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## CHAPTER 9

# PROTECTING (WHICH?) WOMEN: A CONTENT ANALYSIS OF THE HOUSE FLOOR DEBATE ON THE 2012 REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

*Nadia E. Brown<sup>1</sup> and Sarah Allen Gershon*

*The most dangerous time for a woman is when she is trying to escape her perpetrator, when she is trying to do something about it, when she is trying to turn her life around, hers and her children's.*

—REP. GWEN MOORE (D-WI)

*In my years of service in law enforcement, not once did a domestic assault or rape victim question where the help was coming from or which political party or organizations endorsed the law that made that funding possible.*

—REP. SANDY ADAMS (R-FL)

**D**omestic violence, also known as domestic abuse, spousal abuse, or intimate partner violence (IPV), is broadly defined as a pattern of abusive behaviors by one or both partners in an intimate relationship such as marriage, dating, family, friends, or cohabitation. One in four women in the United States will experience domestic violence at some point in her life. In an effort to ameliorate the effects and consequences of domestic violence, Congress enacted the Violence Against Women Act (VAWA) in 1994 under the leadership of then-Senator Joe Biden (D-DE). Signed by President Bill Clinton, this law orchestrated a national strategy to end domestic violence and sexual assault in the United States. Not only did the act strengthen laws and penalties for perpetrators of domestic and sexual violence, it also provided funding for services to help victims of violence, in the form of crisis centers and hotlines (Laney, 2010). This bill improved services for victims; revised how the criminal justice system responds to domestic violence and sex crimes; and as a way to change the attitudes of Americans around intimate partner violence, shone a national spotlight on domestic violence.

Since its passage in 1994, this bill has been reauthorized three times through bipartisan support. Both Democrats and Republicans lauded VAWA as a useful measure to curb dating violence, sexual assault, domestic violence, and stalking, through the use of grant programs to state, tribal, and local governments. Indeed, both parties cited the weak response by police and prosecutors and numerous blind spots in existing law as the primary reasons why VAWA was necessary. However, unlike the previous reauthorizations, the Violence Against Women Act proposed in 2012 saw intense partisan politics that exposed major differences in which types of women the lawmakers deemed as legitimate victims worthy of legal protections and governmental funds. Democrats accused Republicans of waging a war on women. Republicans charged Democrats with using identity-based politics to create special categories for certain groups of people and with not seeking to protect all women. These intense debates were captured by C-SPAN in the May 16, 2012, congressional session in which House members hotly debated the bill, proposed amendments, and sought to reconcile the Republican-initiated bill to the Senate version that previously passed. Legislators on both side of the aisle spoke passionately about this act, drawing on personal stories, petitions from various organizations, and previous experiences with the law.

In contrast to many partisan exchanges in the House, congresswomen dominated this debate, comprising over 79% of all Republican speakers, and 60% of all Democratic speakers. Thus, the debate on H.R. 4970 offers a unique chance to examine how partisan and gender identity shape debate over women's issues. While the literature in gender politics indicates that female representatives in particular should consistently act on behalf of women when confronted with so-called women's issues (such as domestic violence), these debates reveal the uniquely quantitative and qualitative differences that this representation takes when congresswomen differ in their partisan, racial, and ethnic identity.

The differences in how Republicans and Democrats frame women's issues are a telling indicator of the party's policy priorities. Women (as well as Latinos, Blacks, and other people of color) are the face of America's new electorate. Political parties must court these new voters in order to win elected office. For example, President Obama was reelected due in part to winning 56% of women's votes compared to Mitt Romney's 44% (Jones, 2012). To be sure, women have often voted differently than men, and that has led scholars to explore the gender gap in presidential elections (Freeman, 1999). Women have also outvoted their male counterparts in every presidential election since 1964 (CAWP, 2015). The gender gap in women's political participation demonstrates that parties must seriously address issues of concern to women and have party platforms that embrace women's policy interests. Since the 2012 election, conservatives and GOP leadership have been rolling out specific strategies to help their party and political ideology connect with women—particularly, young and unmarried women. Republicans have been trying to counter their party's negative image among women. As such, debates like those surrounding the Reauthorization of the Violence Against Women Act are opportunities for the political parties and members of Congress to signal to women voters that they care about women's issues and are able to protect victims of domestic violence, who are popularly framed as women.

An intersectional analysis of both the policy itself and legislators' political discussion on the bill reveals the complexity of how multiple identities are often ignored in the examination of legislative decision making. First, H.R. 4970 centered on specific challenges that specific demographic groups face when trying to access services for victims of domestic violence. Next,

the personal background, partisanship, and constituency wishes of lawmakers themselves offer a unique examination of how the multiplicative and interlocking identities and wishes of members of Congress underscore their positions on this legislation. Lastly, the discussion of the Reauthorization of the Violence Against Women Act forcefully illustrates the multifaceted political understanding of women's issues and women's representation. The use of VAWA as a case study reveals the continued importance of intersectionality research in political science. Our use of mixed methods provides scholars with a nuanced articulation of identity politics—both in the policy formation and the legislative behavior of members of Congress—to uncover rich differences in political calculations between Democrats and Republicans, men and women lawmakers, as well as White and ethnic/racial minority legislators.

In this chapter, we explore the differences in how members of the 112th Congress advocate for victims of domestic violence through their support or opposition to H.R. 4970. Relying on a content analysis of floor speeches, we examine House member's speeches on this highly partisan and contentious bill. The contemporary issue of domestic violence is complex, spanning immigrant, tribal, and sexual identity. How will women representatives—traditionally known for bipartisan support on bills concerning women's issues—discuss and debate this unusually partisan issue? The results of this research reveal the intersecting impact partisanship, gender, and racial/ethnic identity play in shaping representational behavior concerning domestic violence. Before turning to the analysis, we explore existing theories regarding descriptive and symbolic representation of women's issues.

### **IDENTITY, REPRESENTATION, AND COMMUNICATION: PREVIOUS LITERATURE**

Communication from elected officials is a critical component of symbolic representation. Through messages to constituents, representatives may clarify their issue positions, claim credit for their actions, and enhance electoral support (Fenno, 1978; Maltzman & Sigelman, 1996; Mayhew, 1974; Rocca, 2007). Floor speeches broadcast on C-SPAN allow elected officials to explain their beliefs and behaviors to constituents in the same way they do through

other communicative mediums such as websites, press releases, and newsletters. Thus, floor debates, like those concerning H.R. 4970, offer an important measure of representational style.

