kept issues involving race off the congressional agenda as much as possible to prevent their legislative coalition from fracturing (Katznelson and Mulroy 2012), we have little information with which to either estimate or adjust the characterization of elite policy preferences for this period. The same is true of the first decades of the 20th century when neither party showed much interest in putting civil rights on the congressional agenda. The fact that the trends of the two estimates are so similar for much of the time period does not necessarily indicate the appropriateness of extant estimates as the lack of votes or an inability to relate votes to other votes would also produce null differences.

Figure 7 highlights the relationship between the roll call agenda and the patterns in Figure 6 and reveals why the results diverge most in the more recent periods by graphing the average percentage of a member's total votes cast that were imputed in each Congress among Democrats, Southern Democrats, and Republicans. For instance, Duncan Hunter (R-CA) cast 72 votes on civil rights bills or amendments during his 28 years in Congress (1981–2009) and an additional 22 votes (23%) can be imputed based on his voting record.[23] Because votes with the clearest connections to one another occurred in the post–civil rights period, the impact of our approach is therefore most noticeable when estimating the behavior of recent members such as Hunter. As a result, the net

[23] For example, given his support for the reauthorization acts in 2007 and 1981, we can infer that he would have supported earlier reauthorizations, the initial VRA, as well as earlier and more modest voting rights legislation.

result is to push more recent Republicans in a more liberal direction (rather than shift earlier Democrats in a more conservative direction, for example).

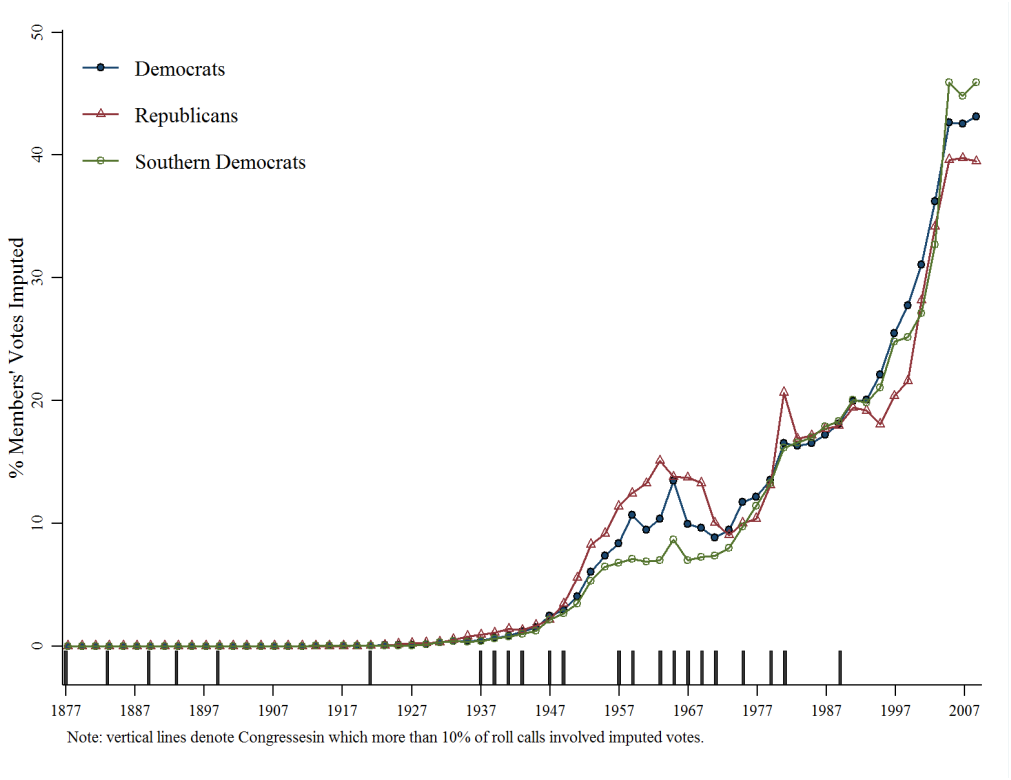


**Figure 7: Average Percentage of Imputed Votes, 1877–2007**

Incorporating more information would revise the characterization of policy change over time further. For example, if we were to assume that the strident segregationists serving at the end of the 19th Century would all oppose the more liberal racial politics being pursued during the 20th century, the shifts evident in Figure 6 would be accentuated even further; assuming that Southern Democrats serving in the late 19th century would oppose later attempts at racial liberalization would shift their estimated ideal points to be even more racially conservative, producing an even larger decrease in the level of polarization on racial issues and a more dramatic liberal shift. Our conservative approach to incorporating policy constraints demonstrates that even a minimal effort at incorporating policy content has important implications.

Finally, the pattern we document is unique to neither the House of Representatives nor the politics of civil rights, a point we develop further in an appendix that reveals a similar revision of our understanding occurs when examining the U.S. Senate and votes on Social Security.

## Section IV: Conclusion

A supposed virtue of extant models is that they allow scholars to fit statistical models consistent with behavioral voting models to observable actions without engaging in the difficult and time-consuming task of determining what is being voted upon and why. The resulting estimates of political conflict and the underlying policy preferences that are assumed to be responsible for generating the analyzed behavior have been critically important for summarizing the nature of elite politics and they are therefore central to many of the most fundamental analyses related to political representation, lawmaking, and institutional change.

Remaining agnostic as to the content of the congressional agenda and the meaning of the estimated parameters has important consequences that are not fully appreciated: because the estimated policy space(s) are defined primarily by the composition of stable voting coalitions rather than policy content, it is unclear what the recovered dimensions and ideal points imply about policy preferences and the extent to which the estimates are comparable over time.

Examining one of America's most enduring policy conflicts reveals the shortcomings of using roll call–based estimates to characterize policy preferences over time. Estimates that are widely used in many investigations profoundly and dramatically mischaracterize the magnitude of policy change in ways that negatively affect our understanding of political conflict on this issue (and others). That the parties are increasing voting in opposition to one another on race-related issues in recent years is undeniable, as is the fact that the parties differ in their most preferred

policies. But it is equally undeniable that the differences in policy that separate the parties—and racial liberals from conservatives—are much less today than they were in the late 19th century and that they occur in a policy space that is far to the left of where it was prior to the 1960s. That indeed was both the point and success of the Civil Rights movement, to secure durable changes in public policy that would positively transform American life (Valelly 2005).

As former civil rights leader and Georgia representative John Lewis noted in urging passage of the 2006 Voting Rights Act reauthorization, "Yes, we've made some progress; we have come a distance," but the "the sad truth is, discrimination still exists."[24] Methods and measures that ignore the changing congressional agenda not only fail to detect this progress but also suggest a troubling ideological equivalence between contemporary conservatives and those who opposed any federal action to protect black civil rights. This not only diminishes the accomplishments of the Civil Rights movement but it also obscures our understanding of contemporary politics.

Focusing on the case of civil rights provides the cleanest demonstration of the issues involved in using the methods and estimates routinely used to characterize elite policy preferences, but the concerns we identify extend to almost all uses of roll call based estimates to characterize political preferences over time. Using roll call–based measures to try to compare policy preferences over time will be exceptionally difficult wherever there has been a systematic shift in member preferences or the policy space. We suspect there are many such issue areas, possibly wherever "policy makes politics." Wherever a program creates a constituency large or powerful enough to make fundamental changes to the program an unpopular position – e.g., Social Security (Campbell 2003) -- we might expect similar consequences.

[24] Raymond Hernandez, "After Challenges, House Approves Renewal of Voting Rights Act," *New York Times,* July 1, 2006.

