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REAPING GAINS THROUGH THE ORGANIZATIONAL PARTY:
DELEGATION TO PARTY LEADERS OF THE
U.S. HOUSE OF REPRESENTATIVES

by

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A THESIS SUBMITTED
IN PARTIAL FULFILLMENT OF THE
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ABSTRACT

Reaping Gains Through the Organizational Party:
Delegation to Party Leaders of the
U.S. House of Representatives

by

Brian D. Posler

Why do House members delegate authority to party leaders? This dissertation provides a new theory to address this question. It explains why it is individually and collectively rational for congressional members to delegate authority to party leaders, when we ought to expect that delegation will occur, as well as what form of delegation provides maximum benefit with minimal risk to members. This dissertation provides a new principal-agent theory of variable leadership involvement, progressive in nature across the stages of legislation as the risks of defection diminish. Members minimize the risks of delegation through screening and selection mechanisms, as well as through institutional checks throughout the legislative process.

This work empirically tests and finds support for the predictions derived from the agency theory at four distinct stages of the legislative process. Leadership selection, bill introduction and referral, party scheduling with the Rules Committee, and conference committees are all found to conform to the hypotheses generated by this framework. The powers of the leadership are cumulative in nature as one passes through the stages of
legislation. By severely curtailing the powers of leaders at earlier stages, the risk of adverse results is greatly minimized, allowing the members to safely delegate more authority to save the exponentially increasing transaction costs borne by leaders in the later stages.
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Chapter 1: Introduction

The party leaders of the U.S. House of Representatives have a great amount of power. The speaker in the 104th Congress, Newt Gingrich was perceived to have further consolidated the powers of the office due to the impressive support given him by the new Republican majority. One observer noted that “maximizing both the formal and informal powers at his disposal, Gingrich was using his position to consolidate power like no Speaker since Joseph Cannon of Illinois in the early part of this century, often at the expense of the committee chairmen”\(^\text{1}\)

It was clear that Gingrich appropriately saw himself as a powerful figure in the chamber. In August of his first year in office, he wrote a letter to the National Rifle Association thanking them for their support and promising that “as long as I am Speaker of this House, no gun control legislation is going to move in committee or on the floor of this House”\(^\text{2}\) As of this writing, he has kept his word.

In still another story, Gingrich applied pressure to members of his party to support his plan to put furloughed federal workers back on the job. He held a closed door meeting of Republicans where he told them he expected their support. Only 15 of the 236 Republicans defied his wish. In response to their defections, Gingrich canceled plans to appear at fund-raisers with two of those freshmen. This prompted one scholar to note that “Everybody knows that if you cooperate you are much more likely to get all sorts of stuff...but it’s kind of surprising to link it so very clearly to having voted in a given way”\(^\text{3}\)

Yet if Gingrich was wrestling power away from the committee chairs for his own office, why were the members willing to accept it? In truth, not only did the committee

\(^\text{2}\) George Lardner Jr., “Gingrich wrote to NRA vowing he’d kill any attempt at gun control” Houston Chronicle, August 1, 1995, pg. 6A
\(^\text{3}\) Barbara Sinclair, quoted in “Gingrich ready to punish freshmen who crossed him” Houston Chronicle, January 11, 1996.
chairs accept the power of the Speaker, they endorsed it. Henry J. Hyde, of Illinois, became chairman of the powerful Judiciary committee after the 1994 elections, following over 20 years serving as a minority member. Despite this opportunity to finally push the committee towards his favored agenda, he set aside his own priorities to try and pass elements of Gingrich’s Contract With America. “There has not been time to implement items of my personal agenda,” Hyde said. “But they are small potatoes. I’m fully in accord with the priorities of this leadership...On the whole, it is a salutary way to proceed, because we have focus and direction, not drift.”

Why are rank-and-file members willing to yield away authority to the party leadership? This may at first seem an odd question, for most organizations do have leaders that wield authority over other members. Perhaps the prime example is the typical business firm. Owners and management sit atop a hierarchy, dictating decisions to the unquestioning employees at lower levels. The reason we question such a relationship here is that the U.S. Congress is a special type of organization, differing from the prototypical firm by its very lack of a definite hierarchy. Members of the House are nominally equals when they enter the institution. Each represents a unique piece of land, their district, and each has one vote and thus equal say over all decisions. Despite this relatively rare true democracy, members choose certain of their number to be party leaders, and thus grant them a greater share of authority in decision making.

It was not always the case that party leaders exerted a great deal of influence in Congress. Political parties were not intended to play a significant role in the first Congresses. James Madison warned of the dangers of faction in his Federalist papers, as did George Washington in his farewell address. From almost the very beginning, however, informal organizations developed where members joined together for mutual

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gain on shared preferences. Aldrich (1995) argues that, due to the unstable majorities in
the first congresses, it became necessary for members to organize and polarize into
competing parties simply to bring about enough stability simply to obtain outcomes.
These early parties, with names like the Federalists and Republicans, are virtually
synonymous with their strong leaders, Alexander Hamilton and Thomas Jefferson
(Chambers 1963, Aldrich 1995).

Scholarship in political science has documented the stories of several such strong
partisan leaders. Names like Speaker Cannon and Reed invoke images of strong men
leading strong parties. After the revolt against the speakership in 1910, scholars pointed
to the decline of parties in favor of a more decentralized leadership in the committees.
(Brady, Cooper and Hurley 1979)

Following the Congressional reforms in the 1970's, however, some scholars have
begun to reexamine the question of the role of parties in Congress, using different models
and expectations for their role, and are again arguing for a resurgence of interest by
scholars in the importance of institutional parties. A number of researchers have found
new, significant party effects on the legislative process, attributing the change to either
previous works looking in the wrong locations, or an actual rebirth of party influence
where there was little before (Cooper, Brady and Hurley 1977, Hurley and Wilson 1989;
Sinclair 1983; 1989a; 1989b; Patterson and Caldiera 1988; Cox and McCubbins 1993;
politics in the post-reform era has found that the party organizations have a considerable
influence on the operations of the institution. This is the result of several factors,
including the enhanced development of the whip system, the more active role of leadership
and the increased policy activism taken on by the parties (Sinclair 1989a; 1989b; 1995;
Rhode 1992). The argument is that the bulk of the responsibility for legislation has shifted
from individual members to the parties, especially with bills which are highly salient.
Recent literature has also focused on the considerable influence of party in committees (Unekis 1994; Ward 1990; 1993) and in conference committees (Kiewet and McCubbins 1991; Posler 1996;). In the post-reform era there has been a considerable expansion of the sub-committee system, with the result of this being that a great amount of legislative development occurs in the committees. Because the party leadership exerts an influence on the make-up and leadership of the committees it should be expected that this influence lingers on within the procedure of the committees. It has been demonstrated that party indeed plays a significant role on the work of the committees and conferences and thus on the final outcomes.

Despite these studies indicating that party matters in the legislative process, the scholars have yet to provide a convincing theoretical argument for why an understanding of parties is necessary understand Congress. In this work, I will argue that it is the institutional party organization which provides the critical component required to improve performance over non-partisan models. While true that much of what has been considered empirical tests of party influence could only be measuring a surrogate of shared preferences, I will argue that it is the party organization, with its relationship between leaders and followers which significantly shapes outcomes in Congress.

There is little question that Congressional party leaders have some impact on the policymaking process, but little has been done in political science to measure the important questions of exactly when, why and how the leaders become involved with legislation. For while it is true that leaders can help solve problems for the members, there are risks every time power is granted to others. This study operates under the rubric of the New Institutionalism research program, accepting legislators as rational actors seeking to solve collective dilemmas and attain increasingly efficient outcomes.

In this dissertation, a new theory of leadership involvement is developed, variable both in degree and across legislative stages. Leaders are valuable to the members in
producing more favorable outcomes, but members delegate to them at the risk of Madison's dilemma. The dilemma is this: We desire our agents to use discretion and hold authority over decisions for increased efficiency, but are then left with the risk of agents acting contrary to our interests with that power of hidden action. Leaders rationally have the incentive to engage in hidden action, resulting in significant agency loss. The risks of that potential loss vary by bill, so we ought not expect leaders to be active equally on all bills. The risks also progressively dwindle as the bill moves through successive legislative stages, thus enabling members to allow their agents to exert more authority in later stages.

It is costly to be a leader, and it is costly to have a leader. Members choose to have them because the potential gains of agency can outweigh those risks. It is good to be the leader because of both the selective incentive payoffs derived and by the residual policy gains that a leader may procure. It is good to be a follower because of electoral benefits of the stronger party label, as a solution to the collective action problem, the reduction in information costs, and finally because of the reduction of uncertainty in the voting space and resulting shrinkage of voting costs for the member.

The members use institutional checks and leadership selection mechanisms in order to minimize the risks of agency loss, thus enabling them to reap the gains of the organizational party. This new theory of variable leadership involvement provides a number of interesting questions to answer. The legislative stages of leadership selection, bill introduction and referral, whip calendar activity, the Rules Committee, and conference committees are all examined using this theory.

Questions of partisan leadership are particularly interesting with the increased attention given to the leadership in the new Republican Congress, but the answers to these questions are generalizable to many other times and places. Understanding more about how, when, and why leadership is important will aid Congressional scholars in all areas of our field, for the involvement of leadership permeates all other sub-fields within the
Congress literature. Knowing when we grant authority to leaders, as well as the conditions of when we might revoke that authority will shed light on questions across institutions as well. Learning more about these questions enable scholars in other subfields to better understand why and how leadership may behave similarly in other applied settings.

The data for this project consist of extensive bill histories for the universe of all bills introduced in the House of Representatives in the 99th, 101st, and 103rd Congresses. The unit of analysis is the bill, with the data consisting of the universe of bills introduced in three recent Congresses. Information on approximately 18,000 bills has been gathered, with over 40 variables on each bill being tabulated. I feel it is important that we utilize the universe of bills when we are able, for Congressional scholars are fortunate enough to have sources for such rich data. Understandably, due to time constraints, no previous works have been able to look at more than a small sample of “important” bills in congresses, but innovations in record availability allow us the luxury of examining all bills.

In addition to the bill histories, this project utilizes data on all members of the House from the 55th until the end of the 103rd Congress. Biographical data, as well as all roll calls are used in the analysis for the leadership selection chapter, while more stringent data from the 99th, 101st, and 103rd congresses are used in the other chapters.

The argument of this dissertation will proceed as follows. Chapter Two will develop this new theory of leadership involvement and progressive delegation. I will then discuss the role of leaders in the various stages, beginning with the selection of leaders at the beginning of the Congress in Chapter Three. Chapter 4-6 will examine the remaining stages of interest, including Bill Introduction and Referral, the Prefloor Process, and the Floor and Conference stages, with some concluding thoughts found in chapter 7.

My debts to others in the development of this work are numerous. First and foremost, I thank Rick Wilson for being my dissertation advisor, painstakingly reading
many drafts and pushing me to finish this project. I need to thank Carl Rhodes, for it was the discussions with him that yielded many of the organizing ideas in the work, and our project together produced much of Chapter 3. I thank John Alford, Dan Ward, and Robert Dipboye for serving on my committee and giving me excellent advice. Celeste West and the wonderful staff at the House Rules Committee, as well as the helpful archivists at the Library of Congress and the National Archives also deserve my thanks. Trish Garcia, and Holly Teeters Reynolds both read and gave helpful advice on earlier versions of the work. Most of all, I could never have completed this work without the love and support of my wife Christy, and my infant son Timothy, who is certain to benefit from an increase in my time now that this work is complete. As always, remaining flaws are my own.
Chapter 2: A Theory of Leadership Involvement

Despite the hundreds of works in political science proclaiming or assuming the importance of parties and their leaders in Congress, it is the critics of this approach who have forced party scholars to sharpen and improve their arguments in recent years. Keith Krehbiel is perhaps the most powerful recent critic of the partisan perspective. In his most developed work (1991), he argues that there need be no mention of party in a model to explain congressional outcomes. His distributional and informational model alone “is sufficient for explaining a significant portion of heretofore unexplained variation” (1991 p.261). In fact, Krehbiel contends that scholars arguing for the role of party are merely “labeling as partisanship that which is merely the expression of preferences” (1993 p.262). What is Krehbiel’s alternative?

Krehbiel makes the argument that the party label is strongly related to ideological preferences, and that those preferences are the better predictor of performance. This means that he views the continuum of alternatives as relatively unidimensional, with more conservative members on one side and more liberal members to the other, which happens to correlate closely with party designations. Procedure and policy are thus determined by the median member of the legislature, for his Majoritarian Postulate states that “objects of legislative choice...must be chosen by a majority of the legislature” (1991 p.16). In other words, since all actions must ultimately be approved of by the floor, as long as the alternative pleases the median member, it will be selected. Party leaders play an unnecessary role, for the model can explain quite a bit without any mention of the congressional party.

Krehbiel has posed a challenge to party scholars. It is certainly true that ideological cleavages are important, but many of us believe that any explanation without party is necessarily incomplete. In order to begin justifying the role of party in our
explanations, we must show circumstances when parties and their leaders matter in the legislature. Krehbiel is correct to say that the scholars operating in the party paradigm have yet to provide a compelling theory to motivate their often fragmentary empirical findings. His relatively simple answer, absent party, has found at least limited empirical support, so it is now the task of the party scholars to answer his challenge with better theoretical arguments and empirical support in favor of the influential institutional party leadership.

New Institutionalism

Party scholars are building a coherent theory in response to these problems utilizing the framework of "new institutionalism". New Institutionalism largely concerns itself with three problems, the problems of collective social choice, collective action, and coordination. A social choice problem (Arrow 1951, McKelvey 1979) exists when members share different preferences and preference aggregation functions (such as majority rule) are unable to prevent cyclical majorities from successively changing outcomes. The collective action problem (Olson 1965), arises when it is individually rational for individuals to "shirk" or "free-ride", counting on others for the provision of the desired public good. Without a solution, the organization is unable to do its work. Coordination problems exist when organizations are forced to delegate authority to agents (Miller 1992, Kiewiet and McCubbins 1991). Without coordination, confusion will reign, and much less efficient outcomes will result, if outcomes are reached at all.

Any successful organization must solve these three problems, and institutions are the key to doing so. What is an institution? Knight (1992) defined them best by arguing that an institution is a set of rules governing interactions of actors, with the actors having a shared understanding of the rule. By regularizing behaviors in predictable ways,
institutions can increase efficiency in the decision process and help groups attain more optimal outcomes, either for the group as a whole or for the dominant subgroup choosing the particular institutions.

The U.S. Congress is one such organization which uses institutions as a means for solving these collective dilemmas. Rules, norms and structure can help members solve their problems (Shepsle and Weingast 1987) through mediating conflict and channeling it to productive ends. New Institutionalist party scholars argue that it is the rules and structures run by the majority party which allow these problems to be minimized enough for organizations to function. As evidence they show that party loyalty does matter in getting committee transfers and appointments (Cox and McCubbins 1993) that the party plays a key role in the selection of rules (Bach and Smith 1988, Sinclair 1995) and committee support scores matter on the floor in terms of scheduling and voting (Cox and McCubbins 1993). The idea of using institutions to solve dilemmas in congress has been around for over thirty years, but it is through more recent theoretical developments that the majority party has come to be seen as the driving force behind institutional formation and change. Working from the "gains from trade" institutional hypothesis, party scholars have shown the importance of the majority party in resolving the conflict over the "rules of the game" utilized in Congress.

The "gains from trade" model was first developed by Buchanan and Tullock (1962) and later adapted and refined by Shepsle and Weingast (1987). Deriving from the simple Eastonian notion of politics as "who gets what", the gains from trade hypothesis has really benefited from the New Institutionalism approach to the discipline. Shepsle and Weingast argue that members will cooperate to support each other on legislation in return for their colleague's support on other bills. Thus, each get the outcomes they desire on the bills which are most important. Once expanded beyond the simplified model legislature, it becomes a much more complex coordination problem, so the typical solution has been to turn to institutionalized rules, norms and procedures in order to find a
structural-induced equilibrium (Shepsle 1979). This means that the outcomes, over time, will tend to stabilize in predictable ways, creating greater certainty and lower informational and transaction costs for members. In other words, the outcomes are coordinated across many votes through institutions, allowing the greatest good either for all (universalism), or for some majority subset.

Party scholars have adapted this model to their concept of competitive parties, such that institutional rules are not exercised in favor of the entire chamber or cross-cutting minimum-winning coalitions, but through the stable cleavage of partisan affiliation. This collective action partisan model, best argued by Kiewet and McCubbins (1991) and Cox and McCubbins (1993) abandons simple vote trading in order to show why party might have a role beyond simple vote-coordination. Other recent work in the area of minority rights over time have added empirical support to this idea (Binder 1997)

The general idea behind the collective action justification for the Congressional party is that the party solves organizational problems which must be solved by any successful organization, but at a lower cost than individuals would bear alone. In other words, the partisan approach to this problem is not very different than its predecessors or its rivals like Krehbiel, but what differs is the interpretation of why members support or change institutions.

Parties can indeed be a useful tool for solving the various organizational dilemmas put forth by the new institutionalist scholars. While true that any number of tools could be used for this purpose, the party is a logical choice due to the long term electoral interests that bring members together on party lines. Votes in congress have been demonstrated to fall upon any number of member cleavages, from ideological to issue specific (Clausen 1973, Sinclair 1989). Party is one stable, omnipresent cleavage, providing a stable means of discussing issues and basing votes.

Perhaps the best reason for using party to solve these organizational dilemmas is its existing formal organizational strength. The initial costs of coalition formation would
be huge in a more basic Structure-Induced Equilibrium model (Shepsle and Weingast 1987), where members barter for votes across issues. Parties are permanent and relatively stable, allowing members to frame issues in partisan terms and thus minimize their costs. The party increases efficiency in coalition building, as members can further cut transaction and information costs by delegating tasks to the formal party leadership, providing them powers at the various stages of the process (Kiewiet and McCubbins 1991 Rohde 1992, Bach and Smith 1988).

John Aldrich's book, Why Parties, (1995) is perhaps the best argued presentation of this partisan theory to date. It cuts a wide swath through the parties literature, but his discussion of the legislative parties adds a great deal to this discussion. He carefully details the incentives for using party as the solution to institutional dilemmas. Parties are most successful when the party is relatively homogenous and prefers some set of policies other than the status quo. When majority agreement can be reached, the party then has the ability to enact significant changes and keep the core of the party together. Aldrich supports this argument with evidence, saying that "strengthened party machinery, when finally combined with relatively homogeneous preferences over a new agenda, yielded a far more partisan governance of the House in the 1980's" (p.238).

Critical to the success of these partisan theories is the role of the party leadership in solving these dilemmas. The party leaders will see that committees are assigned, that members can use their positions to aid in their goal of reelection, and work to ensure that policies which are good for the party will make their way through the process. Without party leaders providing the coordination and institutional memory required, the majority party would face the same sorts of dilemmas as the parent chamber. The key, then, is that increased efficiency garnered by working through the stable cleavage of the institutional party rather than reforming diverse majority coalitions on each issue.

The power granted by the party members to the leaders is in no way absolute, however. The caucus has been known to remove party leaders who displease the rank
and file. As Aldrich argues, perhaps leaders are not given free reign, but allowed to maneuver within a range of acceptable choices. Those constraints will be to limit action to a space which a majority of the party will support. The trick is to induce the leaders to take on the collective costs of organization, thereby achieving greater good for the party members. At any rate, the party leaders can do the job of maintaining the organization more efficiently than the individuals, so members are willing to trade their support of the party leadership in return for the lower organizational costs.

Despite the crucial role party leaders play in any partisan institutional explanation of Congress, it remains one of the more neglected areas of study in this area. No one has really focused upon the study of the relationship between congressional leaders and their followers. Scholars have begun the theoretical reasoning required (Aldrich 1995, Cox and McCubbins 1993, Kiewiet and McCubbins 1991), and Sinclair’s recent work has found empirical support for some of the necessary elements, but no study has diachronically tested a theory of leadership involvement in the legislative process. Indeed, these scholars themselves have recognized their explanations as yet insufficient (Sinclair 1994).

In following sections, I hope to begin to attack the problem, by exploring the incentives for leaders and followers, deriving expectations about how that relationship will play out progressively across the various stages of legislation. Theoretical development of the role, tasks, and incentives for party leaders is required if partisan scholars are to be able to answer their critics and effectively resolve this important debate. It is to such an endeavor that I now turn.

II. A Theory of Party Leadership

I assume that members share multiple goals, with specific goals varying in relative importance across members. The initial goal is to be re-elected, for it must be achieved in
order to meet any other long-term goals (Mayhew 1974). As Fenno (1973) suggests, other goals include their notion of good public policy and prestige or influence in the chamber. I also assume that members see a link between their voting record and chamber outcomes on one hand with their likelihood of being re-elected on the other. In other words, they think that how they vote matters not just for policy outcomes but for re-election probabilities.

There are different types of legislative parties discussed in political science, whether it be the “rational team of office seekers” now attempting to govern (Downs 1957, Schlesinger 1991), diverse coalitions of individualistic members occasionally coming together to form “responsible parties” (Cox and McCubbins 1993), or instead simply a tool used by rational legislators to achieve their goals (Aldrich 1995). I agree with the latter view, arguing that legislators “have more fundamental goals, and the party is only the instrument for achieving them” (Aldrich 1995, p.4).

There have been elected leaders from the very beginning of the U.S. Congress. The Speaker of the House is a constitutional office, although the document is mute as to his duties. Rank-and-file members choose to delegate some authority to certain of their number in order that those leaders will then execute some tasks for the party membership. The specific nature of the tasks and the effectiveness with which the leaders execute them has varied across time, but the basic relationship has not: Members have found it worthwhile to delegate power and autonomy to their agents, providing the leaders with power at the various stages of the legislative process. Why do leaders bear these additional costs of coordination? Why do members give up some of their power?

**It is good to be the Leader**

Leaders bear a tremendous burden, for in addition to deciding their own positions and votes and getting re-elected, they bear transaction costs for the group, including
scheduling, developing agendas, and managing debate. Why would anyone desire to bear these costs for the entire group? There are two classes of benefits which make leadership positions attractive. The first is the selective incentives provided by the rank-and-file to the leader. Members pay their leaders through a variety of sidepayments. The most commonly noticed are the office perquisites, such as larger staffs, bigger offices, parking spaces, and the like. In addition to these perks of office, the leaders benefit from their position in terms of external and internal progressive ambition (Schlesinger 1991).

Leadership positions have often been stepping stones to Senate positions, governorships, or even the Presidency. More often, leadership positions provide the prestige of reaching the pinnacle of static ambition (Schlesinger 1994), meaning that it is the best position members can have without seeking an office in a different body. Certain types of people become legislators, and they are often the same sorts of people who desire to stand out among their peers. It is clear that leaders have an unusual amount of prestige and influence in the chamber (Kingdon 1989), a disproportionate amount of attention from outsiders including the media and campaign donators (Sabato 1992). It is thus valuable to be a leader.

The second type of benefit is outcome related. Leaders can incrementally increase their power over time through careful agenda setting and rule reform. Several scholars have pointed to the important effects of the scheduling power of the leader (Ripley 1967, Rohde 1991, Sinclair 1995, Aldrich 1995). Leaders reap a residual gain on policy outcomes which they maneuvered due to the fact that they influence the party agenda. Agenda setting is a huge privilege instead of a burden, for it helps them to meet all of their goals (McKelvey 1979, Shepsle and Weingast 1984). By getting to set the agenda, leaders can use their tools of office to achieve outcomes better for themselves then would be achieved otherwise. While true that leaders are constrained by the range of proposals which a majority may support on the floor (Krehbiel 1991, Aldrich 1995), within this potential feasible set, agenda setters can maneuver the outcome much nearer to their own
ideal points. This helps them satisfy their goal for good public policy. They can also maneuver outcomes nearer to their reelection constituency’s ideal point, thus aiding leaders in their goal of reelection.

Thus it is good to be the leader. Agenda setting can be a very powerful activity, and leaders are able to exercise these sorts of powers at virtually every stage of the legislative process. This situation begs the question, however, of why it is that members would support leaders who are not picking outcomes directly at their ideal points. What is gained by the member?

It is also good to be the follower.

Members thus have strong incentives to be party leaders. They ought all to desire to be party leaders, for then they could set the agenda and achieve those outcomes described in the previous section. If they alone could decide the feasible outcomes and the order upon which they are considered, they would be very successful at reaching their various goals.

Yet they cannot all be the leader, and I will argue that not everyone will desire the mantle of leadership for only those who can afford secondary goals will be able to consider a bid for leadership. Recall that reelection is the preeminent goal of all members, for security is the only way in which other goals can be given more attention. Assuming that initial goal is met, members may turn to other goals such as achieving policy objectives or obtaining power and prestige in Washington (Fenno, 1973). Not all members will be ambitious enough to run for positions of leadership (Schlesinger 1991).

The usual explanation for how members might go about securing reelection includes prioritizing constituency service (Cain et al. 1987), but I am more interested with what they can do in the legislative voting arena to enhance their reelection hopes. By always voting with his perceptions of the dominant position in his constituency, the member can maximize his chances of reelection. There is some discussion as to which
specific portions of the constituency must be pleased, but regardless of whether it is the reelection constituency (Fenno 1973), the groups making the most vociferous demands (Stein & Bickers 1994, Hirschman 1971) or the overall constituency and its "potential groups" (Truman 1959), the answer is missing another central ingredient.

This missing ingredient is the value of a distinctive, powerful partisan legislative organization. Voters tend to choose members on the basis of their expected performance while in office (Fiorina 1981), and voters use the party label as a "brand name" by which to simplify their choice. Thus the party label is of fundamental importance to the voters (Campbell et al 1960). Despite the recent increases in split-ticket voting, the undeniable relationship remains that party is the best predictor of a voter's choice at the polls.

"Ideally, the party label conveys a simple, low-cost signal to "rationally ignorant" voters as to the policies a candidate would pursue in office and the constituencies he or she would seek to benefit" (Kiewiet and McCubbins 1991 p. 40). Thus members are well served by having a clear, directed party label with high informational content which will resound in the electorate.

By delegating away some of their control to party leaders, members will achieve this unified party label as well as a number of other benefits. Ideologically, members will tend to be in the neighborhood of the party, or at least closer to their own party's median position than to the other party's median position. When this is coupled with the benefits they receive with a strong party label, it provides the incentive to support the party even when it is not exactly at their ideal point or even near their constituency's favored point. Aside from the electorally useful party label, what are these other benefits which party can provide?

