Exploring the C-SPAN Archives

Browning, Robert X

Published by Purdue University Press

Browning, Robert X.
Exploring the C-SPAN Archives: Advancing the Research Agenda.
Purdue University Press, 2015.
Project MUSE. muse.jhu.edu/book/47997.

For additional information about this book
https://muse.jhu.edu/book/47997

For content related to this chapter
https://muse.jhu.edu/related_content?type=book&id=1869508
CHAPTER 9

THE PERFORMANCE OF ROLL CALL VOTES AS POLITICAL COVER IN THE U.S. SENATE: USING C-SPAN TO ANALYZE THE VOTE TO REPEAL “DON’T ASK, DON’T TELL”

Christopher Neff

The need for political cover and the forms that it takes present important questions to legislative studies and public policy. Political cover is defined as the tactical protection measures that politicians use or that are afforded to them when they feel their vote or public viewpoint on an issue could result in a political penalty that may reduce their ability to hold onto their office or further their ambitions. This penalty renders elected officials most vulnerable (Matthews, 1984) when they are of a different party or issue position than that of their local or state constituencies. The tactics to relieve these dangers to political survival (Bueno de Mesquita, Morrow, Siverson, & Smith, 1999; Mayhew, 1974) and gain protection may take many forms, including changing voter opinions to align with theirs through support by popular elites, endorsements by organizations (Arceneaux & Kolodny, 2009), reports by government investigations or departments (Editorial, 2006), editorials by newspapers (Kahn & Kenney, 2002), and domestic and international legal rulings (Allee
& Huth, 2006). While much of this protection may blatantly occur on many political playing fields, the United States Senate is different.

In the collegial nature of the Senate where its own “Senatique” rules apply, political cover is often obtained or provided as a subtle maneuver. It is something that often occurs behind the scenes. Colleagues deliberate on legislation and political dangers in members-only cloakrooms, their private hideaway offices in the Capitol building, and party caucus meetings, which often shield the public from private negotiations. I argue that one of the deals being brokered is how to use the voting process to mitigate controversial issues that come before the Senate and limit the harm a member’s vote may have on their chances of reelection.

In this chapter I suggest that political cover is hiding in plain sight through the performance of roll call votes in which senators position themselves in the act of casting a vote relative to certain key colleagues (i.e., before, after, or with). An examination of C-SPAN video during these votes allows for an emerging methodological tool to retrospectively examine senator behavior. To conduct this analysis, I review the historic vote to repeal Don’t Ask, Don’t Tell (DADT) in December 2010. This Senate action remains the most pro–lesbian, gay, bisexual, and transgender (LGBT) legislative action in American history, with a 65–31 vote in the chamber.

The use of C-SPAN for retrospective analysis of floor behavior in the Senate is important for a number of reasons. First, one is able to view the characteristics of political behavior in an established environment. Senators have known that members of the press have been viewing their behavior since the 1840s (Ritchie, 2009), and the Senate Press Gallery was established in 1859. Daily television viewing of Senate procedures has been ongoing for nearly 30 years, beginning with C-SPAN2 on June 2, 1986 (C-SPAN, 1986). Second, this retrospective view allows for a better understanding of political vulnerabilities and alliances that may not have been known at the time of a vote. For instance, senators may be the only ones who know that they are going to retire before the next election and before casting a key vote, and the resulting lack of political penalty may influence their tactics and their vote. Third, in this chapter I attempt to document a known strategy in Senate protocol. It is understood by insiders that Senate floor behavior includes waiting to go on the floor to vote until a result is obvious to limit or facilitate negotiations on the floor, as well as skipping difficult votes entirely. An inquiry into
the performative nature of senator voting is therefore greatly assisted through examination of C-SPAN video.

The Congressional Research Service (CRS) notes the special nature of the Senate and senators’ last-minute dealings with each other. Its report acknowledges the floor as a focal point for peer influence based on the actions of senatorial colleagues, stating:

During a roll call vote, the clerk calls the names of all Senators in alphabetical order, and then reads the names of those voting in the affirmative followed by those voting in the negative. Thereafter, when another Senator wishes to vote, he or she comes to the well (the open area between the rostrum and Senators’ desks); the clerk calls the Senator’s name and then repeats the Senator’s vote. Senators coming to the well frequently consult tally sheets kept at the tables staffed by Republican and Democratic floor aides in order to observe how their colleagues are voting. (Rybicki, 2013, p. 22)

I argue that these actions constitute the performance of voting where senators act as political cover seekers and political cover givers. As cover seekers, senators locate their vote relative to certain colleagues and thresholds of activity to reduce political penalties or vulnerabilities. This can include voting early or voting late. What matters are the relative orders of the voting, which often correspond to timing. For instance, voting before other senators is consistent with voting early, but the political value is in highlighting a vote ahead of, and apart from, others rather than in being quick. Voting after other senators can be politically valuable because it makes a single vote less visible, but not if a separate group waits until the end, or later. In short, cover seekers are looking first at who is doing what, then when.

Senators function as cover givers when their votes create a threshold level of support in favor of or against an issue; the votes reduce the potential political penalty for another; and the votes precede or take place at the same time as the votes of a vulnerable member. It is important to note that not all votes matter in this analysis because not all votes provide cover. A critical mass of the right mix of votes is needed. Moreover, political cover can be provided intentionally or unintentionally. Cover-seeking Senators may strategically look at how other unwitting senators vote and use that vote and its location for
cover. Intentional actions provide a range of utilities. I suggest three functions of political cover in roll call votes. These are (1) creating a masking threshold, (2) utilizing a penalty-mitigating order, and (3) establishing an affirmative visible statement.

First, the quantity of votes in a certain direction is a key variable because the accumulation of yea or nay votes creates a threshold effect for those seeking political cover. A great number of yea votes downplays and masks the importance of any one yea vote, making the use of this vote as a penalty against a senator less potentially effective. Second, I suggest that there is a penalty-mitigating order to sequences whereby senators wait to vote until the opposing party votes in favor of an issue (that they will vote for) because this lessens the utility of using the vote as a political weapon. In addition, a penalty-mitigating order can involve senators waiting for colleagues who face similar penalties, such as senior senators or ideological counterparts (i.e., moderates—Blue Dog Democrats), to vote before acting. Third, there are several ways to highlight a position as a means of decreasing political peril. Senators can announce their stance before a vote begins, vote before their colleagues, vote from their desk as a sign of importance, and announce their vote in the chamber publicly. In all, this analysis is about the way senators position themselves in front of, behind, or with certain senators or groups of senators to provide or receive political cover on highly salient votes. The goal in establishing this order is to use the voting process as a way to favor reelection.

This research is consistent with the recent research of Box-Steffensmeier, Ryan, and Sokhey (2015) on cue taking and cue giving in the U.S. Senate. Box-Steffensmeier et al. present a quantitative look at the way senators use the timing and votes of other senators as an informational shortcut to inform vote taking. They build on the cue-taking theories of Matthews & Stimson (1975) and voting behavior noted by Kingdon (1973) by arguing that cueing effects do occur and that these can be seen in specific situations, with party leaders and committee chairpersons providing cue-giving roles (Box-Steffensmeier et al., 2015). Here, a key similarity is that the timing of senators’ actions is used as a way to analyze the votes. However, rather than examining the way senators use voting cues and timing to compensate for information overload (Box-Steffensmeier et al., 2015, p. 21), I examine the way they align themselves around other votes to increase their sense of political cover regarding potential political penalties to a highly salient vote.
In this chapter I use the DADT repeal vote in December 2010 to highlight Senate behavior. I move forward by briefly reviewing the background of the Senate on the issue of gays in the military and DADT, note the methodology used in this analysis, analyze the positioning of votes by focusing on 19 senators, and review the factors that may account for the sequence of voting and clustering. I conclude this chapter by suggesting future methodological avenues and the implications of this vote for our understanding of political cover. However, it is also important to note the limitations of this research. Given the small sample size, qualitative methods were utilized. While useful, these methods lack statistical causal indicators. This analysis therefore provides a snapshot of an emerging methodological tool based on a review of one key vote and provides an additional step forward in demonstrating the value of utilizing C-SPAN in political science research.

GAY RIGHTS AND THE U.S. SENATE

The United States Senate’s relationship with gay rights issues is complex. I selected the vote to repeal DADT for analysis because of its place as one of the most controversial issues to come before the Senate in the 1990s (Brewer, 2008, p. 3; Miller, 1998) and also the most pro-LGBT roll call vote in Senate history, with 65–31 votes in favor of repeal. The rise of DADT as a legislative issue has been noted in previous literature (Neff & Edgell, 2013). Neff and Edgell highlight four phases of legislative consideration of “gays in the military” from “radioactive, contested, emerging, and viable” (p. 233). The first begins with the introduction of the policy in 1993, when senators vigorously debated the issue on the Senate floor and lengthy hearings were held by the Armed Services Committee (Williams, 1994). President Clinton introduced the policy of “don’t ask, don’t tell” as a compromise. The political trauma from this debate in Congress, however, left the issue as largely radioactive, and members were unwilling to engage on the topic until a controversy erupted over the firing of gay Arabic linguists from the Defense Language Institute following the September 11, 2001, terrorist attacks (Frank, 2009). The idea of openly gay service was then contested between 2002 and 2005 as activists organized around the idea. The issue emerged between 2005 and 2009 as party leaders supported repeal but opposition from President Bush made lifting the
ban a challenge. The most recent viable phase followed the 2008 presidential and congressional elections and actions by President Obama and key senators.

These contextual factors are important because the previous legislative votes in the Senate on gay rights issues had startlingly different outcomes. The 1994 amendment to the National Defense Authorization Bill (NDAA) to support openly gay service in the military offered by Senator Boxer (D-CA) was soundly defeated with a vote of 33–63. In 1996, the Senate vote on the Employment Non-Discrimination Act (ENDA) also failed 49–50. Indeed, the bipartisan Defense of Marriage Act (DOMA) overwhelmingly passed in 1996 with a Senate vote of 85–14. The fear of such a repeated legislative failure kept many LGBT issues off the Senate agenda for more than a decade. In 2009, the first pro-LGBT Senate amendment to become law was the Matthew Shepherd and James Byrd Jr. Hate Crimes Prevention Act, which passed 63–28 on a cloture vote to the 2010 NDAA (Eleveld, 2009). The next issue to come up would be DADT.

When the issue of DADT came before the Senate in 2010, there were both ideological arguments against it and partisan arguments regarding violations of Senate procedure (Brady, 2010). Repeal had been left out of the NDAA “base bill” offered by the Pentagon and was added by amendment in the markup of the Senate Armed Services Committee. Yet from there it failed to gain the votes needed to bring it to the floor and pass cloture. On September 21, 2010, it failed to achieve the 60 votes needed with a vote of 56–43. Again on December 9, 2010, a cloture motion on the bill failed, 57–40. The modern conception of the Senate as one gridlocked by procedure (Saeki, 2009) was evidenced, and it was unclear that repeal could pass the body.

Following these filibusters, the lead sponsors, Senators Lieberman (I-CT) and Collins (R-ME) immediately reintroduced the bill as a stand-alone measure for consideration as the Don’t Ask, Don’t Tell Repeal Act. The CRS summary of H.R. 2965, the Don’t Ask, Don’t Tell Repeal Act of 2010, notes that the bill “provides for repeal of the current Department of Defense (DOD) policy concerning homosexuality in the Armed Forces.” With the bill no longer tied to the Defense Authorization Act, it was possible to make progress toward an up-or-down vote on the measure. On December 18, 2010, the Senate brought the repeal bill to floor and began the final debate. Cloture was filed and passed by a vote of 63–22 and an agreement was reached for a final vote to begin at
3:00 p.m. on the same day. The stage was set for the largest vote on gay rights in American history in the most deliberative body in the world. A simple majority of 51 votes was needed for passage.

**METHODS**

Three chief observations are considered in looking at the behavior of senators during the DADT repeal vote: the clerk, the clock, and the senators themselves. First, Senate rules state the way votes are publicly announced in the chamber by the clerk and the timing of these announcements. Second, the sequence of senators’ actions over the 30-minute roll call vote is documented in Table 9.1 in the next section. C-SPAN video of the Senate floor (see Box-Steffensmeier et al., 2015; Mixon et al., 2001) is used to record this process. The methodology for using C-SPAN as a retrospective tool includes looking at senators’ behavior in the well of the Senate during the vote on DADT repeal (Figure 9.1), signaling their intent to vote to the clerk (Figure 9.2), and indicating the vote itself to the clerk (Figure 9.3). The staff at C-SPAN helped provide the clipping of the vote for review (see C-SPAN, 2010, at 6:17:40).

Third, I reviewed other variables that might influence senators’ vote positioning: party affiliation, the presence of a primary challenger, the percentage of previous electoral victory, an interest group’s 2004 predicted vote count for DADT repeal, and a different interest group’s scorecard on senators’ voting history on LGBT issues. In particular, Edgell and I examined an organizational vote count for the Servicemembers Legal Defense Network (SLDN) in 2004/2005 (Neff & Edgell, 2013) that highlighted 19 senators in 2010 listed as either undecided, leaning yes, leaning no, yes, or no in the vote count. This was useful because a review found that “in the Senate, 69% of members from 2004 were still in the Senate for the repeal vote in 2010. Of those predicted to vote yes or leaning yes, 100% voted in favor while 89.1% of predicted no votes voted against repeal in 2010” (Neff & Edgell, 2013, p. 246). In addition, I compared the Human Rights Campaign Scorecard for 110th Congress against the DADT repeal vote. These variables are combined in Table 9.2 in the next section. However, it should be noted that two senators included in this analysis, Scott Brown and Blanche Lincoln, were not on the 2004–2005 list.
Senators met to vote on the Development, Relief and Education for Alien Minors (DREAM) Act, the “Don’t ask, Don’t tell” policy in the military and the Strategic Arms Reduction Treaty (START).

FIGURE 9.1 Senate voting procedure in the well.

FIGURE 9.2 Senator Kerry indicating a yea vote with a thumbs-up.
THE CLOCK: EXAMINING THE TIMING OF SENATORS’ VOTES

Senators’ votes are time stamped using C-SPAN video and the clock that appears on-screen to denote the timing of votes during the 30-minute roll call vote (see Table 9.1, pp. 202–203). The times are listed and the yeas and nays are denoted. Time is a valuable measure to identify the sequencing and positioning of senators. Votes cast at the same time are noted under that time.

It is important to note that the voting period is divided into two parts: the first 10 minutes and the remaining 20 minutes of the vote. This is crucial because the clerk will stop calling the roll at the 10-minute mark, then will stand and read aloud the preliminary results for all in the chamber (and those watching it live on C-SPAN2) to hear. This acts as a signal to other senators. In the remaining 20-minute period, each senator who now approaches the clerk to vote will have his or her name called out and vote announced publicly to the chamber. Senators will also consult with party secretaries to find out how others voted and whether the bill in question will likely pass or fail.
A review of Table 9.1 shows that 40 senators’ votes were read aloud at the 3:10 p.m. (10-minute) mark, with 26 yeas and 14 nays. After this period and until the completion of the vote at 3:30 p.m., 56 senators voted, and those votes were recorded and read aloud individually. Table 9.1 lists the yeas and nay votes, their times, and the senator who voted. Two points to note are that Senator Bayh was the acting president pro tempore of the Senate, so his vote is included at the start, and two senators voted twice: Senator Conrad (3:09, 3:13) and Senator Inouye (3:06, 3:18). Their first votes are noted for the purposes of this analysis.

The first senator to vote in favor of repeal was the bill’s lead cosponsor, Senator Joe Lieberman (I-CT), and the first Republican to vote in favor of repeal was Senator Scott Brown (R-MA), just before the 10-minute mark. These votes were identified using visual cues from C-SPAN video. Using this retrospective process, one can connect a sequence of events and data points by reviewing the timing of votes and key information (unavailable until after the voting) that informs the level of political vulnerability that senators faced when casting this vote.

**THE CLERK: KEY VOTING TIMELINE**

The narrative timeline that follows provides a look at the political behavior of 19 senators during the DADT repeal roll call vote. This analysis incorporates data about their record with the interest groups and notes which members had lost primary elections or later decided to retire. A number of additional data points are also added to review their behavior, including their party affiliation and the “blue” (Democratic) or “red” (Republican) nature of their state. These facts and behaviors are annotated as follows.

3:02 p.m. The DADT Repeal Act vote begins and the clerk is directed to begin calling the Senate roll.

3:02 p.m. Senator Lugar (R-IN) votes against repeal. Senator Lugar had a 60 percent rating from the Human Rights Campaign scorecard; however, he was listed on the SLDN vote count as a leaning no. He was up for reelection in 2012 in a red state against a Tea Party primary challenger, to whom he would later lose.
3:09 p.m. Senator Brown (R-MA) is the first Republican to vote in favor of repeal. He was the Republican in the bluest state and he is up for reelection in 2012. He will lose his reelection.

3:10 p.m. Voting pauses while the clerk reads out the existing list of senators who voted. There are 26 yeas and 14 nays announced.

3:12 p.m. Senators Snowe (R-ME), Collins (R-ME), and Burr (R-NC) vote in favor of repeal. Senator Collins was a cosponsor of the repeal bill and up for reelection in 2012. Senator Snowe would later announce her retirement. Senator Burr is the only Republican from a southern red state to vote in favor of repeal. He had just been reelected in 2010 and is up for reelection in 2016.

3:13 p.m. Senators Rockefeller (D-WV) and Conrad (D-ND) vote in favor of repeal. Both Senators would later announce their retirement. This is the second time Senator Conrad has cast a yea vote.

3:15 p.m. Senator Ensign (R-NV) votes in favor of repeal. Senator Ensign had faced recent controversies and would later announce his retirement.

3:16 p.m. Senators Ben Nelson (D-NE) and Voinovich (R-OH) vote in favor of repeal. Senator Voinovich had announced in 2009 that he would not seek reelection. Senator Nelson would later announce his retirement.

3:17 p.m. Senator Mark Kirk (R-IL) votes in favor of repeal. He was up for reelection in 2010 in a Democratic-leaning state and was reelected.

3:17 p.m. Senator Lamar Alexander (R-TN) votes against repeal. Senator Alexander had been viewed as a possible yea vote. He was up for reelection in 2014 against a Tea-Party primary opponent. He was reelected.

3:18 p.m. Senators Nelson (D-FL) and Lincoln (D-AR) voted in favor of repeal. Senator Lincoln was defeated in 2010.

3:19 p.m. Senator Lisa Murkowski (R-AK) voted in favor of repeal. She won reelection in a write-in vote in 2010 and will be up for reelection in 2016.
3:20 p.m. Senators Arlen Specter (D-PA) and Herb Kohl (D-WI) vote in favor of repeal. Senator Specter had previously lost his primary race and Senator Kohl would later retire.

3:21 p.m. Senator Max Baucus (D-MT) votes in favor of repeal. He would later retire from the Senate and be named Ambassador to China.
3:22 p.m. Senator Mark Pryor (D-AR) votes in favor of repeal. He was up for reelection in 2014 and was not reelected.

3:30 p.m. The vote is closed and passage is announced 65–31 by the Presiding Officer, Senator Bayh, who voted yea and would later retire.
TABLE 9.2 Comparing Vote Timing and Contextual Vulnerability

<table>
<thead>
<tr>
<th>Timing of Senate Vote</th>
<th>Member 111th Congress</th>
<th>Party</th>
<th>2005 SLDN Predicted Vote Count</th>
<th>HRC Scorecard for 110th</th>
<th>Vote</th>
<th>State Divide</th>
</tr>
</thead>
<tbody>
<tr>
<td>3:02</td>
<td>Lugar</td>
<td>R</td>
<td>No</td>
<td>60</td>
<td>No</td>
<td>Red in red</td>
</tr>
<tr>
<td>3:09</td>
<td>Brown (MA)</td>
<td>R</td>
<td>33’</td>
<td>Yes</td>
<td>Red in blue</td>
<td></td>
</tr>
<tr>
<td>3:12</td>
<td>Burr</td>
<td>R</td>
<td>Leaning no</td>
<td>20</td>
<td>Yes</td>
<td>Red in red</td>
</tr>
<tr>
<td>3:12</td>
<td>Snowe</td>
<td>R</td>
<td>Leaning yes</td>
<td>70</td>
<td>Yes</td>
<td>Red in blue</td>
</tr>
<tr>
<td>3:12</td>
<td>Collins</td>
<td>R</td>
<td>Leaning yes</td>
<td>75</td>
<td>Yes</td>
<td>Red in blue</td>
</tr>
<tr>
<td>3:09/3:13</td>
<td>Conrad</td>
<td>D</td>
<td>Undecided</td>
<td>60</td>
<td>Yes</td>
<td>Blue in red</td>
</tr>
<tr>
<td>3:13</td>
<td>Rockefeller</td>
<td>D</td>
<td>Undecided</td>
<td>85</td>
<td>Yes</td>
<td>Blue in red</td>
</tr>
<tr>
<td>3:15</td>
<td>Ensign</td>
<td>R</td>
<td>Undecided</td>
<td>0</td>
<td>Yes</td>
<td>Red in red</td>
</tr>
<tr>
<td>3:16</td>
<td>Voinovich</td>
<td>R</td>
<td>No</td>
<td>60</td>
<td>Yes</td>
<td>Red in red</td>
</tr>
<tr>
<td>3:16</td>
<td>Nelson (NE)</td>
<td>D</td>
<td>Leaning yes</td>
<td>65</td>
<td>Yes</td>
<td>Blue in red</td>
</tr>
<tr>
<td>3:17</td>
<td>Kirk</td>
<td>R</td>
<td>Leaning yes’</td>
<td>85</td>
<td>Yes</td>
<td>Red in blue</td>
</tr>
<tr>
<td>3:17</td>
<td>Alexander</td>
<td>R</td>
<td>Undecided</td>
<td>20</td>
<td>No</td>
<td>Red in red</td>
</tr>
<tr>
<td>3:18</td>
<td>Lincoln</td>
<td>D</td>
<td>Leaning yes</td>
<td>70</td>
<td>Yes</td>
<td>Blue in red</td>
</tr>
<tr>
<td>3:18</td>
<td>Nelson (FL)</td>
<td>D</td>
<td>Undecided</td>
<td>90</td>
<td>Yes</td>
<td>Blue in blue</td>
</tr>
<tr>
<td>3:19</td>
<td>Murkowski</td>
<td>D</td>
<td>Undecided</td>
<td>20</td>
<td>Yes</td>
<td>Red in red</td>
</tr>
<tr>
<td>3:20</td>
<td>Specter</td>
<td>D</td>
<td>Undecided</td>
<td>70</td>
<td>Yes</td>
<td>Blue in blue</td>
</tr>
<tr>
<td>3:20</td>
<td>Kohl</td>
<td>D</td>
<td>Undecided</td>
<td>80</td>
<td>Yes</td>
<td>Blue in blue</td>
</tr>
<tr>
<td>3:21</td>
<td>Baucus</td>
<td>D</td>
<td>Undecided</td>
<td>80</td>
<td>Yes</td>
<td>Blue in red</td>
</tr>
<tr>
<td>3:23</td>
<td>Pryor</td>
<td>D</td>
<td>Undecided</td>
<td>60</td>
<td>Yes</td>
<td>Blue in red</td>
</tr>
</tbody>
</table>

The timeline for the votes with their contextual vulnerability is shown in Table 9.2. This table shows how the interest groups were predicting their vote, the electoral situation, and the outcome. Returning to Table 9.1, we see how knowledge about electoral implications is revealed in the predicted outcome based on the SLDN 2004–2005 vote.
<table>
<thead>
<tr>
<th>Political Penalty?</th>
<th>Electoral Decision</th>
<th>Election Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes—primary</td>
<td>Lost to primary challenger in 2012</td>
<td>87 (2006)</td>
</tr>
<tr>
<td>No—Democratic state</td>
<td>Lost in general election in 2012</td>
<td>52 (2010)</td>
</tr>
<tr>
<td>Yes—but had just been reelected</td>
<td>Won in general election in 2010</td>
<td>55 (2010)</td>
</tr>
<tr>
<td>No—blue state</td>
<td>Won general election in 2012</td>
<td>62 (2008)</td>
</tr>
<tr>
<td>No—retired</td>
<td>Announced retirement in Jan 2013</td>
<td>64 (2008)</td>
</tr>
<tr>
<td>No—retired</td>
<td>Announced retirement in Dec 2011</td>
<td>64 (2006)</td>
</tr>
<tr>
<td>No—Democratic state</td>
<td>Won general election in 2012</td>
<td>48 (2010)</td>
</tr>
<tr>
<td>Yes—primary</td>
<td>Won</td>
<td>67 (2008)</td>
</tr>
<tr>
<td>No—lost election</td>
<td>Lost general election in 2010</td>
<td>37 (2010)</td>
</tr>
<tr>
<td>No—Obama state</td>
<td>Won general election in 2006</td>
<td>52 (2012)</td>
</tr>
<tr>
<td>Yes—but had just been reelected</td>
<td>Won general election in 2010</td>
<td>49 (2010)</td>
</tr>
<tr>
<td>No—lost primary</td>
<td>Lost primary in 2010</td>
<td>46 (2010)</td>
</tr>
<tr>
<td>Yes—Republican state</td>
<td>Won general election in 2010</td>
<td>79 (2006)</td>
</tr>
</tbody>
</table>

A review of outside variables (see Table 9.2) as possible indicators for their positioning offered limited predictability. For example, the previous electoral winning percentage for senators was not compelling. Senator Lugar had won his previous race by 87 percent and Senator Pryor had won his by 79 percent, and yet both faced different electoral situations in 2010. The
Human Rights Campaign scorecard was also of limited value. For instance, it ranked Senator Ensign at 0, Senator Burr at 20, Senator Murkowski at 20, and all voted for repeal.

**SENATORIAL LOSSES AND RETIREMENTS**

A retrospective analysis of the repeal vote places senators in two camps: those who faced electoral penalties and those who did not (Tables 9.1). A snapshot that emerges from Table 9.1 is illustrated with circles around those members who would not face reelection. This overlay offers two important data points to inform this narrative. First, 15 of the 17 yea voters faced little political penalty either because they had lost a primary, were not planning to seek reelection, or were a Republican from a Democratic-leaning blue state where the state constituency was likely to support repeal. The only immediate political penalty on the basis of a yea vote in favor of DADT repeal was faced by Senator Pryor. Senators Burr and Murkowski faced potential penalties six years later.

**DISCUSSION**

In this chapter I have reviewed senatorial behavior during the roll call vote on DADT repeal. I have argued that there is a performative nature to Senate roll call voting. The performance of either seeking cover or providing cover during a roll call vote is designed to protect senators during controversial votes, and this can be seen in the case presented. I find that positioning corresponds to the presence or absence of penalties and that vulnerable officials appear to strategize to seek political cover. The results of my study suggest six initial conclusions with electoral implications.

First, the C-SPAN (2010) video allows for an analysis of senator voting behavior. The voting positioning shows that the Republican in the bluest state and with the greatest political penalty (Senator Brown, R-MA) voted yea earlier. This positioning is consistent with making an affirmative visible statement. Senator Brown’s positioning highlights how his particular vote (the 23rd vote
cast in favor of repeal) directly contributed to the final result and signaled his support to LGBT voters. In this way, the vote timing provided political cover from the penalty of being a Republican, a party that is not known for its LGBT support, in a solidly Democratic state.

Second, the video shows that the Democratic senator from the reddest state (Senator Pryor, D-AR) voted later, after the result was already determined. Senator Pryor cast the 62nd of the 65 votes in favor. This vote timing is consistent with a masking threshold and penalty-mitigating order because it had the value of taking place after the Republican yea votes and placed Senator Blanche Lincoln (D-AR) before him. Or put another way, it is reasonable to assume that while Senator Pryor was brave and he was going to vote for repeal, he was not going to be the first Arkansas senator to do so. The performative sequence of events in the casting of a roll call vote mattered.

Third, the C-SPAN video allowed the clustered yea voting across both parties to be documented. For Republicans, Senators Collins, Snowe and Burr were clustered as were Democratic Senators Rockefeller and Conrad. Whether planned or spontaneous, this clustering allowed each group of senators a certain degree of political cover on a previously controversial issue.

Fourth, of the 17 senators under review who voted yea in the second 20-minute voting block, Republicans appeared to lead and Democrats appeared to follow. Two explanations are useful here. First, voting in favor of DADT repeal was considered either politically valuable or not costly for 7 senators (5 Republicans and 2 Democrats) who would face reelection. And second, Democrats could have been using Republican votes to provide cover regardless of electoral implications. In addition, it is interesting, but more speculative, to note the impact of nay votes. For instance, voting nay early by Senator Lugar, who had a 60 percent rating on LGBT rights, may have signaled support to his more conservative backers. At the very least, this positioning shows that the Republican in the red state with the greatest political penalty also voted earlier than Democrats facing potential danger. Moreover, I suggest that there is value in noting Senator Lamar Alexander’s late nay vote. It is possible, but again speculative, that Senator Alexander waited until repeal was ensured by the votes of others before voting no.

And last, there are a number of key points to consider from this methodological tool. First, there may be randomness to the timing or clustering of
voting that is unaccounted for in this analysis. However, this was not a normal vote, and senators and their staff take great care when managing such historic votes. Also, it is important to note that this type of retrospective analysis may not be possible in the future if senators are aware that their behavior is being watched and recorded. The use of C-SPAN video in this way may create a behavioral bias. Furthermore, the access and ability to review outside variables and target key senators is limited. In this case, the availability of inside lobbying tools made this possible. In addition, political penalties and political cover should continue to be studied. We have only just begun to analyze the way votes can be used to provide or take cover. Such analysis is an important aspect of legislative studies, and C-SPAN video, available through the C-SPAN Archives’ online Video Library makes this possible.

CONCLUSION

In this chapter I have discussed how I used C-SPAN video of the Senate floor to conduct a retrospective analysis of Senate voting behavior, illustrating how roll call votes may be used to take or provide political cover regardless of party. Party members use the sequencing and clustering of roll call votes to provide political cover for their vulnerable members as a way of addressing controversial political issues within legislative bodies. Where in the order a senator casts his or her vote is as important as how the senator votes (yea or nay). To illustrate this, I reviewed the historic Senate vote on the repeal of DADT. The absence of penalties for many senators may have truly reflected how pro-gay senators are outside of the partisan political machinery. The outcome may also have represented a tipping point because it set a higher bar for bipartisan support in the future. In addition, this vote appears to signal the way political issues may be considered in light of presidential electoral results. In all, this analysis suggests that viewing Senate floor behavior through C-SPAN can be informative and that the positioning of senators’ votes can matter in understanding policy outcomes. This chapter demonstrates how C-SPAN video may be a useful retrospective methodological tool in political science. Analyzing the sequencing of member votes relative to each other, peer support on floor, and the implications of
these tactics to navigate difficult political issues provides an important understanding of the legislative process.

NOTES

Thanks to the University of Sydney Department of Government and International Relations. A previous draft of this chapter was presented at the Australian Political Studies Association Conference in 2014. Special thanks to Luke Edgell for his previous research on the 2010 DADT vote, as well as David Smith, Senthorun Raj, and David Marsh for their encouragement. A final thanks to the anonymous reviewer, whose feedback greatly improved this chapter.

1. I was a participant observer of Senate procedure as an aide de camp to Senator John Warner from July to October 1999, as a staff assistant to Senator Harry Reid from March 2000 until March 2001, and as a registered lobbyist from November 2002 to July 2005.

REFERENCES


Rybicki, E. (2013, August 19). Voting and quorum procedures in the senate (CRS
Using C-SPAN to Analyze the Vote to Repeal “Don’t Ask, Don’t Tell”

