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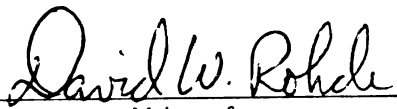
**Party Leaders and the House Rules Committee: The
Endogenous Effects of Partisanship on Special Rules
and Cross-Chamber Legislative Outcomes**

presented by

Bryan W. Marshall

has been accepted towards fulfillment
of the requirements for

doctorate degree in Political Science


Major professor

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**PARTY LEADERS AND THE HOUSE RULES COMMITTEE: THE ENDOGENOUS
EFFECTS OF PARTISANSHIP ON SPECIAL RULES AND CROSS-CHAMBER
LEGISLATIVE OUTCOMES**

By

Bryan W. Marshall

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ABSTRACT

PARTY LEADERS AND THE HOUSE RULES COMMITTEE: THE ENDOGENOUS EFFECTS OF PARTISANSHIP ON SPECIAL RULES AND CROSS-CHAMBER LEGISLATIVE OUTCOMES

By

Bryan W. Marshall

This dissertation develops a principal-agent theory to analyze one facet of a broader literature that seeks to explain the strengthening of party leadership organizations within Congress and their significance for understanding congressional politics (see Cooper and Brady 1981; Rohde and Shepsle 1987; Rohde 1991; Sinclair 1992). In particular, Chapters 1 and 2 apply the principal-agent framework to understand better the dynamic changes in Rules Committee behavior and the role of special rules over time. In sum, I argue that the increasing homogeneity of the majority party increased the incentives for members to coordinate their actions, especially their choices regarding the strengthening of leadership institutions. One key component of majority party coordination was the institutionalization of an agency relationship with the Rules Committee. Indeed, the principal-agent perspective between the majority party and the Rules Committee offers theoretical leverage in understanding both the institutional changes and the policy consequences of this institutional relationship.

The design of each empirical chapter investigates one of three broad aspects of the theoretical claims regarding the significance of the Rules Committee and the leadership's use of special rules in affecting congressional politics. Chapter 4 begins the empirical analysis by examining the factors leading to the establishment of the principal-agent

relationship between the majority party and the Rules Committee over time. Here I find that the Rules Committee became less likely over time to deny legislative committee requests for special rules and infer that this change in behavior reflects on the institutional reforms during the 1970s that greatly contributed to the Rules Committee's role as *agent* for the majority party. In addition, the significant trends in the time series of majority party support on amendments and special rule votes provide empirical confirmation that members were becoming more willing to enhance leadership institutions over time.

The analysis in Chapter 5 directly tests between the empirical claims of the contemporary organizational theories of Congress regarding the role of special rules (see Gilligan and Krehbiel 1990; Krehbiel 1991; Weingast and Marshall 1988; Aldrich and Rohde 1996a; Sinclair 1995b and 1999). The empirical findings from the 97th, 98th, 104th, and 105th Congresses largely dispel the majoritarian argument that restrictive rules are used as informational devices, and instead, supports a partisan rationale which asserts that the choice of restrictive rules has become increasingly determined by and reflective of the policy ends of the majority party. Chapter 6 explores the policy consequences of the *agency* arrangement between the Rules Committee and the majority party. Despite the Senate's more consensus oriented institutional structure, the patterns of partisan conflict over policies considered under special rules varied systematically across both chambers demonstrating that the choice of restrictive floor procedures has significant partisan consequences for the policy making process.

BRYAN WILLIAM MARSHALL
1999

For my Mother and Father

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TABLE OF CONTENTS

LIST OF TABLES	xi
LIST OF FIGURES	xii
INTRODUCTION	1
Party Leaders and Congressional Politics	1
Leadership Strategies and the Endogenous Sources of Partisanship	3
Dissertation Outline	6
CHAPTER 1	
PARTY LEADERS, PRINCIPALS, AND THE INSTITUTIONAL DESIGN	
CONTROVERSY OVER THE ROLE OF SPECIAL RULES	9
The Foundations of Principal-Agent Models	9
Leadership Performance in the Agency Context	11
The Rules Committee as a Leadership Institution	19
The Costs of Employing Leaders as Agents	22
Reducing Agency Costs	26
Congressional Leadership and Special Rules	31
Theories of Legislative Organization and the Controversy Over Special Rules ..	33
The Role of Special Rules	33
CHAPTER 2	
THE DELEGATION OF INSTITUTIONAL POWER AND THE PARTISAN	
IMPLICATIONS OF SPECIAL RULES IN THE U.S. HOUSE OF	
REPRESENTATIVES	42
Introduction	42
Theoretical Questions and Empirical Implications: Summary	47
Theoretical Issues: The Textbook Congress, Institutional Change, and the	
Resurgence of Strong Parties in the House	49
The Early Beginnings: Ebb and Flow of Leadership Power and the House	
Rules Committee	49
Collective Incentives and the Delegation of Institutional Power	56
Institutional Solutions to Agency Problems: Rules Committee Reforms	60
The Institutionalization of an Agency Relationship	60
Hypotheses	71
Empirical Predictions from the Principal-Agent Framework	71
CHAPTER 3	
DATA AND METHODS	83
Data and Methodological Issues	84
Chapter 4	84

Chapter 5	86
Chapter 6	97
Conclusion	98
 CHAPTER 4	
POLITICAL PARTIES AND THE COORDINATION FOR COLLECTIVE	
ACTION	104
The Role of Party Leadership	104
Empirical Analysis	107
Rules Committee Behavior	108
Temporal Change: Procedural and Policy Partisanship	109
Conclusion	117
 CHAPTER 5	
EXPLAINING RESTRICTIVE RULES IN THE POSTREFORM HOUSE	125
Theories of Legislative Organization: Testing Expectations of Procedural	
Choice	127
Informational Theory Predictions	128
Distributive Theory Predictions	130
Partisan Theory Predictions	131
Empirical Results: Logit Analysis	134
Informational Theory Results	134
Distributive Theory Results	136
Partisan Theory Results	137
Diagnostics	141
Robust Estimation	141
Multinomial Models	142
Outlier Analysis	144
Conclusion	146
 CHAPTER 6	
THE POLICY IMPLICATIONS OF LEADERSHIP STRATEGIES: EVIDENCE	
FROM THE HOUSE AND SENATE	160
Introduction	160
A Few Thoughts on Party Leadership in the Senate Context	162
Empirical Analysis: Procedural Choice and Policy Consequences	166
Bills That Become Law Under Special Rules: 97 th , 98 th , 104 th , and 105 th	
Congresses	166
Aggregate Voting Analysis: Legislation Considered Under Special	
Rules	171
Conclusion	176
 CHAPTER 7	
CONCLUSION	184
Summary of Empirical Results	185

Future Extensions	193
APPENDIX A	
Exogenous Variables Used in the Logit Analysis.....	198
APPENDIX B	
Party Median Variable	200
REFERENCES	202

LIST OF TABLES

TABLE 1:	Institutionalizing a Principal-Agent Relationship Between the Majority Party and the House Rules Committee	81
TABLE 2:	Empirical Research and Exogenous Variables Explaining Rule Choice	100
TABLE 3:	Summary Statistics For Independent Variables Predicting Rule Choice	101
TABLE 4:	Changes in the Proportion of Special Rules Not Granted, 96 th -104 th Congresses	120
TABLE 5:	Overview of Research Explaining the Occurrence of Restrictive Rules	151
TABLE 6:	Theories of Legislative Organization and Expectations Regarding Restrictive Rules	152
TABLE 7:	Logit Models 97 th and 98 th Congresses (1981-1984)	153
TABLE 8:	Logit Models 104 th and 105 th Congresses (1995-1998)	154
TABLE 9:	Marginal Effects on Changes in the Probability of a Bill Receiving a Restrictive Rule, 97 th , 98 th , 104 th , and 105 th Congresses	155
TABLE 10:	Multinomial Logit Model 104 th Congress (1995-1996)	156
TABLE 11:	Multinomial Logit Model 105 th Congress (1997-1998)	157
TABLE 12:	Distribution of Bills Considered Under Special Rules by Final Outcomes 97 th , 98 th , 104 th , and 105 th Congresses	179
TABLE 13:	Distribution of Final Legislative Outcomes Controlling for Rule Type 97 th , 98 th , 104 th , and 105 th Congresses	180
TABLE 14:	Distribution of Bills That Passed Both Chambers by Final Disposition 97 th , 98 th , 104 th , and 105 th Congresses	181
TABLE 15:	Average Party Support for Bills Becoming Law in the House and Senate Controlling for Rule Type 97 th , 98 th , 104 th , and 105 th Congresses	182

LIST OF FIGURES

FIGURE 1:	Static vs. Dynamic Agency Models	17
FIGURE 2:	Summary	82
FIGURE 3:	Distribution of Special Rules, 97 th , 98 th , 104 th , and 105 th Congresses ...	102
FIGURE 4:	Distribution of Special Rules (Collapsed Categorization), 97 th , 98 th , 104 th , and 105 th Congresses.....	103
FIGURE 5:	Average Party Support on First-Degree Amendments, 83 rd -105 th Congresses	121
FIGURE 6:	Average Party Support on Special Rules, 83 rd -105 th Congresses	122
FIGURE 7:	Percentage of Majority Favored Amendments Controlling for Rule Type, 97 th , 98 th , 104 th , and 105 th Congresses	123
FIGURE 8:	Average Partisanship on Special Rules Controlling for the Restrictiveness of Rules	124
FIGURE 9:	Outlier Analysis Model 104b (104 th Congress)	158
FIGURE 10:	Outlier Analysis Model 105b (105 th Congress)	159
FIGURE 11:	Distribution of Final Passage Votes Across Chambers Controlling for Rule Type and Levels of Partisanship, 97 th -98 th and 104 th -105 th Congresses .	183

INTRODUCTION

“If followers fail to cohere, then a leader who nevertheless pursues a party policy line does so at his peril” (Rohde and Shepsle 1987: 117).

Party Leaders and Congressional Politics

The one factor that was as important as any other factor(s) leading to Gingrich's demise in 1998 was really beyond his control as Speaker (*or was it?*). This factor was the growing cleavage within the tenuously small GOP majority between moderates and conservatives. The leadership's initiatives that once successfully highlighted interparty differences during the first 100 days of the 104th Congress were called into question during the government shutdown of (1995-1996), and for much of the 105th Congress, were plagued by intraparty policy disputes. In terms of leadership strategy, this condition posed a serious dilemma on many policy fronts. By pursuing objectives for one faction, the leadership necessarily provoked the alienation of the other faction. For example, during the 105th Congress, conservatives clamored against their party leadership when strategies sought to “soft-pedal” partisan policy objectives and thus cater to the moderate wing of the party (see Marshall, Prins, and Rohde 1998: 30). These patterns of intraparty conflict not only caused considerable problems for policy making within Congress, but had potentially graver implications because they fostered the public's perception that the GOP was unable to govern.

Indeed, intraparty strife appears to be a persistent problem for the ruling GOP majority. Looking ahead to the 106th Congress, one GOP strategist said: *“We don't just*

have a leadership problem, we have a followership problem too” (CQ, 11/14/98: 3052).

One possible institutional solution to this recurring problem, embraced by House conservatives, would grant the new Speaker the power to punish members that buck the party-line on procedural votes (e.g. rules votes) (CQ 11/21/98: pg. 3165). In fact, Majority Whip Tom DeLay (TX) has been outspoken in his attempts to convince the GOP conference that it should demand the leadership should take off the gloves and punish the few recalcitrant members, who stand in the way of the party’s collective objectives (Roll Call, 6/22/98: 32).

And now, the leadership’s decision to force an up or down vote on impeachment articles in the House left members from moderate districts between the proverbial ‘rock and a hardplace’. House managers subsequently tried to frame their arguments in a similar manner, but moderate Senate Republicans would not face the same constraints that House leaders had earlier placed on their fellow partisans. The in-fighting that initiated within the House GOP has now traversed between the majority parties of both chambers to malign their legislative effectiveness, their opportunity as majority party to assert a clear policy agenda, and perhaps threatens the very maintenance of their majority status in 2000.

Leadership strategies as illustrated by the dramatic events during the 104th-105th and into the 106th Congress have proven to be incredibly important (sometimes devastatingly so!) to the achievement of collective goals in Congress. The study of leadership strategies, then, represents an integral component to understanding party organization and congressional politics more generally. Of specific interest in this dissertation is how congressional politics can be affected by party leadership and

strategies that employ special rules. As suggested by the ongoing difficulties of the Republican majority, party leadership in Congress is a two-way street. An integral dynamic to understand about this relationship is that party leaders sometimes follow, and party followers sometimes lead. The significance of leadership strategies in affecting partisan outcomes is conditioned on the cooperation of the party membership. Indeed, this dissertation addresses the efforts of members to empower leaders with the ability to use special rules and the partisan consequences that this action has facilitated.

Leadership Strategies and the Endogenous Sources of Partisanship

Within the U.S. House of Representatives, members of the majority party are in a formidable position relative to the members of the minority party to coordinate with fellow partisans in pursuit of individual and collective ends. One of the most critical aspects of this coordination is the choice to delegate leadership powers in pursuit of collective objectives (Rohde 1991; Sinclair 1992). Cox and McCubbins (1993) have asserted that majority party members coordinate in the organization of the House to usurp its institutional powers (especially legislative committees) for the purpose of producing collective goods.¹ Rohde (1991) has argued that when members of the majority party agree upon collective ends, they have an incentive to grant party leaders powers in their pursuit. Moreover, the transfer of institutional powers to the party leadership can have

¹ Basically, the collective characteristics of party reputation provide a common good valued by individual members in pursuit of reelection (Cox and McCubbins 1993: 109).

the intended affect of pulling policy outcomes away from the floor median and toward the central preferences of the party caucus (Aldrich and Rohde 1996b).²

The membership's incentive to delegate institutional authority to party leaders is a function of how much their goals overlap with their fellow partisans and the degree to which they are at odds with the goals of the minority party. Member goals and/or preferences are largely the result of exogenous electoral forces, but these too can be influenced through leadership strategies. Leaders can use their powers of agenda-control to impose constraints on member preferences along certain dimensions. For example, special rules allow leaders to structure choices, not to necessarily change member preferences directly (although this can happen too) but to emphasize the importance of certain dimensions over others in making particular decisions. The ability to structure choices in this manner has non-trivial implications because party leaders can use this strategy to pass policies that are valued by the majority party. As Aldrich and Rohde (1998a) have illustrated, the median outcome can't be achieved if it is never allowed to be considered in the first place.

Exogenously-driven preferences then, don't freely determine member choices, but are induced to some extent by leadership strategies. Leaders pursue certain objectives, and do so through an array of institutional mechanisms that may vary over time. Leadership objectives and strategies are in turn shaped by the leaders own goals, those of the party membership, and the set of institutional tools available for pursuing them. Thus,

² Although policies are a primary staple of the legislative process, this does not suggest that members of Congress are driven solely by policy considerations. Indeed, I assume that members and their leaders are motivated by multiple considerations (policy, reelection, and institutional power -- Fenno 1973).

the relationship between followers and leaders in Congress depends not only on exogenous conditions (e.g. congressional elections) but also on the choices leaders make.

Special rules have evolved over time into an extremely important institutional mechanism for leaders to shape policy choices. This change in leadership strategy does not represent some idiosyncratic variation in congressional politics, but rather reflects a broader phenomenon that dramatically changed the institutional face of Congress over time. Leadership strategies became increasingly important to, and driven by, the cooperation among majority party members to achieve collective ends (Rohde 1991; Sinclair 1992).

The intent, and certainly, the effect of institutional changes to the Rules Committee during the reform era solidified the committee's power into the hands of party leaders (Oppenheimer 1977; Rohde 1991; Sinclair 1995a; Maltzman 1997). Since the reforms, the Rules Committee has become an integral part of the leadership team, and thus an *agent* of the majority party. The agency relationship resulted from the majority party caucus deliberately delegating greater institutional authority to its leadership for the purpose of providing collective advantage. Indeed, the growing partisanship associated with special rules represents more than just conflict over mundane procedure, but is evidence of a deeper cleavage between the majority and minority party that has serious ramifications for congressional politics.

Certainly, the growing cleavage between the parties emanates largely from the changing conditions in congressional elections. Still, endogenous factors like leadership strategies not only affect partisanship within the House directly, but also can affect the conditions external to Congress as well. I would argue that the "exogeneity" of

congressional elections serves theoretical tractability well, but has oversimplified a more complicated dynamic between what goes on inside Congress (e.g. congressional politics) and the causal effects on external conditions that shape partisanship within individual congressional districts. Thus, the study of leadership strategies is incredibly important to our understanding of party organization and congressional politics more generally.

Dissertation Outline

This dissertation makes two main theoretical contributions to the study of congressional politics. First, the theory applies a principal-agent framework to the study of the Rules Committee. Chapter 1 introduces some groundwork on principal-agent theory and its relevance to the study of congressional leadership. Then consideration is given to how features of the Rules Committee and special rules (as a leadership tool) can affect the principal-agent relationship between party members and their leaders. Secondly, the partisan theory developed here speaks to the changing role of special rules in the legislature. Indeed, Chapter 1 also discusses the empirical claims between competing theories of legislative organization.

In Chapter 2, the dissertation addresses the transformation of the Rules Committee into a responsive leadership institution for the majority party. This institutional transformation is viewed from the perspective of principal-agent theory. Testable implications are then derived from the premise that the Rules Committee acts as the *agent* of the majority party. Based on this framework, I make hypotheses about: (1) Rules Committee behavior over time, (2) Majority and Minority party voting patterns over time, and (3) Factors affecting the likelihood a bill will receive a restrictive rule.

Chapter 3 lays out the data used to empirically test the implications of the theory. I discuss the selection and operationalization of the data and how it applies to the specific hypotheses derived from the theory. Here, I defend and justify the selection of the 96th-97th and 104th-105th Congresses that are used for testing propositions regarding rule choice. I also present some basic descriptive statistics that highlight the changing distribution of restrictive rules over time.

In Chapter 4, I present evidence that reflects on the temporal hypotheses regarding the Rules Committee behavior and majority and minority party member voting patterns. In terms of the Rules Committee's behavior, I focus on how the agency relationship of Rules has decreased its proclivity to use negative institutional powers to block majority party priorities. In terms of majority and minority member behavior, I focus on the costs and benefits associated with empowering leaders with greater control over the Rules Committee and how this coordination among majority party members has been translated into support on special rules.

Chapter 5 presents logistic models on rule choice for the 97th-98th and 104th-105th Congresses. Here, I provide a partial test between competing theories of legislative organization regarding the role of special rules in the legislative process. The model specifications incorporate independent variables that are central to claims made by informational, distributive, and my own partisan theory. A full array of diagnostics are discussed, including outlier analysis. The significance of variables in these specifications and their effects on the likelihood a bill receives a restrictive rule are important on their own, but changes over time from one specification to another may also shed light on the dynamic component of this theoretical argument.

Chapter 6 is the last, of three empirical chapters, that really speaks to the policy implications of having a Rules Committee in the House that is responsive to majority party initiatives. Here I provide evidence illustrating the systematic linkage between special rules and enacted public policies. I look at member behavior in the House on special rules and final passage votes during the 97th-98th and 104th-105th Congresses. I also follow these policies to the Senate. I briefly discuss key institutional differences in the Senate regarding party leadership and how this may be reflected in senate voting patterns on policies that were considered under special rules in the House.

Chapter 7 concludes the dissertation. I summarize my findings and their implications for understanding congressional politics. I take a moment to step back and note the shortcomings of my work, how these may be addressed in the future, and specific research projects that may evolve from the work I have done.

CHAPTER 1

PARTY LEADERS, PRINCIPALS, AND THE INSTITUTIONAL DESIGN CONTROVERSY OVER THE ROLE OF SPECIAL RULES

This chapter sets out to do three things. First, I establish a principal-agent framework for the study of congressional leadership. I answer the question, *why is it useful to study congressional leadership from an agency perspective?* Here, I address some important considerations of principal-agent models and their application to party leaders in Congress. Then, I focus the discussion on the House Rules Committee as a leadership institution and point to some of its roles that may affect the relationship between party leaders and followers. Leaders as agents, I argue, may take various institutional forms and affect the dynamics of the principal-agent relationship differently. Therefore, the variation in leadership arrangements must be taken into account in order to develop a principal-agent theory. Lastly, I discuss the ongoing controversy over the role of special rules in the legislative process. Here, I review the relevant literature and contrast the implications of my partisan agency model¹ with those of the competing theories of legislative organization.

The Foundations of Principal-Agent Models

An agent's power is conditioned upon the acquiescence of her principal(s). Principals can choose, and sometimes refuse, to be led. The choice of whether to employ a common agent and for what purpose depends in large part on the coherence or agreement in goals among principals. Still, an agent's behavior (e.g. strategies) and the

subsequent linkage to outcomes can affect the very choices made by principal(s). That is to suggest, an agent's power is not solely determined by factors outside her control. In addition, the principal(s) may find it more advantageous to employ agents under certain conditions and contexts more so than at other times. These features make the relationship between a principal and her agent inherently dynamic. The same features are important in affecting the relationship between leaders and followers in Congress. Understanding the conditions and dynamics involved in shaping the principal-agent framework is particularly important for developing a theory of congressional leadership.²

Traditionally, agency performance is assessed based on the rules of the game established by, and for the benefit of, the principal. The problem for the principal is one of institutional design. According to Moe the dilemma is that, "*The agent has his own interests at heart, and is induced to pursue the principal's objectives only to the extent that the incentive structure imposed in their contract renders such behavior advantageous*" (1984: 757). Typically, the principal(s) choose an institutional arrangement within which the agent seeks to maximize her payoff (McCubbins and Page 1986). The agent makes a choice within some feasible action space, $a_i \in A$, under conditions of uncertainty (e.g. random state of nature). These choices involve the commitment of services by the agent that produce mutually beneficial payoffs for both the agent and the principal. The payoff to each is a function of some state of nature ($\delta_i \in \delta$), δ_i unknown to the agent when the action, a_i is chosen. The typical principal-agent model is set up so that initial conditions like the state of nature and the contractual

¹ The model I develop views the Rules Committee as the *agent* of the majority party.

arrangement in the model are taken as given. Agents then, do the best they can under these exogenous constraints (McCubbins and Page 1986).

Leadership Performance in the Agency Context

Certainly, many features of the principal-agent model are analogous to party followers and leaders in Congress. Other features are less so, and as I will discuss later, require a more dynamic approach. The application of agency theory to party leaders in Congress is nothing new (Jones 1968; Cooper and Brady 1981; Rohde and Shepsle 1987; Calvert 1987; Fiorina and Shepsle 1989; Kiewiet and McCubbins 1991; Cox and McCubbins 1993). My theoretical contribution differs in that I make explicit some of the endogenous effects involved with leadership strategies. By doing so, the theoretical model is more complete for understanding the dynamic nature of congressional leadership.

Agency Incentives

To begin drawing some parallels, the logic for employing an agent is similar to that of a leader. The basis of agency theory revolves around mutual need (Eggertsson 1990; Maltzman 1997). Principals choose to use agents, and likewise, agents choose to be used by principals because it serves some advantage.³ According to Fiorina and Shepsle (1989: 20), “*leadership is an institutional arrangement*” created by the principal

² Party followers and leaders in the legislative context are viewed analogously to principals and agents respectively.

³ The first-generation principal-agent models were developed initially by economists (see Holmstrom 1979; Grossman and Hart 1983).

to obtain goals more effectively and with a higher probability than what the principal could gain “*without the coordination and enhanced productivity provided by the leadership institution.*” Similarly, Sinclair (1992 and 1998) has argued that leaders—in their role as agents—solve collective action problems for members of the majority party. Principal(s) may even delegate to their agents the power to punish fellow principals so as to prevent shirking (Shepsle and Bonchek 1997). Party leaders then, provide services or collective benefits to party members and for their efforts receive some form of payment.⁴

Principals can tie an agent’s performance to their [the principal(s)] own interests through a contractual obligation. For example, party members in Congress have an institutionalized incentive system for shaping leadership performance. Ultimately, party members have the power to nullify the principal-agent contract. That is, leaders must stand for reelection at the beginning of every Congress. Leaders are not irreplaceable.⁵ A leader’s status in the future is contingent upon his performance in the present. The possibility of competition for leadership seats reinforces the leader’s incentive to be responsive to the interests of the party organization.

Institutional Arrangements and the Coherence of Principals

The party membership then, develops institutional arrangements to constrain leadership behavior, much like a contractual arrangement between a principal and her agent. Moreover, party members can modify or alter the institutional arrangements to better suit their goals as conditions relevant to the agency relationship change. According

⁴ Party leaders receive institutional power and prestige which may be reward by itself. Alternatively, a leader’s power can be used to pursue other objectives like passing personal policy initiatives or seeking higher elective office.

to Rohde and Shepsle (1987: 117), *“It is the partisans who set the terms and establish the conditions of leadership: they giveth and they can taketh away.”* Clearly, the conditions of leadership that Rohde and Shepsle refer to are the institutional arrangements within the legislature which are controlled by the majority party. Rohde and Shepsle go on to say, *“Members can alter the party and chamber rules that govern the distribution of power within the House and hence the relationship between leaders and followers”* (1987: 120). From this perspective, institutional stability suggests that an equilibrium relationship exists between principals and agents.

Contracts can be designed by principals to be highly selective in the recruitment of agents. Similarly, institutionalized mechanisms are used by the party for the recruitment of leaders in order to reduce problems associated with adverse selection. For example, Hinckley’s (1970) comparative leadership analysis illustrates two parallel institutional arrangements for the selection of congressional leaders. Here, she finds that two distinct selection systems existed during the prereform era. The one for committee chairs was based on seniority and the one for party leadership positions was based on the party caucus. Interestingly, although different selection arrangements existed, each drew leaders disproportionately from southern congressional districts. According to Hinkley, the institutional mechanism for choosing party leaders was undeniably selective: *“Indeed, to name the congressmen who in the past two decades [1947-1969] have fulfilled the dual requirements of being (1) senior and Southern and yet (2) non-conservative is virtually to give the list of Democratic party leaders”* (1970: 284).

⁵ Maltzman (1997: 10) notes that in a principal-agent model, if one is completely dependent on the other then the model breaks down.

Coherence in member goals is another important feature determining the relationship between principals and agents. When agreement on goals among principals is low, agency performance tends to be suboptimal. For example, Shepsle and Hume (1984) change the traditional principal-agent dilemma into a strategic game between heterogeneous competing principals. The principal's problem here is more complex because the institutional design needs to take into account, not only the agent, but also the anticipated strategy of other principals. And as Ferejohn (1986) illustrates in his model, when the homogeneity condition of principals is relaxed the agent has the greatest level of independence and can use one principal or faction against the other. Likewise, under conditions of heterogeneity, leaders would not be inclined to pursue collective policy objectives with the same frequency as they would under homogeneous conditions. If they did choose to do so, leaders would likely alienate a subset of the party and risk their future reelection as leaders (Cooper and Brady 1981; Rohde and Shepsle 1987).

Leadership Strategies and the Endogenous Conditions of Agency Performance

One important difference though, is that the “conditions” determining the relationship between leaders and followers in Congress is more complex than the traditional principal-agent model would suggest. Here, I argue that leadership behavior is not simply a function of their preferences and the institutional arrangements designed by the party.⁶ But instead, leadership actions have reciprocal effects on the conditions of agency. Specifically, the conditions of agency that can be affected by leadership

⁶ Hypothetically, if during the 104th Congress we could choose another GOP leader with the same ideal point and institutional constraints, would we expect the same performance and outcomes to result?

strategies include the level of partisan coherence, institutional arrangements, and congressional elections. Rohde and Shepsle touch on this point nicely, “*institutional arrangements are not independent of leadership motivations and strategies*” (1987: 114).

A major shortcoming of the traditional agency model is in the assumption that actions influence the principal-agent relationship only through their affect on the payoff structure (Ross 1973: 134). The conditions that constrain agents under the traditional model are exogenously determined. But, for party leaders in Congress, the conditions of agency (e.g. institutional arrangements and coherence of the majority party) are really partly determined by leaders themselves and so are endogenized.

For example, GOP leaders have been intensely concerned with the affects of leadership strategy on the upcoming 2000 elections. At a recent GOP retreat, Representative Thomas Davis (R-VA), Chairman of the National Republican Congressional Committee “*warned colleagues they need to accomplish some important policy goals in the next two years or remain known as the party of impeachment*” (LSJ, 2/20/99, 1A). The principal-agent relationship in Congress can be affected by leadership strategies. These strategies, in turn, affect conditions within and external to Congress that shape the relationship between the party and leaders (Cox and McCubbins 1993). Thus, understanding leaders and followers through a principal-agent framework requires a somewhat more dynamic approach.

Toward a Dynamic Model of Party Leadership

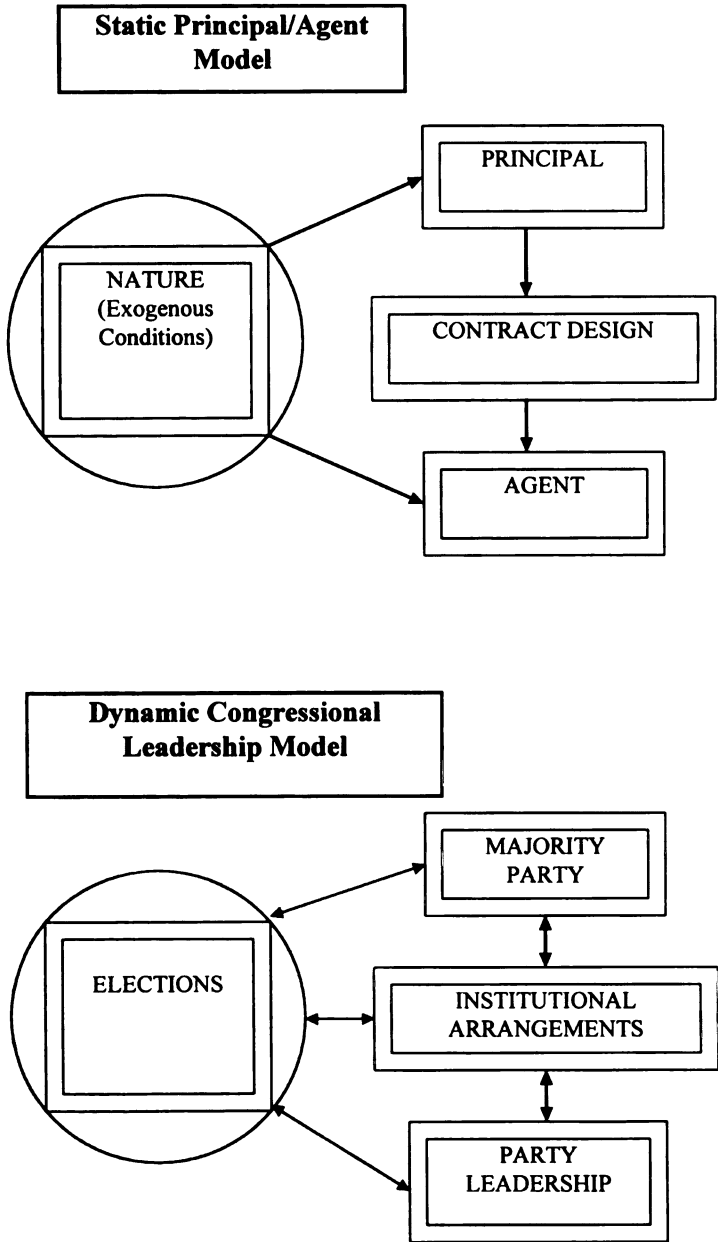
Ideally, Moe asserts that principals want an arrangement that “*prompts the agent to behave as the principal himself would under whatever conditions might prevail*”

(1984: 757). In this, I have argued that there exists at least one critical departure from the traditional principal-agent model for the study of congressional leadership. Namely, party leaders as agents of the majority party can affect the initial “conditions” that Moe describes above. Moreover, party leaders are not totally constrained by institutional arrangements and can to some extent shape the very structure in which they pursue various objectives (Rohde and Shepsle 1987). The fact that leadership strategies can affect these factors is where the endogenous aspect of leadership power comes into play. The causal arrow of party leadership in Congress is not one way (see Figure 1 on the following page). More specifically, the conditions of agency, or analogously, the constraints imposed on congressional leaders cannot be viewed as strictly exogenous.

Figure 1 contrasts a static principal-agent model with that of a dynamic congressional leadership model. In the agency framework, leaders don’t just operate within exogenously determined constraints, but their actions can also affect the future conditions that shape the principal-agent relationship. The basis of leadership power then, is conditioned on the principal-agent relationship and therein subject to certain constraints. Some are imposed by principals, like institutional arrangements. Other constraints are primarily exogenous, like the affects of congressional elections on the distribution of member preferences.⁷ Still, leadership strategies can affect these constraints, endogenizing the conditions for strong leadership in Congress.

⁷ Initial conditions for strong leadership are primarily driven by congressional elections (e.g. exogenous forces) while the maintenance of a strong leadership organization may be a mixture of both exogenous and endogenous sources.

FIGURE 1: Static vs. Dynamic Agency Models



For example, Cooper and Brady (1981) argued that members of the majority party played a critical role in determining the level of strength characteristic of party leaders during the era of Speaker Reed and Cannon. They asserted, *“For the Speaker to have the power involved in Czar rule, a majority of the House members had to agree to bestow such power. Since the House is organized on the basis of party and since during this period the Republicans were usually in the majority, it was their potential for group cohesion and loyalty that established the conditions for centralized leadership”* (1981: 414). Certainly, cohesion among principals is an important component of the principal-agent relationship, but as I have suggested previously, leadership strategies can affect the dynamics of this relationship. It was Speaker Reed’s and Speaker Cannon’s subsequent actions that largely determined the extent that they could maintain their power.⁸ Similarly, Jones (1968) argued that Speaker Cannon could have prevented his own demise. In drawing parallels between Speaker Joe Cannon (R-IL 1903-1911) and Chairman Howard “Judge” Smith (D-VA) of the House Rules Committee, Jones asserted that these two leaders could have preserved their powers in the long run by taking different actions in the short run (1968: 645-646). Jones argued that leaders need to protect their procedural majorities by giving in at times to the preferences of substantive majorities.⁹

A more dynamic principal-agent model is needed to capture the partially endogenous nature of congressional leadership. Much different than the relationship

⁸ Indeed, as I discuss in Chapter 2, it was Cannon’s decision to use his powers in an arbitrary fashion that eventually led to his downfall.

⁹ Jones suggested that Speaker Sam Rayburn (D-TX 1940-1947 and 1956-1961) was uniquely proficient at balancing procedural and substantive majorities-the ideal “middle-man” leader (1968: 646).

between a principal and his agent, party leaders in the House have the ability to affect their own basis of strength. Explaining how these exogenous and endogenous causal forces interact in affecting principal-agent relations is essential to understanding party strength and the distribution of power in the House. That is, leadership strength depends on how much power members choose to delegate, the choices and strategies leaders themselves make in employing their powers, and how these choices actually affect, or are perceived to affect, member goals (e.g. policy, reelection, power). The choices leaders make condition member expectations that shape the future delegation of power or conversely the extent that legislators will choose to constrain or reform leadership powers.

Given the importance of structural arrangements to the relationship between leaders and followers in Congress, it will be useful to next address some of the specific institutional considerations of the Rules Committee as a leadership organization. First, I will argue that the Rules Committee does function as a leadership institution. Then I will discuss how these leadership roles and institutional features of the Committee relate to the principal-agent framework.

The Rules Committee as a Leadership Institution

Forty years after the House rebuffed Cannonism by delegating agenda-setting powers to the members of Rules, the House once again grappled with the issue of agency control. The major organizational debates involving the Committee have been over whether Rules should “*act as a clearing house and agenda-making group, as the **agent of the leadership** of the majority party, or as an **agent of the Whole House** that would*

intuitively feel the 'pulse of the House' and review and edit the work of the legislative committees" (Robinson 1963: 71; see also 57).

The institutional reforms coupled with the growing homogeneity of the majority party caucus largely determined the outcome of this debate. Indeed, many of the institutional changes to the House were designed for the enhancement and responsiveness of leadership authority (Rohde 1991). This does not deny the possibility that the institutional functions of the Rules Committee may continue to be influenced by multiple principals. Still the Committee's role as a leadership institution and the factors that shape them have solidified its agency responsibilities to the majority party.

During the 1960's, the Committee was like a proverbial "*thorn in the side*" of the House Democratic leadership, but by the 1970's it [the committee] was one of the leadership's strongest institutional allies (Oppenheimer 1977: 96). In the 94th Congress (1975-1976), one staff member commented on the reforms' effects on the Committee, "*The difference now is that Bolling and the House Democratic leadership rarely lose in the Rules Committee*" (Oppenheimer 1977: 102). By the 106th Congress (1999-2000), the role of the Committee as a leadership institution is even more clear. In response to a reporter's inquiry regarding the implications of prior policy disagreements between the new Chairman of Rules¹⁰ and the GOP leadership, the member said: "*None of that really makes any difference...Whoever is the top member on Rules executes whatever the party's game plan [is]. That's what the job is all about*" (RC 4/30/98: 32).

