

Votes on Judges Dominate

The Senate spends more time on nominees and less on lawmaking than ever before

When Senate Democrats in November 2013 exercised the so-called nuclear option, barring the minority party from filibustering lower court and executive branch nominees, then-Minority Leader Mitch McConnell warned that the tide would eventually turn.

“You’ll regret this, and you may regret this a lot sooner than you think,” he told the Democrats’ leader, Harry Reid of Nevada.

McConnell, the Kentucky Republican, ascended to the top job 14 months later and since then has made Democrats rue Reid’s decision by confirming judges at twice the rate Congress did when Barack Obama was president. In so doing, he’s remaking the judiciary and fundamentally changing the way the Senate works.

CQ Roll Call’s review of party unity voting in 2019 finds that the Senate confirmation process is, more than ever in modern history, a focus of intense partisanship. In an effort to slow McConnell, Democrats are demanding roll-call votes on routine nominations that once sailed through on a voice vote or by unanimous consent, and they’re voting “no” at unprecedented rates.

All this partisan voting on nominations, meanwhile, is crowding out votes on legislation. In 2019, 82 percent of votes that split a majority of Republicans from a majority of Democrats in the Senate — party unity votes — dealt with nominations. Prior to Reid’s decision, the highest figure of this millennium was 15 percent.

The polarized confirmation process tops the previous record, 2014, as Reid rushed judges through. That year 66 percent of party unity votes were on nominations.

“We’re in the personnel business,” McConnell said two years ago as he stood beside President Donald Trump at a Rose Garden news conference.

And in a year like 2019, when the Democrats controlled the House, the Senate was fixated on confirming the president’s nominees to judgeships and executive branch jobs like never before.

This is the new, post-Armageddon Senate.

And it was easy to foresee. With the 60-vote requirement still in place to move forward with controversial bills, it’s far easier to confirm more judges than to try to work out legislative compromises. Reid showed the way in 2014, but McConnell has perfected the new modus operandi. Future majority leaders will do the same, so long as there are any vacancies left to fill when McConnell is done.

Consider some figures. In 2019, the Senate took 428 votes and 315 of them, 74 percent of the total, dealt with nomina-

tions. Many were cloture votes, but McConnell and Trump pushed through all 161 nominees to the federal courts and executive branch jobs.

It was the highest percentage of Senate votes dedicated to nominations — by far — in this millennium. Before 2013, the year of Reid’s fateful decision, the year with the highest percentage of nomination votes was 2011, at 22 percent.

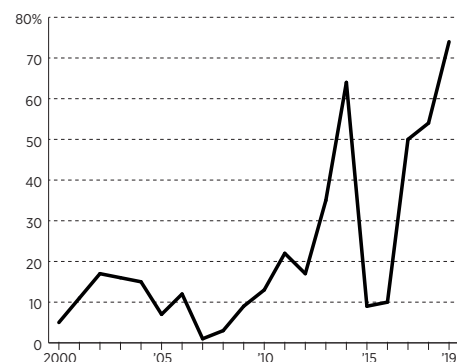
The post-nuclear Senate has sped the confirmation process and should, with time, eliminate the vacancy problem on the federal courts. That peaked during Trump’s second year in office, 2018, at 158 empty judgeships and is now down to 80 out of 890 judgeships nationwide.

It will also fundamentally alter the ideological balance on the courts. Without the need to win Democratic votes, Trump is able to nominate younger, more conservative judges. “The effect of confirming these nominees will be

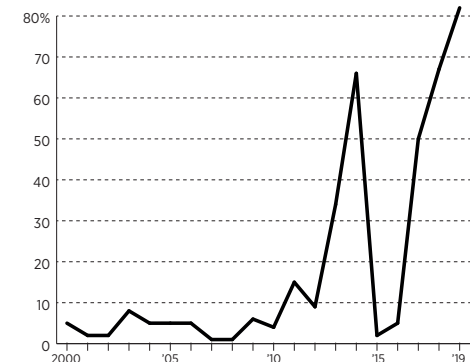
The Senate McConnell has made

Majority Leader Mitch McConnell has focused to an unprecedented degree on judicial and other nominations. Those votes are also more likely to divide Republicans and Democrats than in the past.

Percentage of total votes that were on nominations



Percentage of total party unity votes that were on nominations



Source: CQ Roll Call vote studies
Jason Mann/CQ Roll Call

Two Democrats from Trump States: One on the Fence, the Other True Blue

Democrats Joe Manchin III of West Virginia and Jon Tester of Montana have a lot in common. Both senators represent conservative, rural states and know that GOP opponents will scrutinize their voting records for anything out of step with their constituents.

So the fact that Manchin sides nearly as often with Republicans on party unity votes — those that split a majority of Republicans from a majority of Democrats — and Tester is mostly loyal to his party indicates a difference in approach. Manchin in 2019 had the lowest unity score in the Senate, siding with fellow Democrats on only 50 percent of unity votes. Tester was with his party on 90 percent of those votes.

But in a Senate as fixated on confirming judges and other nominees as the current one is, the primary driver of that 40 percentage point gap was their relative support for President Donald Trump's nominees.

Manchin was far more likely to support them than Tester. In April, for example, the two split on David Bernhardt, Trump's pick to lead the Interior Department, with Manchin in favor and Tester opposed. In February, Manchin joined Republicans in voting to confirm William Barr as attorney general, while Tester was a no.

