

**U.S. Senators and the Act of Representation:  
Concepts and Measures**

C. Lawrence Evans

Department of Government  
College of William & Mary  
Williamsburg, VA 23187-8795

Prepared for presentation at the Annual Meeting of the Midwest Political Science Association,  
Chicago, IL, April 5-8, 2018

## **U.S. Senators and the Act of Representation: Concepts and Measures**

This paper is the first in a series about member decision making on important roll call votes in the U.S. Senate. The subject of the broader study is the mechanisms through which mass constituents, advocacy groups, party organizations and leaders, the White House, and the personal policy attitudes of legislators and other aspects of the decision context shape roll call choices on major issues. The empirical focus is twenty significant policy matters considered on the Senate floor during the 106<sup>th</sup> Congress, 1999-2000.

The overarching goal is to address and help reconcile a disjuncture that has emerged between three of the most important bodies of scholarship about American politics. On the one hand, studies of roll call choice and other normatively consequential aspects of congressional behavior generally treat lawmakers as agents who largely respond to a range of principals, including their constituents. In contrast, the last two decades of public opinion research emphasizes the malleability of mass attitudes to elite priming, including the public behavior of elected officials like Senators. And influential studies of group behavior, from Bauer, Poole and Dexter (1963) to Baumgartner et al (2009), likewise emphasize that advocacy coalitions respond to members of Congress and that lawmakers are far more than mere agents for interest group principals. Importantly, political theorists, such as Pitkin (1972), Mansbridge (2003), and Disch (2012), portray representational relationships as complex, reciprocal, and performative. The best students of democratic theory, in other words, fully recognize the aforementioned disjuncture and highlight it in their thought. The premise for this project is that important new light can be shed on the representational behavior of U.S. Senators by examining their voting decisions up-close, in detail, and from the perspective of inside the office enterprise. How do participants in the decision-making process perceive the pressures, incentives, and opportunities that they confront as members make up their minds about how to vote in the chamber? How does the nature of these representational relationships vary by issue and member, and why? What are the consequences for democratic theory?

The 106<sup>th</sup> Senate is selected as the period of study for three main reasons. First, the 106<sup>th</sup> Congress constituted a transition of sorts between the less polarized chambers of the 1970s and 1980s and the intensely partisan Senates of recent years (Smith 2014, Theriault 2013). Major portions of the floor agenda during 1999-2000 were characterized by sharp infighting along partisan and ideological lines, the prioritization of position taking over lawmaking, and rampant gridlock. Other portions of the agenda, however, were more conducive to cross-partisan bargaining, compromise, and the passage of legislation. As a result, by considering member decision making on different subsets of the policy agenda of the 106<sup>th</sup> Congress, we can shed light on representational relationships across a range of partisan configurations. Indeed, a key finding is that many of the institutional ills that characterize the contemporary Senate were fully apparent during the late 1990s and are largely rooted in the relationships that individual members develop with the outside audiences and constituencies critical to their goals.

Second, during 1999-2000, I conducted nearly 100 interviews with senior staff (primarily Chiefs of Staff and Legislative Directors) for a sample of 36 members of the Senate. As part of the interviews, the aides were questioned extensively about the factors that shaped the choices of their Senators on contemporaneous roll calls on the chamber floor. More concretely, for each of

20 votes I gathered information about member decision making for a sample of 12 Senate offices equally divided by party, which resulted in fairly rich portraits of 240 discrete roll call decisions. The interview protocol was modeled on the questions employed by Kingdon (1989) in his classic study of member voting decisions in the House. A portion of this evidence was piloted in Evans (2002), but the results of the interviews have yet to be fully leveraged. Most important, the evidence allows us to weigh the factors that shape roll call decisions from the perspective of the Senate office, rather than rely on statistical relationships between voting decisions and the standard measures of constituency interests, organizational activity, party affiliation, and so on that are pervasive in the empirical literature about representation.

Third, the passage of nearly two decades since the 106<sup>th</sup> Congress enables me to leverage a valuable and underutilized evidentiary source for understanding the decision-making practices of Senators – the personal papers of former members of the chamber. Indeed, the vast majority of members included in my sample of Senate offices have retired, and in many instances their personal papers are now open to researchers. Included among these archival records are the strategy memos, mail counts, correspondence with outside groups, administration contacts, and other materials that staff collect as they advise Senators about how to deal with an upcoming issue. The archived papers of former members of the 106<sup>th</sup> Congress, in other words, allow me to recreate the paper trails that shed light on roll call choice. These materials also provide both a validity check on the interview evidence and the opportunity to delve into member decision making in significantly more detail. Moreover, while the interviews necessarily were conducted on a “not for attribution” basis, the personal papers of former members are public record and thus enhance the reproducibility of the project.

In this preliminary paper, my focus is on setting up the broader study and introducing the evidence gleaned from interviews. The next paper in the series (APSA 2018) will begin integrating archival evidence from the records of individual Senators, especially as it relates to party influence and group lobbying. Here, in the pages that follow, Section 1 is an overview of the 106<sup>th</sup> Congress and the 20 floor issues targeted for special attention. Section 1 also reviews the interview protocols and evidence and provides summary information about the relative importance of the factors that shaped member behavior. Together, Sections 2 and 3 present an illustrative case study of Senate decision making on the re-importation of prescription drugs. Background information is provided in Section 2, while the choices of the relevant lawmakers are analyzed in Section 3. Section 4 summarizes the implications for our understanding of what Hannah Pitkin (1972) famously called “the act of representation” within the Senate, as well as the future direction of this project.

## **1. Roll Call Choice During the 106<sup>th</sup> Senate**

When the Senate convened in January 1999, the chamber included 55 Republicans and 45 Democrats. The Majority Leader was Trent Lott, R-Miss., and the assistant floor leader and whip for the GOP was Don Nickles, R-Okla. On the Democratic side of the aisle, Tom Daschle, D-S.D., was the minority leader and Harry Reid, D-Nev., was the assistant floor leader and whip. Democrat Bill Clinton, of course, was serving the final two years of his eight year stretch in the White House.

Within the Senate that congress, Republicans and Democrats tended to represent substantially different kinds of states. For GOP Senators, the average vote for Clinton in 1996 within their states had been 50.6 percent, while for Democratic members the average had been 56.1 percent, for a difference of about 5.5 percentage points. For comparison, during the 101<sup>st</sup> Congress (1989-90), the percentage difference in state-level presidential voting between Senate Republicans and Democrats had been just 1.8 percent, while by the 115<sup>th</sup> Congress (2017-18) the analogous party difference had reached nearly 15 percent. Along those lines, for the 106<sup>th</sup> Congress the number of members within each party hailing from states with Clinton support closer to the average for the partisan opposition provides a rough indicator of the number of lawmakers likely to be cross-pressured between party and constituency concerns. For the majority Republicans, 39.3 percent were party outliers in terms of state-level presidential voting, while the analogous percentage for chamber Democrats was 32.6. In short, during 1999-2000, Senators tended to represent states that tilted toward their party, but a significant minority of both parties – and especially the majority GOP – confronted electorates that were more in line with the constituencies represented by the average member of the partisan opposition.

While polarization at the constituency level was significant, but not overwhelming, Republican and Democratic members of the 106<sup>th</sup> Senate produced markedly different roll call records on the floor. Among GOP Senators, for example, the average DW-NOMINATE value was .38 while for Democrats the average was -.34.<sup>1</sup> If we use the difference between the two party averages as a rough indicator of partisan polarization at the roll call level, then the partisan difference for the 106<sup>th</sup> Congress was about .72 while the analogous differences for the 101<sup>st</sup> and 113<sup>th</sup> Congresses were .60 and .93, respectively. Here, it also is instructive to consider the number of Senators with DW-NOMINATE values that were closer to the average for members of the other party than they were to the average for their co-partisans. Interestingly, only a single member fell into that category in each of the 101<sup>st</sup> – 105<sup>th</sup> Congresses; three during the 106<sup>th</sup> and 107<sup>th</sup>; two in the 108<sup>th</sup> and 109<sup>th</sup>; one in the 110<sup>th</sup>; two in the 111<sup>th</sup> and 112<sup>th</sup>; and one in the 113<sup>th</sup>. The three for the 106<sup>th</sup> Senate included James Jeffords, R-Vt., Lincoln Chafee, R-R.I., and Zell Miller, D-Ga. Interestingly, both Chafee and Miller replaced members who had recently died in office and only served for portions of the 106<sup>th</sup> Congress. Indeed, if we consider the ranks of Senators more ideologically proximate to the average for the other party, from the 101<sup>st</sup> to the 113<sup>th</sup> Congress the same five names surface repeatedly – Jeffords, Chafee, Miller, and Republicans Susan Collins and Olympia Snowe of Maine.

In short, the 106<sup>th</sup> Senate was transitional from the perspective of both constituency level and roll call polarization. Overall, the level of partisan polarization appears to have been somewhat less market at the constituency level (at least according to the presidential voting measure), but it stepped up substantially during the 1990s and 2000s. Roll call polarization was already significant by the late 1980s, and only became more so during the ensuing two decades. But the hallmarks of the contemporary Senate were already apparent by the 106<sup>th</sup> Congress, especially on portions of the policy agenda that divided the two parties. Indeed, if we exclude the Democrat Zell Miller, who only served for the last six months of 2000, there were no Senators located in the ideological overlap between the two parties during 1999-2000. In other words,

---

<sup>1</sup> DW-NOMINATE values used in this paper are from Voteview.com and are dynamic indicators current through the 113<sup>th</sup> Congress.

excluding Miller, the most liberal Republican in the chamber was more conservative than the most rightward leaning Democrat.

Table 1 lists the issues from the floor agenda during the 106<sup>th</sup> Senate that were the subject of interviews for this project, while Table 2 denotes the Senate offices for which interviews were conducted and the number of issues targeted per Senator. The issues were selected as the fieldwork ensued during 1999-2000. Typically, I followed media coverage of the Senate looking for upcoming and contemporaneous floor actions that appeared to be of consequence, and also spoke regularly with senior Senate staff about the unfolding agenda. As much as possible, interviews were conducted with a sample of Senate offices as close as possible to the occurrence of the relevant votes in the full chamber.