Previous research highlights the importance of both identity—partisan, gender, racial/ethnic identities—and representational style in shaping the ways in which elected officials explain their beliefs and behaviors. Scholars often suggest that descriptive representation for women, racial, and ethnic minorities may have some tangible benefits, most notably that these elected officials will emphasize the needs of their descriptive constituencies, increasing government responsiveness towards these groups (Canon, 1999; Darcy, Welch, & Clark, 1987; Mansbridge, 1996, 1999; Thomas, 1994; Zilber & Niven, 2000a).

Research in the fields of gender, racial, and ethnic studies does support expectations of substantively different messaging among men and women, Whites, and minority elected officials. For instance, female candidates and elected officials more frequently discuss issues associated with women as well as their gender identities (Bystrom, Banwart, Kaid, & Robertson, 2004; Fox, 1997; Gershon, 2008; Herrnson, Lay, & Stokes, 2003; Kahn, 1996; Niven & Zilber, 2001). Considerably less has been written on race and ethnicity and representational style, even less on the intersection of race, ethnicity, and gender in this area. However, existing research indicates that racial and ethnic minorities (including women) are more likely to emphasize issues related to race in their messages, as well as highlight their own gender, racial, and ethnic identities, as well as those of their constituents (Brown & Gershon, 2016; Canon, 1999; Zilber & Niven, 2000a, 2000b.)

Partisanship may also interact with gender in shaping communication style. Research often suggests there are widely held beliefs regarding the issue expertise of Democrats and Republicans (Petrocik, 1996), with “women’s issues” consistently being associated with Democrats. Party attachment has been found to significantly influence representatives’ messages generally (e.g., Sulkin, Moriarty, & Hefner, 2007), and in gender studies (e.g., Fox, 1997; Fridkin & Woodall, 2005), scholars typically find that Democrats more frequently mention issues related to gender in their communications. Research has further found partisan differences in the messages women candidates and elected officials communicate. For example, in her content analysis of congressional campaign websites, Schneider (2014) found that compared with

male candidates, female candidates more often emphasized issues congruent with their gender (e.g., abortion, general women's issues, health care), and that these congruent messages were most pronounced among Democratic women.

While this analysis is exploratory, previous research does give us some preliminary expectations. Partisanship should exert a significant influence over a representative's speech. Unlike other venues for communication (e.g., district speeches, websites, press releases), these speeches are being made in the context of a very partisan debate over a divisive bill. Thus, representatives should be expected to tow the party line in support or opposition to H.R. 4970. We further expect that Democrats, the party historically associated with women's issues, will highlight the needs of women more prominently in their speeches. Within partisan identities, we expect representatives' remarks to be shaped by their gender, racial, and ethnic identities. For example, previous research indicates that White women, minority women, and minority men should discuss their descriptive constituencies at a higher rate than their White male peers, and should do so in qualitatively different ways. Thus, we expect that women legislators will more frequently highlight the concerns of women in their speeches and that minority representatives will pay particular attention to minorities in their floor debates. To explore differences in discussion of H.R. 4970, we rely on a content analysis.

## METHODS AND DATA

To examine debate on the 2012 reauthorization of VAWA, we relied on C-SPAN Video Library from May 16, 2012 (C-SPAN, 2012). These videos provide a unique measure of representational style and priorities. The hearings, debates on the House floor, and written remarks all provide firsthand accounts of what the legislators said, and allows for study of their body language and interactions with colleagues. This is the only place where scholars can obtain such nuanced and complete depictions of lawmakers' policy priorities. In contrast to roll call votes, webpages, constituent communication, or media interviews, C-SPAN Video Library recording of the debates captures the stylized real-time discussion and votes on particular legislation. The bulk of research concerning representatives' symbolic representation through controlled communication utilize data drawn from speeches, press

releases, newsletters, and (more recently) websites (e.g., Brown & Gershon, 2016; Bystrom, Robertson, Banwart, & Kaid, 2005; Canon, 1999; Dolan & Kropf, 2004; Dolan, 2005; Gershon, 2008; Grimmer, 2013; Gulati, 2004). Floor debate is substantively different than these mediums in a number of ways. First, the communication is likely more partisan, given the purpose and environment that it takes place in. Second, unlike press releases and websites, which offer almost limitless forums to discuss whatever topics the representative prioritizes, House members debating bills on the floor are constrained in the subject they will discuss and the time/space they have to discuss it in. Yet, variation in the ways they explain their beliefs and behaviors remain. In the debate analyzed for this chapter, representatives voiced their position on the reauthorization of VAWA using personal stories and statistics, some highlighting the experiences of different marginalized groups, others giving only general remarks. This variation tells us something about representational style, shaped by representatives' own identities, as well as that of their constituencies. Given the constraints on debate time, representatives must select only the most important messages to emphasize in their discussion. As such these floor debates provide a clear measure of the different ways representatives view the issue of domestic violence and the groups most impacted by it.

### **The Case**

The political context during which this debate took place is a critical part of understanding the debate. The 112th Congress included a new class of Republican freshmen, many of whom were elected because of their association with the Tea Party movement. The Republican-dominated House introduced a number of bills restricting funding for programs widely associated with women, in particular women belonging to historically marginalized groups. Examples of these bills include H.R. 4970, but also legislation like H.R. 5855, which restricted access to abortion care for women being detained by Immigration and Customs Enforcement (ICE) (Camastra, 2012); H.R. 536 limiting abortion coverage of Native American women; H.R. 3541 criminalizing abortions based on fetus sex or race; and H.R. 3803, which banned late-term abortions in Washington, D.C. (Center for Reproductive Rights, 2013). While many of these bills died in committee, they, along with proposed legislation limiting contraceptive coverage rights under the Affordable Care Act (ACA),



led to a the widespread discussion of the war on women (Torregrosa, 2012), a term attributed to the Republican effort. The 2012 debate on the reauthorization of VAWA reflects this political climate, with both Republicans and Democrats bringing up the war on women—in particular women belonging to marginalized groups—in their remarks. Thus, the debate offers a unique look at the differences in how Republicans and Democrats, especially female Republicans and Democrats, tie identity to the issue of domestic violence.