The members of Rules provide leadership services for their respective party. In most instances, when tension arises between their own policy preferences and those of the

party, they are expected to tow the line. In fact, problems associated with adverse selection (hiring the right agent) have been reduced because institutional arrangements reinforce the loyalty of Rules Committee members to the party. For example, the reduction in the number of seats on Rules between the 97th (1981-1982) and 98th (1983-1984) Congress may have been done to intentionally strengthen the leadership organization. According to Rohde and Shepsle (1987) the number of seats on Rules was reduced because not enough members could be found that were willing to sit on the committee exclusively (see also Erenhalt 1983). As an exclusive committee, leaders would not have to worry that members on Rules would have their loyalties pulled toward competing committee interests. In addition, the leadership could reduce the number of seats because they were no longer threatened by a conservative coalition on the Committee voting to block the party's initiatives.¹¹

The Committee serves as part of the leadership organization, working to achieve partisan goals, and to better facilitate the linkage between leaders and the party membership. According to Chairman Bolling: *"In my judgment, the Rules Committee should exercise the power on behalf of the leadership to forward bills, stop bills, give bills an advantage or give them disadvantages. In other words, it's [Rules] an arm of the leadership to forward the proposals of the party"* (Matsunaga and Chen 1976: 7). Certainly, these anecdotal examples support the conventional wisdom that the Rules Committee is the 'arm of the party leadership' (Oppenheimer 1977; Rohde 1991; Sinclair 1995b; Aldrich and Rohde 1996a). Moreover, the empirical evidence supports the

¹⁰ Rep. Dreier (R-Cal) replaced Gerald Solomon (R-NY) as Chairman of Rules in the 106th Congress.

contention that the majority party members of Rules over time have become increasingly responsive to the interests of party leaders and the majority party (see for example Matsunaga and Chen 1976: 61-66; Cox and McCubbins 1993: 188-229; Maltzman 1997).

The Costs of Employing Leaders as Agents

An inherent by-product of the principal-agent relationship is the principal's incentive to reduce costs. The costs to principals result from the agent's advantage in information. The costs from information asymmetry take two specific forms: adverse selection; and moral hazard. In this context, the former refers to the principal's inability to observe information regarding the agent's ability and/or preferences from which the agent's decisions are based.¹² The costs associated with the latter arise from the principal's inability to observe information that can discern whether or not the agent's efforts are in the principal's best interest (Moe 1984: 751-755; Downs and Rocke 1995: 40; Brehm and Gates 1997: 25-26). Institutional solutions are designed to minimize these costs by: selecting the right agents; structuring the incentive system to coerce desired agency performance; and by establishing mechanisms for monitoring (Maltzman 1997). Issues of agency in relation to specific Rules Committee reforms are addressed in Chapter 2.

¹¹ Indeed, Maltzman (1997: 172) presents evidence that at least partially confirms the Committee's increased loyalty to the majority party caucus after the number of seats were reduced (1983-1984).

¹² Principals lack information about agents because it may simply be unobservable or the costs of obtaining information may be prohibitively high.

In general terms, costs to the party membership may be associated with issues of moral hazard—the party’s inability to know whether or not the leader’s actions are in their best interest. As the party grants more institutional resources to the leadership, achieving partisan ends becomes more likely, but leaders are also in a position to exploit gains. That is, the institutional powers that were originally granted to leaders to benefit the membership can also be turned against the membership. Moreover, when confrontation between members and leaders does take place, the membership or a subset thereof faces the potential retaliation of the leadership. Here, there also exists the possibility of collective costs to the party’s reputation resulting from the electorate’s perception that the party is internally divided and ineffective. Depending on the leadership’s goals (e.g. maintaining majority party status) the leadership may have an incentive to use their institutional resources in controlling the agenda via special rules to selectively prevent the consideration of divisive policies.

Information, Agenda Control, and Legislative Opportunity

In the principal-agent context, the majority party caucus delegates powers (e.g. agenda-control) to the Rules Committee.¹³ As principals, party members face a similar set of problems in that delegating rights involves risk. The majority party members want to minimize the costs associated with using leaders as agents. By empowering the Rules Committee with agenda-control powers, members create a situation in which leaders can benefit at the expense of the majority party. Often times, the advantage is an

¹³ Institutional powers can be thought of in the same sense that ‘user rights’ over some resource is granted to an agent (Eggertsson 1990).

informational one. This may take specific forms like procedural or policy expertise. For example, in the former, Rules Committee members may work closely with legislative committees to devise strategies to improve legislative success (e.g. rules and coalition building), while in the latter, Rules may play an intimate role in determining the substantive components of legislation to be considered on the floor (e.g. amendments). In either scenario, Rules Committee members have considerably greater information regarding policies and their likelihood of success than most members of the majority party.¹⁴

Another potential cost for the rank-and-file associated with moral hazard may result from the leadership's control over the agenda and informational advantages. If leaders act as poor agents, the membership risks that certain legislative opportunities that the membership favors over others are not acted upon. Or worse, leaders might not make the potential legislative opportunities known to the rest of the party. In addition, leaders can use their informational advantage to manipulate members' perceptions relating to the linkage between strategies and goals (Jones 1989).

For example, in the early stages of the legislative process, especially during the rules hearings, the Rules Committee can acquire significant informational advantages over much of the membership regarding the feasibility of policy alternatives. Here, the membership at large does not have information about *all* possible policy options, but only those options that are agreed upon by the Rules Committee and the pertinent legislative

¹⁴ According to Oppenheimer (1977: 109) House members expect that Rules members know the likelihood of a bill being granted, specific legislative proposals, the likelihood of passage, and the amendments that will be offered.

committee via the special rule.¹⁵ In this scenario, the narrowing of choices through agenda control by the leadership inhibits the rank-and-file's ability to assess the costs and benefits of those policy options that may be excluded. On this point, Riker (1988) asserts that agenda control can dramatically reduce the likelihood of achieving equilibrium in majority choice situations (given one exists) when leaders have the ability to narrow down the subset of alternatives. *"Even if a given profile over a larger Y does have an equilibrium outcome, leaders still can manipulate the agenda to prevent its adoption if voters do not know this outcome exists"* (1988: 172).

The leadership's control over the agenda and its ability to prohibit certain alternatives could place members of the majority party in a situation where they would have preferred a particular alternative to that introduced by the party leadership, if they were presented with a different set of choices. In sum then, granting institutional authority can carry costs for the membership resulting from leaders taking advantage of the rank-and-file's inferior sources of information about potential legislative opportunities.

Compensating Leaders

In return for performing valued leadership service, the Rules Committee members are granted considerable influence in the House (Fenno 1973). Leadership rewards take different forms. Policy initiatives introduced by Rules members may get preferential

¹⁵ Bach and Smith (1988: 111) argue that, *"What happens between the end of committee markup and the beginning of floor debate has become more important than ever before. What happens during this time—during the off-stage negotiations and the Rules Committee's formal meetings that follow—can have as much effect on the final shape of legislation as anything that has happened already or will happen thereafter"*.

treatment. For example, during the 105th Congress Chairman Solomon (R-N.Y.) of Rules was allowed to propose an amendment to a transportation bill. Solomon's amendment was given special consideration by the Chairman of the legislative committee during conference negotiations with the Senate.¹⁶ When asked why Solomon's controversial amendment was going to be considered, Chairman Shuster (R-PA) replied, "*Because Solomon wants it, and he's the chairman of the Rules Committee. Okay?*" (WP, 5/22/98: A19). Leaders may also receive reward from side payments that target policy benefits in their own congressional districts (see for example CQ 10/31/98: 2936-2937).

Reducing Agency Costs

The Rules Committee: Temporal Change

In employing party leaders in an agency relationship, the rank-and-file are naturally inclined to minimize agency costs. To reduce costs, the party membership has largely relied upon the development of leadership institutions and changing the institutional arrangements within Congress. Scholars have asserted that the institutional reforms in general, and the over time changes to the Rules Committee in particular, have facilitated the reduction of costs associated with the uncertainty¹⁷ of the legislative process (Bach and Smith 1988; Sinclair 1997; Kiewiet and McCubbins 1991; Maltzman 1997). This has been especially true for members of the majority party. Certainly, in

¹⁶ In fact, Solomon's proposal was not reflected in either the House or Senate passed versions of the highway bill and was therefore in violation of the chamber's standing rules (WP, 5/22/98: A19).

¹⁷ The view of uncertainty as used here is the result of incomplete information—a lack of knowledge about preferences and/or strategies of other actors and how these would affect the passage of policy (Bach and Smith 1988; Fiorina and Shepsle 1989).

choosing to reform, the rank-and-file considered the costs associated with leaving the Committee alone to operate as an independent power center vs. subjugating it [the committee] to a subserviant status. The reforms directed toward the Rules Committee decreased this type of uncertainty because the ability to affect policy through agenda control was taken out of the hands of conservative members.

Coordination for Collective Action

The institutional changes that occurred during the 1960s-1970s were in effect a collective choice by the majority party caucus to provide party leaders with power over the Rules Committee. In order to build party coalitions within the decentralized power structures of the post-reform House, one means adopted by the majority party was the “*strategy of inclusion*” (Sinclair 1995a). This refers to an explicit attempt to get as many majority party members involved in the coalition-building process as possible. Granting the Speaker control over majority seats on Rules was part of this expansion. According to Sinclair: “*In sum, Rules Committee Democrats may have lost their independence of the Speaker, but in return, those who are interested have become part of the leadership*” (1989: 144).

Similarly, the co-optation of Rules into the leadership organization serves another means to reduce costs, especially in terms of coordination. By incorporating the Committee into the leadership, the party leaders have the ability to use carefully constructed rules to structure floor choices. Indeed, Sinclair (1989: 146) argues that the power to structure choices can be used as “*a means of coercing members collectively.*”

The Committee's evolving functions have increasingly provided services for the rank-and-file members of the majority party. One of these roles is known as the "heat shield" in which the Committee takes the blame for controversial policies instead of the party leadership or membership more generally (Oppenheimer 1977; see also Matsunaga and Chen 1976: 29-31).¹⁸ In essence, the Committee is in a position to absorb institutional blame for issues that may be internally divisive for the party membership. The Committee can protect the party membership because through special rules it controls the alternatives that reach the floor, the timing, and often times the context in which decisions are cast.

For example, during the 105th Congress the leadership brought forward a conference rule—characterized as unprecedented in its "heavy-handedness"—that would likely strip away food stamps for legal immigrants, thus likely killing the Agriculture Reauthorization bill (S.R. 1150) and sending frenzied farm state voters to the polls with an ax to grind (WP, 5/23/98: A10). Despite the leadership's efforts, the rule was trounced with the help of a large number of Republicans and a nearly unified minority party.¹⁹ Hoping that leadership wounds would heal quickly, the Rules Committee Chairman Gerald Solomon (R-N.Y.) was left to publicly defend the rule and in effect the leadership's conservative position saying that, "*it [the rule] was necessary to prevent a retreat from the 1996 welfare reform bill, new costs to state and local governments and egregious violations of House rules*" (WP 5/23/98: A10).

¹⁸ A quote by Rules member B.F. Sisk (D-Calif) emphasizes this point, "*Because of pressures, you want to try to protect your leadership, so the Rules Committee takes the heat*" (Matsunaga and Chen 1976: 31).

¹⁹ The conference report rule—HRes 446—was rejected by a vote of 120 to 289. Democrats voted 2 to 190 against the rule and Republicans voted 118 to 98 in support (CQ 5/30/98: 1474).

In addition, Oppenheimer (1977) argues that the committee fulfills the role of “field commander” for party leaders. Majority party members of the committee performing this role have taken on the responsibility to act as extensions of the party leadership. A senior Rules Committee member described the *field commander* role in the following manner: “*Intelligence comes from us to the leadership. Our responsibility is to inform, advise, and execute....At times you make leadership decisions for leadership*” (Oppenheimer 1977: 104). In sum then, the field commander role of the majority party members on Rules provide a valuable service in collecting and relaying information as well as executing leadership strategies.

Monitoring

Extending the leadership circle also enhanced the party’s ability to monitor its agents, and thus reduce the costs associated with moral hazard issues (e.g. maverick committee chairs). The monitoring capacity of the Rules Committee is especially relevant to reducing the majority party’s information costs regarding the committee system. The role(s) shifted after the Democratic reforms put in place institutional mechanisms promoting the panel’s responsiveness to the majority party rank-and-file. Take for example, the Committee’s role as “traffic cop”. Before the reforms, Rules ensured that committee legislation met perceived expectations of the chamber, if not, the committee prevented policies from reaching the floor (Robinson 1963; Matsunaga and Chen 1976; Oppenheimer 1977: 102). After the reforms, the panel’s agency role was more inclined to serve the interests of the majority party (Oppenheimer 1977: 103). Instead of a

legislative cemetery, the Committee now proactively monitors and coordinates majority party initiatives within the committee system.

Indeed, the Rules Committee became part of the leadership's institutionalized monitoring system over legislative committees (Maltzman 1997: 76). The monitoring function of Rules is quite inclusive because nearly two-thirds of the House's major legislation brought to the floor must first request and receive a special rule from the Committee (Sinclair 1997). The Rules Committee can substantially reduce the costs of monitoring committee behavior because it is at the center of the legislative process, between the committee's proposal and floor consideration. Maltzman (1997: 76) notes that: *"House leaders, like the Rules Committee, serve on behalf of their caucus as an external monitor or auditor of committee performance."*

Special rules may also be vital for communicating information to the noncommittee members in both political parties. According to Chairman Bolling, special rules are used to ensure that the leadership's policy position (if one is taken) is translated into policy choices (Oppenheimer 1977). Often times, members not on the committee of jurisdiction don't have time to consider legislation until the rule is proposed on the floor (Bach and Smith 1988). During rules debates on the floor, Rules Committee members routinely discuss the details of the rule, policy, amendments, waivers and the process in which the legislation has been handled. Often times, the ranking minority member of Rules expresses concern to the membership whether or not the rule and/or bill is in the minority party's interest. The length of the debates in the congressional record and by inference the concerns expressed by minority party members have dramatically increased over the last twenty years. If the committee's proposal doesn't conform to the

expectations of the majority party contingent on Rules, the Committee can block or tailor the special rule to advantage the leadership's position.

Congressional Leadership and Special Rules

Wilson's (1885) famous work, "*Congressional Government*" viewed partisan conflict in Congress as the result of powerless leadership institutions. According to him, weak leaders were to blame for the institutions failure to develop bipartisan policy agreement. Conversely, Rohde and Shepsle maintained that partisan coalitions are the consequence of strong leaders. That is, strong leaders can use their powers to achieve partisan policy objectives, so according to them, Wilson had "reversed cause and effect" (1987: 111).

Similarly, I have argued that there exists a dynamic element to leadership powers. When leadership institutions are strong, the endogenous influence of strategies in pursuit of collective objectives can often times contribute to partisan conflict within the legislature (Marshall, Prins, and Rohde 1998; Hixon and Marshall 1999). The changes occurring to Rules are an excellent example of this dynamic in congressional politics. Party members granted the leadership control over the Rules Committee so that its powers (e.g. special rules) could be added to the leadership's arsenal of tools to pursue partisan objectives. The increasing levels of partisan conflict over special rules then, has been driven by conditions conducive to strong leadership institutions and the leader's capacity to exercise these powers for the benefit of the majority party.

Conditions of leadership within Congress have been dramatically shaped in the past several decades by congressional elections. The transformation that has taken place

in congressional elections has significantly changed the distribution of member preferences within and between the political parties in Congress (Poole and Rosenthal 1997; McCarty, Poole, and Rosenthal 1997). These changes increased member incentives for intra-party cooperation and the strengthening of party institutions generally. As I have suggested, the changes in the homogeneity of policy preferences within the majority party caucus has important repercussions for the centralization of leadership powers and how these powers are used in the legislative process. In particular, the party's delegation of powers to its leaders has facilitated greater control over the Rules Committee and heightened the leadership's procedural and agenda setting powers. Thus special rules have become an important leadership tool employed to achieve partisan objectives (Sinclair 1999).

Up to this point, I have argued that the principal-agent model can offer valuable insight into the relationship between leaders and followers in Congress. However, I have also pointed out some of the shortcomings of the traditional agency model as applied to congressional leadership. Here, I have suggested that a dynamic theoretical model is needed to capture the 'endogenized' conditions for leadership. In particular, I have emphasized the linkage between leadership strategies and partisan coherence and institutional arrangements. In the second part of this chapter, I discussed the changing institutional role of the Rules Committee and special rules. I addressed how the committee's institutional functions reduce agency costs and produce desired services to members of the majority party. In this last section I want to address the implications of this institutionalized agency relationship for the controversy over the role of special rules in the House.

Theories of Legislative Organization and the Controversy Over Special Rules

Theories of legislative organization seek to explain how institutional resources are allocated within legislatures and their implications for collective policy making (see for example Weingast and Marshall 1988; Baron and Ferejohn 1989; Krehbiel 1991; Aldrich 1995). The challenge is to better understand how members balance the pursuit of multiple individual goals—like good public policy, reelection, and institutional power—with the need to cooperate for the provision of collective and institutional goods (Fenno 1973). It is commonly agreed that organizational structures are important to collective choice processes. However, congressional theories tend to differ regarding the role of institutions in affecting public policies (see Groseclose and King 1997). In this debate, informational, distributive, and partisan theories make theoretical and empirical claims regarding the relevance of institutional features on public policies that are often times contradictory. The controversy over special rules represents one of the central institutional features that differentiates the competing theories.

The Role of Special Rules

The study of special rules is inherently important because of the linkage to the understanding of political outcomes. In fact, scholars seem to agree that special rules are not neutral in their effect—they always advantage some outcome(s) over a feasible set of possible policy outcomes (Bach and Smith 1988; Krehbiel 1988; Sinclair 1995b: 147). In this regard, special rules may serve multiple purposes depending on the goals and the legislative context that the membership faces.

Informational Theory

The informational perspective offered by Gilligan and Krehbiel (1987; 1990) and Krehbiel (1987; 1990; 1991; 1993; 1997a) represents one of the most extensive and notable theories that departs from the orthodox lore regarding the role of institutions in affecting legislative policies. Krehbiel's neo-institutional approach challenges scholars to show that organizational arrangements like the committee system, political parties, and intra-institutional procedures are relevant, independent of majoritarian processes, in shaping the direction and/or content of legislation. Certainly, this challenge has greatly contributed to the empirical and theoretical development that has been amassed in relation to this debate (see for example Shepsle and Weingast 1995).

Krehbiel's (1991) informational theory is based on two fundamental ideas, uncertainty and majoritarianism. The former reflects the inherent uncertainty between policies that members choose and their consequences. The latter, which is particularly relevant here is that majority rule processes govern the properties of the entire institution.²⁰ In effect, the majoritarian design of legislatures, determines both the policy and procedural realm of collective decision making. This majoritarian feature ensures that final legislative products are representative of the chamber's interest. Institutions then, have no exclusive relevance in affecting policy outcomes independent of majoritarian features which are determined by the central preferences of the chamber majority.

²⁰ Majority rule features are applied ex ante—the election of members by plurality vote, and ex post—final disposition of any question in the legislature requires a simple majority choosing between some alternative and the status quo.

From the informational perspective, special rules are an example of optimal institutional devices designed to extract information from committees in order to promote pareto policies, cooperative behavior, and policy stability (Krehbiel 1989: 165 and 1991: 191). According to this view, special rules are used by the legislature to structure an underlying incentive for committees to produce information (e.g. gains-from-specialization). This information is then shared with the chamber and reduces collective uncertainty surrounding policy outcomes. More specifically, the chamber exchanges restrictive rules to facilitate the passage of policies developed by heterogeneous committees in return for the committee's production of information.²¹ From the committee's perspective, the marginal benefits that may result from the procedural advantage of a restrictive rule is greater than the costs of specialization.

Restrictive rules then, induce the committees to invest in specialization and share their expert resources with the chamber, so that the legislature is able to make the most informed collective choices possible. Gilligan and Krehbiel's (1987) formal model suggests restrictive procedures result in policy outcomes that are more frequently mutually beneficial to the committee and parent chamber than those yielded via open rules. The expectation is that when the chamber provides a restrictive rule to a particular policy, that adopted policy won't diverge much from the preferences of the median legislator.

The informational model offered by Gilligan and Krehbiel 1987 and Krehbiel 1991 makes several predictions regarding rule choice. To summarize the empirical

²¹ In contrast, outlying or homogeneous committees contribute relatively less informational advantages and produce policies divergent from the chamber median. These policies may receive open rules so that

predictions: (1) Legislation from committees with heterogeneous memberships should be increasing in the likelihood of receiving restrictive rules. (2) In contrast, legislation from committees with homogeneous memberships (e.g. high demanders or committee outliers) should be decreasing in the likelihood of receiving restrictive rules. (3) Legislation requiring high investment costs in terms of specialization should be increasing in the likelihood of receiving restrictive rules. These predictions of rule choice summarized at the end of each theoretical rationale will be addressed empirically in Chapter 5.

Distributive Theory

According to the distributive rationale, the organization of Congress reflects the membership's desire for reelection (Mayhew 1974). Institutions are used by the legislature to facilitate cooperation so that individual reelection-related gains-from-trade can be realized (Weingast and Marshall 1988). The committee system provides the membership with an exchange mechanism so that individual legislators can trade influence. Legislative trading is possible because the influence a member gives up in policy areas of low interest does not exceed the gains in influence a member receives from those policy areas of high interest. In this fashion, a coalition of minorities (a willing majority) through cooperation and institutional mechanisms are able to fashion support for policies that serve the particularistic interests of a small number of members (Aldrich and Rohde 1997-1998).

From this perspective, special rules may be used to protect legislative agreements that allocate specific constituent-related benefits through the committee system. In the

they can then be changed on the floor (Krehbiel 1991).

gains-from-trade context, restrictive rules tend to be used on distributive policies that concentrate benefits to committee members and allocate the costs to the rest of the chamber membership (Weingast and Marshall 1988; Baron and Ferejohn 1989). Baron (1991) argues that some distributive policies will be granted open rules to eliminate the most inefficient policies.

The predictions for rule choice made by the distributive framework are somewhat less precise. Most distributive arguments assert that (see Shepsle and Weingast 1995; Krehbiel 1991; Baron and Ferejohn 1989): (1) policies that concentrate benefits on a limited number of congressional districts and spread the costs to the rest of the membership should be increasing in the likelihood of receiving restrictive rules.

Partisan Theory

The partisan perspective emphasizes the centrality of political parties as a key feature in legislatures. Parties can provide collective benefits for party members within the legislative and electoral arenas. For example, Cox and McCubbins (1993) assert that through the creation of a valuable reputation with the electorate, political parties produce reelection benefits for individual members. Party leaders utilize their institutional powers to provide policy benefits that may disproportionately favor the interests of the majority party (Kiewiet and McCubbins 1991; Rohde 1991; Aldrich and Rohde 1997-1998; Sinclair 1992 and 1998). For example, a leader's ability to affect policy varies across issues, but on issues salient to the party's legislative agenda, their powers can be used to coordinate the passage of policies that are more in line with the interests of the majority party (Rohde 1992b; 1995b).

Similarly, there exists a conditional element in how party leaders apply special rules. To be clear, the extent that party leaders use special rules as a partisan tool varies across issues and contexts. The restrictiveness of a rule doesn't necessarily imply that the procedure is designed to advantage partisan interests, although this has been an increasingly common occurrence over time. In addition, partisan benefits from the use of special rules may accumulate from less visible procedural victories over the course of a Congress by successfully protecting a section of a bill from amendments, waiving points of order regarding a controversial violation of House procedure, or even just by giving the leadership a mechanism to regulate precious floor time.

More importantly, party leaders may use special rules to control the agenda and frame member choices in such a way that inter-party differences are magnified (Sinclair 1995b). Indeed, this would be an example of the way in which leadership strategies endogenize the degree of partisan agreement among the membership. For example, special rules that allow for the consideration of a minority substitute proposal but prohibit narrower policy alterations (e.g. amendments) can be used by leaders to exacerbate or focus partisan differences on certain issue dimensions. In this fashion, rules are perceived as fair because the minority is granted the opportunity to propose a policy alternative, but are viewed strictly in partisan terms and therefore dominated by partisan conflict (Bach and Smith 1988; Sinclair 1995b: 220). In various degrees then, depending on the leadership's objectives, party leaders can pursue certain strategies that may enhance or mitigate partisan division over policy within the institution.

Partisan policy divisions in the electorate that can mobilize member support within Congress represents a central feature for predictions of rule choice in partisan

theories. According to Aldrich and Rohde (1996a), when the majority party is cohesive on issues that are central to partisan divisions in the electorate, then the partisan rationale suggests that special rules would be used to advantage policies on the party's agenda that are reflective of these divisions. Sinclair's (1992; 1995b; 1998; 1999) partisan rationale suggests that the partisan division over policy and leadership involvement in the legislative process are both important predictors of restrictive rules. According to her, leadership involvement indicates an overriding partisan interest and the potential vulnerability of the policy from coordinated opposition by the minority party. Sinclair's findings support her over time claims that important correlates of restrictive rules include leadership involvement, policy vulnerability, and the major policies on the party's agenda (e.g. omnibus legislation).

In addition, Dion and Huber (1996) have also developed a formal model that adds to the debate on special rules. In their model, the preferences of the members from the Rules Committee in relation to the legislative committee are important in determining whether or not a bill receives a restrictive rule. Their assertion that the Rules Committee contributes to non-centrist policy outcomes is contrary to the median-dominated claims of Krehbiel's (1991; 1997b) informational theory. Dion and Huber's inferences support the conventional wisdom that the Rules Committee is the *arm of the party leadership*. They conclude: "*Within the postreform era, the Rules Committee clearly functions as an arm of the majority party leadership, and thus it is the preferences of those majority party leaders which determine the structure of Rules Committee interests*" (Dion and Huber 1996: 43).

To summarize the partisan predictions regarding rule choice: (1) Party leaders should be more likely to use restrictive rules on policies (if they are needed to pass on the floor) that are reflective of dominant partisan cleavages in the electorate. (2) Leadership involvement in the legislative process tends to indicate that policies are of substantial importance to the party and that they may be vulnerable to defeat at the hands of concerted minority party efforts. Therefore, bills that are both important to the party's priorities and vulnerable to defeat should be increasing in the likelihood of receiving restrictive rules. (3) The closer the policy preferences of the Rules Committee are to the policy preferences of the legislative committee, the more likely that the policy should receive a restrictive rule.

The partisan perspective that I develop in this dissertation is consistent with the predictions made by the other partisan arguments (especially Aldrich and Rohde 1996a; Sinclair 1998; 1999). I argue that leadership institutions including the House Rules Committee can be more accurately understood as *agents* of the majority party. Accordingly, it is largely the preferences of the majority party membership that determine the behavior of the Committee. Leaders as agents would have an incentive to use special rules to pull policies toward the preferred position of the majority party. The principal-agent model I offer leads to the following prediction: (4) When the party's policy preferences are more extreme relative to the majority party contingent of the legislative committee, then the policy should be increasing in the likelihood of receiving a restrictive rule.

In sum, the extent that leaders are capable and willing to use special rules to serve the majority party depend on the dynamic conditions related to the coherence of the

majority party, institutional arrangements, and congressional elections. In addition, I have argued that party leaders can use strategies (e.g. special rules) to shape conditions of agency, such that, a leader's behavior is not totally determined by exogenous constraints. Instead, leadership strategies are endogenous with respect to the conditions that shape the principal-agent relationship. Special rules have become an increasingly important tool in the leadership's repertoire to pursue partisan objectives, thereby enhancing their standing with the majority party and their own relative level of power.

In Chapter 2, I discuss the institutional reforms to the Rules Committee. These reforms have been addressed by many scholars, but not explicitly from an agency perspective (Robinson 1963; Jones 1968; Fox and Clapp 1970; Oppenheimer 1977; Cox and McCubbins 1993). I explain how the over time institutional changes affecting the Rules Committee can be understood from a principal-agent perspective of congressional leadership. Here, I draw out the empirical predictions of the theory. In this chapter, I argue that the dramatic changes in the responsiveness of the Rules Committee to majority party interests reflects the party's success in dealing with issues related to "adverse selection" and "moral hazard". In the vernacular of organizational theory, the party caucus over a period of time has been able to integrate the functions of the Rules Committee in order to best serve the party (Cooper 1977: 151).

CHAPTER 2

THE DELEGATION OF INSTITUTIONAL POWER AND THE PARTISAN IMPLICATIONS OF SPECIAL RULES IN THE U.S. HOUSE OF REPRESENTATIVES

“Political institutions serve two very different purposes. On the one hand, they help mitigate collective-action problems, particularly the commitment and enforcement problems so debilitating to political exchange, and thus allow the various actors in politics to cooperate in the realization of gains from trade. On the other hand, political institutions are also weapons of coercion and redistribution. They are the structural means by which political winners pursue their own interests, often at the great expense of political losers” (Moe 1990: 213).

Introduction

I don't view the dual institutional functions Moe describes above as being necessarily in opposition to one another. Indeed, the institutional initiatives of party leaders may be designed (perhaps out of necessity) to simultaneously solve collective action problems faced by the majority party and burden the minority party with most of the costs of collective action. The achievement of a leader's objectives are tied to his/her institutional powers via the majority rank-and-file, so, leaders have the incentive to use their tools to pursue partisan ends as the rank-and-file's influence over those powers increase. That is, in order to persist in his/her station, a leader must effectively fulfill the role of agent to the majority party. As the majority party has become more homogeneous over time, leadership powers have not only increased, but have become more important to the pursuit of collective goals of the majority party.

One important aspect of the leadership's increase in power was the transformation of the Rules Committee, from an independent autonomous committee during the textbook Congress, to a committee characterized after the reforms as a leadership institution (Oppenheimer 1977; Rohde 1991; Sinclair 1995a). Indeed, Shepsle suggests that the Rules Committee will become a central feature of the emerging postreform equilibrium in Congress for the purpose of coordinating the achievement of collective partisan ends (1989: 265). The theory developed here emphasizes the dynamic institutional relationship between the Rules Committee and the majority party that has played an important role in the resurgence of strong parties over time. Party leaders have become more reliant on the Rules Committee to control the flow of legislative business and their control over special rules has allowed them to advantage policy initiatives collectively preferred by the majority party. The changing institutional role of the Rules Committee into the "arm of the leadership" in effect has meant that party leaders have a greater opportunity to pursue policies important to the majority party (Oppenheimer 1977: 114).

In a series of reforms taking place during the 1960s-1970s, the Democratic majority chose to institutionalize an agency relationship with the Rules Committee. During this period, the Democratic caucus could have striped the committee of its powers, as was done to the House Speakership during the revolt in 1910. However, instead of dismantling the Committee's power, the majority party decided it would better serve their collective interests to delegate or incorporate the Rules Committee into the leadership. So, by creating an institutional arrangement that made the Rules Committee part of the leadership, the majority party was able to establish greater control. In other words, the institutional reforms established a principal-agent relationship that ensured the

Committee would be responsive to the interests of the majority party.¹ Greater control over the Committee has also enhanced the leadership's ability to use special rules to advantage the party's electoral and policy goals (Sinclair 1999).

The Rules Committee and the choice of special rules have been at the core of institutional design controversies among congressional theorists because of their pivotal linkage between committee and floor decision making. According to Bach and Smith, the study of special rules and the role of the Rules Committee provides an excellent vantage point in assessing the overall changes that occurred during and after the reform era (1988: 8). The Committee's role as traffic cop not only sets it at an institutional juncture between legislative committees, leaders, and the House membership but also at a procedural juncture that determines what advantages, if any, and under what circumstances that committee proposals will be considered on the House floor. In the informational, distributive, and partisan rationales, special rules can be thought of as a theoretical linchpin between a division of labor system and the achievement of collective and/or individual goals². Each congressional rationale, however, offers a different role of special rules in the legislative process.

The study of special rules, then, is an integral component to congressional theories and for understanding collective decision making. Special rules are granted by the Rules Committee and considered privileged motions in the House for the purpose of structuring the House's legislative business. In effect, special rules determine when and

¹ In general, the reforms put in place institutional mechanisms designed to make those individuals [leaders] holding institutional powers dependent on the party membership (Rohde 1991).

² There are many distinct contributions within these three contemporary theories of legislative organization. However, it is important to note that other theories exist, like the bicameral rivalry theory (see Diermeier and Myerson 1996).

which bills will be considered on the House floor, the length of time a bill can be amended, and which amendments (if any) will be allowed to the bill. So the study of special rules in the legislative process is extremely important, not only because rules can determine the content of legislation, but also because they can determine whether or not a bill will be brought to the floor for consideration in the first place. Moreover, congressional scholars have argued that special rules can be extremely important in shaping the decision context in which members must make choices (Aldrich and Rohde 1998a; Sinclair 1998 and 1999). According to these scholars, party leaders can use special rules as a device to focus membership choices along certain policy dimensions or lines of conflict in order to affect policy decisions.

The following anecdotal account taken from a debate over a special rule during the 105th Congress underscores the institutional relationship characterizing the Rules Committee as part of the leadership and that special rules are used by party leaders as devices that help them fulfill their agency role to the majority party. In other words, special rules are used as leadership tools to pursue the policy objectives of the rank-and-file. The rule would have made in order a conference report for an agricultural research and crop insurance bill.³ In expressing his frustration over the rule (hres446), Representative Hefner (D-NC) declared, *“I would imagine the press releases are already out for those that are speaking against this. So and so voted to kill crop insurance so you can get food stamps for aliens. It will not say legal aliens; it will just say aliens, and it will make it sound so ugly and so vicious...This is not about a conference report. **The Committee on Rules is the Speaker’s committee.** It is now, it has always been, and they*

do what the Speaker asks them to do. It has nothing, nothing, nothing to do with all the good things that are in this bill" (CR 5/22/98: H3769).

The conflict over this rule centered around a waiver that protected a conference provision never considered in either chamber which would undermine the reauthorization of food stamps to needy aliens. In effect, the leadership presented members with a choice: either support the rule thereby preventing the reauthorization of food stamps, but provide sorely needed crop insurance, or defeat the rule and jeopardize passage of crop insurance but leave open the possibility of food stamp reauthorization. As Dick Arney (R-TX) explained, *"Everybody has understood, and for some period of time now we have been unable to solve the riddle of how to bring this legislation related to crop insurance to the floor because it was burdened with provisions that would be objected to by the majority of the people in the majority conference. Now we have found a rule that makes it possible. If members vote for this rule,....we can get crop insurance....we can get research centers paid for. If members want to go back to their districts and say, I scuttled the plane at takeoff, I defeated the rule because it was more important for me to have things, provisions of this bill that are outside of the scope of its intent, that relate to the extension of the time under which people who are legal aliens can get food stamps, because that was more important to me than you and your crop insurance in Iowa and North and South Dakota and Kansas, go ahead and make that vote"* (CR 5/22/98: H3763).

³ The rule (hres446) was voted down, Democrats (2, 190) and Republicans (118, 98).

Theoretical Questions and Empirical Implications: Summary

Of particular interest to my theoretical approach is the relationship between the party leadership in the House of Representatives, their institutional arm—the House Committee on Rules, and the members of the majority party. This theoretical undertaking addresses how members of the majority party have exerted collective control over the Rules Committee, with its key agenda setting and procedural powers, and how, under certain conditions partisan advantages can be realized for the majority party. The theory I offer is inspired by the work of Rohde (1991), Cox and McCubbins (1993), and Sinclair (1995a) who have offered theoretical foundations for understanding the rise of strong party organization within Congress.

In this chapter I address the following theoretical questions. First, to understand the underlying agency relationship that has developed over time between the Rules Committee and the majority party, one must first have a theory to explain, *why members of the majority party would be willing to empower their leaders with control over the Rules Committee in the first place?* Secondly, *how have the institutional changes over time facilitated the control and responsiveness of the Rules Committee to the majority party?* In other words, what factors have led to the changing institutional role of the Rules Committee, which prior to the reform era had been characterized as one of the most powerful and independent institutions within the modern House, and after the reforms as a committee firmly under the leadership's control and increasingly responsive to majority party interests (Robinson 1963). Lastly, *what is the significance of this principal-agent relationship for understanding procedural choice, policy decision making, and theories of legislative organization more generally?*

I theorize that the Rules Committee acts as the agent of the majority party and this view has specific empirical implications that reflect on the broad questions stated above. In brief, if the Rules Committee acts as agent of the majority party, then, I expect to find evidence that special rules are used to affect the collective policy objectives of the membership. To test this expectation, I will empirically assess whether or not (and to what extent) the goals and/or policy preferences of the majority party systematically affect the likelihood that bills receive restrictive rules. Moreover, the theory I offer is dynamic so, the extent that majority party preferences will systematically affect this likelihood should vary over time dependent on the homogeneity of the party, the party's inclinations to delegate power to leadership institutions, the issues on the legislative agenda, and because the effects of the institutional reforms were not instantaneous. Secondly, I expect to find that the behavior of the Rules Committee should change over time as the institutionalized agency relationship with the majority party takes effect. Specifically, the Rules Committee should become less likely to use its negative powers to block legislation preferred by the majority party. In addition, I expect to find evidence in majority and minority member voting patterns on amendments, special rules, and final passage of bills that reflect the over time development of this agency relationship. Finally, I will bring to bear empirical evidence on these questions that reflects on the systematic linkage between party support on restrictive rules and the final passage of policies enacted in the House.

I begin this chapter by taking into consideration the context of the 'textbook Congress' and the electoral forces at work shaping member incentives that eventually led to the institutional changes during the reforms between the 1960s-1970s (Shepsle 1989).

I offer a theory based on work by Rohde (1991) and Sinclair (1995a; 1998) that explains the logic behind why members of the Democratic majority might want to reform the Rules Committee and how the electoral and institutional changes over time have shaped their incentives to do so. In addition, the principal-agent model offers insight into the specific institutional changes that have facilitated this relationship between the majority party and the Committee. Here, I integrate some of the central issues in principal-agent models (e.g. moral hazard, monitoring, and adverse selection) and how these issues can be used to understand the institutional changes taking place between the Rules Committee and the majority party caucus. Then, I discuss the significance of the Rules Committee as a leadership institution and why party leaders have become increasingly reliant on special rules as a partisan tool to advantage the interests of the majority party and how the principal-agent model can be used to explain changes in their use over time. Finally, I will address the empirical implications and hypotheses from the principal-agent model in terms of committee behavior, member voting behavior, factors affecting the likelihood a bill receives a restrictive rule, and the systematic linkage (if any) between special rules and enacted policies in the House and Senate.