They split on many judges as well, from Matthew McFarland, who's now a district court judge in Ohio, to Robert Luck, who won a spot on the appeals court in Atlanta. Manchin voted for both, while Tester voted against. In a statement, Tester's office said he evaluated each Trump nominee and supported those

who “understand and support rural states like Montana,” apparently finding many lacking.

Manchin says the president deserves the benefit of the doubt. “As a former governor, I believe the president should have a fair chance to pick his team. When I'm considering nominees political party does not factor in,” he said in a statement. “I look to see if the nominee is qualified for the job to which they have been appointed and cast my vote accordingly.”

There were some policy differences. Of the 42 unity votes on policy matters, Manchin and Tester were on opposite sides nine times.

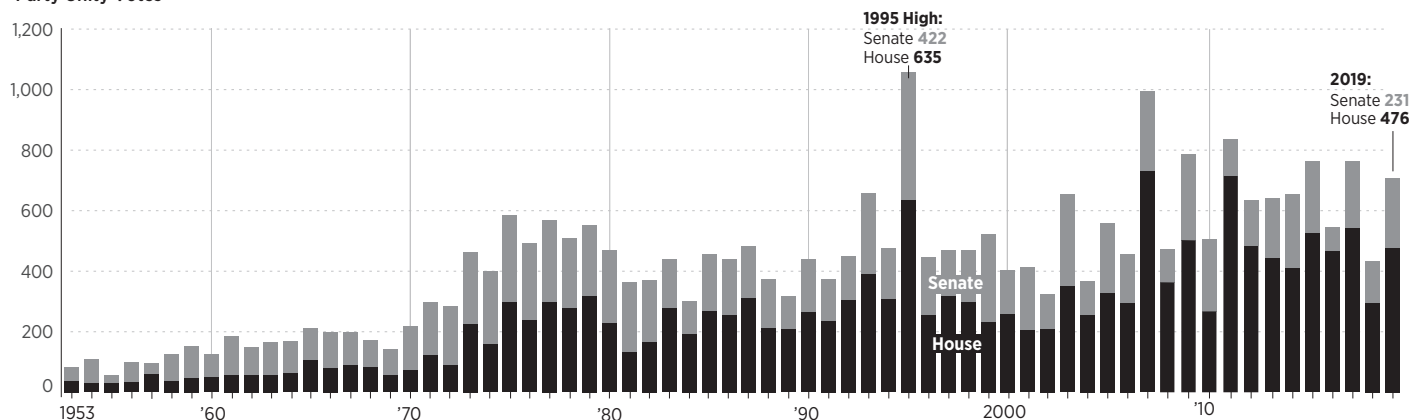
Manchin was in favor of seeking alternatives to paid family and medical leave for federal workers. The defense authorization law (PL 116-92) ultimately extended the paid leave. Manchin voted “yes” on moving forward with a bill (S 311) to require health care providers to care for infants born after botched abortions. Tester voted “no” and the bill failed to get cloture. Tester backed a resolution disapproving of the EPA's move to rescind President Barack Obama's plan to combat climate change by regulating greenhouse gas emissions from coal-fired power plants. Manchin, from a coal-dependent state, voted “no.”

Considering the number of Senate unity votes in 2019 — 231 — only 10 percent of Manchin and Tester's differences were on policy votes, while the other 90 percent were on nominees.

Partisan voting predominates

More than 2 in 3 House votes split Republicans from Democrats, while in the Senate only a little more than half did. But the vast majority of Senate votes, and partisan Senate votes, were on nominations, a big change from prior years.

Party Unity Votes



Senate GOP: United But for Foreign Policy

In a year when Senate Republicans were united, with the average GOP senator voting with his or her party 94 percent of the time on votes that split the parties, foreign policy was the exception.

A number of Republicans broke with their colleagues to call out President Donald Trump for loosening sanctions on Russia, to call for Trump to pull U.S. forces out of Saudi Arabia's war with Yemen, and to block further arms sales to the Saudis.

Many Republicans are uncomfortable with Trump's friendliness with Russian dictator Vladimir Putin and in 2017 passed legislation imposing new sanctions on Russia to punish it for its interference in the 2016 presidential election, among other things. And some Republicans have grown

squeamish about the U.S. support for Saudi Arabia, given that it has helped kill thousands of Yemeni civilians and had a journalist critical of the regime, Jamal Khashoggi, murdered and dismembered.

Eleven Republicans voted with Democrats to condemn the curtailment of Russia sanctions, while seven went with the Democrats on U.S. involvement in Yemen and arms sales to the Saudis.

Still, there were only two Republicans, Susan Collins of Maine and Jerry Moran of Kansas, who voted with Democrats on all three of the votes.

Moran said he felt Russia was still a threat and that sanctions were justified. On the Yemen war and Saudi arms sales, he said he wanted to protect congressional prerogatives to

have a say in foreign policy.