As mentioned, for this portion of the broader study I relied on interviews with top aides to a broadly representative sample of 36 U.S. Senators – primarily chiefs of staff and legislative directors – to explore how roll call decisions were made across the twenty floor issues. For each issue, I gathered data from twelve of the offices in the larger sample. The research design is based on Kingdon’s (1989) study of House roll call behavior during the late 1960s. As with Kingdon’s research, the unit of analysis is the decision, so the total N for the interview-based portion of this study is 240 observations (twenty issues, 12 offices per issue).

Unlike Kingdon, I chose not to use the members themselves as my main informants. There are several reasons. Relative to House members, it is much harder to secure interview time with sitting members of the Senate. The congressional workload has expanded substantially since Kingdon conducted his fieldwork, and scheduling interviews with lawmakers in both chambers is increasingly difficult. Perhaps more important, the decision-making process in the Senate is also more staff-dependent than is the analogous process in the House, in large part because the time of Senators is spread more thinly. In many ways, top aides are more likely to have intimate knowledge of the full range of pressures and considerations that shape position taking and roll call choice. Indeed, in previous research about Senate committee decision making during the 1980s, I found that the many Senators I interviewed often responded to detailed questions about bills by calling relevant legislative staff into the room and asking them to participate in the discussion (Evans 2001a). More generally, my strategy of relying on senior staff as informants is fully consistent with the view that the congressional office should be conceptualized as an “enterprise,” with members at the helm (Salisbury and Shepsle, 1981). The strategy of using knowledgeable staff as informants about member behavior also has proven useful to other congressional researchers. Hall (1996), for instance, relied on staff respondents to gather systematic data about member motivations and behind-the-scenes legislative activity in his award-winning study of committee participation.

My research design also diverges from Kingdon’s work in certain other ways. Kingdon was able to randomly select his sample of House offices. In contrast, I mostly relied on personal contacts to assemble my Senate sample. Within each office, the primary goal was to secure access to a staff person privy to the relevant member’s thinking and decision making for the specific policy matters under focus. It was important that the aides speak to me with some candor about how these decisions were made. Randomly selecting Senate offices would have produced less access and even less candor. As a result, I chose to assemble the sample in a piece-meal

fashion via personal contacts who could vouch for my trustworthiness.<sup>2</sup> To promote candor about events and considerations that may have been viewed as sensitive at the time, the interviews also were conducted on a “not-for-attribution” basis.

I took extensive notes during the interviews, fleshed them out immediately after the relevant session, and then typed them up. As a result, it is possible to code a number of variables that tap into key elements of the decision-making process. Following Kingdon’s lead, included are the importance of mass constituency opinion, advocacy organizations and interest groups, party leaders within the Senate, and the Clinton administration. From the interviews, it is possible to discern whether each of these factors was relevant to a member’s decision making on an issue, and whether the importance of the factor was minor, moderate, or major. The interview protocol is summarized in the appendix, as are the coding criteria for the variables utilized in this paper.

Along with the aforementioned factors, also included among the decision touchstones were categories for “core attitudes” and “Senate colleagues.” In the interviews, I did not systematically ask questions about the impact of a Senator’s core policy attitudes on the voting decision. Still, it was clear during these conversations that members often approached a roll call choice by consciously relating the matter to their underlying ideology or core policy goals. On trade issues, for instance a number of my respondents emphasized the general free trade stances of their bosses, for example remarking, “that’s a quota bill and we’re against quotas.” It is possible from the interview notes to roughly categorize the importance of a member’s core policy attitudes and priorities to a roll call decision, and the associated criteria are likewise delineated in the appendix.

Along those lines, the category for “colleagues” is meant to capture the extent to which the positions chosen and votes cast were substantially affected by contacts with or information about the actions of other Senate offices. Prior behavioral studies of roll call choice emphasize that lawmakers often look to their colleagues for cues about how to vote. Such cues are selected in part because they provide resource-constrained lawmakers with low-cost information about the mix of constituency concerns, group pressures, partisan imperatives, White House priorities, and policy stakes confronting them on an upcoming vote. Although such signals largely proxy for other (more fundamental) political forces, they do reveal something about the process of decision making and, as a result, are included among the factors.

For each of the six factors, Table 3 provides a rank ordering of the twenty issues in terms of the importance of that factor. More concretely, for each member decision, issue, and factor, minor importance was scaled as one, moderate importance as two, and major importance as three. I then averaged the ratings for each factor across the 12 Senators interviewed about a particular issue, producing the orderings of Table 3. The issues near the top of each list had the highest averages, while those located near the bottom had the lowest. For the most part, the rankings make good intuitive sense, providing a degree of external validation for the interview evidence and coding criteria. The issues for which mass constituency opinion was most important, for example, include education, health care, and abortion. According to public

---

<sup>2</sup> In particular, I relied heavily on the personal contacts of the late W. Lee Rawls, who was then serving as Chief of Staff to Senator Bill Frist, R-Tenn., and without whom this study could not have been conducted.

opinion polls, education and health care topped the list of citizen priorities during the 106<sup>th</sup> Congress, and abortion is among the most salient and contentious matters in American politics. In contrast, mass attitudes played a very limited role in member decision making on bankruptcy reform, the Y2K liability legislation, and a proposal to extend the Northeast Dairy Compact. These issues were relatively technical and of limited interest to the average voter.

Not surprisingly, the items at the top of the list for advocacy groups were all heavily lobbied during the 106<sup>th</sup> Congress.<sup>3</sup> Party leadership involvement was most prevalent on front-burner “message” issues, such as education and managed care reform. Interestingly, agricultural assistance became a party leadership priority in summer 1999; in part because of the importance of agriculture to the state of South Dakota, home to Senate Democratic leader Thomas Daschle. And the roll calls for which the administration was most consequential tended to be foreign policy and trade items, where the executive branch has important informational advantages and constitutional prerogatives. A comprehensive analysis of these variables is underway, but for now the orderings in Table 3 demonstrate the potential value of the research design and the richness of the evidence.

## 2. Of Bus Trips and Pet Shows

Among the floor issues from the 106<sup>th</sup> Senate targeted in this study, the drug importation vote is an especially instructive example of the complexity of roll call choice and of representation in the real world of congressional politics. Existing research demonstrates that voter interest, political entrepreneurship within the advocacy community, and the strategic behavior of politicians all affect whether and how policy initiatives are placed on the national agenda. Issues do become politically important because they matter to the general public, but the tactics of political elites, including Senators, can alter how citizens perceive an issue, and thereby shape public attitudes about priorities and alternatives.

The most comprehensive analysis of the linkages between elite behavior and mass opinion is the work of John Zaller (1992). In his book, *The Nature and Origins of Mass Opinion*, Zaller demonstrates that the attitudes of mass political actors are based on underlying dimensions, or “considerations,” that are firmly rooted in memory. Citizens develop preferences about policy priorities and alternatives by relating policy-relevant information (typically derived from elite-level sources) to these underlying considerations. As a result, the actions and public statements of political elites can be critical ingredients in the cognitive deliberations of ordinary people. Other scholars have explored how the linkages between elite behavior and mass attitudes influence the processes through which issues emerge and evolve. For instance, Carmines and Stimson (1989) emphasize the role played by party activists and the 1964 presidential campaign in crystallizing public opinion about racial issues. Adams (1997) applies the concept of issue evolution to abortion policy making; he demonstrates that elite behavior also conditioned public opinion in this most divisive of policy areas.<sup>4</sup> Similar findings are summarized in Achen and Bartels (2016).

---

<sup>3</sup> Frank Baumgartner and his colleagues have assembled a superb database that tracks group lobbying on many of the items included in my legislative sample for the 106<sup>th</sup> Senate: <http://lobby.la.psu.edu>.

<sup>4</sup> For systematic research about the dynamics of the agenda setting process, see especially Baumgartner and Jones (1993) and Kingdon (1984).

Both public concerns and elite entrepreneurship were behind the emergence of the drug importation issue during the 106<sup>th</sup> Congress. At first blush, the legislative context seems straightforward. For a variety of reasons, ranging from price caps in other countries to price discrimination by the pharmaceutical industry, many drugs manufactured in the U.S. could be purchased more cheaply in Canada, Mexico, and other foreign nations. At the time, only the manufacturers of a drug could “reimport” it back into the United States to be sold at the lower price. In 1997 and 1998, many senior citizens began traveling across the border to Canada or Mexico to purchase low-cost prescriptions, but these shopping sprees typically were inconvenient and of dubious legality.

In mid-July, 2000, Senator Byron Dorgan, D-N.D., approached his then-Republican colleague, James Jeffords of Vermont, and suggested that they collaborate on an amendment to the FY 2001 agricultural appropriations bill, which soon would be the pending business before the chamber. The intention of their initiative was to loosen restrictions on the re-importation of prescription drugs (already approved by the Food and Drug Administration) and hopefully reduce the costs of these items to American consumers. The amendment was similar to legislation introduced by Jeffords earlier in the year, and to a floor amendment adopted by the House on July 10. After Jeffords and Dorgan offered their proposal on the Senate floor on July 19, Thad Cochran, R-Miss., introduced a second-degree amendment providing that prescription drug importation would be permissible only if the Department of Health and Human Services certified that the products were safe and would significantly lower costs. Cochran’s amendment was adopted by a 96-0 vote, and then the Jeffords-Dorgan proposal passed by a margin of 74-21. A version of the proposal was included in the final agricultural appropriations measure signed by President Bill Clinton. But Donna Shalala, Clinton's Secretary of Health and Human Services, deemed the provision unenforceable and declined to implement it.

During the late 1990s and early 2000s, the drug importation issue was salient with many people, especially in border states, because of the linkages to generalized concerns about prescription drugs and Medicare, and because of the intensive public relations campaigns that cropped up around the matter. Interestingly, the process of issue emergence occurred almost entirely during the 106<sup>th</sup> Congress. Figure 1 portrays the number of regional news stories (as defined by Lexis-Nexis) that touched on the importation or re-importation of prescription drugs. The number of articles was fairly low until 1999, when it began to climb steadily. There are almost 100 Lexis-Nexis “hits” for the second quarter of 2000. By the third and fourth quarters of that year, as Congress and the White House grappled with the Jeffords-Dorgan language, the number of stories doubled, before dropping back to the pre-June 2000 levels. What happened and where did the issue come from?