Theoretical Issues: The Textbook Congress, Institutional Change, and the Resurgence of Strong Parties in the House

The Early Beginnings: Ebb and Flow of Leadership Power and the House Rules Committee

In early Congresses the jurisdiction of the House Rules Committee was somewhat sparse, but its institutional significance or potential thereof did not go unnoticed by the

party leadership (Ripley 1967; Rohde 1991).⁴ Even before the Rules Committee was recognized as a permanent standing committee, Speakers routinely appointed themselves as chairman from the 35th Congress (1857-1858) until the revolt against “Uncle Joe” Cannon (R-Ill.) in the 61st Congress (1909-1910). For example, during the 51st Congress (1889-1890) Speaker Reed (R-ME) used his dominant position on the Rules Committee to write what is known as “Reed’s Rules” (Rohde and Shepsle 1987).⁵ In no uncertain terms, the Rules Committee played an important role in strengthening Speaker Reed’s hand in the face of a narrow majority party. Even more, Ripley (1967: 18-20) characterized the House Committee on Rules during this period as an instrument of party government. By 1880, the committee’s institutional significance was considerable in that control over the committee meant control over House affairs (Cooper and Brady 1981: 412-413; Smith and Deering 1990: 34).⁶

Later, Speaker Cannon (R-IL) used the Rules Committee with its control over House business for his own ends. Eventually, his seemingly arbitrary actions led to a rebellion of Progressive Republicans led by George Norris (R-Nebr.) and members of the Democratic minority to overthrow him (Matsunaga and Chen 1976: 37; Shepsle 1978:

⁴ Created initially as a select committee in 1789, the Rules Committee became a standing committee for the first time in the 31st Congress (1849-1850) but lost its permanent status soon after in the 32nd Congress (1851-1852). From 1880 on, the House Rules Committee was a permanent standing committee (Nelson 1993, Vol. 2: 1009-1010).

⁵ The adoption of the Reed Rules meant that members present on the floor could be counted toward a quorum.

⁶ Between 1880-1890 the Rules Committee began to issue special orders controlling floor debate and the amount of time for considering particular bills. In particular, Speaker Charles Crisp (D-GA, 1891-1895) was responsible for institutionalizing “special orders” or rules. Speaker Crisp—also serving as the Chairman of the Rules Committee—extended the Committee’s jurisdiction to include bills still pending in legislative committees. Furthermore, Speaker Crisp expected his Democratic Rules’ appointees to use these powers toward partisan ends (Ripley 1967: 19).

22).⁷ As a result, the speakerships' powers were gradually stripped, including its influence over the Rules Committee (Cooper and Brady 1981: 415-416). Hence, for several decades after the revolt, the Committee was increasingly viewed as one of the House's most influential, yet, independent centers of power.

The Textbook Congress

For most of the 'textbook Congress', party leaders were vested with little in the way of coercive powers to control committee fiefdoms and this was especially true of the Rules Committee (Shepsle 1989). Leaders were expected to perform limited institutional maintenance functions that preserved the operation of the status quo (Mayhew 1974). In fact, the party organization within Congress had seemingly been limited by the institutionalized distribution of power for a very long time (Wilson 1885: 92). Shepsle (1989) described the 'textbook Congress' as an institutional equilibrium held together by a geographically partitioned committee system that balanced factions of interest among members of the majority party.⁸ This institutional arrangement facilitated the achievement of member goals, so their willingness to preserve them lasted for decades after the decline of the Speakerships' powers.⁹ During this period, the House Rules Committee was considered one of the most powerful and autonomous entities within the House. Indeed, Maltzman (1997: 170) asserted that the "zenith" of the committee's independence was between 1937-1961.

⁷ In effect, it was Uncle Joe's social and economic philosophy that first sparked trouble with the Progressives (Robinson 1963: 61).

⁸ According to Shepsle (1989), jurisdiction, geography, and party were the institutional and organizational elements of the equilibrium.

Because institutional power during the textbook era was widely distributed among committee chairs, while the power of party leaders was limited in scope, the Rules Committee could operate unprohibitively as long as northern and southern wings of the Democratic party remained satisfied with the status quo institutional arrangements. Accordingly, the House required very limited roles of its party leaders because the committee system offered the means by which members could achieve their goals. Indeed, according to Cox and McCubbins (1993), the seniority system preserved an equilibrium arrangement among committee chairs that reflected the regional balance of power within the majority party.¹⁰

In this era of committee power, the conservative coalition and a lineage of formidable chairs wielded considerable influence over the Rules Committee. Due to the Committee's agenda-setting powers, the policy initiatives of liberal Democrats and at times the party leadership were considerably hindered (Robinson 1963; Shepsle 1989; Rohde 1991). For most of Judge Smith's tenure as the chairman of Rules (1955-1967), the Committee was able to prevent policies from reaching the floor in one of two ways. The first was dependent on the chair's discretion over the internal committee procedures, such that the Judge would simply deny committee action on legislation he objected to.¹¹ The second source of the committee's negative power was dependent on the Judge's ability to persuade his conservative Democratic colleagues to join with the panel's

⁹ Speakership powers diminished markedly after the terms of Speaker Thomas Reed @ ME (1889-91, 1895-99) and Speaker Joseph G. Cannon @ Ill (1903 - 11) (see Ripley 1967: 14).

¹⁰ In addition, Cox and McCubbins (1993) asserted that seniority violations prior to the reform era were rare because each regional faction within the Democratic party had veto power that in effect could prevent party leaders from coercing member compliance.

Republicans to produce a tie vote that would prevent the granting of a rule and therefore almost certainly kill the bill (Oppenheimer 1977).

Indeed, the Committee's involvement in stifling policy change on some very salient issues such as labor in the 1930s-1940s and civil rights in the 1950s-1960s continually fed the reputation of a recalcitrant committee. A leftward drifting chamber resulting from large liberal classes entering in the 86th (1959-1960) and 89th (1965-1966) Congresses, also made the conservative-dominated Rules Committee seem especially disruptive (Shepsle 1986: 155). In fact, at the onset of the 86th Congress Speaker Sam Rayburn (D-TX) (1940-47, 1949-53, 1955-61) convinced liberal Democrats that reforms aimed at the Rules Committee would not be necessary, as he guaranteed liberals that the Committee would not block the important policy initiatives of the party (Jones 1968: 637). Speaker Rayburn actively used his institutional and personal powers to minimize or diffuse the deep division within the Democratic party. According to anecdotal accounts, "Although he [Rayburn] did not own his Rules Committee, he frequently was the only man in the party who could negotiate a compromise with dissident members of the committee" (Truman 1959: 197). Despite his efforts, Speaker Rayburn was unable to deliver on his promise and the seeds for institutional change were planted. Subsequently, liberal Democrats initiated a series of reforms targeted at the Rules Committee beginning in the 87th Congress.

Before the onset of the reform era, members were selected to the Rules Committee based on their prior reputations for supporting the leadership. This

¹¹ Before the 1970's reforms, the House Committee on Rules had no written procedures so the means by which the committee carried out its institutional responsibilities was at the chair's discretion (Oppenheimer

apprenticeship period effectively meant that members serve for a length of time on other committees to establish a history of electoral security and to test their dependability for future leadership loyalty. Both the norms of apprenticeship and seniority represented institutionalized selection systems that worked to preserve the current equilibrium arrangement, contingent on the delicate regional balance between northern and southern Democrats. For example, Chairman Judge Smith achieved his position on the Rules Committee through the seniority system. If Democrats wanted to change the Rules Committee, they would have to strike at Smith and thus the seniority system or the property right norm that granted him his station. In order to strike at Judge Smith's conservative grip on the Committee, a sufficient number of Democrats would have to feel that the benefits to be gained by chipping away at the seniority system would outweigh the costs associated with its preservation. The influx of liberals gradually shifted the distribution of costs and benefits associated with changing the Rules Committee.

Upsetting the Equilibrium: Electoral and Institutional Change

The nature of the institutional equilibrium during the textbook Congress was dramatically disrupted by the electoral changes beginning in the late 1940s. Of all the Democratic congressional seats in 1947, nearly half were controlled by southerners and the election of a GOP candidate to a southern seat was a rare event. Indeed, interparty competition in most regions of the south was non-existent (Key 1949). This electoral context provided the southern delegation in Congress with a significant advantage in accruing seniority—and with that, power.

1977: 97).

However, as the electorates in the South became more like their northern counterparts, a slow deregionalization within the congressional parties took place. Greater numbers of GOP candidates successfully sought election in the South, and the distribution of Democratic seats controlled by southerners declined.¹² Electoral forces were also at work in other areas of the country with similar effects on the ideological homogeneity of members from both political parties. In effect, this large scale deregionalization in congressional elections produced majority party memberships in Congress that were ideologically similar to their party colleagues and increasingly different from their minority party counterparts (Abramson, Aldrich, and Rohde 1995: 263-264).

Over time, these exogenous shocks from congressional elections caused by the influx of liberal-minded members not only changed the distribution of member preferences within and between the political parties, but also re-structured member incentives to overcome the costs associated with institutional change (Rohde 1991; Smith 1989; Sinclair 1985 and 1989). Together, these changes resulted in the emergence of a new institutional arrangement that simultaneously dispersed power and provided the potential for a stronger, yet responsive party leadership. On the one hand, the reforms provided a growing majority of liberal Democrats with the institutional means to shape the policy process. On the other hand, the reforms established greater potential powers for party leaders and the institutional arrangements that would facilitate their responsiveness (see Rohde 1991).

¹² By the mid-1990s, southern seats—once the backbone of the Democratic party's support was transformed into a source of strength for the GOP majority.

More specifically, these changes in congressional elections created greater homogeneity of preferences within the majority party and fostered conditions in which a workable and growing coalition of liberal Democrats perceived the benefits from institutional and policy change to be in their favor. That is, as the preferences of liberal Democrats became more alike, the benefits that could be achieved through cooperation became greater than what could be achieved through the preservation of the status quo. In effect, these electoral changes provided the basis for a different incentive structure that led to the development of a reinvigorated agency relationship between party leadership organizations (e.g. Rules Committee) and members of the majority party.

Collective Incentives and the Delegation of Institutional Power

Rohde's (1991) theory (and Aldrich and Rohde extensions) of conditional party government provide theoretical insights regarding the conditions in which members of the majority party would have the incentive to empower leaders and in effect, redistribute institutional powers in a legislature. Rohde has asserted that the more intraparty agreement in goals, the greater the membership's incentive will be to empower leaders with powers to pursue collective ends. As a consequence of intraparty homogeneity and interparty heterogeneity, the more likely that the pursuit of these majority party ends will be in opposition to the preferences of members from the minority party. That is to suggest, the benefits that members can achieve from granting party leaders additional powers tend to be increasing under conditions of preference homogeneity while the costs associated with leadership actions to members of the minority party tend to be increasing with interparty heterogeneity (Aldrich and Rohde 1996a: 2; and 1998a: 5). Put more

succinctly, *“As intraparty homogeneity increases, members see that it is less likely that the use of leadership powers would result in policy outcomes that are significantly different from their preference, and as interparty conflict grows, the consequences to members of one party of legislative victory by the other party become increasingly adverse”* (Marshall, Prins, and Rohde 1998: 3).

When the condition of conditional party government (CPG) is not met (e.g. majority party preferences are heterogeneous) delegating powers to leaders have potential costs that are derived from issues of moral hazard. “Conditional party government depends on intra-party homogeneity (especially in the majority party) and on inter-party differences. If there is much diversity in preferences within a party, a substantial portion of the members will be reluctant to grant strong powers to the leadership, or to resist the vigorous exercise of existing powers, because of the realistic fear that they may be used to produce outcomes unsatisfactory to the members in question” (Aldrich and Rohde 1995: 18).

Ferejohn’s (1986) constituent/representative model offers additional insight into the principal-agent logic. On one hand, he shows that under conditions of homogeneity, the dilemma faced by principals is purely one of agent control. In this scenario, the principal(s) choose a reward structure or contract in which the agent subsequently acts to maximize her utility. An equilibrium relation exists when the agent optimally responds to the reward structure set up by the principal, and the principal in designing the reward structure, has optimally anticipated the agent’s response (Fiorina and Shepsle 1989). The party membership or “collective boss” could be conceptualized here as the principals (Rohde 1991). On the other hand, when the homogeneity of preferences is relaxed, and

the membership does not coordinate to solve conflicts of interest then the agency relationship can become problematic (e.g. moral hazard). A heterogeneous party membership, or in this case the “multiple principals problem”, provides conditions in which the agent can use the conflicting principal interests to maximize her own objectives at the expense of one or more of the principals. In effect, the dilemma for principals becomes one not only of agent control, but one of competing principal interests (Ferejohn 1986).

In effect, by empowering party leaders, the members of the majority party instrumentally choose to shape the institutional processes affecting the distribution of costs and benefits resulting from intraparty cooperation. The reforms and the institutionalized agency role of the Rules Committee are but one aspect of this delegation that has taken place over time. The implicit incentive for members of the same party sharing common interests is that they can get more of what they want through empowering a common agent (e.g. leadership) than what they could achieve based on shared preferences alone.

I have argued that the institutional reforms and the changing expectations regarding the committee’s role can be understood from a principal-agent rationale. The changes occurring to the Rules Committee were aimed at creating an institutionalized agency relationship. By placing the Rules Committee firmly under the control of the Speaker, members of the majority party (principals) established an incentive system or contract in which party leaders would have reason to ensure that the Committee was responsive to the majority party.

Figure 2 provides a flow chart sketching the major components of my argument (see Figure 2). The changes observed in congressional elections have made the political parties more homogeneous over time and during the reform era provided liberal members with the incentive to make institutional changes. In turn, over time these institutional changes have dramatically affected the role of the Rules Committee and its responsiveness to the majority party. In fact, I would argue that the institutional changes facilitated the establishment of a principal-agent relationship between the members of the majority party and the House Rules Committee. The development of this relationship over time not only dramatically changed the role of the Rules Committee, but also the way in which special rules are used in the legislative process. Both institutional and electoral changes provided party leaders with greater control over the Rules Committee and a greater incentive to use special rules as a partisan tool to provide collective benefits to members of the majority party.

To sum up then, I have argued that the change in congressional elections shaped the distribution of member preferences within the majority party so that the incentive structure for institutional change was both a feasible and rational alternative to the status quo equilibrium arrangement of the textbook Congress. A party membership with increasingly homogeneous policy preferences will find it collectively and individually rational to cooperate and empower leadership institutions to do the bidding of the majority party. Moreover, I have argued that the institutional changes that directly affected the Rules Committee were aimed at developing an agency relationship so that the committee would be responsive to the policy interests held in common by members of

the majority party. The next step, then, is to address how the specific institutional changes to the Rules Committee facilitated the agency relationship over time.

Institutional Solutions to Agency Problems: Rules Committee Reforms

The institutional changes that I discuss next like the 21-day rule, the enlargement of the Committee, and the decision to provide the leadership with appointment powers over the majority party members on the Committee can all be understood in the context of an agency relationship. Specifically, these institutional changes represent attempts by the majority party caucus to solve problems related to adverse selection, monitoring, and moral hazard. Moreover, the agency framework can be useful in explaining why party leaders have become increasingly reliant on special rules as a tool to provide advantages to policies favored by the majority party.

The Institutionalization of an Agency Relationship

21-Day Rule

Since the mid-1930's, the conservative membership of the House Rules Committee had developed an anti-administration reputation by actively opposing popular liberal policies of the president (Robinson 1963: 63). The congressional elections of 1948 began to change this trend. President Truman's coattails brought in a large class of liberal House Democrats. The administration hoped that with the support of the new liberal members, the negative power of the conservative Rules Committee could be curtailed (Truman 1959). The administration proposed and was successful in passing one

of the first changes in modern Congresses to affect the Rules Committee, the passage of the 21-day rule in the 81st (1949-1950) Congress. This institutional change provided committee chairman, given the Speaker would recognize them on the floor, the ability to circumvent the negative power of Rules that had selectively stifled the consideration of liberal initiatives on the House floor.¹³ In effect, this new procedure allowed the membership, through committee chairs, the ability to extract bills held hostage by the House Rules Committee.

The 21-day procedure was designed to strengthen the hand of the Speaker at the expense of the Rules Committee. In terms of the principal-agent framework, the members of the majority party acted as rational principals by redistributing institutional powers to an agent—the Speaker—they had greater control over. For Speaker Rayburn, the decision to support the change was a difficult one because of the heterogeneity of the majority party. The 21-day rule could either place too much control in the hands of committee chairmen or place responsibility with “unwanted clarity” on the shoulders of the Speaker (Truman 1959: 18). Evidently, Rayburn viewed the negative consequences of both scenarios to be less than the liability that would result from leaving the Rules Committee unchecked.¹⁴

¹³ The 21-day rule provided that any proposal reported out by a House committee but left pending (pigeonholed) by the Rules Committee for a period exceeding twenty-one legislative days could be called up for consideration the second and fourth Mondays of each month upon the request of the committee chairman. Two existing institutional mechanisms, Calendar Wednesday and the discharge petition, provided a majority of House members with the ability to bypass the Rules Committee and pass legislation. However, these procedures were infrequently used and even more rarely successful (Robinson 1963: 63; Jones 1968).

¹⁴ This would not be the last time that Speaker Rayburn would be placed in a position between the northern and southern wings of the Democratic party. Indeed, during the 87th Congress, liberals wanted to discipline five senior Democrats by stripping them of their committee posts because they did not support the Democratic presidential candidate during the 1960 election. One of the members was the second-ranking majority member on Rules, William Colmer. Speaker Rayburn did not want to tamper with

In addition, the move by liberal Democrats to strengthen the Speakership was also a shot at the current status quo and the distribution of power that disproportionately favored the southern wing of the party (Robinson 1963; Jones 1968; and Oppenheimer 1977). Given the nature of cross-party coalitions at this time, it was certainly not clear that the legislation blocked by the Rules Committee was favored by a majority of the party membership. Perhaps the Democratic loss of nearly 30 seats in the 82nd Congress gave members of the majority party a reason to reconsider the usefulness of the Rules Committee as an institution that could effectively keep divisive policies off of the legislative agenda. Conservatives sought to preserve the status quo distribution of power, so, not surprisingly a large number of southern Democrats joined a majority of Republicans to vote down the 21-day provision at the beginning of the 82nd Congress, thus restoring the Committee's negative power.

Electoral fortunes for congressional Democrats dramatically changed again at the start of the 89th (1965-1966) Congress and the increasingly liberal Democratic majority expanded to its largest size since President Roosevelt's first term (1933) in office. The majority once again decided to reinstitute the 21-day rule with a modification that provided the Speaker with the power to recognize a motion to send a proposal to conference—a power previously at the discretion of the Rules Committee. This provision was similar to the old one (passed in the 82nd Congress) in that it provided the leadership with the ability to extract bills reported to the Rules Committee that had not received a special rule. The change was once again in response to a power struggle between a

seniority and risk alienating the southern wing, so he proposed an alternative—committee expansion—that precariously balanced the interests of the two opposing factions (Hinckley 1970: 287).

growing liberal Democratic majority and the committee. Moreover, the ramifications of this procedural change were much more partisan in character as the intraparty policy preferences were becoming more homogeneous within and the gap between interparty policy preferences was expanding, as evidenced by the vote on the 21-day rule which was clearly a partisan vote (see Jones 1968: 639). Indeed, at least eight separate pieces of legislation during the 89th Congress were pulled from the Committee using this method and many more probably passed because it [21-day rule] posed a legitimate threat by the Democratic membership (Jones 1968).

Nevertheless, a loss of 46 House seats in the 90th Congress weakened the liberal coalition within the majority party and the 21-day procedure was abandoned once again. But by this time, several other important steps had been taken by the Democratic majority to constrain the powers of the Rules Committee. The first was in consequence to electoral defeat. The Democratic majority was able to appoint William Anderson (D, TN), a southern moderate to the Committee to replace Judge Smith (D, VA) who suffered a primary defeat. Judge Smith's loss was significant because he had been extremely effective in winning over key Democratic votes on the Committee for the purpose of bottling up liberal policies and the appointment was the first time since 1949 that the Democrats had the opportunity to replace a southerner on the Committee (Oppenheimer 1977: 99). In addition, the new chairman, William Colmer (D, Miss) tended to be much more receptive to working with the Democratic leadership. This is not surprising given the fact that Speaker John W. McCormack (D, MA) stepped in to preserve Colmer's chairmanship during the 90th (1967-1968) Congress. Liberal Democrats in the House had been pushing to take larger steps in controlling the Committee by denying Colmer the

chair. This would seemingly have the effect of making the next chair more aware of his agency obligations to the party. Liberals worked out a deal with Speaker McCormack that would provide Colmer with the chairmanship, but in return required the Committee to establish written procedures and grant the ranking majority members on the Committee greater powers in relation to the chair. According to Oppenheimer, *"This was a major step in placing control of the Rules Committee in the hands of its Democratic members, who on most occasions would be responsive to the desires of the House Democratic leadership"* (1977: 100).

Tightening the Leash and Agency Responsiveness: Seat Expansion on Rules

Another step taken by the liberal coalition of Democrats was the enlargement of the Committee to increase the number of loyal Democratic seats held by the majority party. The enlargement was necessary from the viewpoint of liberals because the southern conservatives on the Committee were thwarting liberal initiatives. The problem for liberals trying to influence the Committee was not that they lacked information about what conservatives would do once on the Committee (e.g. adverse selection problems), but they had no real mechanism to place members that they thought would make loyal agents on the Committee. Pushed by an ever more vocal liberal contingent of the caucus, the party leadership was finally inclined to increase the size of the Committee from 12 to 15 members, adding two majority party members and one member from the minority.

Liberals wanted to prevent the conservative majority on Rules from blocking President Kennedy's legislation. In essence, the leadership felt that the strategy of stacking the Committee would increase its support and responsiveness to the president's

programs. This first attempt at tightening the leash around the Committee passed at the beginning of the 87th Congress (1961-1962) by only a five vote margin, but with a clear majority of both parties opposing each other. The move to enlarge the Committee permanently occurred at the beginning of the 88th Congress (1963-1964) and was even more partisan. The nature of conflict on these votes suggests that the expansion of the Committee was at least perceived by many conservative minority and majority members to have negative policy and electoral ramifications.

Part of Table 1 is taken from Jones (1968: 639) to provide a summary of the voting record on three institutional changes affecting the Rules Committee that I have discussed (see Table 1). Jones argues that these changes during the 1960s mark the decline of the Rules Committee's power. However, I argue that these changes which dramatically decreased the Committee's autonomy were initiated to foster the institutionalization of an agency relationship between the majority party caucus and the House Rules Committee. This entails a transfer in the degree of control over one of the House's most powerful subunits and not necessarily a reduction in power or influence. Under the existing institutional structure, committee chairman and members of the conservative coalition had the incentive to protect the status quo arrangement. That is, the autonomy of the Rules Committee under Chairman Smith and the behavior of the Committee disproportionately benefited the senior conservative members. Indeed, the votes regarding these institutional changes affecting the Rules Committee in Table 1 indicates that the conflict was not only extremely partisan but also characterized by the remnants of the northern and southern cleavage.

Jones asserted that the institutional changes in 1910 had important parallels to the changes affecting the Rules Committee during the 1960s.¹⁵ “As in 1910, those who pressed for change in 1961 argued in favor of leadership accountability to the majority” (1968: 639). Later, Jones summed up the reformers’ viewpoint, “that any leader or any leadership committee had latitude in exercising power, they also agreed that there should be limits beyond which leaders are not permitted to go. To the reformers, the Committee on Rules ultimately should be a *part* of the majority leadership” (1968: 640) [the italics are mine]. Thus, I would argue that the purpose of the Rules Committee reforms were not so much focused on stripping it of its powers, but instead concerned with how to get control over the Committee and how to make it carry out its functions in a way that benefited the growing coalition of liberals in the majority party. Making the Rules Committee a leadership institution was part of that answer.

Viewing the Rules Committee as an agent of the majority party, there is no necessary tradeoff between committee power and the institutional power of party organizations that so many works at least implicitly suggest (Robinson 1963; Manley 1970; Deering and Smith 1997). That is to say that committees can be transformed to operate as party entities, carrying out the party’s legislative platform and still remain as a powerful platform of influence within the House. I think this especially true regarding the committee’s expansion. In the case of the 21-day rule, one could argue that power was perhaps transferred from the Rules Committee to the Speaker. But this institutional

¹⁵ Jones provides an important leadership comparison between Speaker Cannon and Chairman Smith. Both leaders had significant institutional powers that differed, Cannon’s power was impressive because of his ability to pass legislation (proactive power) while Smith’s power rested with his ability to block legislation (reactive power). In addition, Smith’s power was derived from seniority--an institutionalized incentive system that made the sanctioning of power holders very difficult.

arrangement did not last and in fact was overturned twice. However, I would argue that the problem with the 21-day strategy was that the leadership to some extent was inclined to respond to the same conservative majorities that conditioned the behavior of the Rules Committee. From this perspective, these institutional changes represent different strategies taken by the membership in establishing an agency relationship that eventually produced acceptable behavior on the part of the Rules Committee.

Even after the membership expansion, the 10 to 5 advantage held by Democrats on the Rules Committee was sometimes not enough to satisfy liberals. All too often, the Chairman on Rules was able to win over enough Democratic votes to join the Republicans and deadlock or defeat liberal initiatives such as federal aid to education. According to one committee member: *“There was always the opportunity for a pickoff and make an 8-7 win an 8-7 loss. Smith and Colmer together or separately were capable of figuring out who to approach and how, be it in terms of district or personal preference or a trade-off or whatever”* (Oppenheimer 1977: 98). Thus, neither the 21-day rule nor the membership expansion totally solved the agency problems that the majority party was having with the Rules Committee. However, at the onset of the 93rd (1973-1974) Congress, the leadership was able to select three more members to fill positions vacated on the Rules Committee. These appointments basically assured the Democratic members on the Committee would have a decisive majority and this majority would be representative of the dominant liberal interests in the party caucus. Even if the remaining conservative Democrats allied themselves with the Republicans, they would not have the numbers to roll the expanded Democratic majority.

In terms of the principal-agency relationship, the selection of moderate and liberal Democrats to fill the seats on the Committee increased the likelihood that members' policy interests and their subsequent behavior would be congruent with the increasingly assertive liberal coalition of the party caucus. Indeed, due to the appointment of new members during the 93rd Congress, the House Committee on Rules was now composed of a majority of members that had ideological and policy preferences similar to a majority of the party caucus. Still, as suggested earlier, the selection of like-minded members may make the Committee more congruent, but the filling of vacancies may not be sufficient to change the underlying incentive system that also shapes an agent's behavior.

Committee Incentives and Monitoring: The Speaker's Power over Seat Assignment

Perhaps of even more significance to the Committee's behavior were the institutional changes that occurred during the 93rd (1973-1974) and 94th (1975-1976) Congresses. Specifically, the House Democratic caucus granted the party leadership positions on the Committee on Committees. This change in party organization provided leaders with significant institutional control in filling the three vacancies that opened up on the Rules Committee during the 93rd Congress. In addition, during the 94th Congress the party caucus moved to give the Speaker power at the beginning of every new Congress to select the majority party members and chairperson of the Rules Committee. These changes, I would argue have implications not only for the degree in which the Committee's behavior would become congruent with what the party caucus wanted, but more importantly, these changes affected the underlying incentive system and the party's ability to monitor the majority party contingent from the Committee.

In terms of the changing incentive structure, majority party members on Rules could no longer with relative certainty expect to be protected by the seniority system, but were now directly reliant on the leadership and the liberal contingent of the majority party. The old seniority system had preserved the distribution of power in the hands of senior conservative members, but after this reform, their position on the Committee and thus their ability to pursue their own goals was dependent on fulfilling their responsibilities in serving the majority of liberals in the party caucus. So, the new institutionalized system of control reshaped the incentive system and made it much more likely for the majority party members of Rules to be responsive to the interests of the majority party. Even if opportunities for defection existed, the critical determinants of the incentive system was beginning to ebb and flow away from the existing seniority system and on balance was becoming controlled by the liberal contingent of the party caucus. In other words, the reforms of the 1960s-1970s established the leadership directly and indirectly the party caucus as the dominant institution controlling the reward structure over the Rules Committee¹⁶.

In addition, by empowering the Speaker with appointment power over the majority contingent on Rules, members of the party caucus facilitated the monitoring of the Committee. That is, the changed institutional structure between the Committee and the leadership, in effect made it [the committee] part of the leadership. The change meant

¹⁶ In addition, reforms like the transfer of committee assignment function from the Committee on Committees (Ways and Means) to the leadership dominated Steering and Policy Committee enhanced the leadership's ability to demand greater responsiveness from committee chairs (Shepsle 1978: 262-281; Strahan 1990). The Steering and Policy Committee became a very important leadership tool to facilitate committee compliance. Leadership loyalty has become a significant factor in the Committee on Committee's choice for seat assignment, especially on prestige committees. For example, during the 98th

that the Speaker was now more directly involved, and thus had a greater incentive to ensure members selected to sit on the Committee would act as loyal agents of the party. Misbehavior (e.g. issues of moral hazard) on the part of the Committee members would have repercussions for the Speaker and the rest of the leadership because the Committee was viewed as a part of the leadership. The change facilitated greater responsiveness between the Committee and the majority party because the monitoring of the Committee's behavior became the direct concern of the leadership. This reform contrasts nicely to the institutional changes initiated by the coalition of Progressive Republicans and Democrats during the revolt against Speaker Canon in 1910. During this earlier period, reformers wanted to weaken the hand of the Speaker and thus provided that member assignment to the Committee would be conditional on the agreement of a majority of the House (Cooper and Brady 1981: 416).

From the principal-agent perspective I have argued that the reforms facilitated the party's capacity to utilize the Rules Committee as an integral part of its strengthening leadership organization. In effect, the institutional reforms that occurred to the Rules Committee reflected a change in the principal-agent contract that greatly enhanced the likelihood that majority party members on the Committee would optimally respond to the interests of the party membership.

Congress, Representative Phil Gramm (D—TX) was denied his Budget Committee seat (Rohde and Shepsle 1987: 126).

Hypotheses

Empirical Predictions from the Principal-Agent Framework

I have argued that the party caucus successfully institutionalized an agency relationship with Rules. Furthermore, I have asserted that many of these changes were aimed at solving agency problems faced by the majority party (e.g. moral hazard, adverse selection, and monitoring). The caucus over time chose to delegate powers to the leadership, so that greater control could be exercised over the Committee. The new institutionalized agency system that developed meant that agenda-setting powers of the Rules Committee would be integrated into the leadership organization and not under the control of a free-wheeling committee chair. The Committee would no longer be able to bottleneck legislation important to a majority of members from the majority party like it did during the Judge Smith era. In addition, the increasing homogeneity of the majority party caucus decreased the likelihood that the Committee would have the opportunity to benefit from playing off competing interests (moral hazard issues). What we observe over time is not only evidence that the Committee members are behaving in a way congruent with their interests and the caucus but also the Committee actively responds to and pursues the party's interests (Maltzman 1997: 172). This helps explain why the Committee's institutional powers have not only remained intact during the reform era but have increased in significance over time.

I have also asserted that the institutional changes to the House Rules Committee have resulted in the increased capacity of party leaders to rely on special rules as procedural strategies to advantage majority party initiatives. This has taken place over

time because the Rules Committee has slowly evolved into a more responsive agent that serves an increasingly homogeneous majority party. Moreover, by changing the institutional system so that the Speaker has power over Rules Committee assignments, the majority party changed the incentive for Rules members to act in accordance with the leadership and in turn ensured the Committee would be responsive to the party's collective interests. What are the implications for the development of this relationship with respect to the behavior of the Rules Committee, patterns of voting behavior among majority and minority party memberships, the choice of special rules, and the relevance of special rules to policy outcomes enacted in the House over time?

Rules Committee Behavior

The Rules Committee controls the legislation reaching the floor. This agenda-setting power is extremely important to the achievement of the majority party's collective policy objectives. As the majority party has initiated changes to the Rules Committee to establish a principal-agent relationship, the Committee should become more likely to behave (use its institutional powers) in a manner that is consistent with the objectives of the majority party. The Committee should become less likely to use its negative powers to stall majority preferred initiatives—as it did in the days of Judge Smith.¹⁷ This leads to the first hypothesis regarding the expected change in the Committee's behavior.

HYPOTHESIS 1: The Rules Committee should become less likely over time to reject rules requests as the Committee becomes more responsive to the majority party.

¹⁷ Oppenheimer (1977: 100) also looks at the number of rules requests denied over time as an indicator of the Committee's responsiveness to the Democratic caucus. He finds that the number of rules requests that were denied by the Rules Committee decreased from the 89th-94th Congresses (1965-1976).

It is important to add here that the change in congressional elections and the resulting institutional reforms had large-scale ramifications to other institutions in Congress as well. For example, legislative committees also became more responsive to the interests of the majority party especially as leadership tools of coercion became more significant (Maltzman 1997). The Committee's role as "traffic cop" controlling the legislation that gets to the House floor has changed over time and has become even more significant to the party leadership. In addition, the Rules Committee has played a more important role in coordinating policy with the legislative committee so that proposals are reflective of the party's interests. Indeed, this coordination role would become a very important part of the Committee's leadership functions as the agency relationship crystallized over time. According to Oppenheimer, "Democrats on the Committee agree that the new traffic cop is too lenient but think they must go along with the wishes of the party leadership. However, that leadership is not yet strong enough to allow its Rules members to be a tougher traffic cop with the substantive committees" (1977: 103).

Amendment Rights and Procedural Support of Special Rules

The theoretical argument thus far suggests that the costs to party members associated with empowering leaders decrease and the potential for collective gains increase as intra-party homogeneity increases. Members then, would become more inclined to relinquish some of their individual powers to affect policies, if the benefits of doing so outweighed the costs. The use of special rules and leadership control over the Rules Committee relates to the tradeoff members face. By supporting restrictive rules, members limit their ability to change committee proposals on the floor. Ideally, rational

members would not be willing to forgo amendment rights if they thought the costs in terms of achieving their policy goals was prohibitively high or outweighed the benefits. Sinclair (1995a and 1998) suggests that the costs related to the majority party membership limiting their amendment rights decrease as intra-party ideological homogeneity increases. She asserts further that members face a tradeoff in relinquishing their amendment rights in that members limit their own policy entrepreneurship (e.g. individual ability to influence policy), but, gain by reducing the uncertainty of the legislative process (Sinclair 1995a: 77).

One would expect that if the reforms tended to make committees and their leaders more responsive to the party caucus, then members would in general become more willing to restrict their amending rights. This follows because as committee proposals become more reflective of the majority party, the costs associated with giving up amendment rights decrease. Procedural support of special rules by the majority party would place limits on a member's amendment rights, but would increase the likelihood of passing policies important to the party membership. As committee proposals become more representative of the majority party's interest, there became less incentive for majority party members to attempt to alter policies on the floor. Indeed, Rohde (1992a) provided evidence from the 92nd - 100th Congress (1971 -1988) showing that the proportion of amendments receiving majority party support on the floor decreased, from which he infers that majority party members became more satisfied over this period of time with proposals coming from the committees.

The homogeneity of majority party policy preferences has at least two relevant theoretical implications here that reduce the costs to membership cooperation. First of

all, as the majority party becomes more cohesive, the membership's incentive to grant party leaders more powers increase as well as the expectation that leaders will use their resources for collective partisan benefits. Under these conditions, the *uncertainty* associated with leadership action and their effects on legislative outcomes should decrease for members of the majority party. Secondly, as preference homogeneity increases, it should become less costly for leaders to provide collective partisan advantages or at least create the conditions in which they can more easily shape incentives and/or deflect costs (e.g. provide cover), so that the membership can cooperate for collective advantage. These implications for collective action lend themselves to the three following testable hypotheses.

HYPOTHESIS 2: *The increasing homogeneity of a majority party should reduce the costs for individual party members associated with forgoing amendment rights. Therefore majority party support on amendments should decrease over time.*

HYPOTHESIS 3: *The majority party's support of restrictive rules should increase over time as the costs associated with forgoing amendment rights becomes outweighed by the benefits derived from the reduction of uncertainty and cooperation among majority party members.*

Because the potential costs to leaders to induce cooperation for the purpose of collective advantage tends to decrease as homogeneity of the majority party increases, leaders utilize their institutional powers more frequently.

HYPOTHESIS 4: *The minority party support of restrictive rules should decrease over time as leaders increasingly use rules to advantage policies favored by the majority party.*

The above hypotheses relate to the conditions under which members will choose to grant leaders institutional powers that inherently affect their own individual ability and

that of the majority party to influence the legislative process (in this case, amendment rights on the floor). Indeed, implicitly the members of the majority party choose to transfer some of their parliamentary prerogatives to the leadership who develop the rules that dictate to some extent the set of amendments to be considered. If an agency relationship with the Rules Committee does exist, members of the majority party should increasingly expect that special rules from the Committee would be used to advantage policies collectively preferred by the party.

In essence, the principal-agent relationship that has developed over time between the majority party and the Rules Committee has decreased the uncertainty that the leadership will use restrictive rules to provide advantages to policy proposals preferred by members of the majority party. Given the existence of this principal-agent relationship, one should expect to find systematic differences over time between majority and minority party support on both rules and final passage of legislation. Because member amendment rights are constrained more under restrictive rules, the benefits gained from policies brought to the floor under these type of procedures should be greater for majority party members as compared to the minority. This leads to the next hypothesis.