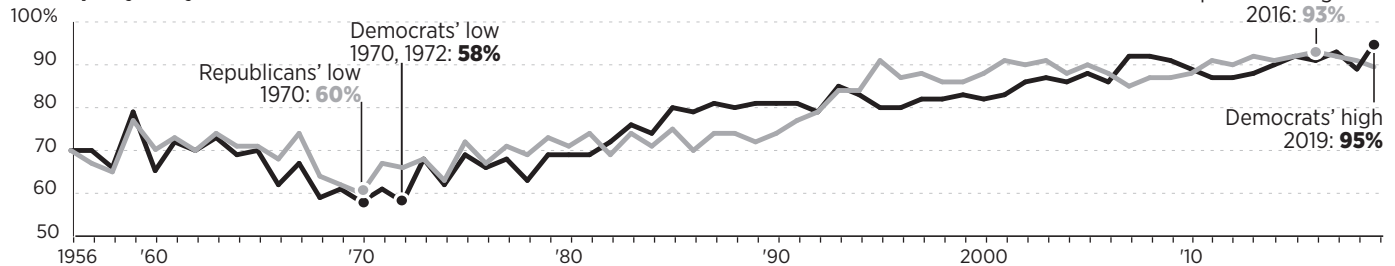
Collins said easing the Russia sanctions would send the wrong message to an unrepentant Putin. On the Yemen war and Saudi arms sales, Collins cites her objections to the Saudis' "abhorrent record on human rights."

Another group of four GOP senators — Mike Lee of Utah, Lisa Murkowski of Alaska, Ron Paul of Kentucky and Todd Young of Indiana — voted with Democrats to order the pullout from Yemen and the suspension of military aid to Saudi Arabia, but did not object to Trump's move to ease the Russia sanctions.

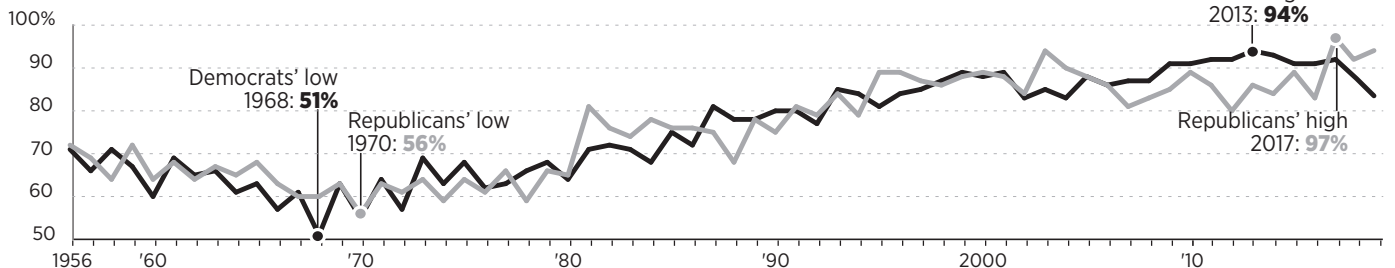
Partisan to the max

Levels of partisan voting remained at or near record highs in 2019. The most noteworthy change is the partisan voting on judicial and executive branch nominees on which Republicans were united and Democrats often divided.

House party unity



Senate



felt long after Trump is out of the White House and McConnell is no longer majority leader,” says Marty Paone, a senior adviser at the Prime Policy Group lobbying firm who spent three decades working the Senate floor for Senate Democratic leadership. “It will be felt for 30 or 40 years.”

Since senators of the president’s party almost always back his nominees, the growing number of confirmation votes is driving up the GOP’s party unity scores. The average Republican senator’s score in 2019, 94 percent, is the second-highest since CQ Roll Call began studying partisan voting in 1956.

On the Democratic side, senators more willing to give Trump his own appointees have higher scores. They are typically from electorally competitive states. But there are others, like Connecticut’s Christopher S. Murphy, who still operate by an older, now dying philosophy, that presidents should usually get their picks. It’s made him the Democrat in a safe seat with the lowest party unity score, at 79 percent, last year. (At the same time, Murphy voted with fellow Democrats on each of the 42 Senate policy votes that split the parties in 2019.)

“Murphy believes the Senate should give deference to the president’s nominees unless the candidate is clearly unqualified or their views are outside of the conservative mainstream. Generally, he does not vote against Trump nominees because of policy differences,” says his spokeswoman, Jamie Geller.

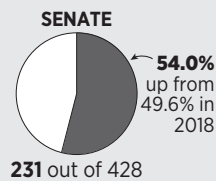
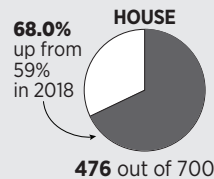
Most Democratic senators in safe seats are going the other direction. And with several senators running for the party’s 2020 presidential nomination, it seemed last year there was a competition of sorts to offer Trump the least support, prompting many “no” votes on his nominees and increasing the number of partisan votes on nominees. Six of the seven senators seeking the Democratic presidential nomination — Cory Booker of New Jersey, Kamala Harris of California, Amy Klobuchar of Minnesota, Kirsten Gillibrand of New York, Bernie Sanders of Vermont and Elizabeth Warren of Massachusetts — voted with the Democrats on partisan votes 100 percent of the time in 2019. Colorado’s Michael Bennet was at 94.6 percent.

Trump’s combative approach to politics and the fact that he won in 2016 without a popular majority has contributed. The Democratic “resistance” calls out sena-

Majority rule

The Senate operated like the House, taking mostly votes that require only a majority. Those votes, many on nominees, resulted in GOP wins.