Part of the answer is rooted in public opinion and the economics of prescription drugs. Between the archives of the Roper Center for Public Opinion Research and the Kaiser Foundation, survey data from the period are available from over 500 different questions dealing with prescription drugs. The portrait of public attitudes that emerges from these data is complex, but does include certain key features. Over 90 percent of Americans reported taking prescription drugs in a given year, with the highest level of consumption among the elderly. Between 1997 and 1998, national spending on prescriptions increased by 15 percent; and over the 1990s drug

prices grew at twice the overall level of inflation. In poll after poll, three quarters of respondents favored the creation of a prescription drug benefit for Medicare recipients – even if that meant higher premiums. Contemporaneous polls also indicated that most citizens viewed Democrats, rather than Republicans, as best able to handle the issue.

The underlying public concern about prescription drugs derived from rising costs, expanded consumption, and the magnitude of pharmaceutical profits. Coupled with rising drug prices and increased usage was enhanced public skepticism about the pharmaceutical industry. Pharmaceutical manufacturing has long been one of the most profitable legal industries in America. Indeed, during the late 1990s drug companies were reaping an average return on revenue of 19 percent – almost four times the average for Fortune 500 companies. One consequence – public support for the industry declined markedly as the decade came to a close.

Figure 2 summarizes public attitudes toward five U.S. industries from 1997 to 2001. An industry's "net favorability" rating is the percentage of poll respondents who answered that an industry was doing a good job serving its consumers minus the proportion answering that the industry was doing a bad job. Overall, the public held the automobile industry in high regard, and tobacco companies consistently were viewed in negative terms. Notice, though, that the three health care industries included in Figure 2 experienced significant declines in public favor over the four years. The steep drops for the health insurance and managed care sectors closely correspond to the timing of partisan battles in Washington over the Patients' Bill of Rights, as well as heightened consumer exposure to health maintenance organizations. Notice that there also was a parallel decline for the pharmaceutical industry, but the drug companies began at a much higher level. In 1997, for instance, 79 percent of respondents felt that the industry was doing a good job serving customers – a remarkably high rating. Over the next three years, however, public support plummeted.

Not surprisingly, congressional incumbents and candidates (primarily Democrats) began searching for ways to frame the prescription drug issue that would crystallize, evoke, and harness the growing public discontent with the pharmaceutical industry. In July 1998, the Democratic staff to the House Committee on Government Operations began conducting research about drug prices in seven key congressional districts. Later that year, the staff provided Democratic lawmakers with data comparing the costs of pharmaceuticals in their districts with the prices charged for the same products in Canada. The price differentials often were substantial. In November 1999, the Government Operations staff released the results of a study indicating that eight popular prescription drugs were much cheaper when purchased for the treatment of animals rather than human beings.

Early in 2000, a number of Democratic candidates seized upon these studies and used them to more effectively market themselves on prescription drug issues.<sup>5</sup> Particularly in states near the Canadian or Mexican borders, one tactic was to organize van and bus trips across the border for the ostensible purpose of helping groups of elderly constituents purchase pharmaceuticals at lower costs. The excursions were highly publicized in the media. On January 19 of that year, for example, Senator Dorgan (who was not running for reelection) traveled with

---

<sup>5</sup> See, for instance, Marilyn Serafini, "Congressional Drug Runs," *National Journal*, March 3, 2000.

a caravan of his constituents to Manitoba to purchase prescription drugs. The following month, Rep. Deborah Stabenow, then campaigning against GOP Senator Spencer Abraham, Mich, took 15 senior citizens to Windsor, Ontario on a prescription-buying trip. By the end of the campaign cycle, congressional candidates from at least ten states had organized border-hopping trips to publicize their commitment to lower drug prices for the elderly. At least one House Democrat conducted a media event at a veterinary clinic to dramatize the lower prices charged for certain drugs when prescribed for pets. With a greyhound named “Ollie” looking on, then Rep. Tammy Baldwin, D-Wis., exclaimed that the Government Operations Committee report on the subject, “has really got my dander up.... It is shocking that my cat gets a better price for prescription drugs than my grandmother does.”<sup>6</sup>

In addition to generating free media, the van trips and pet shows provided candidates with new material for television and radio advertisements. One television ad portrayed Brian Schweitzer, a Montana Democrat running against Republican Senator Conrad Burns, riding on a bus, speaking to the camera. "This busload of people will save over \$24,000 by buying prescription medicines in Canada over a 12-month period," Schweitzer claimed. "People all over American are asking, 'Can just one farmer and a group of senior citizens from Montana take on the pharmaceutical industry and change Congress?' Just watch us." In a follow-up commercial, this time speaking from a rustic cabin, Schweitzer stated, "Tamoxifen treats breast cancer. I bet you'd be surprised to find that veterinarians prescribe the exact same medicine for dogs, and charge half as much. Why? It starts with the \$78 million the pharmaceutical industry spent last year to influence Congress." Stabenow and other Democratic candidates also ran campaign ads attacking the pharmaceutical industry.<sup>7</sup>

In response, the pharmaceutical companies rolled out an extensive, nation-wide, communications effort aimed at countering the burgeoning criticism about drug costs. The industry was primarily concerned that the attacks might increase political support for price controls or restrictions on their patent privileges. Through their trade association, the Pharmaceutical Research and Manufacturers of America (PhRMA), the companies funded television and radio commercials, as well as newspaper and magazine advertisements, all aimed at framing the prescription drug issue in terms of product safety and the shortcomings of the Canadian health care system.<sup>8</sup>

One industry commercial featured a bus traveling from Canada to the U.S., with a voice-over saying "We've all heard of seniors going to Canada for their medicines. But have you heard about the seniors who come from Canada to the U.S.? Because Canadians say their government-controlled health system is in crisis... Help Congress say, 'no thanks.'"<sup>9</sup> Later in the summer, the industry ran another ad in the constituencies of key participants in the drug importation debate emphasizing safety concerns about the Jeffords-Dorgan amendment. With ominous background music and footage of dark clouds covering the Capitol Building, the voice-over warned: “There

---

<sup>6</sup> Chris Murphy, “Baldwin Angry that Meds Cheap for Pets, not Elders,” *Madison Capitol Times*, February 25, 2000, 2A.

<sup>7</sup> Descriptions of the commercials were derived from National Journal Group's Policy Central, Ad Watch.

<sup>8</sup> PhRMA in turn worked through an industry public relations coalition called the Alliance for Better Medicare.

<sup>9</sup> National Journal Group's Policy Central, Ad Watch.

is a bill in Congress that could jeopardize the safety of our prescription medicines. This bill would allow medicines from foreign countries to be imported into the United States that have not been approved for importation. Medicines that may have not passed our vigorous FDA safety standards. Medicines that may be counterfeit." <sup>10</sup>

Based on the data in Figure 2, mass support for the industry actually improved somewhat following the attacks against the pharmaceutical companies during the 2000 campaign, underscoring the effectiveness of PhRMA's public relations blitz. But the ad wars and related communications tactics also reinforced the growing media attention on the costs of prescription drugs. According to polls conducted at the time of Senate action on Jeffords-Dorgan, 79 percent of respondents favored allowing pharmacies and wholesalers to import lower priced drugs, assuming the Food and Drug Administration could guarantee the safety of the medicines. A follow-up question asked, "What if you heard that importing lower priced prescription drugs might lead to less research and development of new drugs since drug companies would be making smaller profits?" Even with this attempt to frame the question in terms favorable to the industry, the proportion of respondents supporting drug re-importation only fell to 64 percent.<sup>11</sup> In an August 2000 survey, however, just one third of respondents said that they were following the issue "very closely" or "fairly closely" in the media. And a similar question, posed after Secretary Shalala refused to certify Jeffords-Dorgan, also indicated that less than one-third of respondents were paying attention to the accompanying press coverage. Indeed, asked about the details of her action, only 11 percent were able to answer correctly that Shalala had chosen to block the initiative.<sup>12</sup>

### 3. Drug Imports: How Senators Decided

As a first step toward understanding member decision making on the Jeffords-Dorgan amendment, it is useful to begin with the methods and measures that are traditional in representation scholarship. First, I regressed member votes (probit) on a lawmaker's first dimension DW-NOMINATE value; party affiliation; percentage of the 1996 vote for Democrat Bill Clinton within the relevant state; an indicator variable taking the value of one if a Senator was up for reelection in 2000 and zero otherwise; and an analogous indicator capturing whether or not a Senator's state bordered Canada or Mexico (where international price differentials for drugs received the most attention and the van and bus trips were most common). Here, the only statistically significant parameter estimates were for the DW-NOMINATE scores and the border state measure. Signs for the other explanatory variables were in the expected direction, but not statistically significant based on accepted standards. The McKelvey-Zavoina R2 was a healthy .54, but since the roll call featured a lopsided 74 yes votes and the percent predicted was only .78, the statistical model does not add all that much to our understanding of what happened. The roll call ideology measure, of course, is endogenous to the other explanatory variables, which is yet another drawback to so much roll call research. If the DW-NOMINATE variable is excluded,

---

<sup>10</sup> Ibid.

<sup>11</sup> Survey sponsored by the Henry J. Kaiser Family Foundation, the Harvard School of Public Health, and the NewsHour with Jim Lehrer, July 26, 2000, Question number 36.

