

Casey versus Santorum: The Politics of the 2006 Senatorial Race in Pennsylvania What's a Pro-Lifer to Do?

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ABSTRACT

The 2006 Senatorial race in Pennsylvania, surprisingly for a Northeastern state, presented voters with pro-life candidates in both of the major parties. This essay examines how pro-lifers might decide for whom to vote: (1) vote for a pro-life incumbent as a reward and to strengthen the incumbent's seniority; (2) vote for the Democratic challenger in order to strengthen the pro-life cause in that party; (3) decide the issue on the basis of what would happen to the pro-life cause if one or the other party was to be in control of the chairmanships of Senate committees. The NARAL and NRLC ratings on each of the then current GOP Senate chairs is compared with the ratings of the Democratic ranking minority members who would succeed them if the Casey victory helped the Democrats take control of the Senate.

THIS PAPER DISCUSSES the upcoming November 2006 senatorial election in Pennsylvania between incumbent Republican Rick Santorum and Democratic challenger, Bob Casey, Jr. Senator Santorum is seeking a third term. As chair of the Senate Republican Conference, he is at age forty-eight the third-ranking Republican in the upper chamber. Robert P. Casey, Jr. served as Auditor General of Pennsylvania from 1997 to 2005. He was elected Treasurer of the Commonwealth in 2004.

The race is politically interesting in several respects. There is the regional issue, which in Pennsylvania more than in many states is a serious issue. Santorum is from Western Pennsylvania, specifically the

Pittsburgh area. Casey is from Eastern Pennsylvania, specifically the Northeast. For the last quarter century, Pennsylvania voters have selected one of its Senators from the West and one from the East. Currently balancing Santorum is Senator Arlen Specter, a former district attorney of Philadelphia.

There is also the ethnic issue, as intense in Pennsylvania as elsewhere in America. Santorum is of Italian background; his father was named Aldo. The Senator himself has five children. Casey, the son of Governor Robert P. Casey, is of course Irish, with four children. A Philadelphia weekly tabloid, *Citypaper*, described his personality as “due to the culture of Scranton, where many Irish people grew up in large families that valued tradition.”¹

But of greatest interest to our proceedings here is the rare occurrence in American politics—certainly in a Northeastern state— where both political parties present the voters with a pro-life politician for the United States Senate.

This paper seeks to analyze whether pro-life voters should vote for Casey or Santorum, if the abortion issue is controlling in the way they vote—that is, if they are single-issue voters. Obviously, most voters cast their votes by taking into account a wide variety of issues: loyalty to party, foreign affairs, “pork” for the district, a determination that a particular party or candidate’s position on such issues as poverty, welfare, or capital punishment is more important than its stance on abortion. A Quinnipiac University poll on the Pennsylvania race taken March 28-April 3, 2006 found that only 15% of voters—most of them anti-abortion—“said they would vote against a candidate on the basis of that issue [abortion] alone.”²

But addressing the dilemma of those who in fact ordinarily cast their vote in national elections primarily on the issue of abortion, for whom should these citizens vote in this upcoming Pennsylvania senatorial race?

¹ Dorrn Taussig, “The Rickslayer: Desperate Democrats Think Bob Casey Can Beat Santorum. But Who the Hell is Bob Casey Anyway?” in *Philadelphia Citypaper* (April 13-20, 2006), p. 24.

² *The New York Times* (April 20, 2006), p. 30.

There are I believe several principles to be considered in this choice:

- (1) The principle that incumbents who have historically voted pro-life on issues relevant to pro-life interest groups should be supported when they are up for re-election.
- (2) A second principle in play is the effort of pro-life forces to strengthen socially conservative or centrist players in the Democratic Party—by supporting these when they appear on the ballot and more especially when they may well have a chance of winning the election and thus representing pro-life positions in their respective legislatures, caucuses, or executive positions, as the case may be.
- (3) A third principle to consider is the effect on committee chairmanships in the Senate that a Casey victory would help bring about if one assumes the possibility of the Democrats taking control of the Senate now in GOP hands, 55-45, after the November election.³

Let us examine briefly the first principle: incumbents who on the record and long term have voted pro-life should be rewarded and supported when they are up for re-election. While challengers may promise, a long-term voting pattern is proof of the pudding. We can examine Senator Santorum's voting record as judged by two interest groups devoted single-mindedly to the abortion issue: the National Abortion Rights Action League (NARAL) and the National Right to Life Committee (NRLC). In the 109th Congress (2005-2006), the Right to Life Committee gave Santorum a rating of 100% on the one issue that it scored so far in the current session of this Congress (funding of overseas pro-abortion organizations). In the previous 108th Congress (2004-2005), he again scored 100% on the NRLC scorecard for the eleven issues being tracked by this organization.⁴ By way of comparison, one notes that Senator

³ This considers Senator Jeffords of Vermont as a Democrat, but technically he is an Independent. Congressional Yellow Book (New York & Washington: Leadership Directories, Inc., 2006) www.leadershipdirectories.com.