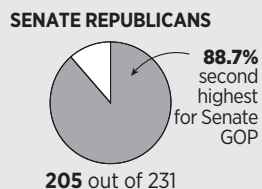
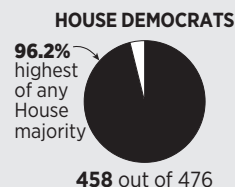
Frequency of party unity votes:



AVERAGE FOR BOTH CHAMBERS:

62.0%

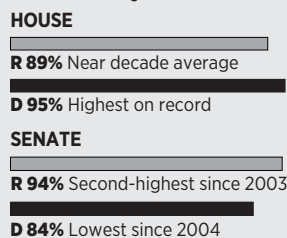
How often the majority won:



AVERAGE FOR BOTH CHAMBERS:

93.8%

Average chamber party unity scores:



tors who vote for Trump nominees, as it did Warren when she backed Housing and Urban Development Secretary Ben Carson in a committee vote (before voting “no” on the Senate floor), or Rhode Island’s Sheldon Whitehouse when he backed Mike Pompeo for CIA director.

And Democrats recall with anger McConnell’s decision in 2016 to refuse a vote on Barack Obama’s Supreme Court pick, Merrick Garland.

The trend is foreboding. At some point, there will be a new president who takes office with a Senate controlled by the opposition. Will that president be able to name a Cabinet, or seat a Supreme Court justice?

Consider how many Democrats voted for some of Trump’s 2019 Cabinet picks. Attorney General William Barr and Interior Secretary David Bernhardt got three Democratic votes, while Labor Secretary Eugene Scalia got one. Three Democrats voted for Trump’s 2017 Supreme Court pick, Neil M. Gorsuch. Just one, Joe Manchin III of West Virginia, voted for Brett M. Kavanaugh in 2018.

“It’s legitimate to ask the question,” says Richard Arenberg, a former aide to then-Senate Majority Leader George Mitchell of Maine who’s now a senior fellow at Brown University. The confirmation process “is getting worse and worse.”

In addition to transforming the judiciary, it’s transformed the way the Senate operates.

For a majority leader concerned with using Senate floor time productively, policy votes stood more of a chance before the nuclear option. Getting judges confirmed was difficult since he had to work with the minority party and the president to settle on nominees who could get 60 votes. A bipartisan bill could compete for his attention.

But now, confirming nominees is easy, while votes on legislation are harder than ever, requiring compromise with minority party senators and a House controlled by the Democrats. They’re also politically dangerous, opening up vulnerable senators to uncomfortable votes on amendments.

“The only legislation he is going to call up is the legislation he has to call up, says Paone. ■

Leading Scorers: Party Unity

Support shows those who, in 2019, voted most often with a majority of their party against a majority of the other party.

Opposition shows those who voted most often against their party's majority. Absences do not count. Members with identical scores are listed alphabetically.

SENATE

SUPPORT

<i>Democrats</i>		<i>Republicans</i>	
Gillibrand, Kirsten	100.0%	Barrasso, John	100.0%
Hirono, Mazie K.	100.0	Fischer, Deb	100.0
Klobuchar, Amy	100.0	Inhofe, James M.	100.0
Murray, Patty	100.0	Lankford, James	100.0
Smith, Tina	100.0	Risch, Jim	100.0
Warren, Elizabeth	100.0	Braun, Mike	99.6
Schumer, Charles E.	99.6	Crapo, Michael D.	99.6
Udall, Tom	99.6	Johnson, Ron	99.6
Markey, Edward J.	99.5	Cassidy, Bill	99.5
Blumenthal, Richard	99.1	Cruz, Ted	99.5
Schatz, Brian	99.1	9 Senators	99.1
Stabenow, Debbie	99.1		
Baldwin, Tammy	98.3		
Van Hollen, Chris	98.3		

OPPOSITION

<i>Democrats</i>		<i>Republicans</i>	
Manchin, Joe III	49.8%	Collins, Susan	21.6%
Sinema, Kyrsten	47.4	Paul, Rand	12.3
Jones, Doug	43.2	Murkowski, Lisa	10.1
Murphy, Christopher S.	21.3	Moran, Jerry	9.3
Coons, Chris	16.7	Lee, Mike	7.9
Carper, Thomas R.	16.5	Young, Todd	6.2
Shaheen, Jeanne	16.0	Alexander, Lamar	5.1
Hassan, Maggie	13.9	Graham, Lindsey	4.9
Warner, Mark	10.9	Daines, Steve	4.3
Tester, Jon	10.4	McConnell, Mitch	4.3
Kaine, Tim	10.3	Portman, Rob	4.3
Feinstein, Dianne	9.1	Gardner, Cory	3.9
Leahy, Patrick J.	8.7	Blunt, Roy	3.5
Cardin, Benjamin L.	8.7	Roberts, Pat	3.3
Rosen, Jacky	8.3	McSally, Martha	3.1

HOUSE

SUPPORT

<i>Democrats</i>		<i>Republicans</i>	
Barragan, Nanette	100.0%	Bishop, Dan	100.0%
Davis, Danny K.	100.0	Lamborn, Doug	99.6
Davis, Susan A.	100.0	Ratcliffe, John	99.5
Engel, Eliot L.	100.0	Allen, Rick W.	99.4
Eshoo, Anna G.	100.0	Byrne, Bradley	99.3
Jackson Lee, Sheila	100.0	Hice, Jody B.	99.3
Kennedy, Joseph P. III	100.0	Wright, Ron	99.2
Lewis, John	100.0	Duncan, Jeff	99.1
Neal, Richard E.	100.0	Kelly, Trent	99.1
Pingree, Chellie	100.0	Loudermilk, Barry	99.1
Roybal-Allard, Lucille	100.0	Walker, Mark	99.1
Serrano, Jose E.	100.0	Weber, Randy	99.1
Smith, Adam	100.0	Hern, Kevin	98.9
Trahan, Lori	100.0	Jordan, Jim	98.9
Welch, Peter	100.0	Norman, Ralph	98.9
		Palmer, Gary	98.9