<sup>12</sup> Survey sponsored by the Henry J. Kaiser Family Foundation and the Harvard School of Public Health, January 30, 2001, Question number 15.

party and border status are both statistically significant. The signs of the remaining explanatory variables are again in the expected direction, and the parameter estimate for presidential votes nears statistical significance if one-tailed tests are employed. But the McKelvey-Zavoina value drops to .46 and percent predicted is basically unchanged.<sup>13</sup>

Clearly, the lopsided nature of the roll call outcome, the endogeneity of certain of the explanatory variables, and the potentially strong correlations that existed between the measures on the right-hand side all limit what we can learn from the standard quantitative approach to roll call analysis. Indeed, a proper understanding of the member strategies and representational relationships behind the vote requires that we address several additional questions. First, to what extent did constituent opinion influence the decisions of non-border state members? Did Senators respond to the generalized support for drug importation apparent in public opinion polls, or did they consider the limited public understanding of the details and the potential for recasting or manipulating mass attitudes? As mentioned, DW-NOMINATE scores are inseparable from partisan affiliation. Although Republicans were divided on Jeffords-Dorgan, the Democrats were highly united. To what extent, then, did partisan imperatives, as opposed to member ideology, shape how legislators from both parties approached the issue, especially given its presence in so many Democratic congressional campaigns? Did leadership lobbying directly influence member decision making on either side of the partisan aisle, or were votes primarily driven by the core attitudes of individual lawmakers? Although President Clinton eventually supported drug re-importation, at the time of the Senate vote, Food and Drug Administration officials were signaling that they would need \$90 million in new appropriations to implement the provision and Clinton did not take a formal position on the roll call. What impact did the White House have on the outcome, especially for Democratic Senators? Important members of the advocacy community clearly were activated by the roll call. How important were interest groups to member decision making, and what form did their impact take? Again, such questions are central to our understanding of Senate operations and democratic theory, but standard roll call measures and techniques can take us only so far toward addressing them. Here, the interview evidence and archival records being gathered for this study are especially useful.

## **Interview Evidence**

On the Jeffords-Dorgan amendment (as with the other issues in the broader sample of floor issues), I spoke in some depth with top aides to twelve Senate offices about the decision-making process. Since only 12 offices were examined, some degree of unrepresentativeness is unavoidable. Still, nine of the twelve members sampled on the amendment ended up voting yes (75 percent), which is very close to the analogous proportion for the full Senate (77.9 percent). None of the 12 cast votes that were contrary to expectations, although four were clearly up for grabs at various points in the decision-making process and one was only leaning toward the eventual no vote that was cast.

As part of the interviews, the first question I asked the staff respondents typically related to the difficulty of the roll call decision for that office: “Was the vote easy or was it hard?” Often, the answers entailed a degree of ambiguity. A vote may be difficult politically, but fairly

---

<sup>13</sup> Full results of the regressions are not reported here, but can be obtained from the author.

straightforward on substance and policy. Or the issue may have created problems for the Senator earlier in the process, perhaps in committee, but not on the floor. Based on staff perceptions about decision-making difficulty, seven of the 12 Senators had an easy time making up their minds and all of these lawmakers voted yes. If we calculate the predicted probability of a yes vote using the parameter estimates from the full regression equation referenced above, of the seven who were typed as “easy” on the matter, five had predicted probabilities of .99 or higher and the predicted probabilities for the other two were .97 and .92.

Now consider the five Senate offices where the decision on drug importation reportedly involved some degree of difficulty. Of the five, three ended up voting no and their predicted probabilities were all fairly close to the .5 cut-point. For the two members who confronted difficulties and ended up voting yes, one of the predicted probabilities was .75, while the other was .89. Overall, however, the strong links between staffer perceptions of decision making difficulty and the aforementioned predicted probabilities from the statistical model afford an additional degree of external validation for the interview data.

Overall, there was substantial continuity across the twelve offices in the factors that shaped the roll call decision on Jeffords-Dorgan. Table 4 summarizes factor relevance for the measure based on the interviews I conducted in the twelve offices. Consider the importance of each factor or decision touchstone in turn, beginning with mass constituents.

Constituents. Mass constituency viewpoints – and here I am referring to voters, ordinary citizens, and opinion leaders in the state – were viewed as a major factor in the decision-making process by nine of the twelve offices, and as moderately important for the remaining three. Indeed, compared to the other issues in my sample, the Jeffords-Dorgan amendment was near the top of the list in terms of mass constituency interest, which reflects the general salience of Medicare and prescription drug issues among ordinary voters, as well as the public relations campaigns regarding drug prices and importation. For all of the border-state Senators included in the sample, constituency factors were a major part of the decision.

The top aide to one border state lawmaker described the politics of drug importation in the following terms. “This is bigger than managed care with the voters. This and the general subject of money for prescription drugs, Medicare drugs. [A local candidate] is doing bus trips to Canada and drumming up lots of publicity in the state.” The chief of staff to another Senator favoring the amendment commented: “We haven’t had the bus trips, but it’s still a big issue. Even the well-off ... prices for drugs are still alarming to them. It’s not a question of dog food versus drugs [or] will grandma be impoverished, but it still ticks people off.” The staffer continued: “The issue is so much more a part of the media game. More people are using pharmaceuticals. They cost more. We get lots of mail about this.... If you’re not sick today, you think you might be tomorrow, [or they say] ‘I heard about the costs from someone I play shuffleboard with.’” Senators from both parties recognized the actual and potential salience of prescription drug issues with the public.

Advocacy Organizations. Organized advocacy groups were viewed as a major factor in six of the decisions, and of moderate importance in three and minor importance in three. PhRMA and its member companies were responsible for most of the lobbying that occurred on the

amendment. But just prior to the vote, the National Wholesale Druggists Association sent a letter to Senators warning that they might not be able to comply with Jeffords-Dorgan. The letter helped solidify the votes of members already leaning no. In addition, consumer groups and senior citizens organizations played a limited role in the decision as part of their ongoing outreach efforts on Capitol Hill.

Unlike many members, the pharmaceutical industry was fully aware of the possibility of legislation dealing with drug importation during summer 2000. Indeed, after a re-importation amendment was offered during House consideration of the agricultural spending bill, industry insiders perceived that a similar effort was almost certain to occur during Senate consideration of the funding measure. During summer 2000, pharmaceutical lobbyists met with legislators from across the country about a range of issues, including re-importation.

However, the staff I spoke with mostly described the industry lobbying on re-importation as restrained. The companies recognized the volatility of public opinion on prescription drug costs and the difficulty of explaining the price differentials. One legislative aide commented: “We called the groups who would be affected. We talked to the chain drug stores, to PhRMA. We knew that PhRMA would be opposed [and] that mattered to some extent. The wholesale pharmacists wrote a letter against [the amendment]. The pharmacists have to test these drugs, authenticate them.... We got calls the night before from lobbyists.”

For certain of the Senators in my sample, a degree of cross-pressure existed due to industry lobbying activities and the signals they were receiving from home. Consider the decision process of one member with a generally pro-business voting record and a state near one of the borders. The office received a “heads up” that the vote was coming from the Republican Policy Committee the day before the roll call occurred. At this point, the legislative director to the Senator dimly recalled a roll call on a similar issue in the distant past. The aide explained how the decision unfolded in the hours leading up to the vote: “[First] we pulled information together about the issue and talked to him. We told him he had history on this issue, a vote within the last 10 years. Given the surface nature of the issue, we thought that it would rev up. We heard that [the other Senator from the state] was going the other way. If they vote differently on something like this, that attracts attention back in the state.”

While the staff researched the issue and the record, the Senator walked to the floor to talk with his same-state colleague. The aide emphasized the broad public appeal of the drug re-importation in explaining her boss’s vote.

He is sympathetic to the pharmaceutical companies, philosophically sympathetic to business. He makes their arguments to constituents. But lately he has taken PhRMA to task when they visit. Their profit margins are inexplicable. You can’t explain that to constituents.... He made the point to [the chairman of a major drug company] about their profits. He told him that he couldn’t keep defending the industry.

In the end, the Senator voted for Jeffords-Dorgan. The staffer summed up the calculus in this way: “We looked at the constituent impact. What was the right thing for them? Does the

proposal make sense, is there anything wrong with it? He was inclined to vote yes due to the constituent impact.”

Administration. Interestingly, the Clinton administration was viewed as a minor factor or of no relevance in 11 of the offices, and as only moderately important in one (largely because of the ambivalence of the Food and Drug Administration). Indeed, the administration was viewed as a secondary factor on most of the issues in my sample. In part, this pattern reflected the remarkably low esteem that Senate Republicans felt toward President Clinton in the wake of the impeachment trial of 1999. It also reflected the substantial role played by then Minority Leader Daschle in unifying his colleagues during the 106<sup>th</sup> Congress. On many issues, Daschle, rather than Bill Clinton, took the lead in mobilizing Senate Democrats. The lame-duck nature of the Clinton presidency may have also contributed to the finding of limited administration impact on Senate roll call behavior. But another possibility here is that the primary impact of the administration was in agenda setting and framing the terms of debate – not on drug imports, but for certain other issues in my sample, such as managed care reform.

Party Leaders. Based on Table 4, the Republican and Democratic leaderships played a limited role in substantive decisions made about the drug import amendment. The relative inactivity of the Republican leadership is not surprising. The party was divided on the issue, with 34 members voting yes and 19 voting against. The amendment was regulatory in nature and did not resonate very well with core Republican philosophy. And the pharmaceutical industry had particularly close ties to the national Republican party. Party leaders tend to be most active on issues that unify (or hold the possibility of unifying) their rank-and-file members (Rohde, 1991; Sinclair, 1995). They also tend to focus on proposals that reflect public attitudes about their party’s comparative strengths (Sellers, 1999). As a result, the Republican leadership did not view the drug import issue as good “message” material. Majority Leader Trent Lott basically sat out the vote.

The relative inactivity of the Democratic leadership is perhaps more interesting. The proposal may have divided Senate Republicans, but the Democratic Caucus was highly unified on drug imports. In the end, only two Democrats voted against the proposal (Evan Bayh of Indiana and John Breaux of Louisiana). A number of Democratic candidates had chosen to feature drug importation issues in their campaigns. At the time of the re-importation vote, congressional Democrats were highlighting Medicare prescription drugs on their party message agenda. Moreover, Byron Dorgan, the chief sponsor of the drug importation amendment, was a key leader for Senate Democrats in message politics. The previous year, for instance, he was pivotal in transforming the Nuclear Test Ban Treaty into a message issue for the party.

The Jeffords-Dorgan amendment was drafted to appeal to Republican moderates and some party conservatives. Indeed, the decision to offer the proposal as a floor amendment to the agricultural appropriations bill was made after Dorgan approached Jeffords. Why did Democratic leaders choose not to draft a stronger amendment; a proposal designed to distinguish the party’s position on drug pricing issues from that of the Republicans? In other words, why did Democratic leaders not attempt to merge drug importation with their larger prescription drug message?

