

Commission/' (FindLaw website, *Koon v. United States* 3).

The Supreme Court ultimately remanded the case back to the District Court as it deemed some elements of the departure valid and others invalid. The failure of the Court to make a decisive judgment on the future of Officer Stacey Koon is quite ironic in light of the number of decisive statements it did make in regard to District Court discretion. Kennedy quoted the U.S. Sentencing Reform Act of 1984 in his defense of the wide discretion still held by district courts. "[T]he court of appeals shall give due regard to the opportunity of the district court to judge the credibility of the witnessed and shall accept the findings of fact to the district court unless they are clearly erroneous" (FindLaw website, *Koon v. United States* 9). He also cited a letter from Pamela G. Montgomery, Deputy General Counsel, United States Sentencing Commission (March 29, 1996): "To ignore the district court's special competence—about the 'ordinariness' or 'unusualness' of a particular case—would risk depriving the Sentencing Commission of an important source of information, namely, the reactions of the trial judge to the fact-specific circumstances of the case ..." (FindLaw website, *Koon v. United States* 10).

According to Harlan Braun, counsel for Stacey Koon, his client noted another irony in the decision. "I, [more than anyone else in America], helped more black defendants get lower sentences." Koon struck upon one of the major repercussions of this case: to bolster the authority and discretion of sentencing judges who may have formerly been loathe to depart from mandatory minimum and maximum guidelines.

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The Republican Party and Women: The Party's External Move to the Center

By Brenda Baer

If we are to accomplish the goals of bringing people back to the party and, at the same time, expanding its base, moderate and traditionally conservative Republicans must literally fight for the party's soul. We have allowed the forces of the religious fundamentalism with its message of moral absolutism about social and cultural issues to take over the party in many states.

- Congresswoman Constance Morella (R-MD), 1993

The Republican Party is one of the oldest political parties and its survival depends on its ability to reshape itself to mold to the needs of contemporary society. Its strength in the political arena is contingent on voters' acceptance of the ideas and views for which it stands. The current political trend is to become part of the center and the Republican party is trying to join the bandwagon. The center is usually the middle point of activity. In politics, the center is a point where most people can agree on a particular view. For this to happen, the central meeting place cannot be too liberal or too conservative.

This current shift involves an increasing amount of bipartisan cooperation to show that the two parties are not on opposite sides of the spectrum and can work together towards a mutual goal. Yet the party is presenting these mainstream views despite an internal struggle between the right wing of the party and those that are more moderate. The Republicans are trying to use personality politics as opposed to issue politics to gain votes. To this extent, their strategy is to put the media focus on women because women are often centrists. While this unusually moderate message is being relayed to the public, official party stances are moving to a more conservative standpoint. The irony of this situation is that part of the Republican oath is that, "I believe we must retain those principles worth retaining, yet always be receptive to new ideas with an outlook broad enough to accommodate thoughtful change and varying points of view." The current party is trying to retain their conservative views but its outlook is fettered by any point of view that is not as conservative. The centrists, many of who are highlighted by the party in order to gain votes, are facing the problem of trying to direct the party in a more moderate path while being faced with extraordinary strength in the opposition.

Women are at the core of this struggle because they are the ones being pushed to the front by the party. Beginning in the 1980's the Republican Party placed women in the spotlight at their conventions. Most recently in the 1996 Convention, which nominated Senator Bob Dole as the party's candidate for president, Congresswoman Susan Molinari gave the keynote address. Her selection to represent the party to the world during the best prime time media slot indicates the party's commitment to

promoting its women. Molinari has an important leadership role in the House of Representatives but she is also pro-choice. The party platform is pro-life but by Molinari in the limelight, people might think that her views are representative of the party's standpoint.

The party's efforts to include women are not only a national phenomena but indicative of a trend that is occurring world wide. Political parties of varying beliefs and organizational structures are attempting to increase the inclusion of women in the party organization, in the decision making process, and to increase their presence in the elected assemblies. There are three party strategies for increasing the proportion of women. The first is the "rhetorical" strategy where women's claims are accepted in campaign platforms and party spokespersons make frequent reference to the importance of putting more women into office. The second is the "positive or affirmative action" strategy where special training is offered to aspirant women, targets are set for the inclusion of women and women are encouraged to put themselves forward. The third is the "positive discrimination" strategy where places are reserved for women in decision making bodies, candidate's slates or short lists (Norris and Lovenduski 7-8). The Republican party incorporates a little bit of each strategy. They reaffirm the importance of putting women into leadership positions and will help them in their quest for office.

