READING THE TEA LEAVES

AN ANALYSIS OF TEA PARTY BEHAVIOR INSIDE AND OUTSIDE OF THE HOUSE

Ian Gallagher & Brian Rock[†]

Following the Democratic takeover of the U.S. House of Representatives in 2006 and the election of Barack Obama as President in 2008, Republicans were faced with their lowest representation in the federal government since the Contract with America in 1994. Two years later, however, Republicans retook the majority in the House. The explanation behind why that happened is controversial, but it is indisputable that much of the energy behind the movement came from a new conservative group known as the Tea Party. The group began to take shape in early 2009 as a grassroots movement reacting to the bank bailouts and the stimulus bill, gained momentum during the health care reform debate in Congress, and became a household word by August 2009. Members of Congress took notice, and many were quick to praise and ally themselves with the movement.

The following year, Congresswoman Michele Bachmann (R-MN) formed an official "Tea Party Caucus" in the House. When the Republicans retook the House, it was largely attributed to Tea Party enthusiasm. With Republicans in control of the House, media attention has increasingly focused on the Tea Party. Who is this group? What will they do? Will they act as a bloc? Will they control the Republican Party? Will other Republicans marginalize them? With the first session of the 112th Congress having completed its first

year of business, we can begin to quantitatively answer those questions. We do so by analyzing the voting records and media appearances of all the members of the House of Representatives for the 2011 Congressional session.[1] Part I describes our methodology. Part II analyzes voting behavior to define factions within the House (especially the Tea Party) based on how often groups of legislators vote with or against each other. In Part III, we take a closer look at the demographics of these groups. Finally, in Part IV we compare how those factions perform overall as legislators in terms of getting bills passed, appearing in the media, and voting in the face of party or congressional opposition.

I.
DATA AND METHODOLOGY:
DEFINING VOTING AGREEMENT

As of early September 2011, when the data for this Article was collected, the House of Representatives of the 112th Congress had recorded 691 roll call votes. Of those 691, four were quorum calls, and one was cancelled by unanimous consent. The remaining 686 were a mix of votes on various bills and resolutions, amendment adoptions, and procedural motions. On each roll call vote, a congressperson can cast a vote of *Yea*, *Nay*, or *Present*; otherwise he is counted as *Not Voting*.[2]

Using this data, we wanted to determine how often members of Congress vote with one another.[3] We decided to define our data set as all roll call votes – including motions, resolutions, and votes on amendments and procedure – except for votes of *Present* on quorum

---

[1] Although we compiled statistics on the members of the Senate as well, the concentration of the Tea Party in the House and the length of this Article led us to focus entirely on the House.

[2] *See* clerk.house.gov/evs/2011/index.asp.

[3] All of the data we present is in the form of raw data or descriptive statistics. While we offer a number of percentages and comparisons below, these are all descriptive in nature and not the results of regression analyses. Our purpose was to observe voting trends, compare them, and explain them, which is all best served by descriptive statistics.

calls. Although including all votes on amendments, procedure, and other possibly insignificant pieces of legislation may overemphasize the degree of agreement or disagreement, many amendments and resolutions *are* critically important and speak directly to a congressperson's political beliefs. To then count some and not others would be to pass judgment on what votes are or are not representative of ideology, which may skew the results because of selection bias. Therefore, our starting data set was all *Yea*, *Nay*, *Present*, or *Not Voting* votes for all members of Congress for all 686 roll call votes.

For illustration, our raw data looked something like this:

Congressman	Vote 1	Vote 2	Vote 3	. . . Vote 686
Ackerman	Nay	Nay	Yea	Nay
Adams	Yea	Yea	Nay	Present
Aderholt	Yea	Not Voting	Nay	Yea
. . . Young	Yea	Yea	Nay	Yea

Then we began to compare how Representatives vote with one another. On any roll call vote, two congressmen can have the following vote combination:

		Congressman 2		
		Y	N	P	NV
Congressman 1	Y	Y/Y	Y/N	Y/P	Y/NV
	N	N/Y	N/N	N/P	N/NV
	P	P/Y	P/N	P/P	P/NV
	NV	NV/Y	NV/N	NV/P	NV/NV

Where, for example, Y/N means that Congressman 1 voted *Yea* on the bill and Congressman 2 voted *Nay*. By coding each vote this way (for all 686 votes), we can get a picture of how any two members of Congress have voted with or against each other so far this year. As an example, below is the voting record for Representatives Michele Bachmann and Nancy Pelosi:

		Pelosi		
		Y	N	P	NV
Bachmann	Y	64	248	1	20
	N	171	58	0	23
	P	0	1	0	0
	NV	36	51	0	13

This data shows that Michele Bachmann voted *Yea* with Nancy Pelosi sixty-four times, voted *Nay* with her fifty-eight times, and voted against her (i.e., voted *Yea* when Pelosi voted *Nay* or vice versa) a total of 419 times. We did the same tally for every possible pairing of Representatives.

Next, we found how often congressmen voted together on average. Since no reliable information can be gleaned from a *Present* or *Not Voting* value, we decided to only count those votes for which both representatives cast either a *Yea* or *Nay* vote. Using that number as the denominator, we wanted to find out what percentage of the time both representatives voted the same way (both voting *Yea* or both *Nay*) on a piece of legislation. So, in the Bachmann/Pelosi example, we ignore all 145 times that either Bachmann or Pelosi (or both) voted *Present* or did not vote, leaving us with 541 Yea/Nay votes. Bachmann and Pelosi both voted the same way a total of 122 times, yielding an overall percentage of 22.6 percent voting agreement.