In the modern Senate, both parties develop organized message agendas, which are composed of issues, themes, and policy symbols that legislators believe will generate a positive response toward their party among voters. Party leaders take the lead in formulating an interrelated set of electoral, communications, and legislative strategies designed to advance their respective message agendas, and hopefully the electoral success of their fellow partisans (Evans 2001b, Lee 2016). The process of message formulation is fairly institutionalized in both parties and chambers. During the 106<sup>th</sup> Congress, Senate Democrats had a message group or team that met with Daschle every Tuesday morning the Senate was in session, just prior to the weekly caucus luncheon. The message meetings typically opened with a discussion of the upcoming floor schedule and relevant legislative strategy and featured a discussion of the “message of the week.” Pollsters and prominent campaign consultants often sat in on these sessions as “special guests,” and data from public opinion surveys about major issues often were vetted and discussed. For instance, Democratic pollster Bob Shrum was invited to make a presentation to the Tuesday message meeting held the week after the vote on Jeffords-Dorgan.

The printed agendas for the message meetings usually include a section called “Message Notes,” which highlighted the party’s communications themes for the week. I examined these themes for the weeks leading up to the floor vote on Jeffords-Dorgan and there was no explicit mention of drug re-importation.<sup>14</sup> For instance, the agenda for a message meeting conducted on Tuesday, July 18, focused on tax policy, the lack of legislative progress on health and education, the upcoming China trade vote, and the party’s general support for extending a prescription drug benefit to Medicare recipients. Drug importation was not referenced at all. Given the bus trips, pet shows, and other communications tactics related to the issue, why not?

The staff I spoke with suggested two main reasons. First, the floor agenda was already rife with issues and proposals that tapped message priorities for the party, especially the need to counter the Republican’s tax reduction agenda. In the weeks leading up to the two party conventions in summer 2000, Senate Republicans brought to the floor a succession of targeted tax reduction bills, including marriage penalty relief and the estate tax repeal. Democratic leaders wanted to focus their message fire on these proposals, which formed the core of the opposition Republican’s program. In addition, Daschle and his colleagues did not want to blur their main message at the time in the prescription drug area – the need to create a new benefit for Medicare recipients. They wanted to stay focused on broader themes that party polls and other sources indicated were working for them with voters. If another 10 or 15 Republican Senators had opposed Jeffords-Dorgan, the Democratic leadership might have added the proposal to its message agenda. But such partisan divisions did not arise, and the issue did not provide the leadership with sufficient incentives to draft an alternative that might have cut along party lines.

Partisan and ideological cleavages are commonplace now on Senate roll call votes and many scholars have suggested that partisan institutions, especially the leadership, are partially responsible for such cleavages (e.g., Aldrich et al, 1998; Campbell, Cox, and McCubbins 2002; Den Hartog and Monroe 2011). Other scholars argue that congressional partisanship mostly derives from ideological differences between Republicans and Democrats, rather than the independent influence of party leaders (Krehbiel, 1998). One of the advantages of the research

---

<sup>14</sup> My thanks to Mark Oleszek, who as an intern for the Democratic Policy Committee was able to provide me with records of the message meeting agendas during the 106<sup>th</sup> Senate.

design employed in this paper is that I am able to gauge the underlying causes of partisan or ideological voting. On the re-importation issue, the considerable unity among Democrats and the statistical and substantive significance of ideology or party (depending on the regression specification) for explaining the vote *did not derive from party leadership tactics*. On other issues in my sample, in contrast, especially major message items, the leadership did exert such an impact, usually by convincing moderate legislators not to offer and coalesce behind centrist alternatives. The managed care and tax reduction debates of 1999 and the aborted Senate consideration of education reform in 2000 are examples of such dynamics.

Core Attitudes and Political Views. As mentioned, in the interviews with Senate staff I did not systematically ask questions about the impact of a Senator's core policy attitudes on the voting decision, but was still able to infer the existence of such considerations from the interview evidence. As Table 4 shows, core attitudes were central to a number of the votes cast on the Jeffords-Dorgan amendment, especially for Senators who opposed the initiative. The chief of staff to one Republican described Jeffords-Dorgan as "bad policy" and likened the Cochran second-degree amendment to "putting sugar on acid." He summarized the strategic calculation for his boss: "We discussed this the day of the vote. It would be tough to vote no... He knew that if he wanted to vote for Jeffords, he could do that. He would have cover [because] the amendment was going to get a lot of support – big numbers. We, and I think he, were not sure how he was going to vote when he went to the floor. We knew he was a yes on Cochran, but were unsure about Jeffords." The Senator ended up voting no, primarily on policy grounds.

All three of the Senators in my sample who voted against the amendment confronted substantial cross pressure on the vote between constituent opinion, viewpoints from the advocacy community, and their own policy concerns about the text of Jeffords-Dorgan. For each member, the weight of the pressure from interest groups and their own policy attitudes pushed them toward a no vote, while the generalized constituent concern about drug prices and industry profits pushed them toward voting in favor.

A number of scholars have argued that members of Congress are increasingly responsive to their own political views and the preferences of party activists at the expense of centrist public opinion (see especially Jacobs and Shapiro, 2000). As a result, they argue, congressional policy making has grown less responsive to the viewpoints of ordinary voters. Addressing such normative and empirical concerns is a key goal of my broader study. In this paper, our focus has been on a small number of roll calls cast on a single issue. Still, the analysis is instructive – at least as guidance for a more sustained examination. Do the votes cast against Jeffords-Dorgan provide a glimpse at congressional unresponsiveness?

We need to consider this question by first revisiting public attitudes and knowledge about the prescription drug issue and the manner in which the drug importation matter emerged on the agenda. Polls indicate that the public favored drug re-importation and lower prescription costs. The price differentials across borders (and species) provided opponents of the pharmaceutical industry with an effective rhetorical tool for making the issue concrete and meaningful to voters. But prescription costs and industry profits were not necessarily the only considerations that voters used in making up their minds about the issue. The industry attempted to frame re-importation more in terms of product safety and concerns about the Canadian health care system.

The Senators in my sample who voted against Jeffords-Dorgan did so (at least in part) because they believed that they could explain their opposition in terms of such considerations, and that their constituents would not hold it against them politically.

In short, this research suggests that we need to take generalizations about declining congressional responsiveness with a grain of salt. We need to ask the question – responsive or unresponsive to what? And we need to revisit the observations of Fenno (1978), Kingdon (1989), and others that the representational relationship primarily is about communication and access and trust. Such a re-visitation is particularly appropriate in light of the work of Zaller, Achen and Bartels, and other scholars on the critical role played by elites in mass attitude formation.

Centrist public opinion may not be a meaningful exogenous variable on most issues confronted by members of the Senate – perhaps even on high profile matters such as prescription drug prices. When we look at roll call decisions from the perspective of the members and their staffs, constituency opinion tends to come in segments and layers. On the drug importation initiative, for instance, one layer took the form of generalized frustration with increasing pharmaceutical prices and high industry profits. This layer was apparent in the public opinion data on the subject, as well as the internal surveys conducted by campaigns and the political parties. Another layer took the form of constituent confusion and outrage that certain pharmaceuticals manufactured in the U.S. could be purchased more cheaply in foreign countries. The bus trips and pet shows were intended to tap into this layer, bring it to the surface, and fuse it with the more generalized concerns people had about prescription drugs and the industry. This layer was particularly important in the border states. Constituent attitudes about the issue were inseparable from the communications strategies that elite actors used in their efforts to frame public opinion to their advantage. To gauge legislative responsiveness, then – at both the member level and the level of the Senate as an institution – we need to consider the dynamics of member decision making. And on an issue by issue basis, we need to consider how the framing strategies employed by political elites, including U.S. Senators, can shape the contours of public opinion.<sup>15</sup>

#### **4. Conclusion**

The analysis in this paper is preliminary and the empirical focus fairly narrow, but several observations are worth emphasizing. First, the interview portion of the broader research design, rooted as it is in the path-breaking work of John Kingdon, can add useful perspective to the highly sophisticated statistical studies now being conducted about congressional decision making. Addressing important questions about legislative strategy, political influence, and representation can be very difficult with roll call data alone. Research based on the perceptions and observations of expert participants in the legislative process can provide us with potentially important insights into the dynamics of member decision making.

---

<sup>15</sup> Table 4 also indicates that Senate colleagues were a major factor for two of the members in the sample and of moderate importance for two more. The colleagues mentioned by name included Dorgan, Bill Frist, R-Tenn., Mike Enzi, R-Wyo, Susan Collins, Christopher Dodd, D-Conn., Mike Crapo, R-Idaho, and Slade Gorton, R-Ore. Since it is difficult to untangle the impact of such considerations from the indirect effects exerted through them (constituency concerns, group lobbying, and so on), they are not given separate, in-depth treatment here.

Second, the research agenda outlined in this paper informs the longstanding scholarly dialogue about the impact of partisan institutions in Congress. As a number of scholars have observed, partisan voting does not necessarily imply leadership power. Senate Democrats were highly unified on the drug importation issue, for example, but their leadership did not play much of a role on it. My broader research into member decision making suggests that party leaders do indeed matter under certain conditions – but primarily on issues central to a party's message agenda. The real impact of partisan institutions in Congress tends to be on the process of preference formulation (on this point, see also Evans 2018). To determine the conditions under which party matters in the Senate, we need to look beyond abstract conceptualizations about the pre-existing distribution of preferences. And isolating such conditions requires that we closely examine the processes through which Senators make up their mind on major issues and roll calls.