OPPOSITION

<i>Democrats</i>		<i>Republicans</i>	
Peterson, Collin C.	21.4%	Fitzpatrick, Brian	46.2%
McAdams, Ben	18.7	Smith, Christopher H.	36.4
Van Drew, Jeff*	18.3	Katko, John	35.7
Brindisi, Anthony	15.4	Stefanik, Elise	32.6
Cunningham, Joe	15.2	Upton, Fred	28.1
Golden, Jared	13.1	King, Peter T.	27.7
Gottheimer, Josh	12.4	Reed, Tom	24.1
Spanberger, Abigail	10.8	Hurd, Will	23.5
Horn, Kendra	10.3	Rooney, Francis	23.0
Axne, Cindy	9.2	Fortenberry, Jeff	21.9
Cuellar, Henry	9.0	Hollingsworth, Trey	20.9
Torres Small, Xochitl	8.2	Stauber, Pete	19.4
Luria, Elaine	8.2	Walden, Greg	19.5
Slotkin, Elissa	8.0	Herrera Beutler, Jaime	19.1
Craig, Angie	8.0	Davis, Rodney	19.0

*Van Drew switched parties in December, becoming a Republican.

Pelosi Proves Her Mettle

She won over skeptics in her caucus and kept ideologically diverse Democrats voting in lockstep

It's easy to forget that when Democrats won the House majority in 2018, there was some question about whether Nancy Pelosi would return as speaker.

A group of veteran Democrats said it was time for generational change and attempted to recruit a challenger. Some of the incoming freshmen, many who'd won seats in conservative or moderate districts, said they would not vote for her.

The challenge ended up short-lived. Pelosi coasted to victory. Ten freshmen and five other Democrats ultimately opposed her for speaker, while 220 re-elected her.

But questions remained, mainly: Could this San Francisco liberal approaching her 80th birthday hold together a caucus that now included 31 Democrats representing districts Donald Trump had won in his 2016 presidential campaign?

The 700 roll-call votes the House took in 2019 demonstrate that she did, conclusively.

House Democrats — on average — held with the party on votes that split a majority of Democrats from a majority of Republicans, party unity votes, 95 percent of the time, higher than at any time since CQ Roll Call began studying partisan voting in 1956.

This was a testament to Pelosi's skills as a party manager. Marc Sandalow, a former San Francisco Chronicle reporter who's written a Pelosi biography,

explains: "Pelosi is among the most liberal members and represents a liberal district, but her leadership style is pragmatic. She understands what it takes to build a majority."

Democrats' extraordinary unity in 2019 is also the continuation of a trend in which representatives, and senators, willing to cross party lines are fewer, and the parties more clearly sorted.

It's also a statement on how electoral politics has changed. In an era when congressional races reflect the national partisan divide, fewer lawmakers in competitive states and districts are even attempting to distinguish themselves as moderates. That's a testament to their personal beliefs, to be sure, and the view that campaigns are won by energizing base voters, not by winning independent ones. It's also a calculation that partisan voting will spur campaign contributions from activist partisans across the country. To some representatives in competitive seats, it's more important to have a big campaign war chest that enables an election-year advertising blitz than a voting record that reflects a community's views.

This takes nothing away from Pelosi. House Democrats' record unity score exceeded their previous mark of 93 percent, set in 2017 at a time when the caucus was 40 members smaller and more ideologically progressive, made up mainly of liberal stalwarts in safe districts.

Pelosi lost one of her Trump-district Democrats, Jeff Van Drew of New Jersey, in January. Van Drew opposed the impeachment of Trump and switched parties. But on average the remaining 30 Democrats in Trump districts voted with their fellow partisans on 92.6 percent of unity votes last year, just 2.4 percentage points off the party average.

Take a narrower slice, the 26 Democrats in Trump districts considered endangered in this year's election by CQ Roll Call elections analyst Nathan L. Gonzales. On average, they voted with the party 92.2 percent of the time on unity votes.

And the 25 members of the Blue Dog Coalition, self-described moderates, voted with the party on average 92 percent of the time as well. Stephanie Murphy, the second term Democrat from an Orlando, Fla.-area district who is co-chairwoman of the coalition, says it's because Pelosi took moderates' views into account. She worked "with the Blue Dog Coalition to ensure that as legislation moves through committee and to the floor we have been able to make adjustments to make sure members can vote their conscience and their districts."

Murphy cites the inclusion of rules requiring the House to pay for new spending in the year's rules package, and with changes to the way the Dem-

ocrats' signature campaign finance bill (HR 1) was funded.

At the same time, Murphy acknowledges that Democrats are more united on hot-button issues from gun control to gay rights than they have been ever before. "It is because the country has moved in a more progressive way on those issues," she says.

Still, the high level of unity among moderate factions in the Democratic caucus masked differing approaches to casting ballots on the part of some individuals. It makes intuitive sense for a Democratic representative in a district that favored Trump in 2016 by 31 percentage points — Collin C. Peterson in rural western Minnesota — to buck his party. Peterson, a Blue Dog, had his caucus's lowest unity score at 79 percent.

