The study of political conflict in legislatures is fundamental for describing and understanding the nature of governance. It is also difficult because of changes in both the membership and the issues being addressed over time. Focusing on issues central to understanding the American state – policies involving civil rights and social welfare policies – we show that extant methods’ characterizations about the nature of policy change over time are hard to reconcile with historical understandings. Problems emerge because extant models fail to account for the iterative nature of lawmaking and because it is hard to disentangle partisan from preference based motivations. Using informed priors about the nature of policy change revises several widely accepted characterizations. We show that not only are contemporary parties less ideologically polarized than they were in the period following the American Civil War, but also that the policy conflict in the contemporary congress occurs in a smaller – and more liberal -- portion of the policy space relative to the conflict in post-Reconstruction congresses. While we provide an important amendment to our characterization of political conflict over time, our focus on roll calls highlights several important limits in using measurement models of elite actions to compare political conflict over time in institutions with ever-changing agendas that are at the discretion of those elites.

\[\text{1 This is exceptionally preliminary. Please do not cite or circulate without permission as we are still working through the argument and we have certainly not yet referenced all of the relevant literature.}\]
The study of political conflict is rightfully at the center of political science. In the study of American politics, this has often crystalized into a study of the causes and consequences of political polarization (McCarty, Poole and Rosenthal 2006; Hetherington 2009; Fiornia et al 2005; Levendusky 2009). Claims about the extent to which our political system is “polarized” are relevant for those interested in questions of governance, accountability, and representation, and they are also highly relevant for studying lawmaking and issues related to the function and performance of a separation of powers system.

What polarization means and how it relates to ideological and partisan divisions is often unclear. While existing claims about what appears to be the currently unprecedented level of elite polarization are often framed in terms of the level of ideological disagreement between political parties, we show that this interpretation is problematic because extant measures fail to sufficiently account for the policies being voted upon and how the scope and magnitude of current policy debates relate to those of the past. Because lawmaking is an iterative process of status quo revision, we use this fact to better locate characterize the nature of political conflict over time.

Perhaps no conflict in American politics is more longstanding, pervasive, and important as the conflict involving race relations and civil rights. Divisions were present at the time of the founding, they were the cause for one of the world’s most bloody civil wars, and they continue to explicitly and implicitly affect contemporary lawmaking and discourse. Moreover, such debates are central to understand the desire and capacity of the government to provide individuals and citizens with their full set of rights, benefits, and protections under the law.

Focusing on the conflict over civil rights is important not only for what it reveals about the ability of political elites to deal with enduring issues of critical importance, but also because it provides an ideal opportunity to investigate the difficulty of using elite behavior to draw
inferences about ideological differences in an issue with an evolving relationship between partisanship and policy preferences. Despite an increase in oppositional voting by party, political elites’ policy preferences on civil rights issues are almost certainly more similar now than at any other time in American history. Members may disagree about reauthorizing the Voting Rights Act because of disagreements over whether the pre-clearance from the Department of Justice should be required for redistricting plans, for example, but there are no longer disagreements about whether African Americans should have the right to vote. Contemporary political debates differ substantially from those of the past, but our characterizations of political conflict provide erroneous conclusions about the nature of politics and the level of ideological disagreement by failing to appropriately account for the evolving policy agenda.

Accounting for the policies being voted upon and how they relate to one another over time revises our interpretation of commonly used measures of elite polarization and our understanding of some of the most important political conflicts in several substantively important respects.

First, we argue that characterizations and interpretations of political conflict based on observed roll call voting behavior conflate partisan and ideological divisions. We show that pervasively used estimates of political conflict that ignore policy content and which are commonly interpreted as measuring policy preferences over time yield implausible characterizations when carefully scrutinized. Not only do they predict that contemporary Democrats would oppose voting rights being given to freed slaves, but they also suggest that the more-preferred policies of currently sitting members are more ideologically divided than the policy preferences of those serving following the American Civil War and that the policies being debated have not shifted in over 100 years despite dramatic changes to the American state and the surrounding social, economic, and political context. These mistaken inferences are a result of failing to account for
the evolution of policy over time and the difficulty of characterizing policy preferences on the basis of partisan-based voting coalitions when many observationally equivalent behavioral models can rationalize the pattern of observed votes.

Second, when we account for the issues being voted upon, a very different characterization of political conflict emerges. Partisan-based divisions have certainly increased in the post-World War II era, but even if we are willing to interpret ideal point estimates in terms of policy preferences current inter-party differences are roughly half of what they were following Reconstruction. Moreover, the scope of political conflict has narrowed considerably -- only a fraction of the issue space that was contested post-Reconstruction is currently politically relevant because of repeated lawmaking efforts that have shifted civil rights policies in a liberal direction over time. These conclusions resonate with historical understandings, but they are troublingly at odds with the conclusions that result from commonly used measures.

Finally, our study highlights some complications with measuring policy preferences from behaviors related to political conflict that ignore the content of what is being voted upon and the reasons why the actions are taken. Determining whether a congress is the “most polarized” in terms of preference divergence is difficult without accounting for what Congress votes on and why.

We proceed as follows. Section 1 discusses the problem of constructing a measure of policy preference divergence that is comparable over time using only binary votes by highlighting some implausible conclusions produced by extant measures of political conflict involving fundamental issues to understanding governance. Ignoring the changing agenda over time overestimates the level of elite polarization and fundamentally mischaracterizes the politics of the issue across time. Sections 2 and 3 explore ways of better accounting for policy content in two ways – focusing only on votes involving race relations to define the policy content of the estimated dimensions and
incorporating information about how issues are related to one another over time using imputed votes. Only when both aspects are accounted for does the characterization of political conflict correspond to historical understandings. Section 4 demonstrates that these issues are not specific to civil rights votes in the U.S. House; the same pattern emerges when analyzing civil rights votes in the Senate and Social Security votes in the House, and section 5 discusses the implications for assessing the level and meaning of political conflict over time using the extent to which elites vote in opposition to one another on those issues that they choose to take action on.

II. Measuring Political Conflict Over Time Using Roll Calls

Characterizing the nature of political conflict over time is important for what it implies about the nature of the political system and the potential for policy change. While it is possible to tell qualitative vignettes about the nature of policy change, it is hard to translate intuitions into measures that are comparable across time in ways useful for assessing the changing nature of politics. Searching for a quantitative basis, scholars have long used information about how members vote on the issues that come to a vote in Congress to characterize political conflict. While roll call based measures were originally defined explicitly in partisan terms (e.g., Rice 1928), modern measures are often interpreted as measuring the extent to which the most-preferred policies differ within and between Congresses.

Such measures feature prominently in investigations of critical questions related to lawmaking, elite behavior, inter-institutional relations, and representation among others. Moreover, an entire literature has arisen to try and explain the causes and consequences of the changing levels of “polarization” that appears in these estimates of political conflict. Polarization can mean many things, but it is commonly defined as the difference between ideal point estimates
from a statistical model applied to roll call voting behavior that are then interpreted as measuring the ideological distance between the two parties.²

**Figure 1: Elite Polarization in Congress, 1877-2014** : the difference between the mean Republican and mean Democrat in each House is plotted. The Common Space measures assumes that ideal points are stable over time, whereas DW-NOMINATE allows each legislator to have a different linear relationship over time. The within-measure variation is meaningful, but the between-measure variation is not.

Figure 1 provides the empirical basis for a portrait of elite polarization in the United States that has been largely cemented as an empirical truth: America is more ideologically polarized than ever, and the state of American politics is now “even worse than it looks” (Mann and Ornstein 2012); the figure suggests that issues that may have been consensual are no longer so and political elites find it increasingly difficult to govern given the lack of agreement.