### The Sample

The C-SPAN Video Library includes all speeches related to the reauthorization of VAWA on May 16, 2012, in the House of Representatives. This includes comments made during special-order speeches, during the consideration of the special rule for debate on VAWA, and during debate on the act itself (which included 1 hour of debate per party). Sixty-nine House members took part in this debate, including 25 Republicans and 44 Democrats (see Appendix A to this chapter for a list of representatives). Several of these representatives spoke more than once, resulting in 98 different segments being coded for this analysis. Both the Democrat and Republican speakers included disproportionate numbers of congresswomen. Women, 9% of all Republicans and 26% of all Democrats in the 112th House of Representatives, comprised 70% of the Republican and 60% of the Democratic speakers during this debate. Furthermore, women of color were overrepresented on the Democratic side, with over 80% of all Democratic women of color in the House speaking against the bill. In contrast, the two Republican women of color in the House, Representatives Ros-Lehtinen and Butler, did not speak in support of H.R. 4970. As these numbers indicate, partisan differences in the speakers are also representative of other differences, most notably, racial and ethnic differences. Of the Republican speakers, Rep. Tom Cole is Native American and the only racial or ethnic minority to offer remarks on the bill for his party. All other non-White representatives who spoke were Democrats. Thus, the correlation between partisanship and ethnoracial identity among the representatives who took the floor during this debate is sizable.

One final difference is the amount of time each member spoke. The frequency and content of representative's speeches varied widely. For example, while the average time spent speaking was 1.85 minutes, some representatives

rose for just a few seconds to express opposition or support for the bill, and others spoke in depth on the bill for up to 7 minutes. Republicans averaged 2.07 minutes each time they rose to speak, compared with 1.73 minutes among Democrats. This difference is likely due to the fact that more Democrats spoke and both parties were restricted to a single hour of debate, and is further exaggerated by the fact that many Democrats used the 1-minute special-order speeches at the start of the day to address H.R. 4970. Furthermore, many more Democrats sought to speak in the time equally allotted.

### **Content Analysis**

Relying on both quantitative and qualitative content analysis, we examined the content of representatives' debate on the reauthorization of the VAWA. The quantitative analysis includes manifest codes for the frequency and content of representatives' praises and critiques of the bill as well as their mentions of specific groups and identities (see Appendix B to this chapter for the code sheet)<sup>2</sup>. To conduct the qualitative analysis, several themes and reoccurring patterns were identified in the language that legislators used during the debate of the bill. We first loosely transcribed the video and then obtained the official transcript from [www.congress.gov](http://www.congress.gov). The official transcript contained written remarks submitted by members of Congress who did not provide oral remarks. We organized the legislators' words thematically by context and legislator identity, once we discerned distinct patterns. In particular, our coding and analysis focuses on the representatives' discussion of whether or not the bill covers all women or merely some women as well as their discussion of particular groups. During the debate on this bill, much of the debate regarding this bill revolved around protections for Native American women on reservations, protections for members of the LGBTQ community, and protections for immigrant women.

We begin our discussion of the data by utilizing the quantitative content analysis data to show a broad picture of the content of the debate. We then use data from the qualitative analysis to flesh out the numbers presented, clearly articulating the differences in the debate presented. Utilizing this mixed approach, we are able to identify the systematic variation in representatives' statements, and explain the nuanced differences underlying this variance.

## RESULTS

As outlined earlier, one of the primary differences in the content of debate across parties concerns whether or not H.R. 4970 was complete in its coverage (in particular, whether it covers all women, regardless of immigration status, sexual orientation, or ethnicity). To identify these differences in speech, we coded for the number of times the bill was praised for being complete or covering all women, as well as the number of times it was criticized for failing to cover some women. Table 9.1 shows the descriptive differences in this type of speech by party and gender.<sup>3</sup>

As the data in Table 9.1 reveal, there are statistically significant differences in the number of times House members praised and criticized the bill for the extent of its coverage. Specifically, Republicans praise the bill's coverage at a significantly higher rate, while Democrats criticized the limitations of this bill significantly more frequently. As the data in the table further indicate, these statistically significant differences remain when we break out only the female speakers, with congresswomen largely mirroring the partisan differences seen in the general sample.

Finally, Table 9.1 explores the impact of race, ethnicity, and gender on bill discussion. No minority women Republicans spoke on this bill, and only one minority male, Republican Tom Cole (OK), engaged in the debate on this bill, limiting our ability to examine the interaction between party and race. The data do indicate that Whites praised the bill significantly more often than non-White representatives. Breaking the groups down by race and gender, the data show that White men offered significantly more praise for the bill than any other group. White and minority men offered criticism at roughly the same rate for the lack of coverage of the bill, while White women criticized it the least<sup>4</sup>.

To further explore the content of the praise and criticism leveled at the bill, we examine the groups mentioned in these representatives' discussion of the bill (results reported in Table 9.2). Those who criticized H.R. 4970 for failing to cover all women mentioned Native Americans, the LGBTQ community, and immigrants at a significantly higher rate than those who did not criticize the bill. In contrast, those who praised the bill did not differ significantly from other representatives in their mention of the LGBTQ or immigrant communities. These representatives did mention the bill's protections associated with age (in particular

**Table 9.1** Discussion of VAWA by Representative Party Attachment, Gender, and Race

	All Republicans		All Democrats	
Praise**	.64		.10	
Criticism**	.05		1.04	
N	34		64	
	Republican Women		Democratic Women	
Praise**	.629		.026	
Criticism**	.037		.736	
N	27		38	
	White Representatives		Minority Representatives	
Praise*	.400		.090	
Criticism	.585		.939	
N	65		33	
	White Men	White Women	Minority Men	Minority Women
Praise†	.44	.383	.200	0
Criticism**	1.22	.340	1.20	.722
N	18	47	15	18

Note: †p < .10, \*p < .05, \*\*p < .01. Praise refers to the number of times VAWA is praised for being complete or for covering all women. Criticism refers to the number of times VAWA is criticized for being incomplete or for failing to cover all women.

for college-age women) at a significantly higher rate than their peers. Finally, due in large part to the speeches made by Tom Cole, speakers praising H.R. 4970 did mention Native Americans at a significantly higher rate than others.