Our analyses provide an important corrective in terms of both the characterization of the level of political conflict related to civil rights and the way in which the content of policy is accounted for in estimators of elite behavior, but our solution is only a partial remedy. Our characterization better reflects the historical understanding of how policy and preferences have changed over time, but it does not account for the fact that members themselves are deciding which votes to take (or not to take). Most fundamentally, we are still following most interpretations by assuming that the ideal points reflect policy preferences despite the fact that a range of behavioral models is compatible with the observed pattern of votes, and nothing ensures that policy preferences are responsible for the stability we estimate in individual voting behavior.

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## Appendix A: Measuring Polarization

In Appendix A, we discuss alternative measures of polarization based on quintiles rather than party averages to help characterize the extent of elite polarization. We also show that the overall patterns of polarization evident in Figure 1 are replicated when conventional estimators are applied only to civil rights votes—and thus that the patterns we recover are not somehow atypical of the larger patterns. Finally, we show that the patterns of polarization that we recover using civil rights votes as well as imputed votes persist when we allow ideal points to change over time.

Polarization is typically measured using the distance between the average ideal points of the parties, but there is no reason why this should be the only measure of interest. In fact, because this measure is explicitly based on partisan divisions, using it may make disentangling partisan-motivated and ideologically motivated voting more difficult than usual. Moreover, if polarization is a measure of ideological discrepancy, many measures suggest themselves as plausible candidates. For example, considering the distance between the 75th and 25th quantiles of the ideal point distribution provides a measure of dispersion, as does the distance between the 90th and 10th quantiles. Depending on whether we think of polarization as a description of the preferences of extremists or those of moderates, several measures are possible.

Figure A1 provides these characterizations for both the House and Senate for estimates that do and do not impute votes based on policy content. Reassuringly, the conclusions that emerge from using the 75th and 25th quantiles are substantively similar to those that are evident in the text. In fact, the impact of the imputations is slightly more pronounced in these cases, as the left-most plots reveal that whereas the trend using conventional estimators has returned to post-Reconstruction levels when looking at the difference in ideal points between the 75th and 25th quintiles, the difference has remained stable at roughly one-half of the post-Reconstruction difference when using the imputed votes.

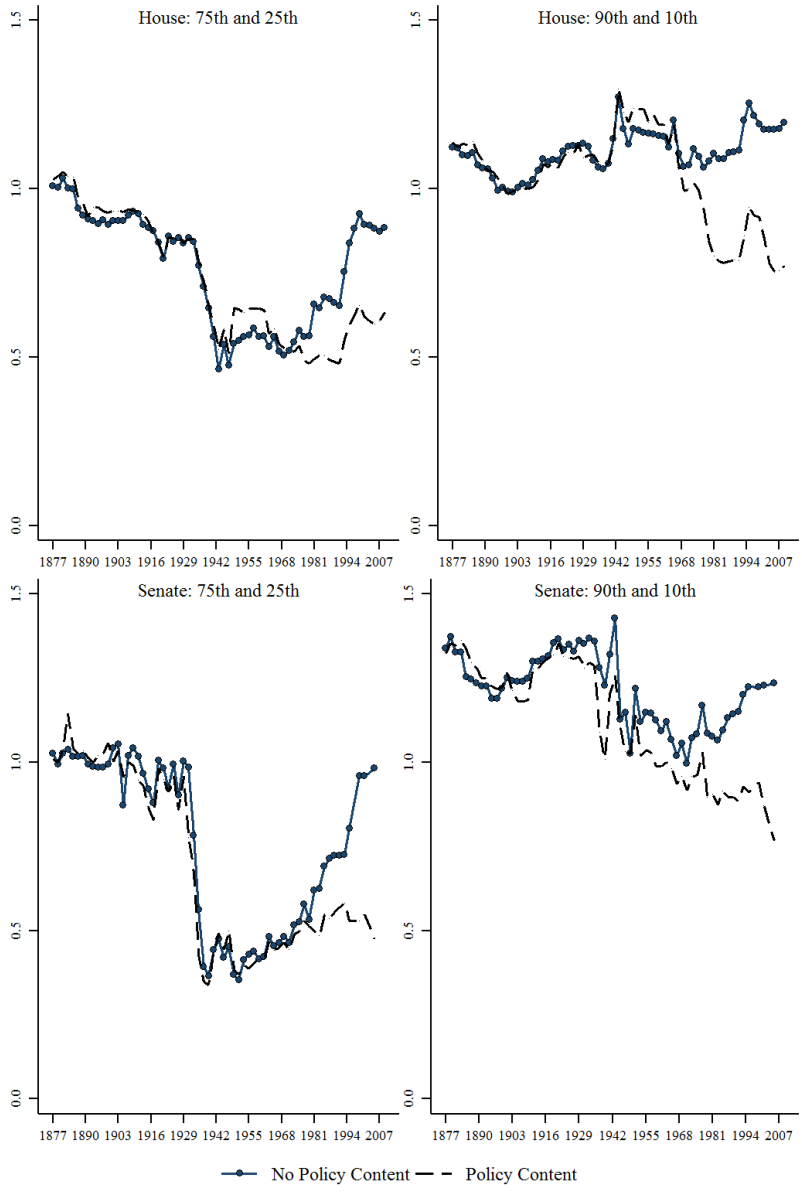



**Figure A1: Measuring Polarization: Two Ways, Two Chambers, Two Estimators, 1877–2009**

If we instead use the difference between the 10th and 90th quintiles, we observe a very different characterization from the U-shaped pattern evident in Figure 1. Instead, the distance between the 10th and 90th percentiles in the House slowly increases over the entire period, whereas the distance in the Senate decreases ever so slightly when we ignore policy content. As the dashed lines indicate in the right-most graphs, however, once we account for the content being voted upon, we see a decline in the distance between the 90th and 10th percentiles over time in both chambers. To be clear, we are not taking a position as to which measure is the appropriate measure of polarization; we seek only to highlight that the general pattern of polarization persists if the 25th and 75th quintiles are used instead of party averages and that a different pattern emerges if we focus on the more extreme members in each chamber.

Focusing on a measured based on the distance between party averages, Figure A2 reveals that a measure of polarization based only on civil rights votes produces a pattern of polarization identical to that of Figure 1. The similarity is reassuring because it suggests that despite the long-standing nature of the issue itself, the overall pattern of political conflict on civil rights issues is broadly consistent with that on other issues in the sense that it produces a U-shaped pattern of polarization that matches the pattern observed when looking at every roll call vote.

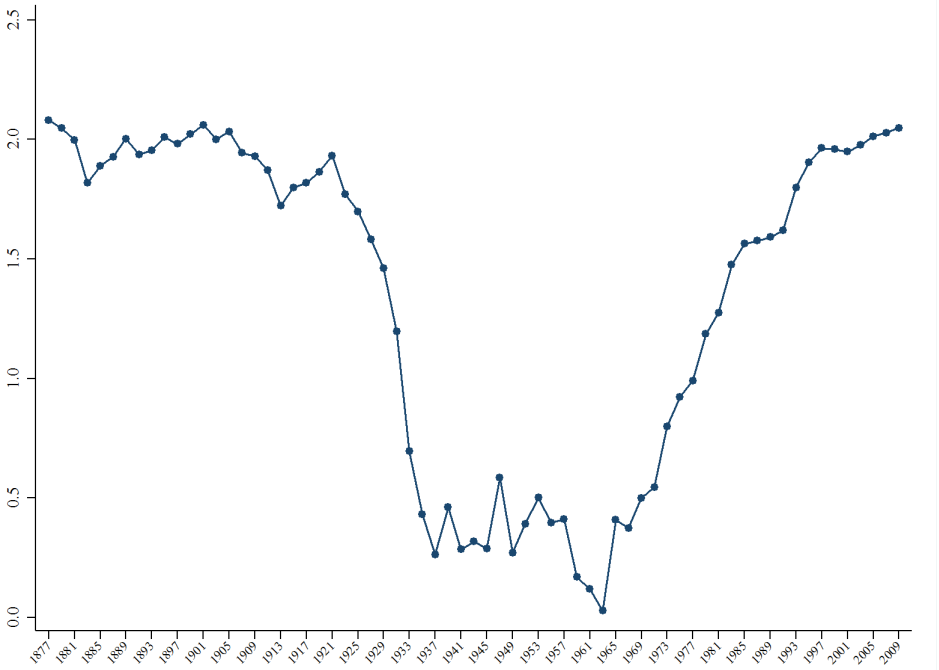



**Figure A2: Polarization Using Issue-Specific Civil Rights Votes, 1877–2009**

A final potential concern with our measure of polarization is that the contemporary polarization on civil rights evident in Figure A2 is as high as polarization in the pre-1970s period because we have assumed that members have fixed ideal points over time and that the temporal differences are due entirely to replacement. To account for this possibility, we estimate scores in which the members' ideal points can move over time in several ways and show that the same basic pattern persists.