We then made the same calculation for every member of Congress versus every other member of Congress. This resulted in a 434-row by 434-column table of data,[4] with each row and column representing a member of Congress, and the intersection of any row with any column showing those members' average voting agreement. A condensed form of the resulting table[5] looks like this:

Congressman / Congressman	Ackerman	Adams	Aderholt	. . . Young
Ackerman	100%	23%	29%	23%
Adams	23%	100%	86%	91%
Aderholt	29%	86%	100%	88%
. . . Young	23%	91%	88%	100%

Notice that the main diagonal itself contains only 100 percent values (since every member of Congress, by definition, votes with himself

---

[4] We deleted former Congressman Lee (of Craigslist.org fame) from NY due to his low number of votes as a result of his February 2011 resignation. *E.g.*, www.nytimes.com/2011/02/10/us/politics/10lee.html.

[5] The full table, along with other data sets too large to fit comfortably in this publication, can be downloaded at www.fantasylaw.org.

100 percent of the time) and that the table is symmetrical around the main diagonal. The lowest voting agreement is around 11 percent,[6] likely due to non-partisan procedural votes, which are typically passed with unanimity, and the occasional bill like S. 188, "To designate the United States courthouse under construction at 98 West First Street, Yuma, Arizona, as the 'John M. Roll United States Courthouse.'"

Using this table of percentages, we could begin to see how groups of congressmen voted with or against others in the House.

II.
THE TEA PARTY:
WHAT'S IN A NAME?

The focus of this Article is the Tea Party: how they vote, how they legislate, and how they perform in the public eye. The first and most important question about the Tea Party is: Do they exist?[7] Is it meaningful to talk about the Tea Party as a group, or is being a "Tea Partier" a superficial label devoid of actual importance? After all, the Tea Party has no widely recognized national committee and is not a recognized electoral party. Using our voting data, we can see if the members' voting records form a coherent voting bloc.

The first step is to define the Tea Party. There is a group of Congressmen – all Republicans – who are self-identified official members of the Tea Party Caucus. They are as follows:

---

[6] Ignoring outliers such as a voting agreement of 0 percent with John Boehner, who votes very infrequently due to his role as Speaker of the House.

[7] This article focuses on voting data, but for an interesting review of the impact of Tea Party supporters on their representatives see Madestam, *et al.*, *Do Political Protests Matter? Evidence from the Tea Party Movement* at 23, *available at* www.people. fas.harvard.edu/~veuger/papers/Political%20Protests%20--%20Evidence%20fr om%20the%20Tea%20Party.pdf (discussing tea party rallies and noting that "[i]ncumbent policy-making is also affected, as representatives respond to large [tea party] protests in their district by voting more conservatively in Congress").

The Tea Party[8]			
Sandy Adams	Howard Coble	Steve King	Tom Price
Robert Aderholt	Mike Coffman	Doug Lamborn	Denny Rehberg
Todd Akin	Ander Crenshaw	Jeff Landry	Phil Roe
Rodney Alexander	John Culberson	Blaine Leutkemeyer	Dennis Ross
Michele Bachmann	Jeffrey Duncan	Kenny Marchant	Edward Royce
Roscoe Bartlett	Blake Farenthold	Tom McClintock	Steve Scalise
Joe Barton	Stephen Fincher	David McKinley	Pete Sessions
Gus Bilirakis	John Fleming	Gary Miller	Adrian Smith
Rob Bishop	Trent Franks	Michael Mulvaney	Lamar Smith
Diane Black	Phil Gingrey	Randy Neugebauer	Cliff Stearns
Paul Broun	Louie Gohmert	Richard Nugent	Tim Walberg
Michael Burgess	Vicky Hartzler	Steven Palazzo	Joe Walsh
Dan Burton	Wally Herger	Steve Pearce	Allen West
John Carter	Tim Huelskamp	Mike Pence	Lynn Westmoreland
Bill Cassidy	Lynn Jenkins	Ted Poe	Joe Wilson

This list represents all of the members of the House who chose to publicly label themselves as Tea Party members. We ultimately decided that self-identification was the best way to define Tea Party membership, because any other method imposes our own judgment on what is or is not characteristic of the Tea Party philosophy. Thus, for the remainder of this Article, we will refer to these (and only these) congressmen as comprising the "Tea Party."

Using our data, we can now look to see if these members' voting records are consistent with their self-applied label. Although we do not judge whether any Tea Partier's position on a particular bill is sufficiently conservative to merit their Tea Party status, we do look at how they vote with each other on average. To do this, we pare down our House-wide table of data (containing all congressmen's

---

[8] *See* bachmann.house.gov/News/DocumentSingle.aspx?DocumentID=226594.

voting similarities with all others') to just those sixty members of the Tea Party:

Tea Partier / Tea Partier	Adams	Aderholt	Akin	. . . Wilson
Adams	100%	89%	91%	91%
Aderholt	89%	100%	90%	87%
Akin	91%	90%	100%	93%
. . . Wilson	91%	87%	93%	100%
Average	90%	87%	90%	91%

The rows and columns of this table contain only Tea Partiers; therefore, every entry represents the voting similarity of a Tea Partier with another Tea Partier. The final row contains an average Tea Party voting percentage of each Tea Partier – in other words, how each Tea Party member votes with all other members of the Tea Party, on average. For instance, Joe Wilson (R-SC) votes with all other members of the Tea Party an average of 91 percent of the time.

The table revealed high voting similarity between all members of the Tea Party; indeed, our data showed remarkably high voting similarity within the Republican Party as a whole. The average voting similarity of the Tea Party members is 88.3 percent.[9] Republicans as a whole vote with each other an average of 86 percent of the time. If we look exclusively at voting data, it is difficult to identify an especially conservative voting bloc within the Republican Party – all Republicans tend to vote with each other, Tea Party or not.