The first class of additional benefits is external to the chamber, found in the electoral arena. The stronger the institutional party, the better the member's chances of reelection. This is true for two reasons. First, the party can be of significant impact in an individual's campaign. Party leaders will campaign for the member in the district, there
are election committees which work to maximize the party role in the process, and the national parties give a significant portion of funding to prospective candidates.

Second, party leaders are able to assist members in their credit-taking and blame avoiding activities. As Arnold (1990) suggests, "leaders may adopt procedural strategies that either strengthen or break the traceability chain for policy effects...[and] employ procedures that emphasize (or camouflage) legislator’s connections with popular (or unpopular) policy positions" (p.100). This is important for it gives us the argument that policy positions and outcomes are both important to the districts, and it is something which lies somewhat lies under agenda setters’ control.

The second class of benefits which party can provide the members is internal to the organization, and is the Cox and McCubbins (1993) notion of solving the collective action problem. The organization needs to be maintained, and someone has to take on the burden of leadership. In the absence of such leadership, cooperation and collective action are likely to be elusive, for rational individuals are quickly debilitated by the problems of shirking and/or "free riding". When either of these behaviors is present, the members of a group prevent themselves from achieving the best possible outcome by their individually rational pursuit of self-interest. Individual and "group" rationality conflict, producing subpareto-efficient results. Leaders, by providing monitoring, selective incentives, and sanctions, enable the party to collectively act.

Cox and McCubbins (1993) and Aldrich (1995) persuasively argue that without leadership, party members will be unlikely to fully achieve the benefit of an electorally valuable party label. The party label is a public good: once created, it cannot be withheld from any member of the party, nor does one member's electoral "use" of the party label impinge upon another's. Goods of this nature are difficult to provide, because rational individuals have an incentive to minimize their contribution to the good's creation while continuing to enjoy the fruits of the good once provided.

Aldrich (1995) provides us with the best conception of the institutional party, with his theory of the caucus membership and the leadership engaging in the agency
relationship. For Aldrich, the party membership provides "instructions" to the leadership, which spur leaders to act sparingly and only in specific instances. Aldrich's members argue that "if there is nothing that is both feasible and desirable, do nothing in the name of the party" (Aldrich p.210). In other words, leadership is only expected to help members solve the collective action problem when they can win and when it is an item worth winning. This is a very important concept to which I shall soon return.

Sinclair (1995) provides the initial evidence in support of just these sorts of agency relationships. While her recent work has made an intriguing foray into this area, she has not developed the theory of when, why, or how members grant authority to leaders in this arrangement. It is a question of incentives, and without understanding the leader-follower relationship, we have no basis to predict exactly when leaders will become involved. No one has examined all the bills to see when we ought to see leaders engaged in the process. Sinclair has found evidence that leaders do become involved and enhance the chances for passage. Her empirical findings about leadership activity on the important bills in recent congresses is exciting, for it provides encouragement for more careful attention to theory building in this area. The next step, developed in this work, is to elaborate the theory in order to predict when and how leaders will employ their powers on behalf of legislation.

The third class of benefits comes in reducing information costs. Party leaders can run the system of specialization, organizing committees, handling transfers, and shortening the process. The party can give cues, as Kingdon (1989) suggests, so that members need not bear extreme information costs about each issue. This element of the leadership's function is well documented, and need not be elaborated here, other than to suggest that the gains in this area are what prompts Madison's dilemma on the other side of the equation. It is precisely because leaders bear the costs of hidden information that leads delegation to be risky.

The fourth class of benefits is that party leaders also reduce the uncertainty of outcomes in the legislative arena through coordination. By setting the agenda, party
leaders ensure a significantly higher degree of certainty into the environment, thus lowering the costs of voting and helping members to meet several of their goals more efficiently. First, if there is not an agenda setter then chaos may result. As McKelvey (1979) demonstrated, due to social intransitivity, any outcome favored by a majority can be defeated by another outcome, thus leading to a very chaotic outcome where members can continue to offer amendments ad nauseum. In other words, no matter which outcome is presented, there will always be a majority of members preferring a slightly modified version which gains them a greater share of the pie, and coalitions will continuously re-mold around new alternatives without resolution, paralyzing the chamber. The party leadership structures the debate, decides whom can speak, dominates the house calendar, etc. This structure provides a great deal more certainty in a tumultuous environment. Members reap all of these benefits at a risk of adverse selection of agents, to be sure, but that risk can be minimized if members can find a means of solving Madison’s dilemma.

III. The Solution to Madison’s dilemma: Progressive Delegation

In perhaps the most oft quoted Federalist paper, the fifty-first, Madison argues that “In framing a government to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the second place oblige it to control itself.” In addition to being true when entire governments are created, Madison’s statement gets at the heart of the problems of delegating central authority to leaders of any organization. We desire our agents to use discretion and hold authority over decisions for increased efficiency, but are then left with the risk of agents acting contrary to our interests with that power of hidden action.

Much of the time, the preferences of the member and her party leaders will be in tandem. If this is not the case, the member belongs in another party. If enough members
find this is not the case, then changes in leadership will follow, or the party could even die for lack of support. Thus the norm is to be in tandem. In that situation, there is no problem such as Madison’s dilemma. As Kingdon (1989) argues, “if there is no consideration which would prompt him to vote in a way different from that which he is impelled...then his decision is completely uncomplicated” (p.245). Yet members always risk the dangers of Madison’s dilemma with any delegation of authority to their leaders.

Why delegate to the leaders? We may think of it as a market exchange. Leaders can provide the benefits of enhanced probability of passage as well of ease of passage for most any bill. Employing an agent’s services is costly however, and the cost is variable, based upon the nature of the bill. Members who allow leaders to have authority over their bill risk their agent negotiating away favored portions or losing their bill altogether if the leader favors other winnable combinations. This risk is a potential cost, and this cost of employing the agent is weighed against the gains garnered by the bill, when determining whether it is rational to delegate.

Criteria included in determining the tradeoff between the two may include, but is not limited to the degree of support already signaled by the chamber, the electoral value the bill would have assisting the distinct party label, whether the costs are borne collectively or concentratedly, and time pressure. In addition, every time an agent is employed, the members risk Madison’s dilemma, where leaders may bargain away important parts of legislation, may shelve the bill, or otherwise act in an abuse of agency to advance their own goals. In other words, for any given bill, the relative risks of agency are weighed against the benefits leaders provide through utilizing their tools of office.

Kiewiet and McCubbins (1991) identify four ways to combat the problems of agency: contract design, monitoring and reporting requirements, institutional checks, and screening and selection mechanisms. Contracts are excessively difficult to enforce in this sort of chamber. Monitoring and reporting requirements are time-consuming and costly to implement and enforce.
Contract design and reporting requirements, therefore, are problematic solutions at best, leaving either screening and selection mechanisms or institutional checks as the viable solutions. I argue that both of these types of constraints are utilized, and this dissertation demonstrates how effectively and under what conditions this is so.

The delegation of influence to leaders is progressive in nature. When thinking about the relationship between leaders and followers, it is important to remember that it is not a static, contractual agency relationship where certain expectations are charged and side payments are given by the rank and file. The legislative process is a dynamic one, with many different stages, where the stakes, the obstacles, and the payoffs for achieving legislation vary. As a result, the relationship between members and their agent must be a dynamic one as well. Members have different expectations of the role of leaders, dependent upon the legislative stage and type of legislation in question. Thus solving the Madisonian dilemma involves considering the relationship between leaders and followers on a stage-by-stage basis.

I argue as well that the successive stages provide a progressively important role of the agent in shepherding bills through the process. The role of the party leaders in committee need not be very great, for in that particular stage, as hearings are conducted, and mark-up sessions are in progress, the members are sorting out their preferences and determining whether the bill is one for which they desire to signal their agent into action. In each successive stage, the leader plays a more integral role in the process of lawmaking, until by the time the bill is voted upon and conferences may be called, the leader has extraordinary influence. This is as it should be, according to the agency framework outlined by the new institutionalists, for the stakes increase with each stage, as does the investment of time and resources into the legislation. The risks of adverse action by the leader also diminish, for in each successive stage the leader has demonstrated willingness to act in accordance with the party, thus diminishing the risks of adverse hidden action later in the process. The mere fact that leaders did not defect at the earlier stages makes
them less likely to abuse the agency relationship. Hence, we ought to expect a pattern of progressive powers granted to the leaders through successive stages.

It is good to be the leader, and it is good to be the follower. The relationship between these two groups of actors is a dynamic rather than static one. The dangers inherent in agency are very real, but controllable through careful delegation and a series of checks and balances. While there have always been flow charts in textbooks of how a bill becomes a law, no one has traced the role of the leadership in this way through the various stages of the actual process. This new theory of progressive delegation, focusing not only on the actions and incentives of leaders but of followers as well, leads us to some testable propositions to which I will now turn.

IV. A Test of the Theory

Are leaders constrained by the members differently in the different stages of the legislative process? What are the signals sent by members to their agents, and what are the powers granted to the leaders in the various stages? Is the expectation correct that members will more fully constrain the agents early in the process, when the range of likely outcomes is conceivably much wider, only to give way to much more unilateral control by the agents in the final stages? There are four periods of the legislative process which I hope to demonstrate the variable and levels of safeguards employed by the members to insure party leaders' cooperation. They are the stages of leadership selection at the beginning of the congress, bill introduction and referral, the actions of the Rules committee, and the conference committee.
Stage 1: Leadership Selection

The initial period I examine occurs prior to the first bill of the Congress being introduced. One of the best opportunities for members to guard themselves against adverse agency is at the time of leadership selection, thereby preempting many of the problems of agency before they begin. It is here that the rank and file can most cost-effectively achieve the gains brought about through leadership while simultaneously reducing the likelihood of adverse behavior. Once selected, a poor choice must be monitored, discovered and removed—all costly activities. But with proper screening, agency losses and costs are greatly minimized.

Thus leadership selection is the initial stage where members may safeguard themselves from Madison's dilemma. Although a very efficient solution, proper screening is no guarantee of good agency, thus forcing members to have other checks in place later in the legislative process. Having already argued that designing explicit contracts or constant monitoring are prohibitively costly, members must turn to some form of institutional checks through the rest of process. I will show that indeed they have done so. Yet it is important to realize that there is a great variety of formal institutions checking the power of the leaders, and that while some are blunt instruments, others provide very subtle cumulative guides on the agents' behavior. I plan to examine these various institutional checks in three remaining stages of the legislative process.

Stage 2: Bill Referral

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5 The hypothesis of this first stage appeared initially in Posler and Rhodes (1997), and I am indebted to my co-author.

Van Der Silk and Pernaccario (1979), Sullivan (1975), and Loomis (1984) employ the mean instead of the median. Clausen and Wilcox (1987) examine pre-selection behavior only in passing.
The second stage is at the time of bill introduction and referral. This stage is the first where leaders have a formal role in the process. Here the Speaker must determine which committee or committees will hold jurisdiction over the bill as it begins its journey through the House. Young (1994) argues that such an act indicates a partisan cue that this bill will be more likely to receive closer scrutiny from the leaders in the future. When leaders choose to be active at this stage, it may be interpreted as signaling the importance of a bill to the organizational party. The decision to multiply refer a bill indicates that the leader expects additional energy to be spent, for the mere act of having additional committees examine the bill, as well as the coordination of those mutual efforts, are costly in terms of time and resources to the party. We may safely conclude that speakers will not earmark those bills unless they have potential for meeting Aldrich’s criteria of being feasible and desirable. This theory leads me to conclude that multiple referral is indeed a partisan cue of activity by the leader at this stage.

Stage 3: The Rules Committee

The third stage I examine is the adoption of rules for specific bills just prior to reaching the floor. Party leaders play a much stronger role in the process in this stage, for the constraints placed upon them are fewer. “This is the Speaker’s committee” argues Phillips (1989), and for good reason. The speaker gets appointive power in this stage, determining who will sit on the Rules committee, insuring that it will be members that support him. It is one of the most unbalanced committees in terms of partisanship, with usually about 2/3 of the seats held by the majority party. Yet there remain some constraints on the leaders control here. All rules must garner a majority in the House, and rules have certainly been known to be defeated. The mere involvement of an entire committee on these decisions renders leader’s positions fallible, as in Sinclair’s (1995)
example of China's Most Favored Nation trade status. Despite this rare defection, the speaker seems to own the Rules committee, thus enabling him to save time and keep adverse amendments and alternatives off the floor.

By this point, the potential for abuse of the agency relationship is relatively small, compared to the introduction and referral stage of the process, for the range of feasible alternatives has winnowed to a few proposals. The risks for hidden action causing problems is thus relatively slight, while the threat of being rolled on the floor is still great for the membership. The members are better served by a stronger leadership presence, which leads to progressive delegation. The members still profit from the coordination of the leader and the adoption of special rules for those bills which are desirable and feasible for the party members. Thus while the control leaders have here can be quite strong, it is not universally applied as it is in my final stage of inquiry. I will demonstrate the conditions under which we ought to expect leaders to use their tools available to them in this stage.

Stage 4: Conference

By the final stage of activity in the House, the conference, members and leaders have already invested a great many resources to the legislation. The house as a whole, as well as the bulk of partisans have affirmed the bill. In order to protect that investment, near dictatorial powers are granted to the leaders to solve the remaining obstacles at low cost and produce the bill. By this point, the range of options is relatively low, so the risks of delegation are rather minimal when compared to the investment and gains to be imminently produced. Leaders are thus granted virtual control to select who goes to conference to represent the chamber. While true that the members of conferences tend to be from the committee and the committee chair makes recommendations to the party
leader, conferees are not random committee members, and I will show under what sort of circumstances leaders will use their power to get a more "partisan" delegation, rather than a delegation which looks more like the floor or the committee.

As I envision this relationship, the powers of the leadership are quite cumulative in nature as one passes through the stages of legislation. By severely curtailing the powers of leaders at the earliest stages, members insure that there is a wide degree of input and that bills will not advance which are adverse to the majority of partisan members. Full committees will vote on matters well before leaders have much opportunity to achieve authority over the bills. As successive stages advance, however, the risk of adverse results is greatly minimized, allowing the members to safely delegate more authority to save the exponentially increasing transaction costs which are more easily borne by the leaders at that time.

[Table 2-1 About Here]

Table 2-1 illustrates the stages encompassed by this theory of progressive delegation. It is from this theory that I derive the hypotheses tested in the following sections of the dissertation. Each of the stages is represented in the central column, with the powers granted to leaders displayed in the left column. Important to remember throughout this discussion, however, is the right column, which details the final checks on adverse leaders.

Through most of this dissertation, I will be assuming that the leaders selected by the followers are primarily "good" agents, needing only slight corrections by a watchful rank-and-file. While the relationships between leaders and followers ought to be mutually beneficial as the theory of progressive delegation suggests, there always remains the possibility of a rogue leader, with divergent preferences from the majority party, truly
intent in sabotaging the desires of his principal. It is the possibility of this rogue leader which creates the need for extraordinary measures like those in the right column of Table 2-1.

Rogue leaders are a possibility, and the results of a terrible agent would be disastrous for the majority party. In order to provide safeguards against such an adverse agent, the members provide a final check of his power in each of the legislative stages. If a rogue agent has effectively killed a bill by sending it to hostile committees, a discharge petition can override the referral process and the bill will have its chance to be heard. Similarly institutional norms and rules such as the tendency of seniority to matter in committee assignments and the opportunity for a majority of members to override the scheduling decisions help insure that leaders are not rogues, working against the collective good. All special rules must be voted upon, and a majority of the floor can send explicit instructions to conferrees, so there is always a final, majoritarian safeguard from rogue leadership.

Despite the procedural limitations shown in Table 2-1, the single best check on rogue leadership remains the mechanism for agent selection. As we will find in Chapter 3, members can help guard against adverse agents by choosing people with positive "track-records" prior to leadership selection. Once the leaders are selected, the involvement of leadership becomes the intervening variable between the various stimuli and the institutions. There are four major factors which will help determine whether a leader becomes involved with a given bill at various stages. Time pressure, Sponsorship characteristics, Distributiveness, and Party Delegation characteristics will each be considered in turn.

Time pressure occurs due to the very logistics of shepherding legislation through the process. Over five thousand bills were introduced in each recent congress. It would be impossible for the leader to devote resources to each bill, even if it were the case that the bills all met the criteria of being feasible and desirable for the party. Leaders are
forced to prioritize bills when they set the calendars, and it simply takes time for bills to meander through the lengthy legislative process. Bills introduced earlier in the Congress have an enhanced probability of making it further in the process and hence gaining action by the party leadership. Hence, time pressure can be very real, for the costs of moving legislation increase as the time frame within they must operate shrinks. As time pressure increases, it becomes less likely that we will see the leaders acting at the various stages.

There are several Sponsorship characteristics which become vitally important in determining whether leaders become involved in a piece of legislation. Perhaps most important are ideological and partisanship concerns. Bills which are sponsored by members in the “core” of the party (Aldrich 1995) have an easier path to majority support. As the distance of the sponsor from the median of the party increases, therefore, the costs for the leader to build winning coalitions go up dramatically. Because leadership resources are finite, we would expect them to be more active when the bills are more feasible, so that they expect likely return on their investment. Similarly, as agents of the party, his principal will not want him to aid the legislation coming from extremists.

Other sponsorship characteristics are important as well, serving as further indicators of the “costs” of successfully moving legislation. As the number of cosponsors increases, the costs of coalition formation will slightly decrease, for there are simply fewer votes needed to form a winning coalition. The type of committee which sponsors the legislation will make a difference both in how desirable and how feasible the legislation is for party members. Finally, the seniority of the sponsor matters as well, for the costs of coalition formation around extremely junior members will be higher than for much more senior members.

The actual content of the bill itself is extremely important. Most bills are relatively trivial and are considered entirely undesirable or unfeasible by the party. One of the more important dimensions determining whether bills are worthy of attention is its level of distributiveness. Highly distributive bills tend to have greater importance than do more
localized bills, for many more members have some stake in achieving the desired outcome. The more distributive bills are, the more likely the leadership will become involved, as they help members in their credit-taking and blame-avoiding activities. Big, distributive bills tend to play well with the electorate, and hence also assist in the formation of that strong party label which is so important. Other things being equal, the more distributive a bill, the more likely we will see leadership involvement.

Finally, there are characteristics about the party delegation itself which vary over time and make the job of leader more or less challenging. It is vitally important to separate the concepts of party size and party homogeneity, and this distinction is all-too often ignored in political science. Greater homogeneity is a boon to coalition formation around legislation, for as the interests of members converge, there is general agreement about which bills are feasible and desirable, and hence agreement about when the leader should be involved. Greater size can be either helpful or detrimental, depending upon the level of homogeneity. In an extremely homogenous party, greater size is a blessing, for that simply equals a greater percentage of chamber members who share priorities. In an extremely heterogeneous party, then any additional size merely serves to greater factionalize the group and make consistent formation more difficult. At any rate, as homogeneity and size increase in tandem, we ought to see more bills fitting the desirability requirement, and as a result, greater leadership activity.

The leader activities take three different forms in the model, with leaders affecting whether the bill is multiply referred, what type of rule is obtained if any, and what type of conference delegation is appointed. Each of these actions is discussed in much greater detail in the remaining chapters. It is important to note at this time however, that these actions are highly related to each other. Bills that obtain partisan conference delegations are likely to have obtained a special rule and are likely to have been multiply referred. In other words, leader action at previous stages is a strong predictor of action at later stages.
The critics of the partisan approach to understanding Congress have forced us to sharpen our models and form new theories to explain politics in the House. In addition to testing when and how the leadership become involved in legislation, it is an important empirical question to determine whether the speaker is truly an agent of he party or of the House as Krehbiel would claim. In my attempts to test my theory about leaders and followers, I will also rigorously test whether it is the party or the chamber whole for which the Speaker toils. The framework presented in this chapter is fruitful, yielding many testable hypotheses. It is the task of exploring some to which I now turn.
Table 2-1
Leadership Powers and Limitations

<table>
<thead>
<tr>
<th>Leadership Tool</th>
<th>Legislative Stage</th>
<th>Check on Rogue Leaders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Referral</td>
<td>Bill Introduction</td>
<td>Discharge</td>
</tr>
<tr>
<td>Appointments</td>
<td>Committee</td>
<td>Seniority</td>
</tr>
<tr>
<td>Run Calendars</td>
<td>Scheduling</td>
<td>Majority Rule</td>
</tr>
<tr>
<td>Special Rules, Run Debate</td>
<td>Floor</td>
<td>Vote on rules Previous Question</td>
</tr>
<tr>
<td>Appointment</td>
<td>Conference</td>
<td>Instructions</td>
</tr>
</tbody>
</table>
Chapter 3: Leadership Selection

"The House of Representatives shall chuse their Speaker and other Officers" Article I, Section II of the U.S. Constitution

"You're elected by the people you're supposed to pressure; if you pressure them too much they won't re-elect you; if you don't pressure them enough they won't re-elect you" Newt Gingrich, in his acceptance speech as Speaker of the House, January 4, 1995.

The House of Representatives is nominally a place of equals, where 435 members come from mutually exclusive geographical districts, each apportioned with one equal vote on all matters. Unlike a firm, there is no designated chain of command. Congressional leadership is only mentioned once in the Constitution, in the second section of Article One. The members of the House are responsible for choosing their own leaders.

If pressed, the founders of Congress would likely have been in general agreement that the leadership positions were to serve as officers of the entire chamber. The opposition of George Washington and James Madison to the dangerous factional parties is well established. In Washington's farewell address, he argued that the fire of party is democracy's worst enemy and that it requires a "uniform vigilance to prevent its bursting into a flame, lest instead of warming, it should consume". With sentiments like that, it is clear that the Speaker was not to be a partisan.

Currently, the Speaker of the House speaks for the chamber to outside sources, and is elected by a majority of the entire chamber. If Krehbiel's majoritarian postulate is
applied to the selection of officers, then the member who pleases the majority of the floor ought to be selected.

Yet, empirically, party affiliation matters a great deal in the selection of leaders. The first vote of every modern congress is the approval of the majority party’s candidate for the speakership, virtually always on a straight party vote. Aside from Ralph Hall’s famous “present” vote against Tip O’Neill in the 1980’s, and the few disgruntled Republicans refusing to support Newt Gingrich in the 105th Congress, by and large the candidate of the majority party wins the election on a stright vote along party lines. As a result, speakers lead parties as well as leading the chamber.

There is a great range and variety of theories, hypotheses, and assertions put forth to explain leadership selection. The study of selection of leaders potentially requires knowledge of parties, personalities, issues, ideologies, and intra- and extra-institutional rules and forces. The multiple complications of Congressional leadership selection has prompted at least one prominent scholar to admit that the complexity and "relative infrequency of leadership selection and change may preclude a more powerful theory of leadership selection" (Sinclair 1990 p. 123).

While this may indeed be true, it is possible that the framework of analysis presented in the previous chapter may offer one path towards greater understanding of this phenomenon. In the remainder of this chapter, I further develop the theory presented in the previous chapter regarding the use of screening and selection mechanisms as a check on adverse agency, and then empirically test expectations derived from that theory. Before turning to the tools leadership may use in a variety of legislative settings to aid
passage of bills favorable to the party, we must first test the substantive link between leaders and followers posited by my theory. In other words, the initial step in this analysis is to demonstrate that members are choosing leaders with their ideological and partisan positions in mind. It is important that members choose leaders who minimize the risks of adverse selection, for if I demonstrate that members choose leaders on the basis of partisanship, I can then show how leaders accomplish their partisan mission.

The literature on leadership selection has tended to neglect what I see as the fundamental question regarding leadership selection. What is the relationship between the prospective leaders and the followers? While a number of studies have detailed characteristics of leaders, too few have attempted to apply a theory of leadership selection and are thus left with descriptive correlations instead of a theoretical explanation for the patterns they find. The institutionalization thesis, qualitative studies of personality, attitudes, and behavioral patterns, and finally, the "middleman" hypothesis have all found pieces of the selection puzzle, but the framework of principal-agency and Madison's dilemma will move us closer to an understanding of the process.
Institutionalization

Many scholars have noted that the process of Congressional leadership selection has become increasingly institutionalized over time (Olsezek 1971; Nelson 1977; Peabody 1976; Canon 1989; Sinclair 1990; Brown and Peabody 1992). Drawing from the seminal work of Polsby (1968), Canon argued that since the 1970s, the institution of Congressional leadership has become increasingly bounded, durable, internally complex, and universalistic. Discussing its boundedness, Canon noted that the leadership system was no longer permeable. Congressional leadership was a career structure in and of itself, with long apprenticeships, lengthy tenure, and internal promotions. Such a system, it was argued, produced leaders of proven loyalty, motivation, ambition, and skill.

Nelson (1977) described this process as the "leadership ladder" (p. 923), defining it as a selection system which held constant across multiple time periods, personalities, and parties. Leaders were promoted from within and dutifully advanced to the next rung of the hierarchy (although there were significant interparty differences in the ladder's use). Peabody (1976), noting the historical rarity of a challenge to an heir apparent, argued that the ladder was maintained due to 1) the desirability of the positions themselves, 2) the goodwill incumbent leaders accumulated by doling out institutional favors (which served to deter potential challengers), and 3) the general valuation of leadership experience and intraparty peace. Peabody is correct to focus on these sorts of incentives, but places far too much weight on this "ladder" thesis.
The institutional "ladder" thesis is unsatisfactory as an answer for leadership selection. To answer the question of why an individual was selected as Speaker, for example, with "because he or she was the majority leader" serves only to push back the problem to another level while failing to answer the question at hand. It does nothing to help guard against the dangers of adverse selection presented in chapter 2. If indeed the formal positions of leadership serve as an upwardly mobile escalator, then it becomes necessary to examine at the ground floor who is selected and why.

Studies of Personality, Attitudes, and Behavioral Patterns

By far the most richly detailed component of the literature contains studies that document the importance of personality in leadership selection and success (Davidson 1989; Peabody 1976, 1984; Brown and Peabody 1984; 1992; Sinclair 1983; Polsby 1992; Little 1994). Some of the personalities of leadership have taken on legendary status -- Cannon, Rayburn, O'Neil, and Wright, to name just a few. Other leaders, while perhaps less famous, have allowed scholars to document the personal leadership traits and abilities that appear to be favored by the rank and file members of Congress: a sense of patience, fairness, and courage, an ability to mesh comfortably with those already in positions of leadership, parliamentary knowledge and expertise, strong character and personal popularity, a working knowledge of the issues and a feel for the opinions of others, skills
in negotiation, oratorical ability, persuasiveness, a high energy level, keen political instinct, and extra-institutional support.