**Table 9.2** Groups Mentioned in Criticism and Praise for H.R. 4970

	Praise for H.R. 4970		Criticism of H.R. 4970		
	Praise	No Praise	Criticism	No Criticism	
Gender/Women	1.95	1.55	Gender/Women	1.57	1.68
Race/Ethnicity	.181	.065	Race/Ethnicity	.1167	.052
Native Americans†	1.09	.565	Native Americans*	1.02	.466
LGBTQ Community	.636	.592	LGBTQ Community**	1.18	.233
Immigrants	.545	.828	Immigrants**	1.36	.383
Age-Related Groups†	.181	.052	Age-Related Groups	.052	.100
Children	.136	.157	Children	.078	.200
Disabled Americans	.045	.013	Disabled Americans	.000	.033
N	22	76	N	38	60

Note: † $p < .10$ , \* $p < .05$ , \*\* $p < .01$ . Figures reflect the average number of mentions of each group per speech segment. Coding included other groups: Latinos, African Americans, Asian Americans, and the poor. None of these groups were mentioned during the course of the debate on the bill.

Taken together, these data indicate that at an aggregate level, many of the differences in the content of the language are partisan rather than gendered. However, given the sizable number of women speaking on both sides of the aisle, a more nuanced analysis is required to understand the ways in which women of different party, racial, and ethnic identities explain their support or opposition to this bill. Our qualitative content analysis reveals that there is substantive variance in how these representatives highlight the importance of symbolically representing specific demographic groups. There were other differences in how lawmakers framed the prevalence of domestic violence. These dissimilarities will now be explored in detail.

## Representing All Women

The Republican-sponsored bill was touted as protecting all women rather than carving out special protections for specific groups. Indeed, Republican lawmakers claimed that because this bill was designed to protect all women there was not a specific need to address issues faced by certain demographic groups of women. For instance, Rep. Kristi Lynn Noem (R-SD) praised H.R. 4970 as a “piece of legislation which provides services to all victims without discrimination [and] has always enjoyed broad bipartisan support.” Rep. Noem’s comment is in direct response to Democrats’ insistence that the 2012 Violence Against Women Act did not protect Native American women, immigrant women, and members of the LGBTQ community.

Unfortunately, because some in Congress saw an opportunity to use abuse victims as a prop in a political game, today we’re having a different discussion, and I feel it’s shameful. House Republicans are not going to allow the Violence Against Women Act to get sidelined because of politics. It’s simply too important. (Rep. Noem)

Republican rhetoric about protecting all women showcased the party’s view that identity-based measures were an unnecessary and disruptive form of Washington-politics. The lead sponsor of the bill, Sandy Adams (R-FL), echoed Rep. Noem’s sentiments by positing that the bill sought to protect all victims rather than play the so-called “oppression Olympics” (Martinez, 1993), where specific demographic groups of domestic violence victims compete to be the most oppressed to gain political attention and support of the dominant groups, saying, “I agree that all victims need to be covered, and that is what this piece of legislation does. We do not segment out. We do not pit victim against victim. It is all victims.” Republicans viewed Democrats’ resistance to this legislation as partisan politics, so much so that Rep. Sandy Adams frequently yielded small amounts of time to herself to refute several Democrats’ claims that this bill failed to protect specific groups of victims. In response to challenges from her Democratic colleagues, Rep. Adams persistently refrained, “I will remind my colleagues on the other side that this bill and the current law protects all victims.”

Likewise, Republicans Ann Marie Buerkle (R-NY) and Richard Nugent (R-FL) defended H.R. 4970 as being all-inclusive. Rep. Buerkle particularly found the Democrats’ charge that Republicans are antiwomen distasteful, stating:

Madam Speaker, I just become so distressed when I hear the allegations that there is a war on women. When we sat down and we began discussing VAWA, we sat down with the understanding that Americans deserve equal protection under the law. We are not going to single out. We are not going to distinguish one victim from another. Any person who is a victim of domestic violence is a victim of domestic violence. Beyond that, it should be of no concern.

As indicated by Rep. Buerkle's remarks, many Republicans in the 112th Congress did not believe that there should be specific funding to target distinct groups of domestic violence victims. Republicans touted their bill for being gender neutral in that it protects all victims. Take Rep. Richard Nugent's assertion, for example:

The Violence Against Women Act protects and prevents all types of intimate partner crime regardless of the gender of either the criminal or the victim. This legislation funds the programs that not only help men and women who have been hurt, but it also helps law enforcement prevent these crimes from ever happening. I have heard a number of my colleagues talk about what isn't in the bill. They say, for example, it doesn't include "sexual orientation" as one of the protected classes. The Violence Against Women Act is and always has been gender-neutral. That's the beauty of this piece of legislation. It's gender-neutral.

While the legislation itself uses the gender-neutral words of *victim* and *abuser*, the law does not provide special funding for programs that target men as victims of domestic violence. House Democrats debating the bill wanted to include gender identity and sexual orientation in the legislation as a special category in order to change the cultural stereotype that men are the abusers and often women are the victims. Indeed, the name of the law itself—the Violence Against Women Act—assumes that victims of intimate partner violence are women. Rep. Nugent's statement reflects this belief, as it fails to address the pitfalls of using gender-neutral language.

Perhaps the most pointed rebuttal to Republicans claims was delivered by Rep. Betty McCollum (D-MN), in a statement in which she underscored the importance of VAWA as seeking to protect all women and the shortcomings of this particular piece of legislation:

All women who experience violence have the right to be protected. They need to know that their attackers will be tried in a court of law. And the purpose of VAWA has always been to ensure that all victims of violence are protected and that all their basic human rights are upheld no matter what one's sexual orientation, ethnicity, or legal status in this country is. This country failed to protect all women, and that's why this legislation failed to get the support from the advocates and from women all across this country.

Rep. McCollum is referring to the over 300 diverse organizations that opposed H.R. 4970. Democrats frequently reminded Republicans that the leading domestic violence prevention agencies and women's organizations publically denounced the legislation. Furthermore, John Conyers (D-MI), ranking member of the Judiciary Committee, informed Republicans in over half of his testimony that victim advocates vehemently disagreed with the GOP approach to combatting domestic violence. Many of the organizations that communicated their disapproval of the bill were traditional Republican allies such as conservative religious groups.

