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In the COMMONWEALTH

Thomas J. Baldino, Editor

This seventh volume marks a milestone for COMMONWEALTH. For the first time since its inception, someone other than Don Tannenbaum is the editor. Sometime in 1984, Don came to the executive council of the Pennsylvania Political Science Association and suggested that the association publish an annual journal. While there were serious questions raised by the council about the feasibility of such an undertaking—particularly financial concerns, Don’s vision and tireless efforts, from assembling an editorial board to selecting the title of the journal, resulted in the publication of the first volume in 1987. That COMMONWEALTH has not just survived but flourished to see a seventh issue is a testament to the quality of Don’s work. I think that I speak for all the members of the Pennsylvania Political Science Association when I extend my sincere appreciation to Don for everything that he has done for both COMMONWEALTH and the Association. Don will remain with the journal as an associate editor responsible for political theory.

As the new editor with large shoes to fill, I am pleased to present this issue of COMMONWEALTH to our readers as I believe it continues the tradition established by Don of publishing excellent scholarship. Bringing this journal to print was a great deal more work than I ever anticipated, and I could not have done it without the cooperation of the authors, the diligence of the many reviewers, and the assistance of my associate editor, Martin Collo, and my managing editor, Jim Morse, both at Widener University. My thanks to all of you for your patience with me as I struggled to find my way along the tortuous path to publication.

The five articles contained here are a somewhat diverse group. The first two, by Janeen Klinger and Marla Brettschneider, examine American policy in the Middle East from the perspective of interest group behavior, and arrive at different but compatible interpretations of government policies. Donald R. Brand’s article on public tort law discusses the evolution of the common law of sovereign immunity in the United States over the last thirty years and raises serious concerns about the implications for the capacity of the executive to govern under the new interpretations. The article on southern Democratic representatives in the House by Donald Beachler explores the voting habits of the group and compares them with their northern colleagues on a variety of issues. Finally, Patterson and Armon investigate the motivations of Pennsylvania state legislatures concerning
congressional redistricting. Though an extensive literature exists in this area, the authors are among the first to study the attitudes of those responsible for redistricting House seats.

Last, my colleagues and I at COMMONWEALTH welcome manuscripts in all the sub-fields of the discipline, and encourage our readers to consider submitting their current research to our journal.
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Immigrants, Ethnic Lobbies and American Foreign Policy

Janeen M. Klinger
Franklin and Marshall College

The United States is so obviously an immigrant nation that this fact is assumed to be significant for the conduct of its foreign policy. This article examines the assumption and whether the recent change in immigration patterns away from Europe and towards Asia as the point of origin may portend a significant shift in the orientation of U.S. foreign policy. This article also describes the effect that immigration groups and ethnic lobbies have had on U.S. foreign policy in the past, extrapolating generalizations from earlier experiences that may apply to the latest group of immigrants.

The conduct of any state's foreign policy must be based upon some conception of national interest. The conception of national interest in turn, is derived from a composite of many factors: the state's economic links to others or the nature of the state's major strategic challenge. Because the United States is a nation of immigrants, this too is seen as contributing to a definition of the national interest which influences the conduct of foreign policy. That the immigrant legacy should be a compelling one for formulating American foreign policy is suggested by the sheer number of immigrants entering the U.S. For instance, from the beginning of the nineteenth century to the middle of the twentieth, two-thirds of the world's migrants chose America as their destination. Presently, about one out of every six Americans was either born overseas or had one parent that was born overseas. (Said, 1981,v)

Recent events in the Balkans and in the Commonwealth of Independent States, underscore the fragility of societies divided by ethnic cleavages. It is a testament to the resilience of American institutions, combined with the good fortune of geographic insularity that ethnic diversity has not had the same debilitating impact on social order that it has had on other societies. In part the strength of American diversity is due to the voluntary nature of immigration in contrast with the forced assimilation of minorities in multi-ethnic empires like the Ottoman and Russian. Nevertheless, there is one area of American life that should be peculiarly
susceptible to any divisive impact that immigrant groups might entail, that is in the conduct of American diplomacy. For immigration and the resulting ethnic diversity might well circumscribe the nation's ability to confront the outside world as a unified entity.

Despite the fact that the U.S. is an immigrant nation, the precise impact of this fact on the nation's foreign policy is far from clear. At times, the extent that immigrants are present in the United States helped to determine some of the foreign policy controversies in which America became embroiled. One illustration of the tendency can be drawn from the early days of the Republic that—because it was founded wholly by immigrants—saw citizenship as a matter of choice. The European view contrasted with the American because it held that dynastic loyalty was inherited and hence citizenship was determined by birth. Consequently, for Europeans, citizenship could never genuinely be transferred to another political community through migration. The conflicting views over the criteria of citizenship provided the Founding Fathers with one of their earliest foreign policy problems because the British interpretation of citizenship led to the impressment of American seamen on the basis of the claim that anyone born in Britain remained a British subject forever.

Beyond this early example of the impact that immigration had on U.S. foreign policy, does the immigrant legacy circumscribe American foreign policy by making it more difficult for the U.S. to identify its national interest as Hans J. Morgenthau once suggested? (Morgenthau, 1952, 974) Do immigrant groups tend inevitably to coalesce into pressure groups on behalf of a particular policy favorable to their country of origin? If so, might the current shift in immigration patterns away from Europe as the point of origin and towards Asia, pull the United States towards a redefinition of its identity as an Atlantic power in favor of a Pacific identity? For it has frequently been asserted that the Atlantic bias in American foreign policy is the direct result of shared ethnic and cultural bonds. And it is the cultural affinity with Europe that may erode under the impact of increased Asian immigration. (See Appendix A for a description of dramatic shifts in immigration.)

This paper aims to explore the relationship between immigration and foreign policy more closely. We will examine the manner that various immigrant groups affected U.S. foreign policy in the past, highlighting conditions that make immigrant groups likely to act as pressure groups on U.S. foreign policy and those conditions that limit the ability of groups to act in such a manner. Drawing from past experience, we will speculate on whether the latest wave of immigrants will coalesce to act as a lobby on behalf of a particular foreign policy. This paper is not intended as a definitive treatment of the subject, but rather aims merely to move beyond
some conventional wisdom regarding the relationship between immigration, ethnic lobbies and foreign policy. At the end of the paper, we will suggest some areas appropriate for future research.

Before discussing the impact that immigrants have on the formulation of foreign policy, it is important to underscore the fact that the very composition of U.S. immigration is not merely the result of happenstance. Domestic legislation shapes the ethnic and nationality contours of immigration. What is more, such legislation is frequently formulated with an eye towards satisfying broader foreign policy objectives. Several examples suffice to illustrate this point. Isolationist sentiment re-enforced by America’s participation in World War I, became a contributing factor in adoption of the restrictive quota law of 1921. One scholar notes of this isolationist influence on legislation that:

The isolationist reaction of the 1920s not only pressed home the danger of world entanglements in a more conscious and articulate manner than before, but also underscored for those sensitive to increased immigration the threat that national enclaves within would impede the fortress America concept. (Trefousse, 1980,201)

Foreign policy considerations during World War II similarly led the U.S. to abolish the Chinese exclusion laws that had been in effect since 1882. The abolition of restrictions on Chinese immigration in 1943 was intended as a gesture of solidarity to a wartime ally. In the immediate post war era, Cold War concerns expressed by the Internal Security Act of 1950 became the basis for an immigration policy that added membership in communist or totalitarian organizations to criteria considered relevant for determining eligibility to enter the United States. In other words, immigration policy itself has frequently been driven by foreign policy considerations and the resulting ethnic composition of the domestic population is the unintended consequence of the pursuit of other objectives.

The important immigration legislation for our purposes is the law passed in 1965 which contributed to the Asian influx because the law ended the active discrimination against such entrants that had permeated U.S. immigration law since the nineteenth century. As the INS bar chart included as Appendix A illustrates, the effect of the 1965 law on immigration patterns was quite dramatic. The latest census report shows that the Asian-American population more than doubled over the last decade and that one-third of this growth can be attributed to immigration. This increase in the Asian-American population may have the potential to
translate into a domestic constituency that, along with other conditions\(^1\), could bias American foreign policy towards Asia.

The controversial issues concerning the immigrant legacy involves how important and systematic the efforts of such groups are in influencing foreign policy. Some scholars have argued that the immigration process could be considered "the single most important determinant of American foreign policy." (McC. Mathias, 1981,979) Still others (including Morgenthau) assert that ethnic divisions undermine the nation's ability to formulate a foreign policy that is consistent and based upon a broad conception of national interest. (Fauriol,1984,5-14) A regional variation of the impact that ethnicity had on the conduct of foreign policy was noted by Walter Lippmann who argued that "every European quarrel puts American nationality under severe strain," but that such was not a problem for the U.S. when dealing with Asia where it could confront that region with a secure sense of national unity. (Tucker,et al.,1990,6) Ostensibly, the historically small Asian-American community gave policy makers a freer hand in formulating U.S. policy in Asia than it had in Europe.

Perhaps we can best understand the current influence of ethnic lobbies on foreign policy and speculate on their future significance by drawing on the literature that describes how immigrant groups in the past have affected U.S. policy. Woodrow Wilson once observed concerning the legacy imposed on a nation of immigrants:

And the test for all of us--for all of us had our origins on the other side of the sea--is whether we will assist in enabling America to live her separate and independent life, retaining our ancient affections, indeed but determining everything that we do by the interests that exist on this side of the sea. (Halley, 1985, frontpiece)

It is perhaps appropriate that Wilson should have been so sensitive to these "ancient affections" since immigrant groups did influence the conduct of Wilson's diplomacy. For it was agitation by Polish immigrants in the United States that contributed to Wilson's decision to declare the Polish question an international issue that should not be decided by local powers bent on dividing Poland. (Christol and Ricard,1985)

\(^1\)Hispanic immigrants also showed a dramatic increase during the last decade. However, increased Hispanic immigration is less likely to have the same impact on American foreign policy because those "other conditions" are absent. Most notably, the economic significance of East Asia for the U.S. will tend to reinforce the significance of increased immigration from there. Two specific economic facts are relevant here: U.S. trade with Asia surpassed its trade with Europe for the first time in 1977 and the persistent bilateral U.S. trade deficit with Japan creates a high profile foreign policy problem for American policy makers.
Perhaps even more important for its impact on Wilson's diplomacy, was the formation by Irish and German Americans of the "Friends of Peace" that was one component of the isolationist lobby that delayed U.S. entry into the first world war. After World War I, ethnic politics--particularly the influence of the Irish-American lobby--is often cited as being a significant factor in preventing the United States from joining the League of Nations. The rationale for Irish-American opposition to the League was the fact that the nations at the Versailles Peace conference had refused to consider the question of the future of Ireland. (Halley, 1985,162) In particular, the Irish-Americans were concerned that a U.S. acceptance of the League would preclude the U.S. from providing support to a potential Irish rebellion against British control because Article 10 of the Covenant pledged all signatories to respect each other's territorial integrity. Irish-American leaders believed this to be a defacto guarantee to preserve the British empire and thereby promote British control over Ireland. (Trefousse, 1980,34) Irish-American leaders made their views known at hearings conducted by the Senate foreign relations committee.

William E. Borah the renown isolationist senator from Idaho actively sought to use Irish-American leaders as part of a broader anti-League coalition. To that end, he supported their demand to be represented at the Versailles peace conference and submitted a resolution to the Senate intended to gain Irish-American participation at the conference. Although the resolution passed the senate, Wilson did not submit the request to the allies because of his concern for maintaining cordial Anglo-American relations. The high point for the influence of the Irish-Americans came during the treaty fight in the senate when a reservation was attached to the treaty reaffirming the principle of self-determination and calling for Irish admission to the League as soon as it achieved independence. All five Irish-American senators supported this particular reservation. Moreover, the Irish-American senators accounted for most of the democrats who joined the republicans in their opposition to the treaty. However, given the final League vote (55 to 39), the Irish-American stand and the defection of the Irish-American senators cannot be held as solely responsible for the treaty's rejection.² (Ambrosius, 1987,248 and 209)

Without a doubt, the ability of ethnic voting blocs to gain a hearing for their foreign policy views became more pronounced in the twentieth century. Politicians began appealing explicitly to ethnic voting blocs increasingly after the 1920 presidential election. Indeed, the Republican

²The views of Henry Cabot Lodge, exemplified those of Wilson’s opposition for whom the real issue of American membership in the League involved the question of presidential prerogatives to conduct foreign affairs. Consequently, many scholars argue that the League was doomed to defeat even without the Irish American agitation. See Ambrosius, 259.
landslide of that year is often attributed to the role played by ethnic Americans in the election. Thus, American politicians through such appeals may be partially responsible for animating interest in foreign policy issues among ethnic constituents. By the 1940s such appeals had become an established practice of American party politics and numerous scholars have noted and described this trend.3

Ethnic politics played a role in the Republican Party's decision to include a liberation plank directed at the "captive" nations of Eastern Europe in their 1952 platform. It was however, a plank that the party had little or no intention of honoring with any active interventionist policy as subsequent events in Eastern Europe throughout the 1950s demonstrated. While true that these ethnic constituencies have frequently been courted for electoral purposes--they have not always benefited the party seeking their favor. For instance, the Republican Party attempted to garner the support of voters of Eastern European extraction in 1944 by claiming that FDR sold out Eastern Europe to the Russians. Stephen Garrett says of this effort:

Yet the Republican candidates did far worse in industrial districts with high ethnic concentration than they had in 1940. What happened was perceived quite clearly by senator Vandenberg in a letter to one of his constituents in Michigan: "I can fully understand that most of the Polish-Americans in our own Michigan area are also in the CIO and that these labor considerations were much too strong to be offset by any doubtful considerations on behalf of the old fatherland." (Garrett, 1986,29)

Besides using ethnic appeals for electoral gains, leaders in the United States also used such constituencies as bargaining leverage when negotiating with other nations. (Garrett, 1986,12-13) Using the presence of ethnic constituencies for diplomatic leverage confuses the issue of precisely how much influence such groups have on the formulation of U.S. foreign policy. Public pronouncements provide little clarification since the intended audience may be foreign or domestic.

Ethnic lobbying is frequently attributed with influencing the very direction of U.S. foreign policy. We have already noted some of the influence attributed to Irish and German Americans prior to and

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3For example, Stephen A. Garrett sees the 1944 election as exemplifying the ethnic trend in From Potsdam to Poland: American Policy Toward Eastern Europe (New York: Praeger Publishers, 1986), 29; while Louis L. Gerson sees the 1948 election as similarly notable in "The Influence of Hyphenated Americans on U.S. Diplomacy," in Ethnicity and U.S. Foreign Policy, 26.
immediately after World War I. Interestingly, these two groups would prove much less effective in influencing American policy later. For instance, German-American activity before 1918 created sufficient animosity among the general population that the pro Hitler Bund was not very successful in recruiting members. Evidence of the Bund's lack of appeal among German-Americans is the fact that it attracted only 25,000 members in contrast to the nearly two million members that joined the National German-American Alliance during World War I (Trefousse, 1980, 188) Once the United States finally entered the Second World War, even this minimal support for a pro-German policy "collapsed under the weight of the national interest." (Said, 1981, 236) Similarly, the Irish-American lobby has had very little influence over contemporary U.S. foreign policy toward Northern Ireland. Analysts assert that the decline in the effectiveness of the Irish-American lobby is due to the fact that there is no clear group consensus concerning the appropriate U.S. policy toward Northern Ireland. (Garrett, 1986, 50)

The experience of three other ethnic lobby groups that are commonly seen as exerting powerful influences over U.S. foreign policy should also be mentioned. The three groups are: the Jewish lobby on behalf of Israel, the East European lobby and the Greek lobby. The Jewish lobby on behalf of Israel is renown for its reputation as an effective pressure group. In part, the lobby’s effectiveness is attributed to the fact that there is a firm group consensus on its primary objective--the survival of Israel. However, it is not clear how U.S. policy in the Mideast might differ in the absence of such a lobby since the survival of Israel--to the extent that it contributes to stability in the region--would likely be of interest to the United States and an object of its foreign policy even without a domestic ethnic lobby.

An author of one recent study on the effectiveness of the Jewish lobby makes the point:

Ethnic interest groups acting alone usually have little chance of directly influencing public policy-making. They tend to be too small and lack the political resources required to independently influence government. Building coalitions with sympathetic government officials and other non-governmental organizations then becomes an important vehicle for broadening the power base of the group and increasing its potential influence over policy. (Goldberg, 1990, 9-10)
Commonwealth

Building coalitions requires organizational structure which in the Jewish lobby is embodied in the American-Israel Public Affairs Committee (AIPAC). The organization's annual budget exceeds three million dollars and it is headquartered in Washington, D.C. Congressional leaders respond to pressure by AIPAC because 92 percent of the Jewish community is known to vote regularly. A more important factor in the organization's success is that it is able to seize upon and use the strong sympathy toward Israel that pervades the general population.

Even given the pervasive public support for Israel, AIPAC has not always achieved particular objectives. For example, it was unable to halt the sale of F15s to Saudi Arabia in 1978 and the sale of AWACs to the Saudis in 1981. In both cases the ethnic lobby was unable to overcome other powerful interests. In 1978 defense contractors were a powerful lobby on behalf of the F15 sale, while in 1981 pro-Israeli sentiment in the U.S. began to weaken because of some intransigence on the part of the Israelis in peace negotiations. In addition, by 1981 the Saudi promise of moderation on energy issues and its potential to effect the energy and employment picture in the U.S. meant that some AIPAC goals were no longer consistent with the broader national interest.

Like the pro-Israeli lobby, the East European immigrants are in agreement concerning the survival of their respective countries of origin. Yet the effectiveness of the East European lobby is circumscribed by the fact that the goals they seek sometimes extend beyond the mere physical survival of their homelands. At a minimum (and prior to the dramatic events of 1989), the East European lobby has tried to prevent the United States from legitimating Soviet control in Eastern Europe and has tried to restrict U.S. interactions with communist governments in the region. The maximum goal sought by Americans of East European extraction, always was the liberation of their homelands from communist rule and Soviet hegemony. Because of the larger security concerns of the United States, it never seriously attempted to "roll back" communism and liberate Eastern Europe from Soviet domination. Since this latter goal has recently been achieved, it is too early to tell in what manner the lobby will seek to direct U.S. relations with Eastern Europe. One suspects however, that the post cold war environment will mean that Americans of East European extraction
are not likely to have a unified view of the appropriate American policy for the region.\footnote{The disintegration of Yugoslavia and the USSR is mirrored by the fragmentation of American voters into national groups that correspond with the emerging political entities. Different ethnic identities in turn, are sensitive to particular foreign policy problems and have already complicated the campaign strategies for both presidential candidates in 1992. See Isobel Wilkerson, "Serb-Americans Feel Distant War," The New York Times (May 10, 1993), A12; and Thomas L. Friedman, "End of Cold War Opens Battle for Ethnic Voters," The New York Times (September 18, 1992), A20.}

The limited success enjoyed by the East European lobby (not unlike the Israeli lobby) occurs when group interests converge with the broader national interest of the United States. Stephen Garrett argues the point:

Thus, in the period 1945-48, the United States made much of Soviet policy in Eastern Europe precisely because Soviet behavior there was viewed as a test case for their willingness to cooperate on a whole range of international matters. Eastern Europe in fact was adopted as a symbol of whether the wartime grand alliance could survive the war with Germany. (Said, 1981, 103)

Therefore, even though a hard-line U.S. policy toward Eastern Europe might have been applauded by immigrant groups, this did not demonstrate that the lobby was instrumental in formulation of that policy.