Hypothesis 5: Systematic differences will exist between majority and minority party support on policies as special rules become more restrictive. Differences between average majority and minority support will be the greatest for legislation brought to the floor under restrictive rules. That is, majority party support will be greatest for legislation brought to the floor under restrictive rules while minority party support will be the least on legislation considered under the same restrictive floor procedures.

Procedural Choice and Theories of Legislative Organization

Finally, the theoretical discussion of the Rules Committee as agent of the majority party also has implications for the role of special rules in the legislative process and for theories of legislative organization more generally. The primary legislative theories I address here are informational, distributive, and partisan. Each rationale makes different claims regarding the factors that should affect the likelihood a bill receives a restrictive rule. In this section, I will summarize the theoretical arguments and their predictions regarding procedural choice. In Chapter 3, the research design chapter I will be more explicit about the variables and empirical methods used to test these predictions.

Informational Theory

Krehbiel's (1991) informational theory has challenged scholars to show that organizational arrangements like the committee system, political parties, or procedures like special rules can affect the direction and/or content of policies independent of majoritarian processes. Krehbiel argues that the legislature utilizes rules to provide committees with the incentive to specialize and share information while at the same time minimizing the extent that enacted policies deviate from those preferred by the chamber median. The legislature is able to achieve gains-from-specialization by creating heterogeneous committees¹⁸. According to informational theory, legislation coming from these representative panels are more likely to receive a restrictive rule than committees that are not representative of the chamber. Krehbiel hypothesizes that

¹⁸ Heterogeneous committees are made up of members whose preferences are likely to reflect chamber preferences.

committee heterogeneity, complexity of policies, and the preferences of the committee in relation to the median of the chamber are important factors affecting the likelihood that bills will receive a restrictive rule.

Distributive Theory

From the distributive theory framework, special rules serve as a procedural device that make legislative trades possible. Restrictive rules prevent members with diverse constituency interests from defecting on legislative bargains that could otherwise unravel on the floor. This theory suggests that pork-barrel type bills should be increasing in the likelihood of receiving restrictive rules. That is, policies relatively high in their distributive content should be more likely to receive restrictive rules than policies low in distributive content.

Rules Committee as Independent Actor

Dion and Huber (1996) have also developed a formal model that asserts that the Rules Committee has an independent affect on the likelihood a bill receives a restrictive rule. In their formal model, the preferences of the Rules Committee in relation to the legislative committee are important in determining whether or not a bill receives a restrictive rule. They argue further that the Rules Committee can facilitate non-centrist policy outcomes. This argument is completely contrary to the claims of informational theory which suggests restrictive rules are used by the legislature to promote the passage of policies that are representative of the chamber majority.

Partisan Theory

Similar to my own approach, scholars like Barbara Sinclair, John Aldrich and David Rohde have asserted that party leaders can utilize special rules to provide collective benefits for members of the majority party. For example, Sinclair (1998; 1999) suggests that party leadership involvement should be positively related to the likelihood a bill receives a restrictive rule. My own argument emphasizes the importance of the principal-agent relationship between the majority party and the Rules Committee. However, I have also argued that this relationship has changed over time in part due to the homogeneity of the majority party. That is, as the majority party becomes more homogeneous, the Rules Committee should have less opportunity to defect from majority party interests. The stronger this principal-agent relationship becomes over time, the likelihood of the agent advantaging her own interests at the expense of the principals (i.e., the majority party) decreases. Over time we should observe that the preferences of the majority party should become more influential relative to the preferences of the Rules Committee in determining whether or not a bill receives a restrictive rule. Thus, my expectation is that the spatial position of the party conference in relation to the legislative committee should be an important factor (but should change over time) in determining whether or not a bill receives a restrictive rule. In particular, as the party caucus becomes more homogeneous in their policy preferences over time, the relative spatial position between the legislative committee and the caucus should become a stronger predictor in determining which policies receive restrictive rules. This leads to two general hypotheses regarding the choice of restrictive rules in the legislative process.

HYPOTHESIS 6: *Given the Rules Committee is the Agent of the majority party, the committee's policy preferences will not have an independent affect when controlling for the policy preferences of the majority party on the likelihood a bill receives a restrictive rule.*

HYPOTHESIS 7: *Given the Rules Committee is the Agent of the majority party, the policy preferences of the majority party should independently affect the likelihood a bill receives a restrictive rule.*

In addition, the party effects and the effects of the Rules Committee should vary over time dependent on the homogeneity of the party and the extent leaders use rules to affect policy outcomes.

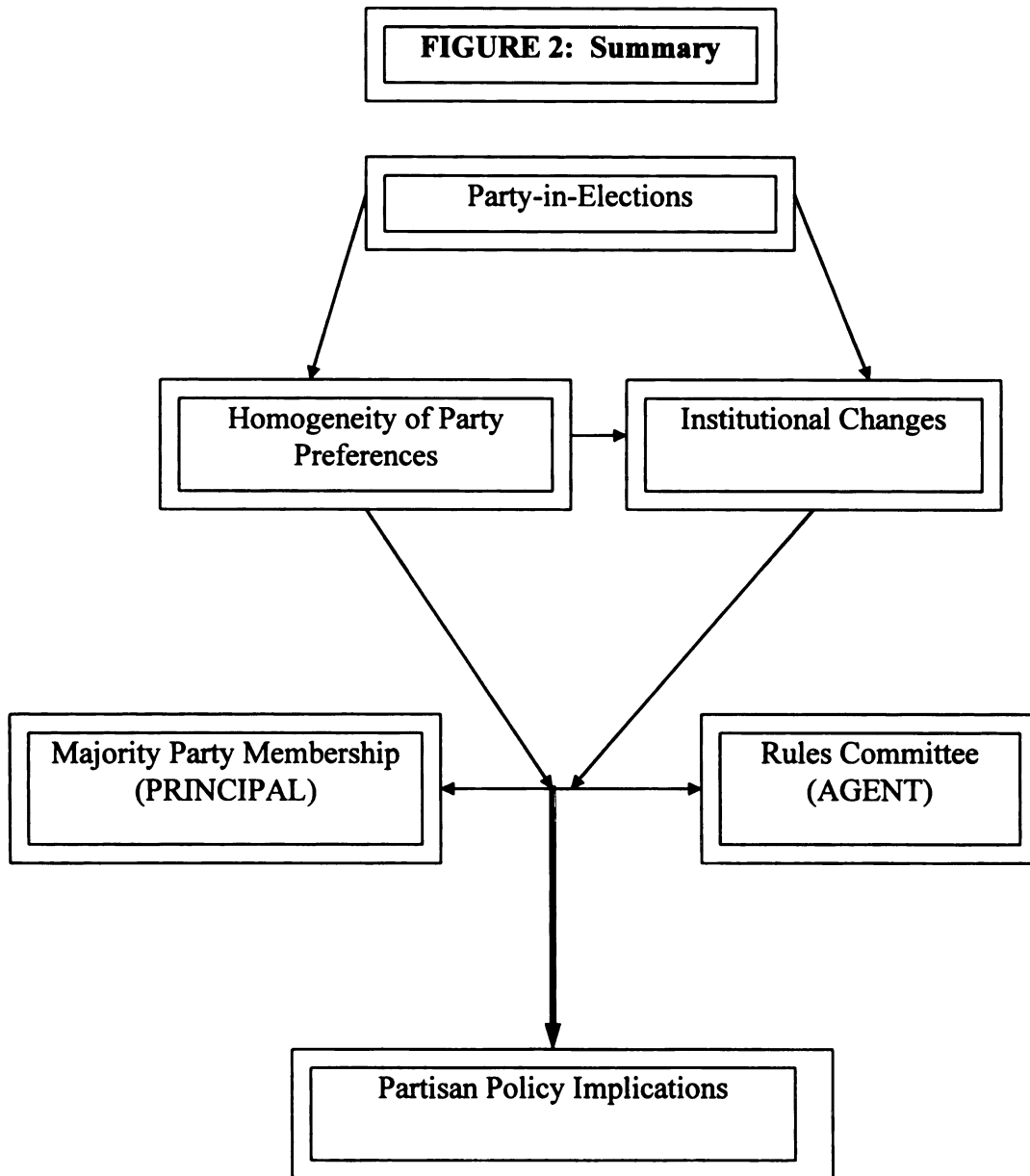
In sum, I have argued that the linkage between the Rules Committee as part of the leadership team and the majority party caucus are of critical importance to understanding the changing way in which restrictive rules have been used and the proliferation of partisan conflict their use has engendered over time. I argue here that the principal-agent relationship was facilitated directly through the choices of the party membership to delegate institutional powers to their party leaders. Finally, the hypotheses that I have derived reflect on the greater willingness of the party membership to empower its leaders and the constraints leaders face in using rules to affect outcomes as the homogeneity of the majority party varies over time.

In the next chapter (Chapter 3), I will outline the data and methods that will be used to test the above stated hypotheses.

TABLE 1: Institutionalizing a Principal-Agent Relationship Between the Majority Party and the House Rules Committee

Institutional Change	Date	Vote	Vote Party/Regional Breakdown
Committee Enlarged from 12 to 15 members	January 31, 1961 (87 th Congress)	217 - 212 DEM 195 - 64 GOP 22 - 148	SDEM 47 - 63 NDEM 148 - 1 SGOP 0 - 9 NGOP 22 - 139
Committee Permanently Enlarged from 12 to 15 members	January 9, 1963 (88 th Congress)	235 - 196 DEM 207 - 48 GOP 28 - 148	SDEM 59 - 45 NDEM 148 - 3 SGOP 0 - 14 NGOP 28 - 134
Reinstitution of 21-day rule plus transfer of power regarding sending bills to conference ¹ .	January 4, 1965 (89 th Congress)	224 - 202 DEM 208 - 79 GOP 16 - 123	SDEM 23 - 75 NDEM 185 - 4 SGOP 0 - 18 NGOP 16 - 105

¹ The second part of this reform granted the Speaker the power to recognize a member offering a motion to send a bill to conference (Jones 1968: 639).



CHAPTER 3

DATA AND METHODS

"Torture the data long enough, and it will surely confess !"

In Chapter 1, I developed a principal-agent theory for congressional leadership. There, I emphasized the importance of institutional and electoral factors that condition leadership institutions. Of particular significance to my theoretical argument were the homogeneity of the majority party and the effects of leadership strategies. In Chapter 2, I argued that the electoral and institutional conditions have shaped the Rules Committee and the extent that it responds to majority party interests. The principal-agent framework, I argue, can explain the relationship that has developed over time between the majority party and the Rules Committee. Here, I addressed several key institutional reforms aimed at incorporating the Rules Committee into the party leadership, which had the affect of giving the majority party control over the Committee. The underlying purpose behind the establishment of Rules as a leadership institution was so that members of the majority party could achieve their goals more effectively and with more certainty.

In this chapter, I address the data and methods used to empirically assess the hypotheses derived from the principal-agent model in Chapter 2. I will discuss the data separately for Chapters 4, 5, and 6. Because the data used in Chapters 4 and 6 are based on fairly simple counts and aggregate vote measures over time, I will handle much of the necessary descriptive details within the relevant chapters. Chapter 5 though, utilizes

multivariate maximum likelihood techniques in modeling rule choice, so much of the space in this chapter will be dedicated to describing the data used for that analysis.

Data and Methodological Issues

Chapter 4

To begin, in Chapter 4 I empirically assess two sets of behavioral expectations over time. The first is the extent that the Committee's behavior changes over time. As I have documented previously, before the institutional changes the Committee clearly used its negative powers to prevent policy initiatives supported by liberal members of the majority party from reaching the House floor. If the reforms really did have the affect of transforming the Committee into the agent of the majority party, then I would expect that the way in which it used its powers would change, especially if those powers did not conform to the goals and expectations of the majority party membership.

To test this, I look at the proportion of rules requests denied by the Committee between the 96th and the 104th Congresses. The period (1979-1996) is theoretically important because of the reforms made to the Committee prior to this time. The effects of the reforms occurring during the early and mid-1970s were not instantaneous but took some time to change the relationship between the Committee and the majority party. The measure I use was calculated from the number of requests denied divided by the total number of rules requests for each Congress [$\frac{\text{total rules denied}}{\text{total rules requested}}$]. The data was taken from the Final Legislative Calendars of the Committee on Rules. The proportion of total requests denied over time, I argue, measures the extent that the Committee used its

negative power to block legislation. Oppenheimer (1977: 98-100) used a similar measure for this purpose. Based on his analysis, he inferred that the decreasing number of rules requests not granted by the Committee between the 87th and 94th Congress indicated the beginnings of a significant behavioral change. In particular, he argued that the lower frequency of denied rules requests represented the Committee's increased responsiveness to the majority party.

The second set of expectations that I test in Chapter 4 relate to majority and minority voting behavior. Here, I test the claim that as majority party members become more closely aligned in their policy preferences, giving up a degree of their amendment freedom should become less costly. By granting party leaders greater control over the legislative agenda, members of the majority party give up some of their independent ability to affect policy outcomes. Implicitly, the benefits that members of the majority party can achieve by granting their leaders control over special rules is greater than the benefits they can achieve by maintaining their ability to freely amend on the floor.

Evidence in support of this contention, I argue can be found in the level of majority party voting support on amendments and special rules. Over time, as the Rules Committee was established as the agent of the majority party, special rules were increasingly used to provide collective benefits to members of the majority party. If as I have contended, the over time changes to Rules represent the membership's decision to empower its leadership organizations, then evidence should exist that members were willing to give up some of their own individual powers (e.g. amendment rights). In particular, I argued that majority party support on amendments should significantly

decrease over time, and conversely, majority party support on special rules should increase.

I created an aggregate majority and minority party support indicator on special rules and amendments from the 80th to the 105th Congresses. The aggregate measure calculates the proportion of majority party members voting aye and then averages this score across all such votes, Congress by Congress. Formally, the aggregate measure can be depicted as $((\sum Y_i / \text{Total}_i) / N_{\text{votes}})$ such that, Y_i equals the number voting aye for vote i divided by the total voting (Total_i) on vote i , summed across and divided by N votes. This measure, and derivations thereof, are used in Chapter 4 for amendments and special rule votes, but also in Chapter 6 on final passage votes.¹

Chapter 5

In Chapter 5, I test predictions made by competing theories of legislative organization and my own principal-agent model regarding the procedural choice of restrictive rules. Here, I assess what factors affect the likelihood of a bill receiving a restrictive rule using logistic regressions. The dichotomous nature of the dependent variable—rule choice—lends itself nicely to logistic analysis. I use the logistic binary choice model to estimate the affects of informational, distributive, and partisan variables on the likelihood a bill receives a restrictive rule. Logit offers valuable estimation properties such as asymptotic consistency and asymptotic normality. The estimates from the binary choice model do not make predictions about \hat{Y} per se, but instead predict

¹ The aggregate data used in the time series are from the roll-call data base constructed by David W. Rohde, maintained by the Political Institutions and Public Choice Program.

the probability of Y_i being 0 or 1 conditional upon the values of the independent variables. More formally, $P(Y_i = 1) = \Phi(\beta'X_i)$ where Φ represents the cumulative density function of the model which is constrained between 0 and 1; and $P(Y_i = 0) = 1 - \Phi(\beta'X_i)$. So, $P(Y_i = j)$ for $j = 0$ or 1 , then $P(Y_i = j) = \Phi(\beta'X_i)^j (1 - \Phi(\beta'X_i))^{1-j}$.

Substantively, the estimators of the logit model are quite similar to the linear regression model in that the sign of β_k indicates the relationship of X_i to the dependent variable. However, because the model makes no assumptions about the linearity of the independent variables, the magnitude of effect of the independent variables varies according to the values taken on by the X s. Thus, later in the analysis I calculate predicted probabilities for each exogenous variable of interest by taking one standard deviation change in the mean X value while holding the other exogenous variables in the model at their means in order to assess the effect of each variable on the probability of Y . Specifically, the predicted probability calculations for each of the exogenous variables uses the following formula: $P_i = E[Y=1|X_i] = [1/(1 + \exp -(\beta_1 + \beta_k X_i))]$.

The dependent variable in this part of the analysis are the restrictive character of the special rules. The rules are collected from the Legislative Calendar of the House Committee on Rules and represent the population of special rules for the 97th, 98th, 104th, and 105th Congresses that provide for initial consideration of legislation. This excludes rules related to conference reports, adjournment resolutions, those used for initial debate only², and rules that were rejected by the House.

² Usually special rules both bring bills to the floor for debate and structure the process in which they are voted on. However, a few rules handle these functions separately. For the few instances in which a bill received two rules, one for initiating floor debate and one for voting on the bill, only the latter rule would be coded.

The 97th, 98th, 104th, and 105th Congresses were selected for both practical and theoretical reasons. The availability of data and thus the feasibility of the analysis placed constraints on the number of Congresses and the specific ones that I could choose from. In some instances, especially for addressing the question of rule choice, bill-specific information used to create variables consistent with previous research limited the range of possible Congresses to no earlier than the 97th (1981-1982).

In general terms, the 97th and 98th are useful Congresses to start with because I am concerned with the changes in how special rules have been used after the congressional reforms (1970-1977). Central to my focus is the growth of strong leadership institutions within the House and the changing relationship between the majority party and the Rules Committee during this period. Before the early 1980s, there was little visible affect of the reforms on partisanship and the strengthening of party leaders (Rohde 1991: 16). The forces affecting partisanship in Congress also have a major impact on the relationship between Rules and the majority party, so data on the 97th and 98th Congress becomes particularly important because this is when these forces begin to be the most pronounced. In addition, before the 1980s relatively few policies were able to muster a strong consensus among congressional Democrats, so the partisan affects of the reforms tended to be attenuated. Indeed, policies like government management of the economy, foreign and defense policy, as well as environmental policy tended to divide segments of the Democratic majority (Rohde 1991: 34-35; Sinclair 1982).

Moreover, the 97th Congress is a theoretically logical period to start for several other reasons. The 97th was one of the most partisan Congresses before Jim Wright became Speaker in the 100th Congress. The Democrats faced a very popular president in

Reagan's first term that sparked a dramatic and bitter partisan rivalry between Democratic leaders in the House and the executive branch (see Sinclair 1985 and 1992; Thurber 1992; Wright 1997). The partisan conflict was especially hostile over Reagan's budget priorities. In effect, the 97th Congress confronted the Rules Committee and the Democratic leadership with a new legislative environment consisting of both a strong Republican president and a more cohesive and enlarged minority party (Bach and Smith 1988: 68).

Under Jim Wright's Speakership (1987-1988) a tradition of active leadership involvement in the rules process began (Bach and Smith 1988: 37; Rohde 1991: 111-112). Before this time, previous Speakers (e.g. Carl Albert, John McCormack, Tip O'Neil) would get directly involved in the rule process only on truly important legislation. On legislation of moderate or little interest to majority party interests, the Committee would act fairly independently during this period. Thus, considerable variation between the Rules Committee and the majority party should be evident for comparison purposes for Congresses selected before the 100th Congress (e.g. 97th-98th) and those selected after the 100th Congress (e.g. 104th-105th).³ Once more, there also exists considerable theoretical debate surrounding the difference in partisanship and level of leadership strength between the 104th and 105th Congresses (see Oppenheimer 1997). In fact, Marshall, Prins, and Rohde (1998) found that special rules were used very differently in the first session of the 105th Congress on appropriations bills as compared to

³ In addition, the 97th Congress was the last chaired by Bolling. Bolling was integral in establishing the Rules Committee as an extension of the leadership. Chairman Claude Pepper took over in the 98th Congress. He was considered to be a more collegial (bipartisan) chairman. Chairman Pepper also claimed that the Speaker was less involved in special rules during the 98th Congress than the 97th (Bach and Smith 1988: 122).

how they were used in 1995 and early 1996. Indeed, the content of these bills differed but so too did the goals of the GOP leadership. But when the leadership decided to usurp the appropriations process for partisan purposes, special rules and the legislation they protected were just as bitterly partisan as during the 104th Congress.⁴ So, there also exists considerable variation that is theoretically important between the 104th and 105th Congresses as well.

Special rules for the 97th-98th and 104th-105th Congresses were initially coded into four categories based on the degree that the rule restricted amendments.⁵ After reading the full text of each rule, I would make an assessment of its restrictiveness according to the following criteria: (A.) Open rules were coded a 0 if the rule placed no restrictions on a member's ability to amend the bill. This could include granting priority to amendments pre-printed in the congressional record, making certain amendments or substitutes in order, but not restricting the offering of other amendments; (B.) Modified-open rules were coded a 1 if the rule included a pre-printing clause that specified only amendments included in the congressional record by a certain date would be in order or a clause that 'required' only pre-printed amendments for consideration, a time limit on the amendment process, the rule may preclude amendments to a substitute except those

⁴ Indeed, David Obey (D-Wisc.) figuratively expressed his concerns regarding partisanship on spending bills and special rules: "*On the Committee on Appropriations on each of these bills except one, we have worked out a very effective bipartisan relationship...The problem is that ...the Committee on Rules has imposed a partisan straightjacket on the debate for those bills, and it has in the process turned those bipartisan products into partisan war zones*" (Congressional Record, July 23, 1997: H5653).

⁵ There are several ways that I have been able to independently check the validity of my coding scheme. Whenever possible, I would compare specific references to a particular rule classification made by scholars like Bach and Smith (1988) with my own coding scheme. In addition, the GOP and Democratic classification of rules is available from the "Survey of Activities of the House Committee on Rules: Report of the Committee on Rules". My rule codes follow the GOP classification very closely and the GOP classification has been used by other scholars to pursue this question (Sinclair 1998; Dodd and

printed in the congressional record, the rule may make in order a specific amendment but preclude second-degree amendments to said amendment, the rule may also limit the amendments to a “section or title” of the bill or substitute while the remaining part of the bill or substitute was open to amendment (see hres620 for example from 97th Congress or hres156 from the 104th). (C.) Modified-closed rules were coded a 2 if the rule restricted amendments to the bill and/or substitutes made in order and specified in the text of the rule (amendments are usually numbered), or in the Rule’s Committee Report, or specified by name and number in the congressional record. (D.) Closed rules were coded a 3 if the rule was completely closed to amendments with only a motion to recommit. The four category dependent variable was then collapsed into two categories for the purpose of logistic analysis. The dichotomous variable was constructed such that the modified-open and open rules were coded a 0, while the modified-closed and closed were coded a 1.

Creating the dichotomous variable by collapsing the restrictive cutpoints in this manner is consistent with other empirical works on special rules (see Krehbiel 1991: 168; Sinclair 1999: 24). More importantly though, I feel theoretically justified in collapsing the data in this fashion because the biggest difference in terms of restricting a member’s ability to change the bill on the floor is between the open-modified and the modified-closed rules. Indeed, less difference exists between open and open-modified and the modified-closed and closed rules. It is important to note however, that I do not throw the information on the dependent variable away. Later in this analysis, I analyze rule choice using the four category rule classification scheme with multinomial logit. In

Oppenheimer 1997). Thus, I am fairly comfortable that the decision rules I use for my codings capture the central components of the restrictive criteria of the special rules.

Chapter 6, I also utilize the extra information from the dependent variable in comparing majority and minority aggregate support measures on final passage and rule votes.

Figure 3 shows the distribution of special rules for the 97th, 98th, 104th, and 105th Congresses (see Figure 3). There are several interesting patterns of the dependent variable to take note of. First of all, the proportion of open rules declines markedly from the 97th to the 105th Congress. In fact, the proportion of open rules goes from nearly 73% down to just over 32% during this period. Conversely, the proportion of rules with some restrictive criteria increases fairly dramatically over the same time period. For example, modified-open rules make up about only 6% of the total rules during the 97th and 98th Congresses. This jumps to over 20% of the total rules during the 104th and 105th. Similarly modified-closed and closed rules also increased steadily. The former went from 16% of the total rules in the 97th to 27% by the 105th, while the latter rose even more dramatically from a low of just over 4% to over 20% during the same time period. These temporal changes in the increased restrictiveness of rules are consistent with the findings by Sinclair (1997 and 1998), Bach and Smith (1988), and Oleszek (1996). So, although the frequency of special rules remains nearly constant between the 97th to the 105th, the proportion that are restrictive has increased dramatically.

Figure 4 provides the distribution of special rules for the same four Congresses using the dichotomous classification in the dependent variable (see Figure 4). The patterns here show a similar pattern in that the proportion of restrictive rules increases dramatically over this time period. In fact, by the 105th, the proportion of restrictive rules is nearly equal the proportion of open rules, 47.40% and 52.60% respectively.

Informational, distributive, and partisan theories each make different predictions regarding the determinants of rule choice. The analysis in Chapter Five is designed to assess empirically the accuracy of these predictions in explaining the likelihood a bill will receive a restrictive rule. For the logit analysis, I have incorporated a number of theoretically important exogenous variables used by other scholars as well as some of my own. Table 2 lists the exogenous variables and the related research that has incorporated these concepts for predicting rule choice (see Table 2). Appendix A includes a complete description of how each variable used in the logit analysis was measured (see Appendix A). In addition, Table 3 provides basic descriptive statistics including the range, mean, and standard deviation of each exogenous variable, broken down by Congress (see Table 3).

Several of the variables used in this part of the analysis were constructed using nominate scores in order to measure ideological differences between subsets of the membership. Nominat scores are widely used in legislative studies and are based on the individual voting behavior of members during a given Congress. The strength of the nominate measure is that it utilizes all voting behavior information relative to each member in the legislature. There are weaknesses of the measure, although predominately not the fault of the measure per say, but instead based on the misperception and/or the temptation to interpret these as policy preferences. The nominate score is a relative measure of voting behavior and not a measure of a member's policy preference. Interval measures of preferences cannot be derived from voting patterns (see Marshall, Prins, and Rohde 1997). In fact, a vote may have very little to do with a member's true policy preferences because preferences are constrained by the agenda, party leaders, and

activated constituency groups.⁶ So, I will not refer to these measures constructed from nominate scores as preferences, but as relative measures of ideological behavior.

The nominate scores derived from member voting behavior allow us to array each member on an ideological spectrum ranging from -1 (most liberal) to +1 (most conservative). In this way, nominate scores can be used as a measure to assess members relative ideological behavioral patterns in relation to all other members in the legislature. One additional point to note here is that I chose nominate scores over other measures because I believe they are better indicators of a member's general ideological behavior than are alternative measures. They are more stable than interest group scores in part because they use all relevant behavioral information. More importantly, they are representative of and dependent upon the legislative agenda dealt with by Congress. This offers a practical level of consistency that may not be achieved by other measures. Scholars like Thorson and Nitzschke (1998) have also argued that nominate scores are more effective for measuring a legislator's ideology than are ADA scores, which is the measure used by Krehbiel (1991).

Some of the independent variables are particularly important to the different theoretical rationales, so, I will spend a little extra time discussing their operationalization in the next several sections.

⁶ Rohde (1991: 41) offers an insightful distinction between true policy preferences and preferences that almost always govern a member's voting decision. The former he terms as "personal preferences" which are unconstrained or truly exogenous. The latter he terms as "operative preferences" which are constrained or influenced by factors outside of the member's control.

Informational Theory Variables

The first two variables are the *committee heterogeneity* and *committee outlier* measures. These represent central features of Krehbiel's (1991) informational theory. In general terms, these are committee-level variables that tap into the relative usefulness of the committee in providing information to the chamber. The former captures the relative heterogeneity of the committee members' preferences in relation to the chamber. The *heterogeneity variable* is measured as the signed difference between the committee's standard deviation nominate score and the chamber's. The measure uses the standard deviation nominate score of the chamber as a baseline so that positive differences mean that committee preferences are relatively heterogeneous as compared to the chamber while negative scores mean that the committee is relatively homogeneous as compared to the chamber. The latter variable, *committee outlier* is measured as the absolute difference between the committee median the bill was referred to and the chamber median. According to Krehbiel's theory, this measure captures the relative distance in preferences between the chamber median and the committee.

Distributive Theory Variables

The *distributive content* variable is a bill-level measure that attempts to capture traditional pork-barrel type legislation. These are policies that narrowly target benefits to a relatively few congressional districts and widely disperse the costs. The variable is measured as the ratio of states the bill affects in relation to the bill's legislative scope (as measured by key words plus the number of states). In addition, the *urgency* variable is used to assess predictions made by distributive arguments (see Krehbiel 1991). The

urgency variable is a bill-level measure coded as a 1 to indicate the legislature's willingness to speed up the normal legislative process for a particular bill and 0 otherwise. The idea is that because of future uncertainty, members would prefer to have distributive benefits passed immediately as compared to later in the session. The operationalization for both distributive variables is consistent with previous research (Krehbiel 1991; Sinclair 1995b).

Independent Actor: Rules Committee Variable

Dion and Huber's (1996) formal model asserts that the preferences of the members from the Rules Committee matter in determining legislative outcomes. Although my study is set up somewhat differently than theirs, I attempt to incorporate a variable called the *rules median* that measures the relative distance in the ideological behavior between Rules Committee members and the legislative committee the bill was referred to. The *Rules median* variable was constructed from nominate scores as the absolute difference between the committee median the bill was referred to and the Rules Committee median.

Partisan Theory: Rules Committee as Agent of the Majority Party

I have developed a principal-agent model for the Rules Committee. The partisan argument I address suggests that the majority party members on Rules act as the agent of the majority party membership. Unlike Dion and Huber's model, I emphasize the spatial position of the party caucus in relation to the legislative committee proposing the bill.

The measure I incorporate is not sensitive to the ideological disposition of Rules, because according to my theoretical argument, Rules is an agent, and thus, acts to fulfill the expectations of the majority party. The stronger the majority party, the better the Committee performs its agency role. The *party median* variable is a dummy variable that takes on the value 1 when the party median is more extreme than the majority party contingent from the legislative committee, relative to the floor median and 0 otherwise. In other words, the dummy variable takes on the value 1 when the party conference is to the far side of both the floor median and the committee median. When the party median is more extreme, party leaders have an incentive to use special rules to pull policies away from the chamber median and back toward the party median. The variable created to capture this logic is represented spatially in Appendix B.

Chapter 6

Finally, Chapter 6 looks systematically at the linkage between special rules and policies passed in both the House and Senate for the 97th, 98th, 104th, and 105th Congresses. In other words, I assess the relationship between rules and final legislative products. I incorporate aggregate support measures on rule and final passage votes in the House identical to those used in Chapter 4. Then, I follow this legislation to the Senate in order to determine the final disposition of each bill. On the subset of bills receiving roll call votes for final passage on the floor of the Senate, I can make comparisons using aggregate support measures between both chambers on final policy outcomes controlling for the type of rule used in the House.

In sum, I argue in Chapter 6 that leadership institutions in the Senate are very different than in the House. The Senate has different institutional features and is composed of a membership with different incentives to delegate leadership powers. Still, a limited amount of partisan conflict can be attributed to leadership actions. Senate leaders have less power relative to their House counterparts in advantaging partisan outcomes, but Senate leaders are not devoid of such powers. Moreover, exogenous sources of partisanship affect member decision making across both chambers in a similar manner. Choices leaders make in the House regarding which bills to grant restrictive rules indicate the partisan nature of the policy in debate and are reflected in the partisan nature of final passage votes in the Senate.

Conclusion

The focus of this chapter has been on discussing the data that will be brought to bear in the analysis and why it is relevant for testing the hypotheses from Chapter 2. The measures I have chosen (especially in Chapters 4 and 6) are not the most complicated of techniques, but more importantly I believe they provide considerable empirical purchase because of their relevance to the questions at hand. Measurement and selection issues were addressed as well as a basic presentation of summary statistics and temporal patterns in the data.

Careful attention was paid to previous empirical research in terms of variable operationalization (especially for Chapter 5). There are costs and benefits to operationalizing variables the way others have. Adopting similar measures can be useful for comparative purposes. However, at times I have been persuaded for theoretical,

empirical, and reasons of feasibility to measure theoretical concepts differently. Whenever possible, I have tried to justify my decisions based on solid theoretical and/or empirical grounds.

Admittedly there exists problems. Models are always underspecified, that's why they are models. Still, I think that the statistical models that I estimate in Chapter 5 are very informative theoretically. Few empirical works incorporate all special rules, and even fewer still over time (Bach and Smith 1988 is the exception). Most are limited to rules on major legislation only. Indeed, according to my arguments the factors affecting the Rules Committee and special rules have varied considerably over time. Given this temporal variation, looking at a subset of special rules from major legislation tosses theoretically relevant information away that can be used to develop a more dynamic theory of congressional politics.

In the next three chapters, the methods discussed above will be used to understand better the evolving role of the House Rules Committee as a leadership institution and special rules respectively. To this end, the design is aimed at uncovering the significance of both for shaping public policies in the U.S. Congress.

TABLE 2: Empirical Research and Exogenous Variables Explaining Rule Choice

Theoretical Rationale	Empirical Research	Exogenous Variable
<ul style="list-style-type: none"> • Informational Theory 	Krehbiel 1991 and 1997b; Sinclair 1995b; Dion and Huber 1997; Thorson and Nitzschke 1998	<ul style="list-style-type: none"> • Bill Scope • Committee Heterogeneity • Laws Cited • Minority Cosponsors • Committee Outlier
<ul style="list-style-type: none"> • Distributive Theory 	Krehbiel 1991 and 1997b; Sinclair 1995b; Dion and Huber 1997	<ul style="list-style-type: none"> • Distributive Content • Bill Urgency
<ul style="list-style-type: none"> • Rules Committee: Independent Actor 	Dion and Huber 1996 and 1997; Krehbiel 1997b; Marshall 1998	<ul style="list-style-type: none"> • Legislative Profile • Rules Median
<ul style="list-style-type: none"> • Partisan Theory 	Krehbiel 1991; Sinclair 1995b	<ul style="list-style-type: none"> • Majority Cosponsors • Leadership Involvement • Omnibus Legislation
<ul style="list-style-type: none"> • Partisan Theory: (Rules Committee as Agent of Majority Party) 	Marshall 1998 and 1999	<ul style="list-style-type: none"> • Party Median

TABLE 3: Summary Statistics For Independent Variables Predicting Rule Choice

Exogenous Variables	Descriptive Statistics by Congress											
	97 th (1981-1982) Congress			98 th (1983-1984) Congress			104 th (1995-1996) Congress			105 th (1997-1998) Congress		
	Mean	S.D.	Range	Mean	S.D.	Range	Mean	S. D.	Range	Mean	S.D.	Range
Referral	.18	.39	(0,1)	.19	.39	(0,1)	.32	.47	(0,1)	.18	.38	(0,1)
Bill Scope*	*	*	*	34.79	43.04	(2,347)	139.24	155.68	(4,846)	91.64	95.12	(2,404)
Heterogeneity	-.004	.034	(-.06,.071)	-.005	.027	(-.056,.047)	.02	.05	(-.08,.23)	.02	.043	(-.09,.07)
Laws Cited	4.73	10.72	(0,84)	3.04	5.09	(0,34)	11.46	24.33	(0,144)	8.33	14.79	(0,77)
Minority Co.	4.43	16.68	(0,167)	5.28	12.72	(0,105)	4.37	12.45	(0,98)	7.60	15.40	(0,75)
Cm. Outlier	.057	.044	(0,.206)	.062	.048	(.008,.173)	.10	.07	(.01,.24)	.14	.08	(.01,.35)
Dist. Content*	*	*	*	.07	.14	(0,.66)	.03	.05	(0,.33)	.03	.05	(0,.31)
Bill Urgency	.05	.22	(0,1)	.12	.33	(0,1)	.13	.34	(0,1)	.05	.22	(0,1)
Rule Median	.177	.064	(0,.309)	.125	.058	(0,.306)	.16	.07	(.03,.32)	.17	.08	(0,.32)
Leg. Profile	.581	.496	(0,1)	.775	.419	(0,1)	.89	.32	(0,1)	.94	.24	(0,1)
Majority Co.	8.56	25.12	(0,171)	20.57	38.19	(0,223)	22.80	45.32	(0,208)	23.23	41.64	(0,205)
Party Median	.547	.50	(0,1)	.341	.476	(0,1)	.66	.48	(0,1)	.53	.50	(0,1)

* Information for these variables were not available from the legislate data base for the 97th Congress.