In 1984, Mary Lou Kendrigan described the most common role of women in the political organization as "that of the volunteer who pours coffee, rings door bells, clicks envelopes, 'mans' booths and takes care of the many other petty details that need to be done ... As with in the traditional family, women are quite visible and very unequal" (Norris and Lovenduski 297). Throughout the 1980's some changes were made. Women were increasingly accepted into the party, leadership personnel, were organizing on behalf of other women within the party and there was a response to the 'gender gap' in voting behavior (Norris and Lovenduski 196). It became politically expedient to be out in front in the promotion of women candidates and the Republican party publicly acknowledged this fact. Republican Senatorial Campaign Committee Senator Richard Lugar issued a press release declaring "a concerted effort by the Republican party to stamp itself as the party of the woman elected official would serve our nation as well as it served our own political interests ... The full political participation of women is a moral imperative for our society, and intelligent political goal for the Republican part" (Norris and Lovenduski 303). The party then broke precedent and gave female senatorial candidates \$15,000 to use in primaries even against other Republican contenders.

The Republican Party initially paved the way for equal rights. It was established in 1860 when Abraham Lincoln ascended to the presidency. Lincoln is known for his battle to end slavery and the oppression of blacks. It was a Republican Congress that pushed through legislation to extend the full protection of civil rights to blacks after the Civil War. They also paved the way for women's suffrage. In 1917, Jeanette Rankin, a Montana Republican, was the first woman elected to Congress. She was the only member of Congress to vote against entry in both World War I and World War II. The first woman Senator who was elected into office without having been preceded by her husband in Congress or having first been appointed to fill an unexpired term was also a Republican, Senator Nancy Kassenbaum of Kansas. The 19th amendment, Equal Suffrage Amendment, passed in 1919 after Republican Senator A. A. Sargent of California introduced it in 1896. The twelve states who gave women full suffrage before the ratification of the federal amendment were all Republican.

During Reagan's first term he appointed Sandra Day O'Connor as the first

female Supreme Court Justice, Elizabeth Dole as the first female Secretary of Transportation and Jeanne Kirkpatrick as the first female United States Representative to the United Nations. Margaret Heckler was also the Secretary of Health and Human Services.

This was the first time that three women served concurrently in a president's cabinet. The first woman governor, Christine Todd Whitman of New Jersey, is a

Republican. Speaker of the House Newt Gingrich (R-GA) is making an effort to put women in visible positions within the House of Representatives. It was the first time a woman was appointed to serve as the Clerk of the House (Robin Carle) or as House Counsel (Cheryl Lau). Representatives Susan Molinari (R-NY) and Barbara Canovich (R-NV) were elected to House leadership positions. Jan Meyers (R-KS) and Nancy Johnson (R-CT) became the first women to chair Congressional committees in decades. Gingrich also began to meet biweekly with Republican women in the House. In an interview, Gingrich denies the appointments as a political stunt. "These are not cosmetic changes. Ask the Democrats: Why does a Pat Schroeder of Colorado leave here as the senior woman never having been a chair? How can that happen?" (Burkett 13).

The continual effort to publicly show the inclusion of women is in part because the Republican Party is battling a gender gap. The percentage of men who will vote Republican in an election is much greater than that of women who will vote Republican, even if they are a member of the Party. Many women view the party as too conservative and not responsive to their needs. Therefore, the party is making an effort to appear to move towards the center to attract these crucial votes. Women have the numbers. They voted President Clinton into the White House in 1992 and then put the Republicans back in Congress in 1994. They also have the power in the marketplace. The popularity of such items as minivans and low fat foods both attest to the strength of the female market (Tackett B5). Susan Carroll, a senior researcher at Rutgers University's Center for American Women and Politics, predicted that "fiscal conservatism and social liberalism is becoming the center of American politics and more and more women are moving in that direction" (Farrell 34). The party is shifting to appeal to these voters.