⁴ NRLC Scorecard. 109th and 108th Congress. U.S. Senate. www.nrlc.org. This is the website for the National Right to Life Committee. Readers may also wish to consult the website of the Secretariate for Pro-Life Activities of the U.S.

Specter, the other GOP Senator from Pennsylvania, scored a zero rating on the one vote in the 109th Congress and 64% approval rating from the Right to Life group on his eleven votes in the 108th Congress. In this latter Congress, Senator McCain scored 82%, Feinstein (D-CA) 18%, Boxer (D-CA) and both New York Senators 0 %. Santorum was one of 34 GOP Senators (out of 50 in the 108th Congress) given the perfect score of 100% by NRLC standards.

On the other hand, NARAL, rating Senator Santorum in the 109th Congress (2005-2006) on seven issues in the first session (2005) that it judged pertinent, gave Santorum a 0% rating and Senator Specter only a 20% rating. Senators John McCain, Bill Frist, and Kay Bailey Hutchison were also among the 43 Republican senators receiving a 0% rating from NARAL. The lowest NARAL ratings among the 45 Democratic senators were 20% for Nelson of Nebraska and 55% for Byrd of West Virginia. The New Jersey, New York, California, Maryland, and Illinois Democratic Senators along with Minority Leader Harry Reid and ten other Democrats received a perfect 100% score from NARAL (21 senators out of 45). The seven issues chosen by NARAL for scoring included the confirmation to the federal courts of John Roberts, Priscilla Owens, Janice Rogers Brown, and William Pryor as well as the vote on a Schumer (D-NY) amendment which would prevent those convicted of violent acts at abortion clinics "from using bankruptcy proceedings to discharge the debts incurred as a result of their illegal activities."⁵

From this we can conclude the Santorum record on pro-life issues approaches perfection—NARAL hates him and NRLC loves him—and he deserves re-election from pro-life single-issue voters, if one subscribes to the first principle: incumbents who regularly vote pro-life should be supported when they are up for re-election.

Turning to the second principle: because of the need for a two-thirds super-majority in the Congress and ratification by three quarters of the state legislatures, no constitutional amendment banning abortion can be

Council of Catholic Bishops: www.usccb.org/pro-life.

⁵ NARAL: Pro-Choice America. Congressional Record on Choice. 109th Congress, 1st Session. www.NARAL.org.

approved without bi-partisan support from both political parties; therefore, it is imperative for pro-life interest groups to win support from Democratic politicians. Whence it follows that when a Democratic incumbent or Democratic challenger voices pro-life sentiments or votes pro-life, such a Democrat should be supported—especially when running against a pro-choice GOP incumbent. Robert Casey, Jr. does not quite fall into either of these two categories: he is not running against a pro-choice incumbent nor has he had the opportunity to vote pro-life as a legislator. Many pro-life Democrats— including the present writer—did however vote for him in the recent May 2006 primary election to support him and his pro-life stand against the two pro-choice Democrats challenging him in that primary: Alan Sandals, a Philadelphia Pension Attorney and Charles Pennacchio, a history professor at the University of the Arts on Broad Street in Center City Philadelphia. For Democratic liberals, Casey Jr. is “Santorum-Lite.”⁶

The National Organization for Women endorsed Sandals because Casey in the primary announced that he would have voted for Samuel Alito’s confirmation to replace Justice O’Connor on the Supreme Court as well as for Casey’s statement that he would vote for a constitutional amendment to overturn *Roe v. Wade* (with certain exceptions).⁷ Casey’s opposition to fetal stem-cell embryonic research—similar to the Bush position—has also been an issue with Sandals-Pennacchio supporters, along with Casey’s refusal to call for withdrawal from Iraq or the establishment of a time-table for such a withdrawal. On the other hand, the *Pittsburgh Post Gazette*, a liberal newspaper, endorsed Casey in the primary and argued that Casey “could be Rick Santorum’s worst night-

⁶ Doron Taussig, “Whatever You Do, Don’t Tell Chuck Pennacchio Supporters He Can’t Win.” Philadelphia Citypaper, May 11-17, 2006. <http://cityppaer.net/articles/2006-05-11/cb.shtml>. See also *Philadelphia Inquirer*, May 6, 2006, 1.