In response to Democrats, Rep. Lamar Smith (R-TX) provided the Republican rationale for not including specific provisions for marginalized demographic groups:

H.R. 4970 doesn't include language to provide special protected status to certain categories of people because they are already covered under VAWA. H.R. 4970 doesn't include language to allow Indian tribes to prosecute non-Indians because that is unconstitutional. H.R. 4970 does include provisions that prevent fraud and abuse in the immigration process.

However, Rep. Smith did not provide exact details about how this legislation covered Native American and immigrant women in his subsequent remarks. The insight we gain from his comments about VAWA being unable to protect Native American women from non-Indian abusers is the only mention of unconstitutionality in the transcript. Indeed, only the federal government has oversight within Indian country, whereas state and local laws and jurisdictions are unable to intervene in tribal courts (Miller, 2014). Rep. Smith's



statement reiterates the Republican rhetoric that this bill protects all women rather than singling out certain groups of women that are already protected in this legislation, and that those groups are not specially protected because it is not within the legal scope of Congress to do so.

The clearest example of the partisan differences in how each party viewed the VAWA reauthorization is captured in the exchange between Reps. Virginia Foxx and Maxine Waters presented below:

Mr. Speaker, it really pains me to see my colleagues across the aisle make the kind of accusations that they make about Republicans being unconcerned about the issue of violence against women. How could they possibly accuse us of not being concerned about that issue? All Republicans are concerned about violence against anyone. Violence, we are very concerned about that. I personally won't even watch any kind of movie that has any kind of violence in it because I can't stand to see violence perpetrated on another human being. So Republican men and women both abhor violence against women.

—REP. VIRGINIA FOXX (R-NC)

While my Republican colleagues may think many of these discarded provisions are unnecessary, there is ample proof that they are sadly mistaken. Just last year, cases of LGBT domestic violence had increased by 38 percent. Of those who sought help, 44 percent of LGBT victims were turned away from traditional shelters. As for Tribal victims, Native American women face the highest rate of domestic violence in the U.S.—three and a half times higher than the national average. Proposed changes to current VAWA protections for immigrant survivors create an even larger obstacle for immigrant victims seeking to report crimes and increase the danger to immigrant victims by eliminating important confidentiality protections. These changes threaten to undermine current anti-fraud protections in place while rolling back decades of Congress's progress and commitments towards the protection of vulnerable immigrant victims.

—REP. MAXINE WATERS (D-CA)

Both congresswomen note that their parties are concerned with violence and helping victims. In this case, descriptive representation does not fully tell the story of women's role in debating the reauthorization of the Violence Against Women Act. The comments of Representatives Foxx and Waters demonstrate key differences in how Democrats and Republicans communicate their support or opposition to this bill, and more generally, how they may represent women's issues. Rep. Virginia Foxx's quote is immaterial to changing the lived realities of domestic violence victims. She does not discuss the specifics of the bill, its intended results, nor the rationale for supporting this legislation. Compared to Representative Waters's quote, Rep. Foxx's inability to watch violent movies as an indicator for why Republicans are not waging a war on women skirts the contemporary debate over domestic violence. While Democrats largely debated the need for coverage of marginalized groups like Native American women and immigrants, the Republican comments on this bill focused on a general abhorrence of violence towards all women, largely ignoring the specific needs of vulnerable populations. The differences illustrated by these two women are indicative of the nature of the debate regarding the bill's protections for women from tribal, immigrant, and the LGBTQ communities.

### **Advocating for Immigrant Women**

Democrats chided Republicans for failing to provide adequate support and federal funding for programs to protect immigrant women who are victims of domestic violence. For example, former rape counselor Rep. Judy Chu (D-CA) stated, "Let me be clear. This bill still rolls back existing law. For instance, with this bill, there is new, expedited deportation for any abused immigrant woman coming forth who has had even the slightest errors in her report." Similarly, Rep. Zoe Lofgren (D-CA) directly cites language in the bill during her testimony, and finds that "this bill changes the law that exists today and reduces protection for immigrant women in key ways." Rep. Lofgren points to changes in provisions for immigrant women needing to obtain a U visa prior to applying for a permanent visa. (A U visa is a nonimmigrant visa reserved for victims of crimes who have been physically or mentally abused. U visa holders agree to assist law enforcement and other government officials in the investigation of criminal activity ([www.uscis.gov](http://www.uscis.gov)). The current

law mandates that victims can only apply for residence if the abuser had been deported.) “So a U visa is for 4 years. If your abuser is serving a 5 year sentence, you have to be deported, and they—your abuser—will come after you the next year.” In the spirit of collegiality Rep. Lofgren notes that this Republican-sponsored bill does not purposely seek to provide significant barriers to immigrant victims from obtaining protection from abusers. Instead, she notes that the bill sponsor is misguided in her efforts with this legislation. “I know Mrs. Adams is sincere, but that’s what is in the bill. And that’s why people object to the bill—that, among many other provisions that will endanger women and take us back to where we were.”

In rebuttal, Republicans maintain that this bill is superior to the previous reauthorization of 2005. Bill sponsor Rep. Sandy Adams (R-FL) specified, “Let me first clarify. The bill requires that U visa holders actually assist law enforcement. Current law does not.” Likewise, Rep. Sue Myrick (D-NC) affirmed Rep. Adams’ articulation that the GOP’s bill helps all women, particularly immigrant women. “We’ve streamlined and updated the immigrant provisions in the bill to address considerable fraud while still offering protections under the Violence Against Women Act, the statutes that are there to protect immigrant women.” Representatives Adams and Myrick are among the very few Republican lawmakers that specifically addressed immigrant women in their remarks. The majority of statements made regarding immigrant victims came from Democrats like Rep. Rick Larsen (D-WA), who noted that the current bill “does not go far enough to strengthen those same protections that we established” in previous legislation.

