OBSTRUCTION, OPPOSITION, AND PARTISAN CONFLICT: IMPLICATIONS OF MINORITY PARTY ELECTORAL INCENTIVES FOR THE HOUSE OF REPRESENTATIVES

by

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A dissertation submitted in partial fulfillment of
the requirements for the degree of

Doctor of Philosophy

(Political Science)

at the

UNIVERSITY OF WISCONSIN–MADISON

2015

Date of final oral examination: 7/2/2015

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Dedicated to Alec Lamis.

ACKNOWLEDGMENTS

This project stemmed from what I believed at the time to be a throwaway idea, one that I was required to come up with as a backup to my first-choice dissertation topic. However, following discussions with David Canon, Byron Shafer, and John Coleman during preliminary oral exams, I realized the project provided an opportunity for me to combine a number of my scholarly interests, including Congress, political parties, political history, and legislative procedure, among others.

I have accrued a number of debts in the writing of this dissertation. Wisconsin faculty have been nothing but helpful and supportive, and the final product would not have been written without their critical feedback and positive encouragement. David Canon in particular deserves special thanks for always being willing to give a thoughtful read and critique of any paper at the drop of a hat. I am also indebted to Barry Burden, Byron Shafer, Ellie Powell, Dave Weimer, John Coleman, and other members of the UW-Madison American Politics Workshop for their helpful comments on working versions of the essays in this dissertation. Thanks also to Jeff Jenkins, Erik Engstrom, Tony Madonna, and Frances Lee for helping spur some of the original ideas that moved the project along.

Thanks to Sarah Binder, Greg Koger, Jamie Carson, and Jason Roberts for generously sharing their data on the nineteenth-century Congress, along with Gary Jacobson for sharing his ever-useful dataset on U.S. House elections and candidate quality. I am especially thankful to Neil Sandberg for creating a web-scraping program that made collection of data on roll-call requests possible.

And, of course, I am eternally grateful to my family for their support throughout my years in graduate school. My grandmother's partisan tirades spurred my interest in politics at a young age; my wife, Simone, deserves a tremendous amount of praise for having put up with me during this process; and the love and support of my parents has meant a great deal.

Lastly, I am extremely thankful for the research opportunities, guidance, and encouragement provided by my late undergraduate advisor, Alec Lamis. Dr. Lamis was instrumental in my decision to pursue a graduate degree in political science, and none of this would have been possible without him.

CONTENTS

Contents iii

List of Tables iv

List of Figures v

Abstract vii

1 The Congressional Parties and Competition for Majority Status 1

2 The Electoral Roots of Legislative Obstruction: Evidence from the Nineteenth-Century House of Representatives 10

3 Tarnishing Opponents, Polarizing Congress: Minority Party Vote Requests and the Construction of the House Roll-Call Record, 1995 to 2010 42

4 Losing the Battle to Win the War? The House Minority and Patterns of Partisan Conflict, 1946-2012 76

5 Conclusion 105

LIST OF TABLES

2.1 Negative Binomial Regression: Minority Party Dilatory Motions plus Disappearing Quorums by session, 20th through 56th Congresses 32
2.2 Zero-Inflated Negative Binomial Regression: House Members' Use of Dilatory Motions in Long Sessions, 42nd through 53rd Congresses (1871-1895) 37
2.4 Zero-Inflated Negative Binomial Regression: House Members' Use of Dilatory Motions in Lame-Duck Sessions, 42nd through 53rd Congresses (1871-1895) . . 38

3.1 Vote Requests by Party, 104th through 111th Congress (1995-2010) 54
3.2 Party Voting on Minority Party-Requested Votes, 104th through 111th Congress (1995-2010) 55
3.3 Party Voting on Majority Party-Requested Votes, 104th through 111th Congress (1995-2010) 55
3.4 Cutpoints on Minority-Requested Votes, 104th through 111th Congress 56
3.5 Cutpoints on Majority-Requested Votes, 104th through 111th Congress 57
3.6 Difference in Ideological Distance (W-NOMINATE) Between Party Medians using Different Subsets of Votes 58
3.7 Fixed Effects Regression: Difference in W-NOMINATE Score and Difference in Party Unity based on Minority- versus Majority-Party Vote Requests 69

4.1 Linear Regression with Fixed Effects by Member: Party Unity Scores for Members of the Minority Party, 80th to 112th Congress 89
4.2 Predicted Minority Party Unity Scores when Expectations Variables are set at their Minimum/Maximum Values (other variables held at means) 91
4.3 Linear Regression with Fixed Effects by Member: Party Unity Scores for All House Members, 80th to 112th Congress 93
4.4 Linear Regression with Fixed Effects by Member: Percent of Time on Winning Side of Roll-Call Votes, Minority Party Only, 80th to 112th Congress 99
4.5 Linear Regression with Fixed Effects by Member: Party Unity Scores for Members of the Majority Party, 80th to 112th Congress 104

LIST OF FIGURES

2.1 House Party Control and Margins, 20th through 56th Congresses. Blue represents years of Democratic majorities, red represents years of Whig/Opposition/Republican majorities. . . . 16
2.2 Minority Party Obstruction Efforts in the House, 20th through 56th Congresses. Note: Solid line represents number of dilatory motions made; dashed line represents number of disappearing quorums. . . . 28

3.1 Distribution of W-NOMINATE Scores based on Minority Requests vs. Majority Requests, 104th through 111th Congresses . . . 59
3.2 Liberal-Conservative Rank Order of the House using W-NOMINATE, based on Minority- and Majority-Requested Votes, 104th through 111th Congress . . . 61
3.3 Difference in Ideological Extremity of Minority Party Members on Minority vs. Majority Requests, by Seat Safety (1995-2011) . . . 66
3.4 Difference in Ideological Extremity of Marginal Members on Minority vs. Majority Requests, by Party (1995-2011) . . . 67
3.5 Effect of District Partisanship on Difference in Party Unity (Minority vs. Majority-Requested Votes) . . . 70
3.6 The Effect of Seat Safety on Differences in Unity and Extremity, by Party (Minority vs. Majority Requests) . . . 71
3.7 Effect of Presidential Party on Difference in Party Unity (Minority vs. Majority-Requested Votes) . . . 72

4.1 Average Party Unity Score of House Majority and Minority Parties: 80th to 112th Congress . . . 83
4.2 Percentage of House Incumbents Facing Quality Challengers, by Party: 1948 to 2012 . . . 85
4.3 House Minority Party Advantage in Challenges to Opposing-Party Incumbents: 1948 to 2012 . . . 86
4.4 Predicted Party Unity of Majority vs. Minority Party Members at Different Levels of Electoral Expectations . . . 94
4.5 Asymmetric Party Effects Model, Stylized Description of Relationship Between Parties, Preferences, and Winning (Based on Lawrence, et al. 2006; Smith 2007) 96

4.6 Example of the Relationship Between Policy Preferences and Frequency of being on Winning Side of Votes, 99th Congress (1985-1987) 97
4.7 Minority Party: Hypothesized Relationship Between Preferences, Win Rates, and Electoral Expectations 98
4.8 Effect of Distance from Chamber Median on Minority Party Winning Percentage, Conditional on Electoral Expectations 101

ABSTRACT

Existing research on political parties in Congress focuses almost exclusively on the majority party. I argue that this inattention to the minority party hampers our understanding of Congress, particularly with regard to the sources of partisan conflict in the House of Representatives. In the series of essays that follow, I show that patterns of legislative obstruction, requests for roll-call votes, and party voting are affected by minority party electoral incentives. The minority's electoral incentive to oppose the majority party, to obstruct majority-party initiatives, to place vulnerable members of the opposing party on the record on difficult votes, among other things, makes the minority party a significant source of partisan conflict in the House. Results from this project suggest that understanding variation in the likelihood that the minority party will retake majority control of the chamber can help explain patterns in obstruction and conflict over time. Minority parties in the nineneenth century that expected favorable election results were more likely to engage in obstructionist efforts; minority parties expecting electoral success in the contemporary House are more likely to vote with their party and place themselves on the losing side of roll-call votes. Results also suggest that the roll-call record, on which measures of legislator ideology and partisan voting behavior are based, is itself partially a product of strategic manipulation by the minority party. Minority party roll-call requesting behavior has the effect of making the House appear more partisan and more ideologically polarized, and making electorally vulnerable members of the majority party appear more partisan and ideological. Implications of these results suggest that, while competitive elections are typically considered to be desirable, competitive party systems provide incentives for partisanship, obstruction, and conflict — the type of legislative behavior that Americans profess to dislike about Congress.

1 THE CONGRESSIONAL PARTIES AND COMPETITION FOR MAJORITY STATUS

Introduction

By most indicators, levels of conflict within Congress have risen in recent decades. Since the 1970s, the number of party votes and rates of partisan voting have steadily increased (e.g., Fiorina 2002). Filibustering in the "60-vote Senate" (Sinclair 2002) has risen during the same time (Binder and Smith 1997; Koger 2010), as has the use of "parliamentary guerrilla warfare tactics" in the House (Oleszek 2014, p. 208). Signs seem to point to a more aggressive minority party, one more willing to exploit its procedural advantages than minorities during most of the 20th century, when minority leadership often adopted a more collegial, "constructive" approach to legislating (Jones 1970). Most would likely attribute the rise in conflict to the increasing ideological distance between the Democratic and Republican parties in Congress (e.g., McCarty, Poole, and Rosenthal 2006). Along similar lines, ideology-based explanations have been offered for the increased strength of congressional parties in recent years. Conditional party government theory holds that party leaders are delegated additional authority by the membership when the congressional parties are ideologically homogeneous and polarized (e.g., Aldrich and Rohde 2000; Aldrich, Berger, and Rohde 2002; Rohde 1991). The enhanced ability of party leaders to twist arms and structure floor proceedings further exacerbates the levels and appearance of conflict in Congress (Theriault 2008). When it comes to the rise of filibustering, explanations based on the Senate's rising workload and increased time pressures (Koger 2010), heightened partisanship (Binder, Lawrence, and Smith 2002), and a procedural "arms race" between the parties (Smith 2014) have been offered.

As congressional conflict has increased in recent decades, so has electoral volatility at the national level. Majority control of Congress, once solidly in the hands of the Democratic

Party, is today hotly contested. House Republicans remained more or less a "permanent minority" (Mann 1988) for much of the twentieth century, as Democrats held an uninterrupted majority between the 1954 and 1992 elections. Senate Republicans, though more frequently competitive for control than their House counterparts, remained in a similar situation as Democrats held a Senate majority between 1954 and 1978. Since then, majority control of the Senate has flipped five times: the elections of 1980, 1986, 1994, 2006, and 2014 each brought a new party to power in the chamber.[1] Since 1992, the House majority party has shifted following the 1994, 2006, and 2010 elections.

There is good reason to believe that the trends identified above — heightened partisanship, conflict, and obstruction in Congress, as well as increased competition for majority control — are tied together. Expectations about future elections by the congressional majority and minority parties are likely to have a significant impact on legislative behavior and party strategy. Stated simply, the central claim to be examined in this dissertation is that a minority party expecting to make electoral gains should have an incentive to increase levels of conflict and obstruction in Congress, while a minority party expecting electoral stalemate (or worse) should have a greater incentive to seek compromise.

The Minority Party in Congress

The role played by political parties in Congress has been the subject of extensive examination by scholars. Once thought of as "a mere label for like-minded members" (Mayhew 1974) with minimal influence over their members' decisions (Cooper and Brady 1981; Kingdon 1989), the congressional parties are commonly understood as integral to the modern legislative process, particularly in the House of Representatives. Granted procedural pow-

[1] This is excluding changes resulting from the 107th Congress (2001-2003), when party control switched mid-session from the Republican to the Democratic Party due to Jim Jeffords' (R/I - VT) decision to stop caucusing with the Republicans.

ers by the membership, party leaders are expected to carry out the wishes of their members — keeping items off the agenda opposed by most members, and pursuing legislation to help burnish the party's brand (Cox and McCubbins 1993, 2005). Scholarship has examined the conditions that allow for strong legislative parties (e.g., Rohde 1991; Aldrich and Rohde 2000), investigated the ability of the parties to exert "direct influence," or to affect their members' voting decisions (Snyder and Groseclose 2000; Ansolabehere, Snyder, and Stewart 2001; Cox and Poole 2002; Burden and Frisby 2004; Jenkins, Crespin, and Carson 2005; but see Krehbiel, e.g. 1999), and documented the majority's ability to exert forms of "indirect influence" by setting the legislative agenda in the House (Cox and McCubbins 2002, 2005; but see Schickler and Pearson 2009) as well as the Senate (Gailmard and Jenkins 2007; Den Hartog and Monroe 2008, 2011; but see Smith, Ostrander, and Pope 2013). Other research documents majority party advantages in such areas as winning on final passage votes (Lawrence, Maltzman, and Smith 2006), preventing the successful use of legislative procedures such as the discharge petition and motion to recommit in the House (Binder, Lawrence, and Maltzman 1999; Patty 2007; Miller and Overby 2010; Roberts 2005), and even outside the legislature in areas such as campaign fundraising (Cox and Magar 1999; Engstrom and Ewell 2010).

Yet for all the attention dedicated to the role of the congressional parties, existing scholarship has little to say about the role of the minority party. By and large, the above-listed sources dedicate their efforts to uncovering the various sources of majority-party advantage. This asymmetric focus is more understandable (albeit regrettable) in the case of the House minority party, as the House majority's firm control of the chamber rarely offers many opportunities for minority input. Ostensibly granted ways of circumventing majority control through procedures such as the discharge petition (Krehbiel 1995) and the motion to recommit (Krehbiel and Meirowitz 2002), neither procedure appears to consistently offer

the minority power any real advantage over the majority, at least on policy outcomes (Patty 2007, Roberts 2005). Senate minority parties, on the other hand, can be quite influential. Filibusters and filibuster threats have become so commonplace in the contemporary Senate that scholars (e.g., Krehbiel 1998) treat the filibuster as central to the lawmaking process, and the "filibuster pivot" as a central actor whose support must be gained prior to passing *any* legislation. The Senate minority party has become better-understood through studies of the filibuster, even though these are not studies of the minority party *per se*, but rather its main procedural weapon. Although recent studies (Bell 2011; Binder and Smith 1997; Binder, et al. 2002; Koger 2010; Smith 2014; Wawro 2005; Wawro and Schickler 2006) have increased our understanding of filibustering in both the historic and contemporary Congress, existing literature on legislative obstruction remains relatively thin considering the level of popular and scholarly interest in the topic (Koger 2010, p. 6-7).[2]

The congressional minority party, its goals, and its avenues for pursuing such goals, are topics worth addressing. If the primary function of the congressional majority leadership is to burnish the party's brand by establishing a positive legislative record (Cox and McCubbins 1993, 2005), does the same apply to the minority party? If so, how can the minority party attempt to accomplish this goal, particularly if agenda control remains in the hands of the majority? Research has documented that minority-party House members increasingly forced the majority party to take divisive and embarrassing votes on amendments following the adoption of electronic voting in the 1970s (Roberts and Smith 2003). But few other studies dedicate attention to chamber minorities' efforts to harm the majority party politically. If a party's legislative record can have an impact on its electoral fate (Lebo, et al, 2007), then in addition to improving its own record, tarnishing the record of the opposing party should be a goal of equal importance, and this is an area where the minority party

[2]This literature also reaches different conclusions regarding the impact of partisanship, workload, ideological differences, and other variables on the frequency of obstruction in Congress.

may be expected to have some impact, especially if equipped with obstructive procedural tools.

The minority party's two primary goals — becoming the majority party, and achieving policy gains — are likely to work against one another. As elaborated by Jones (1970), pursuit of bipartisan compromise and "good" policy can politically backfire for the minority by increasing public satisfaction with the current majority party. On the other hand, a program of consistent opposition to majority-party proposals and a refusal to engage in compromise, while electorally valuable, means foresaking policy gains that may otherwise have been achieved. A strategy of conflict might come at the cost of forsaking policy gain in the short term, but it can potentially serve a multitude of purposes: the pursuit of long-term policy gain if the minority party expects to have a stronger hand after the next election; stalling majority-sponsored initiatives to tarnish the majority-party brand and deny opposing partisans opportunities for credit claiming; putting the minority party on the record in the most credible position possible when opposing the majority in the next election; and exacerbating voters' dislike of Congress by making features of the legislative process — such as conflict, bargaining, and extreme partisanship that many voters find distasteful (Hibbing and Theiss-Morse 1995, 2002; Ramirez 2009) — more salient. Members of the minority party do more than simply sit back and accept their fate as the minority; they consciously make an effort to improve their lot in the next election.

As I show in the following chapters, the minority party decision to engage in conflict rather than compromise has a significant impact on the legislative process. A strategy of conflict adopted by the minority party can affect the frequency of obstructive efforts, levels of partisan conflict, estimates of legislator ideology, and inferences about levels of ideological distance between the congressional parties. Moreover, I demonstrate that the relative degree of two-party competition for majority status can help explain how members

solve the "age-old minority party dilemma" (Smith 1989, p. 81) of choosing conflict or compromise. The central claim to be investigated here is that minority parties expecting to become the majority should have the least incentive to compromise and the greatest incentive to engage in conflict.

Overview of Chapters

This project focuses on the House of Representatives. Historical variation in the restrictiveness of its floor procedures provides an opportunity to explore minority party behavior in different institutional contexts. Before the imposition of Reed's Rules in the late nineteenth century, obstructionist efforts in the House were commonplace. The body's reliance on unanimous consent and supermajorities for the passage of legislation in some ways is paralleled by the contemporary Senate (Galloway and Wise 1976). By contrast, the House today is characterized by majoritarianism, with strict limits on debate and amendments, and firm control of the legislative agenda by the majority party (e.g., Cox and McCubbins 2005).

Taking advantage of the House's history as a chamber riddled with dilatory efforts, the first chapter explores how two-party competition for majority status affected rates of procedural delaying efforts by the House minority party in the nineteenth century. The relatively limited existing literature on obstructionism during this time, which tends to treat workload and sectional concerns as the primary independent variables explaining rates of filibustering (Koger 2010; Wawro 2005), has nothing to say about how expectations regarding upcoming elections influence the decision to obstruct. Formal models of the decision to engage in obstructionism (Koger 2010; Wawro 2005) include no consideration of how obstruction of policy change in one period can affect policy outputs in the next period. Taking advantage of lame-duck sessions of the historic Congress — where members were

already aware of the results of the next election — I analyze whether members' anticipation of policy outcomes in future Congresses influences the decision to obstruct legislation during the current Congress. Using both originally-collected data on dilatory motions, historical data from Koger (2010) on disappearing quorums, and historical data on election returns and candidate quality, I demonstrate that minority party dilatory efforts increased during Congresses that preceded minority party electoral gains, as well as Congresses where indicators based on past election results and challenger decisions suggested good electoral fortunes for the minority party. All of the evidence suggests that, even when controlling for the congressional workload and levels of policy disagreement between the parties, House minority party members are more likely to engage in obstructionism when majority control of the chamber is at stake. Although the data are based on the nineteenth-century House, the results are suggestive of new explanations for the rise in filibustering in the modern Senate.

The second chapter explores the House minority party in a more contemporary context. Majority party leadership in the modern House maintains firm control of the legislative agenda, and via its control of the Committee on Rules, the ability to prevent the minority party from successfully obstructing or even simply amending majority party proposals. Yet the Constitution gives the right of one-fifth of the members of either chamber tje right to demand a roll-call vote on any question.[3] Evidence shown in this chapter demonstrates that the minority party takes advantage of this prerogative: based on an originally-collected dataset of all requests for roll-call votes in the House between the 104th and 111th Congresses (1995 to 2010), the minority requests far more recorded votes than members of the majority party. Under the assumption that the minority party uses the roll-call record to shape the image of itself, members of the majority party, and Congress as a whole, I

[3]Rules differ when the House meets as the Committee of the Whole, which allows 25 members to demand a vote.

argue that an electorally-minded minority party should request votes that make Congress appear more partisan, should strategically target vulnerable members of the majority party to make them appear more partisan and ideologically extreme, while allowing its own vulnerable members to appear less extreme and partisan. Evidence from chapter 2 strongly supports these arguments, contributes to the growing literature on the construction of the roll-call record, and calls commonly-used measures of legislator ideology into question.

The final chapter examines voting behavior in the modern House. In this chapter, I document how members' party loyalty and time spent on the winning side of roll-call votes varies over time. Consistent with arguments made in the previous chapters, electorally-competitive minority parties should engage in conflict and refuse compromise more frequently than non-competitive minority parties. Lacking obstructive weapons like their counterparts from the nineteenth century, a strategy of conflict in the modern House involves more consistent opposition to the majority party when voting in order to create a credible record of opposition in advance of the next election. Using aggregate trends in candidate quality to gauge partisan electoral expectations — parties tend to field a higher-quality slate of candidates when expecting positive electoral outcomes (Jacobson and Kernell 1983) — I analyze whether members of the House minority adjust their voting behavior in response to their expectations about election outcomes. Evidence shows that minority members' party unity scores increase in competitive contexts, and that minority members of all ideological stripes spend more time on losing side of roll-call votes when levels of competition are high. This suggests that the rise in partisan conflict observed in the House since the 1970s is more than just the result of changing constituent preferences.

Competitive elections are largely thought of as beneficial, keeping incumbents honest and responsive to voters in their districts. By contrast, results shown in this project suggest that intense competition for majority status appears to incentivize obstruction and partisan

conflict — the type of congressional behavior for which voters express intense dislike (Hibbing and Theiss-Morse 1995, 2002), and which contemporary observers bemoan as a reason for current congressional dysfunction (Mann and Ornstein 2012).

2 THE ELECTORAL ROOTS OF LEGISLATIVE OBSTRUCTION: EVIDENCE FROM THE NINETEENTH-CENTURY HOUSE OF REPRESENTATIVES

Existing literature on legislative obstruction in the U.S. Congress tends to focus on the Senate (e.g., Bell 2011; Binder and Smith 1997; Binder, et al. 2002; Wawro 2005), the relationship between obstructionism and changes in chamber rules (e.g., Binder 1997; Binder, Madonna, and Smith 2007; Dion 1997; Wawro and Schickler 2006), and the effects of chamber workload (Koger 2010), and partisan strength (Binder, et al. 2002) on rates of obstructionism. No authors to date have considered how members' anticipation of upcoming elections influences the decision to obstruct. I argue that for both policy reasons and electoral reasons, members of the minority party in Congress should engage in more obstructionist efforts when anticipating electoral gains, and fewer when anticipating losses.

Electoral Expectations and Party Strategy

A strategy of avoiding compromise and stalling legislation through obstructive tactics makes sense for a congressional minority that expects a seat gains in the next election. Expecting a larger contingent of co-partisans to join them in the next Congress, members of the minority party should more frequently engage in "strategic disagreement" (Gilmour 1995), delaying policy in one period to gain more favorable outcomes in the next. By contrast, a minority party expecting to lose seats in the election faces the strong possibility that putting off policy until the next Congress will at best prolong the inevitable, or at worst, produce an even less-favorable outcome in the next Congress than could have been achieved in the current period. By refusing to compromise, the non-competitive minority would lose whatever policy concessions they might have gained by working with the majority party to craft policy.

In addition to the pure policy reasons outlined above, there is reason to believe that obstructionism can be a valuable electoral strategy for the minority party. As Jones (1970) puts it, the minority faces a tradeoff between policy influence ("responsibility," in his terms) and the pursuit of majority status:

> To satisfy the first demand [majority status], party leaders may seek glamorous issue stands or headline-grabbing victories on policy …This activity is very likely to work to the detriment of meeting the second expectation [responsibility] …The high probability is that the spectacular victory for the minority party will be an essentially destructive victory, i.e., a defeat for the majority party, notably for the president. . . the minority party may be creative and responsible and *not only remain the minority party, but even ensure the continued success of the majority party* (pp.23-24, italics in original).

By this argument, accepting compromise and having input on policy while in the minority might further the party's policy goals short term, while at the same time it may contribute to public satisfaction with the majority party and harm the minority's electoral chances. On the other hand, refusal to compromise and attempting to obstruct rather than influence the majority's initiatives might further the minority party's electoral goals while coming at the cost of policy influence in the short term. The first half of this argument is supported by Ripley (1967), whose study of House party leadership suggested that minority-party Republicans' constructive approach to working with majority Democrats was detrimental to their electoral success:

> The success of this experiment with collegial leadership in the minority has been quite limited. The Republicans have had a major impact on some important programs, but the majority party possesses the power to deny most of the credit due them. Success at the polls, the ultimate aim of the leaders, has not been forthcoming (pp. 109-110).