The Greek-American lobby is the last precedent case which like the others, illustrates the ambiguous influence that such groups have on the formulation of United States foreign policy. Within the United States there has been long-standing empathy for the Greeks and public opinion on their behalf was first roused in support of the uprising against the Turks in 1821. American support culminated in a Congressional resolution favoring Greek independence though any financial support for it came through private channels. Like the Jews and East Europeans, the Greek lobby today is perceived as a very influential determinant of U.S. foreign policy---at least on a narrow range of issues. The Greek-American lobby has contributed to the specific content of U.S. policy beyond asserting basic survival rights of a homeland state. The key event offered as evidence of the effectiveness of the Greek-American lobby is the embargo on the sale of military equipment to Turkey in 1974 as a response to the Greek-Turkish conflict over Cyprus. The tilt of American policy toward Greece is viewed as providing significant evidence of the strength of the Greek lobby on one specific policy because both Greece and Turkey are members of NATO and the broader national interest would seem to dictate that the United States maintain an even-handed approach towards each nation.
The numerous studies of the Turkish arms embargo draw different conclusions concerning the role the ethnic lobby played in inspiring this policy response which makes it a useful case for highlighting the difficulty scholars have demonstrating a direct link between the actions of an immigrant lobby and foreign policy outcomes. Thus for example, Laurence Halley views the Greek-American lobby as responsible for the successful passage of the embargo act. (Halley, 1985) Clifford Hackett in contrast, suggest that while the Greek lobby may have been effective in the initial passage of the embargo, support for the measure began to wane over the course of the following year. For Hackett, this illustrates the fact that ethnic pressure groups have limited staying power and are less likely to be able to shape policy over the long run. (Said, 1981, 46-47) Finally, a third study by Goran Rystad suggests that the Greek-American lobby may have provided a catalyst to motivate other groups to work on behalf of the Turkish embargo. Thus he suggests that the effectiveness of the Greek lobby depended upon the post-Watergate atmosphere of Congressional assertiveness and the fact that the Turkish government had announced--contrary to the wishes of the U.S. government--that it would continue to grow poppies as an export crop. (Christol and Ricard, 1985, 89-107)

Whatever relative weights the reader chooses to assign to causes of the 1974 Turkish arms embargo, we must note that the act did establish a seven to ten ratio of American aid to Greece and Turkey that favored the Greek government. This ratio persisted until the 1986 fiscal year when the Reagan administration proposed a military aid package that would give 500 million dollars to Greece and 789 million dollars to Turkey. Ultimately, the Reagan aid package never passed congress and the Greek lobby is often cited as the important factor in maintaining the seven to ten ration in aid. (Madison, 1985, 961-964)

With the ethnic groups discussed so far, one way to categorize their lobbying efforts is according to whether the position they take concerning their respective homelands reflects positive or negative views of the government in power. Myron Weiner provided a useful summary and noted that groups with a positive view of the home government take positions on American foreign policy that aim to benefit the peace and security of the homeland state. Weiner places the Jewish and Greek lobbies in this category. In contrast, the East Europeans and the Cubans tend to be hostile to the communist governments in their respective homelands and take foreign policy positions intended to weaken or undermine control of the governments. A final group--illustrated by Irish-Americans, attempts to influence U.S. policy by making the United States partisan to battles in the homeland. (Tucker, et al., 1990, 192) Despite the difference in attitudes toward the home government, it is not clear that groups adhering to any of
the three views are inherently more capable of influencing American diplomacy.

Where does the above discussion leave us concerning the impact that changing immigration might have on the formulation of U.S. foreign policy? Before immigrant groups can even coalesce into a lobby, several background conditions seem to facilitate organizational effectiveness. First, the size of the group or its regional concentration in key states should be sufficient to translate into electoral significance. For example, the Germans and Irish immigrants amounted to fifteen percent of the U.S. population in 1914 which helps to explain their impact on Woodrow Wilson’s foreign policy. This contrasts to the size of the Asian-American population which in 1990 accounted for only two and one-half percent of the total population in the United States. (Tucker, et al., 1990, 186) Second, ethnic lobby groups need organization that can be aided by geographic concentration and the existence of newspapers in their own language. Polish-Americans provide the classic example in this regard. Polish voters are concentrated in urban areas and there are more Polish people living in Chicago than in Warsaw. In addition, there are more Polish radio stations and newspapers in the United States than in Poland. (Nathan and Oliver, 1989, 26) At the same time that the potential for bloc voting exists because of geographic concentration, there may be other limits on bloc voting because of a discrepancy between how leaders and the rank and file view foreign policy issues. Thus, in the Polish case, leaders tended to oppose Nixon’s policy of détente with the USSR while these views were not reflected by the manner the overall constituency voted in the 1972 presidential election. (Garrett, 1986, 13)

Another important factor facilitating immigrant political involvement will be the extent that the group becomes assimilated. The ease and extent of assimilation in turn, is partly the result of the context within which the immigrant chose to come to America in the first place. This point concerning the importance of assimilation to political participation can be illustrated with the case of German-Americans. In the eighteenth century, Germans settling in the U.S. were concentrated in regions that did not outlaw retention of their native language. Consequently, this group was able to maintain a stronger affection and affinity for its homeland. In contrast, German immigrants who arrived as refugees in the wake of the 1848 revolution were staunch republicans who were less concerned with maintaining their cultural identity as Germans. Political preferences as well as related efforts to direct American foreign policy differed accordingly for each wave of immigrants. (Trefousse, 1980, 122-136) Ultimately, the organizational effectiveness of any ethnic lobby will depend on its ability to
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focus on specific policies or issues that strike a responsive chord in other segments of the American electorate.

Differences in the conditions under which Asians have emigrated to the U.S. is even more dramatic and hence has led to a discrepancy in levels of assimilation and political participation between different time periods. One reason the United States found it so easy to implement immigration laws that discriminated against Asians during the nineteenth century was because of the circumstances under which those early Asian arrivals traveled to the United States. Unlike contemporary immigrants, the Chinese migrants that came to the United States a hundred years ago tended to be "sojourners" or single men who entered the U.S. to work and send money home with the intent of returning back to China themselves. In fact, a similar pattern prevailed with the early Japanese and Korean immigrants who entered Hawaii as agricultural workers. Given the orientation of such workers, it is no wonder that the Chinese did not organize politically in the nineteenth century to resist legislative efforts designed to prevent their naturalization as citizens. Furthermore, because the Chinese were disenfranchised, they had no electoral impact and hence local politicians tended not to be interested in serving this constituency. Because they were marginalized politically and geographically concentrated, the early China town communities remained quite isolated from mainstream American politics. Although geographic concentration is typical of all immigrant communities, what is unique about the Chinese experience is how long the pattern persisted. Indeed, the Chinese remained fairly passive politically even concerning the repeal of the Chinese exclusion laws and the key lobby group involved in repeal of the laws (the Citizens Committee to Repeal Chinese Exclusion and Place Immigration on a Quota Basis) was composed largely of influential whites.

Present day Asian immigration is of fundamentally different character. Not only are the new immigrants more dispersed geographically, but the Asians who are now coming to the United States are coming with families and the intent to stay. Such immigrants will be more inclined than their nineteenth century counterparts to seek political power to defend their interests. In addition, political participation tends to be correlated with education and the new Asian immigrants also differ on this score from their counterparts in earlier eras. America's immigrants during the nineteenth century tended to be from a peasant background with little or no formal education and hence less inclined to political involvement. Today's Asian immigrants tend to be better educated than any of the immigrants entering the United States in the late nineteenth and early twentieth centuries have been. One study, indicated that 37 percent of new Asian immigrants have had four or more years of college. (Glazer,1985,117) Education, like
geographic concentration will favor efforts to mobilize politically along ethnic lines and enable Asian-Americans to form a potentially effective lobby.

Though some of the background conditions do favor political mobilization of the new Asian immigrants, it remains uncertain whether this will translate into a coherent foreign policy agenda. One factor making the formulation of a cohesive lobby less likely is the existence of extensive national divisions within the Asian-American community. Indeed, national divisions are so significant that the editor of The Korean Times recently asserted that the very concept of "Asian American" is a myth. (Butterfield, 1991, 22) At a minimum, these national divisions (like those in the East European lobby) are likely to prove detrimental to group cohesion which would hamper the effectiveness of a foreign policy lobby. (Garrett, 1986, 41) (See Appendix B for the nationality breakdown of recent Asian immigration.) Without a consensus over a foreign policy agenda, there is less likelihood that Asian-Americans will significantly alter the direction of American foreign policy. Such would certainly be the lesson one should draw from the efforts of the Taiwan lobby which was not able to prevent the normalization of American relations with the People’s Republic of China. The most that the Taiwan lobby was able to achieve was some commitment that the U.S. would safeguard its long-standing relations with the island (via continued sales of military goods) and establishment of an immigration quota for Taiwan that was separate from that of mainland China. It seems highly unlikely that U.S. policy in the Pacific will be guided by the domestic consideration of a concern for balancing the claims of the various Asian nationalities within the population.

As our previous discussion shows, ethnic groups frequently do focus on humanitarian concerns that often conflict with strategic considerations which lie at the heart of any nation’s foreign policy. Consequently, such views can best be advanced when they are in keeping with grand historical principles like self-determination or isolationism. (Said, 1981, 28) Finally, the ultimate guarantee that an ethnic lobby will succeed is dependent on the extent that its interests coincide with broader national ones. Groups seeking survival for a homeland fall within this category because the United States almost always has an interest in stability and assuring against any sudden shifts in the balance of power that create a vacuum. Israel is the primary case in point, where widespread public acceptance for the right of Israel to exist is the reason that the ethnic lobby appears to enjoy such unqualified success. Also working on behalf of the pro-Israeli lobby is the fact that Arab-Americans only began to organize politically to counteract the influence of the former group in the 1980s. (Khoury, 1987) In short, past experience seems to suggest that immigrant
groups can influence foreign policy somewhat but they are unlikely to move U.S. policy much beyond what its interest would be in the absence of such a domestic constituency.

Extrapolating from these past experiences that ethnic groups have had in trying to influence the American foreign policy agenda, it is likely that Asian immigration will provide some bridge for making Asia seem less alien to the United States. To some extent this might serve to ameliorate the discomfort and estrangement that American policy makers have habitually felt towards the region. The most serious limitation on high profile lobbying by Asian-Americans will be the fear that such activity will generate a nativistic backlash comparable to that of the "Know Nothing" movement of the mid-nineteenth century which reacted to growing immigration by seeking to control and exclude "foreign elements" from political participation. Given past discrimination against the Asian community illustrated by the internment of Japanese-Americans during World War II, fears of a nativist backlash are not far-fetched and might lead Asian-Americans to place self-imposed limits on their lobbying activities.

If the history U.S. foreign policy illustrates anything, it is that the presence of immigrant ethnic groups in the U.S. electorate tends to cut two ways. Their presence makes leaders more aware of certain foreign policy issues and creates some pressure for action on them. But at the same time, given the fact that most immigrants did seek to leave their homelands behind means that they retain some degree of alienation from if not revulsion for their native land as well. One obvious case in point is the effect that English dominance in the U.S. population had on the early days of the republic. By the first census in 1790, three-fifths of the white population was calculated to be of English descent. In addition, two-fifths of the remaining population had originated in the British Isles so that continental Europe accounted for only one in seven people residing in the United States. (Daniels,1990,66) By itself, the ethnic composition of the U.S. population was insufficient to eliminate the hostility to Britain generated by independence nor to create an automatic pro-British foreign policy in the post independence period.

In the end these two effects may cancel each other out, leaving policy makers reasonably free to formulate policy according to other criteria of national interest. Thus, during the first century of the republic’s existence, isolationism had a broad appeal for European immigrants who chose to renounce their heritage through immigration to the New World. The isolationist impulse was reinforced as immigration increased the ethnic diversity of the nation creating fears that domestic tranquillity might be fractured by any foreign involvement. Nevertheless, even in the face of this immigrant legacy and predilection, Truman was able to make a post war
commitment to Europe that can, in the context of the American tradition of foreign policy, be described as miraculous. Even though ethnic constituencies might be circumscribed in their capacity to set a concrete foreign policy agenda because of more compelling factors inherent in the national interest, political leaders can be expected to continue to pay lip service to the foreign policy aspirations of various immigrant groups-especially at election time. We should not be deceived into believing such appeals have any greater substance other than electioneering rhetoric. Nor should the U.S. fear that a changing pattern of immigration that portends greater ethnic diversity might Balkanize the nation in such a way as to undercut its ability to define its national interest or to pursue an authentically internationalist foreign policy.

Our review of the literature concerning the immigrant impact on American foreign policy has highlighted some inconsistencies in the scholarly work on the subject. Such inconsistencies reveal a need for more systematic research on the extent to which various ethnic and immigrant groups influence U.S. foreign policy. Since a growing share of the recent immigrants originates in Asia, it seems especially appropriate to try to assess their impact on American diplomacy. A good starting point for more systematic research would be to identify the level of political participation for each of the national groups of immigrants. Two categories of projects would enable this identification: voting behavior studies and surveys of attitudes. The key for conducting a study of voting patterns within the national groups of the Asian community lies with determining the rate at which each national groups tends to become naturalized citizens. From this basis scholars might then study the rate of voter registration and extent of voting by the national groups. Further, examination of local elections in states where Asian immigrants have settled, might yield interesting insights into the kind of issues that are most likely to politicize Asian-Americans as well as illustrate the extent to which the Asian community fields candidates for elective office.

The second component of research requires systematic effort to interview and survey Asian-Americans for their views on American foreign policy. Is there a difference in outlook by national group concerning general principles for U.S. diplomacy? Do particular national groups differ on the whole range of concrete issues between the United States and Asian countries? Respondents should be queried on their views of such important issues as the U.S.-Japan trade dispute, the normalization of relations with Vietnam and the appropriate response to North Korean nuclear activity. Besides comparing attitudes of various national groups, scholars should compare views of those immigrants that assimilate more quickly with those who are slower to do so. (Perhaps measuring assimilation by the use and
retention of native languages.) In addition, scholars could try to ascertain whether foreign policy views vary between people entering as immigrants and those entering the country as refugees or asylees. An interesting question to answer would be whether the latter group of entrants are indeed more hostile to their country of origin and whether this hostility is reflected in their view of the appropriate American policy towards their homeland. A study of opinions can build upon the categories described by Myron Weiner to see if they are applicable to Asian-Americans and whether any of the categories is more inclined to political activism.

In the past few years there has been much expansive rhetoric in public discussions of economic trends in East Asia. The phenomenal economic success of Japan is often portrayed as indicative of a shift in the entire global economy away from the Atlantic and towards the Pacific. If there is any truth to such assertions, a systematic study of Asian-Americans as an ethnic lobby—especially its potential to affect diplomacy—seems essential and timely.

APPENDIX A

The period of 1851 to 1950 saw the height of the European immigration to the U.S. while relatively few Asians entered the U.S. during that period. Asian immigration began to increase perceptibly in 1961 and continues to grow. According to the Immigration and Naturalization Service, Asian immigration more than doubled from 1960 to 1970 and more than doubled again in the next decade. In contrast, European immigration remained fairly constant from 1960 to 1970 and declined steadily over the next decade. See the bar chart in U.S. Department of Justice, 1986 Statistical Yearbook of the Immigration and Naturalization Service, xiv.
APPENDIX B

The nationality breakdown for Asian immigration shown in this table was compiled from: Annual Report of the Immigration and Naturalization Service (1966-1981) Washington, D.C. and The Statistical Yearbook of the Immigration and Naturalization Service (1981-1988) Washington, D.C. A couple of points concerning the data should be noted. First we confined the table to countries of East Asia and did not include totals listed in "other" category because the INS defines Asia so broadly that it includes countries like Turkey and Iran in the Asian group. Second, INS changed its reporting practice and combined figures for nationalist China and the People's Republic of China until 1982 when immigration from Taiwan was reported separately. Similarly, the INS has varied its reporting of other countries, sometimes changing them from "other" to listing totals separately. The dates in brackets in the third column reflect such changes in INS reporting practice.

<table>
<thead>
<tr>
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<tr>
<td>Burma</td>
<td>not available</td>
<td>14,663 [1973-1988]</td>
</tr>
<tr>
<td>China</td>
<td>43,445</td>
<td>479,712</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>5,965</td>
<td>112,132</td>
</tr>
<tr>
<td>Indonesia</td>
<td>18,425</td>
<td>23,813</td>
</tr>
<tr>
<td>Japan</td>
<td>48,931</td>
<td>91,288</td>
</tr>
<tr>
<td>Kampuchea</td>
<td>not available</td>
<td>99,789 [1977-1988]</td>
</tr>
<tr>
<td>Korea</td>
<td>16,361</td>
<td>560,298</td>
</tr>
<tr>
<td>Laos</td>
<td>not available</td>
<td>144,885 [1977-1988]</td>
</tr>
<tr>
<td>Malaysia</td>
<td>1,300</td>
<td>10,351 [1977-1988]</td>
</tr>
<tr>
<td>Philippines</td>
<td>1,872</td>
<td>799,287</td>
</tr>
<tr>
<td>Singapore</td>
<td>not available</td>
<td>4,709 [1977-1988]</td>
</tr>
<tr>
<td>Thailand</td>
<td>not available</td>
<td>92,794 [1968-1988]</td>
</tr>
<tr>
<td>Vietnam</td>
<td>not available</td>
<td>496,569</td>
</tr>
<tr>
<td>Taiwan</td>
<td>included in China</td>
<td>88,980 [1982-1988]</td>
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REFERENCES


In addition to clarifying points of unity within political groups, group theory must incorporate an analysis of ideological diversity within political groups and policy domains. Group theorists can begin to do so by attending to groups as dynamic players in a developing political process. Assumptions that differing groups will compete and thereby weaken public positioning must also be challenged. This article uses a case study of American pro-Israel politics to explore the expanded theory.

One of the few arenas in which the still relatively new Clinton administration has been considered successful is that of Middle East politics. Contributing to this success has been the administration's ability to incorporate ideological diversity in a new type of domestic representation politics. In order to account for such ideological diversity we, as political scientists, will need to expand group theory so that it will be attentive to the dynamic of unity and difference within political groups. To do so we must also come to understand large-scale interest group politics as a phase of the political process connected to an internal political sub-process of identity and interest development. Toward this end, this article will address the impact of the increasingly public ideological diversity within the American Jewish community on Clinton's Middle East policy.