Figure A3 shows the party medians on civil rights votes, without accounting for policy content at the session level and adjusted using the method outlined in Groseclose, Levitt, and Snyder (1999). Ideal points for each session are generated independently using reference legislators, and stretch and shift parameters are estimated to adjust all sessions and place them on a common scale. Instead of fixing legislator ideal points, or requiring that these move in a linear or polynomial fashion, the "TurboADA" technique allows members to move while maintaining each session's ordinal ranking and the proportional distance between legislators. In so doing, the method assumes that there is no systematic drift across all members and that individual-level change is idiosyncratic. As a result, it cannot accommodate shifts in the underlying issue space—a critique equally true of DW-NOMINATE and all other agnostic techniques—nor does it allow systematic individual-level shifts from the mean position for each legislator.

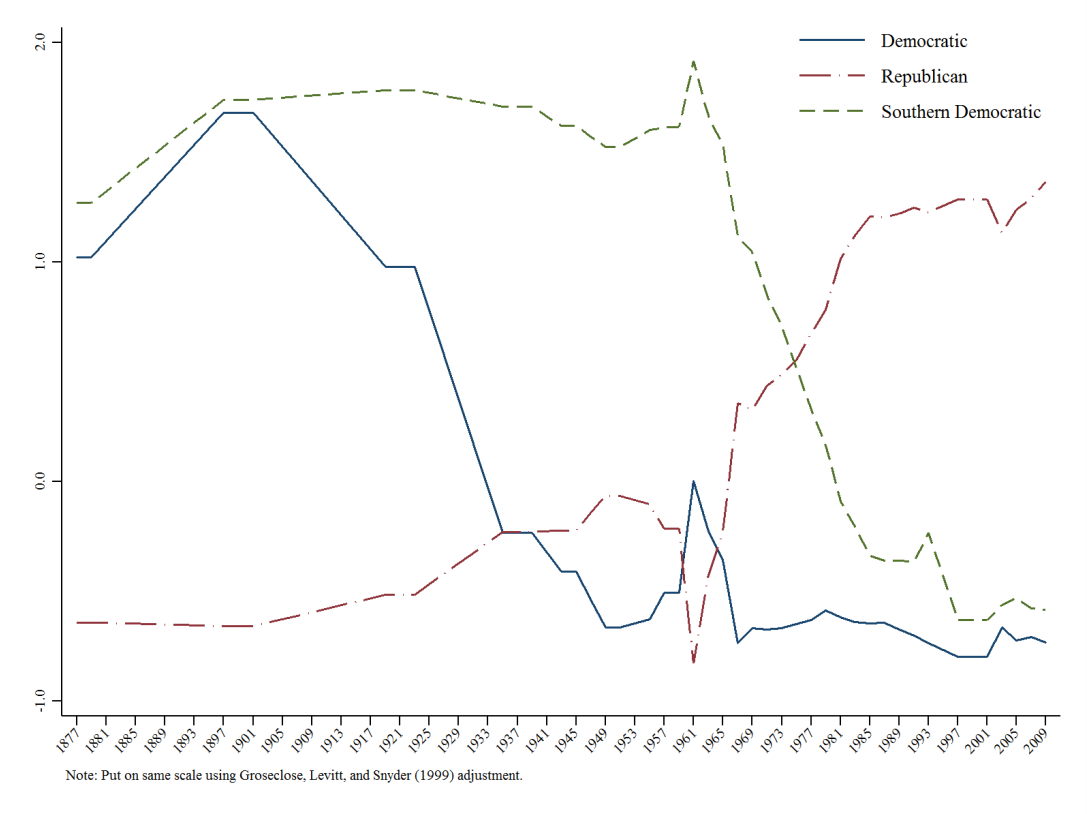


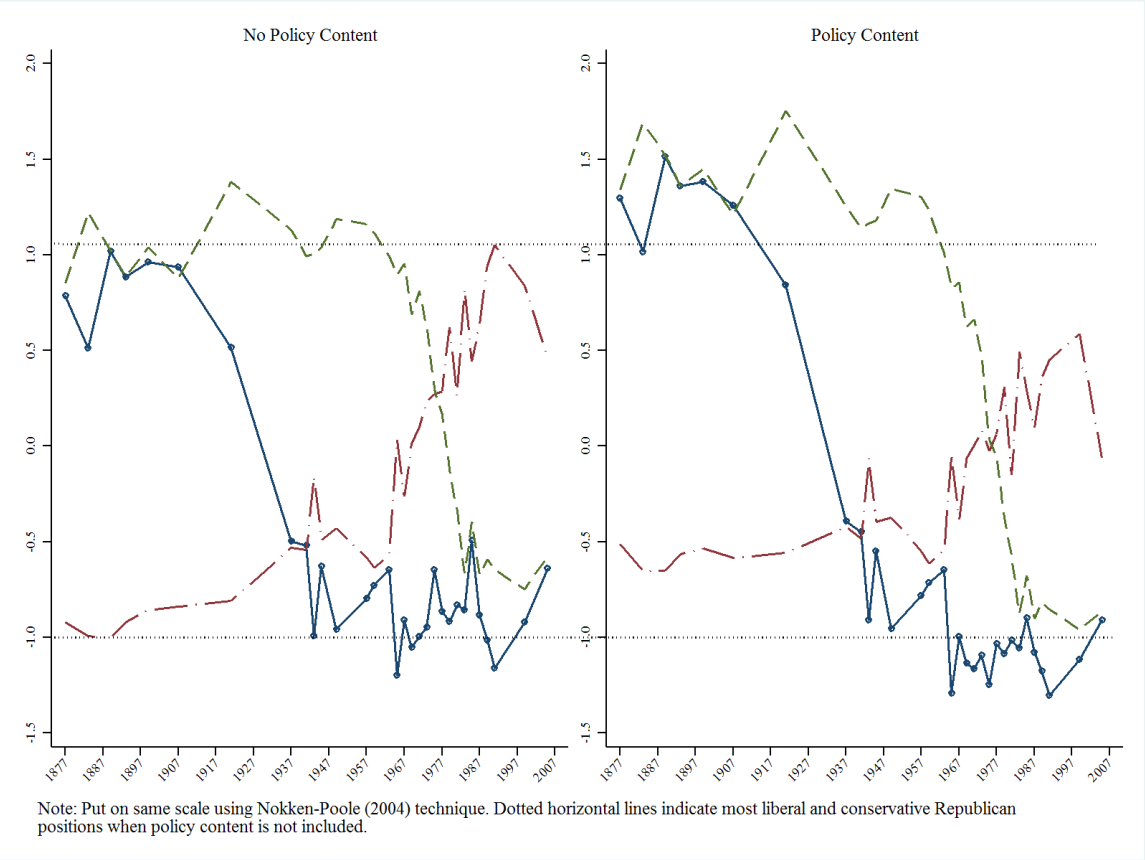

**Figure A3: House Party Medians on Civil rights, 1877–2009: Groseclose, Levitt, and Snyder Adjustment**

There are two relevant limitations for estimating constrained scores. First, by estimating the scores at the session level, it is less clear how to set constraints on the midpoint across time. While each Congress could be "shifted" so that the midpoints behave in a logical manner given the substance at stake, there would be no assurance that the policy space was not stretching or contracting. Second, because each session needs to be estimated separately, many sessions with too few roll calls are dropped. One result of this is considerably less information about the location of members in the pre–New Deal period. By contrast, simultaneously estimated scores allow for all but unanimous votes to be estimated. As each member has a static ideal point for his or her career, we have information on those members who sat in Congresses during which there were no civil rights votes but who voted on such measures at other times in their career.