Personality, personal skill, and popularity are critical factors in leadership selection. To argue otherwise is to grossly misunderstand the nature of human beings and human interaction. To the extent that one's goal is to construct a workable theory of leadership selection, however, personality poses several difficulties. Sinclair (1990), in an insightful review of the literature on party leadership, notes the difficulty of incorporating personality into theory when she argues that "the attempts that have been made to define leadership in personality terms and to delineate the personal characteristics that distinguish a leader have not been very productive in the social sciences" (p.124). Other characteristics of leaders have been more fruitful in model development.

Beyond personality, scholars have explored a wide variety of contextual, attitudinal, and behavioral characteristics that have tended to influence the leadership selection process. Some have studied informal norms: Loomis (1984) found that leaders tended to express higher levels of satisfaction with Congress as an institution, and placed greater value on specialization, cooperation, and universalism. More common are studies documenting the importance of region and seniority (Nelson 1975; Peabody 1976; Sinclair 1983, 1990; Hinckley 1970; Brown and Peabody 1992). Congressional parties have consistently attempted to regionally balance the leadership structure, and leaders have often (not surprisingly) possessed considerable institutional tenure. As also might be expected, party leaders frequently display higher levels of party support in roll call voting than their non-leadership colleagues (Peabody 1976; Sinclair 1983; Davidson 1989).
The studies of personality have both strengthened and frustrated the theoretical development of the field. While the studies in this section begin to set some criteria for the selection of leaders, it provides unsatisfying answers for the question at hand. It is certainly the case that each of these factors may be influential in the selection of leaders, it is also true that they have not provided an objective set of criteria for knowing why certain candidates were chosen over others, nor has it provided us with a general model of leadership selection nor any explanation of the relationship between leaders and followers.

The "Middleman"

In his seminal volume of 1959, *The Congressional Party: A Case Study*, David Truman argued that "...one would expect that a Leader who accepted any degree of responsibility for the substantive actions of the party would almost certainly be a middleman, not only in the sense of a negotiator but also in a literal structural sense." (p. 106) Truman's words have given rise to a series of studies which have either argued for or against this seemingly sensible hypothesis. At last we have a theory about the sort of leaders members ought to prefer, as well as a potentially measurable hypothesis. The evidence, however, is mixed, leaving the Middleman theory in an ambiguous state.

Hinckley (1970) and Sullivan (1975) have perhaps garnered some of the strongest evidence for the middleman theory, although their support is still conditional. Measuring factions by their support for the Conservative Coalition, Hinckley found that Democratic
leaders came from the South, the dominant faction. Yet the Southerners selected were generally quite moderate, and more typical of the middle of the party than their regional brethren. Sullivan (1975), examining the Congressional leadership of the 84th-92nd Congresses, found that the selection process did exclude extremists. Leaders were relatively more moderate than their cohorts (those of the same region and of similar seniority). Three-fifths of the leaders of the House were more moderate than one-half of their control group, as were five-sixths of the senatorial leaders.

Other scholars, however, have produced less definitive results (Sinclair 1983; Gross 1984; Loomis 1984; Anderson et al. 1994). Sinclair (1983) found considerable diversity in the leadership structure. Gross (1984) documented that Senate Democratic leaders tended to come from the liberal faction, although occasionally a leader was chosen from the conservative bloc. Loomis (1984), comparing leader and non-leader members of the class of 1974, found no differences in Conservative Coalition (CC) or Americans for Democratic Action (ADA) scores, although leaders tended to demonstrate higher levels of party support. Addressing their partisan and ideological makeup, Loomis called the leaders of the class "slightly party conscious Middlemen" (p. 193).

Other studies have found evidence contradicting Truman's theory. Patterson (1963), examining the senatorial leaders of the 87th Congress, found that although leaders were widely dispersed, the tendency was one of extremism. Clausen and Wilcox (1987) not only found little evidence in favor of the Middleman theory, but actively argued against it. Leaders, they asserted, should come from the "party position" (p. 247), defined as the opposite side of the median from the mean. Clausen and Wilcox argued that it was
only in and around the party position where members were concentrated enough to formulate and act upon a party stance. In effect, this would entail that Democratic leaders would come from the liberal wing of the party, while Republican leaders would display a relatively high level of conservatism. Looking across five issue dimensions in the 83rd-88th Congresses, they found the majority of leaders to be well within the party position, a considerable distance away from the median.

Unfortunately, the Middleman hypothesis has been the victim of misuse by some of the later scholars who have attempted to operationalize and test this important idea. Most commonly, the Middleman hypothesis is tested with a cross-sectional research design. Nearly all of the studies discussed above examine the act of leadership selection only at the time of the promotion itself, and the few studies examining the behavior of leaders prior to their selection do so only in passing or by conducting an inappropriate empirical test. The theoretical strength of the middleman hypothesis is rooted in the significance of the median voter (Black 1948). To test the theory with the mean instead of the median serves only to limit the usefulness of Truman's ideas, while failing to provide an accurate empirical exploration.

Fundamentally, the middleman theory concerns the relationship of a prospective leader to the party caucus. This relationship has received little theoretical attention in the Middleman literature, although some patterns of regularity have emerged. What has ultimately not been accomplished, then, is the incorporation of these patterns into an explanation of party leadership selection. The agency theory presented in the previous chapter provides a framework by which we may begin that task.
Leadership Selection as the Initial Safeguard for Agency

Examined in the aggregate, the findings of the leadership selection literature are fragmentary and often contradictory. The key theoretical piece of the leadership selection puzzle neglected in these studies is the relationship between the rank and file members of the party and the party leadership itself. The theory of agency elaborated in the previous chapter posits a beneficial relationship where it is good both to be the leader and to be the follower. Due to the dangers of Madison’s dilemma, however, the mutual gains may only be realized if proper safeguards are in place to protect the members from a leader’s misuse of the power granted to him.

How does one go about selecting the proper agent, one who can provide the solutions to those perplexing organizational dilemmas without betraying the trust of the principal? After all, the decision is very important, and is in this case long-lasting. The selection of a Speaker of the House is a very difficult decision to “undo”, for there is no probationary period and it is virtually impossible to unseat sitting speakers unless the leader is burdened with major ethics violations or other glaring deficiency.

Recall that Kiewiet and McCubbins (1991) identify four ways to combat the problems of agency: contract design, monitoring and reporting requirements, institutional checks, and screening and selection mechanisms. The first two of these are unsatisfactory, failing to be cost effective in terms of the resources required for the benefits gained.
Contracts are not a useful solution in this instance. Although the rank and file of the party could in theory draw up an elaborate agreement detailing the duties, obligations, and (if necessary) the sanction to be imposed on the leadership should they stray from the rank and file's wishes, in practice, this is often difficult to accomplish (Miller 1992). Hidden action and information asymmetries limit the party's ability to evaluate the leadership's adherence to the contract. Moreover, contracts are costly, and frequently create unintended consequences (North 1990).

Alternatively, the rank and file could require the leadership to extensively report on its activities. Monitoring and reporting requirements, however, are extremely time-consuming and costly to implement and enforce. Further, under such a system the leadership has a strategic incentive to conceal its activities and information. These requirements also have the perverse consequence of limiting the leadership's ability to make deals or build coalitions, activities which often require a degree of secrecy and confidentiality.

Institutional checks remain a workable solution, and I will turn to a discussion of them in the coming chapters. Careful delegation of powers as legislation progresses through the process can be an effective tool, but such management is more costly than strategies at this initial stage. Screening and selection mechanisms are the most cost-efficient solution, ideally preempting the problems of agency before they begin. It is here that the rank and file can most easily achieve the gains brought about through leadership while simultaneously reducing the likelihood of adverse selection. "To the extent they share in the benefits of minimizing agency losses and agency costs, both sides are better
off if principals are able to identify those individuals who possess the appropriate talents, skills, and other personal characteristics prior to the establishment of the principal/agent relationship" (Kiewiet and McCubbins p. 30).

The problem, however, is that the rank and file have incomplete information on the leadership candidates: they risk the danger of adverse selection. Once selected, leaders have the incentive to maximize on their own goals and interests, which may or may not be congruent with those of the party. Moreover, leaders, once selected, have at their disposal the institutional mechanisms to effectively bring about these interests and goals. The problem of adverse selection, therefore, is serious: an inopportune selection can lead not only to suboptimal levels of coordination and cooperation, but to policy outcomes that could reduce the probability of rank and file reelection (Cox and McCubbins 1991; Young 1994; Rohde 1991; Aldrich 1994).

Adverse selection is a dangerous problem. It is simply not possible for the rank and file to monitor the behavior of their leaders at all times. They therefore have difficulty in determining the extent to which the agent is (or is not) working in their interests. Second, leaders have access to information to which the rank and file does not, creating the danger of the leader taking strategic advantage of the information asymmetry. Finally, there is the constant tradeoff between endowing the leadership with the necessary powers to solve the rank and file's problems, while simultaneously preventing the leader from becoming too domineering. These problems are present in even the best principal-agent relationship. An adverse selection would extract an additionally large cost from the party members, and thus ought to be avoided through any institutions at their disposal.
How are members to use screening and selection mechanisms to minimize the chances of adverse selection? An ideal agent would share identical preferences with a homogeneous principal. Unfortunately for the members, they have no guarantees that the leader they select will indeed share their preferences in the future, but they do know the record of the prospective leaders in the past. Prospective leaders may signal their intentions in their leadership careers with their pre-selection behavior.

Signals, informational cues consisting of the pre-selection behavior of the leadership candidates, are transmitted to the rank and file in order to communicate the presence of desired leadership traits. In other words, because the principal has no real knowledge of how the agent will behave as speaker, they must rely on signals of past behavior as a guide. Signals are the vehicles by which a would-be leader expresses his or her qualifications for a position of leadership, and they allow the rank and file to evaluate the leadership candidate before the would-be leader is actually selected. Once selected, a poor choice must be monitored, discovered and removed-- all costly activities. But if the would-be regrettable selection is screened before he or she is selected, agency losses and costs are greatly minimized.

What sort of signals will be preferred by the parties so that they may reduce the likelihood of agency losses through an adverse selection? Realize that there is likely consistency within a party over time in terms of the sorts of signal patterns developed. There need not be similar signals between parties, however, as they are uniquely different organizations. The few studies which have examined pre-selection behavior of leaders have tended only to look towards the “middleman” hypothesis as the pattern of interest.
(Van Der Silk and Pernaccario (1979), Sullivan (1975), and Loomis (1984). Wilcox and Clausen (1987) proposed a “party position” outside the median area. While this must certainly be included in any study of pre-selection signals, it need not be the only hypothesized set of signals. In fact, we developed four possible signals members could send to parties in hopes of attaining leadership positions:

Four Competing Hypotheses

Drawing from the principal-agent framework, I offer four competing hypotheses of leadership selection. The hypotheses share a conception of leadership selection as a problem of agency, and each emphasize the importance of pre-selection signaling in reducing the danger of adverse selection. As Table 3-1 indicates, they differ in their prediction of the precise nature of the signal, as well as in the rank and file’s interpretation of the informational cue.

Hypothesis One- The Core

The rank and file of the party will select leaders whose pre-selection behavior signals their consistent location within the core of the party. Aldrich (1988) has argued that the “core” is a vital force within any legislative party. The core of a party is the critical mass of intraparty support necessary for legislative action and success. If a would-
be leader can obtain the support of the core, then he or she is supported by a critical majority of the rank and file. The Core hypothesis predicts that the rank and file prefers a leader who has demonstrated consistent, steady, and predictable behavior within the core of the party over time. Would-be leaders, therefore, will endeavor to convey this impression by consistently aligning themselves within the core of the party over the entirety of their pre-leadership careers.

Hypothesis Two- The Moderator

The rank and file of the party will select leaders who have shown a willingness to moderate their views toward the core over their pre-selection careers. "Party" is but one of the many potential influences on a member of Congress (Kingdon 1989). Central to the problem of agency is the danger of an adverse selection maximizing on his or her own interests at the expense of the needs of the rank-and-file members. The party could worsen the probability of such an occurrence by selecting a candidate who consistently or stubbornly voted her "gut", or blindly labored to advance the interests of his constituents to the neglect of any other consideration. Of course, most members of Congress have well-formulated views and ideologies, and nearly all members of Congress strive to please their constituents (Mayhew 1974). Nonetheless, there are significant differences in degree (Hibbing 1991), and the rank and file should prefer someone who has displayed a willingness to make personal sacrifices for the good of the party.
Without this signal of sacrifice, party members will be unable to determine whether or not a candidate's position within the core is coincidental, or a credible desire to work for the good of the whole. Coincidental core members carry with them a higher probability of adverse selection, as their continued presence in the core is dependent on unknown and exogenous forces (constituency, interest group support, etc.). Should these exogenous forces change, so will the behavior of the leader, potentially (from the party's perspective) for the worse. Leadership candidates who moderate their views in the direction of the core over their pre-selection careers signal a willingness and a desire to work for the party. Successful candidates for leadership, therefore, should moderate their views over time, moving closer to the core as their pre-leadership careers progress.

Hypothesis Three- The Anchor

The rank and file of the party will select leaders whose pre-selection behavior signals their consistent distinctiveness from and opposition to the opposing party. There are three strands of literature that inform our third hypothesis. First, Cox and McCubbins (1993) persuasively argue that one of the primary duties of leadership is to provide the public good of an electorally beneficial party label. As the party's reputation constitutes a public good, rank and file members have an incentive to select leaders on the basis of their ability to create a positive electoral image. Second, Congressional election scholars have documented that voters engage in retrospective judgments of political parties' performance
(Kramer 1971; Kinder and Kiewiet 1984; Fiorina 1981; Welch and Hibbing 1992; Brown and Woods 1991). The research of Miller and Stokes (1963), Kingdon (1989), and Fenno (1978) suggests that members of Congress believe this to be true as well. The third body of literature serves to provide the link between the theory of Cox and McCubbins and the empirical findings of retrospective judgment. Scholars have amassed a wealth of evidence on the importance of party identification for Congressional vote choice (Campbell et al. 1960; Wolfinger and Rosenstone 1980; Leighley and Nagler 1992). In short, party identification often drives the vote.

Hypothesis three predicts that the rank and file will foremost consider their party label when selecting leaders. Party members benefit from a party label that is clear, consistent, and distinct from that of their competitors, and the party should therefore select leaders to bring about these conditions. For the Democrats, this will require that the rank and file select leaders who consistently align themselves in their pre-leadership careers with the liberal wing of the party. Republicans will do the converse, selecting leaders who have displayed a consistent streak of conservatism.

**Hypothesis Four- The Polarizer**

The rank and file of the party will select leaders who have shown a willingness to increase their distinctiveness from and opposition to the opposing party. Hypothesis four combines the logic of the "moderator" hypothesis with the substantive emphasis of the
"anchor". The moderator hypothesis argues that the party faces a heightened probability of adverse selection by promoting a candidate whose presence within the core is a "coincidence". Coincidental core members pose an added risk to the party due to their inability to determine whether the candidate's presence within the core is a good predictor of future behavior, or merely a function of exogenous and potentially unstable influences. Should such a candidate be selected, the would-be leader could radically alter his or her behavior to the detriment of the rank and file. To combat this problem, the moderator hypothesis argues that the party will prefer candidates who moderate their views toward the core over their pre-selection careers.

The polarizer hypothesis posits that the rank and file are foremost concerned with the creation and maintenance of their party label. They wish to select leadership candidates who are distinct from and actively opposed to the opposing party. This, of course, is also the prediction of the anchor hypothesis. Under the polarizer hypothesis, however, the party fears the adverse selection of a "coincidental" candidate: a candidate for leadership whose distinctiveness from the opposing party is a function of unknown, exogenous, and unstable forces. To guard themselves against this possibility, the rank and file require a dynamic signal, selecting leaders who have consistently moved away from the opposing party throughout their pre-selection careers. Such movement signals a conscious willingness and desire to create a party label that is clearly distinct from the label of the party's electoral competitors.

Due to its aversion of the "coincidental" candidate, as well as the strong signal of opposition of the opposing party, it is anticipated that the Polarizer hypothesis will be the
pattern supported by the evidence. It provides the strongest possible guarantee against the
dangers of adverse selection, for there is nothing ambivalent about the signal. Polarizing
candidates provide the most vivid cue for the rank and file, lowering the costs associated
with the screening and selection of leaders.

Data and Methods

To test these hypotheses, we employed the NOMINATE data set (Poole and
Rosenthal 1984, 1991; Poole 1987; Poole and Daniels 1985). Although the NOMINATE
procedure has been the source of considerable controversy (Koford 1989; Wilcox and
Clausen 1991), it provides a reliable estimation of the location of members of Congress
with respect to one another over time.

We require a single measure of partisanship that can be used to compare both
individuals and Congresses. The first two dimensions of NOMINATE have been
variously labeled as ideology, party cohesion, and party loyalty. What is clear, however, is
that taken together, the two dimensions reveal the structure of Congressional voting,
accounting for over 85% of the variance in House roll call votes (Poole and Daniels
1985). To attain a single measure of "party" conducive to diachronic analysis, we
estimated party as a function of the relative locations of all members of Congress on the
first two dimensions of NOMINATE using PROBIT, on a Congress by Congress basis.
We then rotated every member's position by the angle provided by the rate of change in
the PROBIT parameter estimates. The recovered final dimension produces a party allegiance score for every member of every Congress from 1875-1987.

The new party loyalty dimension on which every individual score is based ranges over the interval (-1, 1). Lower scores reflect greater allegiance to the Democratic party, while higher scores indicate stronger loyalty to the Republicans. Almost all Democrats have negative scores, and almost all Republicans have positive scores. From this large data bank, we constructed a smaller data set containing the 55 party leaders of the 42nd-99th Congress. The leadership data set includes the House Speakers, Majority and Minority leaders, and Majority and Minority Whips. These positions were selected to provide the best comparisons across time, as the presence and importance of other party leadership positions varies over the range of our study. Our leadership data set contains 354 observations. Each of the 55 leaders contributes multiple observations, one for each Congress they served in prior to their selection as leader. Tables 3-2 and 3-3 provide the descriptive statistics for the variables used in our analysis.

The model employed to test these hypotheses is designed to measure the relative location and movement of party leaders in their pre-selection careers, while providing a control for possible rival explanations:

\[
\text{Leader Deviation} = A + \text{(Period)} + \text{(Region)} + \text{(Cohort Deviation)} + \text{(Diversity)} + \text{(Congress)}
\]
The dependent variable, Leader Deviation, is the distance from the leader to the party median in a given Congress. Leader Deviation was calculated by subtracting the party median's party dimension score from the score of the leader for a given Congress. The greater a leader's deviation score, the more extreme (i.e., the leader displays either more or less party allegiance) the leader is relative to the party. A Democratic leader with a negative deviation score is more extreme on the partisan dimension than the majority of his or her partisans. Democratic leaders with positive scores demonstrate less partisan identity than the majority of their rank and file. The converse is true for the Republican leadership. A Republican leader with a negative deviation score in any given Congress displays less allegiance to the party than its median member, while a Republican leader with a positive score displays more. As examples, Ronald Dellums (D-CA) and Henry Gonzales (D-TX) are consistently near one end of the partisan dimension, while members like Robert Dornan (R-CA) and Jon Kyl (R-AZ) are consistently at the other.

The intercept is used to determine the leaders' position relative to the core of their party. As previously discussed, the core is that critical level of intraparty support necessary for successful legislative action. Aldrich (1988), in presenting the concept, notes that the core will be centered at the median party member's position. The actual size and range of the core is variable, depending upon such factors as the party's relative strength in the chamber and its rank and file's level of homogeneity. In our statistical model, a significant intercept (one that is statistically distinguishable from zero) is evidence of the leaders' location outside the core. If the intercept is not significant, we consider the leaders to be within the core. Although this measure is not ideal (the core extends beyond
the median on both sides an indeterminate length), it does provide an initial rough cut on a leader's relationship to the core of his or her party.

The independent variable of greatest interest is the "Period" variable. Period is a measure of the time remaining before an individual takes on a leadership position, and is most easily understood with an example: In the 80th Congress, (soon-to-be) Democratic Speaker Albert had a Period score of -4. This meant that he was 4 Congresses away from entering the leadership. In the 81st Congress, Representative Albert had a Period score of -3. In the 83rd Congress, the Congress before Mr. Albert obtained a leadership position, his Period score is -1\(^8\). The Period variable allows us to determine whether or not the leaders are moving relative to the party in their pre-leadership careers, and in what direction. A significant Period variable is evidence of leaders altering their position relative to the party in their pre-selection careers. An insignificant Period variable signifies that the leaders remain relatively stationary.

The remaining independent variables are controls for possible rival explanations of leadership selection and the behavior of successful leadership candidates. The first control is for region. As noted in our discussion of the literature, region has frequently been identified as an important factor in the selection of leadership. Due to the historical regional splits within both parties, we control for the effect of region, creating a dummy variable of the Confederate South for the Democrats and a dummy of the Northeast/Midwest region for the Republicans. We expect this variable to be significant for both parties.

\(^8\) As the signals from candidates are only useful prior to their selection, the data set only contains observations corresponding to period values of -14 <= x <= -1.
The second control variable is "Cohort Deviation". A possible rival explanation to the pre-selection movement of leadership candidates is that they are merely keeping pace with their cohort, and not signaling their intentions to the rank and file. To distinguish the two, we calculated the median party allegiance score of the leaders' cohorts: individuals who entered the Congress with each leader for every Congress in which the leader served. We then subtracted the median party score from the median score of the leader's cohort for every Congress. By controlling for any possible cohort effect, we will be able to determine if any observed movement in the leaders is real, or merely an artifact of the cohort's movement relative to that of the party's.

"Diversity" is the third control variable. A plausible rival explanation of the process of leadership selection is the relative homogeneity of the party (Brady, Cooper, and Hurley 1979; Rohde 1991). Extremely homogenous parties could easily be expected to select leaders from within the party's core, as most members would find themselves extremely close to one another on the party allegiance dimension. A heterogeneous party, in contrast, might select leaders who appeared as "anchors", not out of concern for their party label, but simply because the party is widely dispersed. Diversity is calculated as the distance on the party allegiance dimension from the endpoints of quartiles 1 and 3 for each party in each Congress. A heterogeneous party will have a larger diversity value than a homogenous party. For example, the Democrats of the 53rd Congress are extremely heterogeneous: they have a diversity score of .323 (i.e., the middle 50% of the Democrats fall into this range). The Democrats of the 63rd Congress, in contrast, are much more homogenous: they have a diversity score of .08. By thus controlling for the parties'
variable homogeneity, we can measure the impact of the "spread" of the parties upon leadership selection.

Finally, it is important to control for the impact of time itself with the variable "Congress". Put simply, much changed from 1875-1987. It might be argued, for example, that the great variation in party strength that has occurred within the time frame of our study makes cross-time comparisons of leadership selection dubious (Brady, Cooper, Hurley 1979). Other changes, such as trends in the strength of party identification within the electorate, or changes in the manner in which Congressional campaigns are waged, might also confound attempts at longitudinal comparison. We hope to control for these effects by including "Congress", scored 1 for the 43rd Congress, the beginning of our study, 2 for the 44th, 3 for the 45th, etc. Although we feel it is necessary to control for these temporal forces, we do not expect this variable to achieve significance. Our theory of leadership selection is based on the fundamental relationship between a party and its leader. The needs and expectations of the rank and file, although variable at the margin, have been constant across time: they have always needed coordination, and assistance in achieving pareto-optimal outcomes and public goods. As such, we expect "Congress" to fall short of significance, indicating that the essence of Congressional leadership has and will continue to be the same.

Figure 3-1 visually describes the prediction of hypothesis one: successful candidates for leadership will be consistently within the core across their pre-selection careers. For our results to support hypothesis one, the model must display two characteristics: both the intercept and the Period variable must remain statistically
insignificant. An insignificant intercept would signify that leaders were indistinguishable from their party median and core. An insignificant Period variable would signify no reliable leadership movement over their pre-selection careers. In short, an insignificant intercept signifies the leaders' presence within the core, while an insignificant Period variable signifies that this presence has been consistent over time. These are the two predictions of hypothesis one.

[Figure 3-1 About Here]

Figure 3-2 pictorially represents the second hypothesis, which predicts that the rank and file selects leaders who have consistently moderated their views toward the core over time. For hypothesis two to garner support, the intercept must not be significant while the Period variable must achieve significance. Moreover, the sign on the Period variable must indicate that the leaders are moderating their views toward the core over their pre-selection careers (although it does not matter from which direction they begin). A statistically insignificant intercept describes leaders who are indistinguishable from the core by the Congress prior to their selection. A statistically significant Period variable indicates that the leaders have moved in a meaningful manner across their pre-leadership careers. Thus, a significant Period variable with the correct sign indicates that leaders alter their positions to align themselves within the core. An insignificant intercept indicates that they have "arrived in time": indistinguishable from the core by the Congress preceding their selection.
Figure 3-3 visually describes the prediction of hypothesis three: successful candidates for leadership should be consistently distinct from the opposing party. For our results to support hypothesis three, the model must display a significant intercept with the appropriate sign and an insignificant Period variable. A significant intercept would indicate that the leaders are distinct from the core of their party, but this alone is not sufficient. Hypothesis three also requires that the model for Democratic leaders display a negatively significant intercept (leaders displaying greater Democratic allegiance than the majority of their party), while the model for Republicans must display a significantly positive intercept (leaders displaying greater Republican allegiance than the majority of their party). In addition, hypothesis three also requires that the Period variable be insignificant: leaders should be consistently extreme throughout their pre-leadership careers. If these conditions are met, then the rank and file selects leaders who are consistently distinct from and opposed to the opposing party.

Figure 3-4 visually presents the predictions of the final hypothesis, the polarizer, which predicts that successful candidates for leadership will increase their distinctiveness from the opposing party throughout the pre-selection careers. For the polarizer
hypothesis to receive support, both the intercept and the Period variable must achieve significance, and the Period variable must present the correct sign (again, we have no requirements regarding the leader's starting point). For the Democrats to conform to the polarizer model, both the intercept and the Period variable must be significant, and the Period variable must be negative. A significant intercept indicates that Democratic leaders are distinct from the core at the time of their selection, while a negative and significant Period variable demonstrates that Democratic leaders move away from the Republicans throughout their pre-selection careers. Hypothesis four requires that the Republican leaders display a significant intercept and a significant and positive Period variable, indicating their movement away from the Democrats throughout their pre-selection careers, and their distinctiveness from the core of their party at the time of their selection. Table 3-4 presents a summary of our statistical expectations for each hypothesis.