² Hetherington provides a careful reminder that our estimates or polarization are usually limited to the distance in policy preferences between the political parties (2009, 417). He writes, "The 1960s and 1970s witnessed plenty of polarized rhetoric and behavior about divisive issues like Vietnam and Civil Rights. But differences did not break down along party lines." (Hetherington 2009: 417).
Three aspects are worth noting about Figure 1. First, because the roll call based estimates are presumed to measure the distance between the most-preferred policy preferences of the average Democrat and average Republican over time in a fixed “liberal-conservative” dimension, the figure suggest that the policy preferences of the two parties are now further apart than they have ever been in the history of the United States. Second, inspecting the member-level estimates used to construct Figure 1 reveals that the scope of ideological conflict reflected in the range of the policy space being contested has not shifted, contracted, or expanded over the course of more than 200 years – policy preferences ranged from [-1,1] in 1789 and they range from [-1,1] today. Third, differences in commonly used statistical models do not affect these conclusions – similar conclusions result from assuming constant ideal points over time (Common Space), ideal points that vary parametrically by legislator (DW-NOMINATE), or whether ideal points are estimated using a Bayesian quadratic model (Clinton, Jackman, Rivers 2004) and made comparable using the adjustment of Groseclose, Levitt, Snyder (1999; see Clinton, Katzenelson, and Lapinski forthcoming).

We question these characterizations. While political conflict is pervasive and members are now casting many votes along party lines in recent Congresses, it is hard to believe that members are more ideologically divided now than they were following one of the world’s bloodiest civil wars.³ Presenting the period of the New Deal as a time of inter-party harmony is also difficult to square with the historical record of the period (Clinton, Katzenelson, and Lapinski forthcoming) as is

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³ The American Civil War is obviously the most important instance of violent conflict---and in global terms was the deadliest civil war since the European religious wars (which lasted decades) and until the Russian Civil War of 1917-1922. But before the war there had been ongoing violence in the territories, and after the war a sustained period of terror inflicted on Republicans in the South. And violent conflict extended well-beyond the Civil War. As contributors to Violence in America have noted, “the United States has had the bloodiest and most violent labor history of any industrial nation in the world,” in terms of the number of strikes and industrial actions that ended in violence, while the 1960s saw over 500 race riots (Gurr 1989, 12).
the suggestion that the 1960s was near the nadir of polarization in American politics when more than 500 race riots occurred and the military was confronting students on college campuses.

The source of these difficulties is twofold. First, there is a tendency to interpret the parameters of a statistical model in terms of the primitives of the behavioral voting model that is used to generate the statistical model, but nothing ensures that the estimates from the latter reflect the interpretations suggested by the former because many behavioral models yield the same likelihood function. Second, even if we are willing to give an ideological interpretation to the estimates, ignoring the changing content of the congressional agenda produces estimates that fail to account for the dramatic changes in policy that occur over the course of congressional history and which 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 as well as a statistical model that estimates the parameters of the underlying behavioral model. When analyzing elite behavior, most models assume members vote for the policy alternative that is closest to their most preferred policy modulo idiosyncratic voting error (e.g., Poole and Rosenthal 1989, Heckman and Snyder 1997; and Clinton, Jackman, and Rivers 2004). Estimators differ in what they assume about the distance function members use to evaluate the competing options, but the common behavioral model assumes members vote in favor (1) or against (0) a vote depending on:

\[
Pr(y_{it}=1) = Pr(u(x_i - \theta_{y(t)}) - u(x_i - \theta_{n(t)}) > \epsilon_t)
\]

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 \(t\), \(\theta_{n(t)}\) is the location associated with

\[^{4}\text{But see Poole (2007) for an approach that does not rely on idiosyncratic error and which uses an “optimal classification: algorithm instead.}\]
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.

The belief that ideal points measure policy preferences is perhaps an unfortunate consequence of how Poole and Rosenthal initially defined and used ideology -- “we use ideology as a shorthand in the sense intended by Converse (1964)...voting is along ideological lines when positions are predictable across a wide set of issues” (p4). As with any latent variable model, the precise meaning of the recovered parameters are not well-defined and the estimated ideal points reflect any feature that produces stable voting coalitions across votes. Stability may be a consequence of preference-based motivations, so too might it reflect partisan-based motivations if such motivations result in persistent voting coalitions across the votes we observe being taken.\(^5\)

While the stability in individual voting behavior being captured by \( x_i \) is often thought to reflect policy preferences because of the behavioral model that is used to justify the statistical model, many observationally equivalent behavioral models are possible. The same class of concerns raised regarding the ability to detect partisan-based incentives on the basis of roll calls alone (e.g., Krehbiel 2003; 2007) can be raised against interpreting ideal points 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 standard binary choice model with the complication that only the choice itself is observed:

\[
\Pr(y_{it}=1) = \Pr(\alpha_t + \beta_t x_i > \varepsilon_{it})
\]

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\(^5\) Scholars have used variations of the model to debate the extent to which partisan pressure may account for the patterns (McCarty, Poole and Rosenthal; Groseclose and Snyder; Cox and Poole), but the general claim is that the precise meaning of the recovered latent trait is ambiguous.\).
Thus written, it is immediately clear that many interpretations can rationalize the parameters being estimated 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 have nothing to do with policy preferences ($x_{M,t}$) along with a member-specific (vote –specific?) deviation from this probability $s_i$ (i.e., $x_i = x_{M,t} + s_i$). 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, a perhaps each vote depends on the weight given to party ($x_p$) and personal preferences ($x_i$) so that what is estimated is $x_i^* = w_t x_i + (1-w_t) x_p$

Because many behavioral models are observationally equivalent in terms of the observed voting pattern it is difficult to determine which model provides the best account.\(^6\) Other than parsimony, there is little reason to suspect that any behavioral model is more likely to be true than the others. While the pattern of divergent ideal points graphed in Figure 1 are often discussed in terms of ideologically divergence, nothing ensures that this interpretation of the increase in party-correlated voting behavior is true.

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 are determined by iteratively fitting higher dimensional models to account for the residual variation from the lower

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[^6]: Another point worth noting is that every parameter in the model is identified only relative to an assumed normalization absent additional information about either the ideal point of the legislators or the content of the agenda being voted upon to resolve the meaning of the recovered estimates. Common assumptions for a one-dimensional model include either that the ideal points have a mean of 0 and a variance of 1 (Clinton, Jackman, and Rivers 2003) or else that the minimum and maximum values of the ideal points are located at [-1,1] (Poole and Rosenthal). The scale itself is unable to provide any insight into whether a -1 is indicates a preferences for liberal policies, a preference for Democratic policies, or what – all it indicates is that a member with an ideal point of -1 votes differently (and in opposition to) a member with an ideal point of 1.
dimensional model. As such, the recovered dimensions are based more on the nature of the conflict rather than the nature of the content -- differences in the nature of the voting coalitions rather than differences in the issues being voted are what distinguish the estimated dimensions. As Poole and Rosenthal (1997) note “…the first dimension divides the two major political parties. The dimension can be thought of 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” (p.46). Scholars often interpret the meaning of the dimensions in ideological terms – e.g., the first dimension reflects preferences in the liberal-conservative dimension and the 2nd dimension reflects cross-cutting issues such as issues related to race – but nothing in the statistical model ensures that either dimension has any necessary relationship to policy outcomes in an ideological space.

In fact, whereas the statistical models typically assume that the recovered dimensions are orthogonal, this assumption is not inherent in the behavioral model. While policy preferences may be independent across policy dimensions, there is no requirement for them to be so. As elites are likely to have correlated preferences over various issues because of institutional and political contexts, if we conceptualize dimensions as being based on policy content (e.g., economic policy, social policy, etc.), estimating orthogonal dimensions likely recovers estimates of uncertain relation to the policy-based dimensions of the behavioral model.7

These ambiguities are exacerbated further by the desire to make comparisons over time. Even if the recovered ideal points reflect policy preferences, the ability to make comparative

7 In other words, all those policy dimensions that are based on inter-party conflict according to the behavioral model are mapped onto the first dimension by the statistical model and all those policy dimensions that primarily involve intra-party splits are mapped onto the second dimension. In fact, it is more nuanced than even this because votes involving the same policy may be mapped onto different dimensions depending on how the voting coalitions compare to the coalitions on other observed votes.
statements about changing policy preferences and differing levels of policy divergence and polarization over time depends on the ability to 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 1-unit difference in ideal points is constant over time. This is difficult. Because the members and issues of Congresses in the 1890s are different from those of the 1980s, applying the statistical model separately for each Congress separately using the standard normalization assumptions -- e.g., the distribution of ideal points in every legislature has a mean of 0 and a variance of 1 -- presumes that the moments of the distribution of ideal points are stable over time despite significant changes in the composition, procedures, and reach of government that are known to have occurred.