**Issues of Unity and Difference in Group Theory**

Since the beginning of contemporary efforts to study political groups there have been scholars who have warned against a tendency to see groups as monolithic. A.F. Bentley was perhaps the first to do so (1908, 213-214). In 1951 David Truman wrote of three dangers in group studies: the implication of a "certain solidity or cohesion," of ascribing "a priori interests" to groups, and of emphasizing a particular point in time while neglecting "dynamic changing content" (63-64). Despite such warnings, group scholars have often fallen into the trap of assuming such a unity within groups.
Over emphasizing points of agreement, Truman himself wrote that it is the "shared attitudes" which actually "constitute the interest" (1951, 33-34). In much of the group scholarship of the 1960s and '70s this tendency not to include diversity within an understanding of unified groups continued (Dahl 1961; Salisbury 1969, 3-4; Olson 1971; Wilson, J.Q. 1973, 119-142). In the more recent studies, groups, communities, and even whole subsections of the population which form groups or which could potentially come to constitute a conscious political force are perceived as having natural and unified interests (for example: Uslaner 1986; Hertzke 1988, 137; Herring 1990). In addition, the academic literature has responded to the development of what are commonly called "single issue" groups by assuming that a single issue focus connotes a single ideological perspective—as if, in narrowing the issue of concern, groups have narrowed the diversity of opinion on fine points of content and strategy as well (for example: Smith 1985; Hershey 1986).

As group theorists we tend to miss the politics of interest development: how a group comes to identify, understand and articulate its needs and develops the strategies to have these needs heard and met within a broader political context. Furthermore, because diversity within groups (when the unit is still perceived as a group) receives little scholarly attention, group theory has not adequately attended to an analysis of the process through which differences within groups are addressed in the formation of group identity and the public statement of a group's policy preferences or interest. Traditional group theory offers only that the different sub-groups will compete (Dahl 1956; Schattschneider 1960, 65; Salisbury 1969, 3-4), thereby weakening the public bargaining position of the group as a whole. Thus, early on in the development of group theory, Truman (1951) wrote that groups must affect at least the appearance of unity. We can still find this equation of weakness with internal group diversity assumed in more recent studies as well (Rapoport, et al. 1991; Pinderhughes 1992).

The Pro-Israel Lobby

The pro-Israel lobby in the United States is one of the clearest examples of a political group receiving such treatment. Due to a tendency to see groups as monolithic, the labels "the Jewish lobby" and the "pro-Israel lobby" are often confused. The common conflation of these terms suggests an identification of Jewish politics (broadly defined) with being pro-Israel (specifically). This is the first stage in the reduction of a multi-issue, multi-ideological political force (here, the political activity of the American Jewish community) to a single ideological interest (that of a pro-
The second stage in the reduction concerns the tendency to see the pro-Israel lobby as representing a particular position, or a set of specific policy preferences, rather than as the forum in and through which the whole group (in this case the American Jewish community) participates in the process of identifying, evaluating and—only then—presenting its perspective and stating its needs publicly within the broader context of American politics. From the empirical reality of a highly political community active in multiple issue domains, we are left with a singularly understood pro-Israel lobby. The concept of even a pro-Israel "politics" is basically unknown because a pro-Israel position is understood monolithically, leaving nothing dynamic to have a "politics" of.

This assumption of the singularity of the pro-Israel lobby pervades both academic and popular perceptions of Jewish politics in the United States. The academic literature often refers to the Jewish or pro-Israel lobby in such reductionist terms (Wilson, G. K. 1981, 142; Greenwald 1977, 106-109; Uslaner 1986; Hertzke 1988, 39-40; Organski 1990). Moreover, although political candidates and governments in this country have long been said to be quite sensitive to what are called "Jewish interests," such interests are consistently assumed to be primarily pro-Israel. This pro-Israel interest is then narrowly understood as supportive of Israeli government policies and has been seen in an either/or dichotomized opposition to Arab (generally) and Palestinian (particularly) perspectives.

Given this narrow understanding of Jewish interests, the American Jewish community has long been heralded for marshalling its resources so effectively that it is often seen as among the most powerful interest groups in the United States; the particular representative organization usually identified with this political power is the lobby group AIPAC (Uslaner 1986, 246). As an American interest group, AIPAC's aim has been to foster "the special relationship between the United States and Israel." AIPAC has understood its ideological mandate—as an American pro-Israel interest group—to reflect the concerns of the Israeli government, regardless of the ideology of the party in power. Despite the presence of many individual doves working in the offices of AIPAC (even in the most high ranking positions), AIPAC policy had long been hawkish, as the Israeli government was led by the ideologically hawkish Likud Party since 1977. It is the tendency to see groups monolithically that has led to an over-focusing on a single organization, AIPAC, to represent—in both popular
imagination and academic scholarship—the rather diverse political reality of the American Jewish community as a whole.

**Difference, Competition and Weakness**

Despite the fact that ideological diversity on this issue has always existed with the American Jewish community, traditional group theory usually ignored the reality of such diversity within this interest sector. When difference was acknowledged, scholars tended to interpret such as a sign of weakness. Presuming that differing subgroups will necessarily compete (Olson 1971, 8), group theory assumes that the force of a policy stand will be diluted when cracks are shown in a united front presented in a larger competitive political system. Because the suppression of difference characterizes the primary theoretical paradigm for interest politics in the U.S., actual groups feel tremendously pressured in practical politics to present this unified front and to stifle the existing diversity within their organizations and the larger communities which they claim to represent.

Though American Jewish politics has often seemingly acquiesced to such demands in the past, there has been a fundamental shift recently in the pro-Israel politics of the American Jewish community. Succumbing less to the pressure to present a monolithic front, the American Jewish community is increasingly open to more serious discussion of the issues, bringing out the diversity of opinion that has been submerged under the more public surface. In national-level political discussions, the larger and more varied world of American Jewish communal politics as a whole was traditionally reduced to interest negotiations between American politicians and AIPAC officials. However, attention to internal sub-communal politics illuminates both the existence and importance of other American Jewish pro-Israel groups active on the national political level. This work will attend to the most active and well received group presenting an alternative ideological perspective to the AIPAC camp: Americans for Peace Now (APN).

APN formed in the early 1980s and has been gaining exposure and prestige over the last decade or so of intense Jewish communal pro-Israel politics. Groups such as APN have both benefitted from the communal effort to challenge the assumption that diversity connotes weakness as well as being promoters of such a challenge themselves. As a result APN is now participating at the top levels of communal pro-Israel politics. APN also recently gained acceptance to the Conference of Presidents of Major Jewish Organizations. In the context of this paper, the development of APN as a political force is significant because, in contrast to AIPAC, it is identified with the Israeli doves and supports a more critical role for the American
Marla Brettschneider

Jewish community and the U. S. government in shaping the Middle East peace process.

Thus, the ideologies and political strategies of these two organizations, AIPAC and APN, diverge enormously. Although both groups are domestic American Jewish pro-Israel groups, their differences reflect the ideological diversity within their single community of origin. With the rise of groups such as APN as serious political players in the domestic interest group scene, group theory, to be at all relevant to actual group politics must be able to account for such ideological diversity. Group theory must be able to understand groups’ interests in their multiplicity, if even embodying seemingly contradictory aspects. Such theory will also have to assess critically the possible contributions—as well as detractions—extant diversity may make to group strength. For example, the following discussion will demonstrate that it will still be proper to study the "pro-Israel lobby", but when doing so scholars will be challenged to take into account the reality and effect of ideologically diverse organizations comprising such an interest lobby.

The Clinton Administration and the New Face of Pro-Israel Politics

With respect to domestic interest politics, it is true that the Clinton administration retains, as did prior Republican administrations, a public relations stance of close ties to the American Jewish community. There are a number of prominent American Jews in the new administration and the public statement of its "special relationship" to Israel, connoting its pro-Israel stance in AIPAC-language, remains the official position of the government. However, there is a fundamental difference between this administration and previous ones. A U.S. pro-Jewish and pro-Israel stance remains, but what this means is fundamentally altered in the Clinton administration.

The Clinton administration has taken note of the shift in internal group politics and begun to work with it. The pro-Israel representatives in the Clinton administration now reflect more of the Jewish community’s diversity. A number of prominent American Jews with positions in the current administration and the Democratic Party have ties to APN. This means that, although these people are still pro-Israel, their perspectives reflect a different ideological approach from that which AIPAC consisently has put forward.

We find, then, that within the current administration, the differing ideological perspectives of a single community are represented. We must now look at the relationship between these differing sub-groups and ask:
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must they compete and does their mutual existence weaken the pro Israel lobby? In attempting to answer these questions brief attention to the development of the 1992 Democratic Party Platform's Middle East plank will prove illuminating. In contrast to the assumptions made in group theory, the following discussion will demonstrate that differing sub-groups do not necessarily have to compete for dominance and that the political struggle between them need not weaken their power position in pressure politics. In fact, the following is an example of cautious cooperation through which the American Jewish community as a whole became better represented in national politics.

The Politics of the Middle East Plank of the 1992 Democratic Party Platform

In an unprecedented step, AIPAC and APN, groups with seriously divergent ideological perspectives, worked together on drafting language to present to the Platform Committee of the Democratic Party on behalf of the Jewish community in the United States. This was the first time that a group solidly identified with the peace camp was a part of the Platform negotiations and was actually an equal partner with AIPAC in proposing the Platform language. Following many years of activity on the part of APN and ideologically similar groups within the American Jewish community, as well as responding to new realities of shifting global politics, leaders of APN and AIPAC met in advance to negotiate the language that each felt could sufficiently represent their differing pro-Israel aspirations. This language eventually was proposed to the Democratic Party.

At first glance the Middle East plank of the 1992 Platform may not sound too different from previous platforms in which only AIPAC was consulted. For example, the 1992 Democratic Party Platform supports the Middle East peace process based on the Camp David accords, reiterates all the traditional AIPAC language of the "special relationship between the United States and Israel," and affirms Jerusalem as the capital of the state of Israel and as an undivided city. However, the development of such language was far from an example of the process of politics as usual. Despite the inclusion of much longstanding AIPAC code language, a closer analysis will demonstrate the significance of APN's participation in the Platform negotiation process. APN's presence specifically affected three issue areas of relevance to the American Jewish community and on which the Democratic Party came to make its views known: the fate of Jerusalem, the nature of the U.S. commitment to the current Middle East peace process, and the U.S. loan guarantees to Israel.
Jerusalem:

A major aspect of the Middle East plank that reflects the struggle for a more balanced representation between the two ideological perspectives held within the pro-Israel lobby concerns the fate of Jerusalem. One of AIPAC’s primary goals for this Platform was to get "Jerusalem back in", after its absence from the 1988 Democratic Platform. The dovish pro-Israel position on the fate of Jerusalem, represented here by APN, differs from the hawkish view, represented until recently by AIPAC. Given this situation, APN’s presence was essential to the outcome. The final 1992 Platform statement merely reiterated U.S. government policy on the issue since 1967 and APN was able to keep out a statement about moving the U.S. Embassy from Tel Aviv to Jerusalem. It is important to note that moving the U.S. Embassy has been the concrete political commitment that AIPAC demands in its discussions of the fate of Jerusalem. As Clinton and Gore personally favored moving the Embassy, keeping the issue out of the Platform so that it could be introduced later "when it would not detract from the peace process" was the result of AIPAC’s coming to terms with another pro-Israel vision from within the American Jewish community.

The Peace Process:

APN’s primary goal for this Platform was to secure a commitment to the peace process. This was not the original intent of AIPAC. In fact, when AIPAC took on former President George Bush over the issue of American loan guarantees to Israel and lost, the American Jewish community found itself at a crossroads. The anti-Semitic tone of the loan guarantee battle set many Jews on edge and AIPAC was able to use the fear generated to paint a picture of the President as the ultimate enemy of the Jewish people. Despite the fact that polls show a majority of American Jews favoring a curb on settlements and an active role for the American government toward that end, there were forces in AIPAC hoping instead to use the loan guarantee fiasco to push the agenda further to the right. Right wing Jewish players inside the Democratic Party were hoping to influence the Clinton campaign to demonstrate his difference from President Bush by staking out a position less committed to the current peace process.

In this political environment, the fact that the opening line of the Middle East section reads, "support for the peace process now underway in the Middle East, rooted in the tradition of the Camp David accords...with no imposed solutions" is significant. The Democratic Party chose to adopt this position of commitment to the peace process because of the presence of APN in the Platform negotiations. APN was able to hold back right-wing
pressure from within the American Jewish community intent on undoing the steps already achieved in the peace process. Moreover, it was able not only to elicit a firm commitment to continuing the talks, but to continuing them in the spirit envisioned by those differing voices now being heard in the community which have asserted that the ends of the talks can only be determined by the parties themselves through political negotiations.

U.S. Loan Guarantees to Israel:

Another example of the impact of interest groups working with diversity, in this case AIPAC's including a group such as APN in its political work, concerns the Platform's statement on the issue of U.S. loan guarantees to Israel. The Shamir government in Israel had requested $10 billion in guarantees for loans to help aid the resettlement of Soviet immigrants. AIPAC lobbied in favor of the guarantees and supported the Likud position opposing the linkage of the guarantees to its future policies in the West Bank and the Gaza Strip. APN, which disagreed with AIPAC's position on this issue, was able to keep the issue of the loan guarantees out of the Platform altogether. The absence of a clear position statement here is significant because the Democrats were indicating that they could attempt to position themselves against the Republicans by denying any association between the loan guarantees and the settlements, effectively upholding the Likud/AIPAC position.

Diversity for a Strategy of Strength:

The language officially proposed to the Democratic Party by the organizational representatives in the American Jewish community reflected an internal struggle to acknowledge and work with multiple, ideologically diverse sub-groups comprising a larger community-based pressure group. In contrast to previous attempts to silence difference (usually equated with weakness), affirming and incorporating diversity was, in this case, chosen as a strategy of strength. AIPAC's position in support of the Israeli Likud policy always contradicted American Jewish popular opinion. Public opinion polls show that the American Jewish community overwhelmingly supports the Israeli Labor Party and the ideology it represents (Cohen 1983, 1984, 1989, 1990). Particularly since the late 1970s, AIPAC's achievements had to be carefully constructed in negation of this fact. Thus, despite the perceived success of AIPAC as a lobby group, American Jewish pro-Israel interests were not being represented. The inclusion of APN, an ideologically different group, in 1992 changed this pattern.

On May 18, 1992, Linda Kamm, a Washington, D.C. attorney who served as General Counsel to the Department of Transportation in the
Carter Administration, testified before the Democratic National Platform Committee in her capacity as a member of the Board of Directors of APN and as the co-chair of the Center for Israeli Peace and Security, APN's office in Washington, D.C. To bolster support for the joint APN-AIPAC proposal, Kamm spoke of the recent surveys of American Jewry which "found that a majority of American Jewish leaders favor active U.S. involvement in the peace process and territorial compromise between Israel and its Arab neighbors," and an overwhelming majority of eighty-eight percent of grassroots American Jews agreed that "Israel should offer the Arabs territorial compromise in the West Bank and Gaza Strip in return for credible guarantees of peace." Here, in coalition, these views were made public, thereby exposing a diversity in opinion as to what constitutes a pro-Israel position. Far from being a disorganized portrayal of weakness, this strategy of exposing and working with diversity served to represent the pro-Israel position of the American Jewish community better than at any time previously.

**Toward an Expanded Theory of Political Groups:**

Traditional group theory has helped us to see the role of groups in the political arena, name their interests and note their essential importance to the political process. Identifying points of ideological convergence has enabled group theorists to analyze the interplay of interests in politics. In the process, however, we have often lost sight of other important aspects of the reality of political groups. Group theory must now be expanded in order to incorporate these other aspects into a more comprehensive theory. Although it is beyond the scope of this article to present a completely new theory, the above discussion has suggested certain important ideas for consideration in the development of a new framework for theories of political groups.

Group theory must of course acknowledge and clarify the points of unity within political groups, but it must also be attentive to diversity. One way to ensure such attention is to incorporate an understanding of groups not as static but as dynamic players in a developing political process. In addition, a new framework for theories of political groups that acknowledges difference within groups (understood dynamically) will also need to examine, more critically, whether such difference results in adversarial relations among camps thereby weakening the group's public position in the political arena.

With reference to the American Jewish community we can now be more specific. Scholars must be careful not to conflate the terms Jewish and
The above discussion shows a community struggling with its longstanding differences so that it can present coherent demands in the public arena while respecting the variety existing within its ranks.

The above discussion of the pro-Israel politics involved in the development of the 1992 Democratic Party Platform does not suggest that the full spectrum of American Jewish opinion with respect to Israel was represented or that all American Jewish political groups active on this issue were satisfied with the compromises reached between APN and AIPAC. The diversity reflected in the 1992 Platform suggests instead that such diversity within an interest sector exists, that the differing sub-groups may in fact cooperate (rather than compete) and this actually strengthened (rather than weakened) this interest sector in American representation politics. Finally, the above discussion is meant to suggest that group theory will have to incorporate the issue and the implications of ideological difference if it hopes to make sense of the activity in this particular issue area that we are likely to continue to see on the part of the Clinton administration.
Endnotes

1. Others have criticized group studies for being ahiistorical (for example: Balbus 1971, 155-156; Hinckley 1978).

2. Despite the importance of Israel to the American Jewish community, issues concerning that country are only part of a broader agenda of organized Jewish political groups in the United States. Domestic Jewish groups are highly active, for example, on church-state and first amendment topics, abortion, race relations, affirmative action, refugee and immigration issues as well global war and peace concerns. Communal organizations active on these political issues include the American Jewish Congress, American Jewish Committee, Hebrew Immigrant Aid Society, Anti-Defamation League, National Community Relations Council, Jews for Racial and Economic Justice and the National Council of Jewish Women.

3. In addition to AIPAC (the American-Israel Affairs Committee), there are also the Conference of Presidents of Major Jewish Organizations and approximately seventy-five "pro-Israel" political action committees. These groups have generally had the same ideological understanding of what constitutes a pro-Israel stance as did AIPAC.

4. There have always been divergent ideological strands with respect to Israeli politics within the American Jewish community. Such differences: 1) reflected the array of political parties active in Israel, or 2) were stimulated within the context of American pro-Israel, rather than Zionist, sentiment. For example, during most of this century the Israeli Labor (Ma'arach) and Socialist (MAPAM) parties have had arms active within the American Jewish community; the right wing Likud party began organizing later in the 1970s. Breira, a dovish American-based pro-Israel group, was active in the 1970s. During its brief life-span Breira managed to testify before Congress and be covered in the national press (New York Times 5/11/76 and 12/30/76; New York Post 4/28/76).

5. With reference specifically to the Jewish lobby, see for example, Zeigler and Peak (1972, 271-274). An exception to this may be found in the treatment of diversity within the Jewish lobby found in The Washington Lobby (1987, 80-84).
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6. In 1977 the annual report of the Conference of Presidents of Major Jewish Organizations stated that public dissent gives "aid and comfort to the enemy" and weakens Jewish unity. Cohen's 1989 survey of American Jewish leaders showed the continued prevalence of the idea that "criticism [of Israel] detracts from the image of world Jewish unity that, they claim, is so important for influencing the American government" (33).

7. See for example Findley's story (1985).

8. Examples of other ideologically similar American Jewish groups active in Washington, DC on this issue include Project Nishma, the Religious Action Center of the Reform Movement and the Jewish Peace Lobby (recently most active in the State Department).

9. Previous administrations have been identified as directly pressuring American Jewish political organizations to speak "with one voice" (Tivnan 1987, 40).

10. Some prominent examples are Samuel Berger, Deputy Assistant to the President for National Security Affairs; Eli Segal, Assistant to the President and Director of the Office of National Service; Sarah Ehrman, Senior Policy Advisor on the Democratic National Committee; Peter Edelman, Policy Counselor in the Department of Health and Human Services.