⁷ *The New York Times*, op cit., p. 1 and p 30; *The New York Times*, March 14, 2006, p. A 21 The article in *The New York Times* by Robin Toner, “Pennsylvania Senate Campaign Tests Democrats’ Abortion Tack,” April 23, 2006 is especially illustrative. See the *Scranton Sunday Times*, March 26, 2006, p. 1, “Casey Grabs State Party’s Endorsement: Vote Just Shy of Unanimous.”

mare.”⁸ Ultimately, in the May 16 primary, the two liberal insurgents opposed to Casey’s endorsement by the State Democratic Party and support from national Democratic organizations were able to win only 15% of the Democratic primary vote versus Casey’s 84%.

Let us now turn to the third principle on the basis of which a pro-life voter might decide whether to vote for Casey or Santorum: the effect a Casey victory, coupled with other Democratic victories in the November senate races (of course, one-third of the Senate’s 100 seats are being contested) might have on the chairmanships of the 17 Senate Standing Committees and 3 Select Committees. That is, if we assume a Democratic majority in the Senate, what would the new Democratic chairpersons—promoted from their current positions as “ranking minority member”—look like from the point of view of pro-life or pro-choice interest groups?

The table below demonstrates what the differences on abortion issues would likely be if the Democrats with the help of a Casey victory in Pennsylvania were to take control of the 110th Congress (2007-2008). Citing NARAL evaluations on seven issues in the current 109th Congress (first session only; 2005), one notes beforehand that the new majority leader, Harry Reid of Nevada, although an announced pro-life Democrat, in fact has a 100% perfect rating from NARAL and Senator Frist, the current GOP majority leader has a 0% rating.

As can be seen from the Table above, a change in chairpersons would in the case of *all* twenty Standing and Select committees produce a pro-choice chair replacing a pro-life chair. The power that committee chairs have over their colleagues in the committee and more widely in the Senate should be obvious.

⁸ *Pittsburgh Post-Gazette*, May 7, 2006 Sunday, Editorial: “Send Bob Casey: He is the Dems Heavy-Hitter for U. S. Senate Race,” p. H-2.

SENATE STANDING & SELECT COMMITTEES
 109th CONGRESS, 1st SESSION (2005)
 NARAL EVALUATION OF CHAIRS

<u>Standing Committees</u>			
	CHAIR (R)	MINORITY MEMBER (D)	
Agriculture/Nutrition	Chambliss 0%	Harkin	100%
Appropriations	Cochran 0%	Byrd	55%
Armed Services	Warner 10%	Levin	75%
Banking/Housing/Urban	Shelby 0%	Sarbanes	100%
Budget	Gregg 0%	Conrad	75%
Commerce/Science/Transportation	Stevens 10%	Inouye	100%
Energy/Natural Resources	Domenici 0%	Bingaman	75%
Environment/Public Works	Inhofe 0%	Jeffords (I)	75%
Finance	Grassley 0%	Baucus	75%
Foreign Relations	Lugar 0%	Biden	100%
Health/Education/Labor	Enzi 0%	Kennedy	100%
Homeland security/Govt Affairs	Collins 55%	Lieberman	75%
Indian Affairs	McCain 0%	Dorgan	75%
Judiciary	Specter 20%	Leahy	75%
Rules/Administration	Lott 0%	Dodd	75%
Small Business	Snowe 55%	Kerry	100%
Veterans Affairs	Craig 0%	Akaka	100%

Select Committees

Aging	Smith 10%	Kohl	75%
Ethics	Voinovich 0%	Johnson	75%
Intelligence	Roberts 0%	Rockefeller	75%

Republican Average

8%

Democrat Average

83.5%

Majority Leader

Frist 0%

Minority Leader

Reid 100%

The list of Chairs & Ranking Minority Members is from Congressional Yellow

Book (New York & Washington, Leadership Directories, Inc., Winter 2006), www.leadershipdirectories.com. National Abortion Rights Action League, www.NARAL.org “2005 Congressional Record on Choice.” NARAL percentages are based on seven votes in this session: the confirmation votes on John Roberts, Priscilla Owen, Janice Rogers Brown, and William Pryor; the Clinic Violence and Bankruptcy bill (rejected), which would have prevented those convicted from using bankruptcy to discharge debts incurred; a bill authorizing \$100 million for contraceptive programs, family planning, etc (rejected); an amendment to the Foreign Relations Authorization Act that repeals the Bush Administration gag rule on US-aided health clinics from counseling abortion care (accepted).