Denying legislative success to the majority party can be politically consequential. Some evidence suggests that legislative successes are tied to positive electoral outcomes by congressional majorities (Lebo et al. 2007), and satisfaction with Congress typically works to the benefit of majority-party members (Jones 2010; Jones and McDermott 2004, 2010).

Preventing the majority party from accomplishing its goals might further the perception that the party "in control" is incapable of effectively governing. The notion that obstruction can affect the perception of a party's basic competence is a concern voiced by politicians and scholars both. Senator John Kerry (D-MA) said as much during floor debate in October 1994, claiming that the filibusters undertaken by minority-party Republicans constituted an attempt to make the Democratic majority appear incompetent in advance of the elections:

> I have said it before and I say it again: There is a scorched Earth policy underway to try to prevent anything from happening in Congress so that the Congress will look bad so that, hopefully, the Republicans will be the beneficiaries, because they can go out to the country and they can say: You see, those Democrats are in the majority and they cannot run the show. Frankly, Republicans get away with this strategy because America does not understand that you have seven different cloture opportunities just to get one piece of legislation through here. And America does not understand that it takes 60 votes in order to break the logjam every time–not just a majority, which the Democrats have; not just 51, which the Democrats have–America just doesn't understand that a very few people can kill any bill in the Chamber. And Republicans can make people look silly and foul the whole process up and go out and claim victory. (Congressional Record. 103rd Cong., 2nd sess., p. S14627)

This idea is also consistent with Lee's (2013, p. 776) discussion of the political incentives to obstruct presidential initiatives:

> A president's difficulty is not merely that his party opposition will typically have policy-based objections to his agenda. The simple fact that a president publicly advocates a policy has political consequences. When presidents champion policy initiatives, they set a benchmark for evaluating the success or failure of their presidencies. When Congress fails to pass legislation sought by the president, the president looks weak and ineffectual — a political benefit to the opposition party in a two-party system.

The implication is that the political consequences of obstructing the president's agenda might fall on the president, rather than those responsible for blocking the president's initiatives. Though not strictly a discussion of the congressional parties, it is not a stretch to believe that the logic outlined above can work in a similar fashion when it comes to

the relationship between the majority and the minority party. Unhappiness with a lack of legislative productivity appears to harm the perception of members of the majority party without affecting the reputation of the minority (Jones 2014).

Not only do minority party incentives provide an expectation that electoral competition should breed obstruction; majority party incentives do much the same. A majority party facing electoral losses has an incentive to accomplish as much as possible before leaving office (the "strategic disagreement" argument in reverse), further incentivizing obstruction by the minority (but soon-to-be-majority) party. A concern for its reputation — a concern that should be greatest during highly-competitive periods when majority status is most threatened — could lead the majority to push for more items that help the party's image among the public, something that naturally should prompt additional opposition from the minority party.

The implications of helping or harming a party's legislative record and its appearance of competence among the public are most consequential when majority status is at stake. This also is consistent with Lee (2013, p. 777): "Under conditions where control of Congress or the presidency seemingly hangs in the balance, members have reason to weigh more heavily the partisan political consequences of their decisions…members would likely pay a lot more attention to protecting their parties' political interests during a time when control of national institutions is seemingly up for grabs." Thus, the ultimate expectation gleaned from this discussion is that, for both policy and electoral reasons, we should expect to see more obstruction attempts by the minority party when competition for majority control between the parties is fiercest, and the stakes are highest; we should observe fewer obstruction attempts by the minority party when levels of competition at the national level are lower.

These ideas are also elaborated by Smith (2014) in his recent discussion of the rise in

Senate filibustering:

> Missing from previous studies is an account of the effect of electoral competition on senatorial behavior. While we have plenty of evidence that individual legislators adjust their behavior to their electoral circumstances, we usually ignore how congressional parties and their leaders adjust their agenda and procedural strategies to the next election…From the point of view of accomplishing policy objectives, the prospect of a change in party control encourages the minority to withhold support for legislation in the hope of having a stronger hand after the next election. It may also encourage the majority to push a larger agenda for fear of losing seats in the next election. Either way, obstructionism is encouraged... the minority recognizes that it may not be held accountable for outcomes in a Senate "controlled" by the other party and can hope that frustration with Washington will cost electoral support for majority party Senators. (Smith 2014, pp. 43-44).

Although Smith suggests using electoral competition to explain the contemporary Senate, to test these arguments I instead turn to another chamber and time period that witnessed variation in both obstructionism and electoral volatility: the nineteenth-century House of Representatives.

The House in the Nineteenth Century

A few factors combine to make the House of Representatives in the nineteenth century an attractive venue to study the use of obstructive tactics. First, the century witnessed considerable variation in how competitive the major parties were for control of the House. Between the late 1820s and 1838, Pro-Jacksons/Democrats dominated; from 1840 until the Civil War, Whigs (subsequently replaced by the "Opposition" Party, then Republican Party)[1] and Democrats competed fairly consistently for the House, as control[2] changed hands seven

[1]Congressional parties first developed around Pro- and Anti-Jacksonian factions; the former adopted the label Democrat, and the latter eventually coalesced around the Whig label (Aldrich 1995; Silbey 1991). Historical accounts treat the Opposition (then later, Republican) Party as the successor to the Whigs, which I do here.

[2]Of course, "control" is used here simply to denote which party had more members in the chamber; the majority party did not acquire the same degree of control over House proceedings (the ability to end dilatory efforts, to set the agenda, etc.) until decades later (e.g., Cox and McCubbins 2005, ch. 4).

times between 1840 and 1858; Republicans held an uninterrupted majority between 1860 and 1872 before finally losing it to the Democrats in 1874; the fiercely-competitive period between 1874 and 1894 witnessed a total of six changes in party control. Party margins and patterns of control are plotted in Figure 2.1.[3]

Additionally, unlike the modern Senate filibuster and the numerous measurement problems it poses (e.g., Beth 1995; Burdette 1940), delaying efforts in the early House tended to involve roll-call voting and thus left a concrete record. Measuring Senate filibusters cannot be done through measuring the length of speeches because there is no way *a priori* of knowing the proper length of any speech; long speeches have frequently been made in both chambers with no apparent intention of delay (Alexander 1916; Burdette 1940; Koger 2010). Nor can cloture motions, used to put an end to extended debate, be used to measure Senate filibusters — multiple cloture votes may be taken to end a single filibuster, or perhaps none at all (Beth 1995), not to mention that cloture did not exist as an option prior to 1917, with the adoption of Senate rule 22. Dilatory efforts in the nineteenth century House, by contrast, involved roll-call voting. Roll-call votes were either used as a method to waste time in the case of dilatory motions, or as way to demonstrate the absence of a quorum in the case of the "disappearing quorum" tactic. In sum, there is good reason to believe that the roll-call record provides a reliable record of nineteenth-century dilatory efforts in the House. This gives the study of historic House obstruction a distinct advantage over the study of the modern Senate, because measurement of the dependent variable can very likely be made with less error. As a final advantage over the modern Senate, historic lame-duck sessions, held at the end of each Congress prior to 1933, provide a useful testing ground for measuring the effect of future anticipation on current behavior. I explain more about the nineteenth century House below.

[3]Majority Parties are defined as the party holding the greatest number of seats. During Congresses with a considerable third-party presence, this was not always a majority of the chamber.

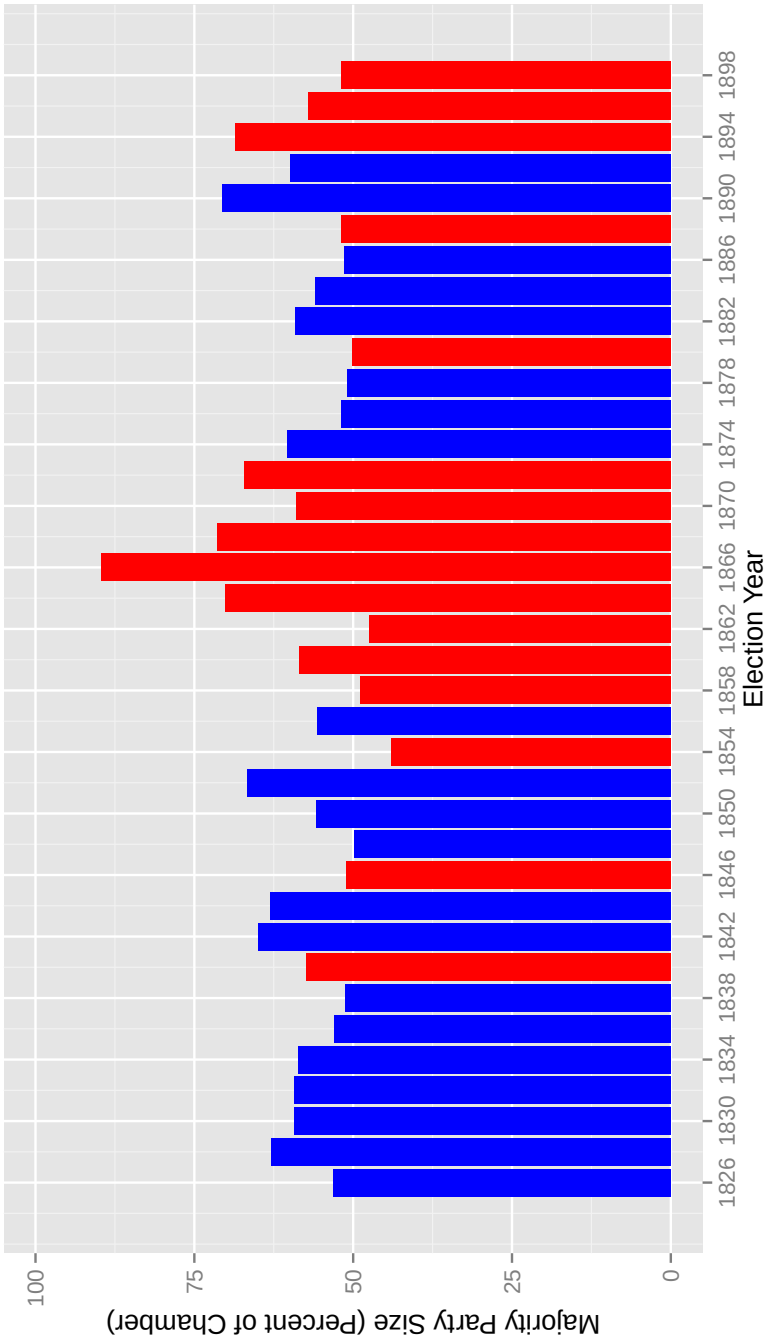


Figure 2.1: House Party Control and Margins, 20th through 56th Congresses. Blue represents years of Democratic majorities, red represents years of Whig/Opposition/Republican majorities.

Chamber Rules and Obstruction

Contrasts are often drawn between the contemporary House and Senate, noting that the House is more structured, hierarchical, and rules-based, while the Senate is more informal and individualistic. The House's rules empower chamber leaders, placing strict limits on amendments and debate, thereby facilitating quick action when a majority wants it. The Senate, by contrast, is characterized by the power of individual senators, an open amending process, few rules, and lengthy debate. As a consequence, it is today the chamber known for obstruction. Increased filibustering and use of cloture motions has led some to label the chamber the "60-Vote Senate" (e.g., Sinclair 2002). Unless operating with the unanimous consent of all Senators, nearly any measure is subject to unlimited debate; exploitation of this prerogative has led more and more often to the use of cloture motions by majority leaders, along with other restrictive procedural moves, resulting in an acrimonious, bitter, and unproductive atmosphere (Smith 2014). The House's strict rules stand in stark contrast, making successful obstruction by a minority of members practically impossible.

But this has not always been the case. During the nineteenth century, the House was characterized by obstruction and inactivity. Although the procedural tactics used to block legislation were different, historical accounts paint a picture of the House in the 1880s as a chamber quite similar to the modern Senate. According to Galloway and Wise (1976 p.164),

> [The] House of Representatives had been reduced to a condition of legislative impotence by abuses of its then existing rules of procedure. Not only was its legislative output small and insignificant, but the use of dilatory motions combined with the disappearing quorum and a series of filibusters to make the House an object of public ridicule and condemnation…the*Washington Post*, in an editorial captioned 'Slowly Doing Nothing,' observed that the House had passed only four bills, none of them important, in more than six weeks, and explained that "the system of rules is the prime cause of the wonderful inertia of this unwieldy and self-shackled body…In

> stalling legislation and keeping everybody else from doing anything a few members are all powerful, but when it comes to passing laws little can be done except by what is practically unanimous consent.

Similarly, Alexander (1916) comments on the unproductive state of affairs in the House during the 50th Congress (1887-1889): "By the time [John G.] Carlisle reached his third term as Speaker it became so easy to muster a sufficient number of disgruntled members to delay or prevent legislation that the House, in the Fiftieth Congress, although in continuous session longer than any of its predecessors, passed only one measure except such as received unanimous consent." (p. 62). Multiple measures of dilatory efforts appear to confirm that the House witnessed more obstruction attempts than the Senate during this period, despite the contemporary reputation of the latter as the more obstruction-ridden chamber (Koger 2010).[4]

As mentioned above, the tactics used to delay or block legislation in the historic House were different than those used today. The primary obstructive tool of the modern Senate — extended speaking, or the mere threat of extended speech — has not always been available in the House, as House rules (unlike the Senate) provide for a previous question motion, or a motion to close debate and bring a matter to a vote by the chamber.[5] Nonetheless, House members had a number of other procedural weapons at their disposal.

Two of the most frequently-used delaying tactics were dilatory motions and disappearing quorums. Dilatory motions, typically motions to adjourn, to recess, or to fix the day to which the House would adjourn, are procedural motions made by members for the purpose of consuming time. These often took precedence over other matters (Hinds 1907,

[4]These measurement schemes do not attempt to count instances of delay by extended debate; given that delay by extended debate (the "classic filibuster") has historically been the Senate's most well-known obstructive tactic, this omission may cast some doubt on the idea that the House was the most obstruction-ridden chamber in the nineteenth century (see Beth 2012). On the difficulty of adequately measuring talking filibusters, see, for example, Burdette (1940) and Beth (1995).

[5]Of course, the previous question motion was not always interpreted this way. A motion to move the previous question originally was meant to put off unpleasant or awkward discussions, and even after it was re-interpreted to mean closure of debate in 1811, it was still occasionally an unwieldy tool; see Binder (1997).

V 5301) and thus members had many opportunities to offer them. Moreover, because a recorded vote (itself a time-consuming process, particularly before the introduction of electronic voting in the 1970s) could be requested by a mere one-fifth of the chamber, even small House minorities could waste hours of the chamber's time by repeatedly offering parliamentary motions and demanding recorded votes. The thirty-third House (1853-1855), for instance, witnessed over 80 failed votes on a bill to organize the Kansas and Nebraska territories, most of which were motions to adjourn, to fix the day to which the House would adjourn, or to excuse members from voting, an event that Jenkins and Stewart (2013, p. 39) refer to as the "apotheosis of delay." Every effort to measure obstruction in the historic House (Binder 1997; Dion 1997; Koger 2010) includes some measurement of procedural motions intended for delay.

The disappearing quorum constituted a form of obstruction by coordinated inaction. The Constitution stipulates that "a majority of the House shall constitute a quorum to do business."[6] This in itself did not pose a problem; however, the presence or absence of a quorum was determined by a recorded vote rather than a count of members physically present in the chamber. Thus, if fewer than half of the House's elected membership recorded a vote, another member could make a point of "no quorum," after which no business could be transacted until a quorum was established. To overcome the lack of a quorum, the House's rules permitted the sergeant-at-arms to send for and arrest unexcused absent members (Alexander 1917, pp. 155-160).

By rule, all House members present in the chamber were required to vote unless excused. The lack of a quorum did not become problematic until the House in 1832 refused to punish John Quincy Adams (Anti-Mason-Massachusetts) for his refusal to vote when his name was called, thereby establishing the precedent that members were able to abstain from voting

[6] Art. I, sec. 5.

without fear of reproach (Alexander 1916, p. 158; Hinds 1907, V 5943). Following this period, House minorities would frequently abstain from voting, while remaining physically present in the chamber, in order to prevent establishment of a quorum and consequently block legislation. When the majority party was either small, incohesive, or its members' attendance was imperfect, the disappearing quorum could be an extremely effective tool of minority party obstruction since all it required was to sit silently. As Alexander (1916) describes, "Under the practice of the House the absence of a quorum frequently occurred with two thirds of the members present. The absurdity of such a condition appealed to everybody, for why order the arrest of absentees, if, after their return, their silence destroyed their presence?" (p. 159). Acting as minority leader early in the 53rd Congress, Thomas Reed (R-Maine) noted the absence of a number of majority party members, and held up the House for weeks by instructing the members of his own party to abstain from voting on approval of the House Journal (Luce 1922, p. 43).[7] Koger (2010) presents the most comprehensive effort at identifying disappearing quorums (both successful and unsuccessful attempts to deny a quorum). Based on his measurement, the use of the disappearing quorum tactic rose dramatically toward the end of the nineteenth century.

The obstructionism of the late 1800s eventually became so severe that when combined with the ambitions of Republican majorities in the 51st Congress (1889-1891), it ultimately was deemed intolerable. The dramatic passage of "Reed's Rules" curtailed minority ob-

[7] As part of the regular order of business, the previous day's Journal had to be approved before other business was conducted (Hinds 1907, IV 3056). Obstructing approval of the Journal prevented the House from moving on to its substantive work. Even when moving beyond the Journal to other matters, Reed and minority Republicans kept up their obstructive attack. With his party abstaining from voting on a measure allowing the Committee on Ways and Means to continue its work after the impending end of the first session, Reed began taunting the majority-party Democrats over their inability to end the Republican filibuster.
"The SPEAKER. The question is on agreeing to the report of the Committee on Rules.
The question was taken; and on a division, demanded by Mr. Reed, there were — ayes 130, noes 1 [not voting 195].
Mr. REED. There is a quorum present, Mr. Speaker, but it seems not to be voting." (Cong. Rec., 53rd, 1st Sess., p. 3107).

struction in the House by making the Speaker the judge of whether motions were dilatory (and thus out of order), and empowered the Speaker to count members physically present in the House chamber toward a quorum. Although the Democrats repealed many of these new rules after they regained majority control in the 52nd (1891-1893) Congress, Reed's relentless obstruction as minority leader in the 53rd (described above) ultimately forced the Democrats to relent and re-establish most of the restrictive rules that Reed originally put in place (Binder 1997; Dion 1997; Valelly 2008).

Policy Motive for Obstruction in Lame-Duck Session of the 43rd Congress, December 1874 - March 1875

Looking back through Congressional history, we can find some evidence of the electoral motivations driving members to engage in obstructionist tactics. The 43rd Congress (1873-1875) provides a useful example of elections combining with minority- and majority-party incentives to create a situation ripe for obstruction. By the 1870s, the Democratic Party was on the path to dominance in the Southern states, having "redeemed" most state governments of the old Confederacy, and used tactics in those states (both legal and extralegal) to repress the predominantly Republican black vote. Combined with the public's increased distaste for the policies of reconstruction, this helped to foreclose any chance that the Republican Party would have in keeping control of a significant share of Southern congressional seats and produced a Democratic Party that was increasingly competitive at the national level (Foner 1988). Due in part to scandal, suppression of the Southern black vote, an economic downtown in 1873, and the Republican Party's association with unpopular legislation, the congressional elections of 1874 resulted in a landslide, bringing the Democrats a total of 176 seats (out of 292) and their first majority in the House of Representatives in nearly twenty years (Dubin 1998; Foner 1988; Remini 2006; Valelly 2004).

Returning to Washington in December for the lame-duck second session of the 43rd Congress, the outgoing radical Republicans led by former Union General Benjamin F. Butler (R-Massachusetts) intended to lead a push for a set of laws that would secure the gains of reconstruction, including a Civil Rights bill, an Enforcement Act to help mitigate Southern violence and intimidation at the polls, and an army appropriations bill, among others (Foner 1988; Binder 1997). For their part, the Democrats appeared to have no intention of allowing these bills to pass. The dynamics of the electoral results and the lame-duck session raised the stakes for both sides. The Republican majority, just routed in the midterms, saw the lame-duck session as the last chance to act on Civil Rights and other partisan priorities.[8] The reinvigorated Democratic minority returned to Washington determined to stop any action on the Republican policy program, particularly with regard to the Civil Rights bill, likely with the understanding that if they could find a way defeat the bill during the current Congress, their sheer numbers in the next Congress could ensure the bill's lasting defeat.

The result of the lame-duck session was a spectacular display of obstructionism, led by Samuel Randall (D-Pennsylvania). Randall and his allies in the minority party, to prevent consideration of Butler's civil rights bill, kept the House in session for approximately forty-eight straight hours[9] by alternating motions to adjourn and to fix the day to which the House

[8]Indeed, Republicans would not have majority control of the House for another six years; unified control of Congress and the Presidency would elude the party for another 14 years.

[9]The commencement of dilatory motions by the Democrats on the legislative day of Wednesday, January 27 meant that the legislative day actually extended over multiple calendar days, leading to considerable confusion among members. Members repeatedly brought up and discussed, for instance, what motion for "adjournment until next Friday" or some other proposed variant referred to in this context if the legislative day remained Wednesday the 27th while the calendar day was Friday the 29th. The following is an excerpt from one of these discussions, occurring after the passage of at least one (calendar) day:
"Mr. ELDREDGE: Then it would seem that to-day is yesterday and tomorrow too…
Mr. McKEE: If there should be no adjournment of the House now, will the Speaker, at twelve oâŁ™clock, take the chair, and rule that a new day has begun?
The SPEAKER: We are now, according to usage, in the legislative day of Wednesday, January 27. The Chair knows and recognizes the fact that that involves some contradictions and apparent difficulties. At the same time it is the usage long continued and, so far as the Chair knows, unvaried.
Mr. McKEE: Then may this day last a week.
The SPEAKER: That is for the House to determine.

would adjourn, and requesting recorded votes. House rules permitted the alternation of such privileged motions *ad infinitum*, or at the very least as long as the obstructionists were willing to physically remain in the chamber and second the request for roll-call votes.[10] The minority Democrats' intention to obstruct any action on civil rights prompted a push by Butler and other Republicans for a complete restriction on the right to offer dilatory motions for the remainder of the congressional session (Wyatt-Brown 1965; Binder 1997). Although the House initially rejected Butler's revision to the rules,[11] it ultimately agreed to a less-dramatic rules revision proposed by James Garfield (R-Ohio) that allowed for but placed some limitations on the number of dilatory motions that members could make.

Ultimately the rules change helped pave the way for the passage of the civil rights bill, along with a host of other Republican policy priorities (Foner 1988, Binder 1997), but not before a rancorous, often nasty debate occurred over the civil rights question. Butler began the lame-duck session in an ostensibly conciliatory manner, suggesting to the minority that all members would have full opportunity for debate and amendment, a suggestion that

Mr. McKEE: I am glad to know that this is yesterday." (Congressional Record, 52nd Cong., 2nd sess., pg. 806)

[10]Butler and other Republicans frequently asked for teller votes on whether or not to hold a roll-call vote on the Democrats' dilatory motions. Though this is at first puzzling — why would the proponents of a measure add further delay to the process by requesting additional votes? — this appears to have been an attempt to increase the physical cost entailed by the obstructionists. To outlast the filibusterers and keep the House in session, Republicans had to supply enough members to maintain a quorum, meaning their members needed to remain present in the chamber around the clock, answering when their names were called on roll-call votes. Demanding that the minority supply enough votes to second the request for a roll call helped ensure that a substantial number of Democrats had to remain in the chamber for the dreary business of dilatory motions as well. This process led to one Democrat asking for travel reimbursement due to the frequency of the teller votes: "Mr. BUTLER, of Massachusetts. And I demand the tellers on ordering the yeas and nays.
Mr. ROBBINS [D-North Carolina]. I rise to a question of order. I desire to know whether we are allowed mileage for this travel in passing between the tellers?
Mr. BUTLER, of Massachusetts. Only actual expenses.
Mr. WILSON [R-Iowa]. You have been on a fool's errand all night, and you don't get anything for that." (Cong. Rec., 52nd, 2nd sess., p. 802).