In contrast, Republicans voted with Democrats 28 percent of the time. Democrats likewise show strong party loyalty. They vote with each other an average of 84 percent of the time. This is indicative of a larger trend in the House as a whole. It is polarized. With only limited exception, both Republicans and Democrats vote with themselves an overwhelming percentage of the time. This suggests that there is not a gentle gradient of agreement from the left to the right but rather a distinct grouping of the entire Republican Party and then a starkly different but equally distinct grouping of nearly

---

[9] The Tea Partier with the lowest average voting similarity, Congressman David McKinley (R-WV), has a score of 84 percent.

the entire Democratic Party.

There are at least two possible explanations some commentators provide for the high voting similarity between Tea Partiers and non-Tea Party Republicans. One is that the Tea Party has effectively dragged the entire Party to the right in a push for purity. The other explanation is that a "Tea Party" Republican versus a non-Tea Party Republican has always been a distinction without a difference, and the Tea Party label is merely a new word to describe an old kind of politician.

If there is a difference between Tea Party and non-Tea Party Republicans, voting data alone does not reveal a difference. Further distinctions between the two groups may reveal themselves in other data sets we will examine later.[10] And while there may be no large divisions within the Republican Party, we can nonetheless identify some kind of spectrum, which we undertake in the next several sections.

The "Independents"

Every member of the current House is either a Democrat or a Republican, so none are nominally "independent" of either party. And as we have already seen, the polarized voting data has seemingly left very few Representatives as middle-of-the-road legislators. That is, if you have an "R" behind your name, on average you vote 86 percent of the time with others with an "R" behind their name (and, 84 percent of the time, the same goes for the Democrats). That said, there do seem to be a handful of congressmen who are willing to break party ranks by voting a significant percentage of the time with members from the other party.

We defined these independents by the degree of polarization in their voting record. We decided that a "polarized" member would be one who votes in very high agreement with some members of the House and votes in very low agreement with the rest, with very few in between. An "independent" voter, by contrast, would vote with a lot of members around 50 percent of the time and have very strong voting similarity with neither party.

---

[10] *See* Part IV, *infra*.

We quantified independent status by taking our voting similarity table – showing the average voting agreement of all members of Congress versus all other members of Congress – and finding each entry's distance from 50 percent.[11] For illustration, here are four highly-polarized congressmens' voting agreements:

Congressman / Congressman	Filner (D)	Jordan (R)	Lamborn (R)	Pence (R)
Filner (D)	100%	11%	11%	12%
Jordan (R)	11%	100%	93%	93%
Lamborn (R)	11%	93%	100%	96%
Pence (R)	12%	93%	96%	100%

And their resultant polarization scores:

Congressman / Congressman	Filner (D)	Jordan (R)	Lamborn (R)	Pence (R)
Filner (D)	50%	39%	39%	38%
Jordan (R)	39%	50%	43%	43%
Lamborn (R)	39%	43%	50%	46%
Pence (R)	38%	43%	46%	50%
Average (with all House members)	33.1%	33.5%	33.4%	33.4%

Because these Representatives are highly polarized, their average polarization score is approaching 50 percent. Independents, by contrast, will have a polarization score approaching zero percent. Also notice that two congressmen can both have a high polarization score but be in different parties; in this example, Jordan's (R) agreement with Lamborn (R) is about as high as his disagreement with Filner (D), so both entries would contribute to a high overall polarization.

We can now quantify how polarized a congressman is overall by taking his average polarization score across all members of Congress.[12] If a Representative toes the party line on almost every bill,

---

[11] If Congressman A's and Congressman B's voting agreement is x, their polarization score $= |x - 50\%|$. Although 50% voting agreement does not really represent the true midpoint of the data set (recall that the lowest voting agreement is actually around 11% due to agreement on unanimous bills), the effect of unanimous votes is relatively uniform across all of Congress and shouldn't skew our results.

[12] Just as every congressman has a voting agreement of 100% with himself, every

he will have a high average polarization; on the other hand, if a Representative votes more independently, his polarization will be lower on average because there will be relatively few people whom he votes uniformly with or against. After calculating these averages, we can rank each member from least polarized to most. Those with the lowest polarization – below 20 percent, whom we identify as the "Independents" – are provided in a table below:

The Independents					
Name	Party	Polari-zation	Name	Party	Polari-zation
Peterson	D*	8%	Barrow	D*	12%
Matheson	D*	8%	Cuellar	D*	12%
Costa	D*	9%	Owens	D	13%
Altmire	D*	9%	Cardoza	D*	14%
Shuler	D*	10%	Critz	D	15%
Jones	R	10%	Green (TX)	D	15%
Ross (AR)	D*	11%	Kissell	D	17%
Holden	D*	11%	Cooper	D*	17%
McIntyre	D*	12%	Rahall	D	17%
Donnelly	D*	12%	Costello	D	18%
Chandler	D*	12%	Reichert	R	19%
Boren	D*	12%	Fitzpatrick	R	19%

As shown above, only twenty-four congressmen have a polarization score of under 20 percent. Twenty-one of those twenty-four are Democrats. Of those twenty-one Democrats, fifteen are self-identified members of the "Blue Dog Coalition,"[13] a group of fiscally conservative Democrats who advertise themselves as "promoting positions which bridge the gap between ideological extremes."[14] These members have a star next to their party affiliation in the table above.[15]

---

congressman has a polarization of 50% with himself. Although this is an artificial inflation, it's uniform across all of Congress and can be ignored.

[13] *See* ross.house.gov/BlueDog/Members/.

[14] *Id*.