Women are very influential in politics. The female vote decides what issues are brought to the table and how they are treated. The women's vote varies with how they view their political position. A Polling Co. Survey in 1995 identified that out of white women, 34% consider themselves conservative, 16% liberal, and 44% moderate, among non-white women, 35% consider themselves conservative, 18% liberal, and 42% moderate. Of the white women, 45% of them either are or leaning towards the Republican Party. Of the non-white women 68% either are or leaning towards the Democratic Party. This survey also found that women under thirty are actually leaning slightly Republican. Leaving party affiliation and race aside, two women identify themselves as conservative for every one that identifies herself as a liberal (Burkett 13). This data shows that women view themselves as moderates but are leaning towards the conservative side. There is also a new movement of women switching to the Republican Party. Boomer women who run their own businesses are eschewing liberalism as they can no longer afford. A smaller group are the African American women who are fed up with crime, drugs and violence and are translating conservative social values into conservative political activism (Burkett 13). There is still the hesitation to vote Republican. The Republicans are realizing this and making external efforts to the public to get the woman's vote by moving to the center.

"Representation of a group's interest has two dimensions: the presence of its

members in decision-making arena and the consideration of its interests in the decision-making process" (Norris 2). This statement identifies the two major considerations factor into a decision if the Republican Party is moving to the center by inclusion. There is a definite emphasis placed on women's issues and there are women in important decision making positions, but the members of the party who go to the convention and approve the party's platform, or mission statement, are neither female nor themselves moderate. In 1976, 48% of the delegates to the National Convention described themselves as conservative. In 1992 that number jumped to 63% (Belkin 50). The people who are being chosen to represent the party are not moderate but very right-wing. At the 1996 Convention 37% of the delegates were women. Women's presence should have the greatest impact when issues of special concern to women being debated (Burrell 158). Senator Snowe best identifies this need with her statement, "I think it's important for women in Congress to ensure equity for women ... If we don't who will?" (Burrell 157)

Paula Rayman, director of Radcliffe Public Policy Institute, identifies the impact that women are having in the issues that are given consideration.

Women are changing the conversation. They are changing the public discourse. They are changing what gets talked about, and what gets legitimized in the media, the kinds of issues and questions that are coming off the kitchen table and onto the public discourse table... Issues that women have been out in front on - education, health care, family and work issues, used to find themselves on the living pages of newspapers. I now see them being discussed by men and they are raising this connection between work and family (Tackett B5).

Women are more concerned about the issues that affect the lives of their families and children and are less concerned with an enemy abroad. They care more that their families will lead a comfortable life than about the amount of money that the government spends on military expenditures. Since the Republican party wants the women vote for their candidates, they tailor their agenda to suit women's interests.

There also is a connection between the Republican party specifically highlighting women and not moderate men. A survey commissioned by RENEW, Republican Network to Elect Women, showed that GOP women were no better at attaining GOP votes than male candidates but hold a fifteen percentage point advantage over male GOP candidates among independent voters. Republican women also seem to pull in more votes overall, for there is a 2 to 5% boost on the ballot (Hoffman 32). Women are viewed as more compassionate and not as 'slick' as male politicians because they are perceived as being outside the inside circle. The Republican party recognizes the influence of women candidates, especially those that are moderate and put them in the media's center of the party. Some women who are considered to have a broad appeal are Senator Olympia Snowe, Congresswoman Susan Molinari, Congresswoman Constance Morella, and Governor Christine Todd Whitman. These women all partially care about so called "women issues" such as family care, domestic violence, abortion, and crime.

Women are indeed the focus of the Republican party campaign to bring in more votes, yet while the party places moderate women in the forefront, it is not backing up these actions with policy decisions. The Family Medical Leave Act that was signed into law by President Clinton in 1993 is one example of this. The Republican Party tries to say that it cares about family issues, yet it did not initially vote to support

that would help working people take time off to care for another person. The Family Medical Leave Act was introduced by Pat Schroeder (D-CO) in 1993. This Act provides workers in companies having more than fifty employees with twelve weeks of unpaid leave each year to care for a newborn or newly adopted child or a seriously ill family member or to recover from their own serious illness (Burrell 171). There was much discussion over who should be eligible for this leave and whether the mother in question has to be the birth mother were debated. This bill took two years to ratify. It is not a new bill and was passed twice in the 1990's but President Bush vetoed it both times. The statistics show which party supported this bill. 100% of the Democratic women in Congress voted for it along with 87% of the Democratic men. Within the Republican contingent, 50% of the women voted for passage compared to the 21% of men who supported the bill (data from the Center for American Woman and Politics, Rutgers University).