[11]It is worth noting that Butler's proposal did have majority support in the House, but because the change needed to be introduced via a motion to suspend the rules, a two-thirds majority was required. Although the Republican party did control two-thirds of the chamber, Butler was unable to obtain the complete backing of his party due to some members' fear of "so sweeping a rules change," and the fear that Butler would use the new rules as an opportunity to push for even more radical legislation (Wyatt-Brown 1965).

was rejected outright with threats of filibustering.[12]

> Mr. GARFIELD [R-Ohio]. The purpose is to open [the Civil Rights bill] up for discussion — for full consideration.
> Mr. BUTLER [R-Massachusetts]. And amendment. …
> Mr. ELDREDGE [D-Wisconsin]. What I endeavored to say was that this side of the House, as I understand their views, are opposed to the civil-rights bill and feel it to be their duty to defeat its passage by all the means within their power. …
> Mr. BUTLER of Massachusetts. I ask my friends on the other side — and I want it distinctly understood — if they agree to have the bill set down for consideration with the understanding, which shall be carried out so far as I have charge of it, that it shall be fully debated, that every proposition shall be fully debated, and that every amendment shall be voted upon that any man will say is offered in good faith, so that everybody shall have the right to put his views not only before the country in the shape of a speech, but to try and put before the House such views to incorporate in legislation as the House will adopt.…
> Mr. BECK [D-Kentucky]. …We have thrown no obstacle in the way of your finance bill or the other regular business. We will endeavor to aid you faithfully in passing all necessary legislation; but I will say further that whatever means I have of defeating the civil-rights bill I shall endeavor to use to defeat that bill; and I do not intend to consent to go to the Speaker's table to give it any advantage if I know how to prevent it. I think I have a right to do that. It is leaving all the legitimate business of the session — the finance, the appropriations bills, and all private claims — to throw in a firebrand here, and we are going to resist it if we can. (Cong. Rec., 52nd, 2nd sess., p. 259).

In the lame-duck session of the 43rd Congress, Democrats made over 90 failed procedural motions. In the course of this debate, members made clear that the recent election results were not far from their minds. Democrats in particular made frequent reference to the 1874 landslide, often taunting the majority party by reminding them of the election results, or using the results as justification for their ongoing filibuster. During the debate over Garfield's proposal to limit dilatory motions, Samuel Cox (D-New York) accused the Republicans, who were "just dropping and dropping into a little minority in the next

[12]The term "filibuster" has not always referred exclusively to delay by extended speech, but rather to the use of obstructive tactics to delay or defeat legislation more generally, including the use of dilatory motions (see Koger 2010). Members of the 43rd Congress frequently used the term to describe the Democrats' response to Butler's Civil Rights bill, including the Democrats themselves.

Congress" (Cong. Rec., 52nd, 2nd sess, p. 897) of acting on short-term partisan passions that they would come to regret when the new rule would be used against them in the following Congress. Democrats made frequent mention of the election results to claim that their filibustering was a representation of the public will, and any serious, lasting changes implemented by a defeated Congress constituted illegitimate action. At one point, Randall proposed moving past Civil Rights legislation and considering annual appropriations bills instead, during which the following exchanged occurred:

> Mr. RANDALL. …I make this proposition for myself: that we lay this question aside, take up and pass finally the appropriations bills necessary to carry on the Government from the 1st of July, 1875, to the 30th of June, 1876, and we struggle — for after all it is a question of physical endurance — after we have accomplished all the legislation necessary to carry on the Government for the next fiscal year, we shall struggle together as to this bill.
> Mr. BUTLER, of Massachusetts. My answer to that proposition is, first, that the gentleman from Pennsylvania is not upon the Committee on Appropriations which has control of the appropriation bills; secondly, that the majority of this House, being responsible for the legislation of the country, cannot permit the minority to dictate what legislation we shall present for consideration to the House and country.
> Mr. BUCKNER [D-Missouri]. It is a defeated majority. (Cong. Rec., 52nd, 2nd, p. 790).

Randall, for his part, insisted on the passage of appropriations bills (legislation temporary in nature),[13] while Aylett Buckner made the minority-party perspective clear: any lasting actions taken by a lame-duck majority were considered illegitimate. Randall's insistence on moving onto appropriations bills — what he and others often called the "legitimate business" of the lame-duck Congress (p. 900) — was seconded by other members of his party (p. 806). John Storm (D-Pennsylvania) made a similar argument in a speech lambasting the Republican majority, asserting that the primary purpose of the Civil Rights

[13]Writing in his journal, Garfield indicated that he suspected the Democrats were attempting to run out the clock completely, even on appropriations bills, which if not passed in the lame-duck session, would instead be passed in an early special session of the next Congress — when the Democrats would hold a majority (Garfield 1973, p. 13).

bill was simply to antagonize the South, and that "[by] resisting all means by which the bill could be reached, we were representing not a minority, but a majority of the people of the country…we had supposed [the civil rights question] was settled by the recent elections…" (p. 950-951). Randall echoed Storm's sentiments, suggesting that the Republicans' civil rights bill was intended "to put the iron heel of your expiring power upon the head and body of [the South]" (p. 899).

Though the Democratic filibuster of the Civil Rights Act was ultimately unsuccessful, the lame-duck session of the 43rd Congress is nonetheless illustrative of the policy rationale outline earlier, where incentives of the outgoing majority party and resurgent minority party combine to encourage a strategy of obstructionism. An outgoing majority party pressed an ambitious agenda, seeking policy gains it could achieve in the short time remaining, including civil rights legislation that the minority party found most odious (and would have serious partisan electoral consequences for the South by helping to enfranchise predominantly-Republican Southern blacks).[14] A newly-competitive minority party, recapturing majority control of the House for the first time in years, engaged in a program of relentless obstruction against the outgoing majority party, the elections still fresh in their minds. When not offering dilatory motions, members like Samuel Randall instead pushed the majority to focus its efforts on inherently temporary legislation, like appropriations bills. The majority, intent on passing its policy program before retreating into minority status, was forced to take steps to change the rules and limit obstruction by the minority in order to achieve that goal, but not before the minority declared its intent to block not just the civil rights bill currently under consideration, but any civil rights bill whatsoever.[15]

[14]This story is also consistent with Jenkins and Nokken (2010), who find that party leaders pursued more ideologically-extreme agendas in lame-duck sessions.

[15]This is a story consistent with Binder's (1997, 1998) account of short-term partisan policy interests combining with the effect of inherited rules combining to produce institutional changes in Congress (after all, the suspension procedure prevented passage of Butler's proposal, a more radical shift in the rules regarding dilatory motions, one which would have passed under pure majority rule). What might be missing from

Seat Change and Obstruction Attempts, 1827-1901

Turning from an historical example to more systematic evidence, I rely on Koger's approach to measuring obstructive tactics in the early House. To identify dilatory motions made between the 20th and 56th Congresses (1827-1901), I identified all motions to adjourn, to recess, to set a time to reconvene after adjourning, and to set a time to reconvene after recessing,[16] along with the sponsor of each motion. When measuring obstruction, scholars often rely only on motions that failed as an attempt to narrow the search to motions that are dilatory in nature (Binder and Smith 1997; Koger 2010; Wawro and Schickler 2004, 2006), which I do here. For disappearing quorums, I rely on Koger's list of minority-party DQs.[17] The combination of these two (total dilatory motions plus total disappearing quorums) will constitute my dependent variable.[18] Figure 2.2 plots the number of minority dilatory motions and disappearing quorum attempts from the 20th through 56th Congresses.

The key independent variable of interest in this study is the minority party's expectations regarding upcoming elections. This poses a significant measurement challenge, because there is no direct or readily-available measure of what members anticipate election results will be. But the historical House provides some unique opportunities in this

Binder's account is that expected changes in majority control, rather than decreasing the likelihood of restrictive rules changes as she posits they should (if the majority fears such restrictions will be used against them in the future), changes should instead be expected to increase the likelihood âĽ"– an outgoing majority party should have the greatest incentive to push to get what policies it can before leaving office, making the need for restrictive rules higher than it would be otherwise, particularly if the minority (but soon-to-be-majority party) is intent on obstructing until the end of the session. This idea is consistent not with Dion's (1997) theory of rules changes, but his surprising empirical results that find "doomed" majorities and majorities in electorally unstable environments more likely to enact restrictive rules changes.

[16]This was accomplished by searching for the keywords "adjourn" and "recess" using Poole and Rosenthal's Voteview for Windows.

[17]See Koger (2010, p.45-50) for additional detail on his measurement scheme.

[18]This is similar to Koger's "obstruction score" for each session, which combines all dilatory motions, all disappearing quorums, with an additional "point" for each successful DQ. Unlike Koger (2010) however, this count is limited to only minority-party dilatory motions and DQs, and does not add an additional point for successful DQs.

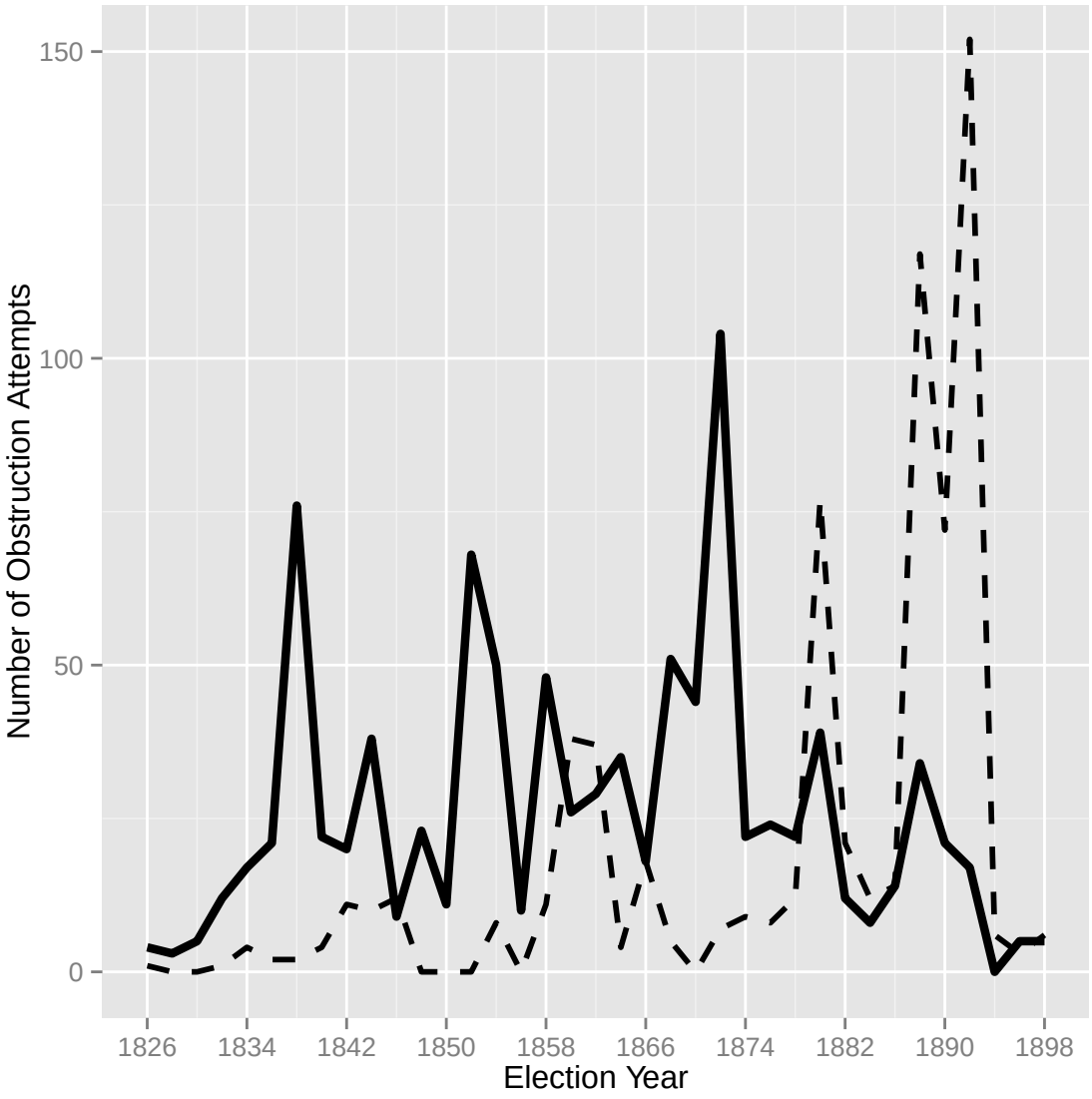


Figure 2.2: Minority Party Obstruction Efforts in the House, 20th through 56th Congresses. Note: Solid line represents number of dilatory motions made; dashed line represents number of disappearing quorums.

regard. Following Binder, et al. (2002) and Koger (2010), my analysis proceeds with the congressional session as the unit of analysis. With the exception of early or special sessions that were called as the congressional workload demanded, the congressional calendar in the nineteenth century typically consisted of an early (or "long") first session, beginning in December of the Congress's opening year until the summer or fall of the following even-numbered year, and a lame-duck (or "short") second session, lasting from the December of even-numbered years until Congress's fixed adjournment date at the beginning of March. The unique schedule, which persisted until the passage of the 20th amendment in 1933, meant that every Congress would have a lame-duck session that met *after* elections to the next Congress were already held (Beth and Sachs 2006). Historic lame-duck sessions provide a useful testing-ground for the "strategic disagreement" rationale for minority obstruction; members of the minority party would return for the second session knowing whether their party had gained or lost seats (as they did in the example of the 43rd Congress), obviating the need to estimate or guess their chances at recapturing a majority in the next Congress.[19] We should therefore expect more minority-party obstruction in lame-duck sessions where the minority gained seats, and fewer obstruction attempts if the minority lost seats.

The dependent variable I use is the total number of obstruction attempts in a congressional session (dilatory motions plus disappearing quorums, minority party only).[20] To begin, I control for factors known or believed to influence the frequency of legislative obstruction. First, I account for the level of ideological disagreement between the parties by taking the absolute value of the difference between DW-NOMINATE scores of the median

[19]Until the latter decades of the nineteenth century, not all states held their elections on the same day. A few states would hold elections on odd-numbered years prior to the beginning of the long session in December, a practice that did not end until 1880s. Nonetheless, the bulk of the election results would be known to members by the beginning of the lame-duck session.

[20]I include only the typical "long" and "short" congressional sessions here, excluding special sessions.

majority and minority party members in the chamber; the greater the difference between the parties, the more obstruction we should observe.[21] Next, I control for workload; the higher the congressional workload, the more precious is the chamber's time, making threats of obstruction more serious and potentially more successful (Oppenheimer 1985; Koger 2010). Unfortunately, an exogenous and session-specific measure of workload is extremely difficult to come by. I instead use a Congress-level measure of workload developed by Binder (1997), who uses a principal components analysis to identify a common "workload" factor from a number of variables from each Congress: the number of days spent in session, total number of members serving, and the number of public laws enacted. In addition, I include variables that account for changes in the rules.

Following Koger (2010), I include a dummy variable (*House Reform Era*) that accounts for the period of fighting over the implementation and repeal of Reed's Rules (51st Congress through first session of the 53rd Congress), as well as a variable for the second session of the 53rd Congress through the end of the 56th (*Post-Reform Era*) to account for the re-imposition of Reed's rules. Lastly, I account for partisanship in several ways. There is no apparent agreement in existing literature regarding how partisanship influences the decision to obstruct. Dion (1997) argues that obstruction should increase when the majority party is smaller; Binder, et al. (2002) focus on how party strength (an interaction between party size and unity) influences obstruction; Koger (2010) finds partisan variables to have relatively little influence on obstruction; Wawro (2005) finds that the greater the minority disadvantage in size and unity, the more likely their members to resort to obstructive tactics. I include variables capturing the majority party's share of the chamber, minority cohesion, as well as *Majority Advantage* used by Binder (1997) and Koger (2010), which is measured by taking:

[21] I include distance on both the first- and second-dimension scores as the second dimension becomes important in predicting roll-call behavior during the antebellum period (Poole and Rosenthal 1997).

$$(\text{Majority Party Seat Share}) * (\text{Majority Party Unity}) -$$
$$(\text{Minority Party Seat Share}) * (\text{Minority Party Unity})$$

To test the expectation that electoral gains by the minority party increase obstruction attempts in historic lame-duck sessions, I separately include variables measuring how many seats the minority party gained,[22] an indicator for whether majority control of the House changes in the next Congress, and a variable that subtracts the minority's net seat change from how many seats they are from attaining a chamber majority. Values of zero or above indicate instances where the minority did win back a majority; below zero, the minority remained the minority party. Measures of seat gain or loss are interacted with an indicator variable for lame-duck sessions; if knowledge of seat gains or changes in majority status serve to increase obstruction in the lame-duck session, then the coefficient on the interaction term should be positive. Because the dependent variable is a count of obstruction attempts per session, I estimate a series of negative binomial regression models, with standard errors clustered on Congress.[23]

Results

For the most part, the control variables work as anticipated; coefficients on workload are positive (though not statistically significant); coefficients on first-dimension ideological difference are positive and significant; consistent with Binder, et al. (2002) and Wawro (2005), the *Majority Advantage* coefficient is positive, although it does not reach statistical significance. The set of restrictive rules changes re-adopted during the 53rd Congress's second session (*Post-Reform Era*), unsurprisingly, decreases the number of obstruction

[22] Party margins during the session are found at http://history.house.gov/Institution/Party-Divisions/Party-Divisions/ . Data on seats won in general elections comes from Dubin (1998).

[23] A likelihood ratio test indicates that the overdispersion parameter is significantly different from zero and that the choice of poisson regression would be inappropriate. I estimated models with different combinations of partisan variables, including majority size, majority advantage, minority and majority cohesion. Results are robust to different specifications, but only models with *Majority Advantage* are displayed.

Table 2.1: Negative Binomial Regression: Minority Party Dilatory Motions plus Disappearing Quorums by session, 20th through 56th Congresses

	(1)	(2)	(3)
Distance between Party Medians (First Dim.)	0.517***	0.465**	0.445**
	(3.76)	(3.04)	(3.22)
Distance between Party Medians (Second Dim.)	-0.915*	-1.137**	-1.117**
	(-2.24)	(-2.99)	(-3.19)
Workload	0.301	0.405	0.435
	(1.14)	(1.87)	(1.80)
Majority Advantage	0.00539	0.0271	0.0214
	(0.31)	(1.52)	(1.26)
House Reform Era	0.613	0.697	0.743*
	(1.77)	(1.65)	(2.25)
Post-Reform Era	-2.038***	-1.921***	-1.798***
	(-4.50)	(-5.10)	(-4.46)
Lame Duck Session	-1.009***	-0.903**	-0.985***
	(-5.63)	(-3.23)	(-5.74)
Min. Party Seats Gained	0.00759*		
	(2.04)		
Min. Party Seats Gained*Lame Duck	0.00139		
	(0.22)		
Min. Seats Gained - Seats Needed for Maj.		0.00441**	
		(2.71)	
Min. Seats Gained - Seats Needed for Maj.*Lame Duck		0.00128	
		(0.44)	
Change in Party Control			0.697**
			(2.95)
Change in Party Control*Lame Duck			0.0392
			(0.09)
Constant	3.253***	3.484***	3.039***
	(17.05)	(18.12)	(13.98)
ln(Over-dispersion Parameter)	-0.762***	-0.852***	-0.874***
	(-4.48)	(-5.23)	(-5.53)
Observations	74	74	74

z statistics in parentheses; standard errors clustered by Congress

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

attempts. Interestingly, the coefficients on partisan ideological differences on NOMINATE's second dimension are negative and significant.[24] In part, variables capturing seat gain or changes in majority control work as expected. Whether measured as seat gain, seats gained minus seats needed for a majority, or simply as a change in control, minority party electoral success appears to increase the number of obstruction attempts made in the nineteenth-century House. Contrary to initial expectations, however, this does not appear to operate only in lame-duck sessions.[25] This not necessarily inconsistent with the initial argument; for policy and electoral reasons, both *anticipated* as well as *realized* seat gain by the minority party are expected to increase minority obstruction efforts. If the minority can reasonably anticipate its electoral future — an assumption made in previous works on the historic Congress (Binder 1996, 1997) — then these models indicate that the mere expectation of seat gain, not seat gain alone, encourages additional obstructionism by the minority party.

Electoral Expectations and Obstruction by Individual Members, 1871-1895

So far, aggregate-level evidence suggests that congressional minority parties that soon gain seats or gain a majority engage in more obstructionism than those that do not. To address this question more explicitly — how expectations about electoral prospects influence obstruction — I next estimate individual-level models of House dilatory efforts, similar to Wawro's (2005) work on obstruction in the antebellum Senate. In the next section, an individual House member within a congressional session constitutes the unit of analysis, and the number of dilatory motions made by the member in a given session is the dependent variable.

[24] It is worth noting that the only other multivariate analysis of House obstruction during this timeframe omits second-dimension ideological difference (Koger 2010), so this is neither consistent nor inconsistent with earlier work.

[25] Likelihood ratio tests confirm that in none of the models does inclusion of the interaction term significantly improve the overall model fit.

Minority party electoral expectations are necessarily impossible to measure, and any attempted proxy for electoral expectations will involve some amount of error. To help assuage concerns about how well any individual variable measures electoral expectations, I use a number of different measures, each capturing electoral expectations in a different way. First, for each Congress I include the measure of the swing ratio from Brady and Grofman (1991), which is the expected percentage point increase in a party's seat share resulting from a 1-percentage point increase in that party's total vote share. Periods with a high swing ratio mean that small changes in partisan vote share can produce large changes in chamber seat share; these should be relatively unstable periods where majorities are "less robust" (Dion 1997) and the minority party can expect that majority status is more likely to change.

Additionally, the literature on congressional elections offers guidance on measuring partisan electoral expectations. House elections, both in the nineteenth century (Carson and Roberts 2005) and in the modern period (Jacobson 1989, Jacobson and Kernell 1983) are shaped by strategic decisions of candidates. Candidate quality[26] is a significant predictor of vote share in congressional elections; very few House incumbents are ousted by inexperienced challengers (Jacobson 1989; Carson and Roberts 2005). More importantly, the strategic decisions of these candidates — which districts to contest, which year to run, etc. — are shaped by national conditions and electoral expectations. When candidates perceive that national political conditions favor the one party over the other, the advantaged party has an easier time recruiting experienced candidates; the opposite holds true for the disadvantaged party, which struggles to convince high-quality candidates to run in an unfriendly environment where they are more likely to lose (Jacobson and Kernell 1983). Accordingly, aggregate patterns in partisan candidate emergence can provide a useful indi-

[26] "High-quality" candidates are defined as candidates with previous experience in elected office.

cator of electoral expectations — a higher-quality set of minority-party challengers should indicate years when the minority expects its chances of electoral gain are high. Based on candidate quality data from Carson and Roberts (2013) spanning elections between 1872 and 1894, I measure minority party electoral expectations by calculating the percentage of majority-party incumbents facing a high-quality minority challenger, as well as the difference in the majority- and minority-party percentage of incumbents facing quality challengers.

As a third measure of electoral expectations, I compute the difference in the average percentage gained by majority- and minority-party candidates in the most recent election.[27] A smaller value should indicate Congresses where the the minority lost elections fairly narrowly, while a larger value should indicate periods of strong majority electoral dominance.

In addition to the above-listed electoral variables, I control for each member's ideological distance from the chamber median using DW-NOMINATE scores (both dimensions). I again control for workload using Binder's (1997) workload score. As in the session-level models, I include a measure of *Majority Advantage*, interacted with party. Consistent with Wawro (2005), we should expect that the need for the minority to engage in obstructive tactics increases with the size and unity of the majority party, while it should decrease with the size and unity of the minority party; minority party members should obstruct more the greater the degree of the majority's advantage.[28] Lastly, I include an indicator for the 51st Congress, which operated for part of the session under Reed's Rules.

Again, the dependent variable is the total number of dilatory motions made by a member

[27]Data on electoral margins comes from: Swift, Elaine K., Robert G. Brookshire, David T. Canon, Evelyn C. Fink, John R. Hibbing, Brian D. Humes, Michael J. Malbin, and Kenneth C. Martis. Database of [United States] Congressional Historical Statistics, 1789-1989. ICPSR File 03371.

[28]This is especially true when examining dilatory motions and not disappearing quorums; the latter were more often the tool of large and cohesive minority parties, and the tactics often were used as supplements rather than complements (Koger 2010).

in each congressional session between the 41st and 53rd Congresses (1871-1895).[29] However, most members made no dilatory motions at all during a given session. To account for the preponderance of zeroes I estimate a series of zero-inflated negative binomial regression models.[30] Following previous studies of obstruction, (Koger 2010, Smith 2014, Wawro 2005), I include a time trend variable, used in this instance to predict zero-counts of dilatory motions made. I estimate models separately for long (pre-election) congressional sessions and lame-duck sessions; independent variables accounting for electoral expectations are included in the first set of models, while measures of seat gain and changes in party control are included in the second set.