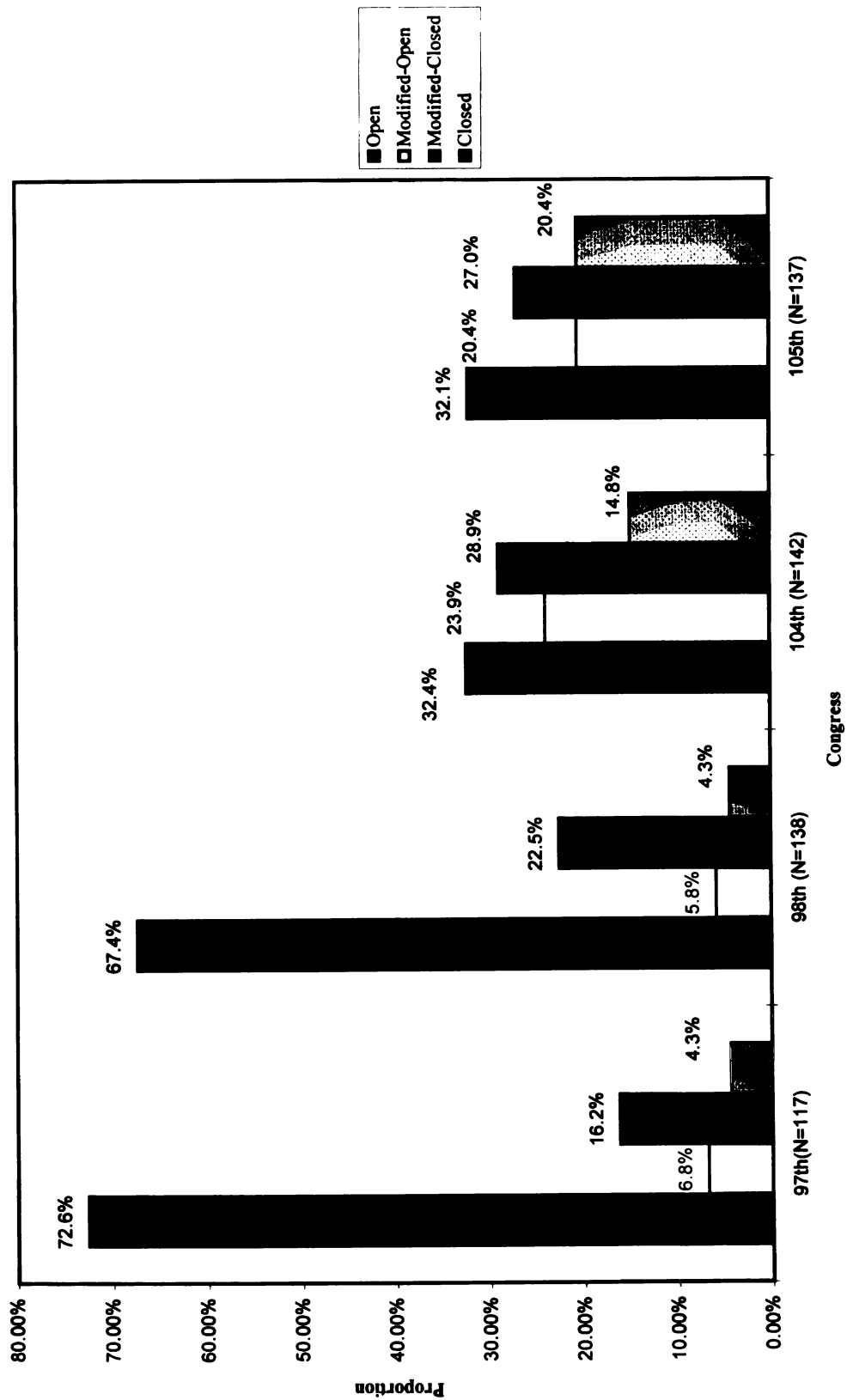


FIGURE 3: Distribution of Special Rules, 97th, 98th, 104th, and 105th Congresses

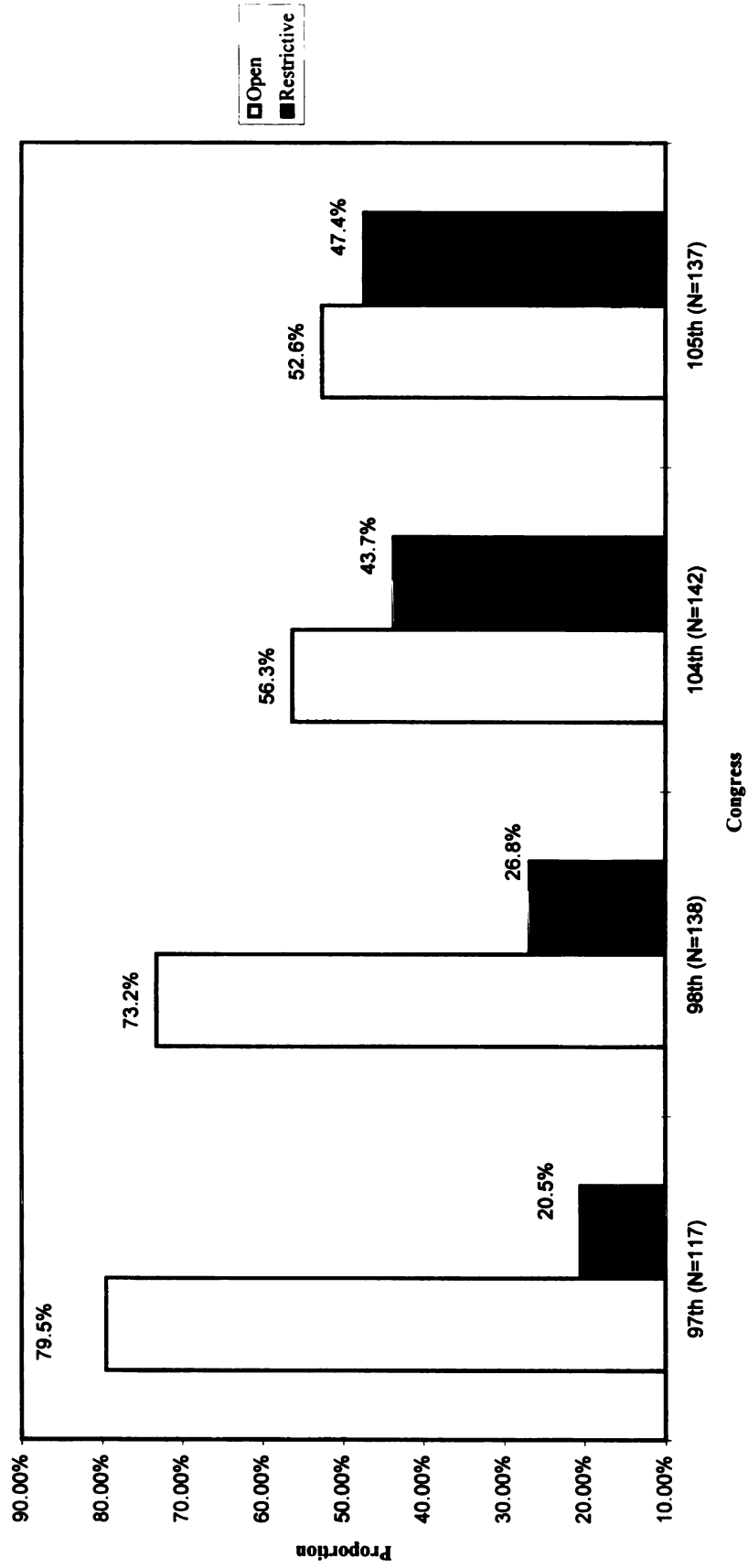


FIGURE 4: Distribution of Special Rules (Collapsed Categorization), 97th, 98th, 104th, and 105th Congresses

CHAPTER 4

POLITICAL PARTIES AND THE COORDINATION FOR COLLECTIVE ACTION

One of the fundamental issues for the systematic study of institutions is to understand whether and under what conditions that institutions matter (Shepsle and Weingast 1995). In essence, institutions—and choices regarding their organization—are important because they can differentially affect the costs and/or benefits of collective action. An important difference between theoretical approaches to Congress is in their explanation of how institutions facilitate solutions to collective action problems and their relevance in affecting policy outcomes. From this perspective, theories of legislative organization that purport to explain institutional change and policy outcomes must also explain how costs to cooperation within legislatures can be overcome and how institutions affect these costs.

The Role of Party Leadership

To a large extent, the distribution of member interests shapes collective decision making, and ultimately determines the allocation of costs and benefits within Congress. For example, the partisan perspective emphasizes the importance of members' policy preferences, but departs from the other theoretical approaches in that preferences are in a context that relates members of the majority party to the members of the minority party.

Party organization, then, provides a framework in which the relative costs and benefits for collective action can be understood. Indeed, the relation of common interests within the majority and the relative dissimilarity of these interests between the majority and minority forms the incentive for majority party members to relinquish a degree of control to leaders for the purpose of collective advantage (Rohde 1991).

Sinclair argues in her work (1995a) that the relationship between external party organization in the electorate and the strength of internal party organizations within Congress is very complicated. In general, stronger external party organizations in the electorate may influence the costs and benefits to the membership of strong party leadership within Congress, but not in isolation of internal factors, such as, leadership strategies affecting the agenda (see Marshall, Prins, and Rohde 1998 forthcoming). In contrast to the common wisdom depicting the declining role of political parties in the political process, the puzzle of strong leadership and party cohesion is not simply dependent on a bivariate linkage between external and internal party organizations (Wattenberg 1986). Instead, the mix of member goals, internal and external constraints, and leadership strategies all play a role in determining the distribution of costs and benefits of initiating and maintaining strong party institutions.

Congressional scholars have argued that the dramatic changes in congressional elections have increased the opportunities for cooperation among the membership and led to a stronger reliance on leadership organization over time (Rohde 1991; Sinclair 1992 and 1995a). The more homogenous the party membership, the more likely these opportunities will arise. Moreover, when the party membership agrees on policy objectives, leaders have a greater incentive to use their institutional powers for partisan

ends (Cooper and Brady 1981; Rohde and Shepsle 1987). The institutional reforms affecting the Rules Committee, I would argue, are excellent examples regarding the dynamics of institutional choice and collective action in congressional politics. During the reform era, party members granted the leadership significant control over the Rules Committee so that its institutional powers could be added to the leadership's arsenal of tools for pursuing partisan ends. This move by the majority party greatly enhanced the leadership's ability to take advantage of partisan opportunities when they would arise and even enhanced their ability to create opportunities where little or none existed. I have argued that the changes scholars have observed in special rules is in part a by-product of these institutional choices.

In the preceeding theoretical chapters, I argued that electoral and institutional changes during the reform era provided incentives for the majority party membership to empower leaders with greater institutional resources like control over the Rules Committee. This collective cooperation I argue manifested itself not only in majority party support of leadership institutions more generally but also more specifically on special rules.

In this chapter, I address hypotheses 1 through 4 from Chapter 2. In general, this set of hypotheses reflect upon the changing incentives for members of the majority party to empower leadership organizations. To begin, I assess temporal change in the Rules Committee's behavior. The first hypothesis contends that the Rules Committee should become less likely to use its negative powers to block policy initiatives by denying special rules requests over time. Next, I examine the changing voting behavior of majority party members on amendments and special rules. The crux of the theory argues

that the growing preference homogeneity of the majority party should increase the party memberships' incentives for collective cooperation. The behavioral expectation predicts that majority party members should become more willing to relinquish some of their individual rights to change (amend) legislation on the floor as committee proposals become more reflective of the party's policy interests. Implicitly, the benefits of coordinating partisan action outweighs the individual costs associated with not coordinating their efforts. Hypothesis 2 then, asserts that the changing incentives over time should be manifest in the decreasing levels of majority party support on amendments. Similarly, hypothesis 3 predicts that the over time changes in member incentives should also be reflected by increasing levels of majority party support on special rules. Finally, hypothesis 4 argues that because of the collective policy consequences of majority party cooperation on special rules, minority party support on these procedures should significantly decline over this same time period.

Empirical Analysis

I begin the analysis by examining the temporal changes in the Rules Committee's behavior of whether or not to grant a special rule to committee requests. As I show later in Chapter 6, the procedural choice to grant a restrictive rule may have extremely important policy consequences for final passage decisions in both chambers. In the second part of the analysis, I assess changes in membership support of special rules and committee proposals by looking at majority and minority support on special rule and first-degree amendment votes from the 83rd-105th Congress. Lastly, I analyze in greater

detail the voting behavior on amendments and special rules for the 97th, 98th, 104th, and 105th Congresses.

Rules Committee Behavior

The first part of the empirical analysis reflects directly on the Rules Committee's choice regarding whether or not to grant committee proposals a special rule. If as I have argued, the Rules Committee reforms were designed to facilitate its responsiveness to the collective policy interests of the majority party, and legislative committee proposals became increasingly representative of the majority party, then Rules should become less likely over time to use its institutional power to block policy initiatives from reaching the floor. The data in Table 4 shows the proportion of special rules requests not granted from the 96th (1979-1980) to the 104th (1995-1996) Congress (see Table 4). The table indicates a substantial decline in the proportion of special rules that were not granted. During the 96th Congress nearly 18% of the rules that were requested by a legislative committee were not granted. By the 104th Congress, this percentage dropped noticeably to less than 4%. These findings parallel Oppenheimer's (1977) earlier analysis of Rules Committee behavior. There, he found a substantial decrease in the number of rules denied after the 89th Congress, which he attributed to the dramatic change in the Committee's composition and subsequent decreases to the reforms that followed.

In effect, the findings from Table 4 demonstrate that if the Committee did shape policy, it became less likely over time to do so by blocking proposals from reaching the floor. The patterns of evidence also fit nicely with Sinclair's findings that policy disagreements between the liberal members of the Democratic caucus and their fellow

partisans on committees decreased during the 1970s (Sinclair 1995a: 38). Indeed, if committee proposals became more representative of the majority party caucus, one would not expect the Rules Committee as *agent* of the majority party to prevent those policies from reaching the House floor. Thus, the findings in Table 4 tend to support the first hypothesis that the institutional reforms affecting the Rules Committee facilitated greater responsiveness to the majority party.

Temporal Change: Procedural and Policy Partisanship

The theoretical argument asserts that as the party membership's policy preferences become more homogeneous, majority party members would be more supportive of the leadership's use of institutional tools that provide for the advancement of shared party goals. In the context of the reform era changes, as committee policies became more in line with the interests of the party membership, the individual costs of giving up amendment rights on these policies should decrease and the collective benefits from supporting special rules should increase.

Figure 5 tends to confirm that members of the majority party became more supportive of committee proposals over time (see Figure 5).¹ The argument here is that support for first-degree amendments reflects that members are not satisfied with the original policy proposals brought to the floor by the committee. So, the decreasing patterns observed for majority party support on amendments signifies that the majority

¹ Average party support is measured as the number of members from a given party voting aye over the total number from that party voting, averaged across all votes. Figure 5 utilizes all first-degree amendments from 1953-1998 to calculate average party support. The patterns remain robust for different selection criteria. For example, the analysis of conflictual amendments (e.g. majorities of 90% or less) for the majority party support series is also characterized by a significant pattern of decay over time.

party members became more supportive of committee policies over time. In Figure 5, average majority party support on first-degree amendments goes from .68 during the 83rd (1953-1954) Congress down to .35 by the 104th (1995-1996). Interestingly, the series rebounds back up to .53 during the 105th Congress. Still, the declining trend in the series of majority party support is statistically significant over time. That is to say, average majority party support on amendments possesses a significant negative correlation with time.² In contrast, the series for average minority party support on amendments is not characterized by a significant trend over time.³ But this finding is not necessarily contrary to the theory purported here because it is the change in majority party behavior that speaks to the changing incentives for members of the majority party to cooperate for partisan ends.

The decreasing trend in majority party support on amendments from Figure 5 supports hypothesis 2 and the theoretical argument that the incentives changed for majority party members to limit their ability to alter legislation on the floor of the House. The variation in majority party support on amendments over time also supports Rohde's empirical findings that committee proposals in general became significantly more responsive to the policy interests of the liberal Democratic caucus from the early 1970s to the late 1980s (1992a). Also interesting in Figure 5 is the decline in majority party support around the 89th Congress (1965-1966) which brought in a very large class of

² The correlation coefficient of the time trend with average majority party support is $-.57$ ($p > .004$). The unstandardized beta coefficient ($-.007$) for the time trend in a regression context is also significant ($p > .004$).

³ The correlation coefficient of the time trend with average minority party support is $-.012$ ($p > .956$). In the regression context of this series the time trend was insignificant ($-.0001$, $p > .956$).

liberal Democrats who successfully compelled the Democratic leadership to diminish the powers of the conservative-leaning Rules Committee.

The inference from the significant decline in majority party support on amendments is that member incentives for cooperation changed over time. In essence, giving up amendment rights became less costly for members of the majority party and the benefits related to party coordination increased. Thus, members of the majority party became more inclined to cooperate for the purpose of achieving collective partisan objectives.

Figure 6 provides additional evidence relating to the changing incentives for cooperation that emerged over time among members of the majority party. This manifested itself in support on special rules. Figure 6 depicts two series, one of average majority party support and one for average minority party support on special rules from 1953-1998 (see Figure 6).⁴ Average majority party support for special rules starts at .74 during the 83rd Congress and reaches an astonishingly high level of .97 by the 104th Congress (the highest level in the series). In contrast, average minority support goes from .56 in the 83rd Congress, then peaks at .84 in the 92nd and falls off steadily to a low of .15 by the 103rd Congress. It is also interesting to note the patterns of dramatic divergence between majority and minority support starting with the 92nd Congress (1971-1972). This stark change in majority and minority support on special rules occurred when the Committee's composition was purposefully and significantly altered to ensure that the Rules Committee was responsive to the policy views of the liberal Democratic caucus.

Both series are significantly correlated with time and in the theoretically predicted direction.⁵

The patterns in Figure 6 follow the expectations from hypothesis 3 and hypothesis 4. In the case of the former, the levels of majority party support suggest that members became more willing to support special rules as committee proposals reflected majority party policy interests. In the latter case, the declining level of average minority party support suggests that special rules were in conflict with or detrimental to the minority's policy interests. In other words, the rules were increasingly used to advantage majority policy initiatives, often times by restricting amendments preferred by members of the minority party. Indeed, one minority member during the 104th Congress colorfully expressed his concern over the significant increase in restrictive rules, "*These days the Republicans are passing out closed rules like Fenway franks at a Red Sox game* (CR 2/9/95: H-1476). The temporal findings are consistent with previous works that contend restrictive rules have become more prevalently employed for partisan purposes (Bach and Smith 1988; Aldrich and Rohde 1996b; Sinclair 1995b). So, from Figure 5 we can infer that the incentives for majority party cooperation increased over time, but also the results from Figure 6 reflect that the costs of this cooperation in terms of majority party procedural support on special rules shifted the burden to members of the minority party.

⁴ Figure 6 measures average minority and majority support using all floor roll-call votes on special rules. The patterns remain consistent using alternative selection criteria (e.g. conflictual votes with majorities less than 90%).

⁵ The correlation coefficient for the increasing and decreasing trends in special rules are .811 ($p > .000$) for majority party support and -.576 ($p > .004$) for minority party support. The unstandardized betas in a regression of time on majority and minority party support on special rules votes were .01 ($p > .000$) and -.002 ($P > .004$) respectively.

One might expect from the theory offered here that majority party members would be supportive of limiting amendment activity on policies in which the majority party was satisfied with the committee proposal. But, at the same time, if majority party members were satisfied with the committee proposal they could fairly easily unify to defeat any amendments offered on the floor that would compromise or alter the committee's proposal. On bills in which the majority party is very cohesive, leaders would be less inclined to use restrictive rules because any opposition amendments could be easily defeated.⁶ This is where leadership strategy in using special rules becomes so important. If members of the majority party can agree to cooperate by supporting restrictive procedures, then the leadership can selectively use the rules on policies that are the most vulnerable to minority amendments. That is, on those policies in which the minority party offers amendments in an attempt to siphon majority member support. Although not shown here, I do find some confirmatory evidence of this argument. The average level of majority party opposition to amendments on legislation considered under open and modified-open rules is consistently greater than the average level of majority party opposition on amendments under modified-closed rules for the 97th, 98th, 104th, and 105th Congresses.

Figure 7 provides one additional bit of evidence that reflects on the costs to majority party members associated with the procedural commitment to forgo amendment

⁶ Perhaps this is one reason why open rules have become more partisan over time. Party leaders may choose to use open rules on policies that cannot be threatened by minority amendments because of the high levels of cohesion among the majority party. This was true of several Judiciary Committee bills considered during the 104th Congress. The leadership had the luxury of high levels of majority support, so the only protection needed on the bills were time restrictions for the amendment process. In addition, leaders may choose to structure rules that allow extreme minority party amendments to be voted on in order to potentially damage the party's reputation or make their position more difficult to defend.

rights on the floor. Figure 7 shows the proportion of first-degree amendments in which majority party support was higher than the level of minority party support controlling for the type of special rule attached to the bill (see Figure 7).⁷ The patterns for the 97th, 98th, and 104th Congresses illustrate that the proportion of amendments that received higher levels of support from the majority party than the minority party increased as the rule associated with the legislation became more restrictive. For example, during the 97th Congress the proportion of amendments in which the level of support was higher for the majority goes from 41% for legislation under open rules to 56% of the amendments on legislation considered under modified-closed rules. Similar patterns in the propensity of amendment support across rule type are found for the 98th and 104th Congresses.⁸ The patterns of variation regarding the propensity of the majority party to support amendments more so than the minority does suggest that when amendment possibilities are limited, the subset allowed are more likely to be favored by members of the majority party as the rules become more restrictive.

These findings of systematic variation in amendment support likely reflect the fact that party leaders use rules for partisan ends. Special rules provide leaders with a procedural mechanism to select between amendments that will be considered on the floor. Anecdotal evidence supports the significance of this claim. One minority member

⁷ Figure 7 utilizes first-degree amendments on bills with special rules for the 97th, 98th, 104th, and 105th Congresses. The proportion that are majority favored include the subset of amendments in which the percentage of majority party members voting aye on the amendment was greater than the percentage of minority party members voting aye on the same amendment.

⁸ The pattern found during the 105th Congress is opposite of the patterns found for the previous Congresses. The proportion of amendments favored by the majority party is the greatest for bills considered under open rules (65%) and the proportion decreases with more restrictive floor procedures (e.g. 44% and 41% for modified-open and modified-closed respectively). The different pattern of support

commented in the 104th Congress during the debate on a modified-closed rule which would bring an immigration bill to the floor (H.R. 2202) that, *"In general I would say that there are lots of amendments that were good amendments, fine amendments, in terms of improving and honing this bill, that were not allowed. In certain cases it seems that the most extreme amendments were allowed, but not those that would have moved the bill in a more moderate direction...It looks a little bit political"* (CR 3/19/96: H2367). Indeed, the amendment votes on the immigration bill tend to verify the minority member's accusations. For the amendments favored by the minority party, the average level of minority support was over twice the level found for the majority members.⁹ In contrast, for the subset of amendments favored by the majority party on this same immigration bill the average level of minority support was less than a third of the level garnered by the majority.¹⁰ Clearly, the amendments allowed to the immigration bill under the rule tended not to have bipartisan support.

Overall, the findings in Figure 7 demonstrate that amendments offered on bills considered under open and modified-open rules were less likely to garner greater levels of support from members of the majority party as compared to the minority party during three of the four Congresses examined here. But on amendments to bills considered under modified-closed rules majority party members were more likely to have higher levels of support than the minority. Both the frequency and the average levels of majority party support are greatest on amendments offered to legislation considered under more

may actually parallel other empirical findings that claim the GOP leadership to some extent used special rules differently during the 105th Congress (see Marshall, Prins, and Rohde 1998 forthcoming).

⁹ The average level of support on minority preferred amendments was .56 for the Democrats and .23 for the Republicans.

restrictive floor rules. This systematic variation in amendment support I would argue reflects on both the incentives for majority party cooperation and on the leadership's use of rules that limit certain amendments over others for the purpose of providing collective partisan advantage.

Finally, Figure 8 illustrates the levels of partisan conflict on rule votes when controlling for their restrictive character (see Figure 8). With only one small exception during the 105th Congress, modified-closed and closed rules on average were more partisan than open and modified-open rules. The patterns of partisan conflict on special rules votes also supports hypotheses 3 and 4 and the earlier findings from Figure 6. In addition, the evidence here parallels previous findings that levels of partisanship on special rules have increased dramatically over time (Rohde 1991; Oleszek 1996). But, the variation in partisan conflict across rule type adds an important element. Based on the systematic patterns of partisan conflict found on special rules votes, one can infer that special rules (especially the restrictive rules) have increasingly been used to advantage majority party initiatives and have become more detrimental to the policy interests of the minority party over time. In fact, Figure 7 helps explain why partisanship on the rules from Figure 8 may vary systematically. That is, Figure 7 showed that the proportion of amendments favored by the majority party increased as the rules became more restrictive. Thus, minority members would be more opposed to the rules that limit their amendment choices because the ones that are allowed tend to be favored by members of the majority party.

¹⁰ The average level of support on the majority preferred amendments was .69 for the Republicans and .21 for the Democrats.

Conclusion

Party leaders can use institutional mechanisms to coordinate collective action for the benefit of the membership. Procedural commitment by the majority party is one solution that can transform shared incentives for cooperation into partisan advantage. Special rules have increasingly served this purpose. Indeed, the empirical findings speak to the significance of intra-party cooperation and leadership strategies in relation to special rules.

In sum, the evidence presented in this chapter supports hypotheses 1 through 4. The change in the Rules Committee behavior over time supports the theoretical contention that members of the majority party institutionalized an *agency* relationship with the Committee. As policies from the legislative committees increasingly reflected the interests of the party caucus, the Rules Committee became less likely to block proposals from reaching the House floor. The patterns of member voting behavior from Figures 5 and 6 support hypotheses 2, 3, and 4. Figure 5 shows that majority party members became less supportive of proposed changes to committee policies, while the series in Figure 6 illustrate that members from the majority and minority parties became more likely to disagree over these floor procedures. That is, majority members became more likely to support the rules and minority members became more likely to oppose them over time. This supports the theoretical argument that under conditions of increasing intra-party homogeneity, majority party members become more willing to forgo amendment rights because the costs of doing so decrease as committee proposals become more reflective of majority party interests. Minority party opposition to the rules

reflects how procedural commitment by the majority on special rules can be used as a mechanism to redistribute the policy costs to members of the minority.

The evidence presented in Figures 7 and 8 emphasize the significance of leadership strategies in the legislative process. The findings in Figure 7 are only tentative, but suggest that a systematic relationship exists between the frequency of majority party support on amendments and restrictive rules. For three of the four Congresses, majority party members were likely to have higher levels of support than were members of the minority on amendments considered under modified-closed rules. As the rules became less restrictive, the frequency in which majority party support on amendments was greater than the minority decreased. In addition, members of the majority party were always more cohesive, on average, in their opposition to amendments offered under less restrictive procedures as compared to the amendments offered under restrictive rules.

The choice to use an open procedure may reflect that party leaders were less concerned about limiting minority amendments on these particular policies because the chances of gaining significant majority support to overturn the committee proposal was low. That is, why use a restrictive rule on policies in which the majority party is united enough to pass regardless of the amendments offered by the minority? Indeed, during the debate in the 104th Congress on the rule to bring the Victim Restitution Act to the floor (H.R. 665), the minority leader on Rules, Representative Moakley (D-Mass.) makes this very point, *“You can have an open rule if it doesn’t look like you’re going to use it”* (CR 2/7/95: H-1304). Finally, the increasing levels of partisanship across categories of rule

type found in Figure 8 reinforce the claim that majority party leaders tend to employ restrictive rules with an eye toward partisan ends.

TABLE 4: Changes in the Proportion of Special Rules Not Granted, 96th - 104th Congresses

Congress	96th	97th	98th	99th	100th	101st	102nd	103rd	104th	Total All Congresses
% Rules Requests Not Granted	17.7%	12.6%	10.0%	13.4%	8.1%	0.0%	11.4%	4.9%	3.4%	10.1%
Total Requests	n=254	n=183	n=202	n=179	n=172	n=63	n=175	n=143	n=206	N=1577

Note: Data from Table 1 were collected from the Final Legislative Calendars of the House Committee on Rules. The proportions of rules requests not granted include those that were deferred, denied, not heard, or pending. Total requests exclude provisions that were disposed of via suspension, unanimous consent, and request that were subsequently withdrawn.

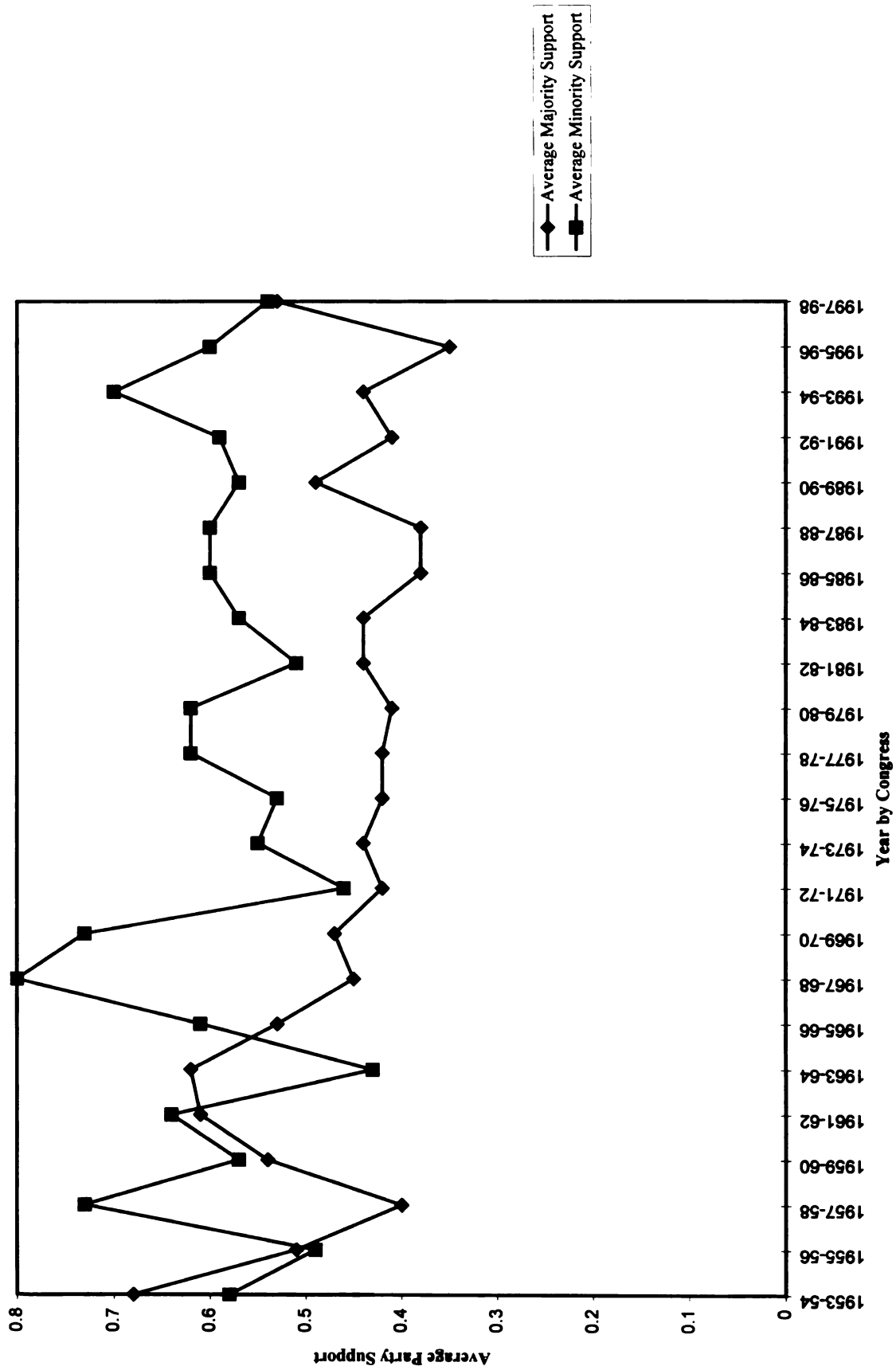


FIGURE 5: Average Party Support on First-Degree Amendments, 83rd-105th Congresses

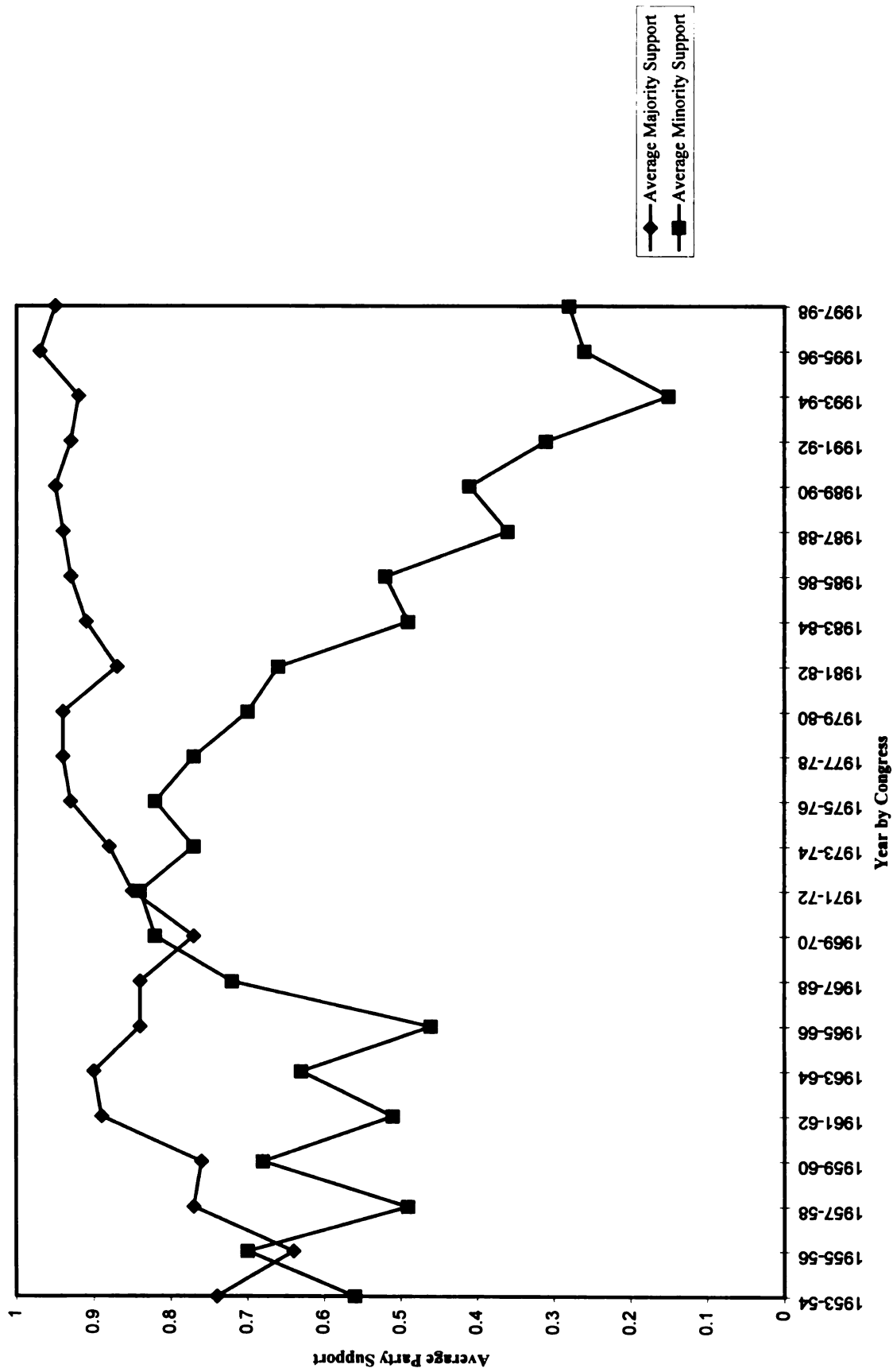


FIGURE 6: Average Party Support on Special Rules, 83rd-105th Congresses

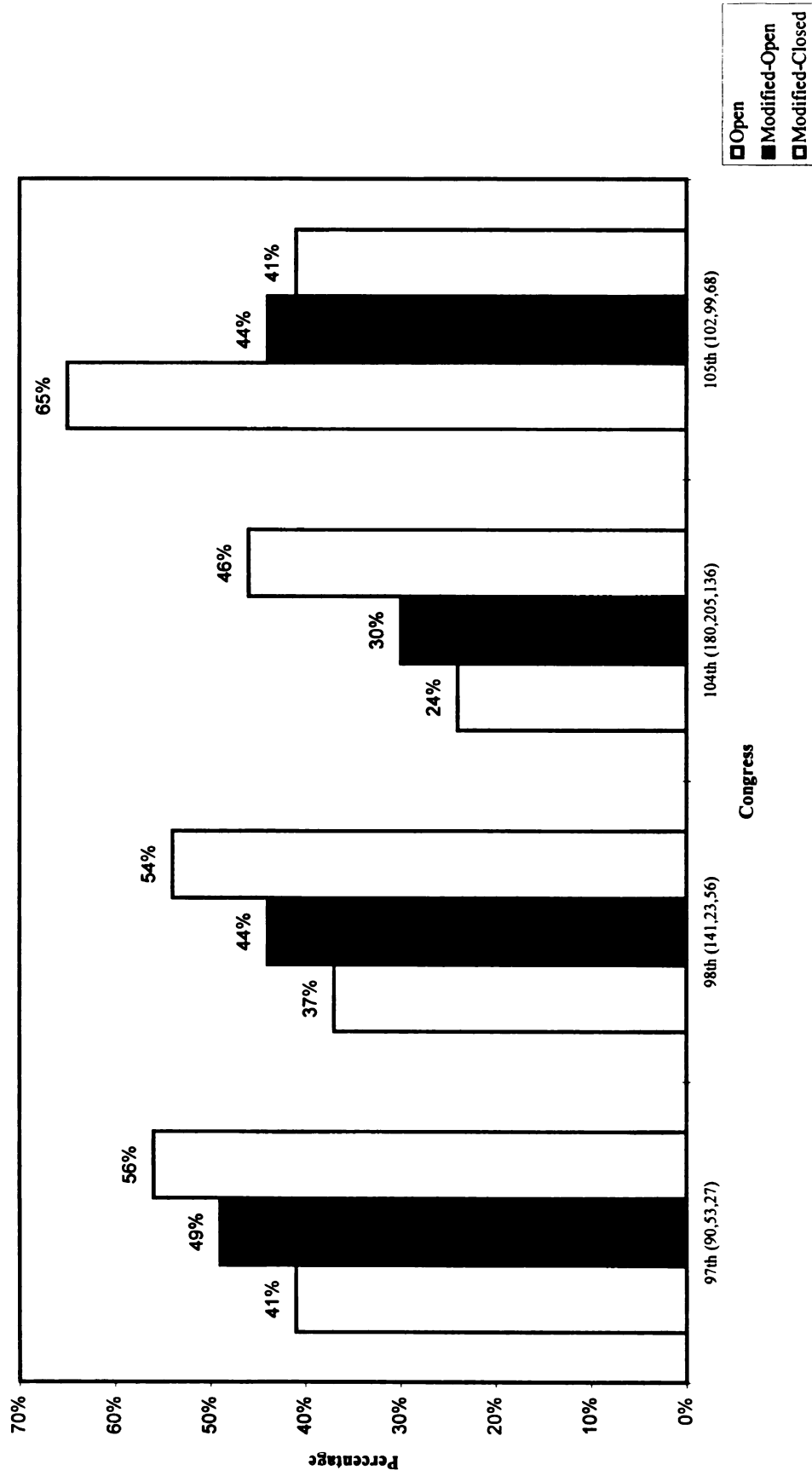


FIGURE 7: Percentage of Majority Favored Amendments Controlling for Rule Type, 97th, 98th, 104th, and 105th Congresses