11. These groups were also active on the Republican Party Platform, though a discussion of this activity is beyond the scope of the present article.

12. Information for this section was compiled from confidential interviews with senior AIPAC, APN, and Democratic Party officials throughout the summer and fall of 1992. Earlier thoughts on the subject were offered by the author in Israel Horizons, V40 N4 1993.

13. From Kamm's testimony before the Democratic National Platform Committee, Cleveland, OH, May 18, 1992. The data she cites are from polls sponsored by the Wilstein Institute of Jewish Policy Studies at the University of Judaism in Los Angeles and funded by Project Nishma (1991), and from the 1990 Jewish Public Opinion Survey sponsored by three institutes of Brandeis University.
References


Reforming Public Tort Law

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The gradual movement away from traditional common law doctrines of sovereign and official immunity over the past 40 years has generally been hailed as a victory for individual rights. The author argues that these gains must be weighed against such dangers as inappropriate judicial intrusion in administrative matters and a decline in the capacity to govern.

Public tort law has been profoundly changed since the 1950's, when sovereign immunity and official immunity posed substantial barriers to citizens seeking remedies for torts committed by public officials. Amendments to the Administrative Procedure Act enacted in 1976 waived the federal government's sovereign immunity defense for suits seeking declaratory or injunctive relief against government action, although attempts to abolish the sovereign immunity defense for suits seeking monetary damages have not yet been successful. Even more dramatic than these changes in the law regarding sovereign immunity have been the changes in the law regarding official immunity. A new category of torts - constitutional torts - was recognized by the courts in Monroe v. Pape (1961), which gave new life to the 1871 Civil Rights Act by an expansive interpretation of its provisions. Henceforth citizens found it far easier to sue state and local officials who violated their constitutional rights in what have come to be known as Section 1983 actions. In Bivens v. Six Unknown Named Federal Drug Enforcement Agents (1971) similar suits against federal officials became possible. Changes expanding the grounds for suing public officials have been accompanied by changes limiting the immunity from suit for public officials. The rule that administrators are absolutely immune from suit has been replaced by the rule that they have only a qualified immunity from suit. In conjunction these changes have opened the floodgates for suits against public officials.

While precise figures on Section 1983 actions are not available because these actions are combined with other civil rights actions in federal judicial work load statistics, court observers have ascertained that Section 1983 has now become the second most heavily litigated section of the
Using civil rights litigation as a statistical proxy for Section 1983 actions, Peter Schuck calculated that civil rights filings increased an astronomical 9,578 percent between 1960 and 1980, a growth which is primarily attributable to Section 1983 actions (Schuck, 1983, p.199). The increases in Bivens actions since 1971 have also been dramatic. Between 7,500 and 10,000 Bivens suits were brought against government employees from 1971 to 1981, and the number is steadily increasing. By 1984 approximately one out of every 300 federal officials were named in a pending Bivens action (Schuck, 1983, p. 43).

The consequences of these changes in public tort law have not been adequately studied empirically, but organizational theory would suggest there is ample cause for concern. The most serious danger in the proliferation of suits against public officials is that these officials will draw back from enforcing the law vigorously when threatened with suit (Schuck, 1983, pp. 68-77). Since these suits could be harassment suits rather than suits raising legitimate constitutional claims, energetic administration could be seriously compromised even in cases where genuine rights were not imperiled by government action or where genuine rights would be imperiled by the failure of government to act vigorously. When public tort law allows extensive official liability in conjunction with sovereign immunity, it creates a system with powerful incentives for bureaucrats to engage in self-protective behavior, a form of behavior which undoubtedly hampers the achievement of the public goals of government agencies. In the rush to improve the protection of citizens from wrongful actions by public officials, judges have often failed to pay heed to the consequences their decisions have had on governmental effectiveness. Contemporary public tort law comes perilously close to denying the common law maxim that it is not a tort to govern.

Ironically, it is also questionable whether contemporary public tort law provides significantly expanded protection for individual rights. A recent analysis of Bivens cases handled by the Civil Division’s Torts Branch of the Justice Department revealed that only 28 cases had resulted in guilty verdicts at the district court level and that only 5 cases had actually resulted in payment (Wise, 1985, pp. 849-851). An analysis of Section 1983 cases concerning state and local officials has produced similar findings (Project, 1979). When juries are confronted with a suit against a public official who claims to have done no more than sincerely attempt to do his job, juries will generally favor the public official unless egregious behavior belies his claim. This tendency is probably stronger if the plaintiff in the case is
poor, a minority, or a convicted criminal, a common situation in public tort law.

The fact that public officials are extremely unlikely to lose cases in which it is alleged that they committed a public tort has undoubtedly mitigated the impact of the rapid increase in suits against public officials, but it does not imply that there have been no significant costs associated with these cases. Even when public officials win their cases, generally they still have to devote considerable time and effort which could be spent more productively furthering agency goals. Even unsuccessful suits may impose intangible costs to reputation and career potential. Just going before a court can be intimidating. All of these factors suggest that even the threat of a suit may suffice to chill the ardor of those responsible for enforcing laws. Indeed, we may well have achieved the worst of all possible worlds in tort law - a system which deters vigorous and appropriate law enforcement and yet which provides inadequate protection to the genuine victims of torts committed by public officials.

The status quo in public tort law is not viable. Even the Supreme Court has recently had second doubts about its own handiwork. It has called a halt to further extensions of the new public tort law and even even modified it to provide better protection for public officials. The absolute immunity of the President from suit has been acknowledged (Nixon v. Fitzgerald, 1982).

The test for determining whether or not public officials can claim a qualified immunity from suit has been altered with the hope that a new test would allow judges to dismiss harassment suits before summary judgment (Harlow v. Fitzgerald, 1982). While these steps are important, far more extensive and systematic reforms are needed to restore a healthy balance in public tort law between a concern for the rights of citizens and a concern for preserving the capacity of government to act effectively. Virtually conceding its own failure in this area, the Supreme Court has acknowledged that Congress is in a better position than the courts to undertake the job of review and reform and they have encouraged Congress to take the lead in this task (Bush v. Lucas, 1983; Wise, 1985B, p. 746.).

If fundamental reform is inescapable, what are the options which Congress should consider? The most frequently endorsed alternative is to abolish sovereign immunity altogether and to substitute the government for specific public officials as the defendant in public tort suits. Another variation of this alternative would be to preserve sovereign immunity and keep the current system of official liability, but provide for the indemnification of public officials for losses associated with public tort
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suits. Indemnification is a variation of the abolition of sovereign immunity alternative because it transforms official liability into a legal fiction masking the reality of sovereign liability. A second alternative would be to turn the clock back and to restore the comprehensive official immunity which existed during the 1950s before the public tort revolution of the 1960s began. While this alternative is rarely, if ever, defended today, it had cogent defenders during earlier eras and is worth brief reexamination in light of current developments. A third alternative would focus on institutional changes as a precondition for appropriate changes in legal doctrine. From this perspective the precondition for the development of a viable public tort law is a system of administrative courts which can be more sensitive than ordinary courts to the necessities which constrain administrators as they simultaneously attempt to secure public goals and to respect the rights of citizens. I shall now turn to a systematic examination of each alternative. I shall argue that it is this final alternative which holds the greatest promise for balanced reform, but before I develop the case for this it is important to consider the first two alternatives.

Abolishing Sovereign Immunity

Replacing the principle of sovereign immunity with the principle of sovereign liability would initially appear to provide an appropriate solution to the contemporary crises of public tort law. On the one hand, sovereign liability would provide a more comprehensive remedy for victims of public torts and would therefore better vindicate their rights. Since governments have deeper pockets than individual or public officials, allowing individuals to sue the government would virtually guarantee that suits judged meritorious would result in full compensation, whereas under the current system the limited resources of public officials may artificially limit settlements. On the other hand, relieving public officials of the fear of tort suits would seem to eliminate the incentives of the current law which inhibit vigorous law enforcement by public officials. Any reform which promises to protect rights and enhance governmental effectiveness deserves serious consideration.

Relying on sovereign liability rather than official liability has one notable problem associated with it. While relieving public officials of the fear of suit would remove incentives which inhibit vigorous law enforcement, it would also remove incentives which curb abusive and arbitrary actions by public officials. Sovereign liability collectivizes responsibility for public law torts and therefore introduces a moral hazard.
problem. To compensate for this, proponents of sovereign liability would generally couple this legal reform with the introduction of a new disciplinary system for public employees. Allowing government to seek indemnification from a public official for damages it has been forced to pay as a result of malicious or irresponsible behavior by that official would provide the additional incentives needed to deter official wrongdoing.

However, an historical survey of American public tort law would suggest that the abolition of sovereign immunity would not in fact reconcile the tensions between securing effective governance and protecting individual rights even if coupled with an indemnification program to deal with the problem of moral hazard. Historical analysis is relevant to a consideration of how our system would operate without sovereign immunity despite the fact that sovereign immunity won early acceptance as a principle of American law and was not formally repudiated in our subsequent legal history. This formal triumph of sovereign immunity notwithstanding, there was one period prior to the modern era when sovereign immunity was de facto routinely circumvented by an expansive use of official liability. This occurred during the late 19th century as laissez-faire jurisprudence came to dominate the court. A closer examination of this period suggests that the foremost problem with abolishing sovereign immunity is not the problem of moral hazard and the danger this poses for individual rights, but rather the danger to governmental effectiveness posed by heightened judicial scrutiny of administrative action.

The role that the doctrine of sovereign immunity played in limiting inappropriate judicial incursions into administrative affairs was well-recognized on the eve of the laissez-faire era. In *Louisiana ex rel. Elliot v. Jumel* (1883), Chief Justice Waite upheld a Louisiana Debt Ordinance passed in 1879 which abrogated contractual obligations assumed by Louisiana in an 1874 Funding Act. Louisiana's creditors, whose investments were jeopardized by the Debt ordinance, had tried to evade the constraints of the Eleventh Amendment, which guaranteed the sovereign immunity of the states, by suing the individual state officers who controlled the disbursement of state funds. Speaking for the majority, Waite denied both the mandamus and the injunction which the creditors sought to compel the state to abide by its 1874 Funding Act even though he conceded that the state could not constitutionally renege on its contractual obligations. Despite the justice of the creditors claims, Waite insisted that judicial redress was unavailable because:
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The remedy sought, in order to be complete, would require the court to assume all the executive authority of the State, so far as it related to the enforcement of this law, and to supervise the conduct of all persons charged with any official duty in respect to the levy, collection and disbursement of the tax in question until the bonds, principal and interest were paid in full, and that, too, in a proceeding to which the State, as a State, was not and could not be made a party. It needs no argument to show that the political power cannot thus be ousted of its jurisdiction and the judiciary set in its place (Jacobs, 1972, p. 121).

Nevertheless, some judges during this period chafed at the restraints imposed by the sovereign immunity doctrine. Justice Field, one of the patriarchs of activist laissez-faire jurisprudence, wrote a dissenting opinion in Louisiana v. Jumel which argued that the sanctity of contractual obligations superseded sovereign immunity concerns in this case, and his demotion of sovereign immunity foreshadowed the fate of that doctrine during the laissez-faire era. It was the expansion in scope of the due process and equal protection clauses of the Fourteenth Amendment, however, and not the contract clause, that eventually provided the constitutional justification for encroachments of sovereign immunity.

Reagan v. Farmers Loan and Trust (1894) indicated the emerging doctrine of the laissez-faire court. Farmers Loan and Trust Company was the trustee for a Texas railway company which objected to the freight and passenger rates established by the new Texas Railroad commission. Filing suit against the railroad commissioners and the Texas Attorney General, the company asserted that the "unreasonable" rates established by the commission confiscated property without due process of law. Writing for a unanimous court, Justice Brewer dismissed an attempt by Texas to invoke sovereign immunity to preclude the court's jurisdiction. Brewer insisted that there was a distinction between the pecuniary interests of the state, which were protected by sovereign immunity, and its governmental interests, which were not. Since an adverse judicial opinion in this case would not directly compel state expenditures (the state was primarily acting to protect private parties from exorbitant railroad rates), the Eleventh amendment's jurisdictional restraints did not apply.

The culmination of the laissez-faire activist attack on sovereign immunity was Ex Parte Young (1908). In this case a strict Minnesota law regulating railroad rates was struck down on Fourteenth amendment
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grounds. In addressing the jurisdictional questions which were raised by the case, the court dismissed the argument of Minnesota's Attorney General Edward Young that he had acted exclusively as an agent of the state and that the Eleventh Amendment barred the stockholders of the Northern Pacific Railway Company, who had initiated the case, from seeking an injunction against him. In effect, the court permitted plaintiffs to successfully circumvent sovereign immunity constraints on judicial jurisdiction by naming a specific officer rather than a state government as a defendant even though in reality the suit was against a state. Ex Parte Young was significant not only because it solidified the line of reasoning emerging from Reagan and sealed the door on potentially competing precedents which would have given greater weight to the sovereign immunity claims of the states, but because it legitimated new judicial procedures to protect constitutional rights. Henceforth a single federal judge could issue restraining orders of indefinite duration to state officials without notice or an adversarial hearing in which the state could contest the injunction (Jacobs, 1972, p. 147). Solicitous of property rights, many laissez-faire judges used these new powers extensively, virtually ignoring the competing claims of effective state governance.

Contemporary critics of sovereign immunity diverge in their explicit responses to this historical legacy of earlier attempts to circumvent sovereign immunity. Kenneth Culp Davis, the most prominent critic of sovereign immunity among post-New Deal administrative law scholars, denies that there is a strong and necessary relationship between an expansive judicial role and the abolition of sovereign immunity. Peter Schuck, the most prominent critic of sovereign immunity among 1960s and 1970s administrative law scholars, acknowledges that the abolition of sovereign immunity would entail a more expansive role for the judiciary in supervising the behavior of the administrative branch, but he argues that this more expansive role is necessary to curb official wrongdoing. A brief examination of each position will clarify some of the implications for our legal system of abandoning sovereign immunity.

Paradoxically, Kenneth Culp Davis cites Ex Parte Young approvingly and condemns sovereign immunity even though he is unsympathetic to laissez-faire jurisprudence. The paradox can be resolved by considering the essential elements of Davis's case against sovereign immunity. Davis's most fundamental objection to sovereign immunity is that it leads to "gross inefficiency in the allocation of functions between officers and agencies" (Davis, 1969, p. 383). Sovereign immunity asserts a radical distinction between the government and every private actor.
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divine doctrine an individual wronged by a private actor may be entitled to judicial redress whereas an individual wronged in precisely the same manner by a government actor may find judicial redress foreclosed. Davis believes this distinction is artificial and it inhibits an optimal use of judicial review because courts are prevented "from resolving controversies they are especially qualified to resolve" (Davis, 1969, p. 383). It is the type of case rather than the fact that government is a party to the case that should determine whether or not administrative, political, or judicial review is an appropriate form of redress. The asymmetry in cases introduced by the doctrine of sovereign immunity has not only distorted the appropriate relationships among the branches but has thereby produced procedural and substantive injustices.

This argument against sovereign immunity is subject to a crucial qualification. Repudiating the doctrine of sovereign immunity would significantly expand the role of the court in mediating disputes between government and its citizens. The courts, for instance, would have to determine when administrators abused their discretionary authority, and that would entail a more active supervision of the bureaucracy by the judiciary. Although undaunted by that prospect, Kenneth Culp Davis does note a potential danger:

Liability for highly discretionary action is often appropriate, so long as it can be imposed without undue judicial assumption of functions that can be better performed by administrators or executives (Davis, 1972, p. 477).

Davis concedes that expanding the court's jurisdiction in this manner would be undesirable if the court used its newfound powers to usurp executive powers. If that were to occur, the allocation of tasks among the branches might prove even more inefficient than it was under the doctrine of sovereign immunity.

On the eve of the 1970s Davis could still be confident that the judiciary would not repeat the excesses of the laissez-faire era. He was optimistic that judicial restraint would prevail even without the doctrine of sovereign immunity because he believed that other judicial doctrines, such as the doctrine that courts only extend their scope of review to issues appropriate for judicial determination, could provide the needed restraint. These alternative sources of judicial restraint were preferable to the doctrine of sovereign immunity because they were more discriminating instruments.
of restraint and were less likely to prevent the judiciary from resolving those cases which Davis believed it was well-suited to resolve.

This is made clear in Davis's rejection of the conclusions of the Supreme Court in Larson v. Domestic & Foreign Corporation (1949), a case in which the court conceded the sovereign immunity of the federal government, justifying its decision as necessary to prevent judicial interference in executive departments which would harm effective government.

The Court in 1840 [Decatur v. Pauling, a precedent cited in Larson] assumed that it had to choose between performing executive tasks and refusing review; its choice was a good one. But later the Court learned that the assumption was mistaken; during the early part of the twentieth century, the Court invented a limited scope of review, so that the choice was no longer between judicial performance of executive tasks and refusal of review. By the time Larson opinion was written in 1949, the usual practice was for courts to review the ordinary tasks of executive departments but to limit the review to such questions as constitutionality, statutory authority, proper procedure, abuse of discretion, and findings supported by substantial evidence (Davis 1972, p. 498).

Davis's confidence that "courts are quite successful in staying out of areas into which they should not intrude," however, became seriously questionable in light of the judicial activism of the 1960s and 1970s and specifically in light of the failure of the court to strike a reasonable balance between powers of government and individual rights in whittling away the immunities of public officials from suits (Davis, 1969, p. 395).

If Kenneth Culp Davis's argument against sovereign immunity rests upon premises which are no longer tenable with the resurgence of judicial activism in the 1960s and 1970s, this is not the case with Peter Schuck's Suing Government, the most comprehensive contemporary treatment of public tort law. Like Davis, Schuck concludes that sovereign immunity is an achronistic legal concept - an unjustifiable impediment to the development of the Rule of Law and the protection of individual rights - and he favors the development of a system based on sovereign liability. Unlike Davis, however, Schuck acknowledges that the abolition of sovereign immunity will entail a significant expansion in the role of the judiciary. He
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explicitly acknowledges the judicial activist implications of his commitment to developing a comprehensive public tort law:

Constitutional law, like administrative law, allocates decision making power among the organs of government. Public tort remedy, reflecting this parentage, likewise constrain legislatures and bureaucracies, transferring political power and policy initiative from those branches to courts (especially federal judges) and to private litigants (Schuck, 1983, pp. 52-53).

Indeed, Schuck’s argument legitimates quite extensive transfers of power to the courts, for in some cases he even defends the judicial use of structural injunctions - a highly intrusive form of judicial intervention in which courts virtually take over some aspects of policy-making and policy implementation within an agency to curb what the court determines to be wayward bureaucratic behavior.4

Schuck does not object to the activism which has created the new public tort law in the 1960s and 1970s, but he does object to the means, official liability, which the activists chose to realize their project. He considers official liability to be a poor substitute for government liability for a variety of reasons. In a legal system which emphasizes official liability, many government officers are sued for actions they cannot legitimately be held responsible for because torts are often a product of general bureaucratic patterns rather than the actions of any identifiable official. Officials who have merely followed orders may be sued because their superiors are immune from suit. Officials who are unjustly sued may suffer financial loss and psychological strain even if they are exonerated in the courts. Vigorous enforcement of our laws is jeopardized if officials seek to avoid these costs by acting with excessive caution when their actions may result in tort suits. At the same time, official liability does not provide adequate protection for individual rights because even a successful action in tort will fail to provide adequate restitution if the financial assets of the official at fault do not cover tort damages. Bringing public tort law more into line with private tort law by generally replacing official liability with sovereign liability would provide greater protection for both government officials and private individuals. It would place the financial burdens of tort liability on the actor with the deepest pockets, and it would encourage high government officials, who have the greatest power to reshape bureaucratic environments, to provide additional safeguards against abuses of government authority (Schuck, 1983, p. 183).