The results in Table 2 are consistent with the idea that positive electoral expectations encourage additional use of obstructive procedural tactics by members of the minority party in pre-election sessions of Congress.[31] In all four models, coefficients on interaction terms between party and electoral variables are statistically significant and in the expected direction. Long sessions during Congresses with a greater swing ratio, a higher percentage of majority incumbents facing strong minority challengers, larger gaps between the percentage of majority and minority incumbents facing strong challengers, and smaller gaps in vote share between the parties in the previous election all appear to witness more dilatory efforts by minority party members. Consistent with Wawro's (2005) work on the antebellum Senate, the coefficient on the interaction between party and Majority Advantage is positive and significant across all four models. Results from Table 3 confirm that minority party electoral success prior to the meeting of lame-duck sessions produced additional

[29]Earlier Congresses are excluded due to lack of early data on candidate quality; Congresses after the re-imposition of Reed's Rules (54th through 56th Congresses) are excluded for simplicity's sake.

[30]Results are substantively similar when estimating a logit model, where the dependent variable for any member who made a dilatory motion was 1, and 0 otherwise.

[31]Control variables are suppressed for the sake of presentation. Variables measuring members' first- and second-dimension ideological distance from the chamber median were negative but statistically insignificant in all four models; workload was positive and significant in all four.

Table 2.2: Zero-Inflated Negative Binomial Regression: House Members' Use of Dilatory Motions in Long Sessions, 42nd through 53rd Congresses (1871-1895)

	(1)	(2)	(3)	(4)
Minority Party	-4.859**	-3.777***	-0.189	0.0846
	(-3.16)	(-4.04)	(-0.48)	(0.21)
Majority Advantage	-0.00653	0.00892	-0.0121	-0.0309*
	(-0.47)	(0.55)	(-0.91)	(-2.51)
Majority Advantage*Min. Party	0.0722**	0.0570*	0.0936***	0.113***
	(3.15)	(2.54)	(4.63)	(5.66)
Swing Ratio	-0.705**			
	(-2.82)			
Swing Ratio*Min. Party	1.219**			
	(3.18)			
Pct. Maj. Incumbs facing Quality Challenge		-6.043**		
		(-2.59)		
Pct. Maj.Incumbs facing Quality Challenge*Min. Party		8.337***		
		(3.81)		
Pct. Maj. - Pct. Min. facing Qual. Challenge			-1.831**	
			(-2.90)	
Pct. Maj. - Pct. Min. facing Qual. Challenge*Min. Party			1.655*	
			(1.98)	
Majority - Minority Cands. Avg. Vote Share				0.0538
				(1.75)
Majority - Minority Cands. Avg. Vote Share*Min. Party				-0.0932*
				(-2.34)
Constant	1.312	1.100	-1.317***	-1.515***
	(1.43)	(1.15)	(-4.45)	(-4.86)
Inflation Model				
Trend	0.0781**	0.0934**	0.0865**	0.0801**
	(3.00)	(2.73)	(3.10)	(3.01)
Constant	-5.042**	-5.980*	-5.463**	-5.030**
	(-2.85)	(-2.57)	(-2.88)	(-2.77)
ln(Over-dispersion Parameter)	1.879***	1.884***	1.856***	1.820***
	(7.42)	(7.54)	(7.38)	(6.55)
Observations	3773	3773	3773	3773
Non-Zero Observations	256	256	256	256
AIC	2418.7	2416.3	2421.7	2421.0

z statistics in parentheses; standard errors clustered by member.
* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 2.4: Zero-Inflated Negative Binomial Regression: House Members' Use of Dilatory Motions in Lame-Duck Sessions, 42nd through 53rd Congresses (1871-1895)

	(1)	(2)	(3)
Minority Party	-1.037	-0.440	-0.166
	(-1.76)	(-0.70)	(-0.28)
Majority Advantage	0.00350	0.0217	0.0116
	(0.18)	(1.15)	(0.65)
Majority Advantage*Minority Party	0.0908**	0.0630	0.0826*
	(2.82)	(1.67)	(2.43)
Change in Party Control	-0.434		
	(-1.37)		
Change in Party Control*Minority Party	1.501***		
	(3.47)		
Minority Party Seat Gain		-0.00658	
		(-1.72)	
Minority Party Seat Gain*Minority Party		0.0149*	
		(2.21)	
Seats Gained minus Seats Needed for Maj.			-0.0114**
			(-3.06)
Seats Gained minus Seats Needed for Maj.*Minority Party			0.0242***
			(3.96)
Constant	-2.754***	-2.640***	-2.881***
	(-7.04)	(-7.36)	(-8.07)
Inflation Model			
Trend	1.643**	1.608**	1.499**
	(2.62)	(2.60)	(2.74)
Constant	-109.0**	-106.7**	-99.17**
	(-2.61)	(-2.59)	(-2.73)
ln(Over-Dispersion Parameter)	2.953***	3.006***	2.946***
	(17.29)	(16.28)	(16.01)
Observations	3773	3773	3773
Non-Zero Observations	118	118	118
AIC	1268.3	1276.6	1267.8

z statistics in parentheses; standard errors clustered by member.
* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

obstruction by minority party members.

Discussion and Conclusions

Positive electoral expectations, as well as realized electoral gains, appear to have an effect on whether or not members of the congressional minority party engage in obstructive procedural tactics. If accurate and generalizable, this finding might help explain patterns of obstructionism in the contemporary Senate; most filibuster lists (e.g., Beth 1994, Binder, et al. 2002, Koger 2010) show that the amount of filibuster activity increasing around the same time that two-party competition for majority control of the Senate became more intense.

The "strategic disagreement" idea of stalling policy action in one period and holding out hope for better policy in the next has been explored in the past (Gilmour 1995), albeit not through an analysis of legislative obstruction. What has received less attention is the extent to which obstruction furthers the electoral goals of chamber minorities, and the type of incentives that this provides to the minority party. Jones (2014) finds that a concern about a lack of legislative productivity harms individuals' evaluations of the congressional majority party, but does not affect their perceptions of the minority party. The incentive for the minority party, then, should be to lower legislative productivity, knowing that the public's resulting dissatisfaction will work to their benefit by harming the opposing party. Consistent with the evidence presented above, this incentive appears to be highest when majority control of the chamber is at stake.

Again, if the finding is accurate and generalizable, then this has a number of implications. Competitive elections are typically thought of as beneficial, keeping incumbents honest and responsive to voters. By contrast, competition for control of national institutions appears to create incentives for conflict, obstruction, and a lack of bipartisan compromise, the type of behavior that has led many to conclude that the modern Congress is dysfunctional

(e.g., Mann and Ornstein 2012). Minority obstruction does not appear to be an electorally-costly strategy, one punished at the polls. By blaming the majority party for a lack of productivity, the public inadvertently rewards those who are at least partially responsible for legislative inaction. This does not appear to be a contemporary phenomenon, one lost on party leaders through history; not long before Democrats regained control of the House for the first time since the 1894 midterm elections, Democratic Minority Leader John Sharp Williams in 1908 announced an intention to "create a campaign issue…by maintaining an all-summer's deadlock" in the House through the creative use of parliamentary procedure (Alexander 1917, p. 208-209); Williams appeared to assume that the public would blame the "do-nothing" Republican majority rather than the obstructionist minority that he led.

This work attempts to contribute to a growing literature that seeks to determine how much of contemporary conflict in Congress results from sincere ideological polarization versus partisan "team play" (Lee 2008, 2013; Theriault 2013). If it is true that electoral reasoning will lead minority members away from compromise and toward conflict, then it is possible that the measured degree of ideological polarization in Congress will be inflated by the competitive context. Ideology scores such as DW-NOMINATE cannot reliably distinguish between ideologically motivated and partisan behavior. As Lee (2008) states in her discussion of ideology scores based on the roll-call record:

> Any vote that tends to divide the two parties from one another, *regardless of the reason*, will be treated by such methodologies as measuring members' ideology …Equating party votes with ideological votes is not warranted if …partisan conflict can have *any other source* besides members' differing preferences on public policy. (p. 52-53, italics in original).

If the parties find themselves more frequently divided for electoral reasons, then defining this additional division as an ideological difference is a mistake. Lee (unpublished) argues convincingly that the high levels of congressional polarization observed in the late 19th century resulted not from a great degree of policy differences between Democrats

and Republicans, which many argue were small and unimportant during the time (e.g., Sundquist 1983), but rather from "zero-sum party conflict" over issues like the distribution of patronage, the results of contested elections, and other legislation that would impinge on the parties' ability to compete for congressional majorities.

In studies of congressional parties, particularly in the House, the minority party is typically a mere afterthought — treated as "the crazy uncle of American politics, showing up at most major events, semiregularly causing a ruckus, yet steadfastly failing to command attention and reflection" (Krehbiel and Wiseman 2005). But to the extent that it can impact the majority through obstruction and conflict, and affect our vote-based measures of member ideology, the minority party is a topic worthy of further examination.

3 TARNISHING OPPONENTS, POLARIZING CONGRESS: MINORITY PARTY VOTE REQUESTS AND THE CONSTRUCTION OF THE HOUSE ROLL-CALL RECORD, 1995 TO 2010

Estimates of legislator ideology in the U.S. Congress suggest that the congressional parties are polarized today to a degree possibly not seen before, or at least since the late nineteenth century. Ideological polarization in Congress does not seem to be an artifact of any single measure of legislator preferences (Theriault 2008). Factors such as the ideological sorting of liberal voters into the Democratic Party and conservatives into the Republican Party (Rohde 1991; Fiorina, Abrams, and Pope 2011; Levendusky 2009), geographic sorting of voters into politically homogenous areas (Oppenheimer 2005; Theriault 2008), redistricting (Carson, Crespin, Finnochiaro, and Rohde 2007; but see McCarty, Poole, and Rosenthal 2009), primary elections (Brady, Han, and Pope 2007), growing income inequality (McCarty, Poole, and Rosenthal 2006), and the ideological polarization of voters themselves — or at a minimum, party activists (e.g., Abramowitz 2010; Fiornia, et al. 2011) have all been offered as explanations for why this polarization has occurred.

Most of the above-listed explanations place their focus on changes in the electorate. Fewer studies explore the within-chamber sources of congressional polarization (for exceptions, see Harbridge 2015; Jessee and Theriault 2014; Lee 2009; Roberts and Smith 2003; Theriault 2013). The bulk of research on congressional polarization relies on estimates of legislator ideology, estimates that are based on recorded votes. Yet not all issues in Congress receive a vote, and those that do are determined (non-randomly) by legislators themselves. Rather than being a random sample of issues, then, members might request a roll call vote in order to engage in credit-claiming (Mayhew 1974), to be certain of the vote margin on a particularly contentious issue, or to place opponents on the record in a politically difficult

situation (Smith 1989; Roberts and Smith 2003), among other reasons. Roll-call analysis can be subject to a significant degree of selection bias (Carruba, et al. 2006). I focus here on the partisan electoral incentives of the House minority party to request roll-call votes. Specifically, I argue that for a variety of reasons, typical measures of congressional polarization and measures of partisan conflict will be inflated as a consequence of minority party incentives. Gaining a better understanding of the data-generating process behind roll-call voting can provide some insight with regard to fluctuations in congressional polarization and party conflict over time.

Existing Literature: Composition of the Roll-Call Record

Analysis of recorded voting is central to the study of the United States Congress. Estimates of legislator ideal points such as NOMINATE (Poole and Rosenthal 1997) are used for a variety of purposes in legislative studies, either as dependent or independent variables. The roll-call record provides the basis for studies of partisan polarization that show a dramatic ideological divergence of the congressional parties since the 1970s (e.g., McCarty, Poole and Rosenthal 2006; Theriault 2008). Patterns in recorded voting have been used to explain the presence or absence of direct party influence in recorded voting (e.g., Cox and Poole 2002), as well as to test theories of indirect party influence (Cox and McCubbins 2005). This is but a tiny sample of the rich variety of works that employ congressional roll-call data in some form.

Yet a feature of congressional life that is often under-appreciated is that not all legislative items — and indeed, by some measures, relatively few items (Clinton and Lapinski 2008) — are disposed of by a recorded vote. Much of Congress's work is completed off the record. To say nothing of measures that *failed* to pass, Clinton and Lapinski (2008) find that only 11.9 percent of bills signed into law receive a recorded vote in the House, with an even smaller

percentage (7.9 percent) receiving a recorded vote in the Senate; moreover, the bills that do receive recorded votes tend to be measures of importance, and are disproportionately in certain issue areas and not others. Clinton and Lapinski suggest that a focus on recorded voting might serve to exacerbate the perception of congressional conflict. A hypothetical Congress that unanimously passes one-thousand bills by voice vote, but passes a single bill by a recorded, party-line vote would appear highly partisan if one focused on the roll-call record alone. In other words, few successful measures actually receive a recorded vote, and the ones that do are not simply a random sample of all issues that Congress considers.

Along these lines, Harbridge (2015) argues that the apparent decline in bipartisanship in the modern House is overstated by roll-call analysis. Harbridge (2015) finds that rates of bipartisanship among cosponsorship coalitions has remained steady in recent years even as bipartisanship in voting coalitions has declined. These findings suggest that agenda control affects the composition of the roll-call record — measures that neatly divide the parties are more likely to be brought to the floor by House leadership, while bipartisan issues are kept off the agenda — which in turn affects the appearance of partisanship in the chamber.

Recognizing that issues pass without a recorded vote has implications for other areas of legislative studies. One of the most prolific areas of congressional research focuses on the role of political parties. Leading theories of parties in Congress focus on the ability of majority parties and leadership to push an agenda favored by the majority membership (e.g., Rohde 1991; Aldrich and Rohde 2000), or to keep items off the agenda that would split the majority party or move policy away from the direction of the party median (Cox and McCubbins 1993; 2005). The roll call record is key to testing Party Cartel Theory, which posits that the "roll rate" — the percentage of outcomes for which a bill passes despite opposition of a majority of one party or the other — should be zero for the majority

party, while the roll rate for the minority party should vary with the minority's ideological distance from the floor median. Roll rates themselves are based only on recorded votes, not to mention measures of ideological distance. Yet Schickler and Pearson (2009) show that a reliance on roll-call data likely overstates the ability of the majority party to keep disfavored items off the agenda, by demonstrating that conservative initiatives disfavored by party leadership were passed without a recorded vote. As such, a reliance on recorded activity may overstate ability of the majority party to set the agenda, at least during certain historical periods.

Aside from the fact that not all measures receive a recorded vote, a number of factors combine to muddy the waters when it comes to interpreting recorded votes that do occur. As already mentioned, ideal-point estimates are central to legislative studies. These estimates (e.g., Poole and Rosenthal 1997; Clinton, Jackman, and Rivers 2004) are based on an underlying spatial model of voting that assumes each legislator votes based on the utility he or she would receive from the alternatives offered. Yet considerable evidence exists that patterns in recorded voting are affected by much more than policy preferences. For example, by examining the within-session change in majority status in the 107th Senate,[1] Roberts (2007) demonstrates that estimates of the ideological rank-order of Senators changed, in some cases significantly, following Jim Jeffords' party switch, perhaps due to a change in the Senate agenda or due to changes in party pressure. Notably, Democratic leader Tom Daschle (D-SD) appeared to become much more moderate after becoming majority leader while his Republican counterpart Trent Lott (R-MS) appeared to become much more conservative after moving to minority status. Roberts (2007) explains that these apparent

[1]The 107th Senate (2001-2003) began with an equal number of Democrats and Republicans elected to the chamber, but Republicans were considered the majority party of the chamber since Vice President Richard Cheney was a Republican. Jim Jeffords (R, then I - VT) eventually decided to leave the Republican Party, and though he considered himself an independent, voted to give Democrats organizational control of the chamber. Democrats were considered for the remainder of the Congress to be the Senate majority party (50 Democrats plus Jeffords, 49 Republicans).

ideological shifts can be almost entirely explained by a unique procedural detail of the Senate — majority leaders frequently vote *against* cloture motions that they support in order to be able to move a reconsideration of the vote later on. Though ideal-point estimates such as NOMINATE or other measures are frequently treated by scholars as pure estimates of ideology, Roberts' work calls attention to the fact that estimates of legislator ideology based on roll-call data are sensitive to institutional features such as whether a member serves in the majority or minority party, as well as the procedural details of the chamber.

Related to the above discussion is partisan polarization. Though few would disagree that Democrats and Republicans in Congress are more ideologically extreme today than 40 years ago, careful attention to how the record is constructed can alter inferences about the degree, the timing, or other features of how the process of polarization has worked. One of the most important procedural details as it relates to recorded voting in Congress involves amendment voting in the House. Prior to the 1970s, no recorded votes were taken when the House convened as the Committee of the Whole, a process typically used for quick and efficient consideration of floor amendments. This changed following the introduction of recorded teller voting in 1970 and electronic voting in 1973 (Smith 1989). As Roberts and Smith (2003) convincingly demonstrate, votes on amendments in the Committee of the Whole tend to be far more partisan and divisive than other types of House votes. Additionally, the introduction of recorded voting on COW amendments, along with the ease of electronic voting, quickly led to an explosion of amendment votes, driven largely by minority-party Republicans who sought to force members of the majority party to take difficult or embarrassing votes. As Smith (1989, p. 34) explains, "[Minority Republicans] actively sought ways to challenge committee products, raise ideologically charged issues, and force recorded votes. [Robert] Bauman [R-MD] even entertained requests for recorded-vote amendments from Republican challengers to Democratic incumbents in order to

compel Democrats to take politically dangerous positions." Roberts and Smith (2003) show that partisan legislative strategies, combined with adoption of recorded voting in the Committee of the Whole significantly affect conclusions regarding the timing and nature of polarization in the House, suggesting a need to be sensitive to how the roll-call record is constructed and its implications for measures of partisan conflict and polarization.

Scholars have recently raised questions about how much observed polarization in Congress is due to widening differences on policy substance, and how much results from greater party unity on procedural matters. Theriault (2008) argues that the bulk of contemporary polarization is the result of procedural voting. Procedural votes are thought of by members differently than votes on substantive issues; believed to be more obscure to the public than final-passage or other substantive votes, legislators appear to be more loyal to their parties when voting on procedural matters (Lee 2009, Theriault 2008). Ideal-point estimates differ considerably when based on procedural versus non-procedural votes (Jessee and Theriault 2014). The authors suggest that this type of voting behavior tends to inflate measures of polarization without actually indicating a greater degree of ideological distance between the parties. Again, attention to what goes into the roll-call record is crucial when measuring ideal points and the degree of polarization in Congress.

Beyond differences in vote types, members of Congress make voting decisions based on a number of factors besides policy. Lee (2009) demonstrates that collective partisan concerns produce a greater level of partisan "team play," especially when control of national political institutions is at stake. Fights over policy ultimately become fights over political power; denying political victories to partisan opponents and opposing-party presidents can be electorally beneficial, incentivizing heightened partisan conflict in an electorally competitive environment. In other words, members of the minority or non-presidential party might be expected to oppose the majority or presidential party more frequently not

because they disagree on policy, but rather to pursue the electoral benefits of opposition — thus increasing observed levels of partisan conflict and polarization. Lee (2009) finds that a considerable amount of polarization and party conflict in the modern Senate occurs when the Senate takes recorded votes on issues with little to no identifiable "ideological" content.

House Minority Party Legislative Strategy and its Effect on the Roll-Call Record

Evidence strongly suggests that the roll-call record, more than just a simple register of legislators' preferences on policy, also reflects elements of partisan "team play" and non-ideological fighting (Lee 2009), and can be used by members in ways to affect the appearance of partisan opponents (Smith 1989; Roberts and Smith 2003). Recognizing the fact that the congressional roll-call record is not exogenous, but is instead purposefully constructed by legislators themselves, calls attention to how members can use the record to affect the public's perception of themselves, other members, the parties, and Congress as a whole. Exploring this question can help provide insight on why members' voting records indicate such a degree of polarization over the last few decades.

Much of the literature on congressional parties deals with how majority party leadership in the House seeks to improve or maintain their own party's image (Cox and McCubbins 1993; 2005). Far less attention has been dedicated to the minority party — we know little about how the minority attempts to improve its own image, or how it attempts to tarnish the image of the majority party. Because the minority party is frequently shut out of decision-making in the House due to the majority's firm control of the agenda, and because the main procedural tools of the House minority to obstruct and delay proceedings were taken away with the passage of Reed's Rules in the late 19th century, few tools remain to the minority party to remain involved in the legislative process when opposed by a determined majority. One of the few inalienable procedural rights left to the minority is to demand

the yeas and nays on nearly any matter (subject to seconding by one-fifth of the chamber in most cases), a right explicitly mentioned in the Constitution (Article I, Sec. 5). If the House minority party, lacking obstructive tools like the filibuster in the Senate and often prohibited from offering amendments, has little influence in the legislative process, then affecting the public's perception of the majority party in order to affect an electoral change and becoming the majority should be the minority's ultimate goal. The roll-call record, which the House minority *does* have the ability to affect, is a prime target for the minority's effort to change public perceptions.

Considerable evidence exists that the roll-call record influences perceptions of individual members and of Congress. Although they do not expect their constituents to have extensive knowledge of their overall voting record, members of Congress do worry that a string of votes that put them at odds with their district can be electorally costly (Fenno 1978). Frequently, though they recognize that most constituents are unaware of the bulk of their day-to-day Washington activity, members anticipate how voters would react *if* they became informed on their representatives' voting records — via the media, an electoral challenger, interest groups, or from some other source (Arnold 1990). Perhaps validating these members' concerns, recent studies have shown that members who have an ideologically-extreme voting record receive lower vote shares and have a lower probability of re-election (Canes Wrone, Brady, and Cogan 2002); along similar lines, Carson, et al. (2010) demonstrate that the same is true for members who have a record of voting more frequently with their party.

In addition to the reputation of individual members, the roll-call record affects the public's perception of Congress as an institution. When respondents are given open-ended questions about what makes them dislike Congress, conflict, bickering, and partisanship frequently appear at the top of the list (Hibbing and Theiss-Morse 1995; 2002). Consistent with Hibbing and Theiss-Morse's work, recent studies have demonstrated that quarterly

measures of congressional approval are driven in part by the level of partisan conflict in Congress (Ramirez 2009; 2013). By measuring the quarterly proportion of congressional roll-call votes where at least 75 percent of Democrats oppose 75 percent of Republicans, along with other indicators of conflict such as debt-ceiling votes and Senate cloture votes, Ramirez demonstrates that approval in the aggregate does appear to be affected by roll-call based measures of partisan conflict. Perhaps key for this discussion is the finding from Jones (2010) and Jones and McDermott (2004; 2010) that congressional approval electorally affects the parties differently. Specifically, when approval is high, voters reward the majority party; when approval is low, candidates of the congressional minority party tend to benefit. Lowering the public's appraisal of Congress ought to work to the electoral benefit of the minority party; consistent with Ramirez (2009; 2013), requesting recorded votes in a way that makes Congress appear more partisan is one way to accomplish this goal.

Beyond affecting the appearance of Congress as a whole, establishing a record of opposition to the majority party can be electorally valuable to the minority party. Creating a legislative record of opposition to majority-party proposals places the minority in the most credible possible position to criticize the majority party in the next election. Sundquist (1988, p. 630), though discussing the relationship between Congress and an opposing-party President, elaborates this logic of electorally-valuable opposition:

> If the president sends a proposal to Capitol Hill or takes a foreign policy stand, the opposition…simply must reject it. Otherwise they are saying the president is a wise and prudent leader. That would only strengthen him and his party for the next election…when their whole object is to defeat him when the time arrives (quoted in Lee 2009).

Toward the end of their long stint as the minority in the House, a growing number of House Republicans clearly saw confrontation, not compromise as the most direct route to majority status. Scholars, for instance, note the increasingly aggressive strategy adopted by Newt Gingrich (R-GA) and other so-called "Young Turks" of the Conservative Opportunity

Society in the 1980s. As some minority Republicans sensed that their growing electoral strength resulting from changes in the South was not being proportionately translated into seat gains in the House, Gingrich and others believed a change in minority party strategy was needed to regain majority status. Gingrich implored his colleagues to learn how to "[combine] the art of passing legislation with the art of winning elections" (Zelizer 2004, p. 213), which included the use of aggressive partisan messaging strategies, ethics charges against prominent majority-party Democrats (including Speaker Jim Wright), and "obstructionist parliamentary tactics to stall business on the floor" (Schickler 2001, p. 242-245). By the end of the 1980s, "Republicans were moving closer and closer to Gingrich's idea that the best way to take control of the House was to destroy it" (Barry 1989, p. 672, quoted in Schickler 2001).

Those who favored confronting majority Democrats and making campaign issues out of legislation instead of seeking policy compromise found themselves frustrated with Republicans who were willing to work with the Democrats. As former House member Bob Walker (R-PA) explained, the attitude of more senior Republicans reflected their experience as the House's "permanent minority" through much of the late 20th century, during which they sought compromise and accommodation. Republicans like Walker saw this attitude as a self-fulfilling prophecy, arguing that working with the Democrats on policy left minority Republicans with "no real case to take to the country" during campaign season (Quoted in Connelly and Pitney 1994, p. 26).