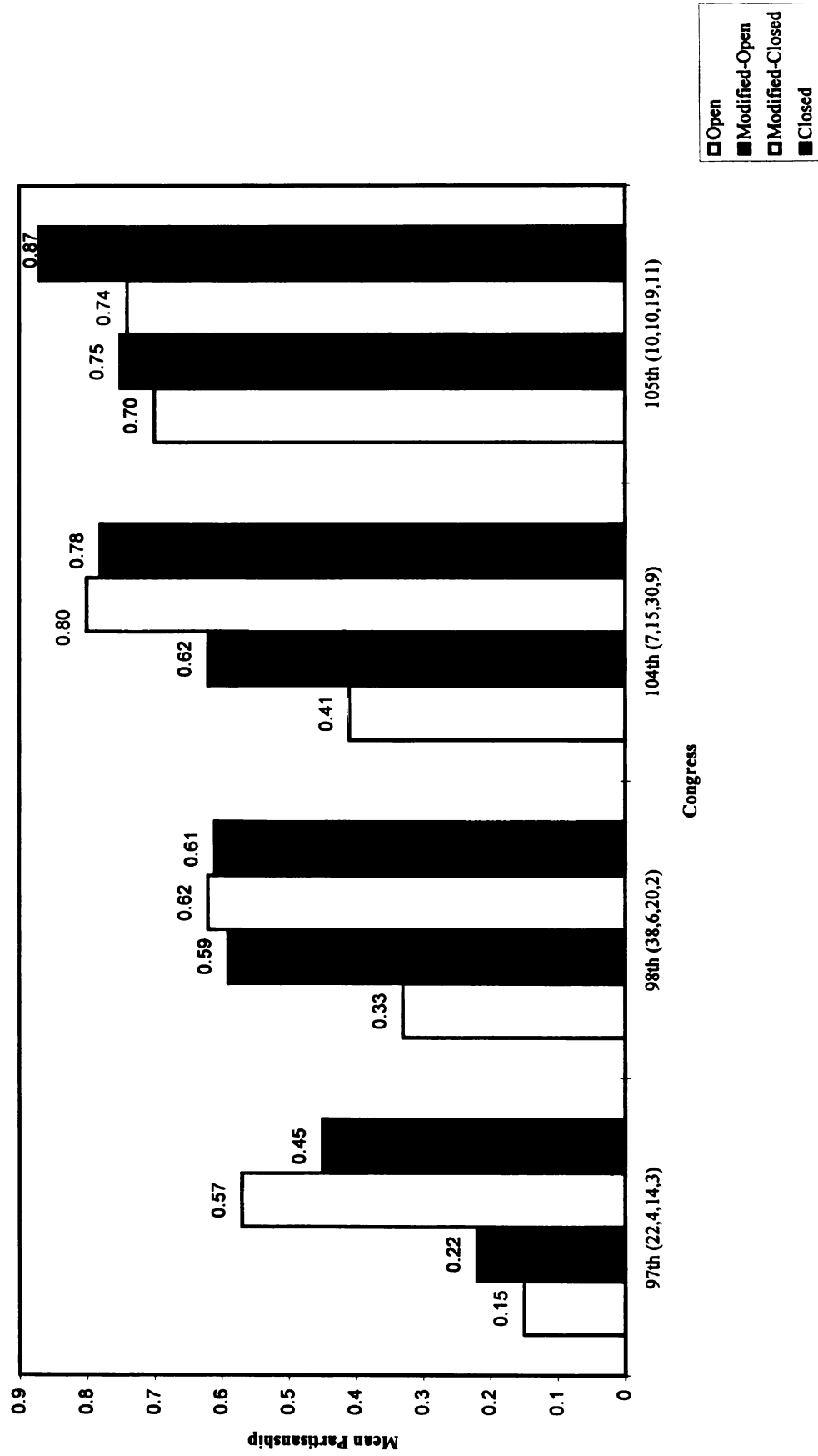


FIGURE 8: Average Partisanship on Special Rules Controlling for the Restrictiveness of Rules

CHAPTER 5

EXPLAINING RESTRICTIVE RULES IN THE POSTREFORM HOUSE

The use of the House Rules Committee as a platform for pursuing party leadership objectives is not a strategy unique to modern Congresses. According to Brown (1922: 88), just before Speaker Reed (R-ME, 1889-91, 1895-99) would report a special rule for the purpose of passing legislation, he would inform the opposition party with grim sarcasm, “*Gentlemen, we have decided to perpetrate the following outrage*”. Since the days of Czar Rule, the Committee has been forced to adapt to changing legislative demands and take on new institutional roles (Oppenheimer 1977; Bach 1981; Bach and Smith 1988). The relationship between party leaders and the Committee has certainly changed over time, but one aspect that has remained relatively constant is the Committee’s importance as an avenue to influence the legislative process.

Indeed, special rules may be employed by leaders as an agenda-control tool to define a subset of alternatives or to emphasize the importance of certain issue dimensions over others in making policy choices (Aldrich and Rohde 1998b; Sinclair 1999). For example, the GOP leadership’s strategy for the impeachment proceedings against President Clinton denied House members a floor vote on censure, and instead, forced members into an up or down decision. During the floor proceedings, one Democratic member complained that the “*Rules Committee could have brought up any motion on the floor and would have had the votes to enforce it.... But ‘they’* [meaning the leadership]

chose not to bring up a motion of censure and instead claimed that censure was unconstitutional” (CR December 19, 1998).

Underlying the impeachment decision was a more subtle but just as politically important choice facing moderate Republicans: vote against impeachment and risk alienation from the GOP mainstream or vote for impeachment and be labeled an extremist in districts that Clinton carried in 1996. According to one account, the leadership’s strategy directly affected the choices of a group of moderates numbering between twenty and thirty members. “*Many of them were willing—some anxious to—consider something short of impeachment*” (CQ December 22, 1998: 3323). The outcome is history.¹ But the point is that if the majority party leadership or its institutional arm—the Rules Committee—would have allowed a choice between impeachment and a less extreme alternative to be considered on the House floor, a different outcome could possibly have resulted.²

Leadership strategies then, are of central concern for understanding congressional politics generally and policy outcomes more specifically. The purpose of this chapter is to test a number of specific claims discussed in Chapter 1 regarding factors that affect the choice of restrictive rules in the legislative process. I begin by briefly elaborating the theoretical arguments and empirical predictions made by the different theories of legislative organization regarding procedural choice. Here, I also present my own

¹ The four articles of impeachment and respective floor votes were: 1. Perjury before a grand jury (228 - 206). 2. Perjury Paula Jones deposition (205 - 229). 3. Obstruction of justice (221 -212). 4. Violations of oath of office (148 - 285).

² Indeed, only a few days after the historic vote on the House floor, four Republican House members delivered letters to Majority Leader Trent Lott, (R-Miss.) requesting that the Senate explore a wider range of options in dealing with the President. The four House members were Rep. Sherwood Boehlert (R-NY), Rep. Benjamin Gilman (R-NY), Rep. Mike Castle (R-DE), and Rep. Jim Greenwood (R-PA).

empirical claims derived from viewing the Rules Committee as the *agent* of the majority party. Next, I marshal empirical evidence using logistic regressions to model rule choice during the 97th, 98th, 104th, and 105th Congresses in order to test assertions made by the competing congressional theories. Finally, the chapter reflects upon leadership strategies and the empirical findings that signify the importance of a Rules Committee that can employ special rules as an agent of the majority party and the implications of these institutional features for understanding policy making. Chapter 6 will then follow up this analysis by empirically assessing the policy implications of rule choice by focusing on the final passage votes for legislation considered under special rules during this same time period.

Theories of Legislative Organization: Testing Expectations of Procedural Choice

Considerable theoretical debate has emerged between congressional theorists regarding the rationale(s) motivating the procedural choice of restrictive rules. Informational, distributive, and partisan perspectives each posit that special rules serve different purposes in the legislature. Gilligan and Krehbiel (1987 and 1990) and Krehbiel (1991 and 1997b) have asserted that restrictive rules are used to produce gains in specialization from the committee system. In contrast, distributive arguments suggest that the structures supporting the committee system (e.g. restrictive rules, gatekeeping, conference committee control) are designed to maintain influence over specific policy areas to provide members with the means to achieve gains from trade (Mayhew 1974; Weingast and Marshall 1988; Baron and Ferejohn 1989; see also the discussion in Shepsle and Weingast 1995). Still, other scholars maintain that restrictions and/or control

over amendment possibilities are used by party leaders to promote majority party priorities (Aldrich and Rohde 1996a; Sinclair 1995a and 1999; Hixon 1999; Marshall, Prins, and Rohde 1998).

Not surprisingly, the research on special rules make various empirical claims and tend to focus on different sets of factors to explain the occurrence of restrictive rules. Table 5 provides a brief overview of the literature that investigates the question of procedural choice (see Table 5). The data on special rules allows us to investigate factors that are hypothesized to affect the choice of restrictive rules. The dependent variable is whether a bill receives an open or restrictive rule. Table 6 provides a complete listing of the variables used in the logit models and their hypothesized effects on rule choice (see Table 6). The next sections summarize the predictions made by informational, distributive, and partisan theories that are addressed with the empirical analysis.

Informational Theory Predictions

From the informational framework, restrictive rules represent the grease for committee specialization. The chamber grants procedural advantages via restrictive rules to induce committees to invest in particular policy areas and then share information for the purpose of collective decision making. Restrictive rules, according to the theory represent an informational tool used by the chamber that results in median-centered policy choices.

The first informational claim is that restrictive rules will tend to be granted to committees with heterogeneous memberships.³ Committee heterogeneity will be increasing in the likelihood of receiving restrictive rules ($\beta_1 > 0$). In contrast, committees composed of members with homogeneous preferences will be less likely to receive restrictive rules. Committee outliers then, will be decreasing in the likelihood of receiving restrictive rules ($\beta_2 < 0$). In addition, the theory predicts that legislation requiring higher levels of committee specialization will be increasing in the likelihood of receiving restrictive rules. The last of the informational claims tested here suggests that minority cosponsors convey policy-relevant information indicating that the particular bill is representative of the chamber. So, both the number of laws cited and the number of minority cosponsors are predicted to have a positive affect on the likelihood of restrictive rules ($\beta_3 > 0$; and $\beta_4 > 0$).

One final point is that in Krehbiel's (1991) original rule analysis, he utilizes a multiple referral variable as another test of the heterogeneity hypothesis. According to his argument, policies referred to multiple committees should reflect greater heterogeneity, so, the variable should be increasing in the likelihood of receiving a restrictive rule. However, Bach and Smith (1988) suggest that multiply referred legislation tends to be associated with higher levels of procedural uncertainty and therefore more likely to receive restrictive rules. Both Krehbiel's and Bach and Smith's theory predicts the variable will be positively related to restrictive rules, ($\beta_5 > 0$). Similarly, the bill scope variable was used in Krehbiel's original analysis to control for

³ Heterogeneity is a relative term. But in Krehbiel's theoretical context, committee heterogeneity means that members' policy preferences tend to be varied across the ideological spectrum similar to the extent that

omnibus legislation. Although a-theoretical, he justified bill scope in the model specification because the empirical literature suggested that omnibus legislation was an important correlate of restrictive rules. In Krehbiel's analysis, the bill scope variable was predicted to be increasing in the likelihood of restrictive rules, ($\beta_6 > 0$). Sinclair has since offered a theoretical rationale for omnibus legislation and used a different measure of omnibus legislation for testing partisan claims (1995b; 1999). Because the theoretical pedigree of these two variables—as measured here—is less clear, I simply incorporate them into the specification as control variables.

Distributive Theory Predictions

Distributive rationales have posited that the differentiated jurisdictions of the committee system facilitate cooperation among a membership with very different constituency interests. The committee system represents an institutionalized exchange mechanism for policy influence. From this view, restrictive rules bond members into keeping legislative agreements. According to the predictions made by distributive theory, the greater the distributive character of the legislation the more likely it will be to receive restrictive rules. Legislation characterized as highly distributive (i.e. concentrates the benefits and spreads the costs) should be more likely to receive restrictive rules than legislation characterized less so. In addition, Krehbiel (1991) attempts to test the distributive claim that suggests because legislators are motivated by reelection related interests, they will grant restrictive rules to increase the probability of receiving particularistic benefits during the current session as opposed to a later one. Thus, both

member preferences are varied in the larger chamber.

variables incorporated to test distributive theory—the distributive content variable and the bill urgency variable—are hypothesized to be increasing in the likelihood of restrictive rules ($\beta_7 > 0$; and $\beta_8 > 0$).

Partisan Theory Predictions

Of the central partisan claims summarized in Chapter 1, this analysis addresses only the predictions made by Dion and Huber's (1996) formal model and my own principal-agent model. So, the theoretical concepts developed in Sinclair's (1995b; 1999) and Aldrich and Rohde's (1996b; 1998b) partisan arguments are not directly tested in the models here. However, in previous work, I tested some of Sinclair's claims and found little supportive evidence. Instead, my concern here is to explicitly test the implications of my own partisan argument derived from the principal-agent relationship between the majority party and the Rules Committee.⁴ In addition, I believe that testing between competing theories as opposed to testing among smaller variations of the same general theoretical framework provides greater purchase into congressional politics.

According to Dion and Huber's formal model, the Rules Committee can grant floor protections in order to promote non-centrist policy outcomes. Their argument asserts that the policy position of the Rules Committee in relation to the legislative committee are a central feature in determining procedural choice. Implicitly, their model suggests that the median policy position of the Rules Committee should have an

⁴ In previous work, I found that Sinclair's measure of committee partisanship had no systematic affect on rule choice (Marshall 1998). However, my model estimates were based on all rules granted during the 104th Congress while Sinclair's (1999) empirical results were based on a subset of rules granted on major legislation and extended over a longer period of time.

independent affect on whether or not a bill receives a restrictive rule.⁵ Although this study is set up differently than Dion and Huber's, the variable constructed to test their claim captures the distance between the policy position of the legislative committee and the Rules Committee.⁶ As the distance in policy positions increase, the Rules median variable should be decreasing in the likelihood of a restrictive rule ($\beta_9 < 0$).

Another variable used to test partisan claims is the number of majority party cosponsors on a particular bill. This variable seems theoretically less suited to test the partisan arguments presented thus far, but has been incorporated here in order to be consistent with previous empirical work on restrictive rules (Krehbiel 1991; Sinclair 1995b). According to Krehbiel's (1991) argument to test the partisan theory, the larger the number of majority party cosponsors, the greater the partisan interest in the bill and therefore the more likely it will receive a restrictive rule ($\beta_{10} > 0$).

In addition to Dion and Huber's claims, I have proposed my own partisan argument for empirical investigation. The partisan perspective I have offered views the majority party contingent on the Rules Committee as a leadership institution, and thus, an *agent* of the party rank-and-file. I have argued in previous chapters that the majority party caucus deliberately delegated the institutional powers of the Rules Committee to its leadership during the reform era for the purpose of promoting collective partisan advantage (Oppenheimer 1977; Bach 1981; Rohde 1991; Sinclair 1995a; Maltzman

⁵ In particular, their model predicts that when the policy preferences of the Rules Committee and the legislative committee are on the same side of the floor median, then the legislation should be granted restrictive rules. When this condition holds, then both Rules and the legislative committee agree on the direction that policies should diverge from median outcomes (Dion and Huber 1996: 27).

⁶ Dion and Huber's (1996) analysis utilizes the proportion of restrictive rules for each of the legislative committees as their dependent variable. The level of aggregation in their dependent variable is problematic for testing bill-level assertions made by the different theories of legislative organization.

1997). The reforms during the 1960s and 1970s eventually institutionalized a principal-agent relationship between the majority party caucus and the majority contingent on Rules. Even more, the increasing homogeneity of the party membership over time has strengthened this relationship between the majority party and the Rules Committee.

Unlike Dion and Huber's model that focuses on the preferences of the Rules Committee, I argue that it is largely the preferences of the majority party that determines whether or not legislation receives restrictive rules. Over time then, as the agency bond between the Rules Committee and the majority party strengthens, we should observe that the policy position of the majority party should become more influential relative to the policy position of the Rules Committee in explaining restrictive rules.

The Rules Committee, then, fulfills an agency role for the majority party. And as such, the Committee would have an incentive to use restrictive rules to pull policies toward the preferred position of the majority party. Thus, the spatial position of the majority party in relation to the legislative committee should be an important factor in determining whether or not a bill receives a restrictive rule. According to this argument, the party median variable will be increasing in the likelihood of restrictive rules, ($\beta_{10} > 0$).

The partisan argument outlined above is based on the premise that the Rules Committee acts as an *agent* of the party rank-and-file. By employing leadership institutions, like the Rules Committee, members of the majority party can better achieve their objectives. The effectiveness of this relationship in achieving collective party objectives depends on the willingness of the party membership to coordinate their actions. The partisan rationale for rule choice developed here is also consistent with

previous arguments emphasizing the importance of party institutions within the legislature (Aldrich and Rohde 1996b; Sinclair 1995a). I now focus on the empirical results to assess the different theoretical claims regarding rule choice.

Empirical Results: Logit Analysis

Informational Theory Results

The logistic regressions are designed to test predictions regarding rule choice made by competing theories of legislative organization and my own partisan model. Turning now to explaining rule choice, the logit models include in their specification the informational, distributive, and partisan variables. Table 7 presents the findings for the 97th and 98th Congresses, while Table 8 presents the findings for the 104th and 105th. For each Congress there are two models, one with the party median variable and one without. For example, Model 97a of Table 7 does not include the party median variable while Model 97b does.⁷

Beginning with Models 97a and 97b from Table 7, one can see that the coefficients for committee heterogeneity and committee outlier are statistically significant and in the expected direction (see Table 7). The positive coefficients for the former variable suggests that committee heterogeneity is increasing in the likelihood a bill will receive a restrictive rule. The negative coefficient for the outlier variable suggests that as the distance between the committee's position and the chamber's increase, the likelihood

⁷ In other words, the unconstrained models have the party median variable included in the specifications while the constrained models don't. More formally, the constrained models assume that $\beta_{10 \text{ party median}} = 0$.

a bill will receive a restrictive rule decreases. Although the model specifications for the 97th Congress are not identical to Krehbiel's (1991) analysis, it is reassuring to see that the substantive effects of the two key informational variables parallel his earlier findings.⁸ However, for the 98th Congress, one can see that these two variables don't fare as well in explaining restrictive rules. Neither the committee heterogeneity nor the committee outlier variables approach statistical significance in Models 98a or 98b. In fact, Table 8 casts further doubt on the committee heterogeneity and outlier variables of informational theory (see Table 8). In all of the model specifications for the 104th and 105th Congresses, the two central variables of informational theory—committee heterogeneity and committee outlier—are statistically insignificant. One might conclude from the over time results that the affects of informational variables on explaining rule choice were unique to the 97th Congress. Barring the results from the 97th Congress, the inference from the models suggests that neither the relative distance of the committee's policy position in relation to the chamber median, nor the heterogeneity of committee memberships explain rule choice.

In addition, the models for the 97th and 98th Congress from Table 7 provide some support for the confirmatory signaling hypothesis. The positive coefficient support the argument that minority support of a particular policy conveys information to the chamber that the bill is representative of the chamber and therefore deserving of floor protection. However, for the 104th and 105th Congresses, the coefficients for the confirmatory

⁸ The consistent findings between the models for the 97th Congress and Krehbiel's lends some credence to the argument that the models here are not egregiously under-specified.

signaling variable are statistically insignificant and the sign contrary to the theoretical expectations.

The results from the # of laws cited variable don't support the specialization hypothesis during the earlier period and are significant in the later period only for the 104th Congress. That is, the findings for the specialization hypothesis tend to contradict Krehbiel's informational claims. The results suggest that for three of the four Congresses, restrictive rules were not used by the chamber to help committees overcome specialization costs.

Distributive Theory Results

The findings on the distributive content and bill urgency variables are consistent with previous research on rule choice (Krehbiel 1991: 174; Sinclair 1995b: 243). Tables 7 and 8 show little support for the distributive argument. The estimated coefficients for the distributive content variable was significant in Model 104a only, and the signs were always contrary to expectations. The negative coefficient of the variable for the distributive argument suggests that policies with greater distributive content decrease the likelihood a bill receives a restrictive rule. The results for the distributive content variable point to a couple of plausible explanations (if one accepts the models are correctly specified): either the claims made by distributive theory are not operative in the postreform House; or what is more likely, the distributive content variable used in this and numerous other empirical works on rule choice is not a reliable measure of distributive policies (Krehbiel 1991 and 1997; Sinclair 1995b; Dion and Huber 1997).

The bill urgency variable was significant in all but one of the model specifications for the four Congresses analyzed here. The positive relationship between bill urgency and the likelihood of restrictive rules conforms to Krehbiel's (1991) findings. In the context of Krehbiel's earlier analysis, the evidence here suggests that legislators are inclined to grant restrictive rules so that policy benefits can be distributed more quickly. However, there is an alternative explanation for the significant relationship of this variable to restrictive rules that tends to support partisan claims. The bill urgency variable captures those policies that are packaged into emergency, supplemental, or continuing resolution bills. White (1989) and Sinclair (1997) have both found that these types of measures tend to be used by party leaders for partisan purposes. So, the positive effects of this variable may have nothing to do with distributive theory, and instead, suggest that restrictive rules may be granted to bills that bundle together majority party priorities. Interpreted in this way, the findings for the bill urgency variable are also consistent with Sinclair's findings that omnibus bills have a positive effect on the likelihood of restrictive rules (1995b; 1999).

Partisan Theory Results

Table 7 also provides some support for Dion and Huber's (1996) argument. The Rules median variable is statistically significant and suggests that as the distance between the ideological position of the Rules median and the legislative committee increases, the likelihood a bill receives a restrictive rule decreases. From a substantive standpoint, the interpretation of the Rule median coefficient in Models 97a and 97b supports the claim

that the ideological position of the Rules Committee can have an independent affect on rule choice.

However, the Rules median variable does not approach statistical significance in Models 98a or 98b suggesting that the policy position of the Rules Committee did not systematically affect procedural choice during the 98th Congress. This finding may be surprising given the context of the 98th Congress because Chairman Claude Pepper of Rules (D-FL) had claimed that the Speaker was less involved in the rules process than had been the case during the 97th Congress (Bach and Smith 1988: 122). Under these conditions, one might expect the policy position of the Rules Committee to have a greater affect on the choice of restrictive rules.

On the other hand, the results may not be surprising if one views the Rules Committee as an *agent* of the majority party. The fact that Claude Pepper, who took over the Rules Committee in the 98th Congress, was viewed as a more bipartisan chair suggests that the Committee may not have been as actively involved in pursuing a partisan agenda as previously was the case during the 97th Congress under Chairman Bolling (D-MO). Moreover, the positive coefficients for the Rules median variable during the 98th Congress suggests that as the distance in policy positions between Rules and the legislative committee increased, the likelihood of a restrictive rule also increased. Certainly, the results for the 98th Congress are not the basis from which to characterize the Rules Committee as an independent and autonomous institution. Nor do the findings attest to Dion and Huber's claims that during the 98th Congress the Committee used restrictive rules to pull policies toward a position more in line with their own.

In contrast, the results in Table 8 for the 104th and 105th Congresses are tentatively more supportive of Dion and Huber's claims. The signs of the Rules median variable are once again in the expected direction, statistically significant in Model 104b, and approach significance in the other three models.⁹ The over time results then, provide tentative support for the argument that the policy position of the Rules Committee can have an independent affect on rule choice. Still, the results for the Rules median variable are not necessarily inconsistent with the argument that the Rules Committee serves an agency role for the majority party. That is, the leadership may stack the committee membership to ensure its responsiveness to the policy interests of the majority party. Dion and Huber raise this very point: "*Why does Rules have the members that it does, and thus a particular set of policy preferences and interests?*" (1996: 43). The answer, perhaps by design of the majority party. The policy positions of the Rules Committee matter in explaining restrictive rules because the party chooses agents with preferences reflective of or at least compatible with the party's policy objectives.¹⁰

The last claim addressed by the logit analysis is the partisan argument that the Rules Committee acts as the *agent* of the majority party and thus, the policy position of

⁹ One problem with the Rules median variable is that it captures spatial distance only. For this reason, I created an interaction variable that captures relative position in relation to the floor median and the distance between Rules and the legislative committee. According to Dion and Huber's model, the Rules Committee would consider granting a restrictive rule when the substantive committee and Rules were on the same side of the floor median. Presumably, as the spatial distance increases, their model would predict the variable to be decreasing in the likelihood of restrictive rules. For the congresses used here, it was never the case that the Rules median and the legislative committee took on the same values, so zeros indicated the floor median was between the committee and Rules. Alternatively, positive values indicated the spatial distance between the two when Rules and the legislative committee were on the same side of the floor median. The results were mixed. The variable was significant in the 97th and 98th but in the expected negative direction only for the latter.

¹⁰ The Rules median and the Party median variable are correlated. It is also interesting to note that the coefficients of the Rules median variable increase in size for Models 97b, 104b, and 105b when the Party median variable is added.

the majority party should be an important factor in explaining restrictive rules. Tables 7 and 8 indicate that the party median variable is statistically significant and in the expected direction for each of the models (97b, 98b, 104b, and 105b). The positive coefficients suggest that when the party median is more extreme than the substantive committee and both are on the same side of the floor median, then the bill will be more likely to receive a restrictive rule. The inference is that the policy position of the party median does systematically affect whether or not a bill is granted a restrictive rule. Moreover, the overall fit of the models are generally better with the party median variable than without. The likelihood-ratio tests presented at the bottom of Tables 7 and 8 further attest to the claim that the party median variable contributes a significant amount of information in predicting restrictive rules.

Table 9 transforms the logit coefficients in order to make more interpretable comparisons of each variable's effect on rule choice (see Table 9). Table 9 provides the marginal effects on the probability of a restrictive rule for the unconstrained models (Models 97b, 98b, 104b, and 105b). The cells in the table represent the percentage change in the probability of a bill receiving a restrictive rule when one of the exogenous variables is fluctuated one standard deviation from its mean while all other variables are held constant. For example, looking at Table 9, the committee heterogeneity variable for the 97th Congress increased the probability a bill would receive a restrictive rule by 12%. One interesting pattern to take note of is that the marginal effect of the party median variable has increased substantially from the 97th to the 105th Congress. The marginal effect of the party median variable went from 6% in the 97th, to 14% during the 98th, and doubled again by the 104th Congress to 28%. These findings

seem to parallel arguments that restrictive rules have become increasingly relied upon by party leaders as a strategy to advantage the policy agenda of the majority party over time (Sinclair 1992 and 1995b; Aldrich and Rohde 1998a).

Diagnostics

Robust Estimation

There are potential problems in relation to the data and estimation procedures that can affect the inferences I make from the statistical models on rule choice. In this section, I use a couple of diagnostic procedures to test the overall sensitivity of my results. The first diagnostic test that I consider is the extent that the errors in the logit model meet ideal conditions (e.g. independent and identically distributed - *i.i.d.*). In effect, the robust estimation technique attempts to achieve the efficiency of the typical logistic method under ideal conditions (e.g. when the Gauss-Markov assumptions hold). The robust estimation technique tests the assumption that for any given values of X , say X_i and X_j , that the correlation between their residuals will be zero, $E(U_i / X_i)$ and $E(U_j / X_j) = 0$. For the cross-sectional data, like that used here, this problem is called spatial autocorrelation. The root of the problem in violating this assumption is a reduction in efficiency. In terms of making inferences, this violation affects hypothesis testing. In particular, greater standard errors of the estimates may mean that null hypotheses are not rejected when in fact they should be. Thus, larger standard errors increase the proclivity of committing a type II error or accepting a false hypothesis that $\beta_k = 0$.

The standard errors presented in Tables 7 and 8 were generated using the robust technique. There were only minimal differences between the standard errors of the normal logit and robust logit models. The comparison of the standard errors suggests that no real differences in efficiency exists between the two. To the extent that the assumptions about the data are violated, they do not pose problems for the statistical significance of the variables in the analysis. Moreover, the results from the robust estimation technique provide greater confidence in the substantive inferences made regarding rule choice and the theories of legislative organization.

Multinomial Models

In addition, a different estimation technique was used to test the effects of informational, distributive, and partisan variables on rule choice. The multinomial technique incorporates an expanded level of information on the dependent variable. By comparing the estimated effects of the exogenous variables on the expanded dependent variable with those from the logit models, I can discern how the effects differ across the two, and therefore better judge the substantive inferences made from the original analysis. In other words, by comparing the two techniques, I can determine how much information is lost from modeling rule choice as a dichotomous variable. The multinomial technique may provide additional insight on the conditions in which the exogenous variables matter (i.e. only under modified-open or modified-closed).

Here, the dependent variable assumes four categories. The multinomial logit model makes the same assumptions and can be derived directly from the logit case. More formally, the polytomous choice model is expressed such that $P(Y_i = j)$ for $j = 0, 1, 2, \text{ or } 3$

and $P(Y_i = j \mid x_{ik}) = \exp(x_i\beta_j) / 1 + \sum_k \exp(x_i\beta_k)$ for each j .¹¹ As discussed in Chapter 3, special rules were coded into open, modified-open, modified-closed, and closed classifications. In Chapter 3, I showed that there were very few modified-open and modified-closed rules in the 97th and 98th Congresses. Modeling rule choice for these earlier Congresses is problematic because of the relative deprivation of information (cases and variance in X) for the two categories. So, I rely on the 104th and 105th Congresses in using the multinomial technique for estimating the effects of the exogenous variables on rule choice.

Tables 10 and 11 present the findings of the multinomial logit models for the 104th and 105th Congresses. In Table 10, we can see that the effects of the exogenous variables on rule choice are similar to the findings found in the original logit models (see Table 10). For example, the signs of the variables and their significance parallels the findings from the logit model in Table 8. Table 11 also shows analogous findings to the original logit analysis (see Table 11). In fact, the party median variable in Tables 10 and 11 demonstrate that the policy position of the majority party significantly affects the choice of modified-closed and closed rules. Overall, the findings from the multinomial models are consistent with those from the logit models and further reinforce the substantive claims regarding rule choice previously discussed.

¹¹ The base category is open rules ($j=0$), so the equation solves for $j = 1, 2$, and 3 (modified-open, modified-closed, and closed rules respectively).

Outlier Analysis

I use one final diagnostic tool to test for potential problems and/or the fragility of the inferences I have made about rule choice. Outlier analysis provides insight into the performance of the models predictive ability. In particular, this type of analysis allows one to observe the specific cases that are not predicted accurately by the statistical model. This can be theoretically useful in order to determine the conditions in which the model's performance does not accurately represent the data generating process. In addition, outliers can be a concern for making inferences because they can pull estimates in a contrary direction.

The first step to assess the effects of outliers on the model estimates is to plot the data to see which cases don't fit well. Figure 9 identifies each data point according to the intersection of two dimensions (see Figure 9). The first dimension represents the predicted probability of a bill receiving a restrictive rule (the X-axis) and the second represents a poorness-of-fit dimension (the Y-axis). The location and size of the circles on the plot determine relative fit and influence respectively. Observations that are relatively high and relatively large tend to be the cases that require further scrutiny. Figure 10 provides the comparable plot of outliers for the 105th Congress (see Figure 10). Three outliers for the 104th and 105th Congresses are labeled and identified at the bottom of each figure. There is no theoretical reason at this point to exclude these cases from analysis, but as a methodological exercise, the three outlier cases from each model were removed to test their effects on the statistical models. Although not shown here, the coefficient estimates for the 104th and 105th Congress show very little change when these outliers are removed from the analysis. This indicates that even though there are some

rules that are not predicted well, none have an undue influence that jeopardizes the inferences made from the models.

Interestingly enough, two of the outliers identified for the 104th are for rules dealing with budget policy and a third outlier for the 105th is related to an emergency supplemental appropriations bill. This follows to some extent findings by Kiewiet and McCubbins (1991), who suggest that budget related policies may receive different types of advantages by the Rules Committee. Their argument could reflect on the fact that the models estimated here don't capture these type of advantages (a shortcoming of the data and not necessarily the theory). For example, instead of restricting amendment activity, party leaders could advantage certain policies by selectively waiving Budget Act requirements or in the case of appropriations, waiving points of order against authorizing language. The point here is that the coding scheme employed here for restrictive rules does not incorporate this type of information. The statistical model I use does not predict well for rules used on these policies because party leaders can employ different types of advantages through special rules.

The three additional methodological techniques used here have allowed me to better assess whether or not assumptions of the statistical model have been violated, and if so, the extent that the violations affect the substantive inferences made from the models. Overall, the results from these different procedures have increased the confidence I have in the statistical results and the sturdiness of the theoretical inferences.

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Conclusion

The analysis set out to test contemporary theories of Congress that purport to explain procedural choice in the legislative process. With only one exception, the two key variables in Krehbiel's informational theory did not explain variation in the choice of restrictive rules. Both the committee heterogeneity and outlier variables were found to be systematically unrelated to whether or not a bill receives a restrictive rule for the 98th, 104th, and 105th Congresses. The lack of empirical support for the committee heterogeneity and committee outlier constructs undermines the majoritarian claim that special rules are used as informational devices by the chamber and that this design tends to promote median-centered policy results. In addition, there exists little support for the distributive argument that restrictive rules are used as the glue to bond together legislative deals. The coefficients for the distributive content variable were consistently opposite the theoretical claims.

Evidence for Dion and Huber's (1996) arguments were limited. The Rules median variable was statistically significant only for models estimated during the 97th Congress. Interestingly though, the findings differ between the first and second sessions of the 97th. When the same models were estimated after dividing the Congress by session, the Rules median coefficient was insignificant for the first session (1981), but highly significant for the second (1982).

This finding seems to make sense in the principal-agent context because the Democratic majority in the 97th Congress was deeply divided (Sinclair 1985). With deep divisions in the majority party, one might not expect the Rules Committee to perform its loyal *agency* role as effectively as when the party was not so divided. Specifically,

during the first session of the 97th a sizable contingent of conservative Democrats supported President Reagan's fiscal policies that were designed to turn back decades of liberally-directed federal growth. Reagan's overall economy-fixing philosophy was so popular in the districts of these conservative Democrats that they had basically estranged themselves from the leadership and the rest of the left-leaning caucus. Sinclair (1985) argued that many southern Democrats were converted to Reagan's economic cause because most viewed the 1980 landslide election as a mandate for Reagan's economic philosophy and it had maintained overwhelming popularity and resilience in the electorate. In fact, Sinclair shows that President Reagan was able to dominate the House floor agenda and thus the ability to define policy choices. The Democratic leadership were in effect resigned to a policy strategy of me tooism (Sinclair 1985: 293).

These forces dividing the House Democratic majority were extremely potent in shaping lines of conflict over the President's fiscal plan represented by the first concurrent budget resolution (HR 3982). Moreover, House members in general viewed the vote on the rule for the budget resolution critical to the policy outcome and during the debate on the rule Trent Lott (R-LA) appealed to members' constituency concerns, "*The reconciliation rule proposed by the Democratic leadership in the Rules Committee effectively denies at least half the Members of this House and the 110 million Americans they represent a clearcut vote on the President's package...Make no mistake about it...This is the vote on substance, not on procedure...The American people will know that this is the vote*" (CR 6/25/1981: 14074).¹²

¹² There was intense partisan debate regarding the proposed rule (Hres 169) that would bring the first concurrent budget resolution to the floor. But, the previous question on the rule was defeated. By

Certainly, the differences found between the first and second sessions of the 97th are an interesting case. The findings illustrate an important inter-institutional dynamic in congressional politics—part of which goes untold in Sinclair’s analysis (1985). Despite the Democratic leadership’s dominance over the Rules Committee, the leadership was not able to control the floor agenda, especially during 1981. Without the ability to define policy alternatives on the floor, the institutional powers of the liberal-oriented Rules Committee became largely irrelevant in shaping outcomes. This effect appears in the insignificant results for the Rules median and Party median variables on rule choice during the first session. But, as Reagan’s control over the House agenda slid, the ability of the Democratic leadership and the Rules Committee to shape policy outcomes strengthened. This effect is demonstrated by the highly significant results for the Rules median and Party median variables on rule choice for the second session.

In addition, the empirical findings show that the Rules median variable always explained rule choice better when in conjunction with the Party median variable. The result suggests that the two variables together may capture an important element of rule choice that is not captured by each separately. For instance, the coefficient for the Rules median variable was larger during three of the four Congresses when the model specifications included the Party median variable. Although not shown, there was little difference in the Party median coefficients when the Rules median variable was not included in the models. So, the Party median variable tended to add explanatory power to

defeating the previous question on the rule, the Republicans achieved procedural control of the House floor to offer their own substitute rule (see CR 6/25/1981: H14078). If a House majority votes to order the previous question on the rule, then the House immediately considers the rule with no further debate and with no further opportunity for amendment (see Bach and Smith 1988: 8).

the Rules median variable, but the reverse was not true. This indirectly lends support to the argument that the Rules Committee behaves in a manner consistent with the policy position of the majority party. The policy position of the Rules Committee matters in determining restrictive rules, by design, as a leadership institution for the majority party.