But then there was Matt Cart-

wright, in a Scranton, Pa.-based district that went for Trump by 9.3 percentage points, making it the eighth-most Trump-friendly of the 30 Trump districts held by Democrats. Cartwright nonetheless voted with his fellow Democrats 99 percent of the time.

He's also a member of the Congressional Progressive Caucus and has gone on Fox News to defend Pelosi, telling its conservative viewers last year that "She doesn't stifle divergent opinions in the Democratic caucus and I think people honor that about her."

Gonzales makes the case that Democrats like Cartwright are thinking about their fundraising, which theoretically grows when they stand with the party because wealthy Democrats from inside and outside their districts come to their defense. Voting with fellow Democrats also keeps the Democratic base motivated to turn out, crucial to vulner-

able representatives' prospects.

Moderates also face pressure from Pelosi to stick with the party. Last February, after 26 in the caucus (not including Cartwright) voted with Republicans on an amendment requiring that immigration authorities be notified if an unauthorized immigrant tries to buy a gun, Pelosi called a closed-door meeting and reportedly told them to get on board: "We are either a team or we're not, and we have to make that decision," she said, according to a Washington Post report.

There is a pattern to the way endangered Democrats are voting, with those in greater peril voting more often with Republicans than those in less danger. Looking at the 30 Trump-district Democrats based on Trump's margin of victory in 2016 indicates that those in the most Trump-friendly districts, which favored the president

Two Freshman Democrats Who Broke With the Party Explain

What makes for an outlier when the average Democratic representative votes with his party on 95 percent of partisan votes?

About 40-50 votes. That's about how many times the Democrats most willing to break with the party, like Anthony Brindisi of upstate New York or Ben McAdams of Salt Lake City, parted with their colleagues.

Brindisi and McAdams have a lot in common. Brindisi voted with fellow Democrats 85 percent of the time, while McAdams voted with them 82 percent of the time when a vote split a majority of Democrats from a majority of Republicans. That made them the second- and fourth-most-likely Democrats to break with the party in 2019, behind longtime outlier Collin C. Peterson and freshman Jeff Van Drew.

Van Drew, of New Jersey, left the party in January. Peterson, through 15 terms, has a long established strategy aimed at keeping his rural Minnesota constituents satisfied with his representation. It's meant voting fairly often with Republicans.

Brindisi and McAdams, two freshmen facing tough reelection campaigns, are seeking that same balance. Brindisi won his seat over Republican Claudia Tenney by 1.8 percentage points, while Donald Trump won the district in 2016 by a whopping 15.5. Peterson's district is the only one held by a Democrat that went for Trump by a greater margin.

McAdams beat Republican Mia Love by the same 1.8 point margin, after Trump won the district in 2016 by 6.7 points. And McAdams has reason to be as worried about his reelection prospects as Brindisi. Utah, normally among the most Republican states in the country, was unusually divided on Trump. In 2012, by contrast, Mitt Romney won the presidential vote in McAdams' district by 37 points over Barack Obama. In 2008, John McCain won it by 15.

Both Brindisi and McAdams downplay their party ties. "I want to be an independent voice for my constituents," says McAdams. "I didn't come to Washington to fight for any party's agenda, but what's right for my state."

Explains Brindisi: "I will vote the way I think is in the best interest of my district. I'm not concerned with party labels."

Both were among the 26 Democrats to join Republicans last February in amending a bill (HR 8) expanding background checks for gun sales to require the FBI to inform the Homeland Security Department when an unauthorized immigrant attempts to buy a gun.

The vote prompted threats from progressives that they would seek primary challengers to the rebellious Democrats and a scolding about working together from Speaker Nancy Pelosi.

But both lawmakers stand by their vote, as they do other acts of modest rebellion. For instance, both defend their votes for a Republican amendment to a bill (HR 9) aimed at requiring Trump to comply with the Paris climate agreement that would have delayed adherence until after Trump certifies that the agreement won't result in jobs leaving the United States for China.

Brindisi says struggling factory workers in his district care about ensuring that the burden of combating climate change is shared across the globe, while McAdams says he takes each vote as it comes. "I don't think the Democrats have a monopoly on good ideas," he says.

Neither Brindisi nor McAdams voted for Pelosi for speaker. Brindisi favored former Vice President Joe Biden, while McAdams cast his ballot for Blue Dog Coalition Co-Chairwoman Stephanie Murphy, the Florida Democrat.

But after more than a year of watching Pelosi lead the Democrats, Brindisi is charitable. Party moderates, he says, "have had the ear of leadership," adding that "the legislation that has come out of the House over the last year has taken into account the needs of the more progressive wing, but also moderate members who helped deliver the majority."

McAdams is more circumspect: "I think it's been a divisive year, but also a year in which we've been able to get some good stuff done. It's mixed."

by 10 percentage points or more over Democrat Hillary Clinton, are among the most independent-minded Democrats in the House. The six in those districts — Peterson; Anthony Brindisi in upstate New York; Kendra Horn in Oklahoma City; Joe Cunningham in Charleston, S.C.; Jared Golden in rural Maine; and Xochitl Torres Small in rural southern New Mexico — voted with the party, on average, 86 percent of the time.

Peterson, who is the Agriculture Committee chairman, is in his 15th term and has a history of winning in a conservative district, had the lowest score in the group, while freshman Torres Small, whose district has had a Republican representative for all but three of the past 39 years, had the highest at 92 percent.