Many members of the Republican House minority in the late 1980s and early 1990s — Bob Walker included — garnered the label "bombthrower" (Connelly and Pitney 1994). These were the members who sought electoral gain through "'confrontation', confrontation, confrontation' and by 'polarizing issues' they 'sharpen the differences between the two parties.' Theirs is an ideological politics of combat. The bombthrowers frequently attack the

majority's record, and Democrats accuse them of being anti-Congress" (Connelly and Pitney 1994, p. 27). A recent study demonstrates that members of the minority party publish press releases critical of what Congress is doing, while members of the majority party prefer to claim credit for spending or other legislative activities (Goodman, et al. 2013). Moreover, even if the minority's opposition to majority initiatives is unsuccessful, unified opposition allows the minority to deny the majority party claims to *bipartisan* legislative successes. Members across the ideological spectrum make bipartisan appeals; more importantly, experimental evidence suggests that claims of bipartisanship can help convince the public that enacted policies are moderate (Westwood 2014). Again, this discussion suggests more non-ideological electoral incentives for the minority to engage in conflict with the majority: to maintain the most credible possible position when attacking the majority's record, and to deny bipartisan victories to the majority party.

Based on the preceding discussion, members of the minority party should have a number of partisan electoral incentives to affect the composition of the roll-call record. Consistent with Canes-Wrone, et al. (2002) and with Carson, et al. (2010), the minority party should be more likely to request recorded votes in such a way to make individual members of the majority party suffer the electoral consequences of appearing ideologically out-of-step with their constituents or more frequently united with their party. And consistent with the above-listed studies on congressional approval, the minority party should be more likely to request votes in a way that enhances partisan conflict, with the expectation that voters will retaliate by electorally punishing the majority party; moreover it makes the majority's bipartisan appeals less credible. Both motivations — to alter the voting records of individual members, and to alter the public's perception of Congress as as an institution —ought to mean that, as a matter of electoral strategy, the minority party requests votes that are more polarizing in nature than votes requested by the majority party.

The Partisan Basis of the Roll-Call Record

Although scholars have examined issues relating to the construction of the roll-call record, including the differences between legislative items that receive recorded votes and those that do not (Clinton and Lapinski 2008; Schickler and Pearson 2009), as well as differences in members' behavior patterns on different types of recorded votes (e.g., Lee 2009; Jessee and Theriault 2014; Theriault 2008), no published studies explore the question of *who demands* recorded votes in the U.S. Congress, a question of direct importance when it comes to understanding the partisan basis for the construction of the roll-call record. To address this question, I create an original dataset of requests for recorded votes in the House of Representatives from the 104th Congress (1995-1996) through the 111th Congress (2009-2010). For each recorded vote that occurred during this time period, by searching the *Congressional Record* I identified which member requested that the vote be recorded.[2] During this timeframe, 10,203 recorded votes were taken. For this analysis, I exclude 95 recorded votes on which the yeas and nays were taken by rule, or votes that were demanded by non-voting delegates. Remaining are 10,108 recorded votes between 1995 and 2010 that were demanded by a full member of the House.

As shown in table 3.1, the majority of House roll-call votes are demanded by members of the minority party: 5,830 out of 10,108 (about 57.7 percent) of roll-calls between 1995 and 2010 were demanded by minority party members. The percentage of minority requests varies somewhat by Congress, with a low of 48.5 percent in the 106th Congress (1999-2001) and a high of 66.6 percent in the 110th Congress (2007-2009). In all but one Congress (the 106th), the majority of roll-calls come as a result of minority party demands. In itself, the fact that most of the House's roll-call record comes as a result of minority, not majority-party

[2]Rules stipulate that for certain items, the yeas and nays must be taken (e.g., certain conference reports, motions to close proceedings, veto overrides) This makes up only a small proportion of votes in any given Congress; for this analysis, those votes are excluded.

Table 3.1: Vote Requests by Party, 104th through 111th Congress (1995-2010)

Congress	Minority Requests	Majority Requests	Minority Requests as Pct. of All Roll Calls	Minority Share of Chamber
104	748	487	0.61	0.47
105	602	498	0.55	0.48
106	552	587	0.48	0.49
107	529	408	0.56	0.49
108	683	476	0.59	0.47
109	660	502	0.57	0.46
110	1203	604	0.67	0.46
111	853	716	0.54	0.41

requests is an intriguing preliminary finding.

As mentioned above, the minority party ought to have a number of incentives to request roll call votes in a way that enhances partisan conflict. One method used by scholars to determine levels of partisan conflict in voting is to simply calculate the number of "party votes," or votes where at least half of one party opposed at least half of the other. If partisan conflict makes voters disapprove of Congress (Hibbing and Theiss-Morse 1995,2002; Ramirez 2009,2013), and voters punish the majority party as a result of low approval (Jones 2010; Jones and McDermott 2004,2010), members of the minority party should be more likely to request party votes than the majority party. Table 2 breaks down vote requests by majority/minority party, and whether the vote in question was a party vote.[3]

Results from table 3.2 and table 3.3 show striking differences in partisan voting behavior on votes requested by members of the minority and majority parties. During the entire time period, approximately 54.1 percent of all recorded House votes were party votes; of these, 77.1 percent were requested by the minority party. A full 72 percent of *all minority-requested votes* are party votes, compared to just 29.4 percent of majority-requested votes. In each Congress, well over half of minority-requested votes pit the parties against each other (more

[3]Data on roll-call votes are made available by David W. Rohde and the Political Institution and Public Choice Program.

Table 3.2: Party Voting on Minority Party-Requested Votes, 104th through 111th Congress (1995-2010)

Congress	Party Votes (Minority Request)	Party Votes as Pct. of Min. Requests	Min. Requests as Pct. of Party Votes
104	596	0.80	0.70
105	416	0.69	0.70
106	352	0.64	0.68
107	321	0.61	0.79
108	494	0.72	0.84
109	481	0.73	0.78
110	884	0.73	0.83
111	608	0.71	0.82

Table 3.3: Party Voting on Majority Party-Requested Votes, 104th through 111th Congress (1995-2010)

Congress	Party Votes (Majority Request)	Party Votes as Pct. of Maj. Requests	Maj. Requests as Pct. of Party Votes
104	250	0.51	0.29
105	175	0.35	0.29
106	162	0.28	0.31
107	83	0.20	0.20
108	90	0.19	0.15
109	133	0.26	0.22
110	181	0.30	0.17
111	128	0.18	0.17

often in the 60 to 80 percent range), while fewer than half of majority requests result in party votes. Minority requests account for greater than 60 percent of all the party votes taken during each of the Congresses in question. By this measure, the minority party, as expected, appears to be the main reason for Congress's record of partisanship in recorded votes.

Another way to measure the divisiveness of votes is to locate the ideological cutpoint. In the language of spatial voting, the cutpoint is the ideological location that divides the supporters from the opponents of a measure. Votes that divide the parties should have cut-

points that fall close to the ideological center, neatly dividing Democrats from Republicans. Roberts and Smith (2003), for instance, show that cutpoints on House amendment votes fall between the party medians much more frequently than final passage or other types of votes. Tables 3.4 and 3.5 show the total number and the percentage of votes requested by the minority and majority parties which produced a cutpoint in-between the ideological location of the median Democrat and median Republican during each Congress. By this measure, minority-requested votes remain far more divisive than majority-requested votes; the total number as well as the percentage of votes that produce a cutpoint dividing the parties is far greater for minority requests compared to majority requests. In only one Congress (the 104th) did more half of majority-requested votes produce a cutpoint between the party medians; the next-closest Congress is the 105th Congress with 36.1 percent By contrast, more than half of minority-requested votes produce party-dividing cutpoints in each Congress, reaching a high of 81.4 percent in the 104th Congress.

Table 3.4: Cutpoints on Minority-Requested Votes, 104th through 111th Congress

Congress	Total Minority Party Vote Requests	Cutpoint Between Medians (Minority Requests)	Pct. Between Medians (Minority Requests)
104	748	609	0.81
105	602	406	0.67
106	552	297	0.54
107	529	277	0.52
108	683	405	0.59
109	660	423	0.64
110	1203	931	0.77
111	853	541	0.63

Table 3.5: Cutpoints on Majority-Requested Votes, 104th through 111th Congress

Congress	Total Majority Party Vote Requests	Cutpoint Between Medians (Majority Requests)	Pct. Between Medians (Majority Requests)
104	487	255	0.52
105	498	180	0.36
106	587	165	0.28
107	408	83	0.20
108	476	87	0.18
109	502	134	0.27
110	604	183	0.30
111	716	129	0.18

As argued by scholars like Steve Smith, Jason Roberts, Frances Lee, and Sean Theriault, measures of polarization in Congress based on the roll-call record are influenced by more than pure ideological preferences, and can be affected by non-ideological factors. I argue here that minority party electoral incentives mean that the minority has an incentive to make Congress look more partisan by requesting that instances where parties disagree the most become a matter of public record. These motivations can impact measures of member ideology, and consequently about inferences regarding the degree of congressional polarization. As Lee (2009) explains:

> Any vote that tends to divide the two parties from one another, *regardless of the reason*, will be treated by such methodologies as measuring members' ideology …Equating party votes with ideological votes is not warranted if …partisan conflict can have *any other source* besides members' differing preferences on public policy. (p. 52-53, italics in original).

The evidence shown so far demonstrates a much higher level of partisan divisiveness on minority-requested votes, consistent with previously-discussed minority party electoral incentives. To examine the question of how the minority party affects measures of polarization, I use the W-NOMINATE program developed by Poole, et al. (2011) to compute estimates of legislator ideal points. Though NOMINATE scores are typically calculated

based on all non-unanimous recorded votes in a given Congress, I calculate two subsets of ideal point estimates for legislators in each Congress, one based only on votes requested by the minority party, and another based on votes requested by the majority party. Scores based on minority-requested votes should make Congress look more polarized than scores based on majority requests.

Table 3.6: Difference in Ideological Distance (W-NOMINATE) Between Party Medians using Different Subsets of Votes

Congress	Absolute Distance (All Votes)	Absolute Distance (Minority Requests)	Absolute Distance (Majority Requests)
104	1.14	1.17	1.08
105	1.10	1.20	0.99
106	1.09	1.30	0.83
107	1.18	1.32	0.84
108	1.15	1.47	0.85
109	1.28	1.27	0.83
110	1.27	1.31	1.31
111	1.17	1.36	1.05

W-NOMINATE scores appear considerably different when calculated based on majority versus minority-requested votes. As anticipated, votes requested by the minority result in the parties appearing further apart ideologically than votes requested by the majority (see table 3.6). The median Democrat and median Republican are almost always more extreme when their W-NOMINATE score is calculated based on minority-requested votes. The only instances where a party appears more moderate based on minority-requests (Democrats in the 104th and 105th Congresses, Republicans in the 110th) are Congresses where minority requests make the *minority* party look less ideologically extreme. The majority party looks more extreme in each Congress; moreover, compared with majority requests, the absolute distance between the party medians is always higher when W-NOMINATE scores are based on minority requests.

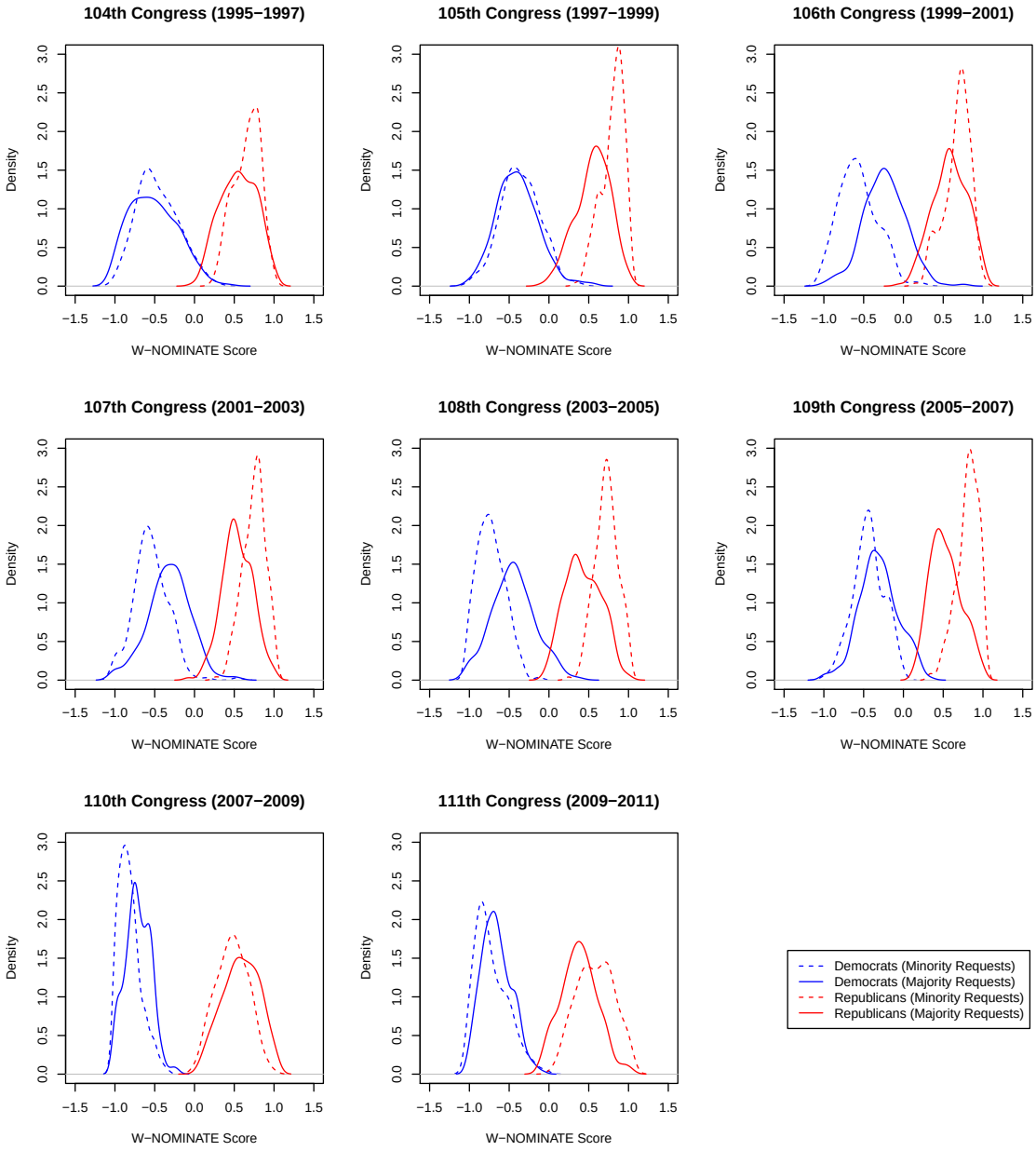


Figure 3.1: Distribution of W-NOMINATE Scores based on Minority Requests vs. Majority Requests, 104th through 111th Congresses

The ideological distribution of Democrats and Republicans, shown in Figure 3.1, differs considerably in each Congress when using W-NOMINATE scores based on majority versus minority requests. Minority-based ideology scores more frequently make the parties appear both more polarized and more homogenous than majority request-based ideology scores, which suggest a much greater degree of bipartisan overlap. The degree to which this is true varies from Congress to Congress, but happens in each. Occasionally the biggest differences appear among members of the majority party (the 105th and 109th Congresses are good examples), while in others the overall ideological changes appear to operate roughly equally across the parties (as in the 108th Congress). Again, votes requested by the minority party serve to make Congress appear more partisan and more ideological, consistent with the argument that doing so is in the minority party's electoral interests.

Next, I examine the estimated ideological rank-order of legislators from most- to least-liberal in each Congress based on different vote subsets. Figure 3.2 plots, for each Congress, the ideological rank-order of all members based on majority request-based W-NOMINATE scores on the x-axis, with the minority request-based scores on the y-axis. Members who fall precisely on the 45-degree line exhibit no change in rank-order between their two scores; those who fall above or below witness their overall liberal-conservative rank altered based on the different vote subsets.

The results from Figure 3.2 demonstrate that, in addition to inferences about aggregate levels of polarization and ideological conflict in Congress, minority-requested votes have an impact on conclusions about the ideological place of members within their own party. Estimates of members' ideological rank-order are considerably different when based on minority-requested versus majority-requested votes. An interesting pattern is that the majority party (Republicans in all Congresses besides the 110th and 111th) consistently exhibits a greater degree of variation in rank-order between the two subsets of votes. Figure

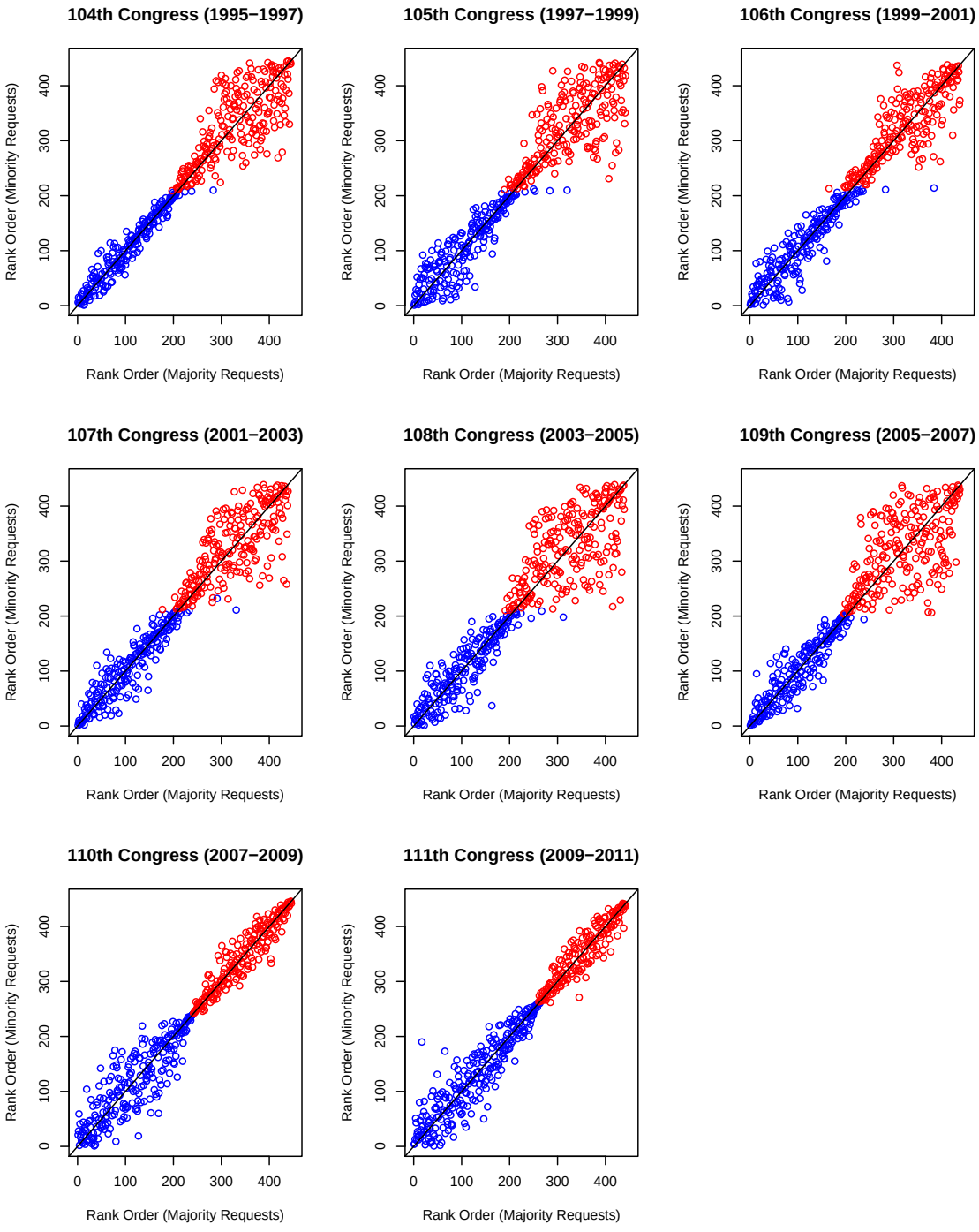


Figure 3.2: Liberal-Conservative Rank Order of the House using W-NOMINATE, based on Minority- and Majority-Requested Votes, 104th through 111th Congress

3.2 shows a greater level of dispersion around the 45 degree line for the majority party in each Congress, suggesting that members of the majority party tend to see more considerable changes in their ideological placement on minority versus majority-requested votes. Though not conclusive, this is perhaps suggestive that members of the majority are strategically targeted for manipulation of their voting record by members of the minority party.

Variation in Legislators' Party Unity and W-NOMINATE Scores

Aggregate evidence shown so far is consistent with a minority party strategy of heightening the appearance of conflict and partisanship in Congress for electoral purposes: compared to majority-requested votes, minority-requested votes are more likely to result in party votes and to produce a cutpoint between the parties' median members; moreover, ideology scores based solely on recorded votes requested by the minority party paint a picture of a Congress far more ideologically polarized than ideology scores based on majority-requested votes.

What remains to be shown is whether the minority party attempts to target electorally-vulnerable members of the House majority party. Scholars have long documented legislators' attempts — particularly minority-party attempts — to put opponents on the record in difficult or embarrassing positions (Smith 1989; Roberts and Smith 2003). Claims that an incumbent member is out of step with his or her district, or is overly partisan, are commonplace during congressional campaigns. For instance, the National Republican Congressional Committee ran advertisements in 2014 against John Barrow (D-GA) for voting "with [Barack] Obama 85 percent of the time."[4] and against Carol Shea-Porter (D-NH) for voting "with Nancy Pelosi's Democrats 95 percent of the time."[5]. In the same district, the DCCC attacked both propsective Republican House nominees for being "too extreme" for

[4]http://www.politifact.com/truth-o-meter/statements/2014/sep/15/national-republican-congressional-committee/nrcc-says-rep-john-barrow-d-ga-voted-barack-obama-/

[5]http://www.politifact.com/new-hampshire/statements/2014/oct/24/national-republican-congressional-committee/nrcc-ad-says-carol-shea-porter-partisan-democrat-f/

New Hampshire's first district.[6] Again, evidence does show that members pay an electoral price for ideological extremity (Canes Wrone, et al. 2002) or for partisan unity (Carson, et al. 2010).

Anecdotal evidence suggests that a member's voting record can be subject to strategic manipulation by his or her partisan opponents. For example, after becoming the minority following the 2006 midterm elections, House Republicans aggressively used votes on motions to recommit with instructions in order to place majority party Democrats on the record in difficult situations. Motions to recommit with instructions offer the minority party a last-minute opportunity to amend a bill prior to its passage. Republicans frequently used this opportunity to offer amendments that would force the Democrats to "cast uncomfortable votes [gun control, immigration, and the like] or make unwelcome changes to the bill"; in the words of a spokesperson for Minority Leader John Boehner, this was an effort by the minority party "to make vulnerable Democrats choose every day between Speaker Pelosi and their constituents" (Oleszek 2014, pp. 231-232).

Accordingly, if vote requests by the minority party are driven by electoral strategy, its members ought to request votes in a manner that makes electorally-vulnerable members of the majority appear more extreme and more unified with their party. This is likely to be an inexact science; recognizing that enforcing partisan unity is an activity that can cost its members at the polls, party leaders do not expect complete party unity on every vote (Lebo, et al 2007; Carson, et al. 2010). Instead, partisan pressure tends to be exerted selectively, exercised only when absolutely needed to win on legislation, and leaders of the majority party prefer to allow electorally-vulnerable members to cast votes against the party when it benefits the member electorally (King and Zeckhauser 2003; Smith 2007). Thus, while the minority might try to force electorally-marginal members of the majority party to stick with

[6] http://www.wmur.com/political-scoop/dccc-begins-with-web-ads-on-garcia-guinta-portraying-them-as-too-extreme/28030436

their party more often and appear more ideologically extreme, members of the majority and their leaders actively try to avoid such an outcome.

From the minority's perspective, making the majority party appear more unified and ideologically extreme could ideally be done without themselves incurring the electoral costs of extremity or partisan unity. This, however, is unlikely to be the case. Denying support to the majority party (i.e., *unifying against* the majority party) is a key method to spur greater unity among members of the majority, as the majority forced to exert a greater effort to keep its rank-and-file in line and still win despite unified opposition (Lebo, et al. 2007). So the minority has a number of considerations: how to increase the appearance of partisanship and ideological extremity among members of the majority party, while at the same time minimizing the costs of partisanship and extremity among its own members. Anecdotal evidence suggests that members of the minority recognize the potential trade-off between seeking re-election and seeking majority status, and some are more willing to bear such costs than others. A former member of House Republican leadership during their long stint in the minority was quoted as saying:

> It [the willingness to be a "party activist"] fluctuates over time, and it's also to some extent related to how safe the House member's district is…There's not a perfect correlation there, but it's a lot easier for a guy to be willing to go to war if he's not that worried about getting re-elected. I would put Newt [Gingrich] right at the top of the list of those guys who are primarily interested in a majority and a national strategy. That's one of his strengths. That's what he always brings to the fray. But it's a lot tougher for a member to get caught up in all of that, if in fact he's got a tough district or a re-election campaign back home. (Quoted in Connelly and Pitney 1994, p. 25).