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However, these potential benefits would have to be weighed against potential costs. Considering the problem exclusively at the federal level, where the Eleventh amendment does not pose a constitutional barrier to abolishing sovereign immunity, would the reforms proposed by Schuck necessarily enhance rational governance, or even necessarily provide better protection for individual rights? Entrusting courts with plenary powers to assess damages against the federal government by abolishing sovereign immunity would reduce the budgetary discretion of the political branches by mandating expenditures to satisfy tort claims, and the limitations on budgetary discretion could be far more significant than those which have resulted from the previous incremental approach of waiving sovereign immunity only in certain specified areas, as was done in the Federal Torts Claim Act. Since the expenditures mandated by the courts would be determined independently of all other budgetary items, there would be no opportunity to weigh the expected benefits of other potential expenditures. Weighing the opportunity costs of expenditures is a prerequisite for rational budgeting, and this can only occur when the budgetary power is relatively concentrated. Furthermore, since many government expenditures enhance the protection of rights, a diversion of funds from these rights enhancing activities of government into the satisfaction of tort claims could easily diminish the total protection of rights provided by government.

Abolishing sovereign immunity would effectively delegate to the courts the responsibility for determining the appropriate balance between government effectiveness and individual rights in those areas where government activities may result in torts against citizens. Schuck never investigates the institutional competence of the courts to strike an appropriate balance between these partially conflicting aspects of liberal governance. His analysis of the institutional pathologies of bureaucracies is not matched by an analysis of the institutional pathologies of courts despite the fact that Schuck acknowledges that courts have done a very bad job of striking such a balance in official liability suits over the past twenty years. Rather than consider the threat to effective governance which has emerged during this period with the growth of section 1993 and Bivens suits as evidence that the courts are systematically biased in favor of individual rights (which is not in and of itself inappropriate if their role is suitably circumscribed within a system based upon a separation of powers), and therefore ill-suited to strike a comprehensive balance between powers and rights, Schuck assumes that the imbalance has arisen because courts have denied full remedial powers by the doctrine of sovereign immunity and have
therefore over-extended official liability to compensate for this weakness (Schuck, 1983, pp. 29-30, 182-183).

This explanation of the imbalance in contemporary public tort law is insufficient. Even if the courts lacked the power to strike the best possible balance between government effectiveness and individual rights because of constraints imposed by the doctrine of sovereign immunity, it was within their power to strike the best possible balance within the limits imposed by sovereign immunity. Government immunity from suit alone can neither explain nor justify the excesses which have developed in official liability law during the past twenty years. If the doctrine of sovereign immunity has led to serious injustices, the over-extension of official liability has only made a bad situation worse. If courts have failed to protect the prerequisites of effective governance in the area of official liability, there is no reason to believe they would do so if sovereign immunity were abolished. There is, on the contrary, every reason to believe that the current imbalance would reemerge within a context of significantly expanded judicial responsibilities, and hence with even more extreme adverse consequences.

Turning Back the Clock

The unsatisfactory state of contemporary public tort law and the unresolved problems associated with any attempt to radicalize the trends of the past thirty years and to do away with sovereign immunity altogether put the traditional doctrines of sovereign immunity and official immunity in a more favorable light. Judge Learned Hand's restrictive approach to official liability in Gregoire v. Biddle (1949), for instance, can no longer be confidently dismissed, as it so often was during the 1960s and 1970s. In that decision Hand concluded that two successive Attorneys General of the United States and other federal officials who had been charged with maliciously detaining the plaintiff, Gregoire, as an alien enemy during the second World War were absolutely immune from suit. Hand reasoned:

It does indeed go without saying that an official, who is in fact guilty of using his powers to vent his spleen upon others, or for any other personal motive not connected with the public good, should not escape liability for the injuries he may so cause; and, if it were possible in practice to confine such complaints to the guilty, it would be monstrous to deny recovery. The justification for
doing so is that it is impossible to know whether the claim is well founded until the case has been tried, and that to submit all officials, the innocent as well as the guilty, to the burden of a trial and to the inevitable danger of its outcome, would dampen the ardor of all but the most resolute, or the most irresponsible, in the unflinching discharge of their duties...As is often the case, the answer must be found in a balance between the evils inevitable in either alternative. In this instance it has been thought in the end better to leave unredressed the wrongs done by dishonest officers than to subject those who try to do their duty to the constant dread of retaliation (Davis, 1972, pp.485-486).

Notwithstanding the fact that Hand’s concern with harassment suits has proved well-founded, however, any attempt to restore Hand’s conclusions as a ruling doctrine for official immunity case law faces virtually insurmountable obstacles. To return to Gregoire v. Biddle would require the overturning of numerous official immunity precedents. Even if the courts proved willing to dramatically reverse themselves in this regard, a restoration of the 1950s status quo ante would still leave many victims of public torts without effective redress and would therefore be as objectionable as the contemporary solution which has endangered effective governance for the sake of vindicating individual rights. Indeed, the expansive conception of official immunity prevalent during the 1950s was a distortion of our common law heritage, for the common law had allowed many suits against public officials as a means of checking the abusive use of sovereign power. Such a solution is hardly tenable after the creation of a class of constitutional torts has given added weight to the claims of individuals wronged by public officials.

Hand could have tempered the harshness of his conclusions by arguing, as traditional defenders of sovereign immunity like John Marshall had, that in circumstances such as these, where judicial redress was precluded, that redress through appeal to the legislature remained possible. But however effective legislative redress might have been in earlier eras when Congress relied heavily upon private bills for such purposes, this remedial route is no longer viable in an age when the crowded legislative agenda of Congress precludes a meaningful role for private bills. Under these circumstances the only way Congress could perform the traditional role which it played in the American tort law would be if it delegated to
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others its powers to determine under what circumstances its sovereign immunity claims would be waived. This solution, which can more accurately be portrayed as an adaptation of the traditional doctrine of sovereign immunity than as its repudiation, is examined in the following section.

This conclusion regarding official immunity is reinforced by a consideration of recent cases dealing with sovereign immunity, although the argument is more complex in this area. To suggest that courts will not be able to control the expansion of liability suits against government appears to be contradicted by recent developments in administrative law. The move towards a repudiation of sovereign immunity which began to come to fruition during the Warren Court and which has been championed by Justice Brennan in the post-Warren Court era has been slowed and in some cases even reversed by conservatives on the Rehnquist Court. These developments have led some administrative law scholars to conclude that the courts have reached the limits of their willingness to impose financial burdens on government and thereby indirectly on taxpayers, especially at the federal level (Rabkin, 1988). A prominent case which supports this line of argument in U.S. v. VARIG Airlines, a case in which the Supreme Court refused to attribute liability to the federal government for the regulatory negligence of airline-safety inspectors who might have averted an airline crash by the exercise of greater care, citing traditional doctrines of sovereign immunity in justifying this decision.

Varig notwithstanding, it would be premature to conclude that the erosion of the doctrine of sovereign immunity has run its course. The cases which have called into question that doctrine are numerous; the prevailing judgment in the law review literature on this theme continues to be that the doctrine is an anachronism, and the judges who have sought to stem the tide of sovereign liability have not yet advanced compelling arguments in favor of their position. The anemic character of judicial attempts to limit government liability are well illustrated by a line of cases which culminated in Pennsylvania v. Union Gas Co (1989).

Union Gas affirmed the power of Congress to abrogate state sovereign immunity by creating causes of action against states where monetary relief will be assessed in federal courts. When workers from the Commonwealth of Pennsylvania who were excavating a site near the Brodhead Creek accidentally disturbed a waste disposal facility of the predecessors of the Union Gas Company, coal tar began to seep into the creek. The EPA helped in the clean up and then sued the Union Gas company to recover its costs. Union Gas in turn sued the state in federal court for negligence in its excavation. The district court barred the suit on
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Eleventh Amendment grounds. After an appellate and remand cycle the Supreme Court eventually permitted the suit to proceed on the grounds that Congress pursuant to its Article I commerce powers could subject the states to liability and that it had clearly intended to do so in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Union Gas is of particular interest because it revitalized the movement away from sovereign immunity after a brief interlude during the early days of the Rehnquist Court when it appeared as if sovereign immunity might be making a comeback. During the 1960s and 1970s the Supreme Court had affirmed the power of Congress to subject states to suits for monetary damages in federal courts pursuant to its constitutional powers. Parden v. Terminal Railways, (1964) held that states could be sued under the Federal Employers' Liability Act for the work-related injuries of employees on state-owned railroads. Fitzpatrick v. Bitzer (1976) permitted Congress to subject states to suits for monetary damages pursuant to its 14th Amendment powers. During the mid 1980s, however, the court began to backtrack. In Atascadero State Hosp. v. Scanlon (1976) and in Welsh v. Texas Department of Highways & Public Transportation (1987) the court limited the basis for congressional abrogation of state sovereign immunity by partially overruling Parden and by throwing into doubt Congress' power to overcome state sovereign immunity through the Commerce power.

With Union Gas the retreat from Parden was shortcircuited. While the decision of the court was fragmented (there were five opinions), there are grounds for believing that this decision is not an aberration. Liberals on the court like Justice Brennan had played an important role in eroding the traditional doctrine of sovereign immunity, but Union Gas demonstrates that conservatives may not prove any more sympathetic to the doctrine than liberals had. Justice Scalia provided the key vote in Union Gas, joining with Justice Powell in overruling Parden and even suggesting that Hans v. Louisiana, a nineteenth century precedent which was one of the mainstays of an expansive understanding of the Eleventh Amendment, might appropriately be reexamined. The Court does not appear to be headed toward a revival of the traditional doctrine of sovereign immunity.

Public Tort Law and Administrative Courts

The rejection of the doctrine of sovereign immunity would expand the jurisdiction of the courts and place far more responsibility for balancing
the conflicting demands of effective governance and individual rights in the hands of judges. The previous history of the courts points to a systematic bias in favor of rights when the courts have found ways to circumvent the logic of sovereign immunity. On the other hand, a return to the status quo ante of the 1950s would leave the responsibility for rectifying wrongs primarily in the hands of the legislature, and there is little reason to believe that institution could devote sufficient attention to individual cases to provide adequate protection for individual rights. Under these circumstances the balance between governmental powers and individual rights would unduly favor the former. The need for a middle path which strikes a reasonable balance between individual rights and effective governance is evident.

If neither courts nor legislatures appear capable of striking an appropriate balance, perhaps the creation of a system of administrative courts would provide an institutional foundation for the emergence of a more balanced approach. These courts could be entrusted with the responsibility for handling suits against government and its officers and could determine the general principles governing waivers of sovereign immunity. On the one hand, administrative courts would differ from ordinary courts in their sensitivity to the realities of the administrative process. On the other hand, administrative courts could become spokesmen defending individual rights within the administrative process, thus sensitizing administrators to the impact of their decisions on individual rights. The practicability of this approach is demonstrated by its successful institutionalization in several European countries, most notably France.

The French conceded substantial state liability by the end of the 19th century and the decline of sovereign immunity in that country did not jeopardize effective government while it did lead to far more justice for private citizens. Distinguishing between "personal fault" and "service connected fault," the French hold administrative officers personally liable only when they commit torts which are essentially unconnected to their government service. In those cases where a government officer commits a tort which would not have been possible had he not been a government official, the state assumes responsibility. The French Conseil d'Etat, the highest administrative court, has also conceded the subsequent right of the state to seek indemnification from those officers who were grossly negligent or malicious in attending to their responsibilities, thus mitigating the "moral hazard" which arises when state liability replaces the personal liability of government officers.

What is critical to note, however, is that the institutional framework for adjudicating claims against the government in France is a
system of administrative courts, and that similar broad liability doctrines applied to the United States as long as its independent common law courts were still responsible for handling such claims would probably lead to very different results. One of the most significant episodes in the evolution of the French legal system occurred in 1870, when after the fall of Napoleon III, the new French government issued a decree abrogating article 75 of the existing Constitution, an article which prohibited suits against public officials unless the government consented to the suit. The new decree, which would have given jurisdiction over public tort suits to the courts responsible for private law, was undermined by the French courts when they rejected the proffered jurisdiction as a violation of the strict doctrine of separation of powers embodied in the French Constitution. The new decree would have forced French judges to supervise the administrative branch, and this they did not feel competent or constitutionally empowered to do (Schwartz, 1954, pp. 256-258).

After this act of judicial self-restraint by civil court judges, attempts to expand government liability for torts focused on placing responsibility for assessing claims in the hands of a separate system of administrative courts capped by the Conseil d'Etat. A rigid concept of separation of powers protected French administration from judicial interference without the sovereign immunity doctrine. American government presupposes a far more fluid concept of separation of powers, and in this context the doctrine of sovereign immunity has been far more essential for limiting judicial activism.

There are other reasons for believing that the replacement of the doctrine of sovereign immunity with the doctrine of sovereign liability unless this were accompanied by the creation of a system of administrative courts with responsibility for handling public tort law cases would have adverse consequences on government effectiveness in this country which did not accompany the acceptance of sovereign liability in France. French administrative law reflects the strong 'etatist tradition which has nurtured that law. French legal theorists, for instance, would never conceptualize the state as merely another private actor in the way which some American legal theorists would. French administrative lawyers have, therefore, generally distinguished the principles of liability applicable to public officials from those applicable to suits between private citizens. Furthermore, the French judges who serve in administrative courts and who have developed French administrative law are members of an administrative elite, especially of les grands corps de l'etat. They have generally had administrative responsibilities prior to judicial service and are therefore more appreciative
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of administrative realities than are American judges who specialize in private law (Schwartz, 1954, p. 271; Suleiman, 1974, pp. 239-247).

We cannot expect to duplicate some of these features of French legal thought and of French institutional development in this country. Nevertheless, administrative courts are not as foreign to the Anglo-American legal system as common law purists like A. V. Dicey once assumed, and they do offer a promising alternative to the use of regular courts in developing public tort law. It is beyond the scope of this article to offer concrete proposals for establishing administrative courts to deal with public tort law, and the details concerning implementation of such a proposal could undoubtedly critically effect its success. Further research would be required to indicate what institutional agreements are most likely to allow administrative courts to develop sufficient autonomy from administrative agencies so that they can effectively protect individual rights while being sufficiently responsive to the needs of administrative agencies that they not unduly hamper their operations. At the very least, the possibility of developing new and more expeditious modes of procedure to deal with public tort law cases holds considerable promise for reducing the disincentives for vigorous law enforcement associated with the current system to actually provide financial restitution to those whose rights have been violated.

Conclusion

The extent to which English citizens could secure redress for wrongs committed by the government despite the doctrine of sovereign immunity led Louis Jaffe to question "not whether the doctrine of sovereign immunity was 'right' but whether as a practical matter it ever has existed" (Jaffe, 1963, p. 1). This deprecation of the historical importance of sovereign immunity in the Anglo-American tradition appears sensible as long as we focus on the question of whether or not the doctrine shielded the government from any form of accountability for its acts. But if the purpose of the doctrine had never been to simply shield government from responsibility, but rather to provide for an appropriate forum for determining that responsibility, then the historical role of sovereign immunity cannot so easily be dismissed. The willingness of common law judges to accept sovereign immunity limitations on their jurisdiction was enhanced by the existence of alternative routes of redress through special courts more closely tied to the interests of the king. In some ways those special courts were the precursors of modern administrative courts, and
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despite the fact that these courts were less autonomous from the executive than common law courts were, citizens wronged by government officials filed petitions of right for redress of those wrongs with reasonable expectations that meritorious claims would be honored.

Proposals for developing administrative law courts in this country have generally been resisted by those who would defend our common law heritage of a unified legal system which rejects separate jurisdictions for public law and private law cases. Were our tradition as univocal in this regard as some have suggested, the radicalness of a proposal to create administrative courts would justifiably provoke intense skepticism. Yet the history of the common law of sovereign and official immunity itself points to the importance of the distinction between public and private law within the common law tradition. The distinction encouraged judicial restraint vis-a-vis the executive branch and permitted the emergence of alternative modes of redress better-suited to strike an appropriate balance between the powers of government and the rights of individuals.

Endnotes

1. The section of the 1871 Civil Rights Act legitimating private suits to enforce its provisions was reenacted as Section 1983 of the U.S. Code.


3. In practice an indemnification program would probably not be comprehensive and therefore would be different than a straightforward abolition of sovereign immunity. Since the abolition of sovereign immunity is the more radical alternative to the contemporary status quo and has generally been portrayed as a superior solution to any partial indemnification program, we will focus our attention on the abolition of sovereign immunity. For further treatment of the partial indemnification alternative and its relationship to the abolition of sovereign immunity, see Wise, 1985B.
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4. Schuck does not altogether abandon the idea of judicial restraint. He categorizes judicial remedies in terms of their intrusiveness in the bureaucratic process and advocates the least intrusive remedy which curbs bureaucratic abuses. Nevertheless, he leaves it to the discretion of the courts to determine the level of intrusiveness required.

Courts should place initial emphasis upon legislative and administrative interventions, reflecting the relative versatility of resources, strategies and leverage available to those institutions for influencing low-level behavior. But legislatures may fail to act, or their actions may not succeed in deterring or eliminating official wrongdoing that threatens clearly established legal rights. Administrators may likewise fail to control low-level misconduct; they may even be accomplices in it. In such cases, citizens must look to the courts to fashion relief. (Schuck, 1983, p. 184).

For Schuck the judiciary is the final arbiter in mediating disputes between the citizenry and the government, and this standard pays little more than lip service to the idea of specific institutional competences, a principle which would counsel judicial restraint regarding decisions which are best left to the political branches even when those branches are not at that time functioning optimally.

5. Kenneth Culp Davis's argument that in handling complaints by citizens the division of labor between administrative agencies and the courts should be determined by the type of case rather than by type of party to the case is an example of legal thinking which treats the state like a private party. See above p. 12.

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53
Is The South Still Different?
Democrats in the House of Representatives 1981-1990

Donald Beachler
Ithaca College

For several decades southern Democrats constituted a conservative bloc within the Democratic caucus in the House of Representatives. After the enfranchisement of southern blacks in the 1960s and the development of a two party system in the South, many southern Democratic representatives began to compile more moderate voting records. By the 1980s, some scholars were emphasizing the greater unity of the Democratic caucus. This paper examines regional differences among House Democrats in several policy areas. It is argued that, on most issues, the Southern Democratic delegation is still a distinctly conservative bloc within the Democratic caucus.