Doing better requires either additional information or assumptions about the relationship between the parameters over time. Some have begun to explore restrictions on the issue parameters over time (e.g., Clinton 2012), but these studies are limited by issue-specificity and temporal reach and they do not produce estimates for generic use. More common is to impose constraints on the ideal point parameters – most typically by assuming that legislator i’s ideal point varies parametrically over time (e.g., constant, linear, polynomial, etc.) – to define the relationship of the estimated space over time. Typically scholars either assume that a legislators’ ideal point is fixed (Common Space), or else that it varies parametrically (DW-NOMINATE). As Figure 1 reveals, most results are not sensitive to the decision of which assumption to use.

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8 There is some work that attempts to take account of information about the votes when analyzing voting behavior most of this work is also limited in looking at the relationship within a Congress. For example, Krehbiel and Rivers (1988) consider a small 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) consider the relationship between amendment votes on minimum wage in a Congress, and Pope and Treier (2011) considers votes related to the Great Compromise.
III. Political Conflict Over Civil Rights: A Case Study of the Difficulties Involved

Given the observational equivalence between various possible interpretations of the estimated parameters, considering how contemporaneous members are predicted to vote on prominent past legislation for which we have very strong priors provides strong evidence as to whether the recovered ideal points reflect temporally meaningful policy preferences. If the recovered estimates reflect policy preferences showing “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, but also that Helms should be predicted to prefer more conservative policies than Taft, Sr.

We provide reasons for concern using the conflict involving civil rights in the United States for several reasons. Not only has the conflict over the civil rights of African-Americans persisted since the founding of the republic, but it is also an important issue that is fundamental for understanding the meaning of “citizenship” and the relationship that a state has with its citizens. It is also an issue for which we have strong priors about the direction of policy change and policy preferences over time. Policy differences between racial liberals and conservatives may remain large (King and Smith 2011), but any reasonable measure should show that they have declined from the period when proponents and opponents of using the full force of the Federal government to enforce the Civil War amendments sat in Congress together.\footnote{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 (King and Smith 2011, 267). Nor is it to 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 we use suggest that Tom Delay is as conservative as Theodore Bilbo, we will be fundamentally discounting the magnitude of white supremacy, the commitment of political elite to maintaining it, and the costs imposed on generations of Americans.}

Finally, political conflict on racial issues is critical for understanding the conventional pattern of polarization graphed in Figure 1 -- the movement of southern Democrats from the left of the Democratic
coalition to the right---and eventually into the Republican Party---is an important component of the pattern evident in Figure 1 (McCarty, Poole and Rosenthal 2006).  

One minor complication is that political conflict over race related issues did not always correspond to partisan divisions. However, this fact only highlights the difficulty of interpreting extant measures of political conflict vis-à-vis particular issues. 

The ambiguous relationship between the estimated dimensions and policy content manifests itself in two ways. First, the percentage of roll calls involving a specific policy domain varies over time depending on the willingness of the elected officials to consider the issue (Lee 2008; 2009). Even if we assume that ideal points measure policy preferences, it is therefore unclear how much the estimates in any given Congress reflect policy preferences regarding civil rights. Putting aside that the number of votes and issue attention in Congress are not synonymous (Clinton and Lapinski 2008), Figure 2 graphs the fraction of votes devoted to the issue of civil rights since 1877 in the House and the Senate based on the tiered classification scheme of Katznelson and Lapinski (2006). Determining the content of a vote is admitted sometimes difficult – for example, we include procedural votes if and only if it was obvious based on the discussion in the

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10 Figure B1 of the appendix reveals that the pattern of polarization on civil rights votes alone mirrors that of Figure 1.

11 The standard approach to addressing civil rights and racial equality in an ideal points framework is to treat the second DW-NOMINATE dimension as a 'race' or 'civil rights' dimension, as opposed to the 'economic' first dimension, but this is problematic. For starters, the denial of African American civil and political rights was centrally, albeit never exclusively, about economics and redistribution (Naidu 2012), so the division between the two is neither theoretically precise nor would it have been obvious to the contemporary participants. Moreover, the labeling of the second dimension as a civil rights dimension is based on the fact that this is the issue on which voting errors are most frequently reduced by adding a second dimension during the historical period in which the reduction in error is greatest. But the addition of a second dimension also reduces error on other votes, both across time and during the mid-20th century, and so it is not clear why it is labeled a 'civil rights' or 'race' issue rather than 'whatever happens to cut across party lines.' The latter is both more accurate and more in line with its initial treatment in Poole and Rosenthal's Congress (1997). And perhaps most importantly, it does not provide plausibly interpretable scores of policy positions on the issue of civil rights, nor is it not a consistent across time. Northern Republicans are placed to the 'left' of northern Democrats on this dimension well into the 1980s, a finding that does not accord with their actual patterns of behavior on this issue area. Nor are southern racial conservatives in the late 19th century differentiated from other legislators on this dimension.
Congressional Record that there were clear substantive implications for civil rights policies, but issues such as the Fair Labor Standard Act which had clear racial implications but which did not directly address the issue are not. The fraction of roll calls obviously involving civil rights clearly varies both temporally and institutionally. The fact that so few votes may be taken on an issue means that conclusions about particular policy preferences may be tenuous because of the dependence on votes on issues with similar voting coalitions that may nonetheless differ in important respects.

Figure 2: Proportion of the Roll Call Agenda Involving Civil Rights Issues, 1877-2011: Content measured by Katznelson and Lapinski (2006).

A second difficulty is that relationship between policy content and the estimated dimensions varies over time. Figure 3 graphs the extent to which the civil rights votes in each Congress are decided in terms of the first and second dimension in DW-NOMINATE. Following Poole and Rosenthal (1989), a civil rights vote involves the “second dimension” if the
proportionate reduction of error that results from the 2D model relative to the 1D model exceeds 0.2. As Figure 3 reveals, votes on Civil rights policies sometimes exclusively involve the first dimension in a Congress (e.g., 1877-1921 and again after 1985), sometimes every vote in a Congress involves both dimensions (as it was in 1941, and in the early 1960s), and sometimes the votes considered in a Congress involve both exclusively first dimension votes as well as multidimensional votes (e.g., Congresses in the mid-to-late 1960s).

![Figure 3: Percentage of 2nd Dimension Civil Rights Votes in DW-NOMINATE By Congress](image_url)

Not only does the relationship between the estimated dimensions and policy content depend on the particular policies being voted upon – i.e., civil rights policies are sometimes decided by the first dimension and sometimes they are decided by the second dimension – but this relationship varies across time and sometimes even within the same Congress.
These difficulties also affect the meaning of the estimated ideal points. To illustrate the difficulties involved with interpreted the estimated ideal points plausibly reflect differences in policy preferences we focus on two prominent votes civil rights votes from the late 19th and early 20th centuries that were resolved almost exclusively in the “first dimension” according to DW-NOMINATE -- the question of ending federal (military) supervision of elections in 1877 and enacting anti-lynching legislation in 1922. So doing not only focuses attention on the dimension that is most prominently used by scholars to characterize policy preferences over time, but it also avoids any possible complications that may be introduced by the residual second dimension. (As Figure 3 makes clear, it was not until the 1930s that civil rights votes involved a “second” DW-NOMINATE dimension.)

To assess whether estimated ideal points reflect meaningful policy differences we explore the following counterfactual – how would contemporary elites vote on these issues today? This counterfactual is meaningful because the ability to compare past and present polarization relies on the ability to compare ideal points in the same space. Figure 4 plots the DW-NOMINATE estimates of every member who served in the House between 1877 and 2011 relative to the cutting plane that is estimated to divide supporters and opponents for each policy.
Figure 4: Predicting Final Passage Vote on Ending Federal Supervision of Election (Left) and the 1922 Anti-Lynching Legislation (Right) Using DW-NOMINATE

Several conclusions emerge from Figure 4. Besides showing that the constraint that ideal points lie in the unit circle is obviously binding for some legislators (hence the circular pattern), the fact that both cutting lines are nearly vertical reveals that these votes were largely decided by ideal points in the first dimension – ideal points to the left of the left figure are predicted to vote to end federal supervision of elections in 1877, and ideal points to the right of the cutting line in the right-most graph are those who are predicted to vote in favor of anti-lynching legislation.