For our purposes, however, it suffices to show that providing for member change—to a greater extent than is allowed in DW-NOMINATE—does not substantially change the finding that agnostic estimates overstate the degree of racial conservatism and polarization on the issue of African American civil rights.

An alternative way to get comparable scores with considerable member flexibility is outlined by Nokken and Poole (2004). First, estimate a constant model in which all members' scores are fixed across time. Second, fixing the roll call parameters from this model, reestimate members' scores at the Congress level. Each member has a different ideal point for each Congress, but these are comparable across time because they have been estimated against a fixed background of roll call parameters. Because the scores are estimated at the Congress level, the problem of very few roll calls for some Congresses remains, resulting in erratic party medians.

Figure A4 shows the party medians resulting from an application of the Nokken and Poole (2004) technique to civil rights votes. Two sets of scores are estimated, using the midpoints from both the agnostic and informed constraints models. The same basic pattern is evident, although the location of the party medians is considerably more erratic given the smaller number of votes.




Note: Put on same scale using Nokken-Poole (2004) technique. Dotted horizontal lines indicate most liberal and conservative Republican positions when policy content is not included.

**Figure A4: House Party Medians on Civil rights, 1877–2005: Nokken-Poole Technique**

Scores were also estimated using DW-NOMINATE. Using the Voteview (voteview.com) starting estimates for the roll call parameters and ideal points resulted in Democrats and Republicans at no point switching positions. As a result, there is no consistent "conservative" location across time. When the parameters and ideal points generated by the agnostic constant model were used as starting estimates, the DW-NOMINATE model did not converge.

The standard measures of how well ideal points perform are the aggregate proportional reduction in error (APRE) and the percentage of votes correctly predicted. Given that the potential value of ideal points extends beyond retrospectively predicting votes, these scores should not be considered a determinant of whether or not a given set of estimates is acceptable. Rather, they should be used to consider what is lost by using different techniques with different advantages. Table A1 shows the relative performance, by these measures, of the different sets of estimates.

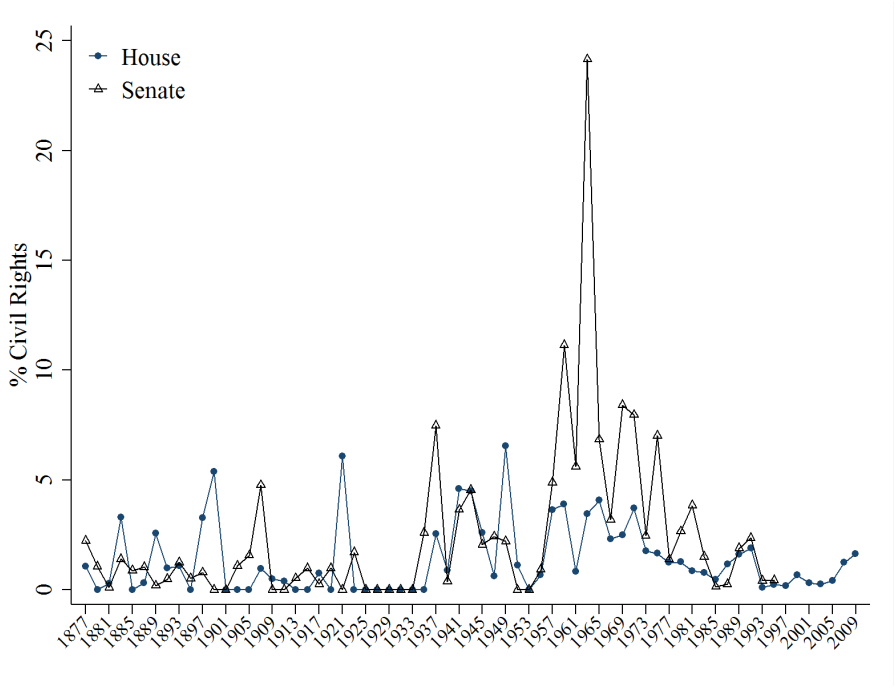
Table A-1: Performance of Different Measures in Predicting Contemporaneous Votes

| Measure | APRE | % Correctly Predicted |
|---|---|---|
| Agnostic—constant model | 0.636 | 90.5 |
| Agnostic—Groseclose, Levitt, Snyder | 0.690 | 92.4 |
| Agnostic—Nokken-Poole | 0.704 | 92.9 |

| | | |
|---|---|---|
| Informed—constant model | 0.627 | 90.2 |
| Informed— Nokken-Poole | 0.698 | 93.0 |
| DW-NOMINATE—two-dimension model | 0.636 | 90.9 |
| DW-NOMINATE—first-dimension model | 0.392 | 83.7 |
| DW-NOMINATE—second-dimension model | 0.199 | 75.2 |

## Online Appendix B: Race and the "Second Dimension"?

Putting aside the fact that votes and issue attention in Congress are not synonymous, Figure B1 shows the varying attention over time by graphing the percentage of votes dealing with the issue of civil rights since 1877 in the House.[25] Determining the content of a vote is admittedly sometimes difficult. For example, we include procedural votes if and only if the discussion in the *Congressional Record* makes it obvious that they had clear substantive implications for civil rights policies, but we do not include issues that had clear racial implications but did not directly address the issue, such as the Fair Labor Standards Act. The fraction of roll calls obviously involving civil rights clearly varies both temporally and institutionally. When so few votes are taken on an issue in a Congress, conclusions about particular policy preferences may be tenuous because the estimates will depend on the presence of votes that have similar voting coalitions, but which may nonetheless differ in other important respects.




[25] We use the percentage of roll calls that were on the issue of civil rights rather than the absolute number in order to account for variation in the number of recorded votes over time.

**Figure B1: Proportion of the Roll Call Agenda Involving Civil Rights Issues, 1877–2009**

A second difficulty is that the relationship between policy content and the estimated dimensions varies over time. Figure B2 graphs the extent to which the civil rights votes in each Congress are decided in terms of the first and second dimensions in DW-NOMINATE. Following the standards used by Poole and Rosenthal (1989) to determine the dimensionality of political conflict, we determine the fraction of civil rights votes involving the second dimension based on the fraction of civil rights rollcalls for which the proportionate reduction of error (PRE) that results from the two-dimension model relative to the one-dimension model exceeds 0.20. As Figure 4 reveals, votes on civil rights policies have sometimes exclusively involved the first dimension in a Congress (e.g., from 1877 to 1921 and again after 1985), sometimes every vote in a Congress has involved both dimensions (in 1941 and in the early 1960s), and sometimes the policies considered in a Congress have involved both exclusively first-dimension votes and multidimensional votes (in the mid to late 1960s).