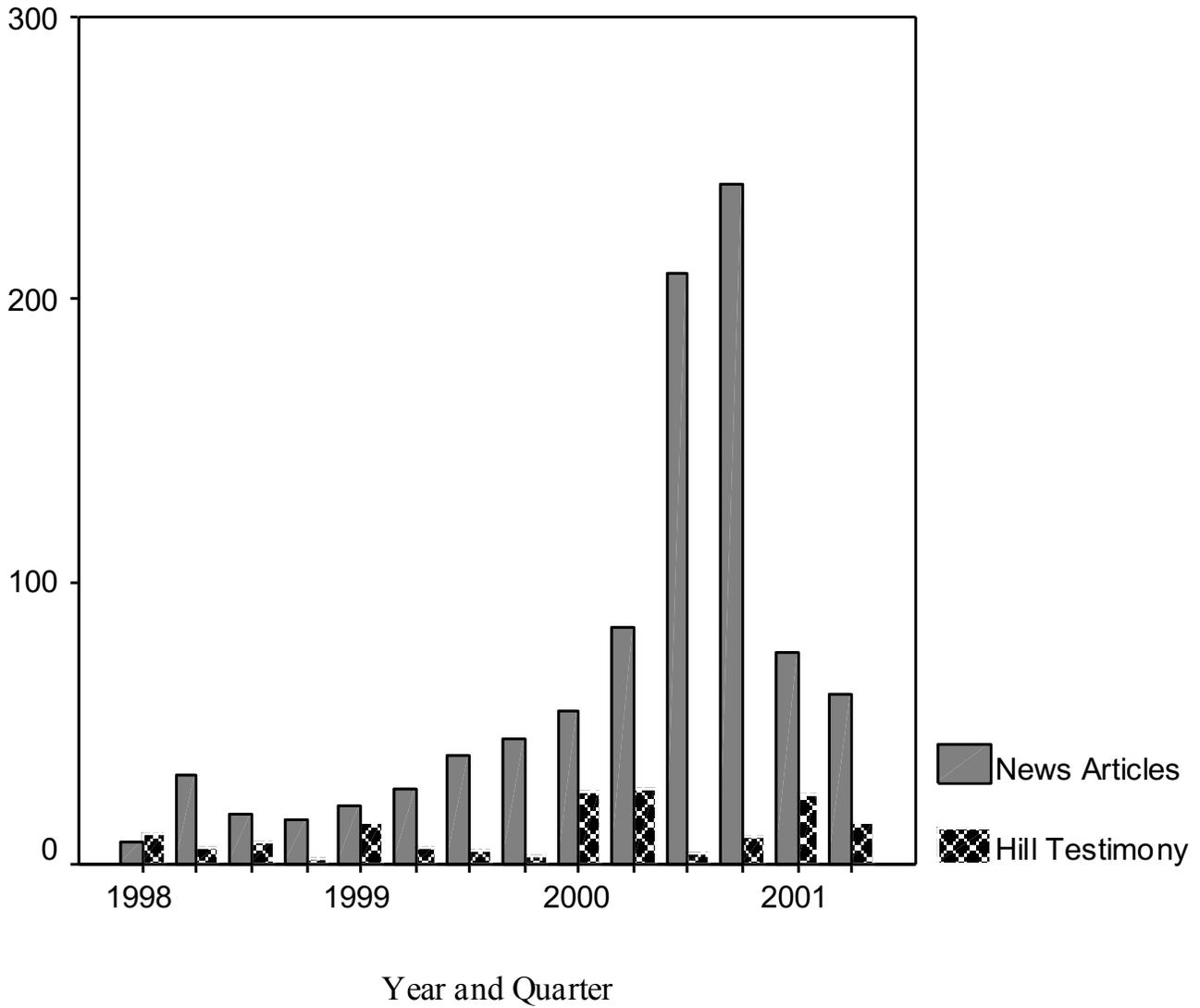
Third, some observers of American politics have argued that in recent years congressional decision making has grown more responsive to party activists and the personal policy priorities of members – and perhaps less responsive to centrist constituent opinion. These studies emphasize that elites often use priming strategies in their attempts to frame public opinion in a manner that advantages them politically. Such research is fully consistent with the scholarship of Zaller and others about the dynamics of mass attitude formation. But if public opinion is indeed conditioned by elite-level framing, then precisely what is this "centrist constituency opinion" from which policy outcomes may be diverging? We need to rethink our conceptualizations of political representation to better encompass what we are learning about the linkages that exist between elite behavior and mass attitude formation in American national politics.

Importantly, political philosophers have long maintained that roll call choices and other aspects of legislative behavior are essentially performative, constituting what Pitkin (1972) called "the act of representation."<sup>16</sup> As the drug re-importation case illustrates, in the real world of Senate politics, members are more than agents for constituencies, whether they originate from inside or outside the legislature. Instead, democratic theory almost mandates that we consider the reciprocal relationships that exist between representatives and the represented. The contemporaneous interview evidence referenced in this paper is a start toward a comprehensive analysis of U.S. Senators and the act of roll call representation. The next step is to systematically integrate archival evidence of the sort more commonly used by historians and thereby make the analysis more detailed, reproducible, and vivid.

---

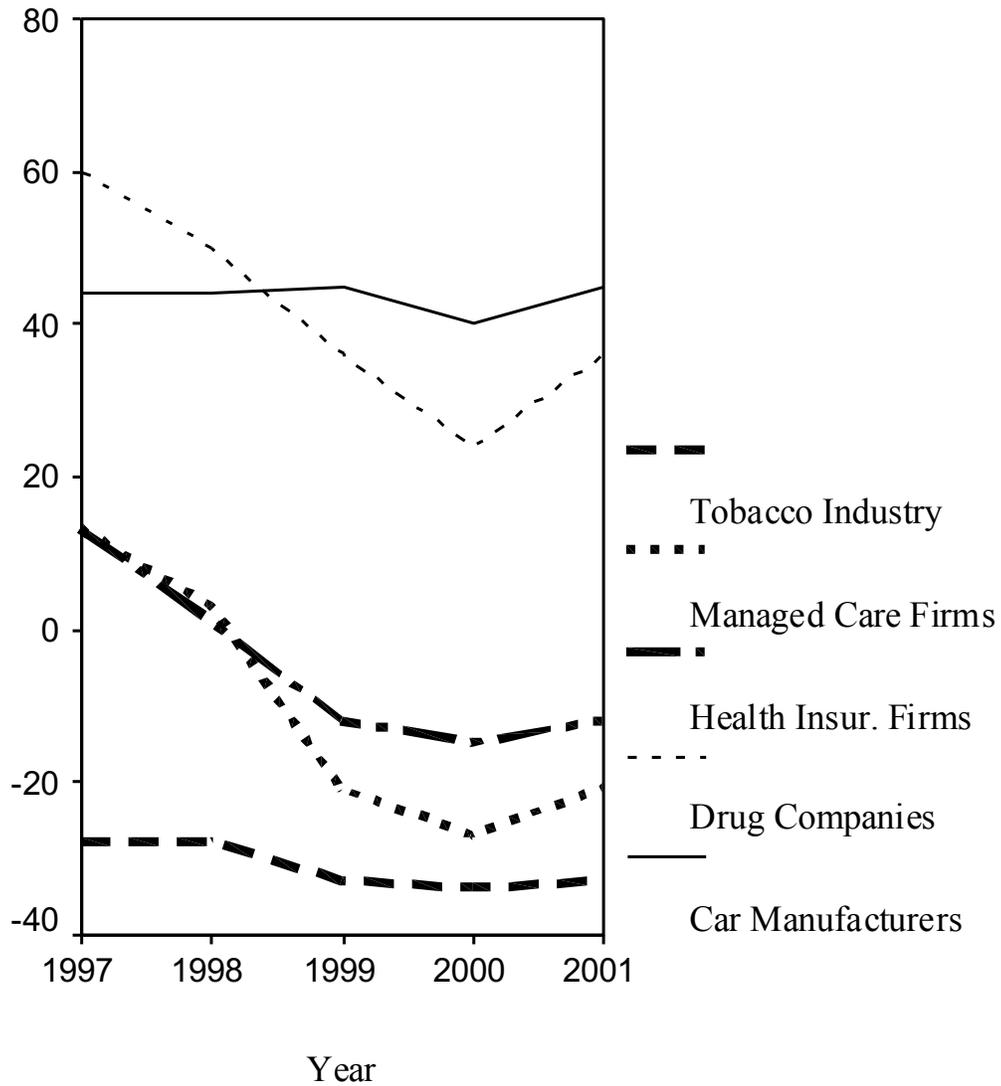
<sup>16</sup> See also Mayhew (2000).

**Figure 1. Drug imports: Media coverage and congressional testimony by quarter, 1997-2001.**



Source: Lexis-Nexis Academic Universe

**Figure 2. Net favorability ratings, selected U.S. industries, 1997-2001.**



*Source:* Selected Harris Polls, 1997-2001. The relevant question reads: Do you think ... generally do a good or bad job serving their consumers? The "net favorability rating" is the percentage answering "good" minus the percentage answering "bad."

**Table 1. Issue Sample, 106<sup>th</sup> Senate**

<b>Measure</b>	<b>Targeted Roll Calls</b>
Y2K Liability	Initial Senate passage
Steel Imports	Cloture
Patients' Bill of Rights	Senate passage (major amendments also considered)
Emergency Farm Aid	Main substitutes on FY 2000 Agriculture spending bill
FY 2000 Reconciliation	Initial Senate passage and conference report
Northeast Dairy Compact	Cloture during FY 2000 Agriculture spending debate
Africa Trade/CBI	Initial Senate passage
Minimum Wage	Kennedy and Domenici amendments on Bankruptcy bill
Bankruptcy Reform	Dodd and Feinstein amendments on credit cards
Partial Birth Abortions	Harkin amendment and Senate passage
Nuclear Test-Ban Treaty	Senate passage
FY 2000 Labor/HHS	Initial Senate passage and conference report
Campaign Finance Reform	Cloture on Daschle and Reid amendments
ESEA Reauthorization	Lieberman amendment and Democratic substitute
Hate Crimes	Amendment to FY 2001 Defense authorization bill
Marriage Penalty	FY 2001 reconciliation bill
Estate Tax Repeal	Initial Senate passage
China/PNTR	Senate passage
Drug Re-importation	Jeffords-Dorgan and Cochran amendments to FY 2001 Agriculture spending bill
Sugar Subsidy Repeal	McCain amendment to FY 2001 Agriculture spending bill