Looking at the identities of the plotted ideal points relative to the estimated cutting lines reveals that the policy content of the first dimension has changed dramatically over time in a manner that is not reflected in the DW-NOMINATE estimates. While the Democrats sitting in Congress in 1877 and 1922 may have been less likely to support the racially progressive positions associated with these two votes, it is implausible to think that contemporary Democrats would share those views. It is difficult to imagine a scenario in which 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 had defended the Confederacy as founded "upon the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and normal condition" (Schott 1988, 334)--would be more likely to support sustained military supervision to ensure black American males' voting rights in the South than would a leader in the Civil Rights movement -- John Lewis (D-GA) -- or one of the original Freedom Riders -- Adam Clayton Powell (D-NY).

Figure 4 clearly reveals that the DW-NOMINATE estimates reflect partisan differences rather than ideological differences -- ideal points less than 0 are consistently Democratic, but they are not consistently liberal. By effectively defining the estimated dimensions in terms of stable voting coalitions rather than the issues involved, however, it is unclear how to interpret the estimates in terms of implied policy preferences. If a party’s position changes on an issue – as was the case for issues involving civil rights – the fact that the estimates are largely based on stable party-based voting coalitions means that it can be exceptionally difficult to interpret what the estimated imply about the nature of the ideological conflict.

The problems go beyond mere sign reversals. In many cases, it is likely that issues that were once politically contentious are no longer so – votes that would have resulted in party-line votes would now be unanimously supported (or opposed). Extant estimates, however, suggest that the scopes of political conflict is unchanged – according to DW-NOMINATE policy preferences ranged from -1 to 1 in 1789, and they range from -1 to 1 today despite the profound differences in the political, economic, and social circumstances of the two eras.
In terms of civil rights policy, for example, there have been profound changes in the policy and preferences among legislators and society at large.\(^{12}\) In 1903, Senator Benjamin Tillman of South Carolina responded to the suggestion that the Federal government might intervene to stop the disfranchisement of African Americans in the South by calling for the repeal of the 15th Amendment, and warned that it was repeal “or the other way of reducing the colored majority in South Carolina,” the “other way” being to send them “to the land where voting is not among the pleasures.”\(^{13}\) In 1946, Senator Theodore Bilbo of Mississippi responded to the overturning of the white primary by the Supreme Court two years earlier by warning “every red-blooded white man" that they were “sleeping on a volcano" and needed to take action to ensure that not a single African American be allowed to vote: “You and I know what's 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. Red-blooded men know what I mean" (Newton 2010, 103-4).\(^{14}\)

Fast forward to 2006 where a Republican Senate voted 98 to 0 and a Republican House 390 to 33 to re-authorize the Voting Rights Act. The vote was not without partisan conflict or ideological disagreement. “For two months," said Harry Reid, “we have wasted precious time as the Republican leadership played to its conservative base" (Hernandez 2006) and conservative amendments that would revise Section 4's triggering formula for Section 5 coverage strike the extension of the bilingual ballot provision were defeated 96-318 and 185-238 respectively.

\(^{12}\) Distance in policy preferences among predominantly, and then exclusively, white legislators may or may not reflect the broader white population. But it almost certainly understates the difference in policy preferences between African Americans and the committed white supremacists who always made up a sizable bloc in Congress.\(^{13}\) “Tillman Talks of a Race War; He says the Fifteenth Amendment Must be Repealed; Believes North will Stand by South on that Question,” Plain Dealer, Cleveland, OH, August 10, 1903.\(^{14}\) While Tillman and Bilbo were among the more notorious racists in their rhetoric, their policy preferences— that no African American be allowed to vote, that the federal government not involve itself in any way to supervise southern elections, that violence against African Americans was a common means of preserving white supremacy --were widely shared among the region’s Democratic political leadership and it would continue to be the policy position of the southern Democratic elite until at least the 1950s.
Contemporary policy differences are important, but they are not equivalent to earlier differences by any reasonable measure. It seems unlikely that any contemporary politician would support the prominent and public positions espoused by Sen. Bilbo and other segregationists, but that is what must be believed to make the comparisons that are commonly made.\footnote{Even during the 1960s, representatives who supported busing in order to achieve desegregation in schools sat alongside representatives who believed the Brown v. Board decision required using the police and national guard of the state to block de-segregation.}

\section*{III. Accounting for Policy Content in the Political Conflict Over Civil Rights, 1877-2011}

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 in the policy space $\theta_{yt}$ and $\theta_{ynt}$. In fact, these parameters are only identified because of parametric assumptions about the utility function.\footnote{As a result, Poole and Rosenthal provide an explicit warning against using these parameters and Clinton, Jackman, Rivers (2003) focus directly on a reduced form that estimates cutting planes rather than location parameters.}

We account for policy content and the changing issue agenda 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 estimate a civil-rights dimension by analyzing just votes involving civil rights. So doing recovers estimates that reflect the extent to which legislators support civil rights and measures designed to advance racial equality.\footnote{An entire literature explores the critical issue of how to compare measures of elite behavior over time (Poole and Rosenthal 1997, Groseclose, Levitt, and Snyder 1999; Bailey 2007; Martin and Quinn 2002), and we make temporal comparisons by assuming that preferences are constant.} Defining a policy-specific dimension is useful for interpreting the meaning of the estimates, but it does nothing to account for the evolution of policy across time. We therefore also use historical information to orient some of the policies being voted upon relative to one another. To begin, we consider the impact of separately estimating civil rights votes without accounting for policy-specific information.

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15 Even during the 1960s, representatives who supported busing in order to achieve desegregation in schools sat alongside representatives who believed the Brown v. Board decision required using the police and national guard of the state to block de-segregation.

16 As a result, Poole and Rosenthal provide an explicit warning against using these parameters and Clinton, Jackman, Rivers (2003) focus directly on a reduced form that estimates cutting planes rather than location parameters.

17 An entire literature explores the critical issue of how to compare measures of elite behavior over time (Poole and Rosenthal 1997, Groseclose, Levitt, and Snyder 1999; Bailey 2007; Martin and Quinn 2002), and we make temporal comparisons by assuming that preferences are constant.
To be clear, we do not address the possibility that the assumed behavioral model is false and voting behavior may be driven by factors besides policy preferences. Instead, our contribution is to explore whether incorporating more information about a particular policy produces estimates using the same statistical models that are more consistent with historical understandings and which may therefore provide a greater confidence in interpreting ideal point estimates as reflecting policy preferences.

To analyze the 350 civil rights votes in the House and the 720 civil rights votes in the Senate, we use the statistical model proposed by Clinton, Jackman, and Rivers (2004) to fit a single unidimensional model to each chamber. For comparability, we assume that members’ ideal points are constant across time in each chamber, but our results do not depend on this identification strategy; Appendix B reveals that alternative approaches produce similar results.\textsuperscript{18}

Figure 5 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 which are based on partisan conflict and in which the average Republican ideal point is always greater than that of the average Democrat, the civil rights-specific estimates in Figure 5 depict the well-known shift in the parties' positions on African American civil rights – 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. Moreover, the pattern we recover is consistent with the recently established finding that this shift preceded the election of 1964 (Feinstein and Schickler 2008; Schickler 2013).

\textsuperscript{18} In each case, we assume that the estimated ideal points have mean zero over the entire period and variance 1 to define the scale. In terms of model fit, the constant ideal point civil rights model is indistinguishable from a two-dimensional DW-NOMINATE fit in terms of percent correctly predicted (91%) and APRE (0.64)
Figure 5: Party Medians on Civil Right Votes Using Civil Rights Dimension, 1877-2009

For Democrats, 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. By the 1930s Northern Democrats took more liberal positions on civil rights than the party of Lincoln, but it took Southern Democrats until the 1970s to adopt more liberal positions than the increasingly conservative Republicans.