Since the New Deal era, the tendency of conservative southern Democrats in Congress to oppose the more liberal positions of northern Democrats has been widely noted. A conservative coalition of southern Democrats and Republicans often thwarted liberal legislation (Manley, 1973). In the 1930s southern Democratic opposition to the New Deal agenda occurred on legislative proposals that threatened the southern radical system (Key, 1949; Sitkoff, 1978). Southern Democrats also opposed New Deal labor legislation that strengthened labor unions and promoted the nationalization of wages and working conditions that undermined the low wage southern economy (Patterson, 1967; Bensel, 1984).

By the 1960s, southern Democratic opposition to the legislative agenda of liberal northern Democrats was not confined to racial and labor issues. The expansion of the domestic welfare state during the Johnson administration and the growth of opposition to the Vietnam war within the Democratic party heightened intra-party sectional divisions. (Shannon, 1972; Sinclair, 1982).

By the 1970s, southern Democratic representatives had begun to respond to new political and institutional circumstances. In the South a newly enfranchised black population was a vital part of the electoral coalition of many Democrats (Black and Black, 1987; Lamis, 1988). The House reforms of the mid 1970s, which provided for the election of
committee chairs by the Democratic Caucus offered a further incentive for southerners to vote with their Democratic colleagues (Rohde, 1991). Southern Democrats began to vote with their non-southern counterparts on a number of issues. (Rohde, 1989; Rohde, 1991). Overall party unity increased within the Democratic caucus (Ginsberg and Shefier, 1990). Greater liberalism on the part of southern Democrats in Congress was especially notable on civil rights issues. (Stern, 1985). Despite the widespread defections of southern Democrats that aided in the passage of the Reagan budget and tax proposals in 1981, by the middle of the decade most southern Democrats were voting more like their northern colleagues on budget matters (Rohde, 1992). In the view of two scholars of roll call voting by southern Democratic House members "... southern Democrats have changed their voting behavior in a profound way. ... Simply put, behavior change among southern Democrats is related to liberal voting (Whitby and Gilliam, 1991, 506).

Despite the reports of increasing liberalism by southern Democrats in Congress, there are reasons to believe that Democratic representatives will not compile voting records nearly as liberal as those of Democrats from the North. Many southern Democrats win elections by constructing bi-racial alliances of blacks and whites. (Lamis, 1988). In presidential elections southern whites vote Republican by large margins (Ladd, 1985, 1989). To win both black and white votes, many southern Democrats depict themselves as moderates (Black and Black, 1987).

This paper explores the extent to which the northern and southern Democratic delegations in the House of Representatives have compiled similar voting records. The research presented here seeks to supplement the extant literature by examining regional differences in a systematic way across several areas of public policy. It does not attempt to explain variation within the southern House delegation as other researchers have done (Black 1978; Bullock 1981 and 1985; Whitby 1985). The paper goes beyond previous research in that it delves into four major policy areas - national security, civil rights and racial matters, economic policy, and social issues (abortion, gay rights and sexual morality, gun control, criminal justice, flag burning, and school prayer) to explore the extent of regional convergence among House Democrats. In addition to examining the roll call voting of northern and southern Democrats across several issue areas, this paper provides a measure of regional difference on several issues.

Roll call votes on race and civil rights were included because southern Democrats, functioning as the defenders of white supremacy in their region, consistently opposed civil rights in the first two-thirds of the twentieth century (Key, 1949; Shannon, 1972; Sitkoff, 1978).
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A regional divergence on national security issues emerged when the Democratic party was divided by the Vietnam War (Shannon 1972; Rohde, 1992). After Vietnam southern Democrats were more supportive of high levels of military spending than were northern Democrats.

A majority of Southern Democrats in Congress supported many of the domestic spending initiatives of the New Deal (Key, 1949). However, most southern Democrats were opposed to New Deal policies that expanded the capacity of labor unions to organize new members throughout the country (Katznelson, Kryder, and Gyger, 1993). In the 1960's, many of the Great Society spending programs of Lyndon Johnson were opposed by a majority of southern Democrats (Shannon, 1972).

The emergence of a variety of social issues other than race caused a wide split between the northern and southern wings of the Democratic party in the House of Representatives (Beachler, 1992).

In addition to covering a broad spectrum of issues, the policy areas included in this article are those in which previous research has found wide regional divergence within the Democratic party. On national security and economic policy appropriate homogenous interest group ratings were available. Such ratings permit the measurement of changes across time.

For civil rights and social issues no appropriate interest group ratings were available. Fortunately, relatively few votes were cast on these controversial matters and thus all major roll call votes in the 1980's could be included.

National Security Issues

Representatives' positions on military issues have been measured by the National Security Index of the conservative American Security Council. When interest group ratings are used over a period of two decades, it is important to ascertain whether the interest group has been consistent in the types of issues that have gone into the ratings of members of Congress. For the NSI ratings produced by the American Security Council, all the roll call votes used to determine scores are explained in the bi-annual pamphlets that are issued by the ASC. An examination of the issues included by the ASC obviously indicates change over time. There were no votes on funding for the Vietnam war in the 1980's and the Nicaraguan Contras were not an issue before the Reagan years. However, the NSI votes indicate general consistency over time in the types of roll calls included in the index. Included in the rankings from 1970 to 1990 were votes to increase the overall levels of military spending, votes on specific weapons programs that...
were supported by conservatives and opposed by liberals. and U. S. efforts to contain, weaken, or depose radical and allegedly radical regimes.

In the 1980’s NSI ratings focussed on members’ votes on Central American issues, specific weapons programs and the overall level of military spending. Those voting for aid to the government of El Salvador and the Nicaraguan Contras, the development of every weapons system proposed by the Reagan administration, and higher defense spending were in accord with the ASC’s positions on these issues. The ASC produces a bi-annual index that rates members on votes cast in the preceding Congress. An NSI score of 100 would indicate that a Representative cast votes in agreement with the ASC in all cases included in the index. The mean scores of northern and southern Democratic representatives were calculated for every Congress from 1969 through 1990. To illustrate regional differences, the mean non-southern Democratic score was subtracted from the mean southern score for each Congress. The results of these calculations are presented in Table 1.

Table 1 indicates that, as a whole, the conservatism of southern Democrats on national security policy moderated in the 1980’s. The mean NSI score for southern Democrats rose in 1981-1982, the first two years of the Reagan administration. However, in the four Congresses from 1983 through 1990, the mean scores were in the moderate range. (55.0 to 64.4).

Despite the moderation in mean southern Democratic scores on the NSI index in the 1980s, there was no regional convergence between the non-southern and southern Democratic delegations on national security issues. Table 1 indicates that the regional averages were at least 41 points apart in every Congress after 1980. The drop in overall southern Democratic conservatism on national security issues was accompanied by an equally large drop among non-southern Democrats after 1982. By the mid 1980’s there simply were not many hawkish Democrats from outside the South left in the House of Representatives.

The regional divergence within the House Democratic caucus was also evident in the January 1991 roll call that authorized President Bush to take military action to oust Iraq from Kuwait. Sixty-five percent of southern Democrats voted in favor of the use of force resolution. Eight-two percent of northern Democrats opposed the president’s position.

Social Issues

There is no reliable index of members voting on social issues. Thus, the relatively few votes on social issues from 1981 through 1990 will be examined individually. Social issues will refer to matters of criminal
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Table 1

Index of Military and Foreign Policy Conservatism

<table>
<thead>
<tr>
<th>Southern Democrats</th>
<th>Non-Southern Democrats</th>
<th>Regional Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970 94.1</td>
<td>47.5</td>
<td>46.6</td>
</tr>
<tr>
<td>1972 90.7</td>
<td>33.7</td>
<td>57.0</td>
</tr>
<tr>
<td>1974 76.4</td>
<td>37.5</td>
<td>38.9</td>
</tr>
<tr>
<td>1976 80.9</td>
<td>34.0</td>
<td>46.9</td>
</tr>
<tr>
<td>1978 77.4</td>
<td>35.5</td>
<td>41.9</td>
</tr>
<tr>
<td>1980 65.3</td>
<td>25.9</td>
<td>39.4</td>
</tr>
<tr>
<td>1982 83.6</td>
<td>37.0</td>
<td>46.6</td>
</tr>
<tr>
<td>1984 64.4</td>
<td>16.5</td>
<td>47.9</td>
</tr>
<tr>
<td>1986 55.0</td>
<td>10.4</td>
<td>44.6</td>
</tr>
<tr>
<td>1988 59.0</td>
<td>14.3</td>
<td>44.7</td>
</tr>
<tr>
<td>1990 60.0</td>
<td>18.8</td>
<td>41.2</td>
</tr>
</tbody>
</table>

Note: The NSI ratings are biennial and are based on the year listed in the table and the preceding year.

justice, gun control, school prayer and church state issues, abortion, and matters of sexual morality. For each roll call vote the percentage of southern and Non-southern Democrats supporting a particular legislative item will be calculated. A measure of regional difference will also be provided.

Gun Control

Three major roll call votes on the issue of gun control occurred in the 1980's. The McClure-Volkmer Act of 1986, which eased federal restrictions on the sale of firearms, was strongly supported by the National
Rifle Association and other opponents of firearms restrictions. In 1988, Florida Republican Bill McCollum offered an amendment to the drug bill that deleted a provision that would have imposed a seven day waiting period for those who purchase handguns. Also included in the gun control votes was a 1990 amendment that severely weakened restrictions on semi-automatic assault weapons. Voting on these three measures is presented in Table 2.

Table 2

<table>
<thead>
<tr>
<th></th>
<th>Southern Democrats</th>
<th>Non-southern Democrats</th>
<th>Regional Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>McClure-Volkmer Amendment</td>
<td>83.4</td>
<td>39.9</td>
<td>43.5</td>
</tr>
<tr>
<td>McCollum Amendment</td>
<td>70.0</td>
<td>33.3</td>
<td>36.7</td>
</tr>
<tr>
<td>Weaken Restrictions on Semi-automatic Weapons</td>
<td>80.0</td>
<td>31.3</td>
<td>48.7</td>
</tr>
</tbody>
</table>

Note: Numbers are percentages voting for the measures.

Table 3

<table>
<thead>
<tr>
<th></th>
<th>Southern Democrats</th>
<th>Non-southern Democrats</th>
<th>Regional Difference</th>
</tr>
</thead>
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<tr>
<td>Perkins Amendment</td>
<td>86.0</td>
<td>30.9</td>
<td>55.1</td>
</tr>
<tr>
<td>Walker Amendment</td>
<td>66.2</td>
<td>12.3</td>
<td>53.9</td>
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<tr>
<td>Flag Burning Amendment</td>
<td>62.2</td>
<td>27.1</td>
<td>35.1</td>
</tr>
</tbody>
</table>

Note: The numbers are the percentage of those voting in favor of the respective measures.
In the 1980's the House of Representatives never voted on a constitutional amendment to permit prayer in the nation's public schools. However, in 1984 the House voted on two amendments to spending bills that sought to permit some forms of religious expression by public school students. An amendment offered by Kentucky Democrat Carl Perkins required that school districts that permit student organizations to meet in school buildings, also permit student religious groups to meet on school grounds. The House considered an amendment introduced by Pennsylvania Republican Robert Walker that would have denied federal funds to school districts that had policies prohibiting silent or vocal prayer. Voting on the Perkins and Walker amendments is presented in Table 3.

A 1989 Supreme Court decision holding that citizens had a constitutional right to burn the American flag generated a great deal of public controversy. Supported by President Bush, opponents of the Court's ruling sought to overturn the decision by amending the constitution to read that federal, state, and local governments were free to punish those who physically desecrated the American flag. The 1990 roll call vote on the flag burning amendment is included in Table 3.

The 1984 Crime Control Act contained two features that conservatives championed. The act tightened the rules for defendants employing the insanity defense and it allowed for preventive detention of some defendants. The act was passed by voice vote, but the amendment to add it to an appropriations bill in 1984 drew substantial opposition. A vote for the amendment is regarded as a vote in favor of the Crime Control Act. Representatives' positions on criminal justice matters can also be assessed by examining two votes taken on amendments to the Omnibus Drug Bill of 1988. One amendment was designed to weaken the exclusionary rule and the other provided for the death penalty for those convicted of drug related murders. In 1990 the House voted on amendments to a crime bill that sought to limit appeals to federal courts by condemned prisoners, restrict the use of habeas corpus procedures to win federal review of state convictions and allow persons sentenced to death to challenge their sentences on the ground that the death penalty had been imposed in a racially discriminatory manner. The votes on all these matters are presented in Table 4.

Only a few votes were cast on issues that might be called matters of sexual morality. (Votes that attract virtually unanimous support, such as bills to restrict child pornography, are not included in this index.) The roll call votes on morality issues are presented in Table 5.

In 1981 Georgia Democrat Larry McDonald introduced an amendment to the bill re-authorizing the Legal Services Corporation that prohibited the use of L.S.C. funds to promote, protect, or defend homosexuality. The rights of homosexuals were also an issue in 1989 when
the House voted on a measure to restrict the gay rights laws of the District of Columbia.


Also included in Table 5 were two votes that occurred after there was considerable controversy over granting National Endowment for the Arts funds to artists who produced work that was alleged to be pornographic and/or blasphemous. In 1989 the House passed an amendment to cut the NEA's budget by $45,000, the amount granted to the artists whose works were generating immense controversy. In 1990 the House rejected a measure that would have prohibited NEA funds from going to any project that was pornographic, obscene, or that denigrated anyone on the basis of his/her race, sex, religion, national origin, or disability.

Votes on abortion, family planning and the Equal Rights Amendment are included in this section under the category of women's rights issues. Abortion roll calls have involved the issues of whether Medicaid funds could be used to pay for abortions in the case of rape or incest or whether such funds would only be available in cases where the life of the mother would be endangered by continuation of the pregnancy.

<table>
<thead>
<tr>
<th>Table 4 Morality</th>
<th>Southern Democrats</th>
<th>Northern Democrats</th>
<th>Regional Difference</th>
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</thead>
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<tr>
<td>McDonald Amendment</td>
<td>86.3</td>
<td>44.9</td>
<td>41.4</td>
</tr>
<tr>
<td>Wylie Amendment</td>
<td>64.1</td>
<td>19.0</td>
<td>45.1</td>
</tr>
<tr>
<td>Weaken Gay Rights in D.C.</td>
<td>70.4</td>
<td>27.7</td>
<td>42.7</td>
</tr>
<tr>
<td>Punish NEA</td>
<td>86.5</td>
<td>57.7</td>
<td>29.8</td>
</tr>
<tr>
<td>Restrict NEA</td>
<td>54.2</td>
<td>12.2</td>
<td>42.0</td>
</tr>
</tbody>
</table>

Note: The numbers are the percentage voting in favor of the measures.
Because of the prominence of the abortion issue in 1989, a roll call vote on federal funding of medicaid abortions in cases of rape and incest has also been included.

Votes on federal funding of family planning and the resubmission of the Equal Rights Amendment to the states are included in Table 6. On every social issue except those concerning women's issues there was wide regional divergence with the Southern Democratic caucus voting far more conservatively than northern Democrats. Southern support for the Equal Rights Amendment, while not as strong as that of northern Democrats, was substantial and noteworthy, especially when southern Democratic conservatism on other social issues is recalled. It is interesting to note that
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<table>
<thead>
<tr>
<th></th>
<th>Southern Democrats</th>
<th>Non-southern Regional Democrats</th>
<th>Difference</th>
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<tr>
<td>Limit Abortions 1983</td>
<td>44.8</td>
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<td>Limit Abortions 1988</td>
<td>47.4</td>
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<td>Limit Abortions 1989</td>
<td>32.9</td>
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<tr>
<td>Permit Military Abortions</td>
<td>68.1</td>
<td>68.2</td>
<td>.1</td>
</tr>
<tr>
<td>Family Planning</td>
<td>75.8</td>
<td>74.1</td>
<td>-1.7</td>
</tr>
<tr>
<td>ERA</td>
<td>70.1</td>
<td>91.9</td>
<td>20.8</td>
</tr>
</tbody>
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Note: Numbers are percentages of those voting in favor of the respective measures.

on the issue of federal support for family planning, southern Democrats offered slightly greater support than did northern Democrats.

Southern Democratic support for women's rights issues may well be a product of the alliance between the Christian Right and the Republican party (Bruce, 1990; Edsall 1992). As socially conservative religious voters are mobilized into the Republican party, they are less likely to support Democrats of any ideological stripe. Thus, southern Democratic representatives need to pay greater attention to the views of liberal and moderate constituents.

Civil Rights

As is well known, racial issues have often dominated southern politics. V. O. Key noted that behind virtually every southern political practice and custom lurked a concern with preserving white supremacy.
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Southern voting in Congress was traditionally most unified when the federal government threatened to intervene in southern race relations. By the 1970’s, Southern Democrats were increasingly likely to support civil rights legislation.

A few major civil rights bills were voted on in the Reagan years. Seven roll calls on civil rights are included here. In 1981 the House renewed the Voting Rights Act and two years later it passed legislation establishing Martin Luther King’s birthday as a national holiday. The most contentious civil rights battle occurred over the 1988 Civil Rights Restoration Act, which overturned the Supreme Court’s ruling in the Grove City College case that federal funds could only be withheld from the division of an institution practicing discrimination rather than the institution as a whole. The major lobbying on the Grove City bill occurred after President Reagan’s veto of the bill. Therefore, the roll call on the successful vote to override the veto is included here rather than the vote on the initial passage of the bill. Also included in Table 7 is the widely supported bill to strengthen fair housing legislation.

Also, included in the civil rights roll calls is the 1981 vote to prohibit the Justice Department from bringing legal actions that could result in court ordered bussing. In a slap at the Reagan administration, the House in 1983 passed a bill to permit the removal of members of the Civil Rights Commission only for neglect of duty or malfeasance in office, rather than at the prerogative of the president. Also included in Table 8 is the 1986 Savage Amendment to increase from five to ten percent the proportion of Pentagon contracts that must go to minority owned businesses.

In 1990 the House voted on a civil rights bill designed to reverse a series of 1989 Supreme Court decisions that weakened the chances of minority plaintiffs in employment discrimination cases. The bill, which the President labeled a quota bill and successfully vetoed, is the last item included in Table 7.

The House voted on several bills to impose sanctions on South Africa. While such measures are not civil rights bills, they might be considered a measure of a Representative’s concern to please black constituents, especially if on such votes southern Democrats depart from their moderate conservative voting on foreign policy. Votes on three sanctions bills have been included in Table 7. The first is the vote on the successful attempt to override President Reagan Reagan’s veto of sanctions. The second was the 1988 vote on Representative Ronald Dellums’ bill to ban all trade with South Africa, except for the importing of strategic minerals. Finally the Kyl Amendment to the Dellums bill would have permitted military and intelligence cooperation with South Africa when such actions were judged by the president to be in the national interest. The Kyl
Amendment has been included because it includes a matter with both racial and national security implications.