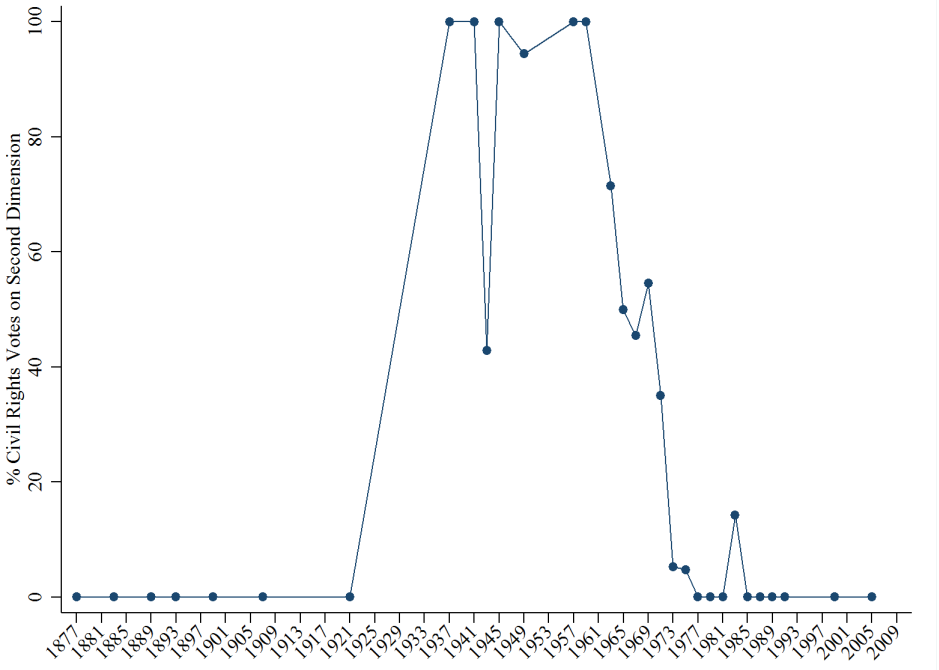



**Figure B2: Percentage of Second-Dimension Civil Rights Votes in DW-NOMINATE, by Congress, 1877–2009**

Not only does the relationship between the estimated dimensions and the policy content depend on the particular policies being voted upon—that is, civil rights policies are sometimes decided by the first dimension and sometimes by the second dimension—but this relationship varies across time and sometimes even within the same Congress.

## Online Appendix C: Policy-Induced Voting Imputations

Votes were imputed on the basis of final passage votes on issues that were substantively related and for which support (opposition) logically implied support (opposition) for a less radical move in policy.

- Support for the 2006 reauthorization of the Voting Rights Act implies support for earlier extensions and reauthorizations of the Voting Rights Act in 1982, 1975, and 1970, as well as for the initial 1965 Voting Rights Act. The coverage formula for placing jurisdictions under federal preclearance authority was initially set to expire after five years and was renewed for five years in 1970, for seven years in 1975 (so as to not coincide with redistricting), and for 25 years in 1982 and 2006. The 1970 and 1975 acts also moved policy leftward by extending its application, adding a requirement for bilingual ballots, and making the ban on literacy tests permanent. Each of the earlier pieces of legislation had moved policy leftward, and the 2006 reauthorization confirmed what had always been seen as the most radical component of the act: Section 5 preclearance and the corresponding coverage formula.
- Support for the 1965 Voting Rights Act implies support for the much less radical 1960 and 1957 Civil Rights Acts. The 1960 act provided for additional federal involvement in elections and defined the "vote" as the entire process of registering, casting a ballot, and having that ballot counted. The act also provided for court injunctions against those seeking to impede desegregation in schools and so is not exclusively a voting rights bill. Removing the 1960 act from the process of imputing votes does not alter the results. The 1957 Civil Rights Act provided for a modest federal intervention in voting procedures, established the Commission on Civil Rights to inquire into the denial of civil rights, and provided relief in federal courts for persons whose right to vote had been abridged on account of race.
- Support for the 1965 Voting Rights Act implies support for the prohibition in the 1940s on poll taxes for congressional and presidential elections. The 1965 Voting Rights Act came after the passage of the 24th Amendment prohibiting poll taxes in federal elections. Earlier Congresses had debated prohibiting the poll tax, not through constitutional amendment, but through the Constitution's Article 1, Section 4, Clause 1. The Voting Rights Act instructed the attorney general to seek to invalidate the further use of the poll tax in state and local elections, over which Congress had no Article 1, Section 4, power. This called for a more far-reaching exercise of federal authority over elections and so should be seen as a more radical move relative to the earlier efforts at federal poll tax prohibition. Since the poll tax bills were not passed, they are not used as the basis for inferring policy preferences.
- Support for the 1957 Civil Rights Act does not imply support for prohibiting the poll tax. Opposition to the 1957 Civil Rights Act, however, does imply opposition to repealing the authority of the President to use the Army to maintain peace at the polls in 1877 as well as opposition to the Federal Elections Bill (the "Lodge Bill") in 1890. The latter was a more radical effort to protect voting rights than the 1957 act while the former had been a crucial means by which the Federal government had protected black voting rights under Reconstruction, and so opposition to the later bill implies opposition to the earlier bills.
- Support for the 1965 Voting Rights Act implies support for the Federal Elections Bill of the 1890s. By allowing federal courts on the petition of citizens to appoint bipartisan election supervisors, the Lodge Bill would have been the most aggressive use of federal power to secure the right to vote since the withdrawal of troops from the South. However, it should be seen as a less radical measure than the 1965 Voting Rights Act,

which provided for preclearance of changes to state and Federal election rules and prohibited practices seen as abridging the right to vote on account of race.

- Support for reauthorizing the Commission on Civil Rights in 1989 implies support for the previous reauthorizations. The commission was established as a temporary commission in 1957 and subsequently has been reauthorized every few years, with many of the reauthorizations increasing its appropriations.
- Support for the 1968 Civil Rights Act, which made lynching a federal crime and prohibited discrimination in various aspects of the housing and rental market, implies support for the earlier anti-lynching legislation. The inclusion of other issues—in addition to housing discrimination, the act made traveling across state lines for the purpose of encouraging a riot a federal crime—makes the inclusion of this issue less certain. The results do not change when it is removed.
- Support for the restoration of certain provisions of the civil rights legislation in the 1990s implies support for the initial establishment of these provisions in the Civil Rights Act of 1964. In a series of decisions, the Supreme Court had limited the application of the act's employee protections. Congress responded in 1991 by largely overturning the Court's decisions. Some of the provisions of the Civil Rights Act were not fully restored, and others were expanded to preemptively ensure that the Court did not make a contrary finding. The purpose of the 1991 act was to explicitly reestablish the protections of the 1964 act and took its basic framework as given.
- Support for the Civil Rights Act of 1964 implies support for the elimination of Jim Crow cars for trains engaged in interstate commerce in the 1880s. In the 1964 act, Congress prohibited, via the commerce clause, discrimination in a wide range of commercial activities, including many taking place in what had been considered private clubs rather than commercial establishments. The effort to prohibit Jim Crow cars on trains was much more limited, in that not only was it confined to a single economic sphere and to an activity that was clearly a public conveyance, but it also used an earlier, more restrictive definition of interstate commerce.