**Table 2. Decision Observations**

<b>Republican Senators</b>	<b>Number of Observations</b>
Spencer Abraham, Mich.	6
Susan Collins, Maine	10
Larry Craig, Idaho	4
Pete Domenici, N.M.	10
Peter Fitzgerald, Ill.	10
Bill Frist, Tenn.	10
Chuck Hagel, Neb.	7
Orin Hatch, Utah	1
Tim Hutchinson, Ark.	3
James Jeffords, Vt.	10
John Kyl, Ariz.	2
Richard Lugar, Ind.	8
Don Nickles, Okla.	4
Rick Santorum, Penn.	10
Jeff Sessions, Ala.	10
Gordon Smith, Ore.	6
Fred Thompson, Tenn.	4
George Voinovich, Ohio	5
<b>Democratic Senators</b>	<b>Number of Observations</b>
Joseph Biden, Del.	2
Jeff Bingaman, N.M.	9
Barbara Boxer, Calif.	9
Max Cleland, Ga.	9
Kent Conrad, N.D.	5
Byron Dorgan, N.D.	6
John Edwards, N.C.	9
Diane Feinstein, Calif.	6
Bob Graham, Fla.	8
Tom Harkin, Iowa	9
Carl Levin, Mich.	9
Joseph Lieberman, Ct.	9
Blanche Lincoln, Ark.	3
Jack Reed, R.I.	4
John D. Rockefeller, IV, W.V.	1
Paul Sarbanes, Md.	10
Robert Torricelli, N.J.	9
Paul Wellstone, Minn.	3
<b>TOTAL</b>	<b>240</b>

**Table 3. Factor importance, rank order of issues from high to low**

<b>Mass Constituents</b>	<b>Advocacy Coalitions</b>	<b>Party Leaders</b>
Partial-Birth Abortion	China PNTR	ESEA Reauth
ESEA Reauth	Bankruptcy Reform	Managed Care
Drug Imports	Managed Care	FY 2000 Reconciliation
Labor/HHS Approps	ESEA Reauth	Farm Assistance
Estate Tax	Dairy Compact	Minimum Wage
Managed Care	Labor/HHS Approps	Estate Tax
FY 2000 Reconciliation	Steel Imports	Labor/HHS Approps
Marriage Penalty	Africa Trade	Marriage Penalty
Hate Crimes	Y2K Liability	Campaign Finance
Nuclear Test-Ban	Minimum Wage	Y2K Liability
Minimum Wage	Farm Assistance	Africa Trade
Steel Imports	Sugar Subsidy	Nuclear Test-Ban
Farm Assistance	Drug Imports	China PNTR
Campaign Finance	Estate Tax	Steel Imports
China PNTR	Partial-Birth Abortion	Partial-Birth Abortion
Africa Trade	FY 2000 Reconciliation	Dairy Compact
Sugar Subsidy	Campaign Finance	Sugar Subsidy
Dairy Compact	Nuclear Test-Ban	Bankruptcy Reform
Bankruptcy Reform	Hate Crimes	Hate Crimes
Y2K Liability	Marriage Penalty	Drug Imports
<b>Executive Branch</b>	<b>Core Attitudes</b>	<b>Colleagues</b>
Nuclear Test-Ban	ESEA Reauth	Farm Assistance
FY 2000 Reconciliation	Nuclear Test-Ban	Dairy Compact
ESEA Reauth	Partial-Birth Abortion	Managed Care
Africa Trade	China PNTR	ESEA Reauth
China PNTR	Managed Care	Steel Imports
Estate Tax	FY 2000 Reconciliation	FY 2000 Reconciliation
Steel Imports	Africa Trade	Bankruptcy Reform
Marriage Penalty	Hate Crimes	Y2K Liability
Farm Assistance	Labor/HHS Approps	Minimum Wage
Y2K Liability	Steel Imports	Campaign Finance
Labor/HHS Approps	Estate Tax	Africa Trade
Partial-Birth Abortion	Y2K Liability	Labor/HHS Approps
Bankruptcy Reform	Drug Imports	Drug Imports
Managed Care	Farm Assistance	Nuclear Test-Ban
Drug Imports	Marriage Penalty	China PNTR
Minimum Wage	Campaign Finance	Partial-Birth Abortion
Campaign Finance	Minimum Wage	Marriage Penalty
Sugar Subsidy	Bankruptcy Reform	Hate Crimes
Hate Crimes	Sugar Subsidy	Sugar Subsidy
Dairy Compact	Dairy Compact	Estate Tax

**Table 4. Importance of decision factors/touchstones for Drug Re-importation**

	Mass Constituents	Advocacy Groups	Party Leaders	Executive Branch	Core Attitudes	Colleagues
Major	9	6	0	0	6	2
Moderate	3	3	0	1	2	2
Minor	0	3	12	11	4	8

## Appendix: Interview Protocol and Coding

In deciding what questions to ask the respondents, I worked off of John Kingdon's research design in *Congressmen's Voting Decisions*. Indeed, I found that his core questions still work remarkably well. A preliminary questionnaire was developed and pretested with two Senate chiefs of staff that I knew and trusted. I spoke with them at length and on repeated occasions about question wording, topics to address, the likelihood of candid responses, etc. After lengthy discussions, I settled on the following set of questions.

1. Was the vote on \_\_\_\_\_ a hard one, or fairly easy? How did [the Senator] go about making up his/her mind on the matter?

Typical follow-ups: Was the vote ever in doubt? When did he/she make up his/her mind? Was the Senator briefed by staff before the vote?

2. What was the view in the state on this one?

Typical follow-ups: Did you consider how the vote might be used in a campaign? Who in the state was paying attention? What was the mail like? Is there any concern that constituent views on this might evolve or change? What about public opinion on this matter nationally?

3. How about interest groups? Were organized groups a factor?

Typical follow-ups: What did the groups want? Did any lobbyists come in? Did they meet with the Senator or at the staff level? Were the groups mostly national or local? Was any grassroots mobilization undertaken? What else were the groups up to on this issue? How's your relationship generally with these groups?

4. Was the party leadership active on this issue? What role did the leadership play?

Typical follow-ups: Did your boss speak directly with Lott/Daschle, one of the whips, or another leader? Were party conference/caucus meetings conducted about this issue? Did they have much of an impact on your boss's thinking? Do you think the leadership influenced other Senate offices?

5. Did your boss talk to any other Senators about this vote — Senators outside of the leadership?

Typical follow-ups: What kind of impact did these conversations have? Was he/she lobbied personally by any other members? Were there any offices that he/she looked to for information or guidance? Were there any important contacts at the staff level with other offices?

6. How about the administration? Did the Clinton administration play a role in your boss's decision on this issue?

Typical follow-ups: Did he/she hear from anyone in the executive branch? What were these contacts about? Do you think the administration influenced other Senate offices?

## **Variable Coding Criteria**

The following is a comprehensive delineation of the specific criteria used to code the decision difficulty and factor relevance variables utilized in this paper. For each factor, certain of the criteria are not mutually exclusive and multiple criteria often are apparent in the interview notes. If multiple items are indeed apparent, rather than aggregate them in some way, I instead assigned the highest appropriate level. For example, if for the “Mass Constituents” factor both criteria H (associated with “moderate” importance) and O (associated with “major importance”) are mentioned, the relevance level for this decision observation and factor is coded as “major.”

### Decision Difficulty

#### Easy

- A. Set position or clear voting record
- B. No significant political difficulties mentioned
- C. No difficulties making up mind

#### Somewhat hard

- D. Some difficulties mentioned, policy trade-offs or political cross pressure
- E. Significant difficulties earlier in process that did not carry over to floor

#### Hard

- F. Described as difficult, hard, complex, a real problem, serious challenge, etc.

### Mass Constituents

#### Minor

- A. Not referenced
- B. Calculations about average or typical voter played no significant role
- C. Public not interested in or not paying attention, no local tie-in

#### Moderate

- D. Reference to a bloc or pockets of interested voters even if not large, separately from organizations or lobbyists
- E. Some grassroots interest, but not extensive or clearly orchestrated
- F. Influential people in communities paying attention, that is, elites who other people pay attention to
- G. Public is inattentive on this bill, but could be engaged by issue in future, perhaps in a campaign
- H. Senator conducted “events” on the issue or reference to light media coverage
- I. Reference to general constituency viewpoint (e.g., state is pro export or pro trade), or item as being good or bad for state

## Major

- J. Significant concern to large number or substantial bloc of voters
- K. Reference in detail the views of different voter blocs
- L. Mention that large numbers of constituents are affected by or care about the issue
- M. Numerous conversations occurred about it between voters and the Senator, or heard a lot from back home
- N. Reference to extensive and significant grassroots activity
- O. Mention as an important “voter” issue in past or future campaign
- P. Reference to base being activated or caring a lot about the matter
- Q. Reference to significant ads, media buys or substantial press coverage about the item in the state; or to important “focal” events occurring in the state
- R. Poll data referenced and emphasized

## Interest Groups and Advocacy Organizations

### Minor

- A. Not referenced at all
- B. Lobbying activities described as very limited, perhaps a few calls or less
- C. Only sporadic astro-turf tactics occurred and were discounted as such

### Moderate

- D. Mention relevance of issue to groups firms, industries, or another organized constituency
- E. Lobbying occurred, but not extensive
- F. Lobbying occurred, but contacts primarily were as part of more general visits to the office (e.g., group “lobbying days”)
- G. Senator or staff “took some calls” from group representatives, separate from grassroots contacts, but little more
- H. Strong organized interest that was very narrow (e.g., one relatively small firm)
- I. Reference to group activity, but without much pressure or “not pushing it much”

### Major

- J. Reference significant group or organizational presence in state or national constituency
- K. Politics of issue largely described in group terms
- L. Heavy lobbying took place
- M. Member worked closely with advocacy community in crafting alternatives or planning strategy
- N. Referenced significant interaction due to committee or other leadership role

## Party Leadership

### Minor

- A. No reference
- B. Heard nothing from leadership
- C. Not a leadership issue, or interacted with member of leadership purely outside his/her leadership role
- D. Leadership knows where we are in this area, perhaps only sounded out

- E. Leadership only mentioned regarding procedural tactics that did not affect Member's substantive deliberations

#### Moderate

- F. Referenced as a leadership issue
- G. Discussion in caucus referenced as noteworthy or a factor
- H. Conversations about bill occurred at member or staff level with leaders or leadership staff, but pressure not referenced as significant
- I. Leadership crafting of agenda or procedural situation mentioned as noteworthy and had substantive implications (e.g., provided political cover)