The substantive effect of the Party median variable on rule choice was found to be two times as great during the 104th-105th Congresses as compared to the earlier ones (see Table 9). It is true that the Party median variable does not capture the homogeneity of the majority party. But, it has been empirically shown that the level of party homogeneity has risen noticeably between the 97th and 105th Congresses (Aldrich and Rohde 1998a). And more importantly, the theory says that the substantive influence of leadership institutions should become more prevalent as the majority party becomes more homogeneous. The findings on rule choice support this very contention. So, one might infer that the stronger or more homogeneous the majority party, the better the Committee performs its *agency* role.

The direct evidence in support of the partisan framework for rule choice is compelling. The party median variable was significant in all of the specifications for the 97th, 98th, 104th, and 105th Congresses. Indeed, one of the most important factors in determining whether or not a bill receives a restrictive rule is the relative position of the majority party in relation to the legislative committee. This is also consistent with the view that the Rules Committee tends to grant protective rules in order to pull policies in the preferred direction of the majority party or at least prevent them from being amended toward the floor median.

Special rules represent a choice made by party leaders regarding whether or not to use a particular type of legislative strategy. This decision tends to reflect the goals and/or preferences of the majority party. One freshman during the first 100 days of the 104th makes the point nicely, “ *If worse comes to worse we’ll close the rules at the last minute and ram everything through*” (Gimpel 1996: 98-102). The findings from this logit analysis of rule choice during four Congresses of the postreform strongly support the claim that the policy position of the majority party affects this choice.

TABLE 5: Overview of Research Explaining the Occurrence of Restrictive Rules

Authors/Theoretical Rationale	Central Concepts Explaining Rule Choice	Empirical Findings
<ul style="list-style-type: none"> • Krehbiel 1991; 1997b • <i>Informational</i> 	<ul style="list-style-type: none"> • Committee Heterogeneity • Committee Outlier • Committee Specialization • Confirmatory Signaling 	Findings in support of informational rationale, but against distributive and partisan theories.
<ul style="list-style-type: none"> • Sinclair 1995b; 1998; 1999 • <i>Partisan</i> 	<ul style="list-style-type: none"> • Party Leadership Involvement • Committee Partisanship • Omnibus Legislation 	Findings in support of partisan theory, but against informational and distributive.
<ul style="list-style-type: none"> • Aldrich and Rohde 1996a; 1998a • <i>Partisan</i> 	<ul style="list-style-type: none"> • Partisan Policy Division • Party Homogeneity 	Findings in support of partisan theory.
<ul style="list-style-type: none"> • Dion and Huber 1996; 1997 • <i>Rules Committee</i> 	<ul style="list-style-type: none"> • Rules Committee Preferences 	Supports that Rules Committee facilitates non-centrists policy outcomes.
<ul style="list-style-type: none"> • Ferejohn 1974; Fiorina 1981; Weingast and Marshall 1988 • <i>Distributive</i> 	<ul style="list-style-type: none"> • Pork-Barrel Policy 	Mostly formal results. Supports distributive claims.

TABLE 6: Theories of Legislative Organization and Expectations Regarding Restrictive Rules

Theoretical Rationale	Exogenous Variable	Expectations for Restrictive Rules ¹
<ul style="list-style-type: none"> <i>Informational</i> 	<ul style="list-style-type: none"> Committee Heterogeneity Committee Outlier # Laws Cited (specialization) # Minority Cosponsors (confirmatory signaling) 	<ul style="list-style-type: none"> $\beta > 0$ $\beta < 0$ $\beta > 0$ $\beta > 0$
<ul style="list-style-type: none"> <i>Control Variables</i> 	<ul style="list-style-type: none"> Multiple Referral (restrictive rule correlate) Bill Scope (restrictive rule correlate) 	<ul style="list-style-type: none"> $\beta > 0$ $\beta > 0$
<ul style="list-style-type: none"> <i>Distributive</i> 	<ul style="list-style-type: none"> Distributive Content Bill Urgency 	<ul style="list-style-type: none"> $\beta > 0$ $\beta > 0$
<ul style="list-style-type: none"> <i>Rules Committee</i> 	<ul style="list-style-type: none"> Rules Median Rules Median Interaction (Rules X Legislative Profile) 	<ul style="list-style-type: none"> $\beta < 0$ $\beta < 0$
<ul style="list-style-type: none"> <i>Partisan</i> 	<ul style="list-style-type: none"> # Majority Cosponsors Party Median 	<ul style="list-style-type: none"> $\beta > 0$ $\beta > 0$

¹ $\beta_k > 0$ indicates the exogenous variable is hypothesized to be increasing in the likelihood a bill receives a restrictive rule. $\beta_k < 0$ indicates the exogenous variable is hypothesized to be decreasing in the likelihood a bill receives a restrictive rule.

TABLE 7: Logit Models 97th and 98th Congresses (1981-1984)

Independent Variables	Theoretical Rationale	Model 97a 97 th Congress	Model 97b 97 th Congress	Model 98a 98 th Congress	Model 98b 98 th Congress
Constant	----	14.305 * (6.310)	14.560 (7.892)	-1.323 * (.660)	-2.004 ** (.757)
Referral	Control	-.088 (.872)	-.246 (1.169)	.467 (.580)	.572 (.581)
Bill Scope ^o	Control	----	----	-.005 (.005)	-.003 (.005)
Committee Heterogeneity	Information	23.342 ** (8.895)	72.313 ** (22.046)	4.762 (9.574)	16.251 (11.220)
# of Laws Cited	Information	-.033 (.026)	-.033 (.026)	.071 (.038)	.061 (.037)
# of GOP Cosponsors	Information	.034 * (.016)	.026 (.014)	.107 * (.043)	.105 * (.044)
Committee Outlier	Information	-74.537 * (32.170)	-86.378 * (41.922)	-1.431 (5.777)	4.909 (6.606)
Distributive ^o Content	Distributive	----	----	-3.245 (3.560)	-3.122 (4.062)
Bill Urgency	Distributive	2.947 ** (.883)	3.023 * (1.240)	1.625 ** (.583)	1.869 ** (.617)
Rules Median	Rules	-73.742 * (30.226)	-86.711 * (37.596)	2.591 (4.276)	.162 (4.010)
# of Democratic Cosponsors	Partisan	-.065 (.037)	-.041 * (.016)	-.039 * (.018)	-.041 * (.019)
Party Median	Partisan	----	3.570 ** (1.296) Y	----	1.506 * (.761) Ψ
		N=117 LL = -41.829 χ^2 (8) = 35.08** Pseudo R ² = .30 Predicted =81% Null Model =80% Improvement =1%	N=117 LL = -34.709 χ^2 (9) =49.32** Pseudo R ² = .42 Predicted =91% Null Model =80% Improvement =14%	N=138 LL = -68.715 χ^2 (10) =23.03** Pseudo R ² = .14 Predicted =79% Null Model = 73% Improvement =8%	N=138 LL = -66.564 χ^2 (11) = 27.33** Pseudo R ² = .17 Predicted =78% Null Model = 73% Improvement =6%

^o The dependent variable is whether a bill received an open or restrictive rule. Standard errors are robust.

* Indicates statistical significance at (p < .05). ** Indicates statistical significance at (p < .01).

◊ Bill scope and distributive content variable information were not available for the 97th Congress.

Y Model 97b is the unconstrained model. Likelihood-Ratio Test: χ^2 (1) = 14.24 (P= 0.0002).

Ψ Model 98b is the unconstrained model. Likelihood-Ratio Test: χ^2 (1) = 4.30 (P=0.0381).

TABLE 8: Logit Models 104th and 105th Congresses (1995-1998)

Independent Variables	Theoretical Rationale	Model 104a 104 th Congress	Model 104b 104 th Congress	Model 105a 105 th Congress	Model 105b 105 th Congress
Constant	-----	1.847 (1.631)	1.328 (1.704)	3.121 (2.198)	3.498 (2.544)
Referral	Control	.847 (.546)	-.172 (.623)	1.211 (.719)	1.865 * (.902)
Bill Scope	Control	-.002 (.002)	-.005 * (.003)	-.002 (.003)	-.005 (.004)
Committee Heterogeneity	Information	.590 (6.443)	3.670 (6.873)	-4.794 (5.711)	2.447 (6.575)
# of Laws Cited	Information	.031 * (.015)	.046 ** (.016)	.023 (.021)	.038 (.024)
# of Democratic Cosponsors	Information	.002 (.020)	-.0001 (.018)	-.021 (.016)	-.028 (.018)
Committee Outlier	Information	-7.929 (6.552)	-5.882 (6.753)	-7.446 (6.509)	-9.329 (7.547)
Distributive Content	Distributive	-16.173 * (8.296)	-13.719 (8.067)	-7.823 (4.568)	-7.274 (4.815)
Bill Urgency	Distributive	3.331 ** (.614)	3.639 ** (.900)	2.104 * (1.001)	1.801 (1.009)
Rules Median	Rules	-11.606 (6.192)	-17.766 * (7.181)	-13.143 (7.883)	-19.468 (10.465)
# of GOP Cosponsors	Partisan	.004 (.006)	.007 (.006)	.016 ** (.006)	.020 ** (.007)
Party Median	Partisan	-----	2.431 * (1.035) Υ	-----	1.659 * (.754) Ψ
		N=140 LL = -72.043 χ^2 (10) = 47.13** Pseudo R ² = .25 Predicted =71% Null Model =56% Improvement =28%	N=140 LL = -68.358 χ^2 (11) =54.50** Pseudo R ² = .29 Predicted =76% Null Model =56% Improvement =36%	N=136 LL = -82.911 χ^2 (10) =22.45** Pseudo R ² = .12 Predicted =58% Null Model = 53% Improvement =10%	N=136 LL = -79.327 χ^2 (11) = 29.62** Pseudo R ² = .16 Predicted =68% Null Model = 53% Improvement =28%

¹ The dependent variable is whether a bill received an open or restrictive rule. Standard errors are robust.

* Indicates statistical significance at (p < .05). ** Indicates statistical significance at (p < .01).

Υ Model 104b is the unconstrained model. Likelihood-Ratio Test: χ^2 (1) = 7.37 (P= 0.0066).

Ψ Model 105b is the unconstrained model. Likelihood-Ratio Test: χ^2 (1) = 7.17 (P=0.0074).

TABLE 9: Marginal Effects on Changes in the Probability of a Bill Receiving a Restrictive Rule, 97th, 98th, 104th, and 105th Congresses

Independent Variables	Theoretical Rationale	Model 97b 97 th Congress	Model 98b 98 th Congress	Model 104b 104 th Congress	Model 105b 105 th Congress
Constant	-----	-----	-----	-----	-----
Referral	Control	0%	4%	2%	17% *
Bill Scope	Control	-----	2%	17% *	12%
Committee Heterogeneity	Information	12% **	8%	4%	3%
# of Laws Cited	Information	0%	5%	27% **	14%
# of Minority Cosponsors	Information	1% *	16% *	0%	11%
Committee Outlier	Information	1% *	4%	9%	17%
Distributive Content	Distributive	-----	6%	14%	10%
Bill Urgency	Distributive	2% *	12% **	29% **	10%
Rules Median	Rules	1% *	1%	25% *	31%
# of Majority Cosponsors	Partisan	1%	29% *	8%	20% **
Party Median	Partisan	6% **	14% *	28% *	20% *

¹ The dependent variable is whether a bill received an open or restrictive rule.

* Indicates coefficients in logit models were significant at (p < .05).

** Indicates coefficients in logit models were significant at (p < .01).

TABLE 10: Multinomial Logit Model 104th Congress (1995-1996)

Independent Variables	Theoretical Rationale	Modified-Open	Modified-Closed	Closed
Constant	-----	2.979 (3.078)	4.437 (3.653)	4.082 (3.795)
Referral	Control	.708 (.856)	.668 (.886)	-.798 (.951)
Bill Scope	Control	.003 (.003)	-.0003 (.004)	-.020 * (.009)
Committee Heterogeneity	Information	-4.878 (7.204)	1.852 (7.332)	-7.280 (11.880)
# of Laws Cited	Information	.018 (.022)	.057 * (.024)	-.130 (.141)
# of Democratic Cosponsors	Information	-.047 (.048)	-.018 (.025)	-.006 (.023)
Committee Outlier	Information	-16.751 (12.523)	-19.871 (14.595)	-13.077 (14.736)
Distributive Content	Distributive	.021 (5.025)	-10.951 (9.287)	-31.906 (22.653)
Bill Urgency	Distributive	20.498 ** (1.329)	23.019 ** (.943)	24.088 (...)
Rules Median	Rules	-16.262 (12.103)	-36.185 * (16.134)	-23.914 (14.934)
# of GOP Cosponsors	Partisan	.005 (.008)	.013 (.007)	.004 (.009)
Party Median	Partisan	.397 (.983)	2.699 * (1.301)	3.210 * (1.391)

		N=140 LL = -133.869 $\chi^2(33) = 110.27$ P>.0000 Pseudo R ² = .29		
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¹ The dependent variable is whether a bill received an open, modified-open, modified-closed or closed rule.

² The base category is open rules.

* Indicates statistical significance at (p < .05). ** Indicates statistical significance at (p < .01).

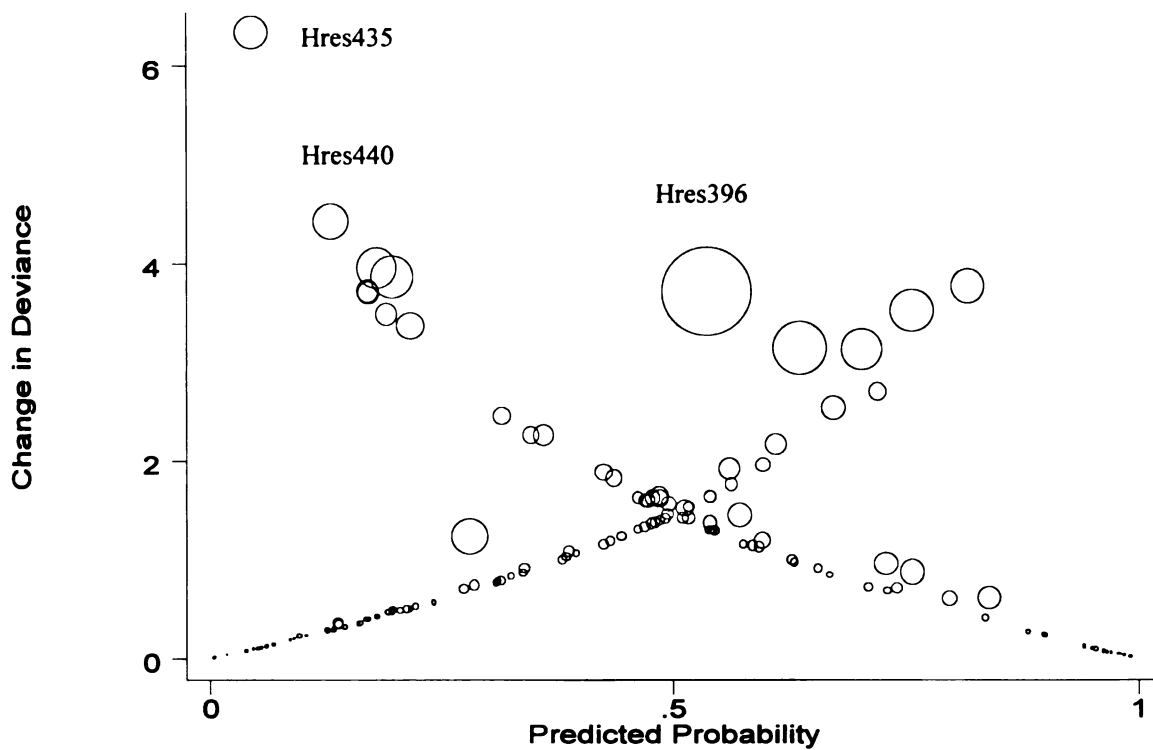
TABLE 11: Multinomial Logit Model 105th Congress (1997-1998)

Independent Variables	Theoretical Rationale	Modified-Open	Modified-Closed	Closed
Constant	-----	-5.377 (2.942)	1.728 (2.835)	2.179 (3.828)
Referral	Control	-1.584 (1.445)	2.123 * (.925)	.869 (.997)
Bill Scope	Control	.009 (.005)	.005 (.005)	-.010 (.006)
Committee Heterogeneity	Information	6.154 (8.897)	6.586 (8.580)	3.589 (8.042)
# of Laws Cited	Information	-.003 (.029)	.021 (.031)	.056 (.036)
# of Democratic Cosponsors	Information	-.002 (.026)	-.042 (.021)	-.017 (.023)
Committee Outlier	Information	11.778 (9.202)	-6.343 (8.888)	-6.330 (12.135)
Distributive Content	Distributive	-6.963 (6.686)	-12.881 (6.760)	-3.916 (5.502)
Bill Urgency	Distributive	21.460 (...)	22.184 ** (1.454)	23.520 ** (1.566)
Rules Median	Rules	11.812 (9.675)	-17.058 (10.235)	-16.069 (13.273)
# of GOP Cosponsors	Partisan	.007 (.012)	.027 ** (.009)	.014 (.009)
Party Median	Partisan	.590 (.844)	1.676 * (.835)	1.990 * (.896)
		N=136 LL = -154.820 χ^2 (33) = 61.81 P > .002 Pseudo R ² = .17		

¹ The dependent variable is whether a bill received an open, modified-open, modified-closed or closed rule.

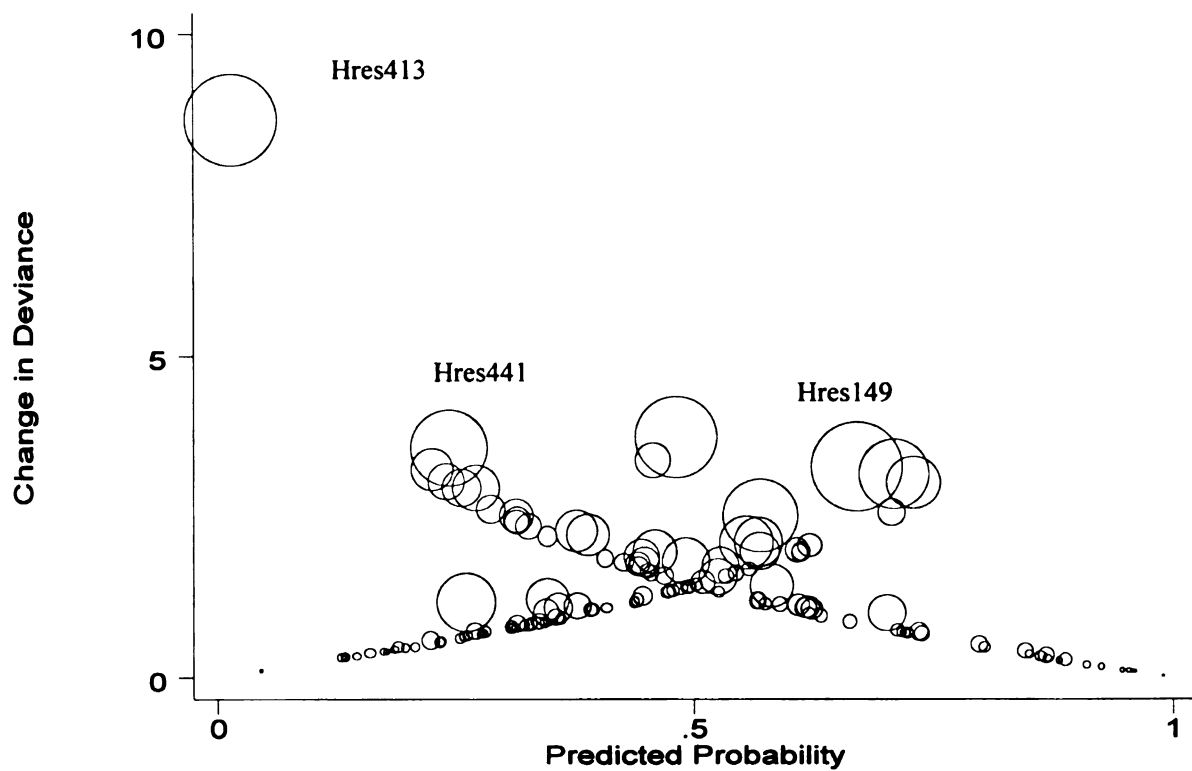
² The base category is open rules.

* Indicates statistical significance at (p < .05). ** Indicates statistical significance at (p < .01).



- 1.) hres435/HR3448. Small Business Tax Package. Predicted probability of restrictive rule = 5%.
- 2.) hres440/HCR178. Concurrent Resolution on the Budget FY1997. Predicted probability of restrictive rule = 13%.
- 3.) hres396/HR842. Truth in Budgeting Act. Predicted probability of restrictive rule = 54%.

FIGURE 9: Outlier Analysis Model 104b (104th Congress)



- 1.) Hres413/S1502 D.C. Student Opportunity Program. Predicted probability of restrictive rule = 1%.
- 2.) Hres441/HR3616 National Defense. Predicted probability of restrictive rule = 24%.
- 3.) Hres149/HR1469 Emergency Supplemental Appropriations. Predicted probability of restrictive rule = 67%.

FIGURE 10: Outlier Analysis Model 105b (105th Congress)

CHAPTER 6

THE POLICY IMPLICATIONS OF LEADERSHIP STRATEGIES: EVIDENCE FROM THE HOUSE AND SENATE

Introduction

In Chapter 4, I found a marked change in the behavior of the Rules Committee over time. The findings there suggest that the Committee has become much less likely to block legislation from reaching the floor by denying special rules. I argued that this dramatic change reflected the Rules Committee's increased responsiveness to majority party policy interests. In addition, the evidence on majority and minority party support of amendments suggests that committee proposals in general tended to also better reflect the collective interests of the majority party. I have argued that these changes (especially related to the committee system) have lowered the costs for majority party members to empower leaders and have subsequently increased the incentives for the rank-and-file to support leadership strategies that provide greater floor protection on committee proposals. This was also evidenced by the dramatic increase in majority party support on special rules over time.

In Chapter 5, the analysis set out to confirm or disconfirm claims made by theories of legislative organization regarding the role of restrictive rules in Congress. Overall, the logistic analysis of rule choice for the 97th, 98th, 104th, and 105th Congresses provide strong evidence regarding the importance of the majority party's policy position in determining the choice of restrictive rules. The findings support the theoretical

argument that party leaders employ restrictive rules in response to the collective policy interests of the majority party. Together, the findings from the two previous empirical chapters tend to strengthen the theoretical claim that the majority party successfully harnessed the power of the Rules Committee—institutionalizing an agency relationship.

In this last empirical chapter, I address the importance of the Rules Committee and leadership strategies in shaping legislative outcomes. Here, the analysis follows the subset of policies considered under special rules to the Senate. The cross-chamber analysis provides insight into the policy implications of rule choice by focusing on member behavior on final passage votes for bills considered under special rules for the same four Congresses (97th, 98th, 104, and 105th). In particular, I consider the hypothesis from Chapter 2 that majority party members should have significantly greater levels of support on bills considered under restrictive rules than minority party members and that these differences should increase with time. Moreover, the temporal changes in majority and minority party support on these bills should reflect that party leaders have increasingly relied on special rules (especially during the 104th) to push the legislative priorities on the majority party's agenda.

This seems to beg the question, *what happens to these bills when they reach the Senate? Are these policies collectively important to Senate political parties and therefore confronted by conflict to the same extent as in the House? Do leadership strategies in the Senate advantage the passage of policy proposals preferred by the majority party?* If leaders can use special rules to pass majority party priorities in the House, but the policies never pass the Senate or are moderated significantly, then one could argue that leadership strategies and political parties more generally may make little difference in the grand

scheme of legislative politics. The evidence presented in this chapter is only exploratory, but suggestive that this is not the case.

To be clear, my goals here are very modest, as I am not setting out to develop a theory of party leadership in the Senate. Still, I think it is useful to briefly consider how some of the theoretical issues can be extended in the Senate context. As a theoretical exercise, understanding institutional differences and how these affect leadership organization can help confirm that the structures focused on in the case of the House are really the relevant ones that give the theory its explanatory purchase. Moreover, the Senate's institutional context helps to condition the expectations for differences and/or similarities that may be found on the legislation under investigation here.

A Few Thoughts on Party Leadership in the Senate Context

I have approached the study of the Rules Committee from a principal-agent perspective, but with an important caveat that leaders can use their strategies to affect the very conditions that motivate the rank-and-file to strengthen leadership institutions. That is, leaders have the potential to influence their own powers. However, Senate leaders are not granted the same level of influence that House leaders enjoy and are therefore less able to affect conditions that can promote their own power within the institution.¹ From this perspective, the traditional principal-agent framework may actually fit the Senate context better than the House. However, Senate leadership seems to be more dependent on the choices of the chamber membership. Indeed, Robert Dole (R-Kan) once lamented

¹ Senate leaders don't have the same degree of agenda-control mechanisms to affect coherence in the chamber as do House leaders.

that the role of majority leader is not a very enviable position—in many respects [he] is “*the slave of all*” (Davidson 1989: 275). Ironically, the super-majority requirement makes Senate institutional structures even more endogenously driven than the House. Efforts to significantly centralize institutional powers to party and/or committee organizations are usually thwarted (Smith 1992: 183; Binder and Smith 1997).

To begin, there does not exist a Senate committee comparable to the House Rules Committee. Not surprisingly, Senate party leaders have fewer mechanisms to control the legislative agenda and influence member choices than do leaders in the House.² This institutional difference alone makes majority party control of the Senate floor much more uncertain and greatly reduces the party leadership’s ability to prosecute a partisan policy agenda (Smith 1992: 172). The absence of a Rules Committee to structure floor debate is important for another reason because Senate Committees don’t have as great of an incentive to accommodate the preferences of the party leadership. Instead, most conflictual legislation is brought to the floor by unanimous consent, so committees try to accommodate all interested parties, be they in the majority or in the minority (Rohde 1992b: 33). Even more, institutional differences like the lack of a germaneness rule and the unprohibited amendment rights enjoyed by individual members in the Senate effectively denies party leaders the ability to keep issues off of the legislative agenda³.

However, the principal-agent framework can still be usefully applied for understanding party leadership in the Senate. Steve Smith argues that,

² For example, the process of bill referral in the Senate is less under the control of party leaders than is the case in the House (Davidson 1989: 285). Referral appeals require the acquiescence of all senators and not just the majority party. In addition, multiple referrals in the Senate requires the support of party leaders from both the minority and majority (Maltzman 1997: 134).

“They [Senate leaders] are subject to periodic re-election by the same persons they have been leading. That is, Senate floor leaders are, first and foremost, party leaders. Indeed, they are appropriately viewed as agents of their party colleagues. Their success and failure is largely dependent on the cooperation of those party colleagues. Consequently, leaders’ goals and strategies are shaped by the demands and expectations of their party colleagues, whose own behavior is driven by three major goals” (1993: 261).

Moreover, the work on congressional leadership in the upper chamber suggests that partisan strength is dependent on more than just exogenous forces like the homogeneity of party coalitions in states, but also hinges upon presidential popularity and the party’s national reputation (Patterson and Caldeira 1988). There does exist then, the same kind of collective incentives for party members to organize leadership institutions in the Senate. So, the view here is that there are some common strands of logic from the theory developed on leadership in the House which may also be applied to the Senate, but in a more limited degree.

The institutional differences have substantial theoretical implications for leadership. The barriers confronting Senate leaders are greater and the conditions that motivate members to empower leaders likely have a higher threshold than in the House (Smith 1992: 171; Rohde 1992b: 32). The higher costs to empowering leaders are at least in part due to the significant institutional prerogatives placed in the hands of each individual senator to affect their own goals (Fenno 1982; Smith 1992: 191; Maltzman 1997: 133). Senators don’t need party leaders as much as House members do to affect the policy making process. For example, Bader and Jones (1993) argue that Senate minority party members maintain considerable influence over policy because the

³ The budget resolution is one important exception in which the Senate has collectively sought restraints

President concedes greater deference to the minority members there as compared to the House minority. According to them, the President anticipates the greater electoral uncertainty in the Senate and the likelihood of change in majority party control.

Despite considerable institutional differences, this does not mean that Senate party leaders are inconsequential to the policy making process. In fact, Senate leaders are in a better institutional position relative to non-leaders to affect policy outcomes. Sinclair (1997) finds during the 104th Congress that Senate party leaders played an active role in the passage of a majority of major legislation. So, saying that Senate party leaders have fewer institutional powers to pursue collective party interests than their House counterparts is true, but it is far from saying that they are completely devoid of such power.

Still, congressional scholars observe that most Senate leaders are less inclined to actively lead as compared to House leaders (Davidson 1989; Baker 1989; Smith 1992: 184-185). Certainly, Senate leaders pick fewer partisan fights and perhaps are more careful about those choices. During a furious floor debate, Majority Leader Howard Baker (R-Tenn) once explained his tentative philosophy to a junior senator, “*Aint got no dog in this fight*” (Davidson 1989: 296). The Senate then, is a very different institution than the House. Leaders there operate and interact differently with the Senate structure and are faced with a somewhat different set of institutional constraints.

Basically, I have argued that the electoral and institutional forces affecting House leadership can also affect Senate leaders in a similar manner, but often times to a lesser degree. On the one hand, the greater heterogeneity associated with state constituencies

on their individual prerogatives (Smith 1992: 189).

suggests that electoral conditions that shape the homogeneity of parties within the Senate will be more attenuated. This tends to produce more moderates in the Senate and lessen the chances of extremely divergent party coalitions. On the other hand, the institutional differences suggest that the degree in which the Senate can operate in a partisan fashion is much less than in the House (Rohde 1992b: 28). To be successful, Senate leaders are more likely to accommodate the policy interests of the minority party. Senate leaders have less ability to prosecute a partisan policy agenda and when the opportunities do arise, the nature of the super-majority requirements significantly reduces their leverage in pursuing partisan ends. *Ceteris paribus*, the Senate context should lessen the extent that endogenous leadership strategies influence partisanship. Thus, both electoral and institutional features of the Senate should tend to facilitate the occurrence of bipartisan policy making (Fenno 1989). Indeed, Rohde finds that the incidence of party behavior over time is less in the Senate, but when issues that divide the parties are debated there, the level of partisan conflict tends to be as great as that found in the House (1992b: 42).

Empirical Analysis: Procedural Choice and Policy Consequences

Bills That Become Law Under Special Rules: 97th, 98th, 104th, and 105th Congresses

Of particular interest to this chapter is the linkage between restrictive rules and enacted policies in the House and Senate. The evidence from the logit analysis supports the claim that the policy interests of the majority party are important in determining whether or not a bill receives a restrictive rule. If the partisan rationale offered here is also relevant for understanding the policy consequences of rule choice, then there should

be some systematic relationship between the policies granted restrictive rules and majority and minority voting patterns on these policies. That is, if the Rules Committee does indeed act as the *agent* of the majority party, then restrictive rules should be used on those policies that can do majority party members the most good (e.g. those policies that are confronted by organized opposition).

The partisan theory articulated here suggests that House leaders have increasingly used restrictive rules over time to pass policies of collective importance to the majority party. Indeed, the majority party employs restrictive floor procedures because these policies tend to be the ones that minority members cohere in opposition to and are most vulnerable to defeat. Given House leaders use restrictive rules on policies to anticipate the highly charged partisan forces at work, then we should observe party members in the Senate behaving in a similar fashion on this subset of policies. To the extent that the issues invoke similar partisan interests in the constituencies of the two Houses, similar patterns of partisan conflict should be found on policies considered under special rules. In particular, the greatest differences between majority party and minority party support should be found on policies considered under restrictive rules. Moreover, the institutional differences also suggest that the frequency of partisan conflict on these issues considered under special rules should occur less in the Senate as compared to the House, but the occurrence and relative level of conflict should increase over time.

The first three tables of evidence don't directly reflect on these expectations, but do provide insight into what happened to bills considered under special rules during the four Congresses analyzed here and how these policies are disposed of in the two chambers. Table 12 shows the distribution of bills considered under special rules

according to final outcome by each Congress (see Table 12). Here, the table allows one to assess final policy outcomes according to whether they passed or failed to become law. The table breaks down policy outcomes into four categories. The subset that failed to become law includes a category for bills that were defeated in the House and/or Senate and a category for bills that passed but were subsequently vetoed by the President. The subset that passed to become law includes a category for bills that garnered the necessary support from both chambers and signed by the President and a category for those bills that were subsequently vetoed and successfully overridden.

For example, the proportion of bills considered under special rules that did not become law because of failure in one or both chambers was lowest during the 97th Congress (39%) and was relatively higher for the remaining Congresses. Across all Congresses, the proportion of bills considered under special rules that did not become law from both categories was 57%. This includes 52% of the bills that did not pass through one or both of the chambers plus another 5% that actually passed both Houses but failed by presidential veto. These bills almost always pass in the House, so when they fail it is usually the result of the Senate. Of those bills considered under special rules that failed by presidential veto, the largest proportion (10%) was from the 104th Congress. Indeed, the veto finding speaks to the significance of the policy changes that the GOP was attempting during the revolutionary 104th. This still leaves nearly half or 43% of the bills considered under special rules that passed both chambers to become law. If the House takes up a bill under a special rule, its chances of becoming law are substantial.

Table 13 provides further evidence on the legislative success of bills considered under special rules, but with a breakdown of the legislative outcome by rule type (see

Table 13). Looking down the first column at the bills considered under open rules, we observe an interesting pattern over time. The proportion of bills considered under open rules that passed dropped noticeably over the period considered here. During the 97th Congress, 60% of the bills considered under open rules passed. By the 104th Congress, the proportion of bills considered under open rules that passed was only 30%. In Chapter 5, the 97th Congress was found to be somewhat unique probably due to the popularity of President Reagan's domestic and economic policies. The findings here seem to parallel the earlier ones. The 97th may have been relatively more successful at passing bills under open rules as compared to subsequent Congresses because of the administration's success at garnering the support of a working conservative cross-party coalition in the House and Republican control of the Senate.

In contrast, looking down the second column of Table 13 we observe that the proportion of legislation that passed under restrictive floor procedures remained about the same over the course of these four Congresses. The proportion of bills that passed under restrictive rules went from 46% during the 97th to 51% in the 98th, then to 44% during the 104th, and down to 40% by the 105th Congress. What is interesting about the 104th is that the proportion of bills considered under restrictive rules that passed would be much higher if it were not for the fact that a large number (more than in the other Congresses) of the bills that failed, did so because of presidential veto.⁴ Across the four Congresses, the proportion of bills that pass under open or restrictive rules is about the same, 42% in the case of the former and 44% in the latter. Overall, the patterns over time suggest that

⁴ Twelve of the fourteen bills vetoed by President Clinton during the 104th Congress had been considered under a rule that granted floor protection in the House.

restrictive rules have not only become more prevalent, but also that the proportion of bills becoming law are as likely to be ones considered under restrictive rules as are policies considered under open rules. These findings are also interesting when one considers that the differences in the proportion of bills passed under open versus restrictive rules between the 97th-98th and the 104th-105th may be due to the fact that a more homogeneous GOP majority controlled both chambers in the latter Congresses and so were more likely to pass partisan proposals into law.

Table 14 shows how the legislation that passed both chambers was disposed of (see Table 14). For the House, the table breaks down final passage by voice vote and non-conflictual and conflictual roll-call votes. For the Senate, the table categorizes final passage by voice vote, non-conflictual and conflictual roll-call vote, and unanimous consent. In the House, bills considered under special rules are much more likely to be roll called for final passage than in the Senate. Across the four Congresses, 80% of bills considered under special rules that passed were roll call voted in the House while just about only half (44%) as many were roll call voted in the Senate. In fact, over half (55%) of the bills passing the House under special rules invoked substantial conflict, while the same level of conflict occurred in the Senate only 23%. This is not surprising given the Senate's greater tendency to accommodate minority policy interests. In the House, the final passage of these bills are likely to engender considerable conflict on the floor and therefore likely to receive a recorded roll call vote. But the institutional context of the Senate tends toward consensus, so when these bills reach the floor for final passage, the incidence of conflict is much less likely.

Indeed, the bills that passed by conflictual roll-call vote in the House and/or Senate reveal an interesting pattern over time. The proportion of bills disposed of via conflictual roll-call vote in the House went from 56% to 42% and then from 72% to 48% during the 97th-98th and 104th-105th Congresses respectively. For the same Congresses in the Senate, the proportion of bills that passed by conflictual roll-call vote went from 21% to 12% and from 48% down to only 9%. In both chambers, the patterns of conflictual roll call votes suggest similarities between the 97th and 104th, while the lower levels found during the 98th and 105th suggest greater similarity between these two Congresses. Still, the 104th Congress indicates that roll-call votes on the floor for this subset of bills were substantially more likely to be conflictual, even as compared to the 97th Congress. In the House, an astonishing 72% of these bills were characterized by conflict. The same category for the Senate during the 104th Congress was 48% which is still over twice the proportion of the next highest Congress—the 97th. So, despite the institutional bias toward consensus building, the policies considered under special rules during the 104th provoked considerable conflict in the Senate as well.