The following table summarizes the number of roll calls that were informed—and thus members' votes were imputed—relative to the total number of roll calls, as well as the total number of imputations relative to the total number of voting decisions.

| Issue | Chamber | Number of Informed Roll Calls (%) | Total Number of Roll Calls | Number of Imputed Individual Voting Decisions (% Total Non-imputed Voting Decisions) |
|---|---|---|---|---|
| Civil rights | | | | |
| | House | 26 (7%) | 350 | 19,299 (15%) |
| | Senate | 37 (5.3%) | 702 | 4,658 (7%) |
| Social Security | | | | |
| | House | 17 (10%) | 164 | 8,733 (12%) |

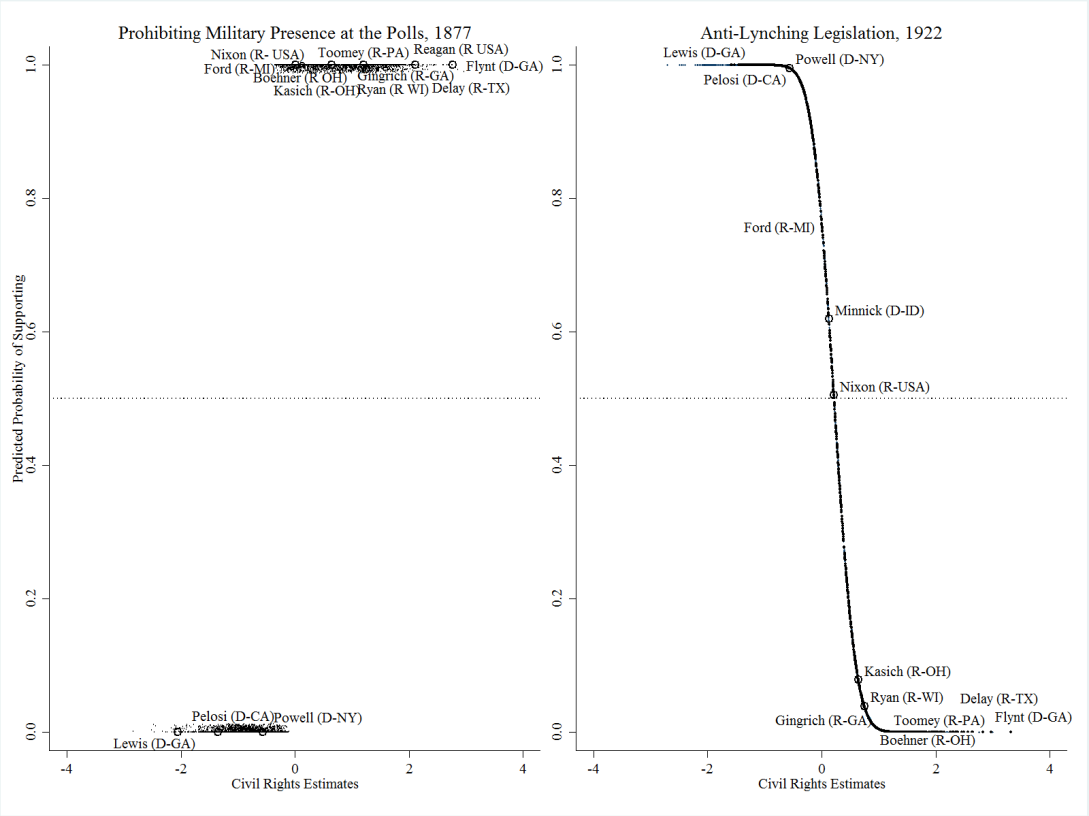
## Online Appendix D: Predicted Probability of Imputed Ideal Point Estimates

Evaluating the predicted probabilities for supporting African American civil rights on two key votes from the late 19th and early 20th centuries—the questions of limiting federal authority to use the Army to maintain peace at the polls in 1877 (a central demand of the 'Redeemer' Democrats) and enacting anti-lynching legislation in 1922—reveals troubling characterizations of member behavior.

While the predictions in Figure D1 using the issue-specific scores are more reasonable than the predictions graphed in Figure 2 using DW-NOMINATE, problems remain. Military presence in Southern elections, for example, would be a radical policy today and the fact that it has limited predicted support among conservatives is perhaps not surprising. By contrast, federal anti-lynching legislation, we suggest, would probably be less polarizing and controversial today than it was at the time. The New Deal's reconfiguration of the relationship between the federal government and state governments, the success of the civil rights movement, and a dramatic shift in American public opinion have all contributed to making the issue far more likely to receive broad legislative support in 2015 than in 1922.[26]

**Figure D1: Predicting the Final Passage Vote on prohibiting the Army from Maintaining Peace at the Polls for Current Members Using Issue-Specific Ideal Points**

[26] Certainly today the provision for federal criminalization of lynching would not provoke the intense opposition that it did at the time, nor, given the expanded role of the federal government in the interim, would it be seen as a dramatic subversion of the federal relationship.




The predicted probabilities of members' votes using imputed votes are more plausible but certainly not perfect. As Figure D2 reveals, Pat Toomey (D-PA) is still predicted to take more racially conservative positions than seems plausible, and some representatives predicted as voting against the Civil Rights Act of 1957 are predicted as voting against the 1965 legislation. But on the whole, we suggest that the results outperform the agnostic scores and, if anything, are probably still overstating the policy conservatism of contemporary Republicans.

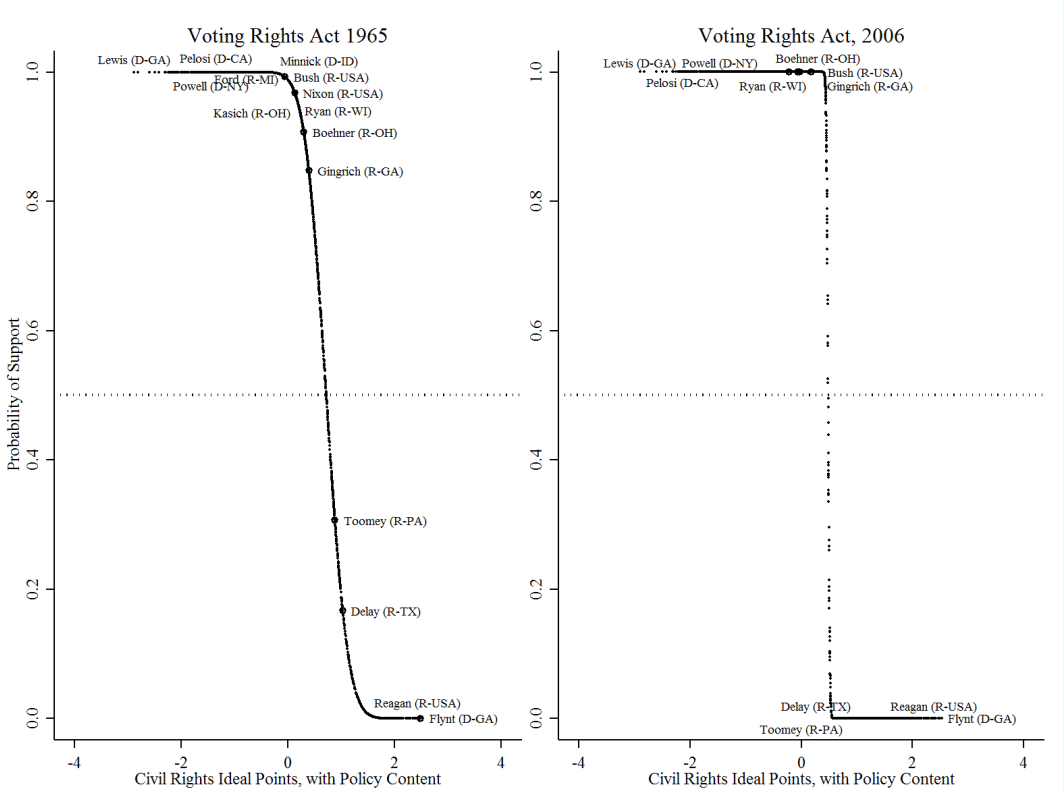



**Figure D2: Predicted Support for the Voting Rights Act of 1965 (left) and Its 2006 Reauthorization (right)**

Figure D3 reveals that the estimates using imputed votes behave much more as we would expect if the issue space were stable across time. Even so, the midpoints largely stayed the same between 1970 and 1981, despite the fact that the policy was moving steadily leftward. This suggests that the "corrections," while an improvement, probably still overstate the conservatism of contemporary Republicans and understate that of Southern Democrats in the past.