The focus in the Republican party was on the businesses that would be bound to hold positions versus the social cognizance. The pro-business lobby felt that this would be the start of a new generation of government mandates in businesses so they successfully lobbied the Republican party in the early 1990's. Senator Snowe (R-ME) defended the party by explaining that Republicans do "understand the concerns of working families, and the dual responsibility of working and having a family. We have to convey sympathetic understanding and empathy, and show what role the government can play" (Povich 22).

A different example that is constantly in the news is the abortion debate. The Republican Party appears to be shifting to the center because of the media coverage on the moderates of the party who are pro-choice but a close look reveals that it is lip service and the party is by no means leaning towards a pro-choice standpoint. Tanya Melich, a former party activist, who wrote the book *The Republican War Against Women*, best summarizes the trend. The moderates who want to drop the pro-life plank are a silent majority who are outnumbered by the immense and more vocal conservative lobby. Ralph Reed, the recently resigned leader of the Christian Coalition, was instrumental in the inclusion of the rigid pro-life plank in the party platform.

The Republican party platform is revised every four years at the National Convention. In the very beginning of the document the party sets the precedent with its affirmation of their religious standpoint. The sixth principle of the party platform is:

Because institutions like the family are the backbone of a healthy society, we believe government must support the rights of the family; and recognizing within our own ranks different approaches towards our common goal, we reaffirm respect for the sanctity of human life (Republican Party Platform, 1997).

The platform also stresses the need for abstinence. "Abstinence education in the home will lead to less need for birth control services and fewer abortions" (Republican Party Platform, 1997). The party platform continues by opposing school based clinics that provide referrals, counseling and related services for contraception and abortion. It also states that Republicans support "educational initiatives to promote chastity until marriage as the expected standards of behavior." It seems as if the Republican party platform is transcribed from a religious sermon.

If all of these preventive measures fail, then there is a clear answer written in the Platform as to the rights of an unborn child.

The unborn child has a fundamental individual right to life which can not be infringed. We support a human life amendment to the Constitution and we endorse legislation to make clear that the Fourteenth Amendment's protections apply to unborn children. Our purpose is to have legislative and judicial protection of that right against those who perform abortions. We oppose using public revenues for abortion and will not fund organizations which advocate it. We support the appointment of judges who respect traditional family values and the sanctity of human life.

Our goal is to ensure that women with problem pregnancies have the kind of support, material and otherwise, they need for themselves and for their babies, not to be punitive towards those for whose difficult situation we only have compassion. We oppose abortion, but our pro-life agenda does not include punitive action against those women who have an abortion. We salute those who provide alternatives to abortion and offer adoption services (Republican Party Platform, 1997).

This part of the platform makes quite clear the Republican's party view on abortion. There is such a strong opposition to it that the platform expresses the desire to change the Constitution to permanently indoctrinate their belief about this medical act. The party goes as far as to commend everyone who does something that would lessen the number of abortions in this country.

This pro-life view is not shared by the moderate Republicans who are highlighted as the future of the party. Many of the moderates are anti-abortion but pro-choice. In 1993, 71% of Republicans were pro-choice (Morella). There is nothing in the platform about a woman's right to choose what she does with her body. One option for the party would be to say that they permit abortion yet discourage it morally. Morella identified a center position, "to have it both ways, if you like. This is, in the end perhaps the middle ground, the common ground, for Republicans as well" (Morella).

The women that are being publicized do not agree with the party line, because they are pro-choice. Governor Whitman when asked about abortion, answered "I believe it's a very personal decision between a woman and her doctor. I don't think the government has any business telling me what to do with my body. It's actually a very conservative position" (Belkin 50). In strategically hyping these moderate members of the Republican party people who do not read the party platform might think that the moderate's views are representative of the party as a whole. Republicans are playing a dangerous game trying to mislead voters.

The Republican party also claims that it is open to everyone, regardless of his or her views.

While our party remains steadfast in its commitment to advancing its historic principles and ideals, we also recognize that members of our party have deeply held and sometimes differing views. We view this diversity of views as a source of strength, not as a sign of weakness, and we welcome into our ranks all Americans, who may hold differing positions. We are committed to resolving our differences in a spirit of civility, hope and mutual respect (Republican Party Platform, 1997).