On the other side, those seven Democrats in districts Trump won narrowly were about as loyal to the party as the average Democrat, posting an average unity score of 95 percent. Angie Craig, a freshman representing suburbs south of Minneapolis, had the lowest score at 92 percent, while Chris Pappas, another freshman in an eastern New Hampshire district that includes the state's largest city, Manchester, had the highest score at 98 percent.

The six Democrats in districts that went for Trump by between 3 and 5 percentage points, posted an average unity score of 94.5 percent, just slightly lower than those in the districts that favored Trump more narrowly. And the seven Trump district Democrats representing places that favored Trump by between 5 and 10 percentage points had an average unity score of 92.6 percent.

However, there does not seem to be a connection between party loyalty and fundraising. Some of the most loyal endangered Democrats, such as Pappas, are lagging in fundraising. He'd raised just \$854,100 for his reelection campaign as of last month. Meanwhile, Cunningham, who won a surprise victory in his conservative district, had raised \$1.8 million despite

one of the party's lowest unity scores, at 85 percent.

Perhaps the sample size and other factors that lead to strong fundraising, primarily the effort put in by the representative, overwhelm the importance of voting decisions.

A review of all the incumbent representatives seeking reelection that Gonzales considers endangered — 37 Democrats, 23 Republicans and one independent — finds no connection between party loyalty and fundraising. Those 21 with unity scores of 95 percent or higher had raised \$1.3 million on average, while the 11 with scores below 85 percent had raised \$1.2 million on average.

If the February chastising over gun control sent a message to party moderates, there were spats between Pelosi and her party's left flank too. In June, for example, the four progressives who call themselves "the squad" — Alexandria Ocasio-Cortez of New York, Ilhan Omar of Minnesota, Ayanna S. Pressley of Massachusetts and Rashida Tlaib of Michigan — voted "no" on a bill to help pay for housing and food for the flood of migrants at the southern border. They were protesting Trump's policy of separating immigrant families and his decision to use defense funding to build border fencing in defiance of Congress.

The bill (PL 116-26) passed at Pelosi's urging and she let loose to *The New York Times*' Maureen Dowd: "They're four people and that's how many votes they got."

In actuality, after the squad made its stand alone on a preliminary vote, 91 other Democrats joined them in voting against the funding. But it did not forebode any larger split between Pelosi and the progressives.

Members of the Progressive Caucus, on average, stuck with the party on almost every partisan vote, 99 percent, and members of the squad were nearly as loyal, at 97.5 percent.

"We have, across the caucus, a lot more in common than we don't," says Rep. Mark Pocan of Madison, Wis., the co-chairman of the Progressive Caucus. "Pelosi has been pretty masterful

in listening to all elements of the caucus and making sure that everyone has felt heard."

Pocan also says Trump has driven Democrats together. It's a point on which Sandalow, the Pelosi biographer, agrees: "It's easier to keep the caucus together when you have Trump to rally against."

All this translated into a remarkably successful year for Pelosi, if success is winning passage of the bills considered on the House floor. Of 476 votes that split the parties, Democrats got their way on 458 of them, the highest victory rate for either party since CQ Roll Call started tracking it in 1960.

Her success, though, was more in messaging than in getting bills signed into law. The Democrats passed bills to raise the minimum wage, to overhaul campaign finance rules and to expand gun control regulations, but all foundered in the Senate. Pelosi's intent was not to pass laws, but to send a message to voters. The 105 new laws of 2019 were among the fewest of any Congress in modern times.

Still, even those who sought to oust her are now admitting she proved her mettle.

"She kept the party together through an incredibly contentious and difficult time," one of her long-time critics, Massachusetts Democrat Seth Moulton, told NPR in December.

■

History: Party Unity

The table below on the left shows how frequently a majority of Democrats aligned against a majority of Republicans. The average scores in the other columns for each chamber are computed including absences.

YEAR	Frequency of Unity Votes		House Average Scores		Senate Average Scores	
	HOUSE	SENATE	DEMOCRATS	REPUBLICANS	DEMOCRATS	REPUBLICANS
2019	68%	54%	95%	89%	84%	94%
2018	58.6	49.6	89	91	87	92
2017	76.0	68.9	93	92	92	97
2016	73.4	46.0	91	93	91	83
2015	75.1	69.3	92	92	91	89
2014	72.6	66.7	90	91	93	84
2013	68.6	69.8	88	92	94	86
2012	72.8	59.8	87	90	92	80
2011	75.8	51.1	87	91	92	86
2010	40.0	78.6	89	88	91	89
2009	50.9	72.0	91	87	91	85
2008	53.3	51.6	92	87	87	83
2007	62.0	60.2	92	85	87	81
2006	54.5	57.3	86	88	86	86
2005	49.0	62.6	88	90	88	88
2004	47.0	52.3	86	88	83	90
2003	51.7	66.7	87	91	85	94
2002	43.3	45.5	86	90	83	84
2001	40.2	55.3	83	91	89	88
2000	43.2	48.7	82	88	88	89
1999	47.3	62.8	83	86	89	88
1998	55.5	55.7	82	86	87	86
1997	50.4	50.3	82	88	85	87
1996	56.4	62.4	80	87	84	89
1995	73.2	68.8	80	91	81	89
1994	61.8	51.7	83	84	84	79
1993	65.5	67.1	85	84	85	84
1992	64.5	53.0	79	79	77	79
1991	55.1	49.3	81	77	80	81
1990	49.1	54.3	81	74	80	75
1989	56.3	35.3	81	72	78	78
1988	47.0	42.5	80	74	78	68
1987	63.7	40.7	81	74	81	75
1986	56.5	52.3	79	70	72	76
1985	61.0	49.6	80	75	75	76
1984	47.1	40.0	74	71	68	78
1983	55.6	43.7	76	74	71	74
1982	36.4	43.4	72	69	72	76
1981	37.4	47.8	69	74	71	81
1980	37.6	45.8	69	71	64	65
1979	47.3	46.7	69	73	68	66
1978	33.2	45.2	63	69	66	59
1977	42.2	42.4	68	71	63	66
1976	35.9	37.2	66	67	62	61
1975	48.4	47.8	69	72	68	64
1974	29.4	44.3	62	63	63	59
1973	41.8	39.9	68	68	69	64
1972	27.1	36.5	58	66	57	61
1971	37.8	41.6	61	67	64	63
1970	27.1	35.2	58	60	55	56
1969	31.1	36.3	61	62	63	63
1968	35.2	32.0	59	64	51	60
1967	36.3	34.6	67	74	61	60
1966	41.5	50.2	62	68	57	63
1965	52.2	41.9	70	71	63	68
1964	54.9	35.7	69	71	61	65
1963	48.7	47.2	73	74	66	67
1962	46.0	41.1	70	70	65	64
1961	50.0	62.3	72	73	69	68
1960	52.7	36.7	65	70	60	64
1959	55.2	47.9	79	77	67	72
1958	39.8	43.5	66	65	71	64
1957	59.0	35.5	70	67	66	69
1956	43.8	53.1	70	70	71	72