<table>
<thead>
<tr>
<th>Civil Rights</th>
<th>Southern Democrats</th>
<th>Non-southern Democrats</th>
<th>Regional Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restrict Busing</td>
<td>85.2</td>
<td>43.3</td>
<td>41.9</td>
</tr>
<tr>
<td>Change CRC procedures</td>
<td>92.1</td>
<td>98.3</td>
<td>6.2</td>
</tr>
<tr>
<td>Voting Rights Act</td>
<td>91.1</td>
<td>99.4</td>
<td>8.3</td>
</tr>
<tr>
<td>King Holiday</td>
<td>85.5</td>
<td>99.4</td>
<td>13.9</td>
</tr>
<tr>
<td>Grove City (Veto override)</td>
<td>94.1</td>
<td>97.7</td>
<td>3.6</td>
</tr>
<tr>
<td>Savage Amendment</td>
<td>78.7</td>
<td>91.9</td>
<td>13.2</td>
</tr>
<tr>
<td>Fair Housing</td>
<td>100</td>
<td>100</td>
<td>0</td>
</tr>
<tr>
<td>Sanctions 1986 Veto override</td>
<td>93.7</td>
<td>100</td>
<td>6.3</td>
</tr>
<tr>
<td>Dellums Bill</td>
<td>89.3</td>
<td>98.1</td>
<td>8.8</td>
</tr>
<tr>
<td>Oppose Kyl Amendment</td>
<td>34.3</td>
<td>2.4</td>
<td>31.9</td>
</tr>
<tr>
<td>1990 Civil Rights Act</td>
<td>87.2</td>
<td>98.9</td>
<td>11.7</td>
</tr>
</tbody>
</table>

Note: Numbers represent the percentage voting in favor of the respective measure.
Only on the busing amendment did southern Democrats oppose the liberal civil rights position. Voting on civil rights issues in the 1980's indicates the continuation of the trend of rising southern Democratic support for civil rights noted by several scholars. (Black, 1978; Stern, 1985; Bullock, 1985).

The most interesting of the civil rights votes may be that taken in 1988 to override President Reagan's veto of the Grove City bill. Members of Congress were lobbied heavily on this bill by members of the Religious Right and by Reagan administration officials eager to sustain the president's veto. On this issue southern Democratic support for the override is especially striking because of the strong opposition of fundamentalist Christian groups who are especially strong in the South.

Previously scholars of civil rights voting explored the demographic characteristics of southern House districts to determine what variables correlated with a Representative's roll call votes on civil rights. For Democrats, such analysis is no longer useful because their support for civil rights measures is so overwhelming. Opposition to civil rights measures is strongest among southern Republicans. The fact that many southern Democrats now support civil rights legislation even when they have few black constituents may indicate that as racial conservatives are mobilized into the Republican party, many southern Democrats no longer perceive hard core opponents of civil rights as being part of their reelection coalitions (Fenno, 1978).

By the 1980's the former party of white supremacy in the South was sending Representatives to Washington who, on most issues, were more supportive of civil rights than were northern Republicans, who two decades earlier had provided essential votes to pass major civil rights legislation. Opposition to civil rights was strongest among southern Republicans. The Republican party in the South has developed as a largely white party and the nearly monochromatic tone of the southern GOP is evident in the roll call votes of southern Republican representatives, nearly all of whom voted against every civil rights bill. (Black and Black, 1987).

**Economic Policy**

Southern Democratic voting on economic policy will be measured from scores on the AFL-CIO Cope ratings that are issued annually. AFL-CIO ratings, with rare exceptions, focus on economic policy. The AFL-CIO favors greater domestic spending for social welfare measures and the development of economic infrastructure. To receive a high COPE rating, a Representative should vote for greater government regulation of the
### Table 8 Economic Policy Liberalism

<table>
<thead>
<tr>
<th>Year</th>
<th>Southern Democrats</th>
<th>Non-southern Democrats</th>
<th>Regional Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1969</td>
<td>34.0</td>
<td>90.9</td>
<td>56.9</td>
</tr>
<tr>
<td>1970</td>
<td>37.8</td>
<td>88.4</td>
<td>50.6</td>
</tr>
<tr>
<td>1971</td>
<td>46.0</td>
<td>84.7</td>
<td>48.7</td>
</tr>
<tr>
<td>1972</td>
<td>39.0</td>
<td>86.2</td>
<td>47.2</td>
</tr>
<tr>
<td>1973</td>
<td>51.4</td>
<td>90.5</td>
<td>40.1</td>
</tr>
<tr>
<td>1974</td>
<td>44.3</td>
<td>93.3</td>
<td>49.0</td>
</tr>
<tr>
<td>1975</td>
<td>47.2</td>
<td>89.4</td>
<td>42.2</td>
</tr>
<tr>
<td>1976</td>
<td>50.5</td>
<td>80.4</td>
<td>29.9</td>
</tr>
<tr>
<td>1977</td>
<td>48.6</td>
<td>82.0</td>
<td>33.4</td>
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<tr>
<td>1978</td>
<td>41.6</td>
<td>75.3</td>
<td>33.7</td>
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<tr>
<td>1979</td>
<td>42.1</td>
<td>80.5</td>
<td>38.4</td>
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<td>1980</td>
<td>45.7</td>
<td>75.0</td>
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<td>1981</td>
<td>54.6</td>
<td>81.6</td>
<td>27.0</td>
</tr>
<tr>
<td>1982</td>
<td>50.0</td>
<td>95.3</td>
<td>45.3</td>
</tr>
<tr>
<td>1983</td>
<td>62.1</td>
<td>90.6</td>
<td>29.5</td>
</tr>
<tr>
<td>1984</td>
<td>57.2</td>
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<td>1986</td>
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<td>88.8</td>
<td>23.7</td>
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<td>70.6</td>
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<tr>
<td>1988</td>
<td>81.4</td>
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<td>1989</td>
<td>62.9</td>
<td>89.2</td>
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</tr>
<tr>
<td>1990</td>
<td>64.2</td>
<td>88.9</td>
<td>25.7</td>
</tr>
</tbody>
</table>

Note: Numbers are the means of the scores for members of each group.

As was done with NSI ratings, mean scores were calculated for southern Democrats and non-southern Democrats. The scores in Table 8 indicate that southern Democrats were positioned in the middle of the spectrum on economic issues in the 1980’s. However, as the decade progressed they moved closer to the liberal position of non-southern Democrats. (Even the low scores of 54.6 and 50 in 1981...
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and 1982 were among the highest mean AFL-CIO scores ever recorded for southern Democrats.) In the 100th Congress the southern Democratic delegation compiled the relatively high 70.6 in 1987 and 81.4 in 1988. However, their mean scores in the 101st Congress declined to 62.9 in 1989 and 64.2 in 1990. The abnormally high scores of southern Democrats in the 100th Congress are attributable, in part, to the vigorous efforts of House Speaker Jim Wright to impose unity on the Democratic caucus and to use persuasion and coercion to induce Democratic conservative to support legislative initiatives favored by the party caucus. (Dodd 1989, Barry, 1989). However, while the mean southern Democratic scores declined in 1989 and 1990, they were still high by historical standards.

An examination of the regional variation column in Table 8 indicates a decline in the gap between northern and southern Democrats. Non-southern Democratic means, while subject to some variation, were consistently high.

It is apparent that, while southern Democrats are more conservative than northern Democrats, the gap between the regional wings of the Democratic party has declined. The source of this decline has clearly been the increased liberalism of southern Democrats. Northern Democrats' scores have, with some variation, been consistently high over two decades. Thus, the decline in the regional difference is due to an increase in liberalism by the southern Democratic delegation.

Despite the general decline in the regional difference on the economic policy index, it cannot be concluded that there has been complete regional convergence within the House on economic policy. With the exception of 1988, the regional difference in mean scores was never less than twenty percent. On economic issues, the southern Democratic delegation is still a conservative bloc within the House Democratic caucus.

Conclusion

It is clear from the data presented in this paper that regionalism remains a relevant and important concept when ideology within the House Democratic caucus is examined. With the exception of civil rights and women's issues southern Democrats were substantially more conservative than northern Democrats on every policy area investigated. The Southern Democratic caucus was not as uniformly conservative in the 1980s as it was in the 1960s and 1970s. However, it is premature to speak of regional convergence between the northern and southern wings of the Democratic party in the House of Representatives.

The mixed record compiled by the southern Democratic delegation
is in consonance with the electoral imperatives that many of its members face. To win elections, southern Democrats must gain black votes and also appeal to moderate whites. They have sought black votes by supporting civil rights measures and greater government spending.

Southern Democrats must present themselves as moderates on many issues to have any chance of success in the South. They have been able to depict themselves as moderates by compiling relatively conservative records on social issues and also on national security matters.

The most notable exceptions to the pattern of southern Democratic conservatism were civil rights and women's rights issues. These exceptions lend support to Fleisher's view that where conservatism is well developed, southern Democratic representatives are more dependent on liberal support (Fleisher, 1993). The Republican party in the South has attracted racial conservatives and the Religious Right which emphasizes traditional "family values." Neither of these constituencies is likely to support a Democrat. Thus, southern Democrats are free to cultivate liberal constituencies on these issues.

Southern Democrats play a key role in determining the outcome of many roll call votes in the House. For example, during his first two years in office, Ronald Reagan had great success in securing passage of his tax and budget proposals because he was able to induce a majority of southern Democrats to support his initiatives (Stockman, 1987). Likewise, Republicans have been able to pass many conservative bills on criminal justice policy because of the strong support they have received from southern Democrats.

On issues like civil rights and abortion, where a majority of southern Democrats have sided with their colleagues from the north, liberal positions have triumphed in the House. However, such measures have often failed to pass by margins large enough to overcome a presidential veto. When a Democratic president enjoys a Democratic majority in the House, liberal positions should prevail on civil rights and abortion.

After the 1992 elections, the liberalism of the southern Democratic House delegation is likely to increase. As a result of redistricting under current voting rights law, the number of black Representatives from the South increased from five to seventeen. In the 1980s, the black representatives from the South compiled very liberal voting records. Thus, in the 1990s, there are likely to be roughly a dozen new very liberal Democrats from the South.

Republicans also made substantial gains in the South in the 1992 elections. After the 1990 elections there were 77 Democratic and 39 Republican representatives from the South. The 1992 elections saw the elections of 77 Democrats and 48 Republicans from the region. The
addition of nine Republicans and a dozen black Democrats, along with the subtraction of ten white Democrats should mean that the region's delegation as a whole will compile a more liberal record. The regional divergence between the northern and southern wings of the Democratic House caucus documented in this paper is likely to decline somewhat in the 1990's.

The creation of new black majority districts in many southern states also means that a large number of white Democrats will find themselves with far fewer black constituents. An interesting question will be whether these Democrats will continue to offer strong support for economic programs that are especially beneficial to blacks. With fewer black constituents in many districts, the trend of Republican gains in southern House seats is likely. It would be ironic if the effect of the enforcement of the Voting Rights Act in a manner consistent with the desires of civil rights organizations lessened southern Democratic support for civil rights bills and other issues of special concern to blacks. Time will tell.

Shelley titled his 1983 study of the Conservative Coalition The Permanent Majority (Shelley, 1983). Given the mix of liberalism and conservatism compiled by the southern Democratic House delegation in the 1980's, a future study might be called The Partial Majority.

Endnotes

1. The South is defined as the eleven states of the old Confederacy.

2. A homogenous interest group rating contains votes in only one issue area. Heterogenous group ratings like those issued by the Americans for Democratic Action or the American Conservative Union employ a wide spectrum of issues. Such rating scales do not permit the measurement of representatives' votes on discrete area of public policy.

3. The NSI index is explained and employed in Ray, 1981.

4. The work of Richard Fleisher indicates that southern Democrats are more liberal when Republican strength increases in a district. Fleisher attributes this finding to the fact the most conservative voters almost invariably support Republicans. See, Fleisher, 1993.

5. Party is the most important variable for predicting southern Representative's scores on the ratings issued by the Leadership Conference

6. The most notable source of minority support for the GOP has been the strong Republican voting of Cuban-Americans in South Florida. After the 1992 elections there were two Cuban-American Republican Representatives from South Florida and one Mexican-American Republican representative from Texas.

7. As was done with the NSI scores provided by the American Security Council, the actual votes included in the COPE index were reviewed for each of the years in the table. The summary in the text of the positions taken by the AFL-CIO is based on this review.

8. Detailed case studies of white Democratic representatives Tim Valentine of North Carolina and Robin Tallon of South Carolina, both elected in 1982, indicate that both voted for civil rights legislation despite opposition from some whites in their districts. See, Swain, 1993.

9. The South gained a net total of nine after the 1990 census. Florida received four new seats, Texas three, and North Carolina, Georgia, and Virginia one each. Louisiana lost one seat. Nationwide, the Republicans registered a net gain of ten seats in the House. Nine of these seats were in the South.
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References


Partisan Goals and Redistricting: Assessing the Views of the Legislators

Kelly D. Patterson  
Brigham Young University  
and  
Bruce D. Armon  
Blue Shield of Pennsylvania

Past research efforts in congressional redistricting have focused on party bias in redistricting plans without ever directly measuring the attitudes of the state legislators. In this study we specifically measure the goals that state legislators would like to achieve as they formulate a congressional redistricting plan. Overall, state legislators possess the party loyalty necessary to produce partisan plans, but a number of conflicting demands placed upon them inhibit the full realization of party objectives.

After the 1990 census, most state legislatures developed congressional redistricting plans that were to be in place for the 1992 elections. This most recent round of congressional redistricting has renewed the debate over the intentions, partisan or otherwise, of the individuals who redraw the congressional districts. Past research efforts sought to discover the intentions of legislators by examining the electoral results produced by the new plans. The research concentrated on two possibilities: legislators would draw congressional districts to effect a partisan gain or they would seek to protect incumbents. Some early studies indicated the existence of gains to the party in control of the redistricting process (Erikson 1972; Tufte 1973). But there was a wide variety of conclusions: there are no partisan gains derived from redistricting; or the partisan gains are limited; or the incumbents from both parties mainly benefit. In any event, the studies all assume that the values held strongest by the state legislators would be incorporated into a congressional redistricting plan (Ayres and Whiteman 1984).

However, these studies have been handicapped by the difficulty of establishing the causal connection between party control and the number of congressional seats one party is able to win. The inference of the intention to produce a partisan outcome is made from the presence of results that
appear to favor, if even marginally, the party that controls the redistricting process or from the voting strength of the party in the newly created districts. To establish a causal link between control of the redistricting process and partisan outcomes, it is necessary to show that the redistricting plan was actually drafted with partisan goals in mind and that the voters in the new districts will act as the plan intended for them to behave (Born 1985, 306).

This study is concerned with the first step in this causal chain. Few of the studies on congressional redistricting have actually studied the attitudes of the legislators who are responsible for the drawing of the congressional districts. Some studies have sought to measure the attitudes of state legislators. However, these studies have not dealt with the topic of congressional reapportionment. The measurement of the attitudes of legislators is needed to determine the extent to which partisanship or some other motivation may influence the legislators. Studies which argue that redistricting will benefit the congressional delegation of a particular party assume that the legislators are motivated by partisan interests and will act on these motivations. But if other, perhaps even conflicting, motivations are also present in the minds of the legislators, partisan gains may never be achieved. Indeed, the presence of conflicting motivations may even account for the ambiguous results that researchers encounter when they examine the effects of redistricting.

Data and Methodology

The data for this study are taken from a survey of state legislators in the state of Pennsylvania. There are several reasons why Pennsylvania offers a unique opportunity to study the motivations of those legislators involved in the congressional redistricting process. First, Pennsylvania is a highly competitive two-party state (Mayhew 1986). At the time of this study, the Democrats controlled the House by a narrow 102-99 margin, while the Republicans held the Senate by a margin of 27-22. A Democrat, Robert Casey, was the governor. Second, the process of redistricting is different for the seats in the state legislature than it is for the seats in Congress. Congressional redistricting is handled by the regular legislative process while the state legislative redistricting is managed by a bipartisan commission composed of the caucus leaders from the State House and Senate. This commission also contains one nonpartisan member. Therefore, the tasks of congressional and legislative redistricting are kept separate. Finally, since Pennsylvania lost two seats in the House of Representatives, the stakes were high for both parties.
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The survey was conducted during the spring of 1990 by delivering 250 questionnaires directly to the mail room in the state legislature, thereby distributing them to the legislators through the legislative mail system. Eighty responses were received for a response rate of 32 percent. The responses roughly correspond to the numbers in both chambers of the legislature. Over 81 percent of the respondents served in the House, while about 19 percent served in the Senate. The responses also reflected the actual strength of the two parties: forty-eight percent of the respondents were Democrats and 52 percent were Republicans.

General Findings

The frequency distributions indicate that the motivations of legislators are multifarious. While strong support is expressed for achieving partisan goals through redistricting, interest in obtaining other results is also plainly evident. Some goals, like keeping the redistricting plan out of the courts or creating competitive districts, might even be regarded as "good government" goals (Cain 1984; Butler and Cain 1992). Although partisan goals are clearly important, they are by no means the only goals that legislators seek to attain in a congressional redistricting plan.

To measure support for various redistricting goals, legislators were asked to evaluate the importance of achieving a particular outcome. Ninety-one percent of the legislators said that it was at least "somewhat important" to try to maximize the opportunities to capture as many congressional seats as possible. Congressional incumbents are specific beneficiaries of the extent to which partisan values are embraced by state legislators. Over 92% of the legislators stated that it was "somewhat important" or "very important" to protect the House incumbents who are members of the same party as the legislators; 51% alone stated that the goal was "very important," and a total of 77% fell in categories 1 and 2. These results suggest two conclusions: first, legislators do possess some of the partisan attitudes necessary to produce partisan redistricting plans; second, the protection of incumbents from the same party may be the most popular method by which partisan goals are achieved.

There is also some evidence that legislators are willing to champion the cause of incumbents regardless of their party affiliation. When asked how important the legislators thought it was to protect all current House incumbents in the delegation from losing their seats, 70.5% said it was "somewhat important" to "very important." While 70.5% seems high, it is not nearly as high as the 92% who stated that the goal of protecting incumbents from the same party was at least "somewhat important."
Therefore, legislators do view redistricting as a mainly partisan activity that would produce noticeably partisan outcomes if political and legal conditions permitted. In the case of Pennsylvania, an extremely competitive two-party state and divided party control of the state legislature make the achievement of more overtly partisan goals tremendously difficult, if not impossible.

In addition to the maximization of seats for a particular party and the protection of incumbents, state legislators express some desire to consider other principles. Seventy percent indicated that it is "somewhat important" or "very important" to create competitive districts across the state which reflect the strength of the two parties in the state as a whole. The data indicate that democratic values of responsiveness and representation could be incorporated into a redistricting plan, although not necessarily at the expense of more overtly partisan goals or to the detriment of their own incumbents.

Table 1 displays a ranking of the preferred outcomes of redistricting expressed by the state legislators. The highest ranked preference is the protection of those incumbents who belong to the same party as the legislator. Certainly this ranking helps to explain why partisan and bipartisan gerrymanders look so similar (Glazer, Grofman and Robbins 1987). Under certain conditions, legislators apparently see the protection of incumbents from their own party as the easiest way to achieve partisan ends. A blatantly partisan plan, beyond the protection of incumbents, conflicts with other principles and may precipitate a court challenge. Perhaps because of the many constraints faced by legislators in the creation of redistricting plans, maximizing the opportunity to capture as many congressional seats as possible for the party is ranked second behind the protection of incumbents from the same party. These first two goals unquestionably have a partisan dimension thereby satisfying the preconditions for a partisan gerrymander (Ayres and Whiteman 1984).