While the issue-specific estimates of Figure 5 provide a characterization that is more consistent with historical understandings of the various policy preferences held by these groups of elites than DW-NOMINATE (where the transformation in the parties’ ideological positions on civil rights is masked by the stability of the parties’ opposition to one another on other issues),
troubling implications remain. Figure 5 reveals that party differences on civil rights issues equal those in the immediate post-Reconstruction period, but it seems implausible that contemporary Republicans are as opposed to civil rights as Southern Democrats were immediately following the Civil War. Paul Ryan, for example, supposedly shares the same policy preferences on civil rights as John Nance Garner, the "labor-baiting, poker playing, whiskey-drinking evil old man" who insisted that "there is no power on earth that will make the African the equal of the white man" (Redding 1940, 168-169). That characterization cannot possibly be correct.

These problematic comparisons suggest that the assumption that ideal points are unchanging over time is insufficient to adequately ground temporal comparisons given the turnover in membership and the gradual evolution of civil rights policy. We can do better using the fact that the sequential and cumulative nature of civil rights policy change in the United States provides strong prior information about the relationship between policies being voted upon. Between 1957---when the first Civil Rights Act of the 20th century passed, largely concerned with limiting interference with African Americans' exercise of the right to vote---and the re-authorization of the Voting Rights Act in 2006, for example, a sequence of votes on policies involving the same set of considerations that can easily incorporated into the statistical model.

Figure 6 depicts the relative ordering of one such sequence. Wherever the pre-1957 status quo might have been, the 1957 Civil Rights bill proposed to move policy leftward, albeit by a modest amount relative to the demands of the burgeoning civil rights movement and liberal members of Congress.¹⁹ That it passed implies that the new status quo was to the left of the

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¹⁹ The bill proposed avenues for those denied the right to vote on the basis of color to seek redress through federal courts by criminalizing intimidation and coercion for the purpose of interfering with the right to vote in federal elections or primaries and by empowering the Attorney General to seek preventative relief; by separating federal jury selection criteria from state criteria, while maintaining jury trials for those accused of
previous status quo. When the 1960 Civil Rights Act was later proposed, it likewise moved policy further leftward, and so the midpoint on final passage for the 1960 bill should presumably be to the left of the midpoint on the 1957 legislation.²⁰

Figure 6: Expected Midpoint Locations for Notable Civil Right Final Passage Votes, 1952-2006

interfering with voting rights; and by established a temporary Commission on Civil Rights to investigate allegations that citizens were being denied the right to vote. 
²⁰ The 1960 Act required the retention of voting records, extended the Civil Rights Commission for an additional two years, entitled those who have been found to have been illegally deprived the opportunity to register or vote to a court order declaring them eligible, allowed courts to appoint voting referees to examine the administration of literacy exams, and defined the ‘vote’ as “all action necessary to make a vote effective including, but not limited to, registration …, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast.” Title VI, Section 601. The bill also provided funding for educating the children of service members, criminalized the obstruction of court orders on desegregating schools, and criminalized “flight to avoid prosecution for damaging or destroying any building or other real or personal property” or flight to avoid giving testimony in any criminal proceedings relating to such offense. This measure was aimed at the terror campaign being waged in the south against the civil rights movement, and received nearly unanimous support. Even by this date, the position maintained in the 1940s that open repression was necessary was unacceptable for southern political elite.
The 1960 Act, in conjunction with the 1957 Act, became the new status quo. Again, the 1965 Voting Rights Act moved policy considerably to the left.\(^\text{21}\) So we can again infer that the midpoint 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 and the Supreme Court had found that poll taxes were unconstitutional. The status quo---i.e., no legislative action---was a rightward move, but still to the left of the 1960 status quo. And the 1970 proposal again moved policy leftward.\(^\text{22}\) Again, the midpoint on final passage should be to the left of the 1965 midpoint. 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, so while the status quo was likely to the left of where it had been in 1975 the proposal was in the same location. We can once again infer that the midpoint on final passage should be to the left of where it had been 7 years earlier.\(^\text{23}\) The 2006 re-authorization did not significantly expand the scope of the act, and from a policy perspective

\(^{21}\) The Act prohibited states and counties covered by a triggering formula to change their election laws without prior approval from Federal courts or the Department of Justice, prohibited the use of any tests (primarily literacy tests) in the covered states that had the intent or effect of abridging the right to vote on account of race, and instructed the Attorney General to challenge the validity of poll taxes in state or local elections. The 24th Amendment had the year before ended the poll tax in federal elections, and a year later the Court ruled in Harper v. Virginia that conditioning the vote on payment of taxes was unconstitutional for state elections as well.

\(^{22}\) The Act suspended all tests across the nation until 1975, extended the triggering formula to include the elections of 1968---bringing more counties (many outside the South) under Section 5 coverage---extended the time before a county or state could `bail out' of Section 5 from 5 to 10 years, and extended the vote to 18 year olds. The Nixon Administration had initially proposed a measure that would end preclearance, and this passed in the House with support from southern Democrats and Republicans. It was rejected in the Senate, however, which crafted a more liberal bill than the 1965 Act and which was ultimately signed into law. The extension of the vote to 18-year olds was overturned by the Supreme Court.

\(^{23}\) This is less certain in this instance than in the others. 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. But the decision in Mobile v. Border put on hold and overturned a considerable number of civil suits against local jurisdictions, making the location of the midpoint more ambiguous, while the bill also liberalized the requirements for bailing out. In all events, it would be to the left of the 1965 midpoint.
the status quo was where it had been in 1982. The midpoint, therefore, should be in approximately the same location as it was 25 years earlier.

Figure 7 plots how these historical expectations compare to the midpoints that are estimated for the estimates of Figure 5, overlain on the House median.

![Figure 7: Estimated Versus Expected Trajectory of Policy Change: 1952-2006](image)

While the precise location of the expected midpoint is unclear -- for parsimony we set the expected midpoint of the 1957 Civil Rights Act to be the midpoint estimated by the statistical model – Figure 7 reveals that the estimated midpoints are moving in entirely the wrong direction from what we would expect. We know that the content of the enacted policies are becoming more liberal over time, but the estimates from a statistical model that ignores what is being voted upon are drifting more conservative over time.

The reason for this contradiction is not difficult to comprehend: voting against the Voting Rights Act after it has already passed is very different than voting against it before it has been
enacted. As a result, the votes on reauthorization were very non-partisan as Democrats and Republicans both overwhelmingly voted in support. However, because ideal points are fixed over time based on the set of votes that are observed, when estimating the midpoint for each reauthorization vote the midpoint that maximizes the likelihood function given those ideal points is a relatively extreme midpoint. Put differently, because the only legislators voting in opposition to reauthorization are very extreme (and very few), the model responds by shifting the estimated midpoint in a conservative direction rather than shifting the overall policy space to the left to reflect the fact that what was once a conflictual issue is no longer so.

This reflects the central assumption in standard approaches to generating comparable ideal points: the underlying issue space is stable -- neither drifting nor stretching/contracting over time -- and constraints regarding how legislators move over time are sufficient for identifying comparable locations across time. If, as seems likely, both the issue space and the location of members are moving across time---either moving rightward, leftward, or converging on the median of the policy space---then the ideal points will not be comparable.

Put another way, 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 have been shown to have a disparate impact on the basis of race, color, religion, sex, or national origin to demonstrate that the practice is justified by business necessity, are not likely to have voted with Thurmond against the Civil Rights acts of the 1950s and 1960s. And yet because there were no proposals to repeal the 1957 Civil Rights Act (and also because Thurmond himself had changed his policy positions), such members will receive estimates placing them on par with the racial conservatives of the 1950s. As the number of members who overlap with members who voted on past votes decreases, or if new Democrats and Republicans are more
likely to vote in opposition to one another, the ability of the overtime constraints to account for shifts in the policy space decreases.

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), for example, reasons that if a Justice voted in Thompson v. Oklahoma (1988) to allow the execution of those under the age of 16 they can be logically inferred as supporting the execution of those over 16 in Stanford v. Kentucky (1989), even if the Justice did not actually serve on the court that considered the second case (Bailey 2007, 440). Similarly, if one voted in favor of the 1965 Voting Rights Act, we can infer—all else being equal—that one would have voted in favor of the 1957 Civil Rights Act, a much more modest federal intervention aimed at protecting the right of African Americans to vote. And if one voted to re-authorize a much more liberal version of the Voting Rights Act in 1982, or 2006, then we can infer that one would have voted in favor of the original measure.