[Figure 3-4 About Here]

If the prospective leaders are not sending signals to the party through their pre-selection behavior, then we ought to see leaders randomly selected from each of these patterns and any of an infinite number of other possible patterns of behavior. However, if the data shows that parties consistently choose the same sort of leadership candidates over time, then we may safely conclude that members do indeed constrain leaders through a selection mechanism.
It is essential that the two parties be estimated separately, for it is possible that, as separate organizations, they choose to use different screening and selection criteria in their selections. Ordinary Least Squares regression is the method used to present the linear model.

Findings

Democrats

The results for the Democrats are presented in Table 3-5. We will first discuss the control variables, interpret the meaning of the intercept, and finally discuss the Period variable and its role in the four hypotheses. Not surprisingly, Diversity, Region, and Cohort Deviation all achieve robust levels of significance. The strength of the Diversity variable is as expected, indicating that the relative heterogeneity of the party exerts a substantial influence on the process of leadership selection. The more heterogeneous the Democratic party in a given Congress, the more its leaders diverge from the party core. The average Diversity value for the Democrats is .140. Democratic leaders in Congresses of average heterogeneity diverge from the core by -.043, controlling for all other effects. Periods of extreme heterogeneity (Diversity = .323), however, increase the predicted level of deviation to -.217, ceteris paribus. It appears that Democratic parties of greater heterogeneity increasingly prefer leaders who are a considerable distance from the core.
As expected, Region is also an important factor in leadership selection. Southern leaders are -.05 more partisan than their non-Southern colleagues, ceteris paribus. This might seem counterintuitive, as Southern Democrats are frequently assumed to show little allegiance to their party. But this is a relatively modern phenomenon. In earlier Congresses, Southern Democrats constituted the backbone of the party, a fact demonstrated by the Region variable's significance and sign.

Congress, our control for the variable strength of party over time, comes close to significance, but falls short. Its substantive impact, however, is quite weak. It would take more than a hundred and seventy-five Congresses for its effects to overcome the intercept. We take this as convincing evidence for the comparability of leadership selection across time.

Cohort Deviation is significant as well, demonstrating that leaders do in fact move with their cohorts with respect to their party. Given the prominent role of "cue-taking", and the widely recognized impact that some cohorts have achieved (e.g., the class of 1974), the fact that leaders move with their cohorts is hardly surprising. What is of greater interest, however, is that the Period variable exerts a large and independent influence on Leader Deviation above and beyond the impact of movement with the cohort.

The Period variable is examined separately for each hypothesis. Hypothesis one, the Core, predicts that both the intercept and the Period variable will not achieve significance. This hypothesis is soundly refuted. The intercept, a highly significant .089, demonstrates that Democratic leaders are statistically distinguishable from the party's median member, our rough measure of the core. The Period variable is significant as well,
and in fact is one of the most influential variables in the model. We therefore reject hypothesis one. Democratic leaders are not solid inhabitants of the core.

Hypothesis two, the moderator hypothesis, requires that the Period variable achieve significance and boast the appropriate sign, while the intercept remain insignificant. Neither of these predictions is met. As we shall see, Democratic leaders typically drift away from the core as their moment of selection approaches: the Period variable is significant, but displays an inappropriate sign. Moreover, the intercept achieves significance as well, indicating that Democratic leaders are distinct from the core at the time of their selection, a finding in direct contradiction to the prediction of hypothesis two. Democratic leaders, therefore, are not moderators.

Hypothesis three, the anchor hypothesis, requires that the intercept be significant while the Period variable remain weak. While the intercept does indeed achieve significance, the Period variable is strong as well. Democratic leaders do indeed alter their positions relative to the party over their pre-selection careers. Pre-nomination movement allows us to reject hypothesis three. Democratic leaders may be outliers, but they are certainly not steady.

Hypothesis four, the polarizer hypothesis, receives strong empirical support. Both the Period variable and the intercept achieve significance, and the Period variable boasts the appropriate sign. Democratic leaders move away from Republican party throughout their pre-selection careers, demonstrating greater Democratic allegiance as they approach their moment of selection. By the time they formally enter the leadership structure, they are distinct from the majority of their partisans. This is exactly what the
polarizer hypothesis predicts: leaders who increasingly distinguish themselves from both the opposing party and the majority of their own partisans to credibly present their capacity to create a positive and distinct party label.

Let us examine a "typical" successful candidate for Democratic leadership. A would-be Southern Democratic leader 6 Congresses away from formal power in the 71st Congress, of an average cohort and in a party of average heterogeneity, is expected to deviate from the party median by -.056. In the next Congress, he moves away from the Republicans and the core of the Democrats, deviating by an expected -.066. In the next, the candidate deviates -.075. 9 This is the dominant pattern for Democratic leaders: they drift away from the Democratic core and the Republicans as their pre-selection careers progress, the predicted pattern of hypothesis four.

Some may question our operationalization of the leaders as being too broad, arguing that Speakers have often controlled (if at times informally) the selection of whips, and they have tended to exercise a great deal of influence over the selection of the majority leaders as well. Additionally, the House has tended to "balance" its leadership over time regionally, or ideologically. Our aggregate analysis of the leadership group may provide unreliable results. To ensure that we are not confounding the relationship

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9 Recall that the Period variable has a range of -14 <= x <= -1. The examples given are calculated as follows:

Expected Deviation = A + b (Region) + b (Diversity) + b (Congress) + b (Cohort Deviation) + b (Period)

Expected Deviation = .089 + (1)(-.05) + (.140)(-.946) + (28)(-.0005) + (-.008)(383) + (-6)(-.009)
= .089 + (-.05) + (.140)(-.946) + (29)(-.0005) + (-.008)(383) + (-5)(-.009)
= .089 = (1)(-.05) + (.140)(-.946) + (30)(-.0005) + (.008)(383) + (-4)(-.009)
between the party and the leadership with the speaker's personal preferences regarding his or her subordinates or some sort of "leadership balancing" effect, we examined the pre-selection behavior of Democratic speakers in isolation. Those results are presented in Table 3-6.

The pattern produced by the Democratic leadership structure as a whole is reiterated by examining the Democratic speakers in isolation. The model in Table 3-6 displays a significant intercept and a negative and significant period variable, indicating the speakers' pre-selection movement away from the Republicans and their distinctiveness from the core of their party. Thus we concluded the Democratic leadership conforms to the polarizer hypothesis.

**Republicans**

The Republican leadership provides a markedly different pattern than does the democratic leadership. Again, we will first discuss the control variables, then interpret the intercept, and conclude with an analysis of the Period variable and its role in the four hypotheses.

Like the Democrats, the GOP demonstrates a strong appreciation for region, with Republican leaders from the Northeast and Midwest displaying greater party allegiance than that of their colleagues. The significance of Region for both parties provides additional testimony to the literature's recognition of the importance of geographically-based concerns and balancing.
The Congress variable, although stronger for the Republicans, again approaches statistical significance but produces little substantive effect. Over the entire range of our study (57 Congresses), the impact of the Congress variable increases Republican leadership deviation by only .057. Again, we take this as evidence of the appropriateness of cross-time generalizations about the leadership selection process.

In marked contrast to the Democrats, however, party heterogeneity exerts no distinguishable impact on leadership selection or deviation. The behavior of Republican candidates for leadership is unaffected by the level of party heterogeneity, with the Diversity variable falling well short of significance. Likewise, Republican leaders do not display a "cohort effect": the cohort's movement relative to that of the party does not have a bearing on the leader's pre-selection behavior.

In examining the four models, hypothesis two, the moderator hypothesis, predicts a statistically insignificant intercept, and an appropriately signed and significant Period variable. These predictions are not met. Neither the intercept nor the Period variable achieves significance in the Republican model. Republican leaders are not moving toward the core in their pre-selection careers, but in fact, remain remarkably stationary.

This fact alone allows us to reject hypothesis four, the polarizer model, which predicts that Republican leaders will move away from the Democratic party over the course of their pre-selection careers. The insignificant Period variable indicates that the Republican leaders do not alter their relative positions in the years before they are selected, in direct contrast to the polarizer hypothesis. Moreover, the intercept fails to
achieve significance as well, indicating that Republican leaders are indistinguishable from the core by the time of their selection.

Hypothesis three, the anchor model, requires a positive, significant intercept and an insignificant Period variable. Although the Period variable is not significant, the intercept remains weak as well, in contradiction to the anchor prediction. We therefore reject hypothesis three.

The predictions of the core hypothesis are solidly met: at the time of their selection, Republican leaders are inhabitants of the party core, as indicated by the insignificant intercept. Moreover, the leaders' location within the core is consistent throughout their pre-selection careers, as witnessed by the insignificant Period variable. Successful candidates for Republican leadership, therefore, begin and end their pre-selection careers within the core of their party.

Again to counter the possible effects of "leadership balancing", and as an additional check on the accuracy of the core hypothesis, we examined the pre-selection behavior of the Republican speakers in isolation. Like the Democrats, Republican leaders have been regionally balanced, and speakers have also traditionally exerted a great deal of influence over the selection of party whips and majority leaders. To ensure that we are not confounding the hypothesized relationship between the party and the leadership with the decisions of the individual speaker, we ran the model again for only the pinnacle of Republican leadership. The results are presented in Table 3-8.

The core hypothesis receives additional support. The model for Republican speakers has an insignificant intercept and Period variable, indicating that Republican
speakers start out within the party core and stay there until the moment of their selection. We are thus quite confident in the Republican party's conformance to the core hypothesis.

Interpreting Results

This analysis shows that signaling does indeed occur prior to leadership selection, and that there are significant interparty differences in the signals desired. This signaling occurs in specific patterns, such that we may safely eliminate hypotheses 2 and 3 as being unsupported. Democratic leaders move away from the opposing party throughout their pre-selection careers, demonstrating every-increasing levels of party allegiance as their moment of selection draws near. This pattern is consistent with the polarizer model, in which a party selects a leader who has signaled his or her willingness and ability to create a clear and distinct party label. Republican leaders behave much differently. Republican leaders consistently align themselves with the core of their party, never differentiating themselves from the party's median member. The Republican pattern is consistent with the core model, in which a party selects a leader who has signaled his or her consistent, steady, and predictable behavior within the party core.

Why do the two parties differ? Further exploration of this question is warranted. Nevertheless, it is possible that the differences between the Democrats and Republicans are caused by their varying levels of intraparty homogeneity. Others have persuasively argued that the Democrats are generally more heterogeneous than the Republicans
(Cooper, Brady, and Hurley 1977 and Rohde 1991). Certainly, each party’s relative homogeneity waxes and wanes, but the Democrats, long confronted with their historic regional cleavage, have generally been forced to accommodate a greater range of opinion, ideology, and behavior than have the Republicans, ceteris paribus.

It could well be the case that heterogeneous parties, such as the Democrats, must solve a problem unfamiliar to more homogenous parties: the potential dilution of the party label. To combat this problem, in which the clarity of the party’s electoral label is lessened by the sheer diversity of its membership, a party might select a leader who conformed to the polarizer model, as the need to maintain distinctiveness and clarity from one’s opponent is greater in the presence of considerable diversity in intraparty opinion and behavior.

A homogenous party, in contrast, might possess a built-in mechanism for the maintenance of their party label: all the party’s members are relatively similar, and through the individual expression of opinion and behavior, the party presents a relatively homogenous image. Such a party, unburdened by the potential dilution of their party label, might indeed prefer a leader who resides in the core: someone capable of "staying the course" who is supported by the middle critical majority of the rank-and-file members.

Given these partisan differences in levels of homogeneity, it ought to come as no surprise that the two parties utilize different solutions to the adverse selection problem explained in chapter 2. Republicans have the luxury of choosing any member in the core, for the risks of an adverse selection are relatively small when the “spread” of the party is small. Democrats, with their historically greater heterogeneity, have developed a desire
for a stronger cue of partisan support, choosing polarizing members who minimize the risk of adverse selection. Such speculations seem plausible, although definitive answers await future research.

Regardless of the reasons for interparty differences, we may safely conclude that party leaders are indeed agents of the party, where the party faithful consistently pick the sort of agent who is likely to behave in the future in the interests of the party. The majoritarian postulate simply does not hold for the selection of party leaders, for it is not the "middlemen" of the entire chamber which garners the positions of leadership. The two parties are unique organizations, selecting agents who have signaled that they will help them achieve solutions to the organizational dilemmas at a reduced risk of agency loss.

Hence we may conclude that screening and selection mechanisms are at work in the way the agency theory predicts. It alone is insufficient as a check on all abuses, however. Members also employ a number of institutional checks. As Sinclair argues, "members 'enforce' their wishes through the institutional structure that characterizes the House at a given time. The way in which powers and resources are distributed among party leaders, committees, and rank-and-file members, and the extent and the character of delegation to the leaders, shape and constrain leadership functioning" (Sinclair 1995, p.18). Having completed this first crucial leg of my argument, that leaders indeed serve as party agents, I now turn to analysis of the institutional checks which add to the safeguards which members employ as they reap the gains of delegation.
Figure 3-1: The Core
Figure 3-2: The Moderator

Leader's Party Scores

Deviation From Party Median Position

Median

Core

Periods Prior to Leadership Selection

-8 -7 -6 -5 -4 -3 -2 -1
Figure 3-3: The Anchor
Figure 3-4: The Polarizer
Table 3-1: Expectations of Hypotheses

<table>
<thead>
<tr>
<th>Stability</th>
<th>Movement</th>
</tr>
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<tbody>
<tr>
<td>In Core at Selection</td>
<td>The Core</td>
</tr>
<tr>
<td>Extreme at Selection</td>
<td>The Anchor</td>
</tr>
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</table>
Table 3-2: Democratic Party’s Descriptive Statistics

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
<th>Std Dev.</th>
<th>Range</th>
<th>Q1-Q3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party Scores</td>
<td>-0.3585</td>
<td>0.1332</td>
<td>0.566</td>
<td>0.187</td>
</tr>
<tr>
<td>Deviations from Party Median</td>
<td>-0.049</td>
<td>0.0763</td>
<td>0.430</td>
<td>0.096</td>
</tr>
<tr>
<td>Period</td>
<td>-4.8557</td>
<td>3.1582</td>
<td>13</td>
<td>5</td>
</tr>
<tr>
<td>Region (Old South)</td>
<td>0.6169</td>
<td>0.4874</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Party Diversity</td>
<td>0.1396</td>
<td>0.0394</td>
<td>0.243</td>
<td>0.047</td>
</tr>
<tr>
<td>Cohort Deviations from Party</td>
<td>-0.0075</td>
<td>0.0317</td>
<td>0.202</td>
<td>0.035</td>
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</table>
Table 3-3: Republican Party's Descriptive Statistics

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
<th>Std Dev.</th>
<th>Range</th>
<th>Q1-Q3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party Scores</td>
<td>0.4342</td>
<td>0.1466</td>
<td>0.8756</td>
<td>0.18</td>
</tr>
<tr>
<td>Deviations from Party Median</td>
<td>0.0131</td>
<td>0.1219</td>
<td>0.7866</td>
<td>0.14</td>
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<tr>
<td>Period</td>
<td>-4.4909</td>
<td>2.8555</td>
<td>12</td>
<td>4</td>
</tr>
<tr>
<td>Region (NE + MW)</td>
<td>0.7939</td>
<td>0.4057</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Party Diversity</td>
<td>0.1538</td>
<td>0.0373</td>
<td>0.1304</td>
<td>0.058</td>
</tr>
<tr>
<td>Cohort Deviations from Party</td>
<td>0.0038</td>
<td>0.0400</td>
<td>0.2929</td>
<td>0.042</td>
</tr>
</tbody>
</table>
Table 3-4: Statistical Expectations Of Hypotheses

<table>
<thead>
<tr>
<th></th>
<th>Intercept Term</th>
<th>Period Variable</th>
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<tr>
<td>CORE</td>
<td>insignificant</td>
<td>insignificant</td>
</tr>
<tr>
<td>MODERATOR</td>
<td>insignificant</td>
<td>significant</td>
</tr>
<tr>
<td>ANCHOR</td>
<td>significant</td>
<td>insignificant</td>
</tr>
<tr>
<td>POLARIZER</td>
<td>significant</td>
<td>significant</td>
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</table>
Table 3-5: Democratic Leaders’ Party Score Deviations

The OLS Regression Model

<table>
<thead>
<tr>
<th>Variable</th>
<th>Parameter Estimates</th>
<th>Standard Error</th>
<th>T for H0:</th>
<th>Probability &gt;[T]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intercept</td>
<td>0.088716</td>
<td>0.02777829</td>
<td>3.194</td>
<td>0.0016*</td>
</tr>
<tr>
<td>Period</td>
<td>-0.008808</td>
<td>0.00129983</td>
<td>-6.776</td>
<td>0.0001*</td>
</tr>
<tr>
<td>Region (South)</td>
<td>-0.050802</td>
<td>0.00888078</td>
<td>-5.720</td>
<td>0.0001*</td>
</tr>
<tr>
<td>Party Diversity</td>
<td>-0.945639</td>
<td>0.12681625</td>
<td>-7.457</td>
<td>0.0001*</td>
</tr>
<tr>
<td>Congress</td>
<td>-0.000488</td>
<td>0.00040175</td>
<td>-1.214</td>
<td>0.2262</td>
</tr>
<tr>
<td>Cohort Deviation</td>
<td>0.383222</td>
<td>0.13027719</td>
<td>2.942</td>
<td>0.0037*</td>
</tr>
</tbody>
</table>

Where * = p < .01

N = 194

R-square = 0.4639
Table 3-6: Democratic Speakers' Party Score Deviations

The OLS Regression Model

<table>
<thead>
<tr>
<th>Variable</th>
<th>Parameter Estimates</th>
<th>Standard Error</th>
<th>T for H0:</th>
<th>Probability &gt;[T]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intercept</td>
<td>0.089384</td>
<td>0.03312010</td>
<td>2.699</td>
<td>*0.0081</td>
</tr>
<tr>
<td>Period</td>
<td>-0.013844</td>
<td>0.00147791</td>
<td>-9.367</td>
<td>*0.0001</td>
</tr>
<tr>
<td>Region (South)</td>
<td>-0.082213</td>
<td>0.01036491</td>
<td>-7.932</td>
<td>*0.0001</td>
</tr>
<tr>
<td>Party Diversity</td>
<td>-1.213273</td>
<td>0.16721146</td>
<td>-7.256</td>
<td>*0.0001</td>
</tr>
<tr>
<td>Congress</td>
<td>0.000139</td>
<td>0.00046023</td>
<td>0.302</td>
<td>0.7636</td>
</tr>
<tr>
<td>Cohort Deviation</td>
<td>0.517235</td>
<td>0.17428725</td>
<td>2.968</td>
<td>*0.0037</td>
</tr>
</tbody>
</table>

Where * = p < .01

N = 110

R-square = .6026
Table 3-7: Republican Leaders’ Party Score Deviations

The OLS Regression Model

| Variable               | Parameter Estimates | Standard Error | T for H0: | Probability >|T| |
|------------------------|---------------------|----------------|----------|--------------|----|
| Intercept              | -0.062531           | 0.06844765     | -0.914   | 0.3624       |    |
| Period                 | 0.002366            | 0.00340535     | 0.695    | 0.4883       |    |
| Region (NE + MW)       | 0.098729            | 0.02501465     | 3.947    | 0.0001*      |    |
| Party Diversity        | -0.174165           | 0.29014396     | -0.600   | 0.5492       |    |
| Congress               | 0.001458            | 0.00085225     | 1.711    | 0.0891       |    |
| Cohort Deviation       | 0.100914            | 0.23660811     | 0.427    | 0.6703       |    |

Where * = p < .01

N = 160

R-square = 0.1112
Table 3-8: Republican Speakers’ Party Score Deviations

The OLS Regression Model

| Variable          | Parameter Estimates | Standard Error | T for H0: | Probability >|T| |
|-------------------|---------------------|----------------|-----------|--------------|-------|
| Intercept         | 0.111324            | 0.13617042     | 0.818     | 0.4190       |       |
| Period            | -0.003986           | 0.00769625     | -0.518    | 0.6076       |       |
| Party Diversity   | -1.497899           | 0.74302645     | -2.016    | 0.1513       |       |
| Congress          | 0.004259            | 0.00348314     | 1.223     | 0.2294       |       |
| Cohort Deviation  | -0.435156           | 0.45848458     | -0.949    | 0.3489       |       |

Where * = p < .01

N = 40

R-square = .1384

Note: The region variable was removed from this equation due to reasons of multicollinearity. All of the Republican speakers were from a single category.
Chapter 4: Bill Introduction and Referral: Party Leaders in the Pre-floor Setting

"The effect of multiple referral on party leaders is clear...[it] has substantially enhanced the Speaker's leverage in the legislative process.”
Young and Cooper, 1993

All American schoolchildren are taught the basics of how a bill becomes a law. The journey of any bill begins at the stage of introduction and referral. This legislative stage has become more complicated since my 4th grade social studies textbook was written, partly because of one of the many institutional reforms instituted in the mid-1970's--multiple referral.

Changing an institution such as a bill referral mechanism may seem unimportant to outsiders, but institutional design is a tricky business, for these changes can often have unanticipated consequences (Knight 1992, North 1990). There are a number of histories of the adoption of multiple referral (Davidson, Oleszek and Kephardt 1988, Young and Cooper 1993, Collie and Cooper 1989), but the general consensus seems to be that members adopted multiple referral as a means of reducing the authority of single committees and thus the powerful chairs. What other impact upon legislation the reform has created remains much more hotly debated. While some argue that the growing reliance upon multiple referral hurts the overall passage chances of a bill, others argue that it has little effect or may be a tool of the party in helping their chances or obstructing the minority party.
This chapter seeks to use the theory presented in chapter two to help resolve this debate and advance the theory of progressive delegation through this initial stage of the process. As discussed in the previous chapter, members use screening and selection mechanisms to reduce the risk of an adverse selection. Although careful screening may lessen the risk of agents acting contrary to the wishes of the party, a system of checks placed in the legislative process is prudent as well. The first such stage is that of bill introduction and referral.

The literature on multiple referral remains sparse, although the quality and breadth of studies has increased in recent years. There have generally been two approaches to the study of multiple referral, some who examine the overall patterns and trends of referrals and the subsequent impact on the institution, and those scholars which examine the strategies of various actors in their use of multiple referral.

The studies of referral patterns and their institutional impact have been largely descriptive in scope, empirically demonstrating the use and frequency of multiple referrals, their impact on committee workloads, and overall effects on the business of the House (Davidson, Oleszek and Kephart 1988, Collie and Cooper 1989, Davidson and Oleszek 1992, Young and Cooper 1993) These pieces, while consistent with various theories of Congressional operation, do more to provide the much needed initial description of referral patterns. Over time, these scholars have documented the rise in multiple referrals, but have disagreed as to the aggregate impact of the propagation on legislation.
There have been strong proponents of multiple referral as a key tool for legislative efficiency and success. Collie and Cooper (1989) argue that the use of multiple referral “has in fact enhanced the House’s capacity for both division of labor and integration” (p.264), by institutionalizing the need for cooperative reconciliation of interests earlier in the legislative process. They further conclude that multiple referral has “positive consequences for institutional effectiveness as well...serves individual and institutional interests at one and the same time” (p.266).

Some scholars have moved beyond the patterns of overall referrals in an attempt to answer the question of whose institutional interests are served? Barry Weingast (1992) argues that it is not the floor benefitting from multiple referrals, instead arguing for specialized sub-committee dominance. Weingast examines multiple referrals in terms of the interaction of subcommittees across standing committees. He demonstrates that multiple referrals “help members of subcommittees of different committees negotiate an agreement and then enforce it on the floor” (p.163), and that the adaptive strategies selected are succeeding in “fighting fire with fire” and more strongly protecting the bills from hostile amendments on the floor. This is significant for it offers a stark contrast to a floor dominance thesis, as well as testable predictions about the role of autonomous committees later in the process.

Austin-Smith (1993), in a theoretical piece, is a proponent of multiple referrals because they yield informationally superior bills. Generally, under multiple referral, the committees have a greater incentive to reveal their specialized information than they
would under single referral. This greater cooperation helps alleviate the problems of "preference-outlier" committees discussed by Krehbiel.

In sharp contrast to the scholars articulating the benefits of multiple referral, other scholars have pointed out the theoretical or empirical drawbacks to multiple referral. As early as 1977, Davidson and Oleszek were discussing members using the new institution for the first time complaining "that instead of promoting cooperation and flexibility the procedure produced wasteful duplication of effort" (p.269). A more rigorous, specific study came later, when Davidson, Oleszek and Kephardt argued in 1988 that "multiply referred measures are less likely than singly-referred measures to be reported to the floor by committees and are less likely to achieve floor passage" (p.22). The reason for this is simple. Bills already face a number of stages in the process where they may fail to gain enough support to continue, and the more committees which must support a bill, the less likely the bill will run through the gauntlet. "the more procedural hurdles a measure faces, the dimmer its chances for survival" (p.230).

Bawn (1992) argues in her theoretical piece that multiple referral hinders committee power by removing its proposal power and its ex ante gatekeeping power. She argues that the floor does not gain more representative outcomes, however, because strategic committees can obtain slots in conference and use an ex post veto to halt the offending bill. This is consistent with the other scholars who pointed to an attempted reduction of power of committees, but argues that strategic committees are able to circumvent the new rule.
We are thus left with quite conflictual results from the literature to date. Multiple referrals have clearly made a difference in the legislative process. Whose interests are served? It may be the floor overall, it may be the committees, or it may be the institutional party. The theory presented in chapter two will allow us to make headway amidst these contradictory findings. The solution is to stop looking at overall patterns of multiple referrals in the aggregate, and return to a bill-specific explanation, developing these explanations to yield testable expectations about when we ought to expect multiple referral under each theory. We need to treat the discussion over this particular institution as Jack Knight (1992) would advise, where “the ongoing development of social institutions is not best explained as a Pareto-superior response to collective goals or benefits but, rather, as a by-product of conflicts over distributional gains” (p. 19). In other words, the proper question is not whether multiple referral is a good thing, but rather for whom it is a good thing and how we can test between the competing explanations. My partisan theory of progressive delegation will provide testable hypotheses about the “party dominance” thesis, and this chapter will compare its predictions against those of the distributional “committee dominance” and the informational “chamber dominance” explanations.