Connecting her personal identity to her understanding of whom the bill fails to protect, Rep. Nydia Velasquez (D-NY) cited a “study from New York City [that] found that 51 percent of domestic violence homicide victims were foreign-born. Other research has suggested that, among undocumented Latina women, the rate of battering is as high as 34 percent.” Congresswoman Velasquez noted that immigrant victims face specific barriers to seeking protection from their abusers, such as language barriers and the fear of deportation. Furthermore, “duplicate interviews with DHS would make it harder for those who are abused to secure assistance through the immigration system.” In her revised remarks, Rep. Velasquez alleged that the Republican-sponsored bill will not reduce immigration fraud as the bill sponsors would have hoped. Instead, “there is not one shred of evidence suggesting female

immigrants are misusing the Violence Against Women Act.” As a Latina congresswoman, Rep. Velasquez was the only lawmaker to refute Republican claims by including specific statistics on the victims who share her ethnic and gender identity.

### **Safeguarding Native American Women**

Perhaps the mostly hotly contested aspect of the Violence Against Women Reauthorization Act was the discussion of provisions to protect Native American women. As previously noted, Native women are victims of domestic violence at disproportionate and alarming rates. Democratic lawmakers focused on the abuse suffered by this specific population. For example, Rep. Hank Johnson (D-GA) provided statistics on this group to illustrate why it was so important for Democrats to protect Native victims, “Three out of five are victims of domestic and sexual violence are Native women. They are murdered at the rate of 10 times the national average, but yet H.R. 4970 denies protections to help those women.” Similarly, Rep. Lucille Roybal-Allard (D-CA) stated that “Native women suffer domestic violence at epidemic proportions . . . and H.R. 4970 omits [the] provision . . . that ensures equal treatment and access to services.”

Some Republican lawmakers rebuked their Democratic counterparts for calling for legislation to protect Native victims that they deemed unconstitutional. Rep. Jim Sensenbrenner (R-WI) accused Democrats of trying to “expand the scope of the law in a very controversial manner and by making an issue of whether a non-Indian can be prosecuted in a tribal court, which brings up huge constitutional issues because the Bill of Rights does not apply to tribal courts.” Instead, Republican lawmakers such as Rep. Kristi Lynn Noem (R-SD) proposed, “Native women [should] petition individually the Federal courts or through their tribal courts for a Federal restraining order.”

Yet, perhaps the most telling opposition to the bill’s treatment of Native victims comes from Rep. Tom Cole (R-OK), who is Native American himself. For instance, Rep. Cole noted his belief that giving tribal courts the ability to prosecute non-Indians is constitutional. He noted that the bill sponsors met with him to “ensure that protections for tribal women were added and included in this bill.” However, “these provisions aren’t perfect, but they improve the current law considerably.” Although his party’s leadership included

him in the development of the bill, as a Native American who represents a district with large numbers of American Indians, Rep. Cole respectfully disagreed with his party on this legislation.

Rep. Norm Dicks (D-WA), who represents a district with a sizable number of Native American constituents, disagreed with the Republican-led initiatives to protect Native victims in this bill. Rep. Dicks declared that the current bill did not go far enough in strengthening the authority of tribal courts to prosecute abusers, “Instead, tribal residents in my district would be forced to rely on Federal courts, located several hours away in Tacoma and Seattle, for help and protection. This puts a terrible and potentially dangerous burden on Indian victims in need of a protection order, many of whom do not have the means to travel this distance.” Perhaps Rep. Cole’s sentiments are similar to Rep. Dick’s. As legislators who represent large numbers of Native Americans, these lawmakers are particularly aware of the needs of Native victims and the shortcomings of federal law to protect this population.

### Protecting LGBTQ Victims

Unlike the bipartisan Senate bill, the proposed Reauthorization of Violence Against Women Act did not include gender-neutral language and specific provisions for queer victims. Republican sponsors of this legislation, again, noted the inclusivity of their bill as protecting all victims. Rep. Mike Quigley (D-IL) declared that including gender-neutral language in the legislation is not enough: “Gay men are not turned away from shelters because they are men; they’re turned away because of discrimination based on their sexual orientation.” As an active member in the Congressional LGBT Equality Caucus, Rep. Quigley has a long track record of advocating for the rights of queer Americans. He was inducted into the Chicago Gay and Lesbian Hall of Fame in 2009 for extending benefits to employees in his position as Cook County Commissioner, and has been a strong supporter of marriage equality (<http://quigley.house.gov>). Rep. Quigley views the Republican lack of support for LGBTQ issues as “folks who don’t want to, in any way, have a pro-gay vote on it. But this is protecting human beings. It’s the right thing to do.”

Rep. Jerrold Nadler (D-NY) is also a member of the Congressional LGBT Equality Caucus who called for the House to include amendments in the Reauthorization of Violence Against Women Act that would protect queer

Americans. As a tireless supporter of equality for LGBTQ citizens, Rep. Nadler has championed legislation that will end discrimination based on sexual orientation and gender identity. He called for the House to adopt measures provided in the Senate bill that would protect gays and lesbians, “The bipartisan Senate bill would add sexual orientation and gender identity to the eligibility for grant programs under VAWA so that groups could focus on victims among this underserved population. The Senate bill would also include sexual orientation and gender identity as classes in the new VAWA antidiscrimination language.” Rep. Nadler noted that the VAWA reauthorization did not protect all victims and that Republican majority sought to mislead the American public in who this bill actually protected, through the rhetorical use of the phrase “protect all women.” This language failed to include men and trans women victims of domestic violence.

While both Representatives Quigley and Nadler are heterosexual, they are dedicated to procuring equal rights for queer Americans. In deciding to join the Congressional LGBT Equality Caucus, and subsequent vice-chairs of the caucus, these legislators indicate that sharing a similar sexual orientation or gender identity is not necessary for advocating for this marginalized population. Instead, these congressmen have chosen to represent a specific demographic group and affiliate with an identity-based caucus. Their remarks in opposition to the Reauthorization of the Violence Against Women Act showcases a deep commitment to issues that impact queer Americans.

## **CONCLUSION**

The bipartisan support of the Reauthorization of the Violence Against Women Act seen in the 112th Congress indicates that both Republicans and Democrats are united in their efforts to create legislation to protect victims of domestic violence. However, the 2013 reauthorization signaled a substantive diversion in the lawmakers’ abilities to uniformly agree on how to best assist victims. On the surface both parties, as well as men and women legislators, seek to strengthen federal law against batterers and abusers of women (and LGBTQ individuals). Yet we find that there are key differences in how the legislators are addressing domestic violence. Perhaps these differences are best seen in the consideration of H.R. 4970.