That is, if a legislator supports a bill that moves policy to the left—such as strengthening and extending the Federal supervision of southern elections established by the Voting Rights Act—then we can infer that they would have supported an earlier bill—the Voting Rights Act—that had also moved policy leftward, and which set the status quo that the legislator is willing to change.

Examining the substance of the issues under debate reveals whether a given roll call moved policy

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24 There is some work that attempts to take account of information about the votes when analyzing voting behavior most of this work is also limited in looking at the relationship within a Congress. For example, Krehbiel and Rivers (XXXX) consider a small sequence of votes on amendments to the minimum wage in the Senate, Clinton and Meirowitz (200x) analyze several dozen votes pertaining to a supposed log-roll, Clinton (2012) consider the relationship between amendment votes on minimum wage in a Congress, and Treier (XXXX) considers votes related to the Great Compromise.
leftward or rightward from the status quo and examining the sequence of such roll calls provides inferences about how legislators should have voted if the assumptions of the spatial model hold.

Such assumptions need to carefully examined. Accordingly, we only impute votes on final passage -- and only on the basis of other final passage votes to minimize concerns about killer amendments or other forms of strategic behavior. We also only use more radical policy proposals to infer votes on earlier, less radical, proposals that moved the status quo in the same direction. Opposition to the Voting Rights Act of 1965, for example, does not necessarily infer opposition to the Civil Rights Act of 1957, but opposition to the Civil Rights Act of 1957 would imply opposition to the Voting Rights Act of 1965. We only infer positions for bills in which the issue at stake is largely the same. So support for the Voting Rights Act implies support for the Civil Rights Act of 1957, as both of these were fundamentally concerned with voting, but it does not imply support for the Civil Rights Act of 1964, which was concerned with prohibiting discrimination on account of race in commerce, education, labor markets, and other arenas. The Appendix provides a detailed discussion of the constraints that we impose – all told we impose constraints in 26 of the 350 House votes involving 19,299 votes (15% of the total votes) and we impose constraints in 37 of the 702 Senate votes involving 4,658 votes (7%). These imputations are well-supported by the data – there are 4,530 instances in which a legislator voted on multiple constrained votes and there are only 317 instances in which members vote contrary to the imputations we impose (i.e., the members for against earlier less radical bills but in favor of future, more radical change.

Analyzing the augmented roll call matrix produces dramatically different conclusions. Figure 8 graphs the median ideal point of the House, Northern Democrats, Southern Democrats,

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25 The informed estimates do not come at a very heavy cost. As discussed above, a one dimensional issue-specific score performs as well as the two dimension DW-NOMINATE model in predicting roll calls. The informed estimates are
and Republicans for all civil rights votes without any imputations (left) and with the logically derived imputations based on policy substance (right).\textsuperscript{26} We assume members’ ideal points are fixed over time, but allowing ideal points to vary does not affect the results (see Appendix).

![Figure 8: Estimates of House Party Medians Using Civil Rights Votes, 1877-2011](image)

Ignoring the content of the policy being voted upon suggests that contemporary Republicans are as racially conservative as the pro-segregation Southern Democrats in Reconstruction (left), but accounting for changes in the congressional agenda using imputed votes effectively equivalent to the one-dimensional agnostic scores and the two-dimensional DW-NOMINATE model, both in the percentage of votes correctly predicted as well as the aggregate proportional reduction in error. The APRE for the agnostic, one-dimensional, and constant civil rights scores is 0.627, versus 0.632 for the two-dimensional and 0.393 for the one-dimensional DW-NOMINATE model; the percent correctly predicted are 90.0%, 90.7%, and 83.6% respectively.

With informed estimates, the APRE declines slightly to 0.614, as does the percent of votes that were correctly predicted, to 89.5%. (The APRE and percent correctly predicted are provided in Table B-1 in the Appendix).

\textsuperscript{26} The appendix reveals that not only are the predicted probabilities of members’ votes more plausible, but so too are the estimated midpoints for final passage of the critical voting rights acts of the mid-twentieth century.
revises this characterization and instead suggests that the median contemporary Republican is only as racially conservative as the typical House median post-Reconstruction (right). That contemporary Republicans are nowhere near as racially conservative as were post-Civil War Democrats once policy content is accounted for seems historically accurate.

Accounting for content of particular policies being voted upon also shifts the entire policy space shifts in a liberal direction over time. In fact, the conflict between contemporary Democrats and Republicans occurs entirely within what was the liberal half of the policy space following Reconstruction -- the most racially conservative members now are nowhere as conservative as the most racially conservative members serving following the American Civil War.

Given the shift in Figure 8, the resulting estimate of polarization on racial policies---the distance between the party medians---from 1877 to 2009 is also affected. Figure 9 plots the polarization on civil right votes over time -- the thick line plots the trend when information about particular policies is ignored and it suggests that contemporary differences in party preferences are equivalent to the policy differences of the 1880s and 1890s. The dashed trend line indicates that including policy specific constraints via imputed votes reveals an increase in party polarization on civil rights since the 1970s---a finding that corresponds with the consensus of historical and political science work on the period---but that contemporary differences are considerably less than the post-Reconstruction period.

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27 The agnostic and constrained estimates are set to the same scale by measuring polarization as a fraction of the distance in party medians in 1877.
Despite the improvement, the portrait of political polarization is still troubling. Is it plausible to think that the Congresses of the New Deal are among the least polarized despite substantial historical evidence of the contrary (e.g., Clinton, Katzenelson, and Lapinski forthcoming)? Accounting for the policies being voted provides an improved characterization of political conflict, but relying on roll calls to measure political conflict means that the estimates are dependent on the presence and type of roll calls being observed. When there are very few votes, or if the votes are difficult to relate to past or future legislative activity it can be hard to account for policy content. For example, because FDR consciously kept issues involving race off the congressional agenda as much as possible to prevent his legislative coalition from fracturing (Katnelson and Mulroy 2011) we have little information with which to either estimate (or adjust) the characterization of elite policy preferences for the New Deal period.
That said, incorporating more information about policy content will further revise the characterization of policy change over time. We took a very conservative approach to incorporating policy constraints – focusing only on final passage votes on votes for which the relationship was clear – but making additional imputations by taking a more expansive interpretation will obviously affect the estimates in predictable ways (e.g., assuming that every sitting member would support the racially liberal policies voted upon in 1877 and every racially conservative member sitting in 1877 would oppose every racially liberal policy voted upon today would exacerbate the leftward policy shift detected in Figure 8).

IV: Other Institutions, Other Issues

The pattern we document is not unique to the House of Representatives, nor is it unique to the politics of civil rights. The Senate cast considerably more votes on the civil rights---largely a function of southern efforts to reshape or defeat the crucial bills of the mid-twentieth 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 of 1970. Once we account for the content of the policy being voted upon by imputing votes in 37 of the 702 observed roll calls, however, a far different characterization emerges – contemporary Republicans are only as conservative as was the median member in the Senate post Reconstruction.
Figure 10: Estimates of Senate Party Medians Using Civil Rights Votes, 1877-2011

This pattern is not specific to the issue of civil rights. 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 that we would otherwise predict to occur on votes involving Social Security is overstated. Figure 11 traces party polarization from 1935 to 2009 in the U.S. House, using estimates generated with and without taking policy content into account. Estimates generated without policy content show a stark and steady rise in party polarization since the early 1960s, with differences between the parties greater today than

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28 While race (and gender) did matter in the construction and elaboration of Social Security (Mettler 1998, 73-75), votes on the issue largely fell along the first dimension in NOMINATE. This likely reflects the success of the House Ways and Means Committee in assuaging southern concerns that the bill’s unemployment provisions in particular would undermine the region’s racially segmented low-wage labor system.
ever. Estimates taking into account policy content are broadly similar, but show a more marked de-polarization in the 1950s, followed by a smaller rise in in the 1970s and another in the 1990s.