Aggregate-level variation in party unity and W-NOMINATE scores operates as anticipated — minority-requested votes show more evidence of polarization and partisan conflict. Expectations about how individual legislators' records differ between minority- and majority-requested votes are less clear. The minority party *ought to* request votes in a way that makes vulnerable majority members look more extreme and more partisan;

but the majority's "vote options" (King and Zeckhauser 2003) and selective use of direct pressure (Smith 2007) might help the their members avoid this outcome, letting their safe members take difficult votes while the vulnerable members are let off the hook. Similarly, the minority should try and do the same, allowing their vulnerable members to vote against the party when necessary. Still, the minority might be more willing to endure the costs of party loyalty or the appearance of greater extremity if it contributes to the goal of majority status. This is suggested by Connelly and Pitney's discussion of "party activists" like Newt Gingrich, who sacrificed some attention to their district in pursuit of House majorities. Similarly, Green (2015, p.35) observes that compared to the majority party, the House minority is often more concerned with defeating members of majority than with protecting its own members.

To explore how the party unity and ideology scores of individual legislators differ between majority- and minority-requested votes, I calculate the difference in ideological extremity for each member (W-NOMINATE score based on minority-requested votes minus their W-NOMINATE score based on majority-requested votes, multiplied by -1 for Democrats so positive values indicate greater extremity), as well as their difference in party unity (percentage of votes where a member voted with their party on minority-requested party votes minus the same for majority-requested party votes). We should expect a number of patterns both within and across parties. Minority vote requests should make the majority party look disproportionately more extreme and partisan, especially among the majority's most vulnerable members. By contrast, the minority should attempt to protect its most vulnerable members, concentrating any increases in unity among the minority's safest members.

Figures 3.3 and 3.4 plot which members are made to look more or less ideologically extreme based on minority-requested votes. First, Figure 3.3 plots differences in minority

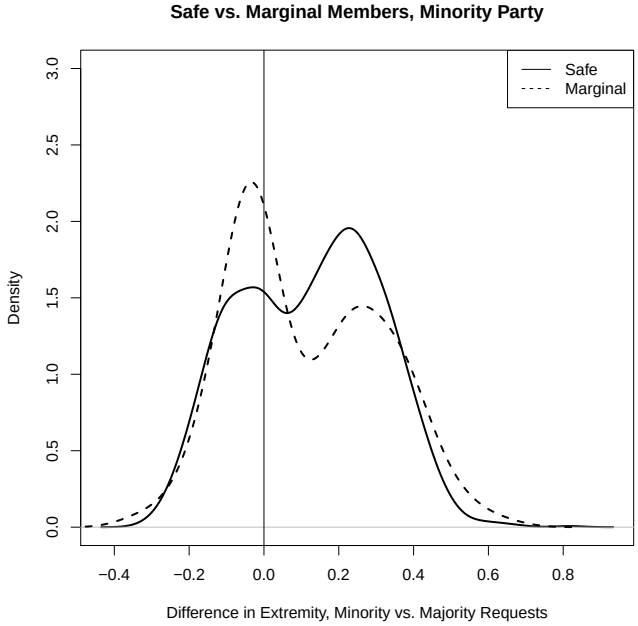


Figure 3.3: Difference in Ideological Extremity of Minority Party Members on Minority vs. Majority Requests, by Seat Safety (1995-2011)

party members' ideological extremity based on minority versus majority requests. As anticipated, increases in extremity on minority-requested votes are more common for safe minority members (defined as those members receiving greater than 55 percent of the two-pary vote in the previous general election), and less common for marginal members (those who received 55 percent or less of the two-party vote).[7] Figure 3.4 shows that, among marginal members, minority vote requests increase ideological extremity scores for members of the majority to a greater extent than members of the minority.

Moving beyond simple histograms, I examine the question of electoral margins and minority-party vote targeting more systematically by modeling members' difference in extremity and difference in party unity across the different vote subsets. Specifically, the

[7]Electoral data was generously shared by Gary Jacobson.

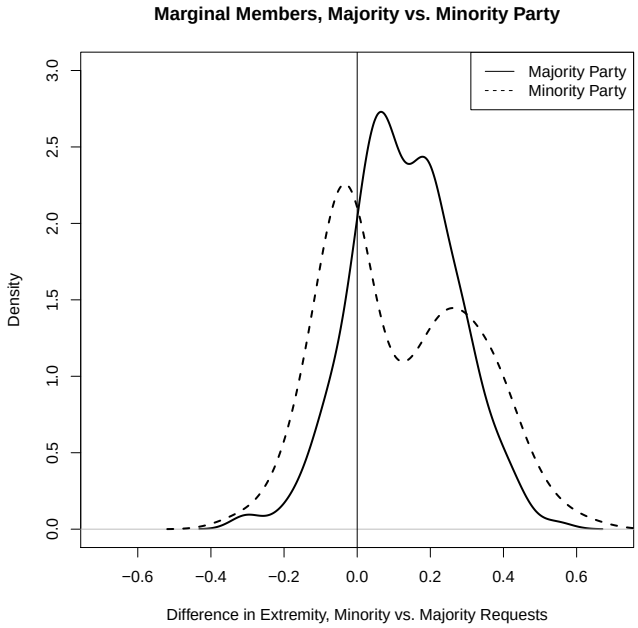


Figure 3.4: Difference in Ideological Extremity of Marginal Members on Minority vs. Majority Requests, by Party (1995-2011)

unit of analysis is an incumbent legislator, and difference in extremity and difference in party unity between minority and majority-requested votes (as described above) serve as dependent variables. I estimate fixed-effects regression models to account for unobserved member-level variables that do not vary over time, such as party, ideology, region, etc.[8] Fixed-effects models leverage variation within units (here, variation among legislators from year-to-year) to estimate the effects of time-varying independent variables (Wooldridge 2005). Specifically, the time-varying factors for which I control include the incumbent's previous share of the two-party vote, district partisanship (measured as the share of the two-party vote received by the presidential candidate of the incumbent's party in the most recent presidential election), membership in the majority or minority party, and the party

[8]The small number of party switchers in the data are treated as different individuals.

identification of the President relative to Congress. Interactions between majority/minority status and each of the other time-varying variables are included. For the majority party, the dependent variable might be considered the degree to which a member is successfully "targeted" by minority-party votes; for the minority, the dependent variable might be considered which members bear the costs of the majority-party targeting.

Votes requested by the minority party should target majority party members who are electorally vulnerable. Consequently, an interaction between *Majority Party* and *Incumbent Previous Vote Share* should be negative. The majority ought to try and avoid such an outcome by allowing members in weakly partisan districts to vote against the party, while enforcing unity among members in strongly-partisan districts (those who are more likely to be able to afford to take tough votes). Accordingly, the coefficient on the interaction term between *Majority Party* and *District Partisanship* should be positive. Statistical evidence suggests that Presidents themselves can drive up partisanship and polarization in the legislative process (Lee 2009); anecdotal evidence suggests that party leaders attempt to build records of opposition not only to initiatives of the majority party, but to initiatives of Presidents of the opposing party, engaging in "strategic disagreement" for electoral purposes (Gilmour 1995, Lee 2009; 2013, Shelley 1985). The main coefficient on *Majority-Party President* should be positive, and the coefficient on the interaction between *Majority Party* and *Majority-Party President* should be negative, since a majority-party President should spur more unity among the minority party.

Results displayed in Table 3.7 confirm expectations. Minority vote requests make electorally vulnerable members of the majority party (measured by their previous share of the two-party vote) more extreme and more frequently united with their party on party votes. As anticipated, the interaction term on *Majority Party* and *District Partisanship* is positive and significant, though interpretation of the substantive effect of district partisanship (see figure

Table 3.7: Fixed Effects Regression: Difference in W-NOMINATE Score and Difference in Party Unity based on Minority- versus Majority-Party Vote Requests

	(1) W-NOMINATE Diff.	(2) Party Unity Diff.
Majority Party	0.393**	0.0173
	(0.0541)	(0.0203)
Majority-Party President	0.160**	0.0568**
	(0.0104)	(0.00389)
Incumbent Previous Vote Share	0.00399**	0.00108**
	(0.000894)	(0.000335)
District Partisanship	-0.00201	-0.00237**
	(0.00113)	(0.000425)
Majority Party * Majority-Party President	-0.0827**	-0.0513**
	(0.0155)	(0.00580)
Majority Party * Previous Vote Share	-0.00728**	-0.00185**
	(0.00110)	(0.000414)
Majority Party * District Partisanship	0.00322**	0.00231**
	(0.000951)	(0.000357)
Constant	-0.107	0.109**
	(0.0647)	(0.0242)
Number of Groups	820	820
Observations	2972	2972
Between R^2	0.073	0.140
Within R^2	0.236	0.200

Standard errors in parentheses; Includes member-level fixed effects

* $p < 0.05$, ** $p < 0.01$

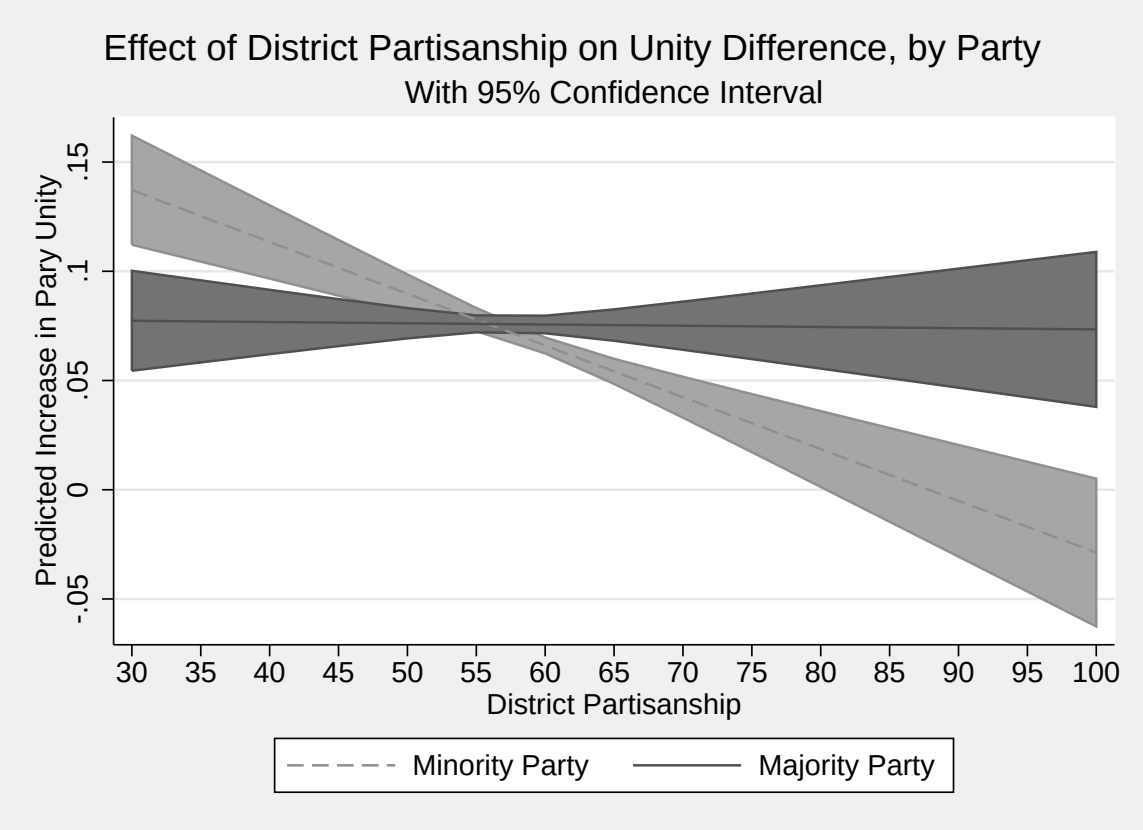
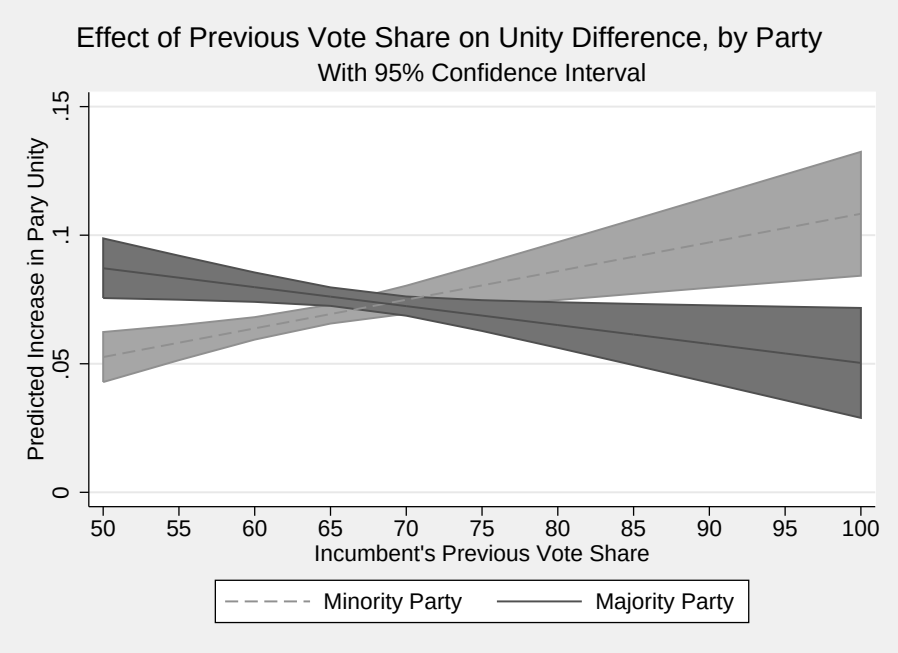
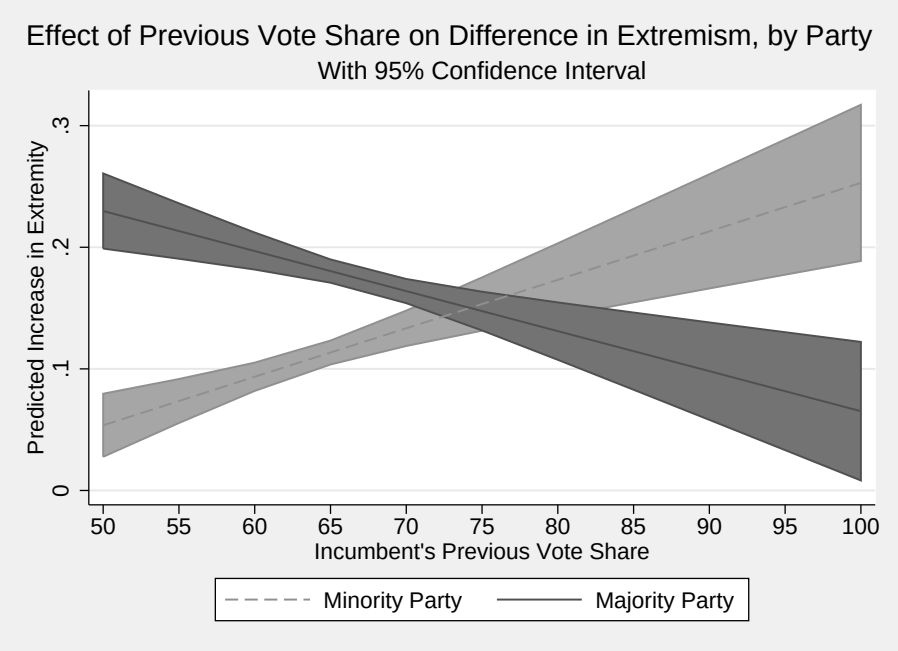


Figure 3.5: Effect of District Partisanship on Difference in Party Unity (Minority vs. Majority-Requested Votes)

3.5) does *not* suggest that this is because the majority party makes its members in strongly-partisan districts vote more frequently with the party — in fact, members of the majority see a fairly constant increase in unity on minority requests, across all types of districts. Instead, it reflects the fact that the largest increases in unity among the *minority party* occur in *weakly-partisan* minority districts. In other words, for the minority, members in weakly-partisan districts see the greatest increase in party unity, consistent with Theriault's (2008) finding that minority House members from weakly-partisan districts disproportionately contribute to the modern procedural polarization in the House, supporting their party on



(a) Seat Safety and Changes in Party Unity (Minority vs. Majority-Requested Votes)



(b) Seats Safety and Changes in Ideological Extremity (Minority vs. Majority-Requested Votes)

Figure 3.6: The Effect of Seat Safety on Differences in Unity and Extremity, by Party (Minority vs. Majority Requests)

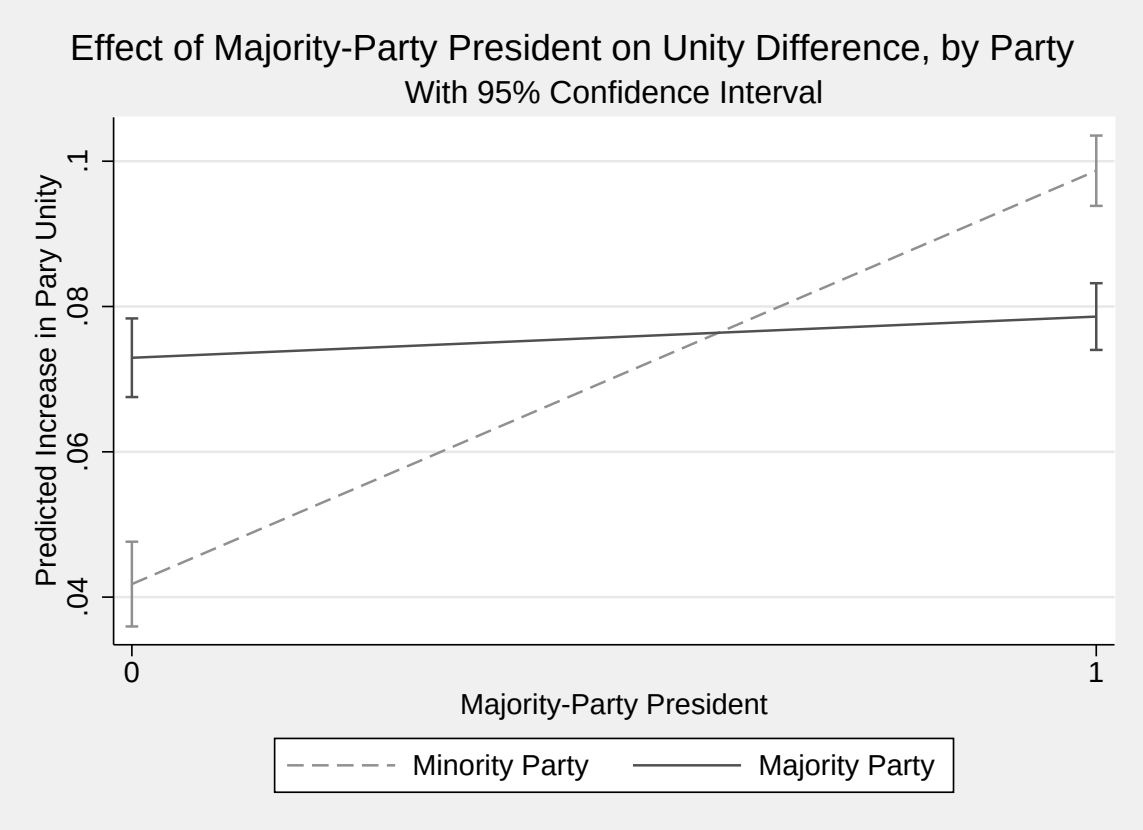


Figure 3.7: Effect of Presidential Party on Difference in Party Unity (Minority vs. Majority-Requested Votes)

procedural matters much more often in the modern Congress than in the past, while still occasionally voting against the minority party on substantive issues. When the President is of the same party as the House majority party, members of the minority party appear more unified and ideologically extreme on the votes that they request. This again might reflect the minority's attempts to build a record of opposition to President and his party (Gilmour 1995; Lee 2009; Sundquist 1988).

Figures 3.6 and 3.7 demonstrate the predicted effect of members' partisanship, previous vote margins, and partisan relationship with the President by plotting predictive margins.

Figure 3.6, for instance, suggests that a member of the majority party winning with just over 50 percent of the two-party vote share will be forced to side with his or her party approximately 9 percent more often on minority-requested votes compared to majority-requested votes, compared to a party unity increase of just 5 percent for a similarly-situated member of the minority. Figure 3.7 demonstrates that, on average, a member of the House minority will vote with their party approximately 6 percent more often on minority-requested votes when the opposing party controls the presidency. Overall, vote-requesting behavior by the minority party does appear to be consistent with an electoral strategy of increasing ideological extremity and party unity among the most vulnerable members of the opposing party, and increasing their own unity when the opposing party controls the presidency.

Discussion and Conclusions

The preceding evidence is strongly suggestive of a strategy by the minority party to make Congress appear more partisan and polarized in the aggregate. On an individual level, voting behavior on majority and minority-requested votes is also suggestive of a minority party attempt to make electorally vulnerable members of the majority party appear more partisan and ideological, as well as to build a record of opposition to opposing-party Presidents, while shifting the costs of this strategy to its electorally-safe members. Whether or not the minority party is successful in electorally harming the majority via its vote-requesting strategies is a separate question, but anecdotal and statistical evidence is highly suggestive of attempts to do so.

Efforts in recent decades by members of the House minority party to sharpen differences between the parties, particularly by Newt Gingrich and the Conservative Opportunity Society in the 1980s and 1990s have received scholarly attention in the past (e.g., Connelly and Pitney 1994, Schickler 2001, Smith 1989, Zelizer 2004), but the attention paid to the

minority often comes in the form of anecdotal accounts, or descriptions of the minority's effort to gain publicity outside the legislature through sharpened partisan rhetoric and appearances on news programs; other accounts that discuss the House minority party within the legislature often focus on members who took advantage of time for one-minute speeches to make barbed partisan attacks. Far less attention has been paid to the broader legislative consequences of the Gingrich-like shift in the behavior of the House minority party from a strategy of compromise to one of conflict (see Roberts and Smith 2003, Theriault 2013 for counter-examples). Based on the evidence presented here, the minority party and its electoral incentives are prime candidates to help explain the modern rise of observed polarization in Congress. Moreover, consistent with others who have raised similar concerns (e.g., Jessee and Theriault 2014 Lee 2009; Roberts 2007), this work suggests that caution should be used when using ideology scores which assume all conflict in recorded voting is a consequences of members' differing preferences on public policy. More than just a register of legislators' opinions on issues, the roll-call record is also a target of strategic manipulation for members' partisan electoral goals.

Future research should extend this data collection effort on requests for recorded votes across both time and across chambers. Doing so would provide a better understanding of how the roll-call record has been constructed over time. As the parties are ever more competitive for control of national political institutions, the premium placed on any individual factor that might produce electoral gain for one side or the other should naturally increase. Consequently, manipulation of the roll-call record for partisan electoral purposes is likely higher today than during much of the mid-20th century when Republicans served as the "permanent minority' in the House, and to a lesser extent the Senate (Mann 1988). Regardless, the results shown here call for greater attention to the minority party in Congress, as even a procedurally-weak minority might have a broader impact on on polarization,

partisan conflict, the appearance of Congress, and ultimately the outcome of elections.

4 LOSING THE BATTLE TO WIN THE WAR? THE HOUSE MINORITY AND PATTERNS OF PARTISAN CONFLICT, 1946-2012

The previous two chapters explore the consequences of partisan electoral incentives for the legislative behavior of the House minority party. Evidence suggests that members of the minority party take electoral considerations into account when engaging in obstructive or dilatory tactics, as well as when requesting roll-call votes. In this chapter, I seek to examine the effects of minority party electoral expectations on voting behavior more generally. Building on the logic elaborated in previous chapters — that the minority party has electoral incentives to make Congress and members of the majority party appear more partisan — I provide evidence that minority party members adjust their voting behavior in response to electoral expectations. Evidence suggests that members act in a more partisan fashion and are more frequently on the losing side of roll-call votes when signs point to potential electoral gains for their party. Attention to the effect of electoral expectations can help explain the observed rise in party conflict in the contemporary Congress.