Actors and Strategies
Distributional theorists have dominated the early literature on multiple referral. The primary actors of choice found in most studies of multiple referral are the subcommittees and committees (Bawn 1992, Weingast 1992). The evidence has been mixed, however, with evidence for cooperation and competition both being found (Davidson, Oleszek and Kephardt 1988).

Informational theorists have offered an alternative conception of the actors, with the primary contribution being Austin-Smith's (1993) extension of Krehbiel's theory into the multiple referral arena. In this perspective, the committees are following the majoritarian postulate, signaling information to the floor. The majoritarian postulate argues that it is any majority of the floor which determines policy, and that committees must, in the end, obtain the support of the majority. The institutional party, in this perspective is largely irrelevant, for much can be explained sans party.

Party scholars provide a significantly different alternative explanation for multiple referral. Although Davidson and Oleszek pointed out as early as 1977 that Speakers may be able to use multiple referral as a tool to “inhibit committee pigeonholing of measures and facilitate the reporting of legislation he favors” (p.272), it was not until Garry Young's dissertation in 1994 entitled Legislative Decision Making Under Multiple Referral that the party scholars had a unified theoretical answer to the party critics.

Young theorizes that multiple referral can be a strong tool of the leadership, particularly when coupled with control of the rules committee and the remainder of the process. Young demonstrates empirically that the use of discharge petitions has greatly increased the "Speaker’s ability to facilitate the passage of vital legislation to the point
where multiple referrals are just slightly less likely than single referrals to survive the committee stage and, arguably, the most important bills, like trade in the 100th Congress, for example, are impregnable to minority attempts at termination” (p.221). The cases discussed by Young thus show that although the more common attribute of multiple referral is to obstruct, they can successfully be used to facilitate a party agenda. Indeed, multiple referral is a partisan tool impacting the entire legislative process (Young and Cooper 1993).

My theory of partisan agency coupled with progressive delegation to avoid the Madisonian dilemma can thus build upon the groundwork laid by Young. By focusing on the relationship between leaders and followers, my theory can provide testable expectations about when the various “types” of multiple referral may be used, and we may begin to better understand this versatile tool of the leadership in the proper perspective.

**Party Leaders and Multiple Referral**

Once the leaders are elected at the beginning of the Congress, they may begin to impact the legislative process. Members have used the pre-selection signals to get a “safe” agent, but are not content solely with the selection mechanism as a constraint on corrupt agency. Members use the powers granted to leaders as institutional checks on their power through the various legislative stages. The first stage when leaders have any formal authority is in the bill introduction and referral stage. The speaker is charged with sending
bills to the appropriate committee. Leaders can act passively at this stage, allowing the parliamentarian to make rather simple referrals of bills to a reasonable committee as defined by the numerous “turf wars” over the years. Leaders can also take a much more aggressive interest in the legislation, multiply referring the bill to numerous committees, thus committing a great deal more of the chamber’s scarce time and resources to a particular bill. This sort of greater leadership activity signals some sort of leader commitment under this theory. This is a relatively weak power granted to leaders, for although which committee or committee sees the legislation can at times make a very significant impact (Young 1994), it is not as significant as other powers we will study in later chapters. Although it is the case that multiply referred bills have a slightly higher probability of final passage, singly referred bills do almost as well. The Leaders’ decisions at this stage are usually not critical to the bill’s success, for discharge petitions allow any floor majority to call up legislation they desire. Thus leaders are relatively constrained at this stage by the impact of their power.

Multiple referral is a complex phenomenon, and the party agency theory presented in chapter two sheds some light on the perplexing puzzle of conflicting empirical results found in the literature regarding the institution’s impact. My theory argues that multiple referrals can both inhibit the progress of some bills and ease the progress of others. It is true that the mere addition of another committee adds another pressure point where a bill may fail, thus decreasing the likelihood of being reported or eventually being passed on the floor. What is also true is that the leader can use the versatile tool of multiple referral to
signal support of a bill, committing greater resources of the house and placing the important bill on the agenda for the party and thus the chamber.

It is good to be the majority party. By obtaining control of the process through the stacking of committees, adoption of special rules, the control of the floor debate, and simply the votes to ram through consensus bills, majority party members are able to stifle the opposition party when it can itself achieve consensus. Unfortunately for majority parties, building that sort of consensual coalition is itself difficult for any given bill, which is something the insitution of party leadership may help facilitate. The rank and file desire their agents to act on their behalf in their battles with the minority, using the tools of office granted them to advance the agenda of the majority party throughout the various stages of the process. Multiple referral may be one such tool which can help the leaders keep a majority coalition together.

I thus propose that the Speaker will treat bills differently, offering contrasting “types” of multiple referrals, depending upon the party of the bill’s sponsor. I will call these types “obstructive” multiple referrals for the minority party, and “enhancing” multiple referrals for the majority party. In other words, the speaker may use the identical tool of multiple referral to place either a stamp of approval or an attack upon legislation. This is the power granted to the party agent at this initial stage of the process. The null hypothesis at this stage is thus simply that leadership activity in terms of multiple referral is randomly distributed over bills. My hypothesis suggests that we will see multiple referrals which “enhance” majority party bills, while multiple referrals of minority party bills will tend to “obstruct”.

Remember that the theory presented in chapter two is one of progressive delegation. Although the rank and file used the screening and selection process to weed out the most dangerous possible agents, the risks of adverse selection remain serious as bills enter the legislative process. Even though the screening and selection of agents has lessened Madison’s dilemma, the potential risks of leaders acting contrary to the party’s interests remain. Members are well served by erecting some barriers to leadership involvement, particularly early in the process. If the powers provided to the agent at this initial stage are unlimited, members face the risk of defection. At this legislative stage, there is still a great deal of process left, including the important committees where member preferences may be aggregated. Leaders are expected to use multiple referral as an informative guide or cue, not as some final arbitration. Thus the theory of progressive delegation expects that the tool of multiple referral will be of lesser significance relative to the tools granted in later stages. Leaders are expected to guide bills, not make life or death decisions over them at this point. Recall that regardless of the referral type, members have the potential for bringing the bill to the floor, providing a very simple check on the power granted to agents at this stage.

Modeling Legislative Referral

This study allows us to provide a test between the competing models of the informational and partisan approaches. Krehbiel’s alternative, the majoritarian postulate,
argues that the leaders are agents of the entire House, not of the majority party alone. My partisan theory of agency predicts that leaders will use the tool of multiple referral to the benefit of their followers and to the detriment of their opponents. The data utilized for this chapter are extensive bill histories of the entire universe of House bills introduced in the 99th, 101st, and 103rd Congresses. Data on bills were compiled from LEGI-SLATE, and included reports on all House bills introduced. This data, coupled with the information drawn about the sponsoring members for each bill will allow us to test the model\(^{10}\). As in chapter three, the party loyalty dimension developed in Posler and Rhodes is utilized for the most theoretically central components. The correct functional form to be applied to this model is PROBIT rather than OLS regression, due to the dichotomous dependent variable. This model will allow us to test between the predictions generated by the competing theories.

\[
MR = \text{SponIDEP} + \text{SponIDEC} + \text{Distrib} + \#\text{cosponsors} + \text{SponSEN} + \text{Daysleft}
\]

The dependent variable at this stage is MR, for activity by the leadership in the form of multiple referral. This is where the Speaker determines which committee or committees will have the opportunity to see a given bill. As Young (1994) articulates, “House rules grant the Speaker discretion over the choice of referral conditions. While the rules restrict the Speaker to referring legislation to all committees with a reasonable jurisdictional claim...whether the referral made is sequential, joint, split, or some

\(^{10}\) Sponsorship information was drawn from the relevant ICPSR biographical dataset, as well as the Posler and Rhodes partisan dimension.
combination thereof remains up to the Speaker..." (p. 151). I expect leaders to behave differently to majority party sponsored bills than to minority party sponsored bills. For the Majority party, I argue that although the use of multiple referral is steadily increasing, it remains an indicator of greater activity by the leader. Multiple referral may thus be considered as sort of a gamble by the leadership. For Democratic bills which the leader sees potential winnable, feasible outcomes, he invests some more resources at this stage so as to improve the probability of passage at later stages. There is some risk involved in this gambling, for although it is not extremely costly for the leader to engage in the multiple referral, the costs are necessarily greater in terms of time, effort, and resources than is single referral. I assume that the greater activity of leaders by multiply referring legislation may be taken as a commitment of greater attention to the bill later in the process. This is not to say that leaders are uninterested in singly referred bills, but only that multiply referred bills are likely to be more costly and reserved for a greater probability of involvement.

For bills sponsored by the minority party, multiple referral plays a more obstructive role. By investing additional resources at this stage, the Speaker may add pressure points to a bill, raising the standard of support which must be met for the bill to survive the committee stage, thus effectively prohibiting the unwanted legislation from reaching the floor at all. These potentially obstructive effects on legislation have been well documented in the literature before, except without specific discussion of the target obstructed (Davidson and Oleszek 1977, Davidson, Oleszek and Kephardt 1988)
From the point of view of the members, however, this power of multiple referral increases the potential risks of agency loss through Madison's dilemma. Because the leader has discretion for referral, he may work against the members' interests in a significant fashion. This is why the members have relatively simple checks at this stage of the process. The standard procedure remains single referral to the "proper" committee, the result of a long series of "turf wars". Foremost, there is no guarantee that regardless of the referral type selected, members with enough consensus in the various committees can report the bill. Second, in the circumstance when the committees disagree with the floor, discharge petitions are easy to attain, needing only a majority of members at any point, enabling the members to guard against the leader burying the bill in an unfriendly committee. Discharge petitions are rarely sought however, for the power of multiple referral is not a strong one to which a leader can condemn bills or create consensus where none exists. With these relatively simple institutional checks, the membership can afford to allow wide discretion at the referral stage of the process.

We are able to provide a critical test between predictions based on the informational theory and my more "partisan" theory through the inclusion of the first two independent variables in the model, which measure the partisanship of the sponsor (SponDEP, SponIDEC). I expect different results for the bills sponsored by the two parties. For the Democrats, my theory predicts that some bills are much less costly for the leaders to shepherd through the process. One inference that can easily be drawn from that portion of the theory is that bills written by extremist members of the party would be more challenging in terms of coalition building than would bills authored by very centrist
members. The ideology of the sponsor can make the bill easier or more difficult to pass for the leader, and hence influence the probability that the leadership will become actively involved. These variables are operationalized as deviation from the median positions of the party (SponIDEP) and the chamber (SponIDEC), as given by the score of the author of each bill on the “partisanship” measure developed in Posler and Rhodes. This is a measure of the “costs” of leadership involvement.

My partisan theory expects that for the Democrat-sponsored legislation, there will be a significant negative relationship in the SponIDEP variable, for sponsors more extreme from the center of the party will have a much more difficult task for the speaker in coalition mobilization, and thus a lower probability of speaker involvement or multiple referral. I also expect there to be no significant relationship for the SponIDEC variable once the partisan element is controlled for. A significant relationship here rather than the previous variable would suggest that the informational theory is more accurate for describing this stage of the process.

For the Republican-sponsored legislation, I expect insignificant results for the variable SponIDEP. Some bills sponsored by Republicans may be multiply referred in order to obstruct, and some may be unilaterally supported by both parties. At any rate, the variable of key interest here is SponIDEC. Krehbiel’s informational theory would posit, as with the Democrats, a strong negative relationship between the distance of the sponsor from the chamber median and the multiple referral. I expect the sign of SponIDEC to be reversed and significant, for as the republican sponsors move closer to
the Democratic ideal point, they are slightly more likely to garner a positive multiple referral.

Several other sponsorship variables, as well as some contextual variables provide necessary controls to accurately measure these relationships. A number of indicators of the political "costs" of coalition mobilization are presented. My theory argues that leaders are most involved for Democrats when the bills are feasible and desirable, and that is manifested by effort for the "winnable" bills. An important caveat is that activity by leaders is unnecessary when bills are unanimously supported, or extremely likely to pass anyway, so we ought to look at "high-cost bills" for when members are willing to pay leaders to become involved. As the "costs" of legislation increase, then, we ought to see greater reliance upon the agents for concerted action.

The first "control" independent variable included in the sponsorship variables is the number of cosponsors involved in the bill. Bills which attract a large number of cosponsors are much less costly for leaders to form support coalitions around. Every additional sponsor is one less vote which needs to be mobilized on a bill. The sorts of bills which attract large numbers of additional sponsors will be the sorts which attract the parties. The measure is garnered by the total number of official cosponsors on each bill, regardless of the date in which they are added. My theory predicts a significant, negative relationship for this variable, indicating that as the bill attains more cosponsors, it approaches universal support, and thus is less likely to be multiply referred. After all, members desire their leaders to "lead sparingly", so as not to squander resources.
The second independent “control” sponsorship variable (SponSEN) is a measure of the seniority of the author of the bill. It is a continuous measure, representing the number of congresses prior to the bill’s introduction in which the author has served. This is another component of the “need” of coalition mobilization by the leadership. Members who remain in Congress for longer periods of time tend to have ever-increasing networks of friends and favors, trading votes on various bills. Bills written by freshman members are going to be more challenging for coalition formation, for they have yet to create the networks which more senior colleagues share. Additionally, bipartisan brokered bills with universal support are unlikely to be entrusted to freshman colleagues for authorship. My theory predicts a significant, negative relationship for this variable, for more senior sponsors will enhance the feasibility of the bill’s passage and thus decrease the need of agents’ efforts.

In addition to the sponsorship characteristics impacting the “costs” of leadership involvement, perhaps one of the most important variables is the breadth of expected benefits of the bill. Bills may be placed upon a continuum of particularistic vs. collective benefits. My theory predicts that the more collective the benefits of a bill, the more likely the national party would be interested in passing the bill. This adds to that “desirability” factor Aldrich (1995) theorizes about. Because these highly distributive bills already have sufficient support, leaders will be expected to work on behalf of other bills, for a more efficient use of resources. I operationalize this measure as a continuum of 1-50, equaling the number of states listed in the KEYWORDS of the bill as receiving benefits. I anticipate a negatively significant relationship, for the more states which are getting
benefits, the easier to mobilize the votes required and the less likely we will see leadership involvement, in this stage meaning a multiple referral.

The remaining independent variable is best characterized as a contextual chamber variable, also serving as a control. This final variable is a measure of time remaining within the session. This variable is a relatively unimportant one theoretically, but remains necessary to control for the time pressure inherent in the legislative process. House sessions are a marathon of bills, but it is clear that the successive stages are a lengthy process for each bill. Bills which are introduced very late in the session will be less likely to achieve leadership activity in the various stages, simply because the bills have little time to make it to those stages for consideration before the close of the session. This variable is operationally measured as the number of days left in the current session when the bill is introduced. Additionally, this is another measure of the "costs" involved for the leadership, for bills introduced later in the session would be much more challenging to get through the complex process.

The Findings

Table 4-1 provides descriptive statistics for each of the variables used in the model. Of the 16,555 bills introduced in these three congresses, 3,347 bills (20%) were multiply referred. Roughly 19% of the Democrats' 8,519 bills were multiply referred, and roughly 21% of the Republicans' 5,800 bills were as well.
Democrats

The results of the PROBIT estimation may be found in Table 4-2. The expectations of the model about relative distance on the party loyalty dimension are met. It is indeed the case that Democratic sponsors central to the party median position are more likely to have their bills rewarded with multiple referral than are their more extremist counterparts. Because the sign on the Sponsor's party distance is negative and significant at the .1 level, we may conclude that as the distance from the party center diminishes, the likelihood of multiple referral increases, all other things being equal. The overall resulting change in probability is about 7%, which means that the median Democrat is about 7% more likely to see his bill multiply referred than is the most extreme party member. This is not a great effect, but that is to be expected for two reasons. First, it remains one of the very strongest effects in the entire model, almost double the effect of the second strongest variable, which is all that my theory would anticipate. Second, weak effects are to be expected by the theory of progressive delegation, for the tool of multiple referral is not a strong one. It's actual impact on bill performance will be analyzed more fully in the next section.

The informational theory finds little support, once the partisan distance component is included in the analysis. The distance of the sponsor from the median position of the chamber is virtually unrelated to the likelihood of multiple referral. This evidence shows one more area where the partisan models outperform Krehbiel's majoritarian postulate.
The findings for the control variables are largely as the theory anticipated. The bill’s distributive content is negatively associated with multiple referral, meaning that as the number of states deriving particularistic benefits from the bill increases, the less likely the bill will be multiply referred. I attribute this to the fact that extremely distributive bills will receive almost universalistic support, thus being a bill where scarce resources need not be expended by leaders for coalition building. Similarly the more cosponsors a bill attains, the less likely the bill is to be multiply referred, and the more senior the sponsor, the less likely the bill is multiply referred. All of these effects are really quite small, with the difference between the standard deviation above and below the mean meaning a difference in resultant probability of only 2 -- 3%. The time pressure variable is also significant and as expected. Bills introduced earlier in the process are more likely to be multiply referred, simply because they have enough time to meander their way through a more complicated committee process. Bills entering the hopper very late are less likely to survive, but if they do it is generally not by route of many committees.

Republicans

As anticipated the results for the Republicans are crucially different than for the Democrats on the variables of interest. I expected there to be insignificant results for the Republicans on the Sponsor’s party distance variable. That expectation was not borne out, for the SponIDEP variable is significant at the .1 level. What is more important about this finding, however, is that the sign is the reverse of than for the Democrats. This means that, for Republicans, the more extreme members are more likely to be multiply referred
than are the more centrist members. This is certainly consistent for my theory, for not only were the relationships less significant, the exact opposite relationship occurred. This makes the differences between parties even more stark than I had hypothesized. Extremist members to the far right of the dimension are the most likely to face obstructive multiple referrals, while “Democratic-leaning” Republican extremists are slightly more likely to be rewarded with enhancing multiple referrals.

We know this because of the power and direction of the next variable in the model, the distance from Republicans to the median of the chamber. Recall that all Republicans are to the right of the chamber median, who always is a Democrat in my sample. As Republicans near the chamber median position, meaning that the SponIDEC distance decreases, Republicans are more likely to have their bills multiply referred. This is the strongest effect in the model for Republicans, yielding a change in probability of over 4%. This is not support for Krebriel’s model however, but points instead to the partisan theory. By virtue of rewarding Republicans closer to the Democratic ideal point, it seems that the chamber center has more power than it does.

The control variables yield very few changes from the Democrat’s model. The directions of the relationships are all the same, and the significance levels are similar, although generally weaker for the Republicans. The one variable here which is significantly different is the effect of distributiveness on the probability of multiple referral. The Republicans have a much weaker tie between these two than did the Democrats, and I remain unsure why that would be the case. I suspect it is because Republicans simply do not propose nearly as many highly distributive bills, and empirically this is the case.
The findings presented here are robust and general across the entire period studied. In addition to examining them in the aggregate as my theory directs, I examined each Congress independently, utilizing dummy variables in the model for the various Congresses. As a further test, I estimated each congress individually, finding no significant difference from the overall pattern of results. I thus conclude that there are no significant differences between Congresses, although the general trend has shown a slight increase in party polarization over the decade, which is consistent with Rohde’s (1991) argument. I base that conclusion on the fact that the party differences increased over the period, although never reaching the threshold of significant differences.

The Impact of Multiple Referral

Having measured what sorts of bills are more likely to be multiply referred, I now turn to the question of why we ought to care. Young and Cooper argue forcefully that “at every stage of the legislative process, multiple referral has created a variety of new options and has played a significant role in altering sources of leverage or advantage for committees, committee leaders, and party leaders” (p.228). Are they right? I’ve already found some correlations of multiple referral, but it seems important to discover the effects empirically as well. If the story about multiple referral as a versatile partisan tool is accurate, than we ought to see interparty differences in effects as well. I chose as the dependent variable for this portion of analysis whether the bill was successfully reported
out of its committee or committees. In other words, does being multiply referred help or hinder the various parties in shepherding the bills through the process?

I seek to test the impact of multiple referral in two ways. First, is multiple referral a partisan tool used to help or hinder the probability of the bill being reported by at least one committee? Second, is multiple referral a tool used to help or hinder the probability of the bill surviving the committee stage and making it to the floor for consideration?

The results of the PROBIT estimation for the former question may be found in Table 4-3. There are two significant elements in these findings. The first is the overwhelming difference between the parties in terms of what impact multiple referral has on their bills being reported. Democratic sponsors are clearly helped by having their bills multiply referred, with the significant positive relationship indicating that multiply referred bills are more likely to survive the committee process. The resultant change in probability is 8%, indicating that for this early stage in the process, multiple referral is an important tool. As we can see from the Republican results, it is a versatile tool as well. There is no significant relationship between being multiply referred and surviving committee for Republican sponsors.

The second important feature in these results is in the overall difference in all the control variables. Republicans who sponsors bills that are highly distributive are less likely to survive than are their non-distributive counterparts. None of the other variables produce a significant impact on bill survival. Very different criteria hold true for the Democrats, which show similar reasons for being multiply referred in Table 4-2.
Thus we may answer the first question of impact in the affirmative. Multiple referrals aid Democratic sponsors by significantly enhancing the probability of their bills being reported, while not providing any impact for the Republican sponsors. What of the more important impact of actual survival to the floor? The results of that analysis may be seen in Table 4-4.

The answer to this second question is virtually identical to the first. Bills were dichotomously coded as making it to the floor if they were acted upon by the entire body, albeit it through being tabled, replaced, amended, or voted upon. The crucial difference is between the effect of multiple referral between the Democratic and Republican sponsors. Being multiply referred significantly helps the Democrats in making their way to the floor, while having virtually no impact on Republican bills. The other variables in the model perform much as they did in the previous models discussed above.

Much has been made about the differences in type of multiple referral (Young 1994). In my analysis I treated all multiple referrals identically, for they as a group are more different from single referrals than they are from each other. House rules grant the Speaker discretion over the choice of referral, subject only to the reasonable jurisdictional claims posited by various committees. The speaker chooses whether the referral is single, joint, sequential, split or some combination thereof. Under Young’s model, the sequential referral dominates joint referrals for most distributions. This is because of the greater control which the timing of referrals can impose with the use of sequential referral. If a speaker wishes to kill a bill, sending it to the most hostile committee first is a means of hindering its progress. If a speaker wishes to shepherd a bill, use of discharge and nursing
it through various committees can have its timing benefits as well. Thus as part of my analysis, it is important to see whether the type of multiple referral matters a great deal.

Table 4-5 shows the results of this additional test. What is remarkable here is not the magnitude of difference between sequential and joint referrals, but in the inter-party differences. Democratic sponsored sequentially referred bills are more likely to make it to the floor. Notice that for the Democrats' bills, the coefficient for being sequentially referred is positive and significant at the .01 level. The opposite is true for the Republicans. Rather than enhancing progress for bills, being sequentially referred helps to obstruct progress of bills. For the Republicans' bills, the coefficient is negative and highly significant. In other words, being sequentially referred significantly helps the majority party and hurts the minority party. Depending on the decisions of the leaders, multiple referral can either enhance or obstruct a bill's progress.

It is important to remember that sequential referrals are relatively rare, comprising of only 59 of the 2237 multiple referrals included in my sample. Over half the sequential bills survive the committee process (50.9%), while only a fraction of joint referrals make it to the floor (4.7%). Of course, only about 1% of total bills make it that far. The resulting change in probability is very small, but when such a small fraction of bills make it to the floor, even this help or hinderance is significant.

Party Leaders and the Committee Process
What conclusions may we draw from the analysis presented in this chapter? Both the patterns of referral and the impact of referrals vary depending upon the party of the bill's author. Multiple referral can indeed both help or hinder legislation. It is a versatile partisan tool which sets the stage for the remainder of the process. It is a weak tool, more of a guide than a hammer, until it is coupled with stronger tools later in the process. In this way, members avoid the relatively serious problems of agency at this initial stage, while having party agents successfully helping their bills at the margins.

I sub-titled this chapter "Party Leaders in the Pre-floor Setting", but have yet to talk about the bulk of the bill's life cycle prior to the floor. Following referral, but prior to floor action, a great deal of action occurs. Committees hold hearings, deliberations, mark-ups and votes. The vast majority of bills that are referred fail to get reported by even a single committee. Analysis of party leader behavior in these important areas is left for others, and I leave this alone for three central reasons.

First, committees are an area where we know a great deal about partisan behavior already. While the referral process for legislation has remained one of the least studied portions of the legislative process, the committees are among the most studied, perhaps following floor voting itself. (Rohde 1991, Ward 1993, Unekis and Franke 1994, Weingast 1992)

Second, the role of the leader as agent for his party is very informal in the committee deliberation stage. I am concerned with the formal powers granted to leaders at the various stages in the process, as well as the institutions used to check the agency relationship. While there is no doubt that leaders can bring a great deal of influence to
bear on committee deliberations, their role is reputational, informal, "back-room", and otherwise difficult to systematically measure in this sort of analysis.