![Graph showing polarization measures on Social Security, 1935-2009](image)

**Figure 11: Polarization Measures on Social Security, 1935-2009**

Accounting for policy content using imputed votes produces a pattern that appears to fit well with the underlying politics of the issue. While Republicans had criticized the initial program for imposing too severe a burden on industry, final passage of Social Security in 1935 was characterized by bipartisan support (“House Republicans to Accept Democrat Social Security Bill” 1935, 1)\(^29\) and the program came to be characterized by near unanimity on the basic structure of...

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the program in subsequent decades. Substantial expansions of the program passed nearly unanimously in 1939 and in 1950, with one Republican Senator promising that “the GOP would support the legislation almost to a man.”30 By the 1970s, however, the program was under financial stress, resulting in more contentious roll calls: Financing Amendments of 1977 first passed the House 277 to 148 on a party vote, while the 1983 overhaul passed 243 to 102 with both parties split on the issue. Further changes to the program in the 1980s and early 1990s were “much less fundamental, focusing mainly on ‘fine-tuning’ the program and making technical adjustments” (Kollmann 1996, i), and the issue has become more partisan since 1985 perhaps most clearly evident in the Democratic opposition to George W. Bush’s partial privatization plan.31 Nonetheless, the respective policy positions have remained broadly similar. In 1999, both the Clinton White House and Republicans introduced proposals to set up individual accounts -- defended in terms reminiscent of Republicans in the 1940s who believed the program should be modified to “to encourage and stimulate voluntary savings through personal initiative and ambition” (“Social Security Extension” 1949). While unanimous increases in benefits now seems unlikely, the actual policy differences between the two parties is not substantially greater than it was during the program’s early years.

30 Many Republicans did support moving the program more fully to a pay-as-you-go system funded through income taxes but this was the extent of opposition. Even the lone House Republican who voted nay explained that he felt obliged to vote against, as he had offered a motion to recommit as a tactical measure intended to save an amendment. "Social Security Act." In CQ Almanac 1950, 6th ed., 165-77. Washington, DC: Congressional Quarterly, 1951. http://library.cqpress.com/cqalmanac/cqal50-1377221. The most politically popular alternative to the Social Security Act was the Townsend Plan, which promised to provide a very generous pension to all retirees based on a fairly small transaction tax. This was widely seen as economically unrealistic, and Republican Everett Dirksen pleaded with his colleagues not to support the measure. “Townsend Pension Rejected, 302-97,” New York Times, June 2, 1939, p.1. 31 This plan did not receive a vote in either chamber.
Section V: 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 the need to engage in the difficult and time-consuming task of determining what is being voted upon and why. We argue that this is not without consequence. Remaining agnostic as to the content of the congressional agenda and the precise meaning of the ideal point estimated parameters has important consequences that we think are not fully appreciated: because the dimensions are primarily defined relative to the composition of voting coalitions rather than policy content, it is not entirely clear what the recovered dimensions and ideal points imply about policy preferences.

The difficulty of using roll call based estimates to characterize policy preferences over time is difficult is exemplified when examining what it suggests about some of the most prominent and enduring debates in American politics. Perhaps no issue has had a larger impact on the formation and evolution of the American state as has the politics of race -- debates about slavery were present at the founding and influenced the design of the institutions of governance that were adopted and the same debates later resulted in one of the worlds’ bloodiest civil wars. Understanding the nature of political conflict on this most critical issue is arguably central for understanding the development and conduct of American politics. It is also an area where the most commonly used measures of political conflict provide a dramatically misleading characterization of policy conflict and change.

From the organization of the Republican Party until the Progressive Era, conflict over race largely mapped on to party lines. In the late 1870s and 1880s black and white Republicans were lynched throughout the South for attempting to vote, with 160 whites and 51 blacks lynched in the presidential election year of 1884. By any measure, this should be considered a period of high
party conflict. And the policy differences between the parties were also profound, with Republicans largely supporting continued military supervision and Democrats north and south calling for the end of all Federal involvement in elections. Democrats had initially tempered much of the anti-black rhetoric after the vicious election of 1868, at least paying "lip-service" (Haworth 1905, 58) to the amendments as being "universally accepted as a final settlement of the controversies that engendered civil war" ("Democratic Party Platform of 1876" 1876). But they fought for and eventually secured the removal of blacks from the southern electorate, and deployed exterminationist rhetoric and open violence to warn off both northern Republicans and African Americans who might try and vote. By the turn of the century, Republicans were indicating their acquiescence---and in some cases support---for southern disfranchisement. There was by all accounts a de-polarization on this issue in the early 20th century, the result of a rightward shift by the GOP and (perhaps) a leftward shift among northern Democrats (who in 1913 voted against repealing the 15th Amendment). But supporters of federal intervention against lynching and in defense of black voting continued to sit in the same Congress as those who encouraged lynching as necessary to maintain white supremacy.

That the parties have become polarized on this issue in recent years is undeniable, as is the fact that large differences in policy preferences remain. But it is equally undeniable that the differences in policy that separate the parties--and racial liberals and conservatives--are much less

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32 The "acceptance by Southern Democrats of the Fifteenth Amendment, had never been anything save mere lip-service." (Haworth 1905, 58). For an instance of this lip-service, see "The Richland Democracy": "The honest white men of Richland County... in [their] denunciation of the so-called republican party in South Carolina no individual reflection is cast upon those of the colored race at large, who, perhaps, naturally adopted the name of the political party to which they supposed they owed their political rights; but the odium is meant to rest upon the bad men who have perverted both the party name and the party allegiance of the race to evil purposes, which have alike disgraced both race and party." (Testimony as to the Denial of the Elective Franchise... 1877, 461).
profound than they were in the late 19th century and that they occur in a policy space that is far to the left relative to what it was prior to the 1960s.

As former Civil Rights Leader and Georgia Representative John Lewis noted in urging passage of the 2006 Voting Rights Reauthorization, "yes, we've made some progress; we have come a distance," but the "the sad truth is, discrimination still exists." (Hernandez 2006). Ideal point estimates from roll call analyses that are interpreted as measuring policy preferences and which ignore the changing congressional agenda not only fails to detect this progress, but it also suggest an ideological equivalence between conservatives seeking to revise Section 4 of the Voting Rights Act and those who actively opposed any federal intervention in voting rights and praised the murder of black men as the most effective means to deny their rights. Implying that the policy preferences between the parties are greater than ever today seems simply implausible. And yet, this proposition follows directly from the claim that extant ideal points are able to measure policy preferences across time as a result of placing constraints on members' ideal points.

The difficulty of comparing policy preferences across time using roll call based measures is not unique to the issue of civil rights or Social Security. Issues are likely to emerge wherever there has been a systematic shift--leftward or rightward--in both member preferences and the policy space. In fact, we may observe effects wherever `policy makes politics.' It was, to a large extent, the Voting Rights Act and the successes of the civil rights movement in achieving legislative change and in reshaping public opinion and the range of acceptable positions that led racial conservatives to abandon the fight to preserve---let alone restore---the basic legal architecture of white supremacy. Just as it was likely the creation of a growing class of Social Security beneficiaries that helped create an incentive for legislators to defend and expand the program in the post-WWII period. We suggest that wherever the establishment of a program has created a constituency
sufficiently large or powerful to make fundamental changes to this program an unpopular position among legislators, we will see similar changes to the issue space--and as a result--will be more likely to see similarly inflated estimates of polarization.

Finally, while we show that our understanding of the nature of political conflict changes once we account for the policies being voted upon, it is important to note that our analyses are only a partial remedy. While the estimates that result better reflect our historical understanding of how we think policy and preferences have changed over time, the approach does not account for the fact that the members themselves are deciding which votes to take and we are still assuming that the ideal points being estimated reflect policy preferences. We may be more willing to think that policy preferences are responsible for the observed voting behavior once we incorporate additional information given the relationship to historical understandings, but it is important to recognize that many behavioral models may rationalize the observe pattern of roll call votes and nothing ensures that policy preferences are responsible for the stability in individual voting behavior.
Bibliography


Appendix: 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 2006 re-authorization of the Voting Rights Act implies support for earlier extensions and re-authorizations of the Voting Rights in 1982, in 1975, in 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 5 years, and was renewed for 5 years in 1970, for 7 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 re-authorization 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 was a modest Federal intervention in voting procedures, establishing a Civil Rights Commission to inquire into the denial of civil rights and providing relief in Federal courts for persons whose right to vote was abridged on account of race.