[15] For an analysis of how Tea Party Republicans and Blue Dog Democrats impact the outcome specific legislation through Roll Call Votes, see the article directly following this one, Alex B. Mitchell, *Off the Beaten Voting Path: Finding the Mavericks of the 112th Congress*, 2 J.L. (1 J. LEGAL METRICS) 113 (2012).

The Tea Party Crashers

We also identified a group of Republicans who are not formally part of the Tea Party, but nonetheless vote with the Tea Party a large percentage of the time. To identify these "Tea Party Crashers" (which we define formally below), we first wanted to see how all House members vote with (or against) the sixty members of the Tea Party as a group. We did a similar calculation earlier with just members of the Tea Party, but now we extended the calculation to the entire House. A congressman's "Tea Party voting record" is the average of his voting agreements with each of the sixty members of the Tea Party.

A number of interesting findings resulted, summarized in the table below:

Tea Party Voting	
Highest Tea Party voting record	Randy Neugebauer (91%)
Lowest Tea Party voting record	Bob Filner (16%)
Republican with lowest Tea Party voting record	Walter Jones (65%)
Democrat with highest Tea Party voting record[16]	Dan Boren (66%)
Tea Party member with lowest Tea Party voting record	David McKinley (84%)
Number of Representatives voting with Tea Party at least 75% of the time	239
Number of Representatives voting with Tea Party 25% or less of the time	131

As noted, the Tea Party votes with itself 88.3 percent of the time. Eighty-eight Representatives vote with the Tea Party at least that often, and fifty-six of them are not formally in the Tea Party.[17] We have dubbed these fifty-six congressmen the "Tea Party Crashers," since they reliably vote with the Tea Party, but had declined to offi-

---

[16] Ranking all congressmen from highest Tea Party voting record to lowest also perfectly divides Congress along party lines, with the one exception seen in this table: Dan Boren (D) votes with the Tea Party slightly more often than Walter Jones (R). Otherwise, there is no party crossover.

[17] I.e., not in the Tea Party Caucus. *See* "What's in a Name," Part II, *supra*.

cially join the Caucus (as of September 2011). All other Republicans we refer to as "Tea Party Outsiders," since they are neither self-identified as Tea Partiers, nor do they vote as a typical Tea Partier (i.e., with the party 88.3 percent of the time). As discussed earlier, there is nothing inherent in the voting data suggesting that 88.3 percent is a self-evident cutoff between being a Tea Party Crasher or a Tea Party Outsider. The number chosen is not wholly arbitrary, of course, but on the margin it does create a sharp division among otherwise similar congressmen. Despite this concern, we wanted to distinguish between those Congressmen who tend to vote with the Tea Party most often and those who do not – to that end, some dividing line was needed, and we sought to pick one that was grounded in our data.

So we now have three groups to look at: the Tea Party (sixty members), the Tea Party Crashers (fifty-six members), and the Tea Party Outsiders (the remaining 125 Republicans).[18] The twenty-two Tea Party Crashers who have a 90 percent or greater Tea Party voting percentage are reproduced below:

Top Tea Party Crashers			
Name	TP Voting %	Name	TP Voting %
Pompeo	91%	Quayle	90%
Latta	91%	Jordan	90%
Flores	90%	Buerkle	90%
Lankford	90%	Scott, Austin	90%
Canseco	90%	Brady (TX)	90%
Kline	90%	Issa	90%
McCarthy (CA)	90%	Johnson, Sam	90%
Gowdy	90%	Thornberry	90%
Hensarling	90%	Nunes	90%
Conaway	90%	Southerland	90%
Scott (SC)	90%	Rokita	90%

The demographics of the Tea Party Crashers (as well as the Tea Party, Republicans, Democrats, etc.) are discussed in Part II, *infra*.

---

[18] We decided to lump the Independents into the Outsiders group to simplify the comparisons in Part III and to preserve the opportunity to write about the Blue Dog Democrats (which are strongly represented in that contingency) in a later article.

The Congressional Tea Party Leader

Just as we ranked members of the House by how they voted with the Tea Party, we can order the House by how representatives vote with Michele Bachmann, the founder of the Tea Party Caucus and apparent leader of the Tea Party movement in Congress today. Unsurprisingly, the list ordered from those who vote most like Bachmann to least looks much like the list ordered by those who vote most with the Tea Party.[19] One interesting result is that ordering the House by how congressmen vote with Michele Bachmann perfectly divides it by party line – i.e., no Democrat votes with Michele Bachmann more often than any Republican does.[20] Bachmann votes with the Tea Party 88% of the time (almost exactly the average of any member of the Tea Party Caucus), and she votes with all Republicans an average of 85% of the time.

## *No Politics is Local Politics*

We've seen that looking at congressmen by their voting similarity paints a very polarized picture of our legislature today, and Tea Party politics is at least one way to tease out how the House is divided. If one congressman votes with the Tea Party a high percent on average, he is likely to vote with both Michele Bachmann and all Republicans a high percentage of the time as well. As it turns out, the degree to which you vote with the Tea Party also predicts how polarized you are – the more closely you vote with or against the Tea Party, the more closely you vote with or against *any* congressman, on average.

All of this is perhaps best summarized in a graphic. The following page contains a graph with all members of the House on one axis (although many names have been omitted due to space) and voting percentages on the other. (Please note that, for readability, the chart has been rotated clockwise.) The former axis has been arranged with those voting the most with the Tea Party on the left

---

[19] For a visual representation, see "No Politics is Local Politics," Part II, *infra*.