As discussed in the previous chapter, Democrats and Republicans in Congress appear to be ideologically divided to a greater extent in the contemporary Congress than perhaps at any point in congressional history. Similarly, since reaching a nadir in the late 1960s, average party unity scores[1] among both Democrats and Republicans have climbed above 90 percent in recent Congresses. Dominant explanations for the observed rise in party unity involve the increasing political homogeneity of members' constituencies. The enfranchisement of African-Americans in the South after the 1960s, along with the movement of conservative whites to the Republican Party, contributed to the decline of conservative Southern Democrats and liberal northern Republicans. Better sorting of liberals into the

[1] Party unity scores are calculated as the percentage of votes on which a member sided with their party when a vote pits at least 50 percent of Democrats against at least 50 percent of Republicans.

Democratic Party and conservatives into the Republican Party helped fulfill the conditions that allow for strong party leadership in Congress (Rohde 1991). The fact that most members hail from overwhelmingly partisan districts, and partisans within their districts have themselves sorted and become more politically homogenous (Levendusky 2009), relatively few members today are cross-pressured and vote across party lines.

But there are a number of reasons to believe that higher levels of contemporary partisanship have their origins in more than just constituents' preferences. Evidence from Chapter 3, for instance, demonstrates how measures of members' party unity and ideology scores are affected by the roll-call votes on which they are based — minority party incentives to increase rates of partisan conflict result in more minority-requested roll-calls that make members of Congress appear more extreme and more partisan. Lee (2009) provides evidence that presidential involvement on issues tends to sharpen partisan lines and increase polarization. Other work has demonstrated the increases in party unity and polarization resulting from higher rates of partisanship on procedural votes (Theriault 2008; Jessee and Theriault 2014), which presumably do not indicate greater levels of disagreement on policy.

In a more general sense, the degree of partisan competition for control of the chamber is very likely to have an effect on the most basic strategic decision by the minority party, what Steve Smith (1989, p.81) refers to as the "age-old minority party dilemma": whether to simply oppose the policies that majority offers, or to try and and work with the majority party to reach the best possible deal. A minority party optimistic about the likely results of the next election should be more likely to choose conflict, while a minority party that expects the status quo (or worse) should choose compromise. There are a number of reasons to believe this is so.

Balancing Conflict and Compromise

Members of the minority party are often faced with the choice of compromising with the majority party and working to craft policy, or instead creating a record of opposition to majority party proposals. House Republicans, serving uninterrupted as the minority party between the 1954 and 1992 elections, often chose the route of compromise and policy input in the 1950s and '60s. Ripley (1967, p.106-109) characterizes Republican minority leadership during this time as "Leadership by a Collegial Group," which was able to have a significant impact on the output of policy. Jones (1970, ch. 8) documents how House Republicans during this time increasingly participated in policymaking in a "constructive" fashion, helping to shape the outcome of policies, offering Republican alternatives, even supporting proposals made by a Democratic administration.

Compromising in this fashion foresakes the benefit that the minority party could gain from engaging in conflict. Making positive or "constructive" contributions to policymaking can produce some legislative gains for the minority party, but can also increase public satisfaction with the status quo in Congress. As Jones (1970, p. 23-24) explains,

> To satisfy the first demand [majority status], party leaders may seek glamorous issue stands or headline-grabbing victories on policy …This activity is very likely to work to the detriment of meeting the second expectation [responsibility] …The high probability is that the spectacular victory for the minority party will be an essentially destructive victory, i.e., a defeat for the majority party, notably for the president. . . the minority party may be creative and responsible and *not only remain the minority party, but even ensure the continued success of the majority party* (italics in original).

Ripley's (1967 p. 109-110) examination of House Republicans leads him to conclude that the party's attempt at this constructive, "collegial" style of policymaking was ultimately a political failure:

> The success of this experiment with collegial leadership in the minority has been quite limited. The Republicans have had a major impact on some important programs, but

> the majority party possesses the power to deny most of the credit due them. Success at the polls, the ultimate aim of the leaders, has not been forthcoming.

Opposing the other party provides a more credible basis for campaigning against them in the next election. Minority incumbents would surely find more difficulty in credibly criticizing majority-party policies for which they voted, and the party's candidates likely find it harder to campaign against a record that incumbents of their own party supported as a matter of public record. Even if voting against policies proposed by the majority party means giving up policy gains that could be had through compromise, many members of the minority party likely find the potential electoral benefits worth the short-term policy cost. During a rare foray into public discussion of legislative strategy, House Minority Leader Gerald Ford (R-MI) elaborated the logic behind this argument in 1967 during a speech in Bowling Green, Ohio. Based on the election results of 1966, in which the Republicans saw a net gain of 47 House seats, Ford expressed optimism about the outcome of the 1968 elections and his party's ability to capitalize on the opportunity:[2]

> House Republicans are also making a record for Republican congressional candidates to run on. We need 31 more seats to take over the House — and I think there's a good chance we'll make it. We have a good chance for many reasons. One of these is what might be called my Southern Strategy…
> The strategy is to drive Southern Democrats into the arms of the Administration — where they belong — on votes that will hurt them in their home congressional districts. This strategy runs exactly counter to the old pattern of a Southern Democrat-Republican coalition that often prevailed over Administration forces in the House in years past. But I think it is far better to lose a few legislative battles and win the next election. Besides, in following my Southern Strategy, we Republicans in the House are staking out positions in which we believe — responsible, constructive positions.
> There will be times when Republicans will win in the 90th Congress. We won't win as many legislative fights as we could if we resorted to the old coalition tactics, but it's the Big Prize that counts, and that's what we're after.

The Republicans were ultimately disappointed, gaining only a net of five House seats

[2]Transcript of Ford's speech digitally available via the Gerald R. Ford Presidential Library and Museum: http://www.fordlibrarymuseum.gov/library/document/0054/4526029.pdf

in the 1968 election. Still, even though Jones (1970) and Ripley (1967) characterize Ford as one of the Republicans' "collegial" leaders who preferred a constructive approach to policymaking, Ford signaled a willingness on the part of himself and his party to change legislative strategy based on their expectations about upcoming election results. Ford's statement nicely illustrates the policy versus electoral tradeoff faced by the minority party when choosing compromise versus conflict — Ford indicated greater willingness to forgo policy gain voluntarily for the sake of the "Big Prize" of majority status. The above statement illustrates the multiple sides of the minority electoral strategy of opposition: a record of opposition to the Democrats and the Lyndon Johnson administration would "[make] a record for Republican congressional candidates to run on." Additionally, minority unity in voting can force the majority to take the electorally-costly step of enforcing unity among its own members to pass legislation (Lebo, et al. 2007), which Ford believed would harm conservative Southern Democrats at the polls.

Engaging in bipartisan compromise with the majority gives up the electoral benefits of heightened partisanship: On an aggregate level, the appearance of partisanship and conflict harms the public's appraisal of Congress as an institution, which helps the minority party and hurts the majority party at the polls (Ramirez 2009, 2013; Jones and McDermott 2004, 2010). Grynaviski (2010) argues that collective partisan unity is electorally beneficial for a party, leading to both more knowledge in the public regarding the party's issue positions, along with more favorable views of the party.

Lastly, there is something to be said about minority members' state of mind. Jones (1970) contends that members who serve in the minority party for long periods of time eventually develop a "minority party mentality," in which they accept their role in the minority and merely seek re-election and seniority in the chamber, giving up attainment of majority status as a goal. Green's (2015) study of the House minority party suggests morale

as a variable in explaining behavior of the minority party — absent any hope for a better outcome, members are less likely to "render their scarce time to help the party as a whole" (p. 25). Recent House Democratic leaders were quoted as saying that low morale can contribute to a "'permanent minority mindset,' in which 'you don't fight, you don't donate, you don't raise money, you don't do all the things necessary to win power" (p. 25). Similarly, Connelly and Pitney's (1994, ch. 2) in-depth study of House Republicans' long time in the minority drew distinctions between "Younger Party Activists vs. 'District Guys' and 'Committee Guys'," in addition to distinctions between "Bombthrowers vs. 'Responsible Partners in Governing'." Younger members elected in the 1980s and 1990s were more likely to be partisan activists who pursued the goal of majority status, while older members, accustomed to their long stint in the minority, were less sympathetic to the cause of the "bombthrowers," instead seeking re-election and policy input. A legislator's "morale," or their "minority party mentality" is necessarily impossible to measure, but based on these studies of the minority party, higher morale contributes to a greater willingness to engage in partisan behavior and to seek majority status. Hope for electoral gains seems only natural as a source of minority party morale — more frequent changes in majority control give less of an opportunity for a "permanent minority" mindset to develop.

For the minority party, being able to compete successfully for majority status appears to be a key variable in explaining partisan behavior and the willingness to be on the losing side of a congressional vote. Forgoing legislative victories and policy gains makes little sense if members of the minority expect to remain in the minority party regardless. Accordingly, the willingness to engage in this type of partisan opposition ought to vary along with members' expectations about their chances of recapturing control of the chamber. More positive minority party expectations about upcoming elections should lead them to act in a more partisan fashion, and more frequently find themselves on the losing side of roll-call

votes, while negative expectations ought to do the opposite.

Party Unity and Electoral Expectations

Using data on individual members' party unity scores over time, I construct a panel dataset of each House member who served between the 80th Congress (1947-1949) and the 112th Congress (2013-2015) to first examine the relationship between partisanship in voting and electoral expectations. The unit of analysis is an individual member in a particular Congress.[3] The final dataset includes a total of 12,381 observations on 2,402 different House members. The dependent variable is a member's party unity score — the percentage of the time a member voted with his or her party on party votes, or votes that pit the majority of one party against a majority of the other. The key independent variable of interest is the level of two-party competition for majority status; highly-competitive periods should result in greater levels of unity by members of the minority party. Aggregate trends in party unity are shown in Figure 4.1. Average unity scores for both the majority and the minority fall between the late 1940s and the 1960s, before rising considerably during and after the 1970s.

As detailed in Chapter 2, measurement of members' expectations is no small challenge, and no single variable is likely to perfectly capture expectations. I estimate a series of models with different measurements of electoral expectations. I begin by estimating models with the assumption that House members can accurately forecast when a change in majority status will occur. The *Majority Change* variable indicates Congresses immediately preceding a majority party switch, and should indicate the most highly-competitive environments. Similarly, I include a variable measuring the current minority party's seat share in the following election. Assuming that members can accurately anticipate electoral gains, the

[3] For the purpose of making equal comparisons, I include only members who served a full term. Members who died, resigned, or left Congress mid-term are excluded, as are those members elected as their replacements in special elections.

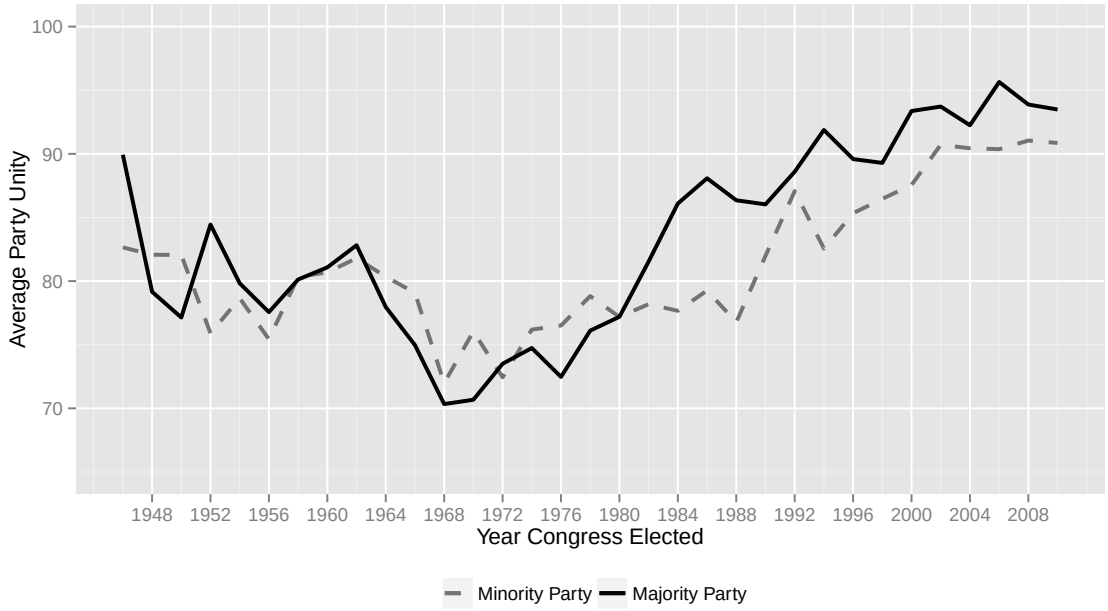


Figure 4.1: Average Party Unity Score of House Majority and Minority Parties: 80th to 112th Congress

coefficients on both these variables should be positive.

The literature on congressional elections offers guidance on measuring partisan electoral expectations. House election outcomes are shaped in large part by strategic entry decisions of high-quality candidates (Jacobson 1989, Jacobson and Kernell 1983). Candidate quality[4] is a significant predictor of vote share in congressional elections; very few House incumbents are ousted by inexperienced challengers (Jacobson 1989; Carson and Roberts 2005). Indeed, the incumbency advantage itself is largely derived from incumbents' ability to "scare off" experienced challengers (Cox and Katz 1996). Decisions of high-quality candidates about when and where to enter a race are shaped by national conditions and electoral expectations. When candidates perceive that national political conditions favor

[4] "High-quality" candidates are defined as candidates with previous experience in elected office.

the one party over the other, the advantaged party has an easier time recruiting experienced candidates; the opposite holds true for the disadvantaged party, which struggles to convince high-quality candidates to run in an unfriendly environment where they are more likely to lose (Jacobson and Kernell 1983). Aggregate patterns in partisan candidate emergence, then, can provide a useful indicator of electoral expectations — a higher-quality set of minority-party challengers should indicate years when the minority expects its chances of electoral gain are high.

Aggregate challenger quality patterns are likely to be the single best tool for measuring electoral expectations. Challenger emergence is affected by all different indicators that might otherwise be used as a proxy for expectations of a party's electoral fate — economic fluctuations, changes in presidential approval, the presence of a damaging scandal for one party, etc. In other words, challenger emergence patterns provide a useful "catch-all" measure of partisan electoral expectations. I measure expectations of competition with candidate quality measures in two ways: first, the percentage of majority incumbents in a given Congress who ran for re-election and faced a high-quality challenger of the minority party; second, the difference between majority- and minority-party re-election seeking incumbents who faced a high quality challenger. In both cases, greater values should indicate more positive expectations for the minority party. These variables are plotted over time in Figures 4.2 and 4.3.[5] These aggregate patterns in challenger quality illustrate how the overall level of competition for majority status has changed in recent decades, from Democratic dominance of the earlier portion of the 20th century to a more competitive balance in recent decades. The party serving as the House minority has had an advantage in challenging incumbents with experienced candidates in all but two elections since 1990; by contrast, the minority party between the 1948 and 1988 elections was disadvantaged in

[5]Candidate quality patterns are based on data provided by Gary Jacobson.

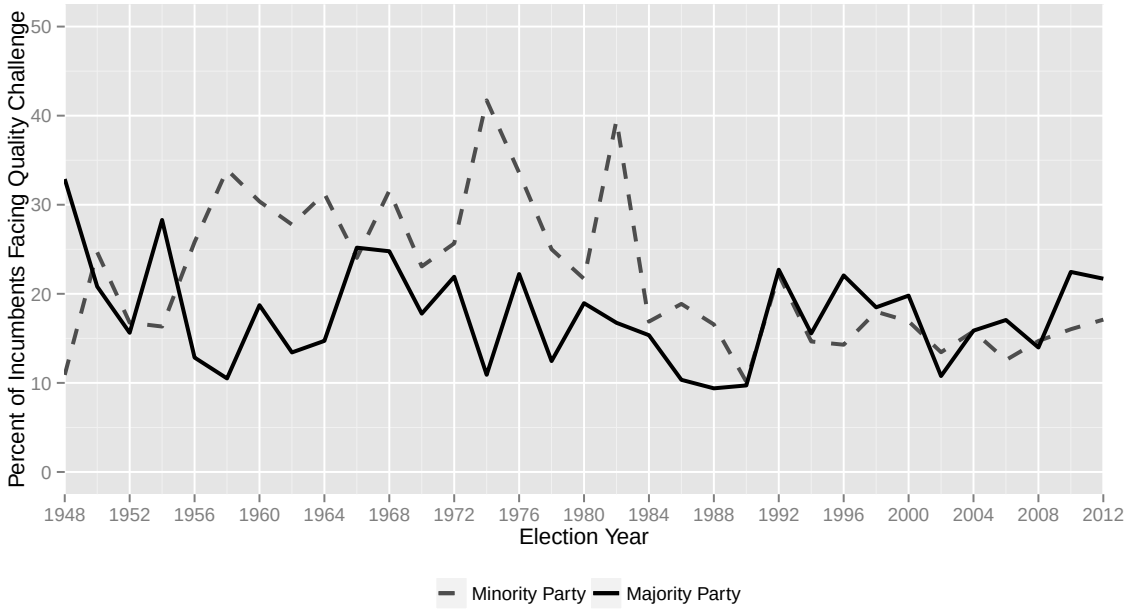


Figure 4.2: Percentage of House Incumbents Facing Quality Challengers, by Party: 1948 to 2012

all but three years (1948, 1954, and 1966).

Although the above-described quality challenger measures likely provide the best estimates of electoral expectations, I also include economic measures. Economic performance is central to election outcomes. Economic conditions shape individuals' approval of Presidents (e.g., Erikson, et al. 2002) as well Congress (e.g., Box-Steffensmeier and Tomlinson 2000; Rudolph 2002). Shifts in the economy produce predictable changes in partisan fortunes. A vast scholarly literature on forecasting presidential elections has emerged since early works by Kramer (1971) and Tufte (1978). All, or nearly all election forecasting models account for the state of the economy, though the precise measurement (changes in GDP, GNP, real disposable income, etc.) varies from model to model.[6] Regardless of the indicator,

[6]For a more detailed rundown of the election forecasting literature, see Vavreck (2009).

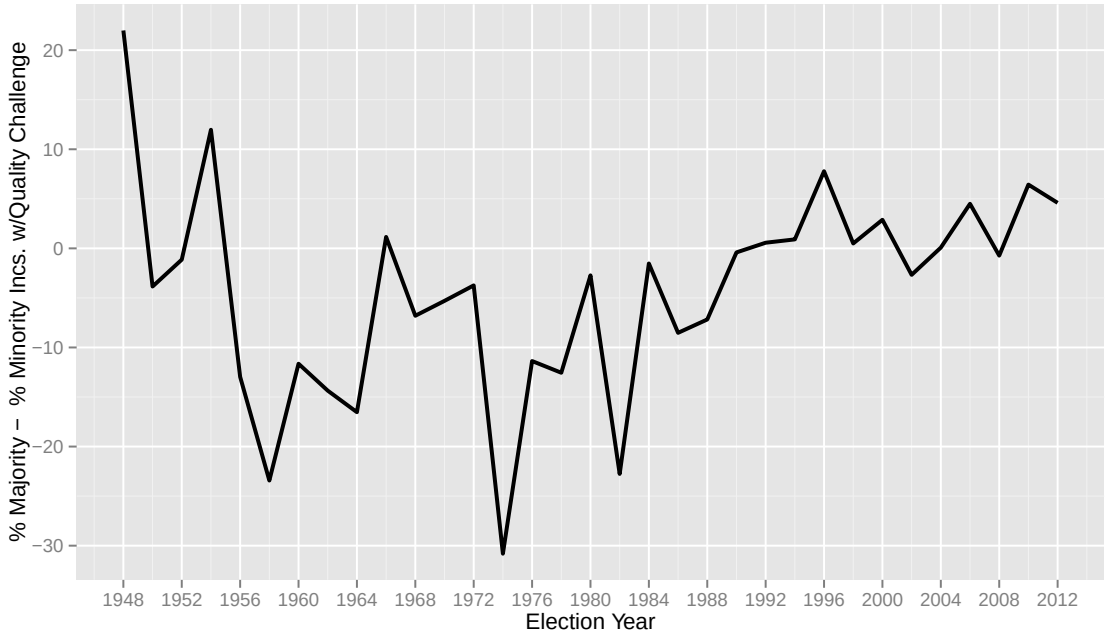


Figure 4.3: House Minority Party Advantage in Challenges to Opposing-Party Incumbents: 1948 to 2012

however, good economic conditions tend to spell good results for the incumbent presidential party, both in presidential and congressional elections (Carson, et al. 2010; Jacobson 1989; Jacobson and Kernell 1983). Incumbent members and candidates for Congress read the political tea leaves; a poor economy makes in-party incumbents more likely to retire, and makes experienced challengers of the out-party more likely to enter the race (Jacobson and Kernell 1983). Accordingly, I include as a measure of expectations the average annual *Per Capita GDP* (in 2009 dollars) over the course of a given Congress. The GDP variable is interacted with a dummy variable for *Majority Party President*, because good economic times are a positive political sign for members of the President's party, and a negative sign for the non-presidential party.[7]

[7]Economic data comes from the U.S. Bureau of Economic Analysis.

Lastly, because the President's party ordinarily loses congressional seats during midterm elections (e.g., Erikson 1988) I include a *Midterm* variable to account for the difference between presidential and non-presidential election years. Expecting electoral gains, the House minority should exhibit greater party unity when the opposing party controls the presidency in a midterm election year. The *Midterm* dummy variable is coded by party: I multiplied by -1 for members of the presidential party, so that negative values indicate periods where a member's party stands to lose from the midterm loss phenomenon, and positive values indicate years when a member's party stands to gain.

I estimate a series of regression models with legislator-level fixed effects to predict members' party unity scores between the 80th and 112th Congresses.[8] These models (shown in Table 4.1) include only members who served in the minority party; full results for members of the majority party are included at the end of the chapter in Table 4.5. Fixed-effects models leverage variation within units (here, members) to estimate the effects of time-varying factors. An advantage of the fixed-effects approach is to control for any time-invariant features of an entity such as region, party,[9] gender, etc. I control for time-varying factors known to influence members' levels of party unity. I include an indicator for whether the President is of the majority or minority party, because members of the minority party find it easier to unify against a President of the opposing party (Jones 1964).[10] However, this effect might be conditional on presidential popularity — presumably, unifying against an

[8]Results are nearly identical when using random-effects models, as well as multilevel models of varying specifications that allow slopes and intercepts to vary by group and by Congress.

[9]Party switchers are treated as separate individuals

[10]The following is an excerpt from Jones (1964, p.84-85):

> Greater unity within the [Republican Policy] Committee and among House Republicans existed during the Kennedy Administration…Greater unity among House Republicans is the result of their being an opposition party in both the White House and Congress.
>
> …
>
> Thus, it is not surprising that the Policy Committees have more "fun" under a Democratic Administration. Finding a basis for consensus "against" rather than "for" is always easier.

unpopular president is politically easier than unifying against a popular one. Consequently, I control for presidential approval by measuring the average net approval (percent approving minus percent disapproving) based on all Gallup polls taken during the congressional term, and interact this variable with *Majority Party President*.[11] I control for each member's district partisanship — that is, the percentage of the two-party vote received by their party's presidential candidate in the most recent election. This is a common method to account for the preferences of a member's district (e.g., Canes-Wrone, et al. 2002; Carson, et al. 2010; Theriault 2008). Members from more strongly partisan districts should have higher party unity scores, and vice-versa.[12] I include an indicator for whether or not a member runs for re-election to the following Congress because retiring members, no longer susceptible to party pressure, often change their voting behavior (Jenkins, et al. 2005).

Results: Minority Party Unity and Electoral Expectations

Regression results are displayed in Table 4.1. Across all different specifications, control variables operate as anticipated, with the exception of presidential approval. The coefficient on (*Avg. Net Approval* and its interaction with *Majority-Party President*) are negative and positive, respectively, which runs counter to expectations — high presidential approval appears to spur minority unity under majority but not minority party presidents.[13] Minority party members from more partisan districts, and facing a president of the opposing party all witness increases in party loyalty. The coefficient on *Running for Re-Election* is positive,

[11] Data on presidential approval are publicly available at http://www.presidency.ucsb.edu/data/popularity.php

[12] Data on election returns by congressional district were generously shared by Gary Jacobson.

[13] This can be explained partially by the outlying 110th Congress (2007-2009), where average net presidential approval reached an all-time low of -32. Estimating the same models while excluding observations from the 110th Congress (results not shown) makes the coefficients on presidential approval variables more consistent with expectations. In most models, the coefficient on *Avg. Net Approval* becomes positive and significant, while the interaction coefficient is negative but statistically insignificant. Remaining variables retain their sign and significance.