- Support for the 1965 Voting Rights Act implies support for the prohibition on poll taxes for congressional and presidential elections in the 1940s. The 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 times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but Congress may at any time make or alter such regulations, except as to the place of chusing [sic] Senators." 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, on the basis that it violated the Reconstruction Amendments. 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 the ending of Federal supervision of elections in 1877 as well as opposition to the Lodge Bill in 1890. Both of these were more radical efforts to protect voting rights than the 1957 Act, and so opposition to the later bill implies opposition to the earlier bills.
• Support for the 1965 Voting Rights Act implies support for the less radical Federal Elections Bill---the Lodge Bill---of the 1890s. 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, allowing Federal Courts on the petition of citizens to appoint bipartisan election supervisors. However, it should be seen as a less radical measure than the Voting Rights Act, which not only strengthened the supervisory process but provided for preclearance of changes to election rules and prohibited practices seen as abridging the right to vote on account of race.

• Support for re-authorizing the Civil Rights Commission in 1989 implies support for the previous re-authorizations. The Commission was established as a temporary commission in 1957, and was re-authorized every few years subsequently, with many of the re-authorizations increasing its appropriations.

• Support for the 1968 Civil Rights Act, which made lynching a Federal crime and which prohibited discrimination in various aspects of the housing and rental market, implies support for the earlier anti-lynching legislation. The inclusion of other issues--housing, but also making traveling across state lines for purpose of encouraging a riot a federal crime--make 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. The Supreme Court in a series of decisions had greatly limited the application of the Civil Rights 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, others were expanded to preemptively ensure that the Court did not make a contrary finding. The purpose of the 1991 Act was to explicitly re-establish 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 that had been considered private clubs rather than commercial establishments. The effort to prohibit Jim Crow cars was much more limited, in that it was confined to a single economic sphere and to an activity that was clearly a public conveyance and engaged in an earlier more restrictive definition of interstate commerce.

Table A-1 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.
Table A-1: Number of Imputations by Chamber and Issue Area

<table>
<thead>
<tr>
<th></th>
<th>Informed Roll Calls</th>
<th>Total Roll Calls</th>
<th># Imputed Individual Voting Decisions (% of total non-imputed voting decisions)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Civil Rights</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- House</td>
<td>26 (7%)</td>
<td>350</td>
<td>19,299 (15%)</td>
</tr>
<tr>
<td>- Senate</td>
<td>37 (5.3%)</td>
<td>702</td>
<td>4,658 (7%)</td>
</tr>
<tr>
<td><strong>Social Security</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- House</td>
<td>17 (10%)</td>
<td>164</td>
<td>8,733 (12%)</td>
</tr>
</tbody>
</table>

Appendix B: Member Flexibility and Agnostic Estimates

As Figure B1 reveals, using just civil rights votes produces a pattern of polarization that is identical to that of Figure 1 in the text.

**Figure B1: Polarization using Issue-Specific Civil Rights Votes, 1877-2009**
One possible concern is that the result that contemporary polarization on civil rights evident in Figure B1 is as high as in the pre-1970s period might be due to the fact that we have estimated a constant ideal point model, in which changes over time 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.

Figure B-1 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). Deal points for each session are generated independently using reference legislators and stretch and shift parameters are estimated to adjust each session 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 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.

The relevant limitations for estimating constrained scores, are:

(1) That 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.
(2) Because each session needs to be estimated separately, many sessions with too few roll calls are dropped. In part as a result of this, there 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 in IDEAL. But as each member has a static ideal point for their career, we have information those members sitting on Congresses during which there were no civil rights votes 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 for in DW-NOMINATE---does not substantially change the finding that agnostic estimates over-state the degree of racial conservatism and polarization on the issue of African American civil rights.

![Figure B1: Party Medians over time using Clinton, Jackman, and Rivers (2004) with Groseclose, Levitt, Snyder (1999) adjustment.](image)

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, re-estimate members’ scores at the Congress level. Each member will have a different ideal point for each Congress, but these will be comparable across time because they’ve been estimated against a fixed background of roll call parameters. Because the scores are estimated at the Congress-level, the problem of there being very few roll calls for some Congresses remains, resulting in erratic party medians.

Figure B-2 shows the party medians resulting from an application of the Nokken and Poole technique to civil rights votes. Two sets of scores were 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.
Scores were also estimated using DW-NOMINATE. Using the voteview.com starting estimates for the roll call parameters and ideal points resulted in the 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 in IDEAL 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 percent 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 B-1 shows the relative performance, by these measures, of the different sets of estimates.

| Table B-1: Performance of Different Measures in Predicting Contemporaneous Votes |
|---------------------------------|-----------------|-----------------|
| Model                           | APRE            | % Correctly Predicted |
| Agnostic – Constant Model       | 0.636           | 90.5%            |
| Agnostic – GLS Adjusted         | 0.690           | 92.4%            |
| Agnostic – Fixed RC Parameters  | 0.704           | 92.9%            |
| Informed – Constant Model       | 0.627           | 90.2%            |
| Informed – Fixed RC Parameters  | 0.698           | 93.0%            |
| DW-NOMINATE – Two dim. model    | 0.636           | 90.9%            |
| DW-NOMINATE – 1st Dim. model    | 0.392           | 83.7%            |
| DW-NOMINATE – 2nd Dim. model    | 0.199           | 75.2%            |

Appendix C: 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 question of ending federal (military)
supervision of elections in 1877 and enacting anti-lynching legislation in 1922 – reveals troubling characterizations of member behavior.

**Figure C1: Predicting Final Passage Vote on Ending Federal Supervision of Election for Current Members Using Issue Specific Ideal Point**

While the predictions in Figure 4 using the issue-specific scores are more reasonable than the predictions graphed in Figure 2 using DW-NOMINATE, problems remain. Military supervision of southern elections, for example, would be a radical policy today, just as it was at the time, and that it has limited predicted support among conservatives is perhaps not surprising. By contrast, federal anti-lynching legislation, we suggest, would likely be less polarizing and controversial today than it was at the time. The New Deal's reconfiguration of the relationship between the state and Federal government, the success of the Civil Rights movement, and a dramatic shift in American
public opinion all contribute to making the issue far more likely to receive broad legislative support in 2014 than in 1922.\textsuperscript{33}

The predicted probabilities of members' votes are using imputed voted are more plausible, but certainly not perfect-- listing only Flynt (D-GA), Delay (R-TX), and Reagan (R-USA) as opposing the 1965 Voting Rights Act, a measure which at the time had been opposed by both Flynt and Reagan. As Figure C reveals, Pat Toomey (D-PA) is still predicted as taking 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 the results outperform the agnostic scores, and if anything are probably still over-stating the policy conservatism of contemporary Republicans.\textsuperscript{34}

\textsuperscript{33} That is, we expect that contemporary public opinion would find the systematic murder of African Americans for supposed violations of racial hierarchy to be much less tolerable than it did in 1922. Certainly the provision for federal criminalization of lynching would not provoke the intense opposition today as 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.

\textsuperscript{34} While the contemporary median Republican position is likely to be much closer to the southern Democratic median of 1971 than of 1948, it is not obvious how it should be positioned relative to the New Deal northern Democratic Party, who were willing to prohibit the poll tax, to take action against lynching, to limit racial discrimination in employment but who were less committed to the aggressive protection of black voters in the South than earlier Republicans had been.
Figure C2: Predicted Support for the Voting Rights Act of 1965 (left) and its 2006 reauthorization (right)

Figure C3 reveals that the estimates of the estimator using imputed votes behave much more as we would expect if the issue space were stable across time. Even so, the midpoints largely stay the same between 1970 and 1981, despite the fact that the policy was moving steadily leftward. This suggests that the ‘corrections,’ while an improvement, likely still overstate the conservatism of contemporary Republicans and understate that of historical southern Democrats.

Figure C3: Location of the Estimated Midpoints for Estimator with Imputed Votes