The articulation of substantive policy solutions to aiding victims of domestic violence is complicated by time and partisan constraints. What we have observed may be dictated by committee membership, time allotted for speech, and party-line directives. However, our findings are still instructive for viewing how legislators decide to use their time during debates. They may choose to use this time to talk directly to constituents in hopes of reelection, take positions that may curry favor with party leadership, and/or demonstrate a willingness to present themselves as an issue leader on domestic violence. These political maneuvers offer insight into lawmakers' comments on H.R. 4970 but only partly tell the story of representation. How legislators use their allotted time to substantively and/or descriptively represent women's issues is a demonstration of the lawmakers' priorities. These differences between Republicans and Democrats speech on the Reauthorization of the Violence Against Women Act indicate that protecting women is political. For example, Rep. Sandy Adams (R-FL) declared, "Mr. Conyers, I have sat quietly and tried to behave here, but I am offended when I hear that this does not protect victims. I am offended when I hear that we are politicizing something that was politicized." Indeed, representatives themselves viewed this debate as overly politicized, and accusations about this undue politicization were present on both sides of the aisle.

While this study is largely exploratory, we find that Republicans rhetorically offered little justification for why H.R. 4970 was a superior bill. The Democrats' rebuttal of the legislation included detailed facts about violence perpetrated against specific groups, letters opposing the bill from civic and religious organizations, and drew from previous iterations of the bill and similar bills that were successful in the past. Democrats were far more successful in presenting themselves as the party that is concerned with women's issues.

The quotes by Reps. Virginia Foxx (R-NC) are illustrative of the failures of inclusive language that only serves to marginalize groups who are already on the periphery of American society. The language of protecting "all women" only rhetorically addresses substantive issues. Instead, the Democrats move beyond rhetoric to provide specific examples of whom H.R. 4970 would harm—namely, Native American women, immigrant women, and members of the LGBTQ community. The sound bites or talking points of Republicans demonstrate that having greater female descriptive

representation does not necessarily translate into substantive or symbolic representation for all women. Language that only acknowledges “all women” fails to recognize the material and real ways that only certain women can benefit from the proposed legislation. In the contemporary context, the debate around the utility of #BlackLivesMatter versus #AllLivesMatter similarly demonstrates that when proponents of culturally (or racially) specific solutions to identified problems fail to incorporate the perspectives of the privilege. The instance that privileged vantage points are including is how the oppressed are told how to articulate identity-specific issues only serves to center the experiences of the well off—not to improve the lives of the disenfranchised. The Republicans in this debate failed to recognize the plight of “all women” is redundant—as both parties agree that domestic violence is a bad thing. But only Democrats use identity in concrete ways to protect victims. The Democrats pointed out that the Republican bill did not go far enough to protect certain communities from domestic violence. What the Democrats are suggesting is that there is a specific set of problems that are occurring in immigrant, Native, and LGBTQ communities that are not being addressed in the current legislation. The phrase “all women” reduces the complexity in how groups of victims experience violence and seek protection.

The Republican-controlled Congress used their majority status to set the political agenda. The GOP framed the debates on the VAWA reauthorization in an attempt to connect with their political base. However, it is significant that Republicans appeared to be defensive in their articulation of the legislation. As the majority party, the GOP should have been able to use their numbers to dominate the debate. Instead, the Republicans used their allotted time to respond to Democrats’ critique of the bill rather than speak to constituents, bolster claims about their party’s responsiveness to women, or tout the benefits of the bill. By failing to offer substantive examples or detailed rationale for the bill’s provisions, Republicans did not claim issue ownership of this subject.

Lastly, congresswomen on both sides of the aisle often used their gender identity as a proxy for representing women. They did not have to make explicit claims of being in touch with women’s issues because their own identity provided that authority, unlike male lawmakers who often explicitly noted that they were advocates for women. Instead, both women and men legislators



shared their professional experiences in combatting abuse and championing the rights of women. In this manner, the legislators used their narratives to connect to women voters. Lawmakers used different tactics to convey this point, some more successfully than others. Several members of Congress drew from personal stories of witnessing domestic violence, assisting victims, or prosecuting abusers. These personal narratives are helpful in connecting legislators to individuals; however, these narratives do not have policy implications. Democratic lawmakers, particularly women legislators, detailed how the Republican bill was shortsighted, and often tied their critique to an example based on a personal connection to a victim. Republican congresswomen, conversely, solely shared a narrative. As such, the GOP missed an opportunity to showcase their policy expertise on women's issues, as a way to connect with female voters.

The implications for this study are twofold. First, our study demonstrates that the C-SPAN Video Library is an excellent resource to examine congressional behavior. We are able to use the recordings of the hearings to see and hear how policy is debated, framed, and shaped. Second, we have illustrated that partisan talk is often mediated through gendered bodies as an attempt for political parties to reach certain constituencies. Having Rep. Sandy Adams author and present the Republican bill demonstrated that having a woman's face leading a women's issue bill has symbolic importance. While the GOP bill and its discussion offered more of a rhetorical commitment to representing women rather than substantively addressing the concerns of victims, it was a strategic move to have a woman introduce the bill. In a symbolic move, the Republicans placed a woman in the speaker's chair for the duration of the debate. Perhaps this symbolic gesture was an attempt to increase women's physical representation on the bill as a response to Democrats' accusation that the GOP was leading a war against women. However, by examining the content of the bill and lawmakers' articulation of the policy, we soon learn that descriptive representation does not necessarily lead to substantive representation. Scholars, practitioners, and policy makers must pay attention to what is being said and the language of the legislation, rather than assuming that women lawmakers are the best representatives for women's issues.

## NOTES

1. The names of the authors appear in alphabetical order; this chapter is completely collaborative.

2. Two coders conducted this content analysis. All coders were trained together using floor debates not included in this analysis. Intercoder agreement was measured on a subsample of the speech segments used in this analysis, yielding an average agreement level of 90% (agreement ranged between 80% and 95%).

3. Throughout the analyses presented, the unit of analysis is the speaking segment (in other words, each separate time the representative took the floor to speak). However, analyses were run with the data aggregated to the representative level, and the substantive findings did not change.

4. Because of their relatively small numbers in Congress, we have collapsed minority men and women into one category. We readily recognize the differences among racial/ethnic men and women (as well as differences within each group). In order to isolate effects on identity-based representation we use linked fate as a theoretical explanation for why minority groups have a shared status that produces similar political behavior and preferences.