#### Major

- J. Significant pressure exerted by leadership on member, either directly or throughout staff
- K. Senator worked closely with leadership on the matter, or simply deferred to leadership requests
- L. Discussion in caucus referenced as a major part of decision making process
- M. Leadership pressured the member not to offer a relevant amendment that would have affected substantive deliberations
- N. The electoral interests of co-partisans "in cycle" were a major concern

#### Executive Branch/Administration

##### Minor

- A. No reference
- B. Nothing from administration
- C. We don't pay attention to them on these issues, the administration doesn't come to us
- D. Received correspondence from administration, but not referenced as noteworthy

##### Moderate

- E. Some contact from administration staff, heard from them
- F. Referenced relatively routine interactions at the staff or agency/department level
- G. Administration participation in caucus meetings referenced
- H. Administration factored into voting decision as a strategic consideration (e.g., a threatened veto that altered the substantive calculus, or member efforts to strengthen the administration's leverage or resolve)

##### Major

- I. Information from or persuasive efforts by the administration referenced as a significant part of the decision
- J. President, White House staff, or cabinet secretary communicated directly with and lobbied the Senator
- K. Administration presentations during caucus meetings referenced as a significant factor in the decision

## Core Attitudes

### Minor

- A. Not alluded to in any way

### Moderate

- B. Mentioned general position or broader attitude in passing or after other factors and in a manner that did not indicate emphasis
- C. Related decision to group interest that is central to Senator's broader policy agenda (e.g., pro-labor or pro working people)
- D. Reference to member being comfortable or uncomfortable with the position for policy reasons
- E. Mention importance of outside policy experts

### Major

- F. Clear ideological or other policy dimensional reference that was emphasized (e.g., importance of "Freedom to Farm" approach)
- G. Emphasized relationship of issue to an attitude, value or principle that matters to the Senator (e.g., pro-trade, pro-growth)
- H. Decision directly related to an important, longstanding policy position (e.g., pro-choice or pro-life)
- I. Decision closely related to a policy priority of the Senator

## Senate Colleagues

### Minor

- A. No reference, or reference to being cue givers rather than takers
- B. Nothing beyond typical, mostly routine conversations

### Moderate

- C. Referenced noteworthy communications with other offices at the staff level
- D. Referenced Senator speaking with a colleague about the issue or mentioning a colleague without substantial emphasis
- E. Position of a colleague is "generally considered" by member on these issues
- F. Worked on relevant task force, but individual members not referenced by name
- G. Worked with colleague on minor part of bill, or worked closely with that colleague on the issue in a prior Congress

### Major

- H. Deferred to a colleague
- I. Looked to a colleague as an important cue or for significant guidance
- J. Senator knew he/she would be "with" a particular colleague on the vote
- K. Worked closely with a colleague on a closely related substantive alternative
- L. Worked on a relevant task force and non-leadership members referenced by name

- M. Lobbied personally by a colleague and gave serious consideration to the persuasive effort
- N. Referenced Senator as speaking with “many” or “a lot” of colleagues about the issue

### Timing

#### Never in doubt

- A. Clear voting record or set position (e.g., from campaign)
- B. No reference to considering the other side
- C. Not considered “in play”

#### Leaning

- D. Inclined one way or the other because of record or philosophy or other pressures, but some uncertainty about details
- E. Reference to some deliberative efforts occurring, but clear inclinations one way or the other from the beginning

#### Undecided

- F. Significant uncertainty about what to do at some point in the decision process during the 106<sup>th</sup> Congress
- G. Real possibility at some point that the vote could have gone the other way
- H. Reference to being “truly undecided”
- I. Reference to intensive deliberative efforts or significant ambivalence

## References

- Achen, Christopher H., and Larry M. Bartels. 2016. *Democracy for Realists*. Princeton: Princeton University Press.
- Adams, Greg D. 1997. "Abortion: Evidence of an Issue Evolution." *American Journal of Political Science* 41, 718-37.
- Aldrich, John, et al. 1998. "Party and Constituency in the U.S. Senate, 1933-2004. In *Why Not Parties? Party Effects in the United States Senate*, eds. Nathan W. Monroe, Jason M. Roberts, and David W. Rohde. Chicago: University of Chicago Press.
- Bauer, Raymond A., Ithiel De Sola Pool, and Lewis A. Dexter. 1963. *American Business and Public Policy*. Cambridge: MIT Press.
- Baumgartner, Frank R., and Bryan D. Jones. 1993. *Agendas and Instability in American Politics*. Chicago: University of Chicago Press.
- Baumgartner, Frank R., Jeffrey M. Berry, Marie Hojnacki, David C. Kimball, and Beth L. Leech. 2009. *Lobbying and Policy Change*. Chicago: University of Chicago Press.
- Campbell, Andrea, Gary Cox, and Mathew McCubbins. 2002. "Agenda Power in the U.S. Senate, 1977-1986." In *Party, Process and Political Change in Congress*, eds. David Brady and Mathew McCubbins. Stanford: Stanford University Press, 146-65.
- Carmines, Edward, and James Stimson. 1989. *Issue Evolution: Race and the Transformation of American Politics*. Princeton: Princeton University Press.
- Clausen, Aage. 1973. *How Congressmen Decide: A Policy Focus*. New York: St. Martin's Press.
- Cox, Gary W., and Mathew D. McCubbins. 1993. *Legislative Leviathan: Party Government in the House*. Berkeley: University of California Press.
- Cox, Gary W., and Mathew D. McCubbins. 2005. *Setting the Agenda: Responsible Party Government in the U.S. House of Representatives*. New York: Cambridge University Press.
- Davidson, Roger. 1985. "Senate Leaders: Janitors for an Untidy Chamber?" In *Congress Reconsidered, 3<sup>rd</sup> ed.*, ed. Lawrence C. Dodd and Bruce I. Oppenheimer. Washington, D.C.: CQ Press.
- Den Hartog, Chris, and Nathan W. Monroe. 2011. *Agenda Setting in the U.S. Senate*. New York: Cambridge University Press.
- Disch, Lisa. 2012. "Democratic Representation and the Constituency Paradox." *Perspectives on Politics* 10, 599-616.

- Evans, C. Lawrence. 2001a. *Leadership in Committee*. Ann Arbor: University of Michigan Press.
- Evans, C. Lawrence. 2001b. "Committees, Leaders, and Message Politics," in L. Dodd and B. Oppenheimer, eds., *Congress Reconsidered*, 7<sup>th</sup> ed. Washington: Congressional Quarterly.
- Evans, C. Lawrence. 2018. *The Whips: Building Party Coalitions in Congress*. Ann Arbor: University of Michigan Press.
- Fenno, Richard F. 1978. *Homestyle: House Members in their Districts*. Boston: Little, Brown.
- Hall, Richard L. 1996. *Participation in Congress*. New Haven: Yale University Press.
- Jacobs, Lawrence R., and Robert Y. Shapiro. 2000. *Politicians Don't Pander: Political Manipulation and the Loss of Democratic Responsiveness*. Chicago: University of Chicago Press.
- Kahn, Kim Fridkin, and Patrick J. Kenney. 1999. *The Spectacle of U.S. Senate Campaigns*. Princeton: Princeton University Press.
- Kingdon, John W. 1984. *Agendas, Alternatives, and Public Policies*. Boston: Little, Brown.
- Kingdon, John W. 1989. *Congressmen's Voting Decisions*, 3<sup>rd</sup> ed. Ann Arbor: University of Michigan Press.
- Krehbiel, Keith. 1998. *Pivotal Politics: A Theory of U.S. Lawmaking*. Chicago: University of Chicago Press.
- Lee, Frances. 2009. *Beyond Ideology*. Chicago: University of Chicago Press.
- Lee, Frances. 2016. *Insecure Majorities*. Chicago: University of Chicago Press.
- Lee, Frances E., and Bruce I. Oppenheimer. 1999. *Sizing Up the Senate*. Chicago: University of Chicago Press.
- Mansbridge, Jane J. 2003. "Rethinking Representation." *American Political Science Review* 97, 515-28.
- Mayhew, David R. 2000. *America's Congress: Actions in the Public Sphere, James Madison Through Newt Gingrich*. New Haven: Yale University Press.
- Pitkin, Hanna F. 1972. *The Concept of Representation*. Berkeley: University of California Press.
- Poole, Keith T. and Howard Rosenthal. 1997. *Congress: A Political-Economic History of Roll Call Voting*. New York: Oxford University Press.

- Rohde, David W. 1991. *Parties and Leaders in the Postreform House*. Chicago: University of Chicago Press.
- Salisbury, Robert H., and Kenneth A. Shepsle. 1981. "Congressman as Enterprise," *Legislative Studies Quarterly*, 559-76.
- Schiller, Wendy J. 2000. *Partners and Rivals: Representation in U.S. Senate Delegations*. Princeton: Princeton University Press.
- Sellers, Patrick J. 2002. "Winning Media Coverage in the U.S. Congress." In *U.S. Senate Exceptionalism*, ed. Bruce I. Oppenheimer. Columbus: Ohio State University Press, 132-55.
- Sinclair, Barbara. 1989. *The Transformation of the U.S. Senate*. Baltimore: Johns Hopkins University Press.
- Sinclair, Barbara. 1995. *Legislators, Leaders, and Lawmaking*. Baltimore: Johns Hopkins University Press.
- Smith, Steven S. 2007. *Party Influence in Congress*. New York: Cambridge University Press.
- Smith, Steven S. 2014. *The Senate Syndrome: The Evolution of Procedural Warfare in the Modern U.S. Senate*. Norman: University of Oklahoma Press.
- Smith, Steven S. and Gerald Gamm. 2001. "The Evolution of Senate Party Organization and Leadership: An Overview," presented at the Woodrow Wilson Center for Scholars, Washington, D.C.
- Smith, Steven S. and Gerald Gamm. 2002. "Emergence of the Modern Senate: Party Organization, 1937-2002," presented at the annual meeting of the American Political Science Association, Boston, Mass.
- Theriault, Sean. 2013. *The Gingrich Senators: The Roots of Partisan Warfare in the Senate*. New York: Oxford University Press.
- Uslaner, Eric. 1999. *The Movers and the Shirkers*. Ann Arbor: University of Michigan Press.
- Zaller, John R. 1992. *The Nature and Origins of Mass Opinion*. New York: Cambridge University Press.