[20] In this case, Dan Boren (D) votes with Bachmann 64% of the time, whereas Walter Jones (R) votes with Bachmann 65% of the time. Contrast this with the division along party lines based on Tea Party voting, *supra* note 12.
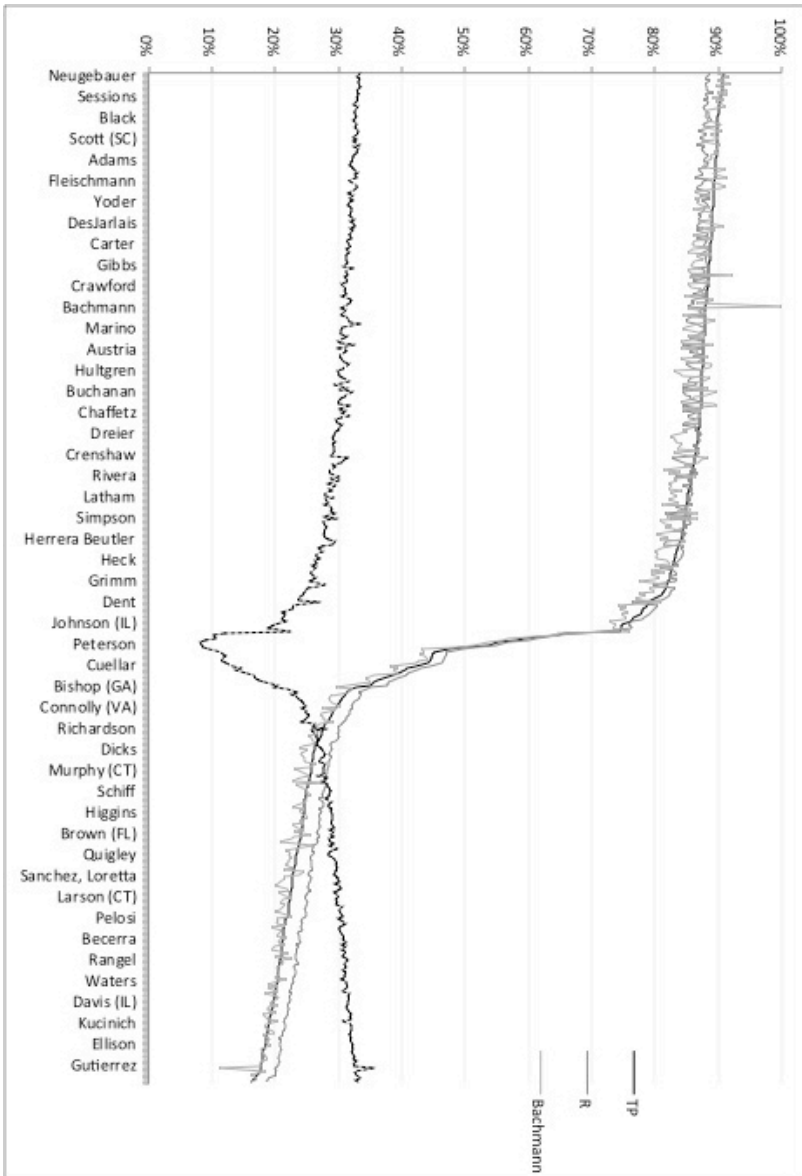
(i.e., beginning with Congressman Neugebauer) and those voting least with the Tea Party on the right (i.e., ending with Congressman Gutierrez).

Keeping that ordering constant, we include each congressman's

voting percentages with the Republican Party as a whole, Michele Bachmann, and their polarization scores. This gives a visual representation of how well correlated voting agreement is among these three benchmarks, and how they relate to polarization.[21]

Numerically, the data series (except polarization) are correlated as follows:

Voting Records	Correlation
Tea Party vs. Republican Party	99.93%
Tea Party vs. Michele Bachmann	99.56%
Republican Party vs. Michele Bachmann	99.26%

We can see several things from this graph. For one, the House is polarized: you either vote with the Tea Party (or Republicans, or Bachmann), or you don't. Graphically, this is apparent where the voting agreement percentages abruptly drop from around 80 percent agreement to 30 percent. The strong correlation between average voting with the Republican Party (241 members), the Tea Party (sixty members), and Michele Bachmann also shows that there exists a relatively low-cost acid test for how any member of Congress is going to vote on a bill: ask how Michele Bachmann is going to vote. The high correlation of voting records across all of Congress suggests that Michele Bachmann is not unique in this regard – i.e., there are many others who fit this description. However, it is not trivial that how one votes with *a single member* of Congress predicts with greater than 99 percent accuracy how he votes, on average, with *every other Republican* as well.[22] And while the graph of polarization is perhaps unsurprising – the congressmen on the far left and right have higher polarization – the result is not trivial when you consider that the distribution of voting similarity with all 241 Republicans is nearly identical to that with a single member. After all,

---

[21] John Boehner was removed from this graphical representation as an outlier (and thus distracting) because of his low vote count. His voting percentages were as follows: Tea Party – 75%; Republican Party – 85%; Michele Bachmann – 25%. The numerical correlations, however, were calculated with these values included.

[22] As we mentioned above, our data is only descriptive. *See supra*, note 2. What matters is that we are making an observation of what happens on average – we are not making a claim that how one votes provides any particular predictive power on any single vote.

it is conceivable that a particular member could vote with Michele Bachmann a high percentage of the time but not have that completely define his voting habits vis-à-vis all other members of the House, but that is not what the data shows.