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## APPENDIX A: REPRESENTATIVES INCLUDED IN ANALYSIS

NAME (PARTY ATTACHMENT)	STATE	DISTRICT
ANN MARIE BUERKLE (R)	NY	25
BEN RAY LUJAN (D)	NM	3
BETTY MCCOLLUM (D)	MN	4
BILL JOHNSON (R)	OH	6
BILL PASCRELL (D)	NJ	8
BOBBY SCOTT (D)	VA	3
CANDICE MILLER (R)	MI	10
CAROLYN MALONEY (D)	NY	14
CATHY MCMORRIS ROGERS (R)	WA	5
CORRINE BROWN (D)	FL	3
CYNTHIA LUMIS (R)	WY	1
DALE KILDEE (D)	MI	5
DEBBIE WASSERMAN-SCHULTZ (D)	FL	20
DENNIS KUCINICH (D)	OH	10
DIANE DEGETTE (D)	CO	1
DONNA CHRISTENSEN (D)	VIRGIN ISLANDS	1
DONNA EDWARDS (D)	MD	4
GWEN MOORE (D)	WI	4
HANK JOHNSON (D)	GA	4
JAMES SENSENBRENNER (R)	WI	5
JAN SCHAKOWSKY (D)	IL	9
JANICE HAHN (D)	CA	36
JARED POLIS (D)	CO	2
JEAN SCHMIDT (R)	OH	2
JERROLD NADLER (D)	NY	8
JIM COSTA (D)	CA	20
JO ANN EMERSON (D)	MO	8
JOE BACA (D)	CA	43
JOHN CONYERS (D)	MI	13
JUDY BIGGERT (R)	IL	13
JUDY CHU (D)	CA	32
KATHY ANN CASTOR (D)	FL	11
KRISTI LYNN NOEM (R)	SD	1

LAMAR SMITH (R)	TX	21
LAURA RICHARDSON (D)	CA	37
LINDA SANCHEZ (D)	CA	39
LLOYD DOGGETT (D)	TX	25
LOIS CAPPS (D)	CA	23
LUCILLE ROYBAL-ALLARD (R)	CA	34
LYNN JENKINS (R)	KS	2
LYNN WOOLSEY (D)	CA	6
MADELEINE BORDALLO (D)	GUAM	1
MARSHA BLACKBURN (R)	TN	7
MARTHA ROBY (R)	AL	2
MARY BONO MACK (R)	CA	45
MAXINE WATERS (D)	CA	35
MIKE QUIGLEY (D)	IL	5
NANCY PELOSI (D)	CA	8
RENEE ELMERS (R)	NC	2
RICHARD NUGENT (R)	FL	5
RICK LARSEN (D)	WA	2
ROSA DELAURO (D)	CT	3
RUBÉN HINOJOSA (D)	TX	15
RUSH HOLT (D)	NJ	12
SANDY ADAMS (R)	FL	24
SHEILA JACKSON LEE (D)	TX	18
SHELLY MOORE CAPITO (R)	WV	2
STENY HOYER (D)	MD	5
STEVE KING (R)	IA	5
SUE MYRICK (R)	NC	9
SUSAN DAVIS (D)	CA	53
SUZANNE BONAMICI (D)	OR	1
TOM COLE (R)	OK	4
TREY GOWDY (R)	SC	4
VICKY HARTZLER (R)	MO	4
VIRGINIA FOXX (R)	NC	5
XAVIER BECERRA (D)	CA	31
YVETTE CLARKE (D)	NY	11
ZOE LOFGREN (D)	CA	16

**APPENDIX B: QUANTITATIVE CONTENT ANALYSIS CODE SHEET**

1. NAME
2. DATE (OF SPEECH)
3. TIME (MINUTES SPEAKING)
4. POSITION TAKEN (0 = AGAINST HOUSE VERSION/FOR SENATE VERSION, 1 = FOR HOUSE VERSION/AGAINST SENATE VERSION, 2 = AGAINST REAUTHORIZATION OF ANY DOMESTIC VIOLENCE ACT, 3 = NO POSITION)
5. POSITION STATED (NUMBER OF TIMES POSITION IS STATED)
6. DEMOCRATS (NUMBER OF MENTIONS OF DEMOCRATIC PARTY)
7. REPUBLICANS (NUMBER OF MENTIONS OF THE REPUBLICAN PARTY)
8. BIPARTISANSHIP (NUMBER OF MENTIONS OF BIPARTISANSHIP)
9. DISTRICT MENTIONS (NUMBER OF MENTIONS OF DISTRICT OR STATE)
10. CREDIT CLAIMING (NUMBER AND CONTENT OF CREDIT CLAIMED)
11. EXPERTISE (NUMBER AND CONTENT OF EXPERTISE MENTIONED)
12. PRAISE (NUMBER AND CONTENT OF COMPLIMENTS)
13. CRITICISMS (NUMBER AND CONTENT OF CRITICISMS OF ACT)
14. GENDER (NUMBER OF MENTIONS)
15. RACE (NUMBER OF MENTIONS)
16. BLACK (NUMBER OF MENTIONS)
17. LATINOS (NUMBER OF MENTIONS)
18. ASIAN AMERICANS (NUMBER OF MENTIONS)
19. NATIVE AMERICANS (NUMBER OF MENTIONS)
20. SEXUAL ORIENTATION (NUMBER OF MENTIONS)
21. CHILDREN AND FAMILIES (NUMBER OF MENTIONS)
22. POVERTY (NUMBER OF MENTIONS)
23. AGE (NUMBER OF MENTIONS)
24. DISABLED (NUMBER OF MENTIONS)
25. UNDOCUMENTED IMMIGRANTS (NUMBER OF MENTIONS)
26. IMMIGRANTS (NUMBER OF MENTIONS)
27. GENDER IDENTITY (NUMBER OF MENTIONS)
28. RACIAL IDENTITY (NUMBER OF MENTIONS)
29. SEXUAL ORIENTATION IDENTITY (NUMBER OF MENTIONS)
30. PARENT IDENTITY (NUMBER OF MENTIONS)
31. SPOUSE IDENTITY (NUMBER OF MENTIONS)