Third, my theory of progressive delegation suggests that there is a reason that party leaders have little defined role at the committee stage. The power of referral is a weak guiding tool rather than a hammer, for bills at this stage are vulnerable, and members have yet to sort out and aggregate their preferences. It is in the committee process that members are able to aggregate their preferences and determine whether it is a bill in which they desire their agents to act. Remember that leaders act when the bill is not universally supported, feasible and desirable. These conditions tend not to be ascertained for any given bill until during the committee process. As specialized members craft the language of the bill, members make their decisions of support, and only then are leaders given a stronger role to play.
Table 4-1: Descriptive Statistics By Party

<table>
<thead>
<tr>
<th></th>
<th>Democratic Party</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mean</td>
<td>Std Dev.</td>
<td>Range</td>
<td>90%-10%</td>
<td>Q1-Q3</td>
</tr>
<tr>
<td>Sponsor’s Party Distance</td>
<td>0.0483</td>
<td>0.4259</td>
<td>6.1107</td>
<td>0.9536</td>
<td>0.6096</td>
</tr>
<tr>
<td>Sponsor’s Chamber Distance</td>
<td>0.2113</td>
<td>0.5582</td>
<td>5.4999</td>
<td>1.4326</td>
<td>1.0084</td>
</tr>
<tr>
<td>Distributiveness</td>
<td>0.703</td>
<td>3.6337</td>
<td>51</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Cosponsors</td>
<td>15</td>
<td>33</td>
<td>368</td>
<td>43</td>
<td>15</td>
</tr>
<tr>
<td>Sponsor’s Seniority</td>
<td>6.01</td>
<td>4.529</td>
<td>26</td>
<td>12</td>
<td>5</td>
</tr>
<tr>
<td>Days Left in Congress</td>
<td>449</td>
<td>192</td>
<td>684</td>
<td>510</td>
<td>341</td>
</tr>
<tr>
<td></td>
<td>Republican Party</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mean</td>
<td>Std Dev.</td>
<td>Range</td>
<td>90%-10%</td>
<td>Q1-Q3</td>
</tr>
<tr>
<td>Sponsor’s Party Distance</td>
<td>0.0777</td>
<td>0.7191</td>
<td>5.7507</td>
<td>1.7399</td>
<td>0.8681</td>
</tr>
<tr>
<td>Sponsor’s Chamber Distance</td>
<td>0.6267</td>
<td>2.1279</td>
<td>6.4282</td>
<td>5.2852</td>
<td>4.4437</td>
</tr>
<tr>
<td>Distributiveness</td>
<td>0.297</td>
<td>1.5599</td>
<td>49</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Cosponsors</td>
<td>13</td>
<td>29</td>
<td>375</td>
<td>37</td>
<td>13</td>
</tr>
<tr>
<td>Sponsor’s Seniority</td>
<td>4.61</td>
<td>3.504</td>
<td>18</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>Days Left in Congress</td>
<td>465</td>
<td>189</td>
<td>684</td>
<td>503</td>
<td>327</td>
</tr>
</tbody>
</table>
Table 4-2: Probability of Multiple Referral

<table>
<thead>
<tr>
<th></th>
<th>Democrat Sponsored Legislation</th>
<th>Republican Sponsored Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Coefficient</td>
<td>Standard Error</td>
</tr>
<tr>
<td>Constant</td>
<td>0.806</td>
<td>0.040</td>
</tr>
<tr>
<td>Sponsor's Party</td>
<td>-0.12</td>
<td>0.072</td>
</tr>
<tr>
<td>Distance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sponsor's Chamber</td>
<td>0.047</td>
<td>0.054</td>
</tr>
<tr>
<td>Distance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Distributiveness</td>
<td>-0.027</td>
<td>0.003</td>
</tr>
<tr>
<td>Cosponsors</td>
<td>-0.003</td>
<td>0.0004</td>
</tr>
<tr>
<td>Sponsor's Seniority</td>
<td>-0.009</td>
<td>0.003</td>
</tr>
<tr>
<td>Days Left</td>
<td>0.0003</td>
<td>0.0001</td>
</tr>
<tr>
<td>Log Likelihood</td>
<td>-5424.21</td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>10,749</td>
<td></td>
</tr>
<tr>
<td>0</td>
<td>8519</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>2232</td>
<td></td>
</tr>
</tbody>
</table>

Note: For the continuous variable, I have calculated the change in the probabilities for each dependent variable when the independent variable is set to one standard deviation above and below the mean for these measures. For each of the dichotomous and categorical independent variables, the effect of each variable is evaluated at its minimum and maximum values (i.e., 0 and 1).

*p < .1, **p < .05, ***p < .01
### Table 4-3: Probability of Being Reported By Committee

<table>
<thead>
<tr>
<th></th>
<th>Democrat Sponsored Legislation</th>
<th>Republican Sponsored Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Coefficient</td>
<td>Standard Error</td>
</tr>
<tr>
<td>Constant</td>
<td>1.2825</td>
<td>0.044</td>
</tr>
<tr>
<td>Multiply Referred</td>
<td>0.0698</td>
<td>0.37</td>
</tr>
<tr>
<td>Distributiveness</td>
<td>-0.0462</td>
<td>0.0035</td>
</tr>
<tr>
<td>Cosponsors</td>
<td>-0.0029</td>
<td>0.0004</td>
</tr>
<tr>
<td>Sponsor's Seniority</td>
<td>-0.04</td>
<td>0.0032</td>
</tr>
<tr>
<td>Days Left</td>
<td>0.0003</td>
<td>0.0001</td>
</tr>
</tbody>
</table>

Log Likelihood: -4200.66  Log Likelihood: -938
N: 10,749  N: 5796

Note: For the continuous variable, I have calculated the change in the probabilities for each dependent variable when the independent variable is set to one standard deviation above and below the mean for these measures. For each of the dichotomous and categorical independent variables, the effect of each variable is evaluated at its minimum and maximum values (i.e., 0 and 1).

*p < .1, **p < .05, *** p < .01
Table 4-4: Probability of Floor Consideration

<table>
<thead>
<tr>
<th></th>
<th>Democrat Sponsored Legislation</th>
<th>Republication Sponsored Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Coefficient</td>
<td>Standard Error</td>
</tr>
<tr>
<td>Constant</td>
<td>1.9118</td>
<td>0.071</td>
</tr>
<tr>
<td>Multiply Referred</td>
<td>0.2145</td>
<td>0.048</td>
</tr>
<tr>
<td>Distributiveness</td>
<td>-0.0509</td>
<td>0.004</td>
</tr>
<tr>
<td>Cosponsors</td>
<td>-0.0039</td>
<td>0.0005</td>
</tr>
<tr>
<td>Sponsor's Seniority</td>
<td>-0.0454</td>
<td>0.004</td>
</tr>
<tr>
<td>Days Left</td>
<td>-0.000003</td>
<td>0.0001</td>
</tr>
</tbody>
</table>

Log Likelihood: -2017.5  
N: 10,749  
Log Likelihood: -255.0  
N: 5796

Note: For the continuous variable, I have calculated the change in the probabilities for each dependent variable when the independent variable is set to one standard deviation above and below the mean for these measures. For each of the dichotomous and categorical independent variables, the effect of each variable is evaluated at its minimum and maximum values (i.e., 0 and 1).

*p < .1, **p < .05, *** p < .01
Table 4-5: Effects of Referral Type on Floor Consideration

<table>
<thead>
<tr>
<th>Democrat Sponsored Legislation</th>
<th>Republican Sponsored Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Coefficient</td>
</tr>
<tr>
<td>Constant</td>
<td>2.1955</td>
</tr>
<tr>
<td>Sequential Referral</td>
<td>1.4874</td>
</tr>
<tr>
<td>Distributiveness</td>
<td>-0.0596</td>
</tr>
<tr>
<td>Cosponsors</td>
<td>-0.0028</td>
</tr>
<tr>
<td>Sponsor's Seniority</td>
<td>-0.0482</td>
</tr>
<tr>
<td>Days Left</td>
<td>0</td>
</tr>
</tbody>
</table>

Log Likelihood: -378.39        Log Likelihood: -49.63
N: 2117                         N: 1076

Note: For the continuous variable, I have calculated the change in the probabilities for each dependent variable when the independent variable is set to one standard deviation above and below the mean for these measures. For each of the dichotomous and categorical independent variables, the effect of each variable is evaluated at its minimum and maximum values (i.e., 0 and 1).

*p < .1, **p < .05, *** p < .01
Table 4-5: Effects of Referral Type on Floor Consideration

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</tbody>
</table>

Log Likelihood: -378.39
N: 2117

Log Likelihood: -49.63
N: 1076

Note: For the continuous variable, I have calculated the change in the probabilities for each dependent variable when the independent variable is set to one standard deviation above and below the mean for these measures. For each of the dichotomous and categorical independent variables, the effect of each variable is evaluated at its minimum and maximum values (i.e., 0 and 1).

*p < .1, **p < .05, *** p < .01
Chapter 5: Restrictive Rules and the Floor

"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 an arm of the leadership to forward the proposals of the party" -- future chairman Dick Bolling, August 1970.

"The fact that the majority leadership has brought every major bill to the floor under a restrictive amendment process in this Congress is clear evidence of its disdain not only for the rights of the minority and individual members, but for deliberative democracy and the rights of all the people it is designed to represent" -- report of the Republican Leadership Task Force on Deliberative Democracy in the House, April 1993.

These two statements demonstrate the power of the rules committee from the majority and minority party perspectives. More than in any other legislative stage, the link between the Rules Committee and the majority party leadership has been established. Significant articles, chapters, and books have all concluded that the Rules committee can be a powerful partisan tool (Oppenheimer 1977, Bach and Smith 1988, Sinclair 1995). In this chapter, I ask not whether rules can be a partisan tool, but when we ought to expect the leadership to become involved, and with what effect. Under the theory of progressive delegation, in this stage members will desire their leaders to protect the interests of the party.
The House Committee on Rules

The Committee on Rules is unique in its function as well as its importance to the House\textsuperscript{11}. Its primary responsibility is to recommend rules and procedures for the business of the house. While it also obtains original jurisdiction in certain matters, the bulk of its attention is given to considering requests for special orders or "rules", which tend to originate with the respective committee chair. Hearings are held, and the committee may grant any of the following types of rules. Through the 101st Congress, there were 5 kinds of rules: open, modified open, modified closed, closed, and other. They are 4 steps on a continuum, where closed rules are the ones which place the greatest restrictions on the floor procedures for a given bill. Beginning with the 102nd Congress, the categories were restructured to be open, open with restrictions, time cap, preprinting of amendments, limited to specified amendments, and closed. Different types of restrictions place very different obstacles for members.

For instance, the time cap merely limits the amount of floor time those seeking amendments may spend. The preprinting of amendments eliminates any possibility of surprise for would-be amendments. One of the more common restrictions is the limitation of amendments to only those specified in the report, which is generally very few in number and scope. Closed rules remain quite rare, where no alternatives may be considered. Other special procedures such as the self-executing amendments and the king-of-the-hill procedure provide still different challenges\textsuperscript{12}. A simple majority is required for the rule to pass, with voting often following party lines. For a much more detailed discussion of the various restrictions, see Bach and Smith's \textit{Managing Uncertainty} (1988).

\textsuperscript{11} This discussion relies heavily on the Report on Survey of Activities of the House Committee on Rules, 103rd Congress, Report 103--891, Union Calendar No. 508, January 2, 1995.

\textsuperscript{12} ibid. p.24-25
Unlike the use of multiple referral described in the previous chapter, the partisan use of rules is a practice that has been observed by political scientists many years. The Rules committee has been at the center of partisan controversy numerous times throughout its storied history. The speaker first became a member of the committee in 1858, and Rules became a standing committee in 1880, with five total members. "In subsequent years, the Speaker, as chairman of the committee, increasingly made it a device by which his party could control legislation" (Cummings and Peabody 1963 p.255). By the turn of the century, the power of the committee as a tool used by the speaker became so great that it was one significant component in the famous "revolt" against Speaker Cannon, where in 1910 he was stripped of committee membership. On March 19, 1910, the minority party Democrats, joined by insurgent Republicans, adopted a resolution banning the Speaker from the Rules committee, doubling the size of the committee to 10 members, and making the selection of members a privilege of the entire chamber.¹³

Over the next half-century, the Rules Committee slowly moved from being a tool of the party leadership to being "dominated by a bipartisan conservative bloc" frustrating in many cases the desires of a more liberal party leadership, particularly on issues such as Roosevelt's programs and early civil rights legislation (Cummings and Peabody 1963). The recruitment of solidly partisan members to the committee was the primary means of attaining some influence on the committee. Matsunga and Chen demonstrated that "from 1953 to 1975, none of the committee Democrats, except McSpadden, had less than a 70 party unity score or more than a 12.5 party disunity score at the time of their selection" (p.60). Thus, despite an overall level of support, the party leadership was facing a deadlocked Rules committee on some central issues.

Speaker Rayburn saw a solution to the recruitment problem. The struggle between the more liberal majority party and the conservative coalition came to a head in

¹³ For more information on this revolt, see "The Committee on Rules and the Overthrow of Speaker Cannon" by Charles R. Atkinson (New York: Columbia University Press, 1911).
1961, when Rayburn successfully fought to increase the size of the committee from 12 to 15, thereby increasing the ratio of liberals to conservatives on the committee. The increased size was sure to help the aims of the party leadership, for “normally the Democratic leadership’s choice would automatically receive the approval of the Democratic Committee on Committees and the Democratic Caucus” (Matsunga and Chen p.53). Thus Rayburn managed to speed the process of liberal recruitment by stacking the committee with new, additional appointments.

Two additional reforms in the 1970’s strengthened the ties between the majority party leadership and the Rules Committee\textsuperscript{14}. First, the de facto condition of influence held by the speaker over appointments was codified. Rather than the Committee on Committees appointing members to the Rules Committee, the Speaker was granted sole power of recruitment, subject only to the approval of the caucus. The caucus also granted the identical power over re-nomination to the committee, rejecting the absolute power of seniority on the committee in favor of serving at the pleasure of the Speaker. This made the committee even more responsive to party leadership desires. “Rules became known as the “Speaker’s committee,” reflecting the influence the Speaker could exercise over its decisions” (Bach and Smith p.35).

Second, in 1973 the party caucus adopted a rule allowing for the instruction of the Rules committee by the caucus on amendments to be in order in the rule, as well as requiring advance public notice whenever a bill comes before the Rules committee seeking a restrictive rule. This is very important for it provides an important sanction by the party against unfavorable action by the committee. This has been a little-used provision, but it helped to bring the committee more closely aligned with the caucus and is a reminder that restrictive rules are not always rubber-stamped by the majority party in the chamber of the whole. The party support scores of new recruits increased again in the 1980’s, with “the

\textsuperscript{14} For a more in-depth description of these innovations and their impact. see Bach and Smith (1988).
members appointed by O’Neill, Wright and Foley on average scored 87 percent on the party unity index in the congress before their appointment” (Sinclair p.139). Bach and Smith’s significant treatment of the Rules committee greatly increased our knowledge of the use of rules in the House, defining not only the linkage between leaders and the committee, but also showing some of the limitations of the constricted environment in which the leaders must operate. Bach and Smith describe special rules as sophisticated “tactical weapons”, which are reserved for the most important bills. In large part due to the proliferation of floor amending activity (Smith 1989), leaders turn to rules to protect their most important bills. Indeed “it is the major, controversial measures—legislation which would likely provoke the most unpredictable floor amending activity—that have stimulated special rules crafted to include restrictions on amendments and other innovative provisions” (Bach and Smith p.120). This study greatly enhanced our “ground floor”, empirical understanding of the Rules committee, but suffers from not being closely linked to a unifying theoretical approach, leaving to others the development of such a theoretical treatment as to bring their impressive data into perspective.

Despite this widespread acceptance of the partisan nature of rules, not all scholars have agreed with the laments of the minority party. In the most solid theoretical treatment of this subject, Keith Krehbiel argues that a partisan explanation of rules is unnecessary at best, for his majoritarian informational perspective provides a superior theoretical explanation. In a series of papers with Thomas Gilligan (Gilligan and Krehbiel 1987, 1988, 1989) Krehbiel agrees with Bach and Smith that the reason for restrictive rules is to manage uncertainty in the chamber. What Gilligan and Krehbiel argue, and what Krehbiel develops further in his 1992 book is that “by committing to restrictive procedures, a legislature can increase its committees’ incentives not only to specialize but also to share the fruits of specialization with the larger legislature” (p.154). In other words, the restrictive rules provide a promise of deference to the committees who are then willing to bear costs of specialization for the floor majority. Yet again, Krehbiel’s majoritarian
informational perspective has succeeded in challenging the timeworn viewpoint that party is a necessary component of an explanation of Congress.

Competing Models of Rule Choice

Keith Krehbiel's informational model detailed in Information and Legislative Organization rejects the role of partisanship at work in the Rules committee. In this most powerful critique of the partisan models, he argues that majority partisan commitment to a bill empirically reduces the chances of it obtaining a restrictive rule. Krehbiel argues that the rules adopted are "informational devices" chosen by the House to get the most out of its committees. Rejecting the distributional explanations, Krehbiel argues that bills from highly specialized, non-outlying, heterogeneous committees are the most likely to obtain special rules.

The problem with Krehbiel's argument comes not in the informational alternative, but in the weak test he gives to his partisan hypothesis. He uses the number of Democratic cosponsors for a given bill as the indicator of the degree of partisanship or majority support for a given bill.

This is inappropriate for four reasons. First, Wilson and Young's study on cosponsorship shows that cosponsorship is an unreliable ideological indicator. The percentage of majority party members signing on as cosponsors had no significant effect on bill performance in the House (p.12). While the ideological "spread" of the cosponsors seemed to matter, meaning that those bills with extremist cosponsors were less successful than centrist cosponsors, using the simple number of cosponsors will not provide a proper indicator for Krehbiel's model.

Second, Krehbiel ignores the characteristics of the sponsor. By focusing on the sheer number of cosponsors as his sole indicator of partisan support, Krehbiel misses some
very interesting findings. As simple a test as whether the bill's sponsor is a Democrat or Republican reveals much about the likelihood for obtaining restrictive rules. I will return to this in a moment.

Third, I would argue that the degree of cosponsorship is a better indicator of the bill's costs for coalition formation than it is a measure of partisan support. The larger the number of cosponsors, the easier it should be for the bill to pass on the floor, and hence the less likely that leadership will require special rules to aid passage. Recall that attaining a special rule is a costly activity, best avoided when unneeded. I will soon return to this as well.

Fourth, the Rules committee is stacked in favor of the partisan majority. Virtually all committees have a majority held by the same party which controls the floor, but no committee is as unbalanced in membership as is the Rules committee. Consistently in recent congresses, 9 of the 13 Rules committee slots are held by the majority party. Nearly 70% of the Rules committee members are of the majority party, even though the overall floor majority does not approach that size a majority.

Despite the mismeasurement in Krebsbiel's model, he has at least brought the Rules committee literature a cogent theory with which to reckon. His majoritarian postulate allows him to derive hypotheses about the center of the floor driving the rules process as well as legislation in general. I seek to test between his model and the primary partisan alternative. This more appealing alternative has been recently advanced by Barbara Sinclair in several articles and her book, *Legislators, Leaders, and Lawmaking* (1995) where she applies a partisan principal-agent model to the subject of rules.

For Sinclair, rules are an effective partisan tool whereby Speakers, as agents of their party, may attain ends desired by the party. "Members want focused debate and an efficient use of time, but even more they want policy results and want them secured at minimum cost to themselves as individuals. Democrats increasingly expect their leaders to use rules to structure choices to accomplish these ends" (Sinclair p.145).
Sinclair argues that rules help the agents fulfill their charge in two ways. First, the rules reduce the uncertainty of a floor fight. Proponents are able to plan their strategies and the opponents "lose the element of surprise". Second, rules are able to structure choices, thus channeling the chamber to a particular, favored outcome. By the restriction of amendments offered, or by crafting "king-of-the-hill" provisions, the rule consolidates support behind the partisan alternative. No longer is the special rule an occasional tool, Sinclair concludes, but it is "too powerful a tool for leaders to eschew. Members expect their leaders to use rules to save floor time, to protect them from no-win votes when possible, and to pass legislation in a form that is satisfactory to most Democrats" (Sinclair p.153).

Sinclair has marshaled a great deal of evidence to support the partisan use of rules, leading me to conclude that this principal-agent framework is a fruitful way to conceptualize this phenomenon. Yet her work leaves serious questions left unanswered. The most important of these is when exactly we ought to see rules utilized. Sinclair merely states that the agent and principal "strike a balance" between collective and individual goals. If indeed the rules are such a powerful partisan tool, why isn't it used much more often? Instead of rules being used most of the time when the bill has significant leadership involvement, why isn't it all the time? Sinclair has not developed the different incentives for both leaders and followers in this arrangement, nor has she conducted an examination of all bills to predict which ones will be more likely to get this specialized leadership attention.

Applying the Theory to Rules

My theory developed in the second chapter improves upon Sinclair's explanation. The floor environment is a very dangerous one for bill proponents. Shepherding their bill
through the committee process is difficult, but anything can happen to a bill on the floor under regular House rules. As long as amendments are germane, opponents of a bill can totally circumvent the intentions of the legislation. Without a willful majority, perhaps no outcome can be attained at all. As McKelvey (1979) demonstrated, due to social intransitivity, any outcome favored by a majority can be defeated by another outcome, thus leading to a very chaotic outcome where members can continue to offer amendments ad nauseum. In other words, no matter which outcome is presented, there will always be a majority of members preferring a slightly modified version which gains them a greater share of the pie, and coalitions will continuously re-mold around new alternatives without resolution, paralyzing the chamber. Even putting that serious problem aside, any bill faces some probability of being rolled on the floor. Recent works have detailed the dramatic increase in floor amendments (Smith 1989).

In this hostile floor environment, bill proponents look to their party leadership to solve these problems. This is a legislative stage where the agency relationship becomes worth its risks. With the use of restrictive rules, leaders can solve several of the dilemmas faced by members at this stage. The rules assist the leaders in reducing information costs, coordinate the process to minimize the uncertainty faced on the floor, and help members in their individualistic goals of credit taking and blame avoiding, all the while channeling the outcome closer to that desired by the bulk of partisans.

Perhaps the most important role leaders can play through their use of special rules is that of passage facilitator. As Bach and Smith (1988) forcefully argued, a central purpose of special rules is managing uncertainty in the House of Representatives. Because the risks of being rolled on the floor are so great, leaders have been given a great deal of authority in the formation of rules which eliminate undesirable alternatives and reduce the uncertainty. Recall that the rules are a multifaceted tool, with many more gradations than allowed leaders at the earlier referral stage. By varying the level of rule restriction, leaders can very explicitly define the choice set on the floor. As an example, on major bills it is
relatively common for rules to limit amendments to those explicitly listed with the report. In so doing, the damaging voting cycles described by McKelvey are prohibited, with the range of choices restricted to foreseen ends. This sort of direction is a mighty power for the Speaker and his committee to hold.

The use of rules also help the leaders perform the valuable function of reducing information costs. The specialized committees have invested a great deal of time and energy into specific pieces of legislation. These ‘sunk costs’ may be protected with restrictive rules. The leadership, through skillful manipulation of rules, is able to frame the debate between the feasible options, providing the membership a valuable partisan cue as to a favored position on the bill. Without this valuable cue, the information costs to be borne by the individual members would be great indeed.

Finally, the use of rules is a means by which party leaders can aid party members in the important individualistic goals of credit taking and blame avoiding. Leaders can purposefully structure the floor debate through rules so as to make sure that some votes occur and that others never do. The king-of-the-hill procedure allows for a number of proposals to be voted for in succession, such that members can “fight the good fight” or “stand against the tide” a number of times, whichever the district desires, all without jeopardizing the final tally on the last vote. By forcing the hand of opponents, the majority party leaders can eliminate the risks of surprise votes which may damage members at home. The encouragement of partisan discipline is necessarily much more likely in a stable, certain environment. In this way, members are able to satisfy their somewhat attentive public while providing support for the leadership when it is required.

**Progressive Delegation**
So, what may we conclude about the desires of party members in this legislative stage? Party members desire structured procedures on the bills that are important to them. Their party leaders are charged with giving the valuable restrictions in order to solve the problems discussed above. Unfortunately, granting this authority to the leaders is not without potential costs itself.

Where the power of multiple referral is a blunt dagger, the power of special rules can in certain circumstances be a sharp knife, precisely slicing and dicing bills into a position more favorable to the party, customizing from a long list of possible restrictions. Given the extraordinary risks of adverse agency, why would members entrust their leaders with such a potentially strong weapon?

The answer comes in the theory of progressive delegation outlined in chapter two. Recall that at the initial stage of introduction and referral, relatively weak powers are granted to the leaders, for the risks of agency are strong and the gains prior to the committee preference aggregation were nominal. Much has changed between that initial stage and this last stage prior to the floor. By this stage in the process, members are able to entrust their agents with greater power, both because the need for centralized authority has increased and the risks associated with agency have diminished.

The floor can be a dangerous place, and the need for centralized authority is strong. The parties manage the floor, structuring debate and recognizing members. When a specific bill is very important, the motivations are such that the members would prefer to have a strong leader doing what is necessary to increase their chances, to the point where granting leaders strong powers over procedural questions is necessary. Where it would be impossible for members to keep from being rolled on the floor, leaders imbued with this power can shepherd the bill through the pratfalls created by a willful minority on the floor.

Granting this power to the leaders is costly, and these costs come in two forms. The first type of costs which must be considered are again those of agency losses. Recall that any time authority is delegated to an agent, the principal risks adverse behavior and
the costs involved. The value of these potential costs is lower now than at any previous stage in the process, thus enabling the party to entrust their agent with more significant powers. Many of the bills which are not desirable or feasible for the majority have been culled out, thus reducing the amount of damage leaders can do by acting as antagonistic agents. With the risks of Madison’s dilemma being relatively small, the members grant more authority to the leaders to aid the bills. The tool available is the use of many types of rules, for without this assistance, many bills which could succeed on the floor may face unwanted changes, where members of the potential majority are pulled away through amendments.

Why have these risks of delegation become progressively lower through the various life stages of the bill? By this point in the process, leaders tend to be safer agents than at any time before. The leader has been through the selection process which helps to lessen agency losses. The committee system has done its work, whereby the number of feasible alternatives has winnowed to a small number of proposals rather than the infinite variety which remain possible at the time of referral. Additional checks against the Speaker are held at this stage as well to insure he acts as a proper agent. The rule can be voted down by a simple majority in the chamber, which leads the leader away from chicanery. Yet this happens rarely in the rule votes, for the leaders generally tend to work well for the party in this important stage. Thus, by this stage, members can trust the leadership with more discretion, thereby attaining the centralized direction required to stave off uncertainty on floor, and the help channeling the chamber to the party’s preferred alternative.

The second form of costs are actual rather than potential, consisting of the sheer resources of both the leader and many others which must be used. The time and energy required to take bills before the hearings and drafting of rules, as well as dealing with an outraged minority must all be subtracted from the actual gains attained by easing the
passage process for a given bill. Bills with unanimous support need no special rules, and bills without a potential majority support can obtain no benefit from these actions.

This theory thus provides us with expectations of when we ought to see the tool of special rules utilized. As I argued in chapter 2, bills which are in jeopardy, winnable and worth winning will obtain leadership involvement. In the particular stage we consider here, that leadership involvement is manifest through the adoption of restrictive rules. Rather than duplicating that theoretical discussion, I will now move into the three questions I seek to answer with the remainder of this chapter:

1) Is the use of special rules a significantly partisan activity?
2) When ought we to expect the use of special rules?
3) What is the significance of special rules in terms of overall bill success?