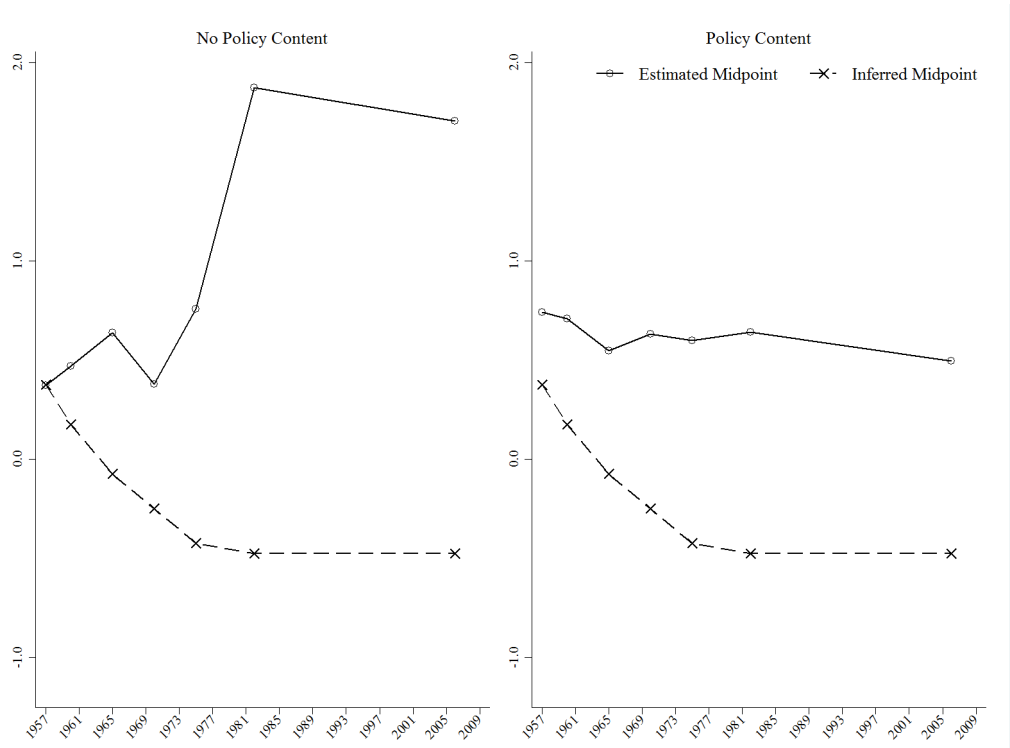



**Figure D3: Location of the Estimated Midpoints for Estimator with Imputed Votes, 1957–2009**

## Online Appendix E: Other Institutions, Other Issues

The Senate cast considerably more votes on civil rights issues—largely as a function of Southern efforts to reshape or defeat the crucial bills of the mid-20th century—and so we might expect that imputing votes for such a small subset of roll calls would have little effect on the aggregate patterns. Nonetheless, the same basic pattern emerges. Analyzing civil rights roll calls without accounting for policy content suggests that contemporary Republicans have the same policy preferences as the Southern senators who opposed the Voting Rights Act of 1965, the Civil Rights Act of 1968, and the extension and renewal of the Voting Rights Act in 1970. Once we account for the content of the policy being voted upon by imputing votes in 37 of the 702 observed roll calls, a far different characterization emerges: contemporary Republicans are only as conservative as the median member in the Senate post-Reconstruction.

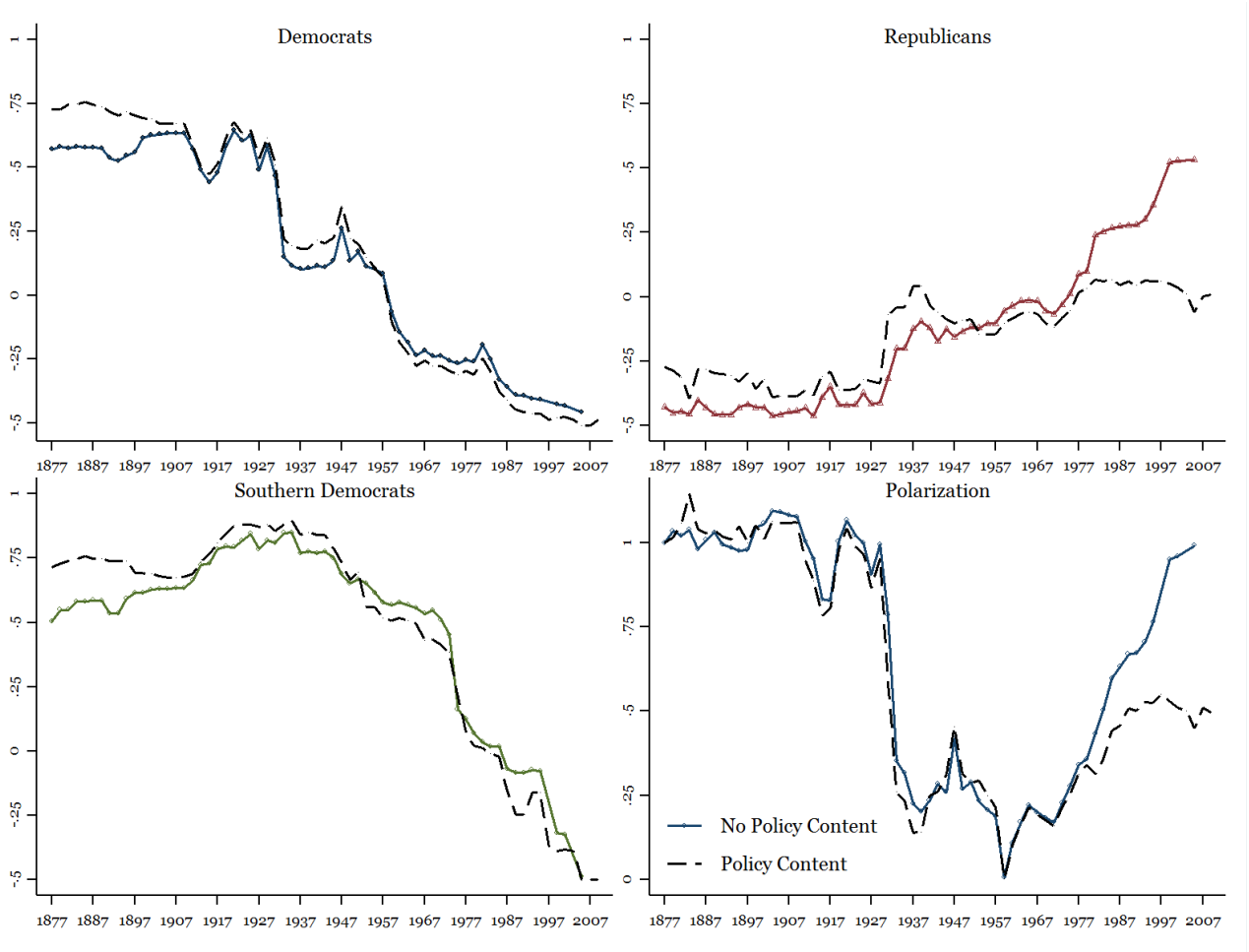



**Figure E1: Estimates of Senate Party Medians Using Civil Rights Votes, 1877–2009**

As Figure E1 reveals, the pattern in the Senate mirrors that in the House: accounting for the content being voted upon results in a dramatic shift in the estimated ideal points of the average Republican. Whereas ignoring policy content suggests that they are as racially conservative as post-Reconstruction Southern Democrats, once we incorporate information about what is being voted upon, they are estimated to be far more racially liberal than the militant segregationists who once served in the U.S. Senate. Moreover, as a result of this estimated shift, as the lower-left plot of Figure 10 makes clear, the overall level of polarization is roughly half of what it is when we ignore policy content.