This statement offers false hope to many who would want to enter the Republican party in search for acceptance; while claiming tolerance, the party actually is rigid in

its views. Congresswoman Morella, in a speech given at the National Press Club in January 1993, has a different take on the party's openness. "The Republican Party platform sent a message loud, clear, mean and intolerant across the country last August: If you don't walk a certain way, love a certain way, and pray a certain way, you are most certainly not welcome here" (Morella).

The Republican party, the party of Lincoln, has been in existence for over 140 years. During this time the world has changed and the party must evolve if it wants to maintain its powerful presence in politics. The idea of women's equality is an issue that the party has taken on. Republicans supported women's suffrage and have nominated women to positions that no female had ever held before. Yet the issue of how women and their beliefs are looked upon and situated in the party is a different matter. At every Republican National Convention, the party revises its platform, the statement that defines who they are and their views. The platform does not exhibit any sign of accommodation as the Republican oath states. Women are included in the Party with appointments but in terms of weight of opinion, very often they are ignored.

The religious right has positioned themselves as a formidable force in the world of politics, especially within the Republican party. Their views are often contradictory to the beliefs held by the moderate women who are attempting to shift the party to a more central position. The division and influence of each sector are visible when discussing abortion. The religious right believes that a fetus is a human life and should under no circumstances be killed. The moderates of the Republican Party are anti-abortion but pro-choice. They believe that the woman should have a choice what to do with her body. A different spin on the topic is that if abortion is outlawed, victims of rape and incest would be forced to keep the children of the most horrific experience that they ever went through. These children would serve as a reminder for the rest of their lives and could produce emotional scars or even be subjected to physical abuse as the victims take out their hurt on these children. A more medical need for abortion would be if the mother was in danger of her life because of complications from the pregnancy. Should the mother die so the fetus could live? Who would take care of the baby if it survives? The religious right remains steadfast in their views. The moderate women may have the spotlight but when it comes down to the organization's view they have little influence.

The Republican Party has put women in the spotlight as a measure they were hoping would shrink the growing gender gap between male and female voters. In portraying the image that the Republican party cares about issues that are of women's concern, which are mainly domestic issues, they hope to attract more women voters. Women candidates supported by the Republican Party are spotlighted because they have a good chance of being elected, as they are perceived as being more centrist than the hard line radicals whose lives were spent in politics.

Women politicians such as Senator Olympia Snow, Governor Christine Todd Whitman, Congresswoman Constance Morella and Congresswoman Susan Molinari present a new breed of Republicans who stand up for their beliefs, even if it goes against the current stance of the party. All of these women are vocally pro-choice, and these women are also active in promoting women's issues, such as domestic abuse, child care, family medical leave acts and crime. These are the issues of the moment. There is no person who will say that he/she wants to increase crime or encourage spousal abuse. With Republicans taking the lead on these issues and passing laws in Congress, the party appears to have softened its severe stance. It might even be said that there is a shift to the center.

Shifting to the center in this case means that the pendulum, as a measure of

the Party's general stance on issues, is moving to the left from its current right position. The change does not have to be external. Gradually, the party has moved from a party that was ruled by intolerant men to a party composed of many different types of people. The resulting unified view from party headquarters may appear to be consistent over time but internally the pendulum has swung. There are more moderate Republicans than there previously were, but at the same time there are also more hardliners who want a strict conservative slant on issues. Right now the Christian Coalition is dictating the course of the pendulum. In 1995 and 1996 there was more of an effort to be bipartisan and center. Campaigning for the 1996 elections illuminated the backlash to the right of the party by candidates distancing themselves from Newt Gingrich because he symbolized extremism. Now that elections are over, there is a shift to partisanship with each party sticking to their prescribed judgment on issues. Newt Gingrich was reelected as Speaker of the House. If people did not want to be associated with him, they would not have elected him to this powerful position that dictates Congressional agenda.

Internally, the pendulum was slowly inching to the center with women taking the lead but since then the pendulum has swung further back. It is like a rubber band; the harder you pull, the faster it snaps back to its original state and sometimes it will snap backwards upon return. The moderate women are trying to extend the rubber band as far as it can go and hope that they can stretch it out so that it will not revert back to the starting point. If their efforts initially fail, they try again. It is likely that Molinari, Snowe, Whitman and Morella are not leaving politics by choice any time soon. As long as they are part of the Republican Party and remain in office, they will stand up for their beliefs. They will continue the struggle to release the party from the grips of the religious right and put it on a different course of moderation.

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