The shape of the polarization curve is also noteworthy in that it does not gently slope down from the outer portions inwards in a parabolic fashion, a shape you might expect to see if Representatives were evenly distributed on the political spectrum from left to right. Instead, it plateaus above 30 percent on both sides and abruptly drops into a narrow, well-defined trench occupied by the few "independents" identified earlier. This displays visually what many believe is true anecdotally – the House is sharply divided between left and right, leaving little room for a middle-of-the-road politician. This trend transcends geography, age, gender, race, length of time in office, or any other identifiable demographic.[23]

III. DEMOGRAPHICS

We've seen that, as far as voting records go, there is not very much to distinguish one Republican from another. That said, we were able to establish a spectrum from right to left within the Republican Party based on how they vote with the Tea Party.[24] Next, we look at how these groups break down demographically:

Group	Size	M	F	%M	%F	Tenure (Avg)	Age (Avg)
The House	434[25]	363	71	84%	16%	10.7	57.2
Republicans	240	216	24	90%	10%	8.2	54.7
Democrats	194	147	47	76%	24%	13.7	60.1
Tea Party	60	55	5	92%	8%	8.0	57.6
TP Crashers	56	51	5	91%	9%	5.5	51.1
TP Outsiders	125	111	14	89%	11%	9.6	55.0

---

[23] Incidentally, we analyze the demographics of the various groups discussed here (Tea Party, Republicans, Democrats, etc.) in the next Part.

[24] Recall that Tea Party Crashers are those Republicans who are not in the Tea Party but vote with them a very high percentage of the time (over 88.3%). Tea Party Outsiders is a residual category comprised of all Republicans who are neither in the Tea Party nor are considered "Crashers."

[25] Our data for this and the next Part excludes Representative Lee.

For the most part, the average Tea Partier is similar to the average House Republican: late middle-aged and male. There are many more female Democrats than female Republicans, but we can also see that within the Republican Party, females tend to be Outsiders. This is in contrast to the fact that the Tea Party – the least female of all groups at only 8 percent – is led by a woman.

It is notable that the Tea Party is on average the oldest grouping of Republicans. They are also more experienced (in terms of years served) than the Crashers but less experienced than the Outsiders. This runs contrary to the common wisdom that the Tea Party is overwhelmingly made up of freshmen representatives who swept into power in the 2010 election. That distinction instead belongs to the Crashers, who are on average the youngest and least experienced of any other group we analyzed. This may reflect a perceived risk associated with joining the Tea Party or any such high profile group. This gives us a better picture of who the Tea Party is: male, relatively experienced, and slightly older than the average. We now turn to how these different groups perform as legislators and as national figures using our FantasyLaw data.

IV. FANTASYLAW DATA

Introduction to FantasyLaw

For the uninitiated, FantasyLaw is the fantasy sport (like fantasy football or baseball) where the players are lawmakers, not athletes. The FantasyLaw editorial board – students and recent alumni of law schools across the country – administers the game by collecting data on every member of Congress every week in one of thirteen categories:

Category	Abbr	Description
Sponsorship of bills introduced	SBI	Sponsoring a bill introduced in House or Senate
Sponsorship of bills reported	SBR	Sponsoring a bill that is reported out of committee and reported on the floor
Sponsorship of bills passing the House	SBH	Sponsoring or co-sponsoring a bill passing the House
Sponsorship of bills	SBS	Sponsoring or co-sponsoring a bill passing

Category	Abbr	Description
passing the Senate		the Senate
Sponsorship of bills enacted	SBE	Sponsoring a bill that becomes public law
Appearances in major daily newspapers	ADN	Name appears in daily editions of the *Boston Globe*, *New York Times*, *Washington Post*, *Los Angeles Times*, or *USA Today*
Appearances in major Hill periodicals	AHP	Name appears in *Roll Call*, *The Hill*, *Politico*, or *CongressDaily*
Appearances on Sunday talk shows	ATS	Interviewed on *Face the Nation*, *State of the Union*, *Meet the Press*, *Fox News Sunday*, or *This Week*
Appearances on Comedy Central	ACC	Appearing, as a guest or otherwise, on *The Daily Show* or *The Colbert Report*[26]
Press releases issued	PRI	Issuing a press release
Maverick voting	MVV	Voting against 95% of own party
Lone wolf voting	LWV	Voting against 95% of Congress

The categories roughly represent the three main duties of a national legislator today: passing legislation, being a national personality, and voting. The first five categories – SBI, SBR, SBH, SBS, and SBE – give an idea of how effective the congressman is at getting bills through each step of the legislative process. The next five – ADN, AHP, ATS, ACC, and PRI – give an overview of the congressman's visibility in the public eye, both positive and negative. For instance, an ATS appearance gives a congressman a desirable forum to communicate his or her political views, but an ACC appearance typically exposes gaffes, hypocrisy, or otherwise embarrassing events.[27] Finally, MVV and LWV award points for what many politicians claim to possess but rarely deliver on – principled, independent voting in the face of political pressure from one's own party or Congress as a whole.

---

[26] An "appearance" for the ACC category (but not for ATS) means that the congressman is mentioned by name contemporaneously with a video or picture of that congressman on screen. The idea is to score an appearance every time a viewer who didn't previously know who a particular congressman was could, after the segment, put a face with a name.

[27] Anthony Weiner, for example, completely dominated this category for several weeks in May–June 2011.

The Bachmann Issue

Michele Bachmann ran for President. Although her campaign proved unsuccessful, she has not faded from the national consciousness. Indeed, she has a knack for inviting public attention, and she is the de facto head of the Tea Party. All this is a way of saying that she gets media attention. In the upcoming sections, we compare how the Tea Party measures up to other groups in the House in the media based on our five FantasyLaw media metrics. Michele Bachmann is the highest scoring Tea Partier in all but one of those categories, and she completely dominates three:

Category	ADN	AHP	ATS	ACC	PRI
Tea Party	1067	1485	14	52	96
Michele Bachmann	608	413	7	33	0
Rest of Tea Party	459	1072	7	19	96
% Bachmann	57%	28%	50%	63%	0%

Indisputably, discussing the Tea Party's media presence in some of these categories really means talking about Michele Bachmann's media presence. And being a major presidential candidate carried with it a guaranteed place in the national spotlight. We think it would be a mistake, however, to attribute Bachmann's media dominance solely to her presidential bid and not to her status as a Tea Partier – in fact, she probably owed a large part of her campaign's success to her stalwart presence as a Tea Party persona. We've also seen that her Tea Party status is not mere lip service – not only did she found the Tea Party Caucus, her voting trends are correlated with the Tea Party's.[28] So, while it is important to recognize that it is Michele Bachmann's individual stats that drive the Tea Party's numbers in some categories, in a lot of ways she *is* the Tea Party. Just as it would be a mistake to talk about the non-Tea Party Republicans without John Boehner, and it would be a mistake to talk about the Democrats without Nancy Pelosi, we feel it would be wrong to be distracted by the fact that Michele Bachmann's numbers drive the Tea Party's statistics in many of these media categories.