Tallying party unity votes

In the House in 2019, the two parties aligned against each other on 476 of 700 roll call votes, or 68 percent of the time — up 9.4 percentage points from 2018. In the Senate, the parties opposed each other on 231 of 428 roll calls, or 54 percent of the time. That’s up from last year’s 49.6 percent. A list of roll-call votes that pitted majorities of the two parties against each other is available upon request from CQ Roll Call.

Calculations of average scores by chamber and party are based on all eligible “yea” or “nay” votes, whether or not all members participated. Under this methodology, average support and opposition scores are reduced when members do not vote. Party and chamber averages are not strictly comparable to individual member scores. (Complete member scores, pp. 47-49)

Also, in the member score tables, Sens. Angus King, I-Maine, and Bernie Sanders, I-Vt., were treated as if they were Democrats when calculating their support and opposition scores. They do not, however, qualify to be listed among the party’s leaders in any category. Independent Rep. Justin Amash of Michigan was treated as a Republican for votes until he left the party in July. After, his votes are not grouped with either party’s.

Background: Party Unity

Roll-call votes used for the party unity study are those on which a majority of Democrats opposed a majority of Republicans. Support indicates the percentage of time members voted in agreement with their party on such party unity votes. The tables below also show the number of party unity votes on which each party was victorious and the number of instances in which either party voted unanimously.

AVERAGE PARTY UNITY SCORE BY CHAMBER

		SUPPORT	
		2018	2019
HOUSE	Democrats	89%	95%
	Republicans	91	89
SENATE	Democrats	87	84
	Republicans	92	94
CONGRESS	Democrats	89	93
	Republicans	91	90

Average scores for chamber and party are calculated based on all party unity votes for which members were eligible. A member's failure to vote lowers the score for the group.

VICTORIES IN PARTY UNITY VOTES

YEAR	HOUSE		SENATE		CONGRESS	
	Democrats	Republicans	Democrats	Republicans	Democrats	Republicans
2019	458 votes	18	26	205	484	223
2018	23	269	28	108	51	337
2017	51	488	23	201	74	689
2016	40	416	53	22	93	438
2015	68	460	93	142	161	602
2014	55	353	224	20	279	373
2013	50	389	171	32	221	421
2012	67	411	103	47	170	458
2011	82	634	87	33	169	667
2010	236	28	196	39	432	67
2009	473	29	264	22	737	51
2008	342	25	60	51	402	76
2007	658	72	179	87	837	159
2006	59	236	53	107	112	343
2005	50	278	47	182	97	460
2004	42	213	28	85	70	298
2003	39	310	56	250	95	560
2002	39	170	42	73	81	243
2001	27	177	95	115	122	292
2000	77	182	31	114	108	296
1999	58	177	77	211	135	388
1998	80	216	61	114	141	330
1997	58	261	46	104	104	365

UNANIMOUS VOTING ON UNITY VOTES

YEAR	HOUSE		SENATE		CONGRESS	
	Democrats	Republicans	Democrats	Republicans	Democrats	Republicans
2019	242 votes	162	106	158	348	320
2018	117	91	50	92	167	183
2017	242	176	125	160	367	336
2016	109	118	24	11	133	129
2015	174	177	96	77	270	254
2014	92	159	180	76	272	235
2013	97	152	106	62	203	214
2012	40	99	60	19	100	118
2011	76	209	55	31	131	240
2010	10	91	67	106	77	197
2009	29	144	79	74	108	218
2008	66	96	30	19	96	115
2007	170	177	102	35	272	212
2006	70	62	34	30	104	92
2005	82	91	69	59	151	150
2004	70	77	3	31	73	108
2003	94	109	32	130	126	239
2002	37	54	12	23	49	77
2001	1	66	37	55	38	121
2000	1	67	52	19	53	86
1999	11	59	100	63	111	122
1998	8	42	46	33	54	75
1997	11	63	35	38	46	101