Aggregate Voting Analysis: Legislation Considered Under Special Rules

To briefly reiterate, the theory offered here suggests that the agency bond between the Rules Committee and the majority party increased over time, so, the relationship between restrictive rules and policies opposed by the minority party should likewise vary with the passage of time. That is, if the majority party employs the Rules Committee to grant restrictive rules for the purpose of achieving collective policy aims, we should expect to observe evidence of majority and minority members reacting in opposition to

these aims over policies considered under special rules. If as I have argued, party leaders have become more assertive in using special rules as strategies to affect legislation after the early 1980s, then the patterns in voting behavior between minority and majority party members on policies should reflect this change in strategy over time. Moreover, because the majority party in the House tends to use restrictive rules on policies that are important to their collective interests and vulnerable to minority opposition, these policies should engender similar behavior among the party members in the Senate. Thus, when conflict does occur on these policies in the Senate, we should observe similar levels of partisanship as found in the House.

The data in Figure 11 supports these expectations for partisan voting behavior over time.⁵ The bars in Figure 11 measure the percentage of final passage votes on bills considered under open and restrictive rules controlling for the level of partisanship (see Figure 11).⁶ The two bars in each of the four groups represent the proportion of final passage votes for the House and for the Senate respectively. To make the proportions of final passage votes and level of partisanship more discernible, I present only the House and Senate categories with levels of partisanship greater than .50. But I will also discuss the proportion of final passage votes in each category with levels of partisanship less than .50. For the analysis I broke down the proportion of final passage votes into two groups, one with partisanship greater than .50 and one less than .50. So, the proportions shown in Figure 11 equal 100% of the final passage votes when the complement categories with

⁵ Figure 11 combines the final passage voting data for the 97th and 98th and the 104th and 105th respectively.

⁶ Partisanship is measured here as the absolute difference between the proportion of GOP ayes and the proportion of Democratic ayes. The partisanship variable ranges from zero (no partisanship) to one (perfect partisanship).

partisanship less than .50 are considered. For example, during the 97th-98th Congress, the proportion of final passage votes on policies considered under open rules that had levels of partisanship greater than .50 in the House was 19%. The proportion (although not shown) of final passage votes that had levels of partisanship less than or equal to .50 was 81%. For ease of reference, I will discuss the House patterns first and the Senate last.

The first bar in Figure 11 indicates that during the 97th and 98th Congresses, the proportion of final passage votes generating high levels of partisanship (.51 to 1.0) under open rules during the 97th-98th was just 19% in the House. This proportion increased to 46% by the 104th-105th. Alternatively, this means that over 80% of final passage votes on bills considered under open rules generated fairly low levels of partisan conflict (0 to .50) in the House. This proportion fell to 54% by the 104th and 105th Congresses. For bills considered under restrictive floor procedures, the proportion of final passage votes generating relatively high levels of partisanship went from 37% during the 97th-98th Congresses up to 59% by the 104th-105th. In contrast, the proportion of votes generating fairly low levels of partisan conflict during the earlier period went from 63% down to 41% by the latter Congresses. For the House then, the proportion of highly partisan final passage votes under restrictive rules for the 104th-105th Congresses (59%) was greater than the proportion of highly partisan votes considered under both open (19%) and restrictive (37%) rules for the 97th-98th Congresses. This sharp contrast seems to lend weight to the argument that the GOP leadership were more assertive in their use of restrictive rules than were the Democrats, at least before the era of Speaker Wright and the 100th Congress (Aldrich and Rohde 1996b). The over time results for the House show that by the 104th-105th Congresses, the greatest frequency of conflict, and the highest

levels occur where the partisan rationale would expect—on policies considered under restrictive rules.⁷

In the Senate, the patterns in partisanship found on this subset of policies is remarkably similar to those for the House. Here, the second bar of each group in Figure 11 represent the comparable proportion of final passage votes for the Senate. It is important to note that there are no special rules in the Senate, but the analysis here measures the incidence and level of partisan conflict on this same subset of policies considered under special rules in the House. The same trend is present in the Senate as was found in the House for the proportion of final passage votes controlling for partisanship. For example, during the 97th-98th Congresses, the proportion of final passage votes generating levels of conflict greater than .50 was only 3% for those under open and just 30% under restrictive rules. Conversely, in these earlier Congresses, over two-thirds of the final passage votes on bills for both categories of rule type were relatively low in partisanship. Virtually all or 97% of the legislation under the open category and 70% under the restrictive category received low levels of partisan conflict in the Senate. The proportions of lower level partisan voting patterns fell to 59% and 43% on the subset of policies for the 104th-105th Congresses for the comparable groupings. Indeed, the parallel patterns in the House and Senate by the latter period are almost indistinguishable for the subset of policies considered under restrictive rules. The partisan voting patterns on this subset of legislation suggest that these policies tended to

⁷ Indeed, differences in the frequency of partisan conflict would be greater between open and restrictive rules, if final passage votes considered under modified-open rules were classified into the restrictive category. I chose not to categorize the data in this way so that the break down of special rules remains consistent with that used for the logistic analysis.

deeply divide the political parties in both chambers similarly. So, although the frequency of conflict tended to occur less in the Senate over these policies (as indicated by the number of floor roll-call votes), when it did occur, Senators were as partisan as their House counterparts.

Table 15 provides one last piece of evidence for majority and minority voting behavior on the subset of policies that became law (see Table 15). Specifically, the first two columns of Table 15 averages the majority and minority party support on final passage votes in each Congress for legislation considered under special rules that became law. The third column of the table is simply the difference of the two averages. The evidence tends to confirm the hypothesis that differences between majority and minority party support on bills considered under restrictive rules will be higher than differences on policies considered under open rules. Once more, considerable change has taken place between the 97th-98th Congress to the 104th-105th. For example, during the 97th Congress the average majority party support on bills considered under restrictive rules was lower than the average level of minority support, .61 and .78 respectively. This finding may be due to the influence of the large number of Reagan Democrats that were unwilling to work with the House Democratic leadership and often voted with the Republican party. By the 104th though, we see that average majority support on bills considered under restrictive rules is very high and starkly different than the levels of minority party support found on these bills. In fact, the difference is .39 on policies considered under open rules and .52 on those considered under restrictive. The evidence on majority and minority party support is even more stark in the 105th. Here, the average difference for majority party support on bills considered under restrictive procedures was .57 and under open was

only .12. These findings show that important differences in levels of support exist between the majority and minority on bills considered under restrictive rules. The rules facilitate the passage of policies in the House that minority party members appear to be collectively opposed.

Similar to the earlier findings, Table 15 also illustrates the similarities in majority and minority party support in the Senate. The levels of majority party support on the subset of policies considered under restrictive rules were always greater than levels of minority party support. On the subset of policies considered under open rules, the findings are a little more varied. In fact, during the 98th and 105th Congress, average minority party support on this set of policies was greater than majority party support. This may reflect institutional differences in the upper chamber that allow the minority party senators considerably greater levels of policy influence as compared to minority members in the House.

Conclusion

The evidence in this chapter illustrates the significance to the legislative process of majority party control over the Rules Committee. In the four Congresses of the post reform period studied here, legislation that receives a rule for initial consideration was extremely likely to pass the House. Once passed the House, almost half of these bills become law. Certainly, if passing policy is a valuable goal of the majority party, control over the choice of special rules seems to be of immense importance. To the extent that voting behavior is associated with member preferences, the policies considered under restrictive rules appear to increasingly reflect the collective interests of majority party

members. Given that the majority party leadership controls the Rules Committee, we might infer that the intent of the rules is to achieve these policy ends.

In general, the findings from Figure 11 and Table 15 tend to support hypothesis 5 (from Chapter 2) that substantial differences do exist between majority and minority party support on policies considered under restrictive rules. The data underscore the significance of special rules to enacted policies and the partisan implications of these policy outcomes. Partisanship was found to systematically vary across policies considered under open versus restrictive rules. In the House, high levels of partisanship occurred on a non-trivial proportion (37%) of final passage votes for bills considered under restrictive rules during the 97th-98th Congresses, but the proportion generating this level of conflict had risen dramatically, up to 59% by the 104th-105th. Although less frequent in the Senate, the patterns of partisan conflict were very similar to those found in the House. When conflict did occur there, the partisan behavior was similarly affected on this subset of policies. Over time, the patterns of partisan conflict found between the two periods are different. In fact, Figure 11 showed that during the 97th-98th, over three-fifths of the policies considered under special rules on the House floor generated relatively little partisanship (and over two-thirds of these on the Senate floor). By the 104th-105th, the majority of policies considered under special rules (open or restrictive) could no longer be characterized as relatively bipartisan.

Certainly, the increasing levels of partisan conflict over policies brought to the floor by special rules represents a combination of electoral and institutional changes taking place within Congress. But part of the explanation also speaks to the significance of leadership strategies to congressional politics. That is, special rules represent a choice

made by party leaders regarding whether or not to use a particular type of legislative strategy. The findings from the logit models in Chapter 5 support the claim that the policy position of the majority party affects this choice. The aggregate findings on final passage votes in this chapter reflect the fact that party leaders have increasingly relied upon restrictive rules and that these strategies have been increasingly designed for partisan ends.

TABLE 12: Distribution of Bills Considered Under Special Rules by Final Outcomes 97th, 98th, 104th, and 105th Congresses

What Happened to the Bill?	Percentage of Bill/Rule Pairings by Congress				Total Across Congresses
	97 th Congress	98 th Congress	104 th Congress	105 th Congress	
Passed/ Failed to Become Law					
Failed to Become Law in House and/or Senate	39% (n=45)	57% (n=79)	54% (n=77)	54% (n=74)	52% (n=275)
Failed by Presidential Veto (includes pocket veto)	4% (n=5)	3% (n=4)	10% (n=14)	4% (n=6)	5% (n=29)
Passed House and Senate to Become Law	57% (n=67)	40% (n=55)	35% (n=50)	41% (n=56)	43% (n=228)
Passed by Veto Override	---- (n=0)	---- (n=0)	0.7% (n=1)	0.7% (n=1)	0.1% (n=2)
Total by Congress	100% (N=117)	100% (N=138)	100% (N=142)	100% (N=137)	100% (N=534)

**TABLE 13: Distribution of Final Legislative Outcomes Controlling for Rule Type 97th, 98,
104th, and 105th Congresses**

What Happened to the Bill?			Percentage of Bill/Rule Pairings by Congress			
Rule Type	Bills Considered Under Open Rules		Bills Considered Under Restrictive Rules		Total Bills Considered Under Special Rules	
	<u>Passed</u> ¹	<u>Failed</u> ²	<u>Passed</u>	<u>Failed</u>	<u>Passed</u>	<u>Failed</u>
97 th (1981-1982)	60% (n=56)	40% (n=37)	46% (n=11)	54% (n=13)	57% (n=67)	43% (n=50)
98 th (1983-1984)	36% (n=36)	64% (n=65)	51% (n=19)	49% (n=18)	40% (n=55)	60% (n=83)
104 th (1995-1996)	30% (n=24)	70% (n=56)	44% (n=27)	56% (n=35)	36% (n=51)	64% (n=91)
105 th (1997-1998)	43% (n=31)	57% (n=41)	40% (n=26)	60% (n=39)	42% (n=57)	58% (n=80)
Total	42% (n=147)	58% (n=199)	44% (n=83)	56% (n=105)	43% (N=230)	57% (N=304)

¹ This category includes vetoed bills that were overridden and bills that passed but line-item vetoed.

² This category includes bills that failed because of a veto by the President.

TABLE 14: Distribution of Bills That Passed Both Chambers by Final Disposition¹ 97th, 98th, 104th, and 105th Congresses

Final Disposition of Bills Considered Under Special Rules That Passed the House/Senate				
	97 th Congress	98 th Congress	104 th Congress	105 th Congress
	Total Across Congresses by Chamber			
Final Passage by House Voice Vote	18% (n=13)	31% (n=18)	12% (n=8)	21% (n=13)
				20% (n=52)
Final Passage by House Roll-Call Vote (Not Confictual) ²	26% (n=19)	27% (n=16)	15% (n=10)	32% (n=20)
				25% (n=65)
Final Passage by House Roll-Call Vote (Confictual)	56% (n=40)	42% (n=25)	72% (n=47)	48% (n=30)
				55% (n=142)
Final Passage by Senate Voice Vote	51% (n=37)	71% (n=42)	11% (n=7)	7% (n=4)
				35% (n=90)
Final Passage by Senate Roll-Call Vote (Not Confictual)	28% (n=20)	17% (n=10)	12% (n=8)	25% (n=14)
				21% (n=52)
Final Passage by Senate Roll-Call Vote (Confictual)	21% (n=15)	12% (n=7)	48% (n=31)	9% (n=5)
				23% (n=58)
Final Passage by Senate Unanimous Consent	0% (n=0)	0% (n=0)	29% (n=19)	59% (n=33)
				21% (n=52)

¹ This includes bills that were vetoed by the President.

² Roll-call votes that are not confictual means that majorities greater than 90% supported final passage of the bill.

**TABLE 15: Average Party Support for Bills Becoming Law in House and Senate
Controlling for Rule Type, 97th, 98th, 104th, and 105th Congresses**

Congress	Majority Support	Minority Support	Difference
97th (1981-1982)			
House/Open	.88 (n=47)	.79 (n=47)	.09
House/Restrictive	.61 (n=12)	.78 (n=12)	-.17
Senate/Open	.91 (n=27)	.89 (n=27)	.02
Senate/Restrictive	.88 (n=8)	.53 (n=8)	.35
98th (1983-1984)			
House/Open	.92 (n=27)	.67 (n=27)	.25
House/Restrictive	.88 (n=14)	.67 (n=14)	.21
Senate/Open	.88 (n=9)	.93 (n=9)	-.05
Senate/Restrictive	.91 (n=8)	.76 (n=8)	.15
104th (1995-1996)			
House/Open	.94 (n=23)	.55 (n=23)	.39
House/Restrictive	.95 (n=34)	.43 (n=34)	.52
Senate/Open	.88 (n=17)	.52 (n=17)	.36
Senate/Restrictive	.93 (n=22)	.36 (n=22)	.57
105th (1997-1998)			
House/Open	.92 (n=26)	.80 (n=26)	.12
House/Restrictive	.95 (n=24)	.38 (n=24)	.57
Senate/Open	.96 (n=11)	.98 (n=11)	-.02
Senate/Restrictive	.94 (n=8)	.63 (n=8)	.31

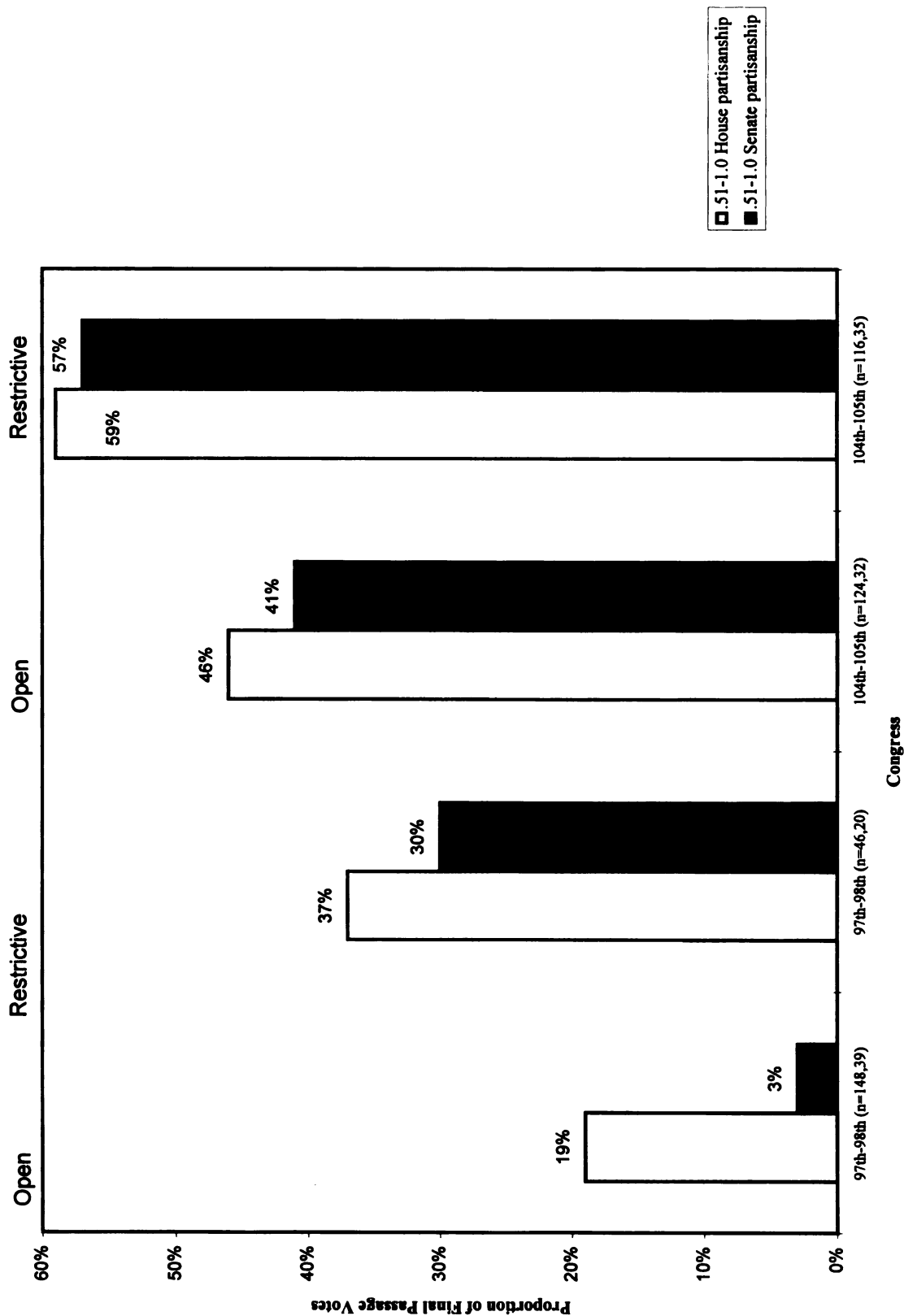


FIGURE 11: Distribution of Final Passage Votes Across Chambers Controlling for Rule Type and Partisanship, 97th-98th and 104th 105th Congresses

CHAPTER 7

CONCLUSION

Although the procedural aspects of congressional politics may be less visible to the critical eye of public opinion, they are fundamental in shaping public policy and essential for understanding democratic governance. Relating to this point, the House minority leader Robert Michel said: *“Nothing is so boring to the layman as a litany of complaints over the more obscure provisions of House procedures. It is all inside baseball. Even among the media, none but the brave seek to attend to the howls of dismay from Republicans over such esoterica as the kinds of rules under which we are forced to debate. But what is more important to a democracy than the method by which its laws are created?”* (Bach and Smith 1988: 91).

This dissertation set out to apply a principal-agent theory to leadership institutions within the House of Representatives. In particular, the theory attempted to shed light on the changing institutional and procedural role of the House Rules Committee and special rules respectively. I sought to place these changes in a theoretical framework in order to better understand their significance in shaping congressional politics and the making of public policy. One aspect of the model that departs from more traditional principal-agent approaches was that party leaders in Congress can shape the very conditions that motivate the membership’s willingness to allocate powers to leadership organizations. Basically, my model differs by endogenizing the principal’s incentive structure to employ leaders as agents. This part of the theoretical model is

important because I don't think congressional scholars can completely understand the dynamics driving institutional and behavioral changes by assuming member preferences are simply exogenous (Aldrich and Rohde 1998a).

The idea for extending the principal-agent model was rooted in the way that leaders use institutional tools and strategies to enhance the level of collective advantage that can be achieved by the majority party. The observed result of these leadership-directed strategies can lead to the magnification or remission of partisan conflict (Marshall, Prins, and Rohde 1998). These strategies undoubtedly affect member choices and preferences in ways that are still not well understood. Certainly, the endogenous component to party leadership in Congress is deserving of further empirical and theoretical attention. In the dissertation, I argued that these endogenously driven processes affected changes in Rules Committee behavior and the role of special rules over time. To this end, the empirical evidence in this analysis links the significance of a majority party dominated Rules Committee and procedural choice to the policy process.

Summary of Empirical Results

Overall, the evidence from Chapters 4, 5, and 6 largely confirm the theoretical hypotheses set out in Chapter 2. In Chapter 4, I found that the Rules Committee became less likely to block legislation from reaching the floor over time. During the prereform Congress, the Rules Committee often killed committee proposals before they could be considered by the full House by simply denying special rule requests (Robinson 1963; Oppenheimer 1977). In effect, Rules served as an institutional veto point between the committee system and the House floor. By the 104th Congress, the Rules Committee can

no longer be characterized as the legislative graveyard it once was. This marked change in committee behavior I argued, showed that the committee has become much more responsive to the majority party's policy interests.

The behavioral change of the Committee did not occur in isolation. Certainly, the reforms aimed directly at Rules were not the only forces shaping its behavior, as other institutional reforms affecting the wider committee system and the distribution of power within Congress also played a central role (Shepsle 1989; Smith 1989; Rohde 1991; Sinclair 1997). However, I argued that a significant component of the change in Rules Committee behavior was due to the change in majority party incentives for procedural cooperation resulting from legislative committee proposals becoming more in line with the policy interests of the majority party over time.

The temporal findings on party support of amendments from Chapter 4 bolsters the claim that the committee system and the policies they produced had become increasingly sensitive to liberal Democratic party priorities. There, I found a significant decrease over time in majority party support on changes to committee proposals on the floor, while the same trend in minority party support was not present. Moreover, as majority party support of amendments decreased, there was a precipitous increase in majority party support of special rules. In fact, as shown in Figure 6 of Chapter 4 the levels of majority and minority support on special rules diverged quite dramatically after 1974 when the Speaker was granted the power to fill majority party seats (including the chairperson) on Rules. Interestingly, Fox and Clapp (1970) come to a somewhat different conclusion based on evidence from an earlier period. In their analysis from 1953-60 and from 1961-68, Fox and Clapp (1970: 443) argued that the institutional changes to the

Rules Committee, like the seat expansion, did not appreciably affect the number and/or substantive nature of the legislation that was prevented from reaching the House floor. But, the principal-agent theory that I have articulated contends that sufficient incentives for *agency* behavior on the part of the Committee were not fully institutionalized until the party caucus granted the Speaker direct control over its [Rules Committee] members. So, their findings relating to the Committee's earlier behavior don't necessarily contradict my theoretical claims.

In addition, the empirical finding in Chapter 4 on amendments and special rules parallel nicely with the theoretical contention that the decreased costs associated with forgoing amendment rights should coincide with higher levels of procedural commitment on restrictive floor procedures. These findings supported my theoretical claim that as the homogeneity in policy preferences among the rank-and-file increased, the costs to foregoing amendment rights on the floor should decrease and incentives for party cooperation should increase. As majority party members became less supportive of amendments (more supportive of committee proposals) they became more willing to support special rules that restricted proposed changes to these policies. Not only did the level of majority party support increase over time on restrictive rules, but as shown earlier in Figures 3 and 4 of Chapter 3 the share of rules that were restrictive increased starkly. For example, Figure 4 indicated that during the 97th Congress the proportion of special rules that were restrictive was only about 20% and by the 105th Congress this proportion had more than doubled to nearly 48%. So, the data shows that majority party members became more supportive of rules, and in addition, that Rules Committee behavior seemed more responsive to members' policy interests. That is, the Committee not only became

less likely to deny committee requests for special rules, but also the rules it did grant to committee proposals were increasingly more likely to be restrictive.

The theory contends that the greater intraparty homogeneity creates conditions in which members are more willing to empower leadership institutions generally, and more specifically in this case to support leadership-directed strategies that flow from members' procedural commitment on restrictive rules. Thus, the findings from Chapter 4 on the Rules Committee behavior and majority party support on amendments and special rule votes lends credence to the theoretical claim that the majority party has effectively institutionalized an *agency* relationship with the Rules Committee during the postreform Congress.

In Chapter 5, the logit analysis tested empirical predictions made by contemporary theories of Congress regarding the procedural choice of restrictive rules. The analysis of rule choice from the 97th, 98th, 104th, and 105th Congresses largely contradicted Krehbiel's (1991) majoritarian claims that restrictive rules are used by the legislature as informational devices. The informational perspective he espouses claims that institutions are determined by majoritarian processes and have no independent effects on policy that would be counter to these underlying forces of remote majoritarianism. To be clear, the partisan theory I have articulated does not contend that the chamber median will not impose constraints on collective decisions nor does it contend that the median is not influential to policy making. Still, the statistical models provide little or no support that informational variables systematically influence the choice of restrictive rules. The empirical evidence just does not support the theoretical claims that restrictive rules are designed for the purpose of producing information from the committee system.

Similarly, disconfirming evidence was found for distributive theory variables. In the four Congresses analyzed, bills characterized as highly distributive were not systematically related to the choice of restrictive rules.

In addition, the logistic models on rule choice provided very little evidence supportive of Dion and Huber's (1996) view that the Rules Committee acts as an autonomous institution and that its policy position can independently affect the likelihood of legislation receiving restrictive rules. Instead, when the majority party's policy position was controlled for, the policy position of the Rules Committee tended not to have an independent effect on the choice of restrictive rules. The implicit design of the Rules Median and Party Median variables are relational with respect to the policy position of the legislative committee. The evidence on rule choice shows that the relationship between the majority party and the legislative committee systematically affects whether or not policies receive a restrictive rule. This finding follows from my theoretical argument which expects that the Rules Committee should act as the loyal *agent* of the majority party and therefore the policy preferences that should matter in determining restrictive rules are those of the majority party.

Certainly then, one major lesson from the analysis of rule choice is that one of the most important factors in determining the choice of restrictive rules is the policy position of the majority party. More specifically, legislation from committees that were more moderate in their policy interests relevant to the policy interests of the majority party were more likely to encounter restrictive rules. Alternatively, committees with the same or more extreme policy interests than the party caucus were less likely to receive restrictive rules. Table 9 (from Chapter 5) illustrates that during the 97th, 98th, 104th, and

105th Congresses the Party Median variable increased the likelihood of a bill receiving a restrictive rule by 6%, 14%, 28%, and 20% respectively. In light of the theoretical argument, the interpretation of these findings is that bills are more likely to receive restrictive rules when they are susceptible to being rolled away from the party median and in the direction of the floor median. This is because when the committee's position is between the floor median and the party's position, any moderation in the policy will always be at the expense of the policy position of the majority party.¹ Under these conditions, leaders have an incentive to structure the rules in order to eliminate some of these amendment proposals. When bills are more extreme than the party median, amendments offered to moderate the policy would (up until a certain point) tend to bring the policy closer to the position of the majority party, so leaders may be less concerned with the extent that amendments are restricted.

The findings from Chapters 4 and 5 dovetail nicely together in explaining under what conditions that restrictive rules are most likely used. The theory claimed that when legislative committees develop policies that are not reflective of the party caucus' interests and those policies are important to the party, leaders will have an incentive to use their power in creating rules that mitigate the legislative committee's lack of responsiveness to the party. More specifically, the theoretical contention was that on the subset of legislation in which the policy position of the majority party was more extreme than the legislative committee, leaders would have an incentive to use restrictive rules to prevent bills from being amended toward the floor median and/or used to present choices

¹ This argument assumes that the floor's position is more moderate than the majority party's position. See Appendix B from Chapter 3.

that sharpen differences between the minority and majority party positions. In fact, the empirical results from Figure 7 in Chapter 4 can shed further light on this theoretical insight.

According to the theory, special rules may be designed by party leaders (via amendment selection) to anticipate the moderating pull of the floor. The empirical findings on majority party support of amendments from Chapter 4 follows from this theoretical argument. Figure 7 substantiates that majority and minority preferred amendments are not equally as likely to occur on bills considered under special rules. That is, there exists a systematic pattern to amendments supported by the majority and amendments supported by the minority dependent on the type of rule the bill receives. In Figure 7, the proportion of amendments in which the level of support was greater for the majority than the minority was almost always found on amendments considered under the most restrictive of floor procedures (i.e. modified-closed rules). Moreover, both the frequency and the average level of majority support tended to be greatest on this subset according to the theory because leaders crafted rules that tended to protect amendments that favored the party caucus' interests and not those amendments that could roll the party's position. Indeed, the theory would contend that leaders craft rules that allow the majority party members to offer certain amendments intended to change policies on the floor so that they would be more reflective of the party's policy views.

However, when committees produce legislation in line with majority party interests and the party is highly unified, restrictive rules are not needed as much to manage amendment challenges. Thus, on bills considered under open rules, the evidence from Figure 7 shows that the frequency of majority party support for amendments was

substantially less. More specifically, on amendments considered under open rules, the proportion that were preferred by the majority party as well as the average level of support were lower compared to the analogous results for amendments considered under restrictive rules.

In Chapter 6, the analysis speaks to the significance of majority party control over a key institution (i.e. the Rules Committee) that manages the House's legislative agenda. There, I found that legislation receiving a special rule from the Rules Committee almost always passes the House and has a considerable chance at becoming law. More importantly though, the evidence supported the theoretical argument that restrictive rules have increasingly become a tool for partisan policy ends. The levels of partisan conflict varied systematically across policies considered under open and restrictive floor procedures. The Senate does not have analogous institutional mechanisms like restrictive rules or a committee that controls the flow of legislation reaching the floor as does the House. So, in the Senate, partisan conflict over these policies tended to occur less frequently, but when it did occur, the patterns of conflict were similar to those found in the House. The subset of policies considered under restrictive rules in the House disproportionately engendered high levels of partisan conflict when they reached the Senate floor. Thus, the empirical findings in Chapter 6 emphasize the significance of intraparty cooperation and procedural choice to the legislative process. This cooperation led to majority party control over the Rules Committee as well as the party leadership's greater reliance on restrictive rules.

Special rules remain as one of the major institutional mechanism used by the House to manage its business, but the analysis here shows that both their design and

effects on policy has had increasingly partisan implications. Overall, the empirical findings in Chapters 4, 5 and 6 support the theoretical claim that the choice of restrictive rules in the legislative process has become more and more determined by and reflective of the collective policy ends of the majority party.

Future Extensions:

The work in this dissertation can be expanded as part of a broader project related to the study of leadership strategies and their effects on congressional politics. One obvious direction would be to increase the number of Congresses. The extended time series would allow me greater leverage in comparing periods of party leadership development with the changes in the use of special rules. For example, during the 106th Congress Speaker Hastert has publicly commented about trying to promote a working consensus between the two parties. Perhaps his efforts reflect that he has been attempting to save the GOP's reputation as a responsible and effective governing party in Congress. Congress watchers have suggested that the Speaker has taken on the role of GOP "uniter" and "promoter" of "bipartisanship"—*"roles that he [Hastert] hopes will serve the long-term aims of the GOP after the provocative tenure of his predecessor as Speaker, Newt Gingrich, R-GA (1979-1999)"* (CQ, May 1, 1999: 1039). Even more, Barbara Sinclair remarked about proposed House rules changes intended to facilitate greater comity, *"In a period of close party balances, it would thus be in the self-interest of the current majority to set precedents of generosity"* (CQ, May 1, 1999: 1020). So, with the new dynamics involved with Hastert's leadership, the 106th Congress should be

an extremely interesting Congress to analyze special rules as compared to the 104th and 105th.

In addition, the analysis can be extended by controlling for variation across bills according to their salience and/or importance in the legislative process. This would include looking at potential differences and changes over time on special rules used to bring major versus minor legislation to the floor. Another means to control for the importance of policies considered under special rules would be to group the bills according to their committee jurisdiction. For example, the theory asserts that the design of rules may differ dependent on the bill's importance to the majority party. Thus, one would expect that rules used to bring legislation to the floor from prestige committees may be very different than those used for constituency committees.

Moreover, much can be learned from the evolution of particular rules. My research here focuses on the end product of rules that go through a series of processes that can change their substantive content and design. Considerable bargaining can occur on certain rules where the leadership may be forced to alter the end product to balance competing party and/or committee factions in order to pass the rule on the floor (Bach and Smith 1988). Also, rules that are defeated on the floor are not considered in my analysis but can provide information that is theoretically useful for understanding the interaction between leaders and the rank-and-file, or likewise, committees and the floor. These aspects represent an incredibly important part of the rule process that remains largely unexplored here and certainly worthy of future investment.

Another path of research would be to more thoroughly extend the analysis by exploring leadership tools and strategies in both chambers. My work has primarily

focused on how rules restrict amendments to policies on the House floor, but this is only one component of the leadership's manipulation of special rules. In the House context, the extended analysis might entail specific components of special rules like the use of waivers, time limitations on the amendment process, leaving parts of the bill unprotected by the rule, or even different methods for bringing bills to the floor like under suspension of the rules. For the Senate, the analysis could include the leadership's use of procedures like the complex unanimous consent agreements and partisan filibusters. The extension to the 106th Congress would also be an interesting case in the Senate both because of the House's new bipartisan-oriented Speakership and the institutional change regarding the use of legislative holds to block policies from reaching the floor (see CQ, March 6, 1999: 543). Will Senate party leaders take greater initiative in promoting the GOP's collective policy agenda? Will this change in Senate rules affect partisanship on the floor? Legislative holds will now carry potential *political costs* for individual Senators and/or to the parties. Moreover, Senate leaders can now keep track of specific members who use the holds and on which policies.

One additional puzzle regarding special rules that has already sparked my interest is to explain why there exists partisan conflict on open rules in the first place (Hixon and Marshall 1999). That is, why would partisan conflict occur on rules that impose relatively little structure or restriction on amendment possibilities? This project moves beyond the literature on special rules in several different and important ways. For example, in this paper we systematically examine partisan conflict on open rules as an explicit procedural component of party image building (Cox and McCubbins 1993).

Finally, I hope to expand previous work relating leadership strategies and special rules to other House legislative committees (see Marshall, Prins, and Rohde 1998). The emphasis of this work would relate to how special rules affect committee autonomy. Steve Smith (1989: 57-58, 74-85) has asserted that the increase in special rules has actually provided greater autonomy to certain committees. But in an institution where committees have multiple principals, the more intriguing question seems to be, autonomy with respect to whom (i.e. floor, party, leaders)? Some of the data I have collected will let me say more about how special rules have affected committee autonomy in the postreform era, and more importantly from a theoretical standpoint, I think I will be in a position to talk about the conditions under which legislative committees might have increased autonomy and influence in the legislative process. Certainly, I think the line of argument used here can be useful in understanding committee autonomy, in that committee autonomy probably depends to some extent on the policy preferences of the majority party membership and the legislative committee.

APPENDICES

APPENDIX A

Exogenous Variables Used in the Logit Analysis

Control Variable:

- 1.) **Referral** - Dummy variable, zero indicating single referral and one indicating multiple referral.

Informational Variables:

- 2.) **Bill scope** - A count of the number of “key” words from the legislate data base for each bill. Collected from hot bill options.
- 3.) **Committee heterogeneity** - This variable was computed as the signed difference between the standard deviation of the W-Nominate scores for the committee(s) the bill was referred to and the entire chamber.
- 4.) **Number of Laws Cited** - A count of the number of laws cited and/or repealed by the relevant bill.
- 5.) **Number of Minority Party Cosponsors** - The number of minority party cosponsors on the bill.
- 6.) **Committee outlier** - Computed as the absolute difference between the median of the committee and the median of the chamber.

Distributive Variables:

- 7.) **Distributive content** - This variable represents the ratio of the number of states listed from the legislate data base (from key words) divided by the total number of legislate key words plus the number of states.
- 8.) **Bill urgency** - Dummy variable coding whether or not the bill extends the debt limit ceiling, continuing resolution, supplemental, or emergency appropriations.

Rules Committee Variables:

- 9.) **Rule median** - Computed as the absolute difference between the median of the Rules Committee and the median of the legislative committee(s) that the bill was referred to.
- 10.) **Legislative profile** - This variable takes on the value one if the median of the Rules Committee and the median member of the legislative committee are on the same side of the floor, and zero otherwise.

Partisan Variables:

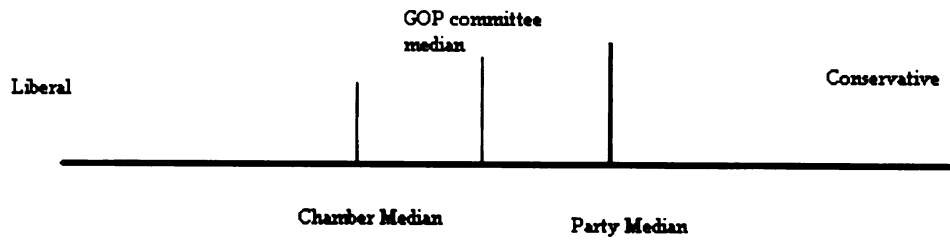
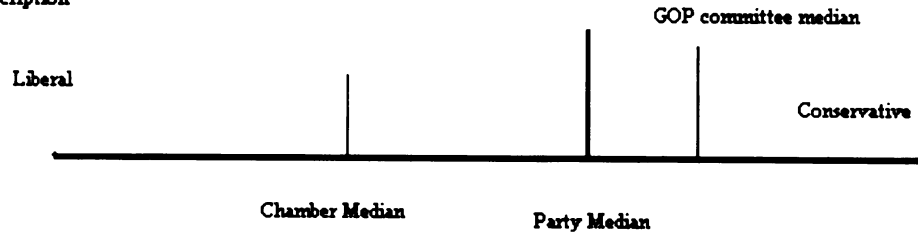
11.) **Majority party cosponsors** - The number of majority party cosponsors on the bill.

12.) **Party median** - A dummy variable that takes on the value zero when the median of the party conference is to the left (or more liberal) of the majority party contingent of the legislative committee and the value one when the party median is to the right (or more conservative) of the majority party contingent of the legislative committee.

APPENDIX B

Party Median Variable

Party Median Variable Spatial
Description



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