With that said, let's look at how the various factions of Congress

---

[28] *See* "No Politics is Local Politics," Part II, *supra*.

defined in Part II compare in terms of media presence.

Tea Party v. The House

First we look at the Tea Party compared to the House as a whole, including all Republicans and all Democrats:

Category	ADN	AHP	ATS	ACC	PRI
Tea Party	1,067	1,485	14	52	96
The House	6,081	10,359	61	197	638

And as averages:

Category	ADN	AHP	ATS	ACC	PRI
Tea Party	17.78	24.75	0.23	0.87	1.60
The House	14.01	23.87	0.14	0.45	1.47
% Difference	27%	4%	66%	91%	9%

We see that the Tea Party is, generally speaking, more successful at gaining media attention (both favorable and otherwise) than the average Representative. This is especially true of television appearances, with a Tea Party member being 66 percent more likely to appear on a Sunday talk show and 91 percent more likely to be mentioned on Comedy Central. More media exposure is generally considered a good thing for a congressman, but in reality, this is a double-edged sword. A Sunday talk show appearance implies that the interviewee is seen as an important opinion maker but a Comedy Central appearance often has a more negative connotation. The desirability of mentions in daily newspapers and in the Hill periodicals probably lie somewhere between these two extremes. We can say, however, that compared to the average member of the House the average Tea Party member has a greater media presence in any of our data categories than the House as a whole.

Tea Party v. Republicans

Next we compare the Tea Party with all Republicans, again with Tea Partiers included in the Republican statistics. There are a total of 241 Republicans in the House.

Category	ADN	AHP	ATS	ACC	PRI
Tea Party	1,067	1,485	14	52	96
Republicans	3,996	6,795	43	132	406

On average:

Category	ADN	AHP	ATS	ACC	PRI
Tea Party	17.78	24.75	0.23	0.87	1.60
Republicans	16.58	28.20	0.18	0.55	1.68
% Difference	7%	− 12%	31%	58%	− 5%

Here we see more of a mixed bag. The Tea Party wins again in the television categories by a large margin, but the Tea Party's advantage here is much smaller than it was against the House as a whole – an unsurprising result considering that Republicans are in power. Press releases and daily newspapers are basically a wash, and the Tea Party slightly loses in Hill periodicals. The difference between performance in the ADN and AHP categories is probably due to the fact that Hill periodicals typically concentrate more on procedural coverage than stories of general interest; therefore, they are more likely to include stories about committee leadership, which is underrepresented in the Tea Party.[29]

Tea Party v. Democrats

Now we compare the Tea Party to the Democratic members of the House, of which there are 193. This is the first comparison where the Tea Party members are not part of the group to which they are compared:

Category	ADN	AHP	ATS	ACC	PRI
Tea Party	1,067	1,485	14	52	96
Democrats	2,085	3,564	18	65	232

On average per member:

Category	ADN	AHP	ATS	ACC	PRI
Tea Party	17.78	24.75	0.23	0.87	1.60
Democrats	10.80	18.47	0.09	0.34	1.20
% Difference	65%	34%	150%	157%	33%

It is clear that the Tea Party gets significantly more media attention than Democrats, and as a whole the Tea Party outscores the

---

[29] The only Tea Party member who is a committee chair is Representative Lamar Smith (R-TX) who heads the Committee on the Judiciary. There are twenty-one chairmen in total. *See* clerk.house.gov/committee_info/index.aspx.

Democrats by greater margins than any other category of represent-atives we look at. To be sure, the Republicans (and therefore the Tea Party) are in the majority and there is a natural tendency for the majority to garner more media attention, but this data (along with the comparison of the Tea Party to the Republicans as a whole above) emphasizes just how dominant this subsection of the majority is.

Indeed, the Tea Party's advantages are all in the double digits. The smallest advantage is in press releases, where they beat the av-erage Democrat by 33 percent. They receive substantially more coverage than Democrats in both newspaper categories (although they're not quite as heavily favored in the Hill periodicals), and again, we see the Tea Party has drawn outsized attention in televi-sion media. Although we don't formally track whether media ap-pearances are positive or negative, we think it's fair to say based on this data that the Tea Party presence cannot be considered to be marginalized in the national media.

Tea Party v. Tea Party Crashers

There are sixty members of the Tea Party, and fifty-six Tea Party Crashers. Their totals for the media categories are as follows:

Category	ADN	AHP	ATS	ACC	PRI
Tea Party	1067	1485	14	52	96
Tea Party Crashers	974	1465	13	12	98

In terms of average points per congressman:

Category	ADN	AHP	ATS	ACC	PRI
Tea Party	17.78	24.75	0.23	0.87	1.60
Tea Party Crashers	17.39	26.16	0.23	0.21	1.75
% Difference	2%	− 5%	1%	304%	− 9%

The two groups are virtually identical in four of the five categories. They get about the same coverage in daily newspapers and in Hill periodicals. They have about equal representation on Sunday talk shows, and issue the same number of press releases.