Rules as a Partisan Tool

The empirical evidence has largely supported that rules are used to further goals of the majority party. Bach and Smith demonstrated that “roll call votes on adopting rules have shown a striking increase in partisanship since the late 1970’s” (p.101). They also demonstrate that average Democrats support the rules well over 90% of the time, and that Republicans are growing less and less likely to support the rules over time.

Krehbiel challenges this with his study of Democratic cosponsorship, arguing that because bills with a great number of cosponsors are slightly less likely to obtain a special rule, that “the notion of rules as partisan steamrollers was resoundingly rejected” (p.190). I argue that Krehbiel is flatly wrong, for the four reasons detailed earlier. His model uses an inferior indicator of partisan commitment to a bill. In fact, a partisan steamroller is exactly what rules have become.
The data for this analysis is the same as used in the rest of this dissertation. The extensive bill histories, coupled with the sponsorship characteristics will allow us to explore these questions, limiting the analysis to the 99th, 101st, and 103rd congresses. A word about the coding of special rules is in order. I collapsed the new coding scheme of the 103rd Congress back into the four categories used in earlier congresses in order to gain comparability. Rules in my analysis were considered either open, modified open, modified closed, or closed. In the 103rd Congress, those categories remained, but additional categories were added, including time restrictions alone on amendments, rules requiring the preprinting of amendments, and rules which restricted the wording of some possible amendments while allowing others free reign. For my coding scheme, rules which obtained time restrictions alone or the preprinting of amendments were considered modified-open, while bills which placed some restrictions on the wording of possible amendments were considered modified closed. These are consistent rules with how those types of restrictions were characterized before the house turned to the expanded categories. The remaining categories were identical with the earlier format and need no further elaboration.

Because I find Krehbiel's test of partisanship inadequate, I offer my alternative here. I employ a more straightforward test, by examining which party affiliation the author of the legislation holds and comparing it with the incidence and restrictiveness of rules. Tables 5-1 and 5-2 show the results of this initial test.

Of the 16,604 bills introduced in those three congresses, Democrats sponsored 10,766 or nearly 65% of them. However, Democratic sponsors managed to obtain over 95% of the rules granted in the same period. Thus while the Democrats managed to obtain rules for 2.86% of their bills introduced, Republicans managed the feat only 0.26% of the time—less than 1/11 as often as the majority party. The few Republican sponsored bills which did obtain rules tended to be the highly distributive, "pork-filled" legislation where benefits were flowing to a large number of districts.
When the subset of bills that were successful enough to be reported out of committee is examined, the difference is even greater\textsuperscript{15}. Over the 6 years of my study, Republicans only managed to obtain 4 rules from this group. While 17\% of Democratic sponsored, reported bills were granted rules, the Republican were 10 times less likely to do so (1.79\%). It is clear that the Rules process is dominated by bills sponsored by Democrats.

Table 5-2 provides information about the degree of restriction in the rules granted. When examining all bills which obtained rules, Democrats were given open rules just 59\% of the time, compared with the Republicans who faced open rules 87\% of the time that rules were granted. No republican bill received a closed rule in any of these congresses. Actually, the Republicans had so few rules granted it is impossible to determine patterns. Republicans had two open rules granted, one modified open, and one modified closed rule in this period.

It is thus quite safe to conclude that the Rules committee is a partisan entity, dominated by Democrats both in their membership and in their actions. While this evidence confirms the conclusion drawn by so many others in the literature, it is to the richer questions that I now turn.

\textbf{When Rules are used}

The theory of agency presented in chapter two leads us to expect specific times when leaders ought to become involved with shepherding bills through the process. The choice of restrictive rules is a powerful tool by which leaders can impact the process in a

\textsuperscript{15}The rules not accounted for in the subset of bills reported from committee are those rare instances where the committee system is bypassed, i.e. for reconciliation bills, combinations of bills into new bills at the rules stage, etc.
partisan fashion. Because of the costs involved with obtaining rules, it is not the sort of activity members desire leaders to engage in for all bills, or even for all “important” bills.

When ought we to expect leaders to become involved in Democratic legislation? The theory predicts that it is when bills are uncertain, winnable and worth winning. The variable SPONIDEP will again be the primary indicator of the costs of mobilizing a winning coalition. This variable measures the distance of a bill’s sponsor from the center of his/her party on the partisanship dimension introduced earlier. . Bills written by extremist members of the party would be more challenging in terms of coalition building than would bills authored by very centrist members. The ideology and partisanship of the sponsor can make the bill easier or more difficult to pass for the leader, and hence influence the probability that the leadership will become actively involved.16

A second variable affecting leadership involvement is the breadth of expected benefits of the bill. As in chapter 4, Bills may be placed upon a continuum of particularistic vs. collective benefits. Because more highly distributive bills are more desirable to the party, members will desire their leaders to work on their behalf, unless there is already a very high probability of passage. Unlike the multiple referral stage, where leaders were unneeded to protect highly distributive bills, the volatile nature of the floor and the opportunity for hostile amendments makes these distributive bills a prime target for leadership intervention. I expect a highly significant, positive relationship between this distributiveness variable and leadership involvement.

The next control variable is the total number of cosponsors for a given bill. This is again a measure of the costs involved in coalition formation. As the number of cosponsors rise, the costs for leaders diminish, so I expect a negative relationship between the number of cosponsors and leadership involvement.

---

16 Because the Rules process is so clearly a partisan one, and because in the subset of bills reported out of committee the variables of the distance from the party position and the distance from the chamber position are so highly correlated (.89), the SPONIDEC variable has been excluded from this analysis, precluding another test of the Krehbiel majority postulate.
The final variable is again a control for the costs of coalition formation due to time pressure existing in Congress, and is operationalized as the number of days left in the Congress when the bill is introduced. Bills which are introduced very late in the session will have the result of being less likely to achieve leadership activity in the rules stage, simply because the bills have little time to make it that far before the session ends. Table 3 shows some basic descriptive statistics for the variables involved in this analysis.

The results of this analysis may be found in Tables 5-4 and 5-5. The dichotomous dependent variable is whether the reported bill obtained a special rule from the committee. For the Democrats, the results were much as my theory anticipates. More centrist members were significantly more likely to have their legislation obtain a special rule. The distributive component of the legislation was the strongest variable in the model, showing that leaders are indeed working to protect highly distributive legislation with special rules. The one surprise in the Democratic model regards the number of cosponsors. Rather than the negative relationship I expected, an increase in cosponsors actually makes the leaders more likely to become involved. Perhaps this is due to the same reasons for the distributive bills. Because the floor is such an uncertain environment, even the bills with a large number of cosponsors seek the protection afforded by special rules. Finally, the time pressure variable is irrelevant for Democratic sponsored legislation at the Rules stage.

For the results for Republican sponsored legislation, see Table 5-5. Unlike the Democrats, the only variable which is significantly related is the degree of distributiveness. So few rules were granted to Republicans, it is statistically unreasonable to test their pattern in this fashion. What is clear is that the 4 bills which obtained rules were among the most distributive bills offered by Republican sponsors. Other than that, Republicans simply do not obtain rules.

17 PROBIT analysis is a more ideal form for this particular model, but there was no significant difference in results, so OLS was presented for ease of interpretation.
I also sought to test the degree of restrictiveness with these same relationships. The results of that analysis may be found in Table 5-6. Here the dependent variable is no longer whether the bill obtained a rule, but a categorical variable of how restrictive a rule, with a value of 4 being a closed rule and a value of 1 being an open rule granted. Only bills granted a rule were included in this analysis. The results are again as my theory would lead us to predict. More centrist Democrats are likely to get the coveted restricted rules than are their more extreme counterparts. Distributiveness, however, drops out as a significant effect. In other words, while the degree of distributiveness matters in whether a bill obtains a rule, it does not have a significant impact upon how string a rule is granted. The sign remains in the anticipated direction. The impact of cosponsorship remains unchanged, as does the role of time pressure. What this analysis tells us is that most of the same forces which are related to obtaining a rule matter in how restrictive a rule is granted.\(^\text{18}\).

The Effect of Rules

It is clear from the analysis presented here that Rules are a very partisan enterprise, and that the principal agent theory presented in Chapter 2 allows us to make some supported predictions about when these rules are utilized. It is now that I turn to the question of significance. What does it really matter that the Democratic party leadership is able to provide restrictive rules for its favored legislation?

The answer may be found in Table 5-7. Majority party sponsored legislation is always more likely to achieve passage than is minority party legislation. Overall, Democrats see their bills passed nearly 13% of the time while Republicans only attain

\(^{18}\) Analysis of Republicans was impossible at this stage because of extremely low N in the various cells. (2, 1, 1, 0)
passage close to 4% of the time of all bills introduced. However, once the versatile tool of the special rule is employed, the success rate of Democrats skyrocket to over 86%.

Obtaining rules is good for the Republican bills as well, but it is such a relative rarity that we may conclude that the Rules committee is an extremely powerful partisan tool, virtually guaranteeing passage for the Democratic bills. The followers have given their leaders a valuable tool at this stage of the process, and their agents are providing the party an invaluable service.
Table 5-1: Special Rules by Party of Sponsor

<table>
<thead>
<tr>
<th></th>
<th>No rule obtained</th>
<th>Rule Obtained</th>
<th>% of bills getting rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democratic Sponsor</td>
<td>10458</td>
<td>308</td>
<td>2.86%</td>
</tr>
<tr>
<td>Republican Sponsor</td>
<td>5823</td>
<td>15</td>
<td>0.26%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>For Reported Bills</th>
<th>No rule obtained</th>
<th>Rule Obtained</th>
<th>% of bills getting rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democratic Sponsor</td>
<td>1245</td>
<td>255</td>
<td>17.00%</td>
</tr>
<tr>
<td>Republican Sponsor</td>
<td>220</td>
<td>4</td>
<td>1.79%</td>
</tr>
</tbody>
</table>
Table 5-2: Rule Restrictiveness by Party of Sponsor

<table>
<thead>
<tr>
<th>Party</th>
<th>No rule obtained</th>
<th>Open</th>
<th>Mod.</th>
<th>Mod. Open</th>
<th>Mod. Closed</th>
<th>Closed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democratic Sponsor</td>
<td>10458</td>
<td>59%</td>
<td>18%</td>
<td>22%</td>
<td>2%</td>
<td></td>
</tr>
<tr>
<td>Republican Sponsor</td>
<td>5823</td>
<td>87%</td>
<td>7%</td>
<td>7%</td>
<td>0%</td>
<td></td>
</tr>
</tbody>
</table>

For Reported Bills

<table>
<thead>
<tr>
<th>Party</th>
<th>No rule obtained</th>
<th>Open</th>
<th>Mod.</th>
<th>Mod. Open</th>
<th>Mod. Closed</th>
<th>Closed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democratic Sponsor</td>
<td>1245</td>
<td>56%</td>
<td>19%</td>
<td>23%</td>
<td>2%</td>
<td></td>
</tr>
<tr>
<td>Republican Sponsor</td>
<td>220</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>
Table 5-3: Descriptive Statistics By Party

<table>
<thead>
<tr>
<th></th>
<th>Democratic Party</th>
<th>Mean</th>
<th>Std Dev.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsor's Party Distance</td>
<td>0.05</td>
<td>0.41</td>
<td></td>
</tr>
<tr>
<td>Distributiveness</td>
<td>2.23</td>
<td>6.60</td>
<td></td>
</tr>
<tr>
<td>Cosponsors</td>
<td>19.79</td>
<td>38.50</td>
<td></td>
</tr>
<tr>
<td>Days Left in Congress</td>
<td>434.13</td>
<td>191.24</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Republican Party</th>
<th>Mean</th>
<th>Std Dev.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsor's Party Distance</td>
<td>0.14</td>
<td>0.87</td>
<td></td>
</tr>
<tr>
<td>Distributiveness</td>
<td>1</td>
<td>1.50</td>
<td></td>
</tr>
<tr>
<td>Cosponsors</td>
<td>13.59</td>
<td>36.92</td>
<td></td>
</tr>
<tr>
<td>Days Left in Congress</td>
<td>451.74</td>
<td>189.59</td>
<td></td>
</tr>
</tbody>
</table>
Table 5-4: Predicting Rules for Majority Party Bills

The OLS Regression Model

<table>
<thead>
<tr>
<th>Variable</th>
<th>Parameter Estimates</th>
<th>Standard Error</th>
<th>T for H0:</th>
<th>Probability &gt;[T]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intercept</td>
<td>0.040</td>
<td>0.02</td>
<td>2.393</td>
<td>0.017*</td>
</tr>
<tr>
<td>Sponsor Party Distance</td>
<td>-0.035</td>
<td>0.02</td>
<td>-2.151</td>
<td>0.032*</td>
</tr>
<tr>
<td>Distributiveness</td>
<td>0.010</td>
<td>0.001</td>
<td>10.314</td>
<td>0.001*</td>
</tr>
<tr>
<td>Cosponsors</td>
<td>0.001</td>
<td>0.00</td>
<td>4.729</td>
<td>0.001*</td>
</tr>
<tr>
<td>Days Left</td>
<td>-0.000</td>
<td>0.00</td>
<td>-0.103</td>
<td>0.918</td>
</tr>
</tbody>
</table>

Where * = p < .05

N = 1496

R-square = 0.098
Table 5-5: Predicting Rules for Minority Party Bills
The OLS Regression Model

| Variable               | Parameter Estimates | Standard Error | T for H0: | Probability >|T| |
|------------------------|---------------------|----------------|-----------|--------------|---|
| Intercept              | -0.001              | 0.015          | -0.088    | 0.9303       |
| Sponsor Party Distance | -0.002              | 0.007          | -0.255    | 0.7988       |
| Distributiveness       | 0.028               | 0.003          | 7.374     | 0.0001*      |
| Cosponsors             | -0.000              | 0.00           | -0.010    | 0.9922       |
| Days Left              | -0.000              | 0.00           | -1.299    | 0.1953       |

Where * = p < .05
N =223
R-square = 0.204
Table 5-6: Predicting Rule Restrictiveness for Majority Party Bills
The OLS Regression Model

<table>
<thead>
<tr>
<th>Variable</th>
<th>Parameter Estimates</th>
<th>Standard Error</th>
<th>T for H0:</th>
<th>Probability &gt;[T]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intercept</td>
<td>1.819</td>
<td>0.151</td>
<td>12.061</td>
<td>0.0001*</td>
</tr>
<tr>
<td>Sponsor Party Distance</td>
<td>-0.671</td>
<td>0.140</td>
<td>-4.783</td>
<td>0.0001*</td>
</tr>
<tr>
<td>Distributiveness</td>
<td>0.006</td>
<td>0.005</td>
<td>1.348</td>
<td>0.1789</td>
</tr>
<tr>
<td>Cosponsors</td>
<td>0.003</td>
<td>0.001</td>
<td>2.631</td>
<td>0.0090*</td>
</tr>
<tr>
<td>Days Left</td>
<td>-0.000</td>
<td>0.000</td>
<td>-1.337</td>
<td>0.1823</td>
</tr>
</tbody>
</table>

Where * = p < .05
N = 255
R-square = 0.108
Table 5-7: Bill Passage Rates
The Effect of Restrictive Rules

<table>
<thead>
<tr>
<th></th>
<th>Overall</th>
<th>Without Rule</th>
<th>With Rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democratic Party</td>
<td>1,365 of 10,766</td>
<td>1,099 of 10,458</td>
<td>266 of 308</td>
</tr>
<tr>
<td></td>
<td>or 12.68%</td>
<td>or 10.51%</td>
<td>or 86.36%</td>
</tr>
<tr>
<td>Republican Party</td>
<td>212 of 5838</td>
<td>209 of 5823</td>
<td>3 of 15</td>
</tr>
<tr>
<td></td>
<td>or 3.63%</td>
<td>or 3.59%</td>
<td>or 20.00%</td>
</tr>
</tbody>
</table>
Chapter 6: Post-Floor Leadership

Capitol insiders and congressional scholars alike have long maintained that congressional conference committees play an extremely important part in the legislative decisions of Congress. Regardless of how specifically the conference is described, no one doubts their integral role in the development of public policy. Conferences have often been declared the final battleground of legislative bicameral politics.

There have been three significant theses regarding the important influences in Conference. The first view holds that conference is a very important stage both for legislative outcomes and that the power relationship is best recognized as a clash between the respective chambers (Pressmen 1966; Vogler 1970; 1971; Manley 1970). The majority of members on the floor have expressed not only their support of the measure, but their unwillingness to adopt the competing language of the other chamber. As an agent of the floor, the conference delegation acts in the interest of the House as a whole in resolving differences with the Senate.

Secondly, scholars have focused on the role of the original committee in the make-up and performance of the conference stage (Longley and Olezak 1989). The conference serves as a strategic stage from which individuals may exercise considerable influence over legislative outcomes which then translate to greater institutional power (McCowan 1927; Steiner 1951). This perspective argues that because most conferees served on the original committee, they represent those interests as well. In other words, these proponents hold that the real power of the conference committee is in the original pre-passage committee members, for these individuals compose the conference committee and use its ex post veto power against the chamber floor (Shepsle and Weingast 1987).
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Finally, a third conference thesis argues that the Congressional institutional parties play a significant role in conference, both in the nomination of conferees and in part determining the bills which arrive there (Cox and McCubbins 1989, Moriarty and Posler 1994). The significance of this work to date is that the conference committee is portrayed not only as an arena for conflict resolution between the two houses but as an actor in conflict with the floors of both chambers. The resulting implication is that we are left with the notion of a "third house", an entity all unto its own which extends beyond the internal workings of the U.S. Congress.

The emphasis of this chapter is to gain a greater understanding of which interests get represented in the conference process, through the application of the partisan theory of progressive delegation. In the initial section of this chapter I examine the literature on conference committees, showing why this sort of study can add to our knowledge. In the second section, I develop hypotheses and predictions from the various theories of conference representation, so that in the third section I can present evidence from the recent Congresses testing between those competing explanations of conference composition. Finally, in my concluding section of this chapter, I share some thoughts as to what these findings suggest for the continued study of conference committees.

The initial studies of conference committees are primarily descriptive studies which focus on the process itself. These works examine how bills went to conference and the inner workings of the "special" committee (McCowan 1927; Steiner 1951). Much of the empirical investigation used member recollections and consisted mostly of useful anecdotal evidence. A rich, detailed recollection of individual conference cases, with strong individuals and interesting strategies is recalled. The central importance of this early work is that it establishes an understanding of the internal process and the important influence of this process on the ultimate outcome of legislation. Modern political scientists later developed cogent theoretical explanations for the role of conference.
There have been three modern approaches in the literature toward the study of conference committees. The first and most common empirical approach to the study of conference committees focuses on the question that, of the two chambers, "who wins?" (Pressman 1966; Fenno 1966; Manley 1970; Vogler 1970; 1971; Ferejohn 1975; Strom and Rundquist 1977; Gross 1980; Longley and Oleszek 1989). This is interesting in that it portrays the conference as a "battleground" of bicameral politics. The early work found that the Senate tended to dominate these affairs, giving credence to the notion of the "upper house" (Pressman 1966; Fenno 1966; Vogler 1970; 1971) . However, later work suggested that the output of the conference need not be a zero-sum affair in which one chamber succumbs to the other (Manley 1970; Ferejohn 1975) . Further, it was asserted that House tended to be more successful in achieving their desired ends because the bills that were sent to conference tended to originate in that chamber (Manley 1970) . More recently, formal approaches which examine the conference committee as a bargaining interaction between the two chambers have focused on how the two chambers perceive their interests and attempt to obtain their most preferred outcomes and how legislative sequencing might affect this (Strom and Rundquist 1977; Gross 1980; Rogers 1994). This work tends to support that of Manley in that the house which moves first or originates the legislation tends to achieve outcomes closer to its own ideal point (Gross 1980; Rogers 1994).

Recently, an excellent theoretical formulation of this sort of approach may be found in Krehbiel’s “Majoritarian Postulate” (1992). He argues that although the speaker of the House is formally empowered to name conferees, ultimately “the motion to go to conference requires the support of a parent-chamber majority” (p.18). Thus, since the floor has the ability to determine this question, the conferee list ought to be able to please the chamber as a whole. In essence it is the median member of the chamber which drives the conference delegation, for any report must ultimately please a majority of the chamber. This literature is interesting in its portrayal of the conference committee as a mediation
point for the two chambers and demonstrates a non-institutional function of this structure. At the same time it offers us a testable notion as to who ought to be best represented by the proxies in the conference. This approach is largely the one employed in the "textbook" congress, where students are taught that conferences are agents of their parent bodies, resolving bicameral differences in a great "check and balance".

In contrast to the above approach is a second one which has been termed the "third house" committee approach. Shepsle and Weingast (1987) characterize the conference committee's power as the possession of the post-floor, or "ex-post" veto. This feeds off of the idea of the "outlier" hypothesis of committee membership. They argue that the conference committee serves as a venue for members representing the original committee of jurisdiction to place a check upon changes to legislation from the floor. This is an important thesis in that it is among the first to stress the significance of the membership makeup of the conference committee. Due to the observation that committee members make up a large percentage of conferees, this thesis has gained credibility in political science.

In one of the few empirical studies of the composition of conferees, Steven Smith has argued that "the leverage committees gain by controlling conferences on their legislation has long been recognized to be a vital source of committee power in Congress" (p.197). However, Smith also demonstrates that the number of challenges to this autonomy and the success of those challenges has increased as well in recent decades. He attributes this change to the greater size of conferences and the inclusion of some non-committee members in the conference. Both of these changes lead to more diverse interests being represented, and hence a conference report more acceptable to the floor, following Krehbiel's argument. Despite these changes, however, Smith maintains that the bulk of influence in conference remains in the hands of the committee, for committee members are virtually always the majority of the conferees.
The conclusion drawn from these works is that the conference is an entity of its own and that the special nature of the members that make up the committee can exert a substantial influence on the legislative process. Despite the increasing ability for the floor to check the power of the conference, Smith and others conclude that relatively autonomous committee members are the determining factor even today. In a slightly different variation, Longley and Oleszek (1989) argue for the notion of individual influence, rather than simply representativeness of committee interests, when they assert that the conference committees "...provide the means by which congressmen from both chambers seek twin goals: influence over legislation and power within their chamber". This portrays conference as not a simple competition between chambers but also as a contest among the committees and the less extreme floor.

But what of the role of party in conference? In recent years there has been considerable literature focusing on the resurgence of party influence within Congress (Cooper, Brady and Hurley 1977; Sinclair 1981; 1989a; 1989b; Patterson and Caldera 1988; Cox and McCubbins 1989; Hurley 1989; Rhode 1989; 1990; 1992; Smith 1989; Weingast 1989). Scholarship examining floor politics in the post-reform era has found that the party organizations have a considerable influence on the operations of the institution. This is the result of several factors, including the enhanced development of the whip system, the more active role of leadership and the increased policy activism taken on by the parties (Sinclair 1989a; 1989b; Rhode 1992). The result is that the bulk of the responsibility for legislation has shifted from individual members to the parties, especially with bills which are highly salient.

Recent literature has also focused on the considerable influence of party in committees (Unekis 1991; Ward 1989; 1993). In the post-reform era there has been a considerable expansion of the sub-committee system, with the result of this being that a great amount of legislative development occurs in the committees. Because the party leadership exerts an influence on the make-up and leadership of the committees it should
be expected that this influence lingers on within the procedure of the committees. It has been demonstrated that party indeed plays a significant role on the work of the committees and thus on their products arriving at the floor.

Earlier chapters of this dissertation has found evidence for party activity in each of the preceding stages, with the nature of the delegation to leaders progressing across stages. Yet if party is so prevalent in the earlier stages of legislation, why is there so little mention of the potential role of party in conference? While recent congressional literature has focused on the influence of parties on the floor and in committee, relatively little has been done regarding conference committees. Most recent studies of the role of party's influence on the conference committee has been limited to how members of the conference are selected (Krehbiel 1993; Cox and McCubbins 1989), which provides further evidence for the individualistic nature of the conference process, but leaves virtually untouched the role of parties as organizations in conference.

One study which stands as an exception explored the role of party in conference, at least with appropriations bills. Kiewet and McCubbins (1991) argued that

Shepsle and Weingast are absolutely correct in positing that the conference process provides a major source of leverage in congressional policy-making. It is not the committee, however, that obtains this advantage. It is the majority party. The answer to the question that has long vexed congressional scholars -- Who wins in conference committees, the House or the Senate? -- is thus neither. Given their hold on both chambers during most of the last sixty years, the real winners of conference committee proceedings have usually been the Democrats (p.161).

Although as yet insufficiently tested, this thesis provides a third empirically testable prediction about who conferences may represent. One other recent study has made strong claims that it is the party agenda bills which are prone to end up in conference (Moriarty
and Posler 1994), but to this point, no one has empirically demonstrated the role of party as represented by the delegates.

Is the best depiction of conference one of clash between the chambers for dominance of the bicameral legislature? Is there any truth to the idea that it is policy oriented committees who take their seats in conference and exercise a veto against unwelcome changes from their less-specialized respective floors? Finally, what is the role of the party organizations in all of this? In the remaining sections of this paper, I seek to fill the gap in the literature regarding the lack of empirical tests of these various ideas. I hope to provide a critical test between these perspectives, so that we may begin to sift out their relative importance in explaining this vital stage of the legislative process.

Applying the theory to conferences

Let us begin at the outset by placing conferences into their proper perspective. Going to conference is not the most favored alternative among the entire range of outcomes for any of our actors. Ceteris paribus, it is better to achieve your goals without having to expend the time, energy or risk of going to a volatile conference situation. Prior to any decisions about a conference, the chamber has had to arrive at a decision acceptable to a majority of members in the House. At that point, the majority would always desire the Senate to have agreed to exactly the same decision so that the bill can progress on to the President and perhaps become law.

Thus in a larger sense, conferences are not chosen by the majority of the initial chamber, they are in essence thrust upon them by the chamber second to act. At its very core, there must be bicameral conflict in order to have a conference. This is the driving force between the majoritarian theory as applied to conference committees. It is once that this bicameral conflict occurs that the real game begins. Whose interests will be
represented in conference? In one corner, it is the majority of members who voted on the "passed version". In the second corner, it is the original committees, upset about changes to their "reported" version, loading the conference to exercise their ex post veto or return the bill to its original stature. Finally, in the third corner of this triangle is the majority party, hoping to skew the conference delegation in their favor at the expense of the floor and the committee members.