In the 2006 Samuel Alito confirmation vote (58-42), all GOP chairs voted Yes; all Democratic ranking minority members voted No, with exception of Byrd (WV).

Using the NARAL rating scale, the average NARAL score for the current 20 GOP chairs is only 8% out of a perfect NARAL score of 100%. On the other hand, the average Democratic ranking minority member score is over 83%, with seven of the twenty Democratic ranking minority members scoring a perfect NARAL 100%.

Committees crucial to various abortion issues would experience dramatic changes. The Judiciary Committee is now chaired by Senator Specter, who received only a 20% rating from NARAL. If the Democrats were to carry the Senate majority in November, Specter would be replaced by Senator Leahy with a 75% NARAL grade. The Health, Education, and Labor Committee, now chaired by Senator Enzi (R-WY) with a NARAL grade of 0%, would have Senator Ted Kennedy as its new chair with his perfect NARAL score of 100%. The Foreign Relations Committee, the source of much controversy because of the question of American foreign aid funding for international agencies that promote abortion, would change its chair from Senator Lugar (0% NARAL grade) to Senator Biden (NARAL grade, 100%). The Appropriations Committee that has the final Senate determination of how much money goes where is now chaired by Senator Cochran (NARAL grade = 0%), and he would be replaced by Senator Byrd (NARAL grade 55%). How long Senator Byrd will continue to serve after the November election is a subject of

discussion since he will be over ninety years of age in the new Congress. If Byrd were to retire, he would be replaced by the next ranking Democrat on the Appropriations Committee, Senator Inouye with a perfect NARAL rating of 100%.

For all the conservative unhappiness with Senator Specter as chair of the Judiciary Committee, his NARAL rating is a rather pitiful 20%. This may be due to the fact that four of the seven issues NARAL chose to evaluate in the 2005 session of the 109th Congress concerned the confirmation of four conservative Bush nominees to the Circuit Court of Appeals (3) or the Supreme Court (John Roberts as Chief). On all four of these votes, Senator Specter voted to confirm and adroitly steered the nominees through the hearings and subsequent cloture votes. Thus, those conservative voters in Pennsylvania who eschewed the temptation to vote for Congressman Toomey in his insurgency against Specter in the 2004 GOP primary have found their judgment vindicated by Specter's success on behalf of President Bush's nominations. There have been additional pro-life judicial confirmations which occurred after the latest NARAL 2005 ratings. These included the important confirmation of Samuel Alito to replace Sandra Day O'Connor on the Supreme Court as well as the more recent Appeals Court confirmation of Brett Kavanaugh (57-36). One notes that in the Alito vote on January 31, 2006 [58-42 to confirm with the entire Senate voting], 54 of the 55 Republican Senators voted to confirm while 41 of the 45 Democrats (including Jeffords) voted against. All 20 GOP chairs voted to confirm; 19 of 20 Democratic ranking minority members voted against confirmation [Byrd of West Virginia being the odd man out].⁹

In conclusion, pro-life voters in deciding how to vote in November will have to give consideration to several factors as indicated above in our discussion of three principles that might apply as well as to other issues beside the abortion issue.

⁹ *CQ Weekly*, February 6, 2006, p. 362-63. This gives the cloture and confirmation vote from the hearings on the nomination of Samuel Alito.

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POSTSCRIPT

In fact, the Casey victory over Santorum was the decisive seat that the Democrats needed to carry the Senate by a 51-49 margin. A split of 50-50 would have left the presiding officer, Vice President Cheney, to cast the deciding vote. As a result, Senator Leahy (D-VT) is now chairman of the Judiciary Committee and the Bush Administration has perforce withdrawn the nominations of other conservative pro-life judges, presumably for the duration of the Bush presidency. Senator Biden (100% NARAL rating) has become chairman of Foreign Affairs; Senator Kennedy (100% NARAL rating) chairman of Health, Education & Labor; and so on. Thus, even if Senator Casey were to vote pro-life, the likelihood of such legislation reaching the floor of the Senate is remote, given the fact that Senator Harry Reid (NARAL rating of 100%) is now the majority leader, and in any event such legislation would have to pass the House of Representatives, where Nancy Pelosi (NARAL rating of 100%) is the new Speaker.