On Comedy Central, however, the Tea Party name ostensibly carries a lot of weight – a congressman is three times more likely to be lampooned on *The Daily Show* or *The Colbert Report* if he identifies

as a Tea Partier than if he merely votes like one. This is the greatest percentage difference in any category among any of the groups we analyze. As mentioned above, this discrepancy is largely due to Jon Stewart's and Stephen Colbert's fascination for all things Bachmann, but even ignoring her stats in this category, a Tea Partier is over 50 percent more likely to appear on Comedy Central than a Tea Party Crasher.

Tea Party v. Tea Party Outsiders

There are 125 Tea Party Outsiders (Republicans who are neither in the Tea Party nor vote with them a high percentage of the time), and sixty members of the Tea Party.

In total, here's how the media data pans out:

Category	ADN	AHP	ATS	ACC	PRI
Tea Party	1067	1485	14	52	96
Outsiders	1955	3845	16	68	212

And here are the averages:

Category	ADN	AHP	ATS	ACC	PRI
Tea Party	17.78	24.75	0.23	0.87	1.60
Outsiders	15.64	30.76	0.13	0.54	1.70
% Difference	14%	− 20%	82%	59%	− 6%

On average, the Tea Party and the Outsiders appear in daily newspapers at about the same rate, with a slight edge to the Tea Party. Both issue about the same amount of press releases. The Hill periodicals seem less interested in the Tea Party members over the Outsiders, perhaps because the Outsiders are made of more senior members who are more likely to be committee chairmen, which the Hill periodicals are more concerned about than general newspapers are. The two television categories, however, show a strong preference for Tea Partiers. Total appearances on Sunday talk shows come in about the same — fourteen for the Tea Party and sixteen for the rest — but there is less than half the number of Tea Partiers than Outsiders, resulting in an 82 percent higher likelihood of a Tea Partier being interviewed. The Tea Party name seems to carry weight in the Comedy Central category as well, although not as significantly as compared with the Crashers.

Media Categories Conclusion

It's difficult to give a cohesive summary of the media data among the Tea Party versus the rest of the House, but in most categories the Tea Party is better represented than any other group we identified. They dominate the Comedy Central category, and tend to be more represented in both Sunday talk shows and in daily newspapers. This seems consistent with the Tea Party's role in the national discourse today – positive or negative, most big political stories involve the Tea Party's role in shaping policy. The Tea Party's advantage is present but muted in the Hill periodicals category, which we hypothesize is due to those publications' concentration on procedural and technical actions of the House rather than national headlines. On the whole, then, this data confirms what we expected to see: the Tea Party makes headlines and has risen to national prominence both within their Party and on the whole.

Lone Wolf and Maverick Voting

Congressmen can send messages by many other means than just the media, and one of those ways is through voting itself. FantasyLaw tracks two types of votes: Maverick voting is a vote that goes against 95 percent of one's own party, and Lone Wolf voting is voting against 95 percent of Congress. These categories attempt to reflect a member's willingness to put principles above party politics – a characteristic championed by candidates on the campaign trail, but in reality appears quite rarely. We now examine how the Tea Party stacks up against the rest of the House in each of these voting categories.

Group	MVV (Total)	LWV (Total)	MVV (Average)	LWV (Average)
The House	1353	157	3.12	0.36
Republicans	817	96	3.39	0.40
Democrats	536	61	2.78	0.32
Tea Party	102	27	1.70	0.45
Tea Party Crashers	27	9	0.48	0.16
Tea Party Outsiders	688	60	5.50	0.48

Perhaps the most interesting factor to come from this is that in terms of Maverick Voting, the least "maverick" group is the Crashers. Under the majority of voting conditions the Crashers vote with the Tea Party, but we see that Tea Partiers are much more willing to go against the Republican Party than Crashers are. On the other side of this, the Outsiders are the least disciplined, which comports with their position as closer to the middle of the partisan spectrum. It is interesting to note that, on average, most of the Maverick Votes come from those in the middle, not those on the far right.

A parallel analysis holds true for Lone Wolf Voting. We see again that the Crashers are the least radical group. Unexpectedly, however, the more middle-of-the-road Republicans (the Outsiders) are actually the most likely group to vote against the entire House, which seems to undermine their position as compromisers. There are, however, at least two caveats to that finding. For one, the average number of lone wolf votes is very similar for all groups except the Crashers. The second is that not everyone fits perfectly on a two-dimensional political spectrum.

On the whole, this voting data shows that the Tea Party is not the most disciplined group of Republicans (which seems consistent with their claim of being non-partisan), but they are also not the most independent members of the Party either.

Rain on the Parade

Finally, Congressmen are not only judged by their ability to communicate but also on their ability to actually get legislation passed and enacted. On this metric we see that the Tea Party is wholly ineffective. As of September 2011, no Tea Party member had gotten a single bill enacted this session. This is opposed to the Crashers who have enacted seven bills.

IV. CONCLUSION

As far as voting trends go, the Tea Party is largely indistinguishable from other Republicans – if you vote consistently with one, you vote consistently with the other. In addition, we see a House of

Representatives that is extremely polarized, whether by Tea Party politics or not. So if being a Tea Partier is a meaningful distinction, it doesn't seem to reveal itself in how congressmen vote.

Nevertheless, we see trends in our FantasyLaw data (especially in the media categories) suggesting that the Tea Party is distinct. Tea Partiers are more likely to garner television attention and generally speaking are more effective users of the media. At the same time the Tea Party members are less likely to get bills passed and are not the extreme maverick voters that many would purport them to be. While these differences may not expose an obvious partisan or philosophical distinction; it is clear that the Tea Party name is more than just a name.

# # #