This third perspective is the one consistent with the theory developed in chapter two. The majority party has progressively delegated greater and greater power to its leaders as we have moved through the various legislative stages. By severely curtailing the powers of leaders at earlier stages, members insure that there is a wide degree of input and that bills will not advance which are adverse to the majority of partisan members. Full committees will vote on matters well before leaders have much opportunity to achieve authority over the bills. As successive stages advance, however, the risk of adverse results is greatly minimized, allowing the members to safely delegate more authority to save the exponentially increasing transaction costs which are more easily borne by the leaders at that time.

By the conference stage in the process, all members have gone on record with their preferences regarding a bill. The leaders need not rely on fallible signals for their cues, instead knowing whether they have the support of their rank and file to justify the expense of resources necessary for a conference. The powers delegated to leaders at this point exist in two forms; whether to have a conference at all, and if so, then determining who it is that will represent the house in that conferee role. In the remainder of this chapter I will examine each in turn.

Which bills go to Conference?
By the time the bills reach the conference stage, a great deal of the leader's, the party's and the chamber's resources have been invested. The House as a whole has committed to one version of the bill, although the majority party may or may not be committed as a group. A minority of Democrats, along with the Republicans may have succeeded in passing their version of the bill. If the bulk of the majority party members have supported the bill in the voting stage, then they certainly want the bill to survive the differences with the opposing chamber. Leaders in these circumstances are given tremendous latitude in brokering agreements for the creation and membership of conferences.

The first decision by the party which must be made is whether to hold a conference. When the two chambers pass different versions of a bill, numerous things may occur. First, the chambers will likely message back and forth, with the result being that one of the chambers will see the disparities as immaterial and yield to the other chamber's version. By simply repassing the other chamber's bill, the conflict is resolved and the bill proceeds on to the president. Second, the bill could die at that point. Both sides may be committed to their version, unwilling to accept the other chamber's bill, and yet be unwilling to expend the resources required by holding a conference. This rarely occurs, because if the issue is salient enough that they are unwilling to yield, then they are likely willing to bear the costs of conference. Third, if the issue is salient enough to the party that the benefits of passage will outweigh the costs, then they will opt to hold a conference.

We cannot know when the two chambers will disagree, for they are both complicated bodies of individuals with complex preferences. What we can test is whether conferences occur on bills which help the majority party or the floor. Therefore, the hypothesis we shall examine here is the following:

H1: Partisan Bills will be more likely to go to conference.
The argument derived from my partisan theory of progressive delegation is that at this penultimate stage, all of the guesswork for leaders is gone. Members have revealed their preferences, and if the leaders had been good agents earlier in the process, then their earlier actions were good predictors of which bills would gain majority party support in the roll calls. Now that the opposing chamber has been found to disagree in parts, it then becomes necessary for the leaders to go to conference. I argue that if the majority party does not support the bill on the floor, their leaders will be unwilling to expend the resources by having a conference. Thus partisan commitment in previous stages greatly enhances the probability of the bill going to conference.

In order to test this hypothesis, I will use several different indicators of partisan commitment to the bill. The model will be as follows:

\[
\text{Conference} = \text{Sponidep} + \text{sponidec} + \text{reftype} + \text{rulestrength} + \text{PartyVote}
\]

The dependent variable, Conference, is simply a dichotomous choice of whether the bill goes to conference. For this analysis, all House bills in the 99th, 101st, and 103rd Congress which passed the floor of both the House and the Senate are included. That is the universe of bills which had a non-zero probability of going to conference. That yielded a dataset of 870 cases, of which over 19% (168) went to conference. PROBIT was used as the method of analysis, as it provides a more appropriate test of the model when a dichotomous dependent variable is predicted.

The first pair of independent variables are those same measures of the relative partisanship of the sponsor used in previous chapters. Bills written by extremist members of the party would be more challenging in terms of coalition building than would bills authored by very centrist members. The partisanship score of the sponsor can make the bill easier or more difficult to pass for the leader, and hence influence the probability that
the leadership will become actively involved. Sponidep is a measurement of the distance between the sponsor of the bill and the median position of the party on the partisanship measure developed by Posler and Rhodes (1997). The theory suggests that as the distance from the sponsor to the core of the party increases, it should be less likely to be selected for conference by the party. In other words, I expect a significant negative relationship between this variable and whether the bill goes to conference.

Sponidec is the primary alternative to the previous variable. It is the measure of the distance between the sponsor and the and the median of the chamber. Under Krehbiel’s argument, the conference must represent the median member of the floor. It thus leads from that tenet that bills sponsored by members very near the center of the chamber would be more likely to be judged worthy of the trouble it takes to hold a conference. Proponents of the “bicameral clash” theory would thus expect a strongly negative relationship for this variable. As the distance from the center of the chamber grows, it is less likely that the sponsor’s bill will get the support to go to conference. I expect the exact opposite relationship. My partisan theory suggests that as the distance from the floor median increases toward the party median, it will be more likely to go to conference. Bills from members in the center of the chamber will be relatively non-partisan Democrats, and they will be less likely to get to conference.

The next two independent variables appeared initially as dependent variables in previous chapters of my dissertation. As we found earlier, both the multiple referral of bills and the use of restrictive rules are partisan activities. The bill referral variable is dichotomous, scored a zero for all singly referred bills and a one for all multiply referred bills. As shown in Table 1, in this universe of bills passed by both Houses, 194 of the 870 bills were multiply referred. Singly referred bills that eventually passed were only one-fifth as likely as multiply referred bills to make their way to conference.

The Rules strength variable is coded zero to three, with zero signifying that no rule was granted, and three being the most restrictive of all rules, the modified closed or closed
rule\textsuperscript{19}. 144 of the 870 bills which passed both chambers were granted some form of a rule. As shown in Table 1, bills which passed without any rule went to conference only about 11\% of the time, while bills passed under procedural rules went to conference over two-thirds of the time. Because we found in earlier chapters that both multiple referral and restrictive rules are both partisan activities, I expect them to be significant predictors of whether the bill goes to conference. Strong, positive relationships should emerge, where as bills become multiply referred or as the strength of the rule increases, the party leadership will be willing to go to the effort of a conference, should the need arise.

Finally, a new independent variable is available to us as perhaps the best signal of the intentions of the majority party. Bills have finally passed the floor stage where all members must publicly record their preferences. I argue that, all else being equal, conferences are much more likely to occur when a majority of Democrats have supported the measure in floor voting. Recall that the sample of bills being considered here have all successfully passed the chamber. The dichotomous variable "party vote" is a measure of whether the bill passed with the support a majority of Democrats or some other coalition. If Krehbiel is right and the chamber floor drives the conference process, then there should be no relationship for this variable. If, as I anticipate, there is a strong positive relationship between party commitment to the bill and going to conference then we may make the conclusion that party plays a definite role in determining which bills go to conference. As you can see in Table 6-1, very few bills (34 of 870) pass without the support of at least a majority of the majority party. Only about 4\% of bills passed with a coalition not including a majority of the dominant party. Having said that, a lower percentage of bills go to conference when the controlling party fails to give majority support.

\textsuperscript{19} This coding scheme, and the resultant frequencies obtained are consistent with the bulk of studies in this area. See Bach and Smith (1988) for a more elaborate explanation of coding rules.
The results for this model may be found in Table 6-2. The model overall conformed to my expectations. Let us first examine the effect of partisan distance. The partisan distance variable has a very slight impact, although in the anticipated direction. As the distance from the sponsor to the center of the party increases, the bill is slightly less likely to go to conference. The surprise then, is that even though the relationship was in the proper direction, it is for the first time irrelevant once other variables are held constant. We may conclude that at this late stage in the process, when the referrals, rules, and floor voting have all been completed, it is actually less likely that those cues wouldn't supplant the sponsorship variables as the most important. The partisan cues were driving the earlier stages, but have now given way to clearer signals. We thus ought not make too much of its failure to reach significance at this stage.

Also clear in Table 6-2 is that there is again no support for the majoritarian postulate. In fact, as the distance of the sponsor from the center of the chamber increases, the bill is significantly more likely to go to conference. Why would the chamber expend those vital resources for bills from more extremist members? Although passing the threshold of significance, this variable is not among the most important in the model.

Let us turn, then, to the stronger indicators of partisan preference. The strength of the rule granted for the bill is a strong predictor of whether the bill goes to conference. Bills which received rules are much more likely to go to conference then are other bills, all other things being equal. Further, the more restrictive the rule granted for the bill, the more likely the bill would go to conference when given the opportunity. As you can see in table two, this model predicts that a bill with the most restrictive rule is 30% more likely to go to conference than a bill with no rule granted, ceteris paribus.

Perhaps the strongest results in this model were found for the bill's referral type. Recall that we found in earlier chapters that multiple referral was a signal of partisan commitment to a bill. In this stage, multiply referred bills were much more likely to end up in conference than were other bills. Indeed, the model predicts a swing in probability
of 77% for multiply referred bills, all else being equal. Bills that received the greater attention in the committee phase again saw a more partisan commitment in the conference phase.

Finally, the party vote variable provides another test between the “majoritarian” and “partisan” models of conference committees. Bills which passed with a coalition including a majority of the ruling party are more likely to obtain a conference than are its sisters which passed with less than a majority of the Democrats. To be sure, only about 4% of bills managed to pass without majority party support, but within that small sample, the odds increase for bills supported by the party. This helps show that the decision of whether to go to conference is in fact a partisan one. Floor votes forced the members to declare preferences, so there can be no stronger cue for the party leader’s decision to commit the resources necessary for a conference. As a whole, bills that are good for the majority party will be more likely to get the resources of a conference invested than are the bills which are supported by the non-partisan floor coalitions. We may thus safely conclude that partisanship helps determine which bills go to conference.

**Which delegates go to Conference?**

Equally important to the question of whether party plays a role in getting bills to conference is the question of whether party leaders use their powers to impact the outputs of those conferences. The strong formal power which the leaders are granted here is virtually sole discretion in the selection of conferees, subject only to majority, pro-forma, endorsement. The leader can tailor conference delegations at will, which could perhaps be their most significant power in the entire legislative process.

The power granted to the leaders in this stage is very different in kind to those of previous stages, where the leaders could simply determine whether to act. Conferences
are generally not desired, but are thrust upon the House when the Senate refuses to agree to the position passed by the House. Thus leaders own much more discretion over the “type” of conferees he appoints rather than over whether a conference is held.

Our three theories of conference committees yield contrasting hypotheses over whose interests will be most represented in conference. The “majoritarian” thesis holds that it should be the floor as a whole that is represented. The “committee” thesis argues that it is the committee of origin which is best represented. Finally, the partisan theory which I endorse argues that it is the center of the party which will be most represented in conference. This leads me to the following hypotheses.

**H2:** Conferees will be more representative of the party than of the House.

**H3:** Conferees will be more representative of the party than of the Committee of Origin.

In order to provide a test for these hypotheses, it becomes necessary to compare the positions of the party, the committees, and the conferences in ideological space. The argument is that if the conference committee is closer to one of the hypothesized bodies in space, then the outputs will be more representative of that position than the others. Because each of these bodies arrive at decisions using majority rule, it is logical to compare the median member of each for they will be the critical member in any unidimensional space. Using the partisanship dimension created and used in previous chapters, I will compare the median positions of each of the conferences to the median position of the floor, the committee of origin for that bill, and for the majority party. Note that to determine the median position of conferences when the delegation has an even number of participants, I averaged the distance between the two closest to the center.

For the test of hypothesis two, all conferences that were held comprise the sample. For the third hypothesis, only those bills which were singly referred, thus having an identifiable committee of origin were compared. The medians provide the proper test, for
majority rules the conference decisions, just as it rules the floor, the party caucus, and the committee. As you can see in Table 6-3, there were a total of 176 conferences held in the 99th, 101st, and 103rd Congresses. The average size of each House delegation was 21 members.

The Party vs. the Chamber

The results for Hypothesis 2 may be found in Table 6-3. There is absolutely no doubt that the partisan explanation fares better than the Majoritarian chamber theory. The delegations are comprised by an over-representative number of Democrats, meaning that they are represented more on the conferences than their membership level of the entire House. The median member of the conference is almost always closer to the center of the Democratic party than to the center of the House as a whole. In fact, over 98% of the time, the conference median member is closer to the center of the party than to the chamber median member.

Thus, even though extremist members may have places in the conference, they will never have the strength to muster the majority disagreeable to the bulk of the party. We may handily reject Krehbiel’s majoritarian postulate in this stage of the process.

The Party vs. the Original Committee

The evidence appears slightly more mixed in the committee vs. party test, largely because the median positions of the committees more closely mirror that of the party already. In other words, because the committees medians themselves look similar to the
middle of the party, the contrast between the conferees is not as stark as with the chamber median position in Hypothesis 2. Even so, the early evidence again shows the partisan model to be the better performer.

Recall that only those committees with a single identifiable committee of origin are examined here. That yields a total of 69 committees analyzed with an average of only 18 members per conference, which is a smaller average size than the conferences for bills that were multiply referred. As you can see in Table 6-3, the average distance between medians for both the party and committee is smaller in this group than in the sample used for Hypothesis 2. Again, the conferences tend to be closer to the party center than to the committee center, casting doubt on the Shepsle and Weingast formulation of the “ex post veto” committees in conference. Although I do not dispute their findings that the conferees are almost universally drawn from the committee of origin, my analysis shows that it is not a random sample of committee members which are tapped for the conference. Instead, it is a slightly more “partisan” group of solid Democrats who tend to drive the conference committee median position. Well over two thirds of the time, the conference median position is closest to the party center.

What interests are represented in conference? The question is important because bills that go to conference virtually always become law. It is the home stretch in a long race, the last chance for various interests to jockey for position, making the final changes before a bill goes to the President to become law. The floor as a whole, the committee of origin, and the majority party each have been theorized to be the interests most represented, but until now there has been no real test examining all of the conferees over
several congresses. This chapter is the capstone to a lengthy analysis examining the role of party leaders in each of several stages of the legislative process. The partisan theory of progressive delegation has shed new light on this important process all too often shrouded in darkness. Party leaders indeed "stack the deck" when they deal out conferee appointments.
Table 6-1: Bills Going to Conference

<table>
<thead>
<tr>
<th>Referral Type</th>
<th>Total Bills</th>
<th>To Conference</th>
<th>% of bills to Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Singly Referred</td>
<td>676</td>
<td>72</td>
<td>10.65%</td>
</tr>
<tr>
<td>Multiply Referred</td>
<td>194</td>
<td>96</td>
<td>49.48%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rule Type</th>
<th>Total Bills</th>
<th>To Conference</th>
<th>% of bills to Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>No rule granted</td>
<td>726</td>
<td>73</td>
<td>10.86%</td>
</tr>
<tr>
<td>Open rule</td>
<td>68</td>
<td>43</td>
<td>63.24%</td>
</tr>
<tr>
<td>Modified open rule</td>
<td>34</td>
<td>24</td>
<td>70.59%</td>
</tr>
<tr>
<td>Mod. Closed/Closed Rule</td>
<td>42</td>
<td>29</td>
<td>69.05%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Party Vote</th>
<th>Total Bills</th>
<th>To Conference</th>
<th>% of bills to Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pass without majority Democrat support</td>
<td>34</td>
<td>5</td>
<td>14.71%</td>
</tr>
<tr>
<td>Pass with majority Democrat support</td>
<td>836</td>
<td>163</td>
<td>19.50%</td>
</tr>
</tbody>
</table>
Table 6-2: Predicting Which Bills go to Conference  
The PROBIT Model

<table>
<thead>
<tr>
<th>Variable</th>
<th>Coefficient</th>
<th>Standard Error</th>
<th>Chi-Square</th>
<th>D in Probability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intercept</td>
<td>-2.283</td>
<td>0.382</td>
<td>35.72*</td>
<td></td>
</tr>
<tr>
<td>Sponsor Party Distance</td>
<td>-0.225</td>
<td>0.169</td>
<td>1.76</td>
<td>-0.05</td>
</tr>
<tr>
<td>Sponsor Chamber Distance</td>
<td>0.280</td>
<td>0.089</td>
<td>9.79*</td>
<td>0.13</td>
</tr>
<tr>
<td>Rule Strength</td>
<td>0.601</td>
<td>0.065</td>
<td>86.09*</td>
<td>0.30</td>
</tr>
<tr>
<td>Referral Type</td>
<td>1.036</td>
<td>0.122</td>
<td>71.68*</td>
<td>0.77</td>
</tr>
<tr>
<td>Party Voting Commitment</td>
<td>0.820</td>
<td>0.371</td>
<td>4.89*</td>
<td>0.12</td>
</tr>
</tbody>
</table>

Where * = p < .05  
N = 870  
Log Likelihood = 311.864

Note: For the continuous variables, I have calculated the change in the probabilities for each dependent variable when the independent variable is set to one standard deviation above and below the mean for these measures. For each of the dichotomous and categorical independent variables, the effect of each variable is evaluated at its minimum and maximum values.
Table 6-3: Conferee Statistics

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total # of conferences</td>
<td>168</td>
</tr>
<tr>
<td>Average number of conferees</td>
<td>21</td>
</tr>
</tbody>
</table>

**Party vs. Chamber**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Average % Democrat conferees</td>
<td>63.37%</td>
</tr>
<tr>
<td>Total number of majority Republican conferences</td>
<td>2 of 168</td>
</tr>
<tr>
<td></td>
<td>(1.19%)</td>
</tr>
<tr>
<td>Average distance of conf. median from chamber median</td>
<td>0.3578</td>
</tr>
<tr>
<td>Average distance of conf. median from party median</td>
<td>0.1137</td>
</tr>
<tr>
<td># of conferences closer to party than to chamber median</td>
<td>166</td>
</tr>
<tr>
<td>% of conferences closer to party than to chamber median</td>
<td>98.81%</td>
</tr>
</tbody>
</table>

**Party vs. Original Committee**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Conferences with only 1 committee or origin</td>
<td>69</td>
</tr>
<tr>
<td>Average number of conferees</td>
<td>18</td>
</tr>
<tr>
<td>Average distance of conf. median from committee median</td>
<td>0.134</td>
</tr>
<tr>
<td>Average distance of conf. median from party median</td>
<td>0.098</td>
</tr>
<tr>
<td># of confs. closer to party than to committee median</td>
<td>47</td>
</tr>
<tr>
<td>% of confs. closer to party than to committee median</td>
<td>68.12%</td>
</tr>
</tbody>
</table>
Chapter 7: Conclusions

Party leadership in the U.S. House matters. This dissertation sought to answer the more difficult questions of why, how and when the leadership matters. As a part of the answer to those questions, this dissertation developed a new theory of variable leadership involvement; variable across bills, for not all bills are equal, but also variable involvement across the legislative stages of a given bill.

The theory of partisan, progressive delegation presented in Chapter Two has proved to yield interesting hypotheses to examine throughout the legislative process. This dissertation has attempted to bridge together a great deal of work on legislative rules and procedures, using the framework of a principal-agent model to examine each of a number of stages in the legislative process. In this final chapter, I will attempt to provide the common threads of significant findings in this work. Although this dissertation has explored a number of areas, I will then conclude by explaining where next we ought to apply this framework.

First, this analysis has demonstrated that any explanation of congressional behavior and outcomes which fails to include the role of the party is significantly incomplete. This is one in a series of answers to the critics of the partisan perspective. Parties truly are alive and well in the U.S. Congress. Members view the parties as important, issues are often polarized along partisan lines, and observers point to a resurgence in partisanship between the White House and the Hill. There is now little question that the Congressional
party leaders have some impact on the policymaking process. This dissertation has attempted to measure the important questions of exactly when, why and how the leaders become involved with legislation.

This new theory of variable leadership involvement provides a number of interesting questions which this dissertation has begun to address. The legislative stages of leadership selection, bill introduction and referral, whip calendar activity, the Rules Committee, and conference committees have all been examined using this theory, and the conclusions in each has been that party leaders are able to use the tools granted them by the party to move outcomes in the directions desired by the core of the party.

Second, the principal-agent framework developed first by others and now applied in this arena is a salutary way to proceed. Focusing on the institutional dilemmas faced by an organization, coupled with an emphasis on the relationship between leaders and followers can be very productive. Members choose to have leaders because the potential gains of agency can outweigh those risks. It is good to be the leader because of both the selective incentive payoffs derived and by the residual policy gains that a leader may procure. It is good to be a follower because of electoral benefits of the stronger party label, as a solution to the collective action problem, the reduction in information costs, and finally because of the reduction of uncertainty in the voting space and resulting shrinkage of voting costs for the member. Empirically, this work has supported the predictions of the framework. Leaders are provided the tools to work on behalf of the party, but constrained so as to minimize the risks of agency.
So, leaders can do some real good for the party, but members can only achieve this good at some non-zero risk of adverse agency. Leaders have the potential to abuse the relationship with their followers, engaging in hidden action at the detriment of their followers. Recall that this is a dynamic relationship, progressing across legislative stages. There is an increasing role for the leaders as the risks of adverse agency diminishes. By the time bills have made it through most of the legislative stages, there are relatively few truly viable alternatives remaining, enabling the followers to allow the leaders a great deal of latitude in their powers such as the choosing of conferees.

This framework has enabled us to unify disparate literatures, bringing different empirical studies into the framework to theoretically show a way to make sense of seemingly contradictory findings. In the area of leadership selection, this dissertation has shown how both the middleman thesis and its critics may be woven into a single explanation of selection. In the legislative process, this framework yields the sort of answers which were demanded by Krehbiel and the party critics. Continued use of this framework ought to allow us to move closer to a unified theoretical explanation of the leader-follower relationship, and thus to a greater understanding of the Congress itself.

Finally, the mammoth amount of data collected for this project proved to be very useful in testing these hypotheses. Particularly when examining the early stages of the process, researchers need to use the universe of bills introduced when we conduct analysis. As in this dissertation, it is important to give every bill the opportunity to be successful if we are really hoping to predict which sorts of bills will survive until the later stages of the process. Scholars all too often needlessly restrict themselves to only
“important” bills or some other subset. After all, congressional scholars are fortunate to have rich, complete records with which to work. I therefore issue a call to future researchers to expend the effort required

Conclusions in the Various Legislative Stages

The initial stage examined was the preprocess stage of leadership selection. Screening and selection mechanisms can provide an important check on the possibility of rogue leaders. If the principal is careful about which agent they trust, then the risks of agency are greatly diminished. The findings of chapter 3 were that parties did indeed look for cues based on past voting records of candidates when deciding whom to pick for leadership posts.

In addition to screening and selection, there are a number of institutional checks through the leg. process. To examine the performance of these checks, I derived a number of hypotheses about when we ought to see the leaders being active at the various legislative stages, determining measures of activity as the dependent variables. If these hypothesized characteristics were good indicators of when we see leadership activity, then we have a strong case for these institutional checks successfully solving Madison’s dilemma.

The second stage of the process examined in this dissertation was the “prefloor” or bill referral stage. I asked two key questions in Chapter 4 regarding the role of party in multiple referral. First, does the party of the bill’s sponsor matter in determining whether a bill is multiply referred? The answer is yes, for Democratic sponsors are more likely to
have their bills multiply referred the closer they are to the median of the party. For Republicans, the opposite is true. The farther they are from the Republican party center, the more likely they will have their bills multiply referred.

Second, does the impact of multiple referral vary by party? The answer is yes, using the examination of sequential referrals as evidence. For majority party bills, obtaining a sequential referral enhances the prospects of getting to the floor, while for minority party bills, obtaining a sequential referral is obstructive of their chances of getting to the floor. Thus, while the overall impact of multiple referral is not the most significant weapon in the leader's arsenal, the referral power can be significant at the margins and make a partisan difference.

The third significant stage examined in this work was the floor process itself. Special Rules provide restrictions on the number of amendments, the wording of amendments, the amount of time for discussion, etc. The Rules Committee has often been described as an arm of the leadership, which is consistent with this theory, for by now the risks of adverse agency are smaller.

The most significant findings in Chapter 5 were that majority party bills are more likely to get special rules then are minority party bills, and that the rules for majority party bills are likely to be much more restrictive. The impact of those two findings on overall bill success are highly significant. Obtaining a special rule makes your bill much more likely to pass the floor, and the more restrictive the rule, the better the chances of passage. We may safely conclude that special rules are a highly effective partisan tool, virtually guaranteeing passage for the majority party.
The final legislative stage examined in this work was the post-floor, or conference committee stage. The appointment of conferees is one other area where the leadership can use its influence. They have virtually sole discretion over choosing conferees, although they do get advice from committee chair and are extremely rarely overruled by the floor. We have known for a long time that original committee members tend to go to the conference, but as I found in Chapter 6 it is that it is not a random sample of committee members that get appointed as conferees. Instead, it tends to be the good majority party members which hold the median position on the conference.

Having drawn some significant conclusions from this work, the final question is to ask where research ought next to proceed. First, there remain a number of stages within the house to explore given the expectations of this theory. Certainly an examination of committees would be useful. Although leaders have less of a formally proscribed role in the committee process, what if anything do they do at this stage to act as partisan agents?

We must also turn our attention to the increasing number of bills which do not follow the ordinary path of decision making. Omnibus bills, "fast-track" legislation, and bills which bypass the committee system in other ways often have an increased role for leadership. By applying this theory to leaders in these situations, we may learn more about these new tools in the hands of leaders.

Third, although this research has examined all of these processes in three, distinctly different congresses and found generalizable results, we have a potentially drastically different situation in the most recent Congresses. With the ascent of Republican
leadership after spending decades in the wilderness, they brought a number of interesting institutional changes to the legislative process. What has this more drastic turnover in office done to the relationships between leaders and followers? Examining the new congresses to see what impact these rule changes may have would certainly aid our understanding.

In addition, we ought to turn our attention to the Senate, and to state legislatures. Different chambers may well have different sorts of leader-follower relationships. Different tools may be given to agents and party may not even be a significant factor. By attempting to generalize these findings in new and different settings, we will provide better tests of this framework, enhance this work that is already complete and further our understanding.

This dissertation has been a story about leaders and followers. The models presented and tested here have defended the importance of partisan perspectives in our theories. These models have shown us interesting predictions regarding the ways in which democratic organizations of all sorts may come together and solve their institutional dilemmas. The stakes for organizations are high. Those who fail to find a solution may have less efficient outcomes or find no outcomes at all. Those organizations which do find a solution may then reap the gains of the organizational party through delegation to agents.
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