Table 4.1: Linear Regression with Fixed Effects by Member: Party Unity Scores for Members of the Minority Party, 80th to 112th Congress

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
District Partisanship	0.163**	0.133**	0.108**	0.0746**	0.0633**	0.0886**	0.184**	0.142**
	(0.0181)	(0.0185)	(0.0183)	(0.0172)	(0.0176)	(0.0177)	(0.0187)	(0.0191)
Running for Re-Election	0.213	0.353	0.179	0.162	0.211	0.241	0.229	0.0305
	(0.304)	(0.309)	(0.323)	(0.309)	(0.314)	(0.311)	(0.315)	(0.319)
Majority-Party President	3.520**	2.801**	7.377**	1.727**	3.178**	2.070**	5.786**	5.585**
	(0.275)	(0.281)	(0.656)	(0.315)	(0.371)	(0.332)	(0.648)	(0.681)
Avg. Net Approval	-0.0293**	-0.0529**	-0.0153*	-0.0239**	-0.0328**	-0.0532**	-0.00975	-0.0221**
	(0.00630)	(0.00671)	(0.00711)	(0.00647)	(0.00658)	(0.00724)	(0.00696)	(0.00858)
Majority-Party President * Avg. Net Approval	0.0622**	0.0688**	0.00481	0.0185*	0.0369**	0.0760**	0.0211*	0.00786
	(0.00835)	(0.00890)	(0.00953)	(0.00854)	(0.00986)	(0.0105)	(0.0101)	(0.0123)
Electoral Expectation Variables								
Pct. Maj Incumbs Facing QC	0.323**						0.261**	
	(0.0217)						(0.0237)	
Pct. Maj - Pct. Min Incumbs w/QC		0.144**						0.0628**
		(0.0146)						(0.0194)
Per Capita GDP			0.0186*				0.0205*	0.00124
			(0.00823)				(0.00805)	(0.00879)
Majority-Party President * Per Capita GDP			-0.0375**				-0.0287**	-0.0328**
			(0.00528)				(0.00523)	(0.00566)
Midterm Election				1.772**			1.066**	1.432**
				(0.183)			(0.193)	(0.225)
Majority Change					-0.0248			
					(0.426)			
Current Minority: Seat Share, Next Cong.						0.167**		
						(0.0271)		
Constant	64.76**	73.31**	72.03**	76.50**	76.65**	68.31**	62.82**	72.40**
	(1.361)	(1.171)	(1.493)	(1.122)	(1.146)	(1.761)	(1.683)	(1.472)
Number of Groups	1545	1545	1545	1545	1545	1545	1545	1545
Observations	5246	5246	5246	5246	5246	5246	5246	5246
Between R^2	0.036	0.094	0.083	0.086	0.064	0.076	0.069	0.056
Within R^2	0.139	0.111	0.100	0.110	0.088	0.097	0.153	0.127

Standard errors (clustered by member) in parentheses; Legislator-level fixed effects included (coefficients not shown)

* $p < 0.05$, ** $p < 0.01$

though not statistically significant.

Models one through six consider each measure of electoral expectations separately, while models 7 and 8 combine multiple measures of expectations. Coefficients on variables that measure expectations through the percentage of majority-party incumbents facing quality challengers (*Pct. Maj. Incumbs Facing QC*), as well the difference in percentage of majority and minority incumbents facing quality challengers (*Pct. Maj. - Pct. Min Incumbs w/QC*) are positive and significant. Model three includes *Per Capita GDP* as a measure of expectations, interacted with *Majority-Party President*. As expected, the coefficient on the GDP variable is positive, and its interaction with *Majority-Party President* is negative. GDP growth with a minority-party President, which should indicate better minority party electoral fortunes, is associated with an increase in members' party unity scores; the reverse is true for GDP growth under a majority-party president. The *Midterm* variable in model 4 is positive and significant, suggesting that members of the minority party vote in a more partisan fashion prior to midterm elections where the opposing party controls the presidency, and vice versa.

Models 5 and 6 contain expectations variables that assume perfect foresight, but these models do not fare quite as well; the coefficient on *Majority Change* is statistically insignificant and incorrectly signed. The variable capturing the minority party's share of seats in the following Congress in model 6 is positive and significant, as expected, though the overall model fit is low in comparison to the other seven. Finally, models 7 and 8 include several expectations variables, including *Per Capita GDP* and its interaction with *Majority-Party President*, the *Midterm* variable, and measures derived from quality challenger data. In both models 7 and 8, each expectation variable retains its sign and significance.

Table 4.2 provides an interpretation of the substantive effect of quality challenger-based and economy-based measures of electoral expectations on members' predicted levels of

Table 4.2: Predicted Minority Party Unity Scores when Expectations Variables are set at their Minimum/Maximum Values (other variables held at means)

Model Number	Expectations Variable	Predicted Unity Score (Expectations at Minimum)	Predicted Unity Score (Expectations at Maximum)
1	% Maj. Incumbs Facing Quality Challenge	78.96	86.59
2	% Maj. - % Min. Incumbs w/QC	77.78	85.26
3	Average GDP (Minority Party President)	78.72	81.18
3	Average GDP (Majority Party President)	85.45	82.95

party unity as expectations variables change from their minimum to maximum observed value, with all other variables held at their means. Moving from the lowest level to the highest level of both quality challenger measures produces an average increase of about 7.5 in minority members' party unity scores in models 1 and 2. Moving from the lowest observed value of GDP to the highest results in a predicted increase of approximately 2.5 points under a minority party president, and 2.5 point decrease under a majority party president. Overall, the evidence is highly suggestive that members of the minority party vote in a more partisan fashion when anticipating positive election outcomes.

Results displayed so far only show evidence regarding minority party behavior and its relationship with electoral anticipation. Expectations about how the House *majority* party ought to behave are less obvious. On the one hand, by closing its ranks and unifying in opposition, the minority might succeed in forcing the majority party to take the electorally-costly step of enforcing unity among its own members (Lebo, et al. 2007). In this case, members *both* parties should exhibit greater party loyalty when majority control is subject to change. On the other hand, the majority party makes an effort to shield its members from difficult votes, and frequently allows marginal members to vote against the party if electorally necessary (e.g., Arnold 1990; King and Zeckhauser 2003). To compare how

electoral expectations operate differently between the majority and minority parties, I estimate a similar set of models that include observations of *all members*, rather than just members serving in the minority party. An indicator for majority status is included, and is interacted with measures of electoral expectations. To avoid the complication of three-way interaction terms between GDP, presidential party, and majority status, I include only quality challenger-based expectations measures, as well as "perfect foresight" measures of actual electoral outcomes. For simplicity, I replace the *Majority-Party President* variable in these models with an *Opposing-Party President*, which takes a value of 0 when members are of the same party as the president, and 1 when they are not. Results for members of both the majority and minority parties are included in Table 4.3.

Results from Table 4.3 show differences between the majority and minority parties in how expectations influence party unity. Positive minority party electoral expectations measured by either the percentage of majority-party incumbents facing quality challengers, or the difference in majority versus minority-party incumbents facing quality challengers, are associated with greater levels of partisan loyalty for the minority party, while party unity for the majority party either decreases or increases to a lesser degree than the minority party — see Figure 4.4 for graphical depiction of the interaction effect. Figure 4.4 clearly shows a difference between the majority and minority party in how electoral expectations affect partisan voting behavior, with greater increases in party loyalty among members of the minority as a consequence of better electoral expectations. Models 3 and 4, which include "perfect foresight" measures of expectations still show unity increases immediately before minority party electoral gains, but the interaction effect is not statistically significant in either model — increases in unity occur across both parties.

Table 4.3: Linear Regression with Fixed Effects by Member: Party Unity Scores for All House Members, 80th to 112th Congress

	(1)	(2)	(3)	(4)
District Partisanship	0.216**	0.173**	0.156**	0.155**
	(0.0116)	(0.0120)	(0.0115)	(0.0117)
Running for Re-Election	-0.455	-0.299	-0.392	-0.322
	(0.238)	(0.241)	(0.241)	(0.241)
Majority Party	16.09**	4.593**	4.268**	7.556**
	(0.609)	(0.205)	(0.292)	(1.981)
Opposing-Party President	2.346**	2.140**	2.487**	2.213**
	(0.216)	(0.223)	(0.268)	(0.260)
Avg. Net Approval	0.0271**	0.0277**	0.0441**	0.0316**
	(0.00505)	(0.00519)	(0.00532)	(0.00556)
Opposing-Party President * Avg. Net Approval	0.0104	0.00546	-0.00830	-0.00176
	(0.00657)	(0.00696)	(0.00725)	(0.00793)
Electoral Expectations Variables				
Pct. Maj Incumbs Facing QC	0.387**			
	(0.0223)			
Majority Party * Pct. Maj Incumbs Facing QC	-0.629**			
	(0.0310)			
Pct. Maj - Pct. Min Incumbs w/QC		0.151**		
		(0.0148)		
Majority Party * Pct. Maj - Pct. Min Incumbs w/QC		-0.124**		
		(0.0224)		
Majority Change			2.287**	
			(0.380)	
Majority Party * Majority Change			0.267	
			(0.603)	
Current Minority: Seat Share, Next Cong.				0.188**
				(0.0262)
Majority Party * Current Minority: Seat Share, Next Cong.				-0.0661
				(0.0413)
Constant	59.24**	69.08**	69.19**	61.46**
	(0.906)	(0.778)	(0.748)	(1.471)
Number of Groups	2402	2402	2402	2402
Observations	12381	12381	12381	12381
Between R^2	0.078	0.111	0.099	0.126
Within R^2	0.109	0.084	0.084	0.084

Standard errors (clustered by member) in parentheses; Legislator-level fixed effects included (coefficients not shown)

* $p < 0.05$, ** $p < 0.01$

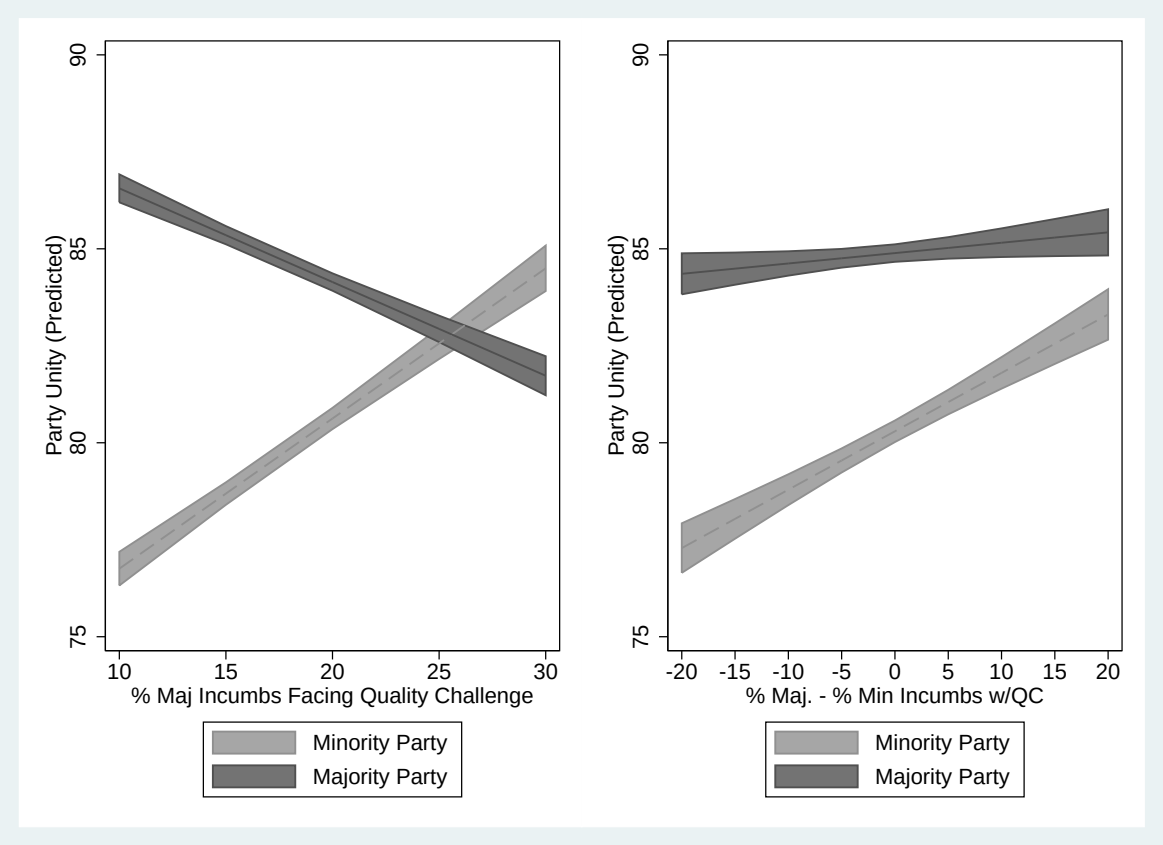


Figure 4.4: Predicted Party Unity of Majority vs. Minority Party Members at Different Levels of Electoral Expectations

Winning Percentage on Roll-Call Votes

In addition to more frequently uniting with their party, members of the minority party should also be more willing to place themselves on the losing side of a legislative issue when their party is competitive for control of the chamber. Minorities on the verge of becoming majorities should exhibit a greater willingness to endure legislative losses for the sake of electoral gain. The logic outlined at the beginning of the chapter suggests that members of the minority party should find themselves on the losing side of issues more frequently when majority status appears within reach.

Existing research on what determines an individual legislator's frequency of being on the winning side of roll-call votes is driven by the motivation to test competing theories of party influence in the House (Lawrence, Maltzman, and Smith 2006; Smith 2007). Lawrence, et al. (2006) and Smith (2007) compare the win rates of members of the House majority and minority parties, along with their relationship to the floor median, to evaluate theories of congressional parties. The model that consistently receives the most support based on their analysis is the "Asymmetric Party Effects" model, which is represented in Figure 4.5. In this model, the median member of the majority party exercises perfect agenda control, only bringing legislation to the floor if a change to the status quo moves policy in the direction of the majority party. Under the assumption that status quo points are distributed symmetrically around the median, the prediction of this model is that members' rates of winning will decrease as their distance from the floor median (m) away from the majority party side increases. Figure 4.6 plots data on ideology and win rates for the 99th Congress as an example — casual inspection of the relationship between parties, preferences, and win rates in Figure 4.6 suggest that the predictions of the Asymmetric Party Effects model are borne out well. Majority-party Democrats of all ideological stripes are fairly consistently on the winning side of roll-call votes, while minority Republicans' time spent on the winning side of votes decreases as their distance from the floor median increases.

Lawrence, et al. (2006) and Smith (2007) demonstrate party effects in the agenda-setting process. However, these models assume that legislators vote sincerely on policy — the argument made at the beginning of this chapter suggests that members of the minority party are less likely to vote for a proposal that they sincerely prefer for the sake for electoral advantage. Of interest here is the relationship for the minority party between preferences and win rates, and how this relationship varies between competitive and non-competitive contexts. Members of the minority party should find themselves more frequently on the

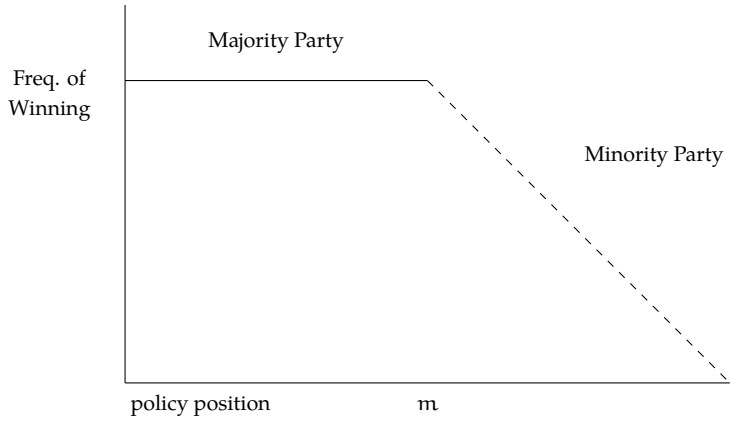


Figure 4.5: Asymmetric Party Effects Model, Stylized Description of Relationship Between Parties, Preferences, and Winning (Based on Lawrence, et al. 2006; Smith 2007)

losing side of issues, *regardless of their distance from the chamber median*, when expecting electoral success. Figure 4.7 shows the hypothesized relationship between distance from the chamber median and win rates for the minority party in different electoral contexts. The Asymmetric Party Effects Model (Figure 4.5) suggests that minority party members voting sincerely should see their win rates decline as a function of their distance from the chamber median; Figure 4.7 suggests that the effect of distance should "flatten out" in more competitive environments, as more members of the minority party are willing to place themselves on the losing side of a vote to create a record for the next election. In other words, the precise nature of the Asymmetric Party Effects model for members of the minority ought to be conditional on those members' expectations about upcoming elections.

To explore this question systematically, I again estimate a series of linear regression models with fixed effects, but now with a member's percent of time on the winning side of roll-call votes as the dependent variable.[14] I control for members' ideological distance from

[14] As before, results are robust to different specifications, including random effects by member, along with multilevel models with random slopes and intercepts by member and Congress.

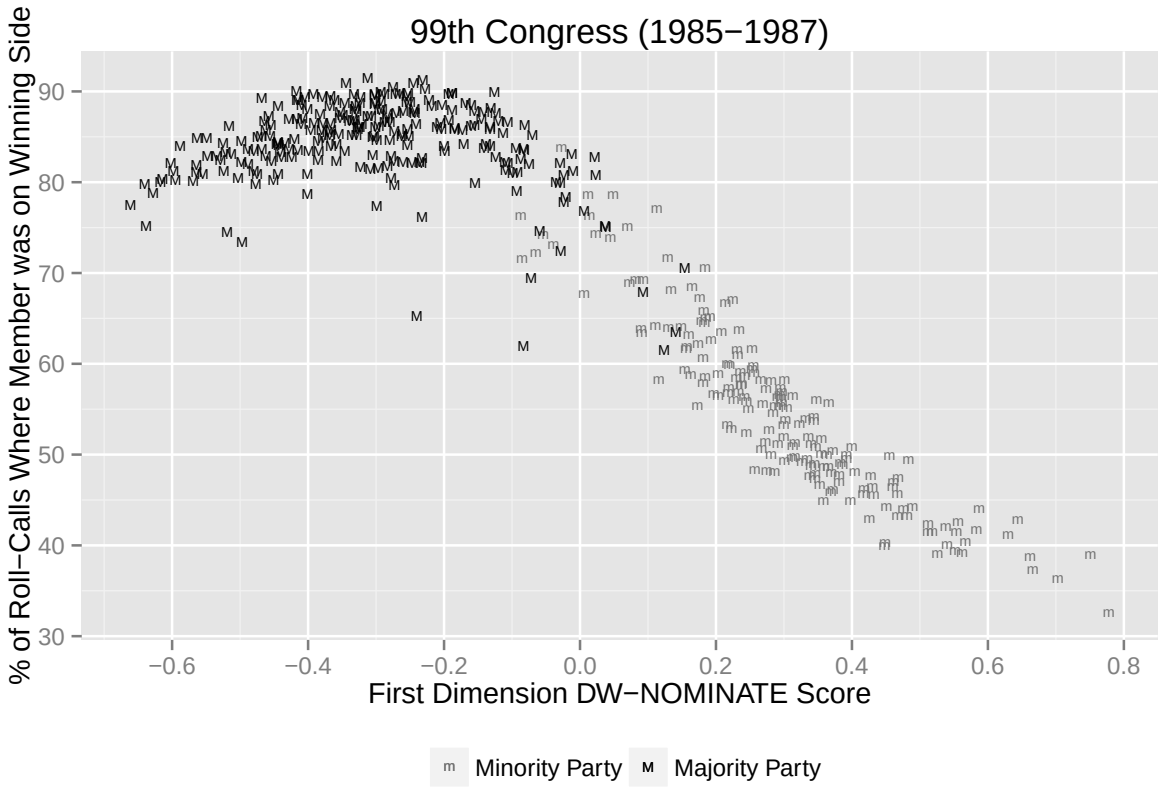


Figure 4.6: Example of the Relationship Between Policy Preferences and Frequency of being on Winning Side of Votes, 99th Congress (1985-1987)

the chamber median, multiplied by -1 for members on the majority side of the median. Members of the minority should be less often on the winning side of roll-call votes in competitive contexts, across all levels of distance from the chamber median. To avoid the inclusion of complex three-way interaction terms, I exclude GDP as a measure of expectations and focus on quality challenger measures, as well as "perfect foresight" measures of *Majority Change* and *Change in Minority Seat Share*. I interact each of these expectations variables with *Distance from Chamber Median* in order to explore how the effect of ideological distance varies across different contexts. Control variables are the same as in the previous

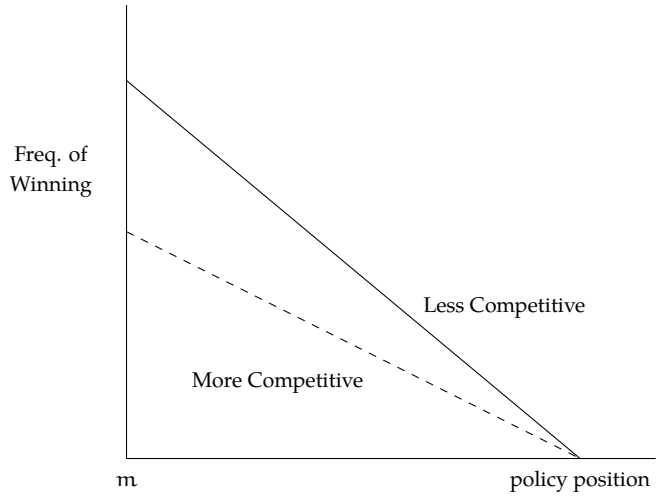


Figure 4.7: Minority Party: Hypothesized Relationship Between Preferences, Win Rates, and Electoral Expectations

set of models, except for leaving out whether members decided to run for re-election, since that variable has no readily-apparent theoretical relationship with how often a member is on the winning side of roll-call votes. As with the first set of models, the results from Table 4.4 include only members of the minority party.

Regression results are displayed in Table 4.4. Models 2 through 4 are supportive of the hypothesized relationship between minority party preferences and winning percentages. Substantive interpretation of interaction terms in these models is difficult, so I plot the predicted effect of members' distance from the chamber median on their winning percentage, at different levels of electoral expectations. Figure 4.8 plots the relationship between distance from the chamber median and predicted winning percentage, conditional on members' electoral expectations. Figure 4.8a plots the predicted relationship between minority members' distance from the chamber median and winning percentages in Congresses immediately preceding a change in majority status versus Congresses that do not (all other variables at their means; results based on model 3). The predicted relationship is almost exactly as

Table 4.4: Linear Regression with Fixed Effects by Member: Percent of Time on Winning Side of Roll-Call Votes, Minority Party Only, 80th to 112th Congress

	(1)	(2)	(3)	(4)
Distance From Chamber Median	-35.85**	-38.14**	-55.41**	-89.95**
	(3.593)	(1.768)	(2.363)	(3.847)
District Partisanship	-0.0408	-0.178**	-0.0332	-0.0621*
	(0.0303)	(0.0235)	(0.0291)	(0.0303)
Majority-Party President	5.123**	5.814**	4.659**	4.019**
	(0.447)	(0.353)	(0.540)	(0.582)
Avg. Net Approval	0.0748**	0.128**	0.0422**	0.0605**
	(0.00963)	(0.00894)	(0.00906)	(0.00972)
Majority-Party President * Avg. Net Approval	-0.161**	-0.231**	-0.111**	-0.122**
	(0.0112)	(0.0114)	(0.0116)	(0.0119)
Pct. Maj Incumbs Facing QC	0.160**			
	(0.0598)			
Distance * Pct. Maj Incumbs Facing QC	-0.698**			
	(0.141)			
Pct. Maj - Pct. Min Incumbs w/QC		-0.124**		
		(0.0289)		
Distance * Pct. Maj - Pct. Min Incumbs w/QC		-0.632**		
		(0.0716)		
Majority Change			-21.67**	
			(1.112)	
Distance * Majority Change			31.49**	
			(1.494)	
Current Minority: Seat Share, Next Cong.				-0.382**
				(0.0476)
Distance * Current Minority: Seat Share, Next Cong.				0.870**
				(0.0743)
Constant	79.51**	84.10**	86.01**	101.9**
	(2.615)	(1.498)	(2.203)	(3.413)
Number of Groups	1545	1545	1545	1545
Observations	5247	5247	5247	5247
Between R^2	0.574	0.557	0.617	0.613
Within R^2	0.270	0.314	0.303	0.275

Standard errors (clustered by member) in parentheses. Legislator-level fixed effects included (coefficients not shown)

* $p < 0.05$, ** $p < 0.01$