This pattern is not specific to civil rights issues. If we explore legislative action on Social Security over time, we observe a similar pattern: accounting for the relationship between the policies being voted upon reveals that the level of polarization we would otherwise predict is overstated. Figure E2 traces the party medians and the distance between these from 1935 to 2006 in the U.S. House, using estimates generated with and without taking policy content into account.[27] Both sets of estimates show a depolarization in the 1940s and 1950s, followed by a steady after the 1960s. The differences are in the extent of depolarization in the program's early

[27] Votes on Social Security largely fell along the first dimension in NOMINATE.

decades, in the magnitude of the increase after the 1960s, and in the dramatic leftward shift evident for both parties.

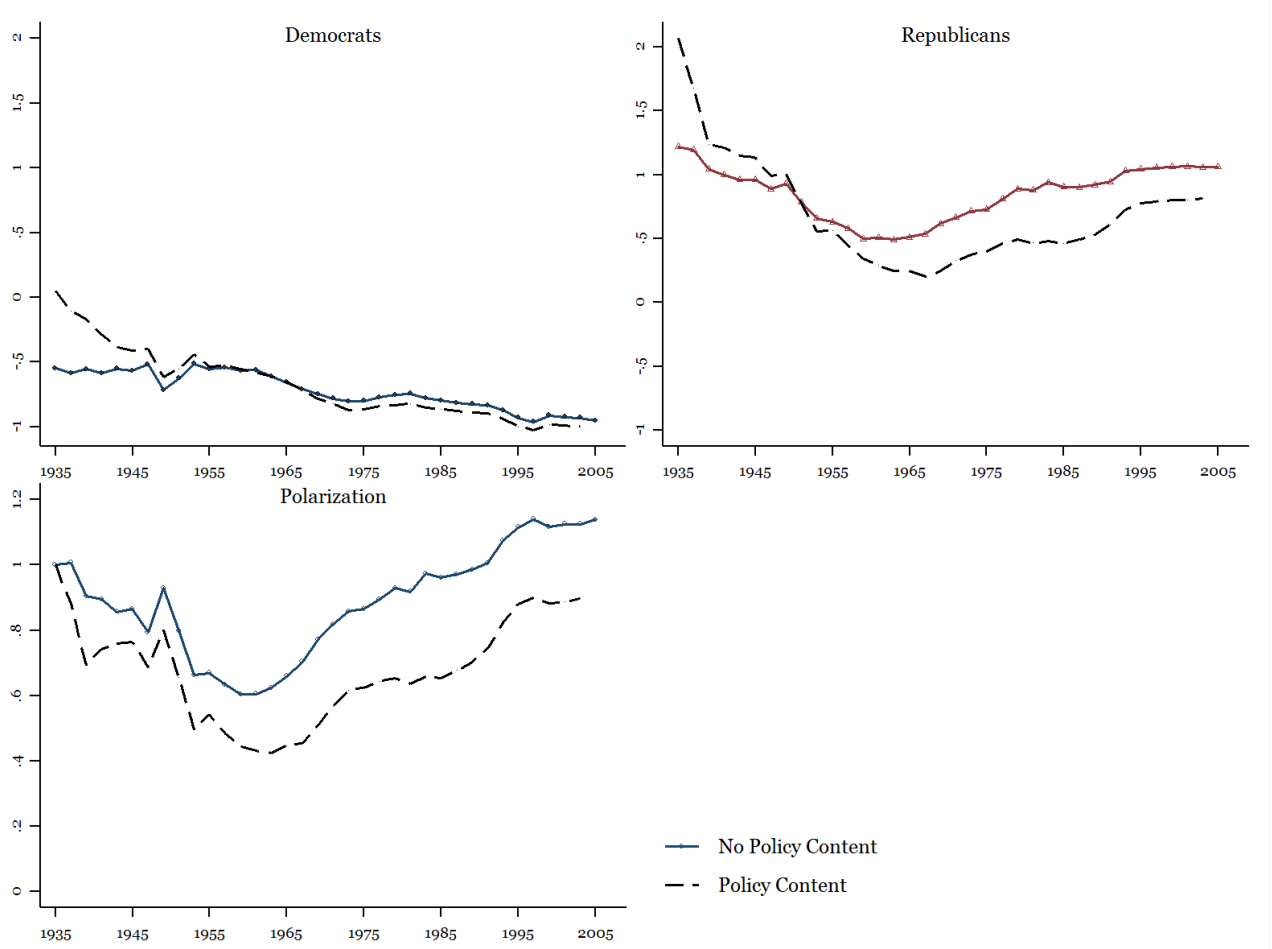



**Figure E2: Polarization Measures of House Votes on Social Security, 1935–2006**

Accounting for policy content produces a pattern that appears to fit well with the underlying politics of Social Security. Although many Republicans initially opposed the program and a majority of the party supported an effort to remove the pension system, final passage in 1935 was characterized by bipartisan support, with an equal number of Democrats and Republicans in opposition.[28] Within only a few years, opposition had collapsed: a substantial expansion of the pension program passed by 361 to 2 in 1939, the 1948 Republican platform called for a further increase in benefits, and in 1950 a large expansion of the program passed with only three nay votes.[29] Both parties had completely embraced Social Security, and future conflict on the

[28] "House Republicans to Accept Democrat Social Security Bill," *Washington Post,* April 3, 1935, 1-2.

Felix Belair Jr., "Security Measure Altered," *New York Times*, April 7, 1935, E12.

[29] "Social Security Act," in *CQ Almanac 1950*, 6th ed., 165–77 (Washington, D.C.: Congressional

Quarterly, 1951).

issue would often revolve around who would benefit politically over the program's expansion.[30] This change is well captured by the dramatic shift in both party medians in the policy content estimates, while only the Republican shift is captured when policy content is ignored.

By the late 1970s the program was under financial stress, resulting in more contentious roll calls. For instance, the average vote margin (as a percentage of votes cast) declined from a peak of 91 percent in the 1960s to 62 percent from 1980 to 2004. Further changes in the early 1990s focused "mainly on 'fine-tuning' the program" (Kollmann 1996, i).[31] During this period, the distance between the party medians increased, but most conflict centered on how to achieve long-term sustainability. It seems unlikely that the Republican majority elected in 1994 would have supported abolishing the pension program, as a majority of their copartisans did in 1935, and as is suggested by the agnostic measures in the top-right panel of Figure 11.

Party conflict on the issue has probably increased since 2006, when our measure stops. But it is worth noting that neither the Clinton proposal for individual savings accounts nor the more conservative Bush proposal had sufficient support in Congress to advance beyond the committee stage. And while both sets of estimates capture the heightened polarization on this issue, only the policy content measure captures the general leftward shift in policy preferences since 1935.

[30]. C. P. Trussell, "House Blocks Rise in Social Security," *New York Times*, May 20, 1952, 1.

[31] Even during the early 2000s, roll call voting suggested broad bipartisan support for the bill—the Social Security Protection Act passed 402–19. Partisan disagreement was primarily on procedural votes or on whether the second-tier income tax on benefits should be repealed.