The goal ranked third by the legislators is keeping the redistricting plan out of the courts. This ranking is not surprising because legislators lose control over a plan that is to be drawn by the courts. If legislators want to produce a particular outcome, and the incentives to produce certain outcomes are high, then they must retain control over the process to assure its attainment.

As stated above, the consideration of several principles--keeping a plan out of the courts or creating competitive districts--are not always compatible with protecting incumbents or trying to maximize the number of partisan seats. If a particular party attempts to maximize the number of seats it controls, then it clearly increases the risk to incumbents by marginalizing their districts. Thus, the extent to which the legislators maximize one goal may seriously compromise their ability to achieve other
goals. The preceding data have shown that legislators desire the benefits of a partisan gerrymander, but they also feel pressured to achieve other goals as well. Because of the presence of conflicting values and the need to comply with constitutional requirements, evidence for a partisan gerrymander will only rarely be unequivocal.8

Determinants of Support for Incumbent and Partisan Goals

The importance legislators ascribe to the achievement of particular goals can be examined further by disaggregating the effects that certain variables have on their attitudes. One of the most important variables is party membership. In a competitive two-party state like Pennsylvania, it is reasonable to expect legislators from both parties to pursue similar goals. Because a competitive balance exists in the state legislature and in the congressional delegation, members of the two parties perceive the same strategic opportunities. Conversely, if a party is hopelessly weak in the state legislature and has few seats in the congressional delegation, then it may be inclined to seek protection from the courts because it lacks the resources to wage a serious redistricting battle on the legislative front.9 Therefore, the weak party may believe that the federal courts provide the only means for attaining what it believes is an equitable outcome. These observations lead to the formulation of the first hypothesis:10

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**Table 1**

Mean Scores of Goals of State Legislators*

<table>
<thead>
<tr>
<th>Score</th>
<th>Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.83</td>
<td>Protect House Incumbents of Same Party</td>
</tr>
<tr>
<td>1.96</td>
<td>Capture Maximum Seats for the Party</td>
</tr>
<tr>
<td>2.04</td>
<td>Keep the Redistricting Plan out of the Courts</td>
</tr>
<tr>
<td>2.13</td>
<td>Protection of Own Legislative Seat</td>
</tr>
<tr>
<td>2.34</td>
<td>Districts that Reflect Strength of Party in Area</td>
</tr>
<tr>
<td>2.69</td>
<td>Protect All Incumbents</td>
</tr>
<tr>
<td>2.91</td>
<td>Districts that Reflect Strength of Party in State</td>
</tr>
<tr>
<td>2.97</td>
<td>Protect Seat of Own Congressman</td>
</tr>
</tbody>
</table>

*The smaller numbers reflect higher priorities of the state legislators.
Hypothesis 1 -- Congressional redistricting is a partisan activity through which legislators will want to benefit members of Congress from their own party. Therefore, there will be no difference between the goals that Republicans and Democrats want to achieve in Pennsylvania given its competitive balance.

This hypothesis is not rejected for all of the variables except one. Table 2 indicates no statistical difference between the mean scores for Republicans and Democrats on the goal of protecting House incumbents from their own party or attempting to maximize the opportunity to capture the largest number of congressional seats for the party. The only statistically significant difference occurs for the variable of protecting all incumbents regardless of party identification. Here the Democrats were more likely to rate the protection of all incumbents as a "very important" goal. Such a finding is striking given the small difference between the number of congressional seats held by the two parties. The Democrats maintained a one-seat advantage, a difference that may have been large enough to induce the Democratic legislators to support a plan to preserve the status quo. Furthermore, given the Democratic majority in the House of Representatives and the prominent committee and subcommittee chairmanships held by the Pennsylvania delegation, the Democrats, in this case, may be the most risk averse because their party has the most to lose. In any event, powerful members of Congress can bring a great deal of pressure to bear on state legislators to protect their seats, a factor that may also help to explain the differences between the two parties on this measure.

The lack of differences between the two parties on the rest of the measures suggests the formulation of a second hypothesis, an hypothesis that acknowledges the importance of congressional incumbency in the calculations of the legislators:

Hypothesis 2 -- Congressional redistricting is mainly a bipartisan activity and will favor the incumbents of both parties.

Legislators assign a high priority to the preservation of the seats of incumbents who are members of their own party, but they do not express much support for the incumbents from the other party. The mean score for protecting incumbents from their own party is 1.83, while the mean score for protecting all incumbents is 2.69 (p < .01). Furthermore, the goal ranked second by the legislators, after protecting their own incumbents, is the goal of capturing as many seats as possible for the party.

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Table 2

Differences Between Republicans and Democrats in Ranking of Goals

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Strength of Party in Area</td>
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<td></td>
</tr>
<tr>
<td>Democrat</td>
<td>2.33</td>
<td>-.03</td>
</tr>
<tr>
<td>Republican</td>
<td>2.34</td>
<td></td>
</tr>
<tr>
<td>Protection of Own Seat</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Democrat</td>
<td>2.14</td>
<td>.05</td>
</tr>
<tr>
<td>Republican</td>
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<td></td>
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<tr>
<td>Protect Seat of Own Congressman</td>
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<td></td>
</tr>
<tr>
<td>Democrat</td>
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<tr>
<td>Republican</td>
<td>3.07</td>
<td></td>
</tr>
<tr>
<td>Protect House Incumbents of Same Party</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Democrat</td>
<td>1.72</td>
<td>-.86</td>
</tr>
<tr>
<td>Republican</td>
<td>1.93</td>
<td></td>
</tr>
<tr>
<td>Protect All Incumbents</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Democrat</td>
<td>2.36</td>
<td>-2.09*</td>
</tr>
<tr>
<td>Republican</td>
<td>2.98</td>
<td></td>
</tr>
<tr>
<td>Capture Maximum Seats for Party</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Democrat</td>
<td>1.86</td>
<td>-.72</td>
</tr>
<tr>
<td>Republican</td>
<td>2.05</td>
<td></td>
</tr>
<tr>
<td>Keep Plan Out of the Courts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Democrat</td>
<td>2.06</td>
<td>.11</td>
</tr>
<tr>
<td>Republican</td>
<td>2.02</td>
<td></td>
</tr>
<tr>
<td>Districts Reflect Party Strength</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Democrat</td>
<td>3.08</td>
<td>1.12</td>
</tr>
<tr>
<td>Republican</td>
<td>2.76</td>
<td></td>
</tr>
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</table>

While perhaps a modicum of respect is expressed for incumbents from the other party, there is no other attitudinal evidence to conclude that redistricting is a bipartisan activity by choice. Rather, because of the risk-averse nature of the legislators and the many constraints associated with redistricting—shifts in population, protection of minority seats, preservation of communities of interest—the legislators may regard the protection of their
own incumbents as simply the easiest way to produce a redistricting plan that is acceptable to those most interested in the eventual redistricting plan--the incumbents. But this is a partisan activity that produces results that look bipartisan. The data show that, given its druthers, the party that controls the redistricting process prefers to have its own candidates as the primary beneficiaries of a redistricting plan.

To further test the two hypotheses, multivariate analysis is needed to control for the effects of some of the attitudinal factors discussed earlier. In the first equation we attempt to explain the legislators’ support for protecting the seats of the congressmen representing their districts. We expect that factors which obviate partisan tendencies would manifest themselves with this dependent variable. Therefore, a good relationship between a legislator and a congressman and a history of campaign contributions should be correlated with the desire to protect the congressman who represents the district.

The equation indicates that two dimensions of partisanship are strongly related to a legislator’s desire to protect the seat of the congressman. First, shared partisanship is correlated with the goal of protecting the seat of the congressman. The strength and positive sign of the coefficient indicate that the pull of shared affiliation is quite compelling. Second, the desire to maximize the number of seats for a particular party is also strongly correlated with the goal of protecting the seat of the congressman. This correlation implies that protecting incumbents is perhaps the manner by which partisan goals are ultimately achieved. In a competitive two-party state where control of the process is divided between the two parties, partisan goals are realized by protecting incumbents from both parties. The incumbents are not protected necessarily because of their incumbency, in which case more support for protecting all incumbents would have been expressed, but because they belong to parties that are competing with each other. Finally, denying further control to congressmen, one of the two variables that seeks to measure who should control the redistricting process, is correlated with the dependent variable, although the relationship is only statistically significant at the .10 level. The correlation of this aim with the dependent variable could perhaps be a recognition on the part of the legislators that retaining control of the redistricting process is a necessary condition for the achievement of partisan goals.

Keeping the redistricting plan out of the courts and the variables that measure the personal relationship between the congressman and the legislator are not correlated with the dependent variable. For example, past campaign contributions from the congressional member have no impact. It appears to be much more important for the congressman to share party
Table 3

Dependent Variable: Protect Seat of Own Congressman

<table>
<thead>
<tr>
<th>Variable</th>
<th>Equation</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. congressmen should have more control over redistricting process</td>
<td>1.13*</td>
</tr>
<tr>
<td>Party membership of legislator</td>
<td>-.063</td>
</tr>
<tr>
<td>Rep. from legislator's district belongs to legislator's party</td>
<td>1.73***</td>
</tr>
<tr>
<td>Keep redistricting plan out of the courts</td>
<td>-.054</td>
</tr>
<tr>
<td>Party capture as many seats as possible</td>
<td>.464***</td>
</tr>
<tr>
<td>Received campaign contribution in the past</td>
<td>.053</td>
</tr>
<tr>
<td>Good relationship with rep. from legislator's district</td>
<td>-.531</td>
</tr>
<tr>
<td>Want national party involved in the redistricting process</td>
<td>-.194</td>
</tr>
<tr>
<td></td>
<td>.464</td>
</tr>
<tr>
<td></td>
<td>-1.58</td>
</tr>
<tr>
<td></td>
<td>-.550</td>
</tr>
<tr>
<td></td>
<td>R2=.55</td>
</tr>
<tr>
<td></td>
<td>Adj R2=.47</td>
</tr>
</tbody>
</table>

Numbers are unstandardized regression coefficients. The t-values for the coefficients are included in the parentheses.

*** statistically significant at .01
**  statistically significant at .05
*   statistically significant at .10

affiliation rather than campaign money. Finally, there is no correlation between party membership and the dependent variable.

We next look at the equation where the protection of incumbents from the same party is the dependent variable. Only one correlation in Table 4 is statistically significant at the .05 level: the desire "to maximize the opportunities...to capture as many congressional seats as possible" is strongly correlated with the desire to protect incumbents from the same party. The relationship is both strong and positive. Once again, the
Kelly D. Patterson & Bruce D. Armon

Table 4

Dependent Variable: Protect Incumbents from Same Party

<table>
<thead>
<tr>
<th>Equation</th>
<th>Coefficient (Standard Error)</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. congressmen should have more control over redistricting process</td>
<td>.352 (.732)</td>
</tr>
<tr>
<td>Party membership of legislator</td>
<td>-.048 (-.159)</td>
</tr>
<tr>
<td>Rep. from legislator's district belongs to legislator's party</td>
<td>-.013 (-.033)</td>
</tr>
<tr>
<td>Keep redistricting plan out of the courts</td>
<td>-.164 (-1.45)</td>
</tr>
<tr>
<td>Party capture as many seats as possible</td>
<td>.509**** (4.11)</td>
</tr>
<tr>
<td>Received campaign contribution in the past</td>
<td>.488 (1.00)</td>
</tr>
<tr>
<td>Good relationship with rep. from legislator's district</td>
<td>.137 (.481)</td>
</tr>
<tr>
<td>Want national party involved in the redistricting process</td>
<td>-.278 (-.930)</td>
</tr>
</tbody>
</table>

R2 = .33
Adj R2 = .21

Numbers are unstandardized regression coefficients. The t-values for the coefficients are in the parentheses.

*** statistically significant at .01
** statistically significant at .05
* statistically significant at .10

The protection of incumbents seems to be the means by which legislators best believe they can achieve partisan goals.

Although none of the other correlations is significant, they are consistent with two of our earlier findings. First, as we found in the previous equation and in the bivariate analysis, there is no difference between the political parties. The correlation between party membership and protection of incumbents from the same party is small and insignificant. Second, the quality of the relationship between the incumbent and the
Commonwealth legislator is not correlated with the legislators' desire to see incumbents from the same party protected. Shared party affiliation appears to be a powerful standard by which legislators evaluate the merits of various redistricting plans, regardless of the quality of the personal relationship they may enjoy with their congressman.

State Legislators and National Parties

The achievement of partisan goals through redistricting is, as we have argued, extremely important to state legislators. Due to the federated structure of political parties in the United States, it is possible to have disagreement among the different levels of the party on which goal is the most desirable to achieve. For example, leaders of the congressional party may desire the protection of incumbents. Through the efforts of groups like the Democrats' IMPAC 2000, congressional incumbents seek to create favorable redistricting plans for themselves. However, state party leaders may want to optimize good government goals or avoid court challenges to their efforts. The legislators are subjected to pressures from both sets of leaders and their goals are colored by these expectations.

This issue was explored in a series of questions included in the survey. Seventy-five percent of those who responded to the survey expected their national party to become involved in the redistricting process. A smaller percentage of respondents, 61%, actually wanted the national party to become involved. When the national party does become involved, the state legislators believe that it acts in both the interests of the individual congressmen and the national party. In response to the question, "Do you believe the national party acts in the best interests of the party as a whole, individual congressmen, or a combination of the two?": 26% said the national party, while 62% stated a combination of the two. Only 8% said that the national party acts exclusively in the interests of the individual congressmen.

In response to the question "Should the national party act in the best interests of the party as a whole, individual congressmen, or a combination of the two?" legislators overwhelmingly answered that the national party should act in the interests of both. Only 20% said that the national party should pursue exclusively its own goals.

The answers to these questions indicate that partisanship for the majority of legislators involves a commitment to both members of the party's delegation and the goals the state and national party want to achieve. These several elements further complicate the decision-making for legislators and ultimately influence the redistricting plan that is adopted.
Conclusion

Although they are by no means conclusive, the findings of this study suggest certain important patterns. Clearly there are several goals that state legislators would like to see realized in the redistricting process. Some of these goals are partisan, some are bi-partisan, and some are actually concerned with responsive government. The achievement of these goals is made more complex by the personal relationships that legislators have with the congressional delegation and by the involvement of the national party in the redistricting process. It may sometimes be possible for the national party to complicate the process by pursuing ends that do not clearly fit those envisioned by the state legislative leaders. In this case, the legislators not only have to balance the type of goals they want, but the level, national or state, at which these goals should be realized. Overall, the findings indicate that legislators are generally motivated by partisan considerations, even though partisan goals can be achieved through a variety of strategies, some of which are more overtly partisan than others.

In any event, the contact between the legislators and the congressmen, the connections between the national party organizations and the state legislatures, and the involvement of hundreds of other groups concerned with redistricting, create a complex environment where multiple and often conflicting goals must be weighed and acted upon. For this reason, most redistricting plans that are eventually accepted do not perfectly embody any one particular goal; rather, the plans reflect the several values that legislators bring with them to the process and respond to the numerous pressures to which they are subjected. Therefore, further research on the attitudes of state legislators in other states with different party systems and assorted methods for reapportionment are needed to broaden our understanding of the components of decision-making that govern this process.
Commonwealth

Appendix 1

Independent and Dependent Variables Used in Regression Equations

Party Membership

Party membership was measured by the question "What is your political affiliation?" A dummy variable for party identification was created in which Republican was the base category.

Want National Party Involved

National party involvement was measured by the question "Do you want the national party to be involved in the redistricting process?" "No" was coded as 0 and "yes" was coded as 1.

Campaign Contribution from Congressmen

Campaign contribution was measured by the question "In the past, has the congressman who represents your district contributed to your electoral campaigns?" The alternatives are yes or no. The variable was inserted in the equations as a 0-1 dichotomy with yes coded as 1.

Legislator Belongs to Same Party as Congressman

The same party was measured by the question "Is the congressman who represents your district from the same political party as yourself?" The alternatives were yes or no. The variable was a 0-1 dichotomy with yes coded as 0.

Relationship with Congressmen

Relation was measured by the question "Generally, what is your political relationship with the congressman who represents your district?" The alternatives were poor, good, excellent, or no relationship. The values of 1, 2, 3 were assigned to poor, good, and excellent respectively.

Capture as Many Congressional Seats as Possible

"The following statements describe possible goals of redistricting. With 1 being "very important" and 5 being "not important at all," and 2 through 4 being positions in between, please rate how important it is to you to see the
following outcomes from redistricting: trying to maximize the opportunities for your party to capture as many congressional seats as possible."

**Keep Redistricting Plan Out of the Courts**

"The following statements describe possible goals of redistricting. With 1 being "very important" and 5 being "not important at all," and 2 through 4 being positions in between, please rate how important it is to you to see the following outcomes from redistricting: Keep the redistricting plan out of the Courts."

**U.S. Congressmen Should Have More Control**

"Do you believe U.S. congressmen should have more 'formal' control of congressional redistricting?" Yes was coded as 1, No was coded as 2.

**Dependent Variables Used in Regression Equations**

The two dependent variables are products of the same question. Legislators were asked: "The following statements describe possible goals of redistricting. With 1 being "very important" and 5 being "not important at all," and 2 through 4 being positions in between, please rate how important it is to you to see the following outcomes from redistricting:"

"Protect the seat of your own congressman"

"Protect House incumbents of same party"
Commonwealth

Endnotes

1. The authors would like to thank Robert Y. Shapiro, John T. Young, and two anonymous reviewers for their assistance. Funds for this project were provided by Franklin & Marshall College and Brigham Young University. The authors alone are responsible for any errors.

2. There is some dispute as to what measure should be used in assessing the outcome of a redistricting plan. Current studies have focused more on the partisan strength in districts rather than on the number of seats won by a particular party (Gopoian and West 1984; Glaser, Grofman and Robbins 1987).

3. The subject of those studies has been the change in public policy in those states after reapportionment of the legislative districts (Saffel 1980/81; O'Rourke 1980).

4. There is no way to determine whether or not the legislators actually answered the questionnaires. However, in subsequent interviews with various state legislators, the attitudes expressed were compatible with the findings of the survey (Armon 1990). There were no follow-up mailings.

5. By partisan goals we mean a redistricting outcome that clearly benefits one party over another, whether it be the number of seats gained or an increase in voting strength.

6. The question to which the legislators responded is the following: "The following statements describe possible goals of redistricting. With 1 being very important and 5 being not important at all, and 2 through 4 being positions in between, please rate how important it is to you to see the following outcomes from redistricting:"

7. Mean scores for the variables were calculated. The variables were then ranked according to their mean score. The smaller number reflects a higher priority for the legislators. See once again the question wording in note #5.

8. There will be rare exceptions. When a legislature is dominated by one party and the legislators are united behind one goal, as in the case of Indiana in 1980, partisan results will be plainly evident. But few state legislatures meet these conditions.
9. The case of the Republican party in North Carolina during the most recent round of redistricting, which resulted in the creation of the much maligned 12th district, is an example of this kind of behavior.

10. The two hypotheses tested in this section of the paper are essentially the same hypotheses formulated by Glazer, Grofman and Robbins 1987.

11. Statistical significance is established using a .05 level, two-tailed test.

12. Ordinary least squares regression was utilized. The analysis used pairwise deletion of missing cases. See Appendix 1 for a discussion of the question wording and recoding of the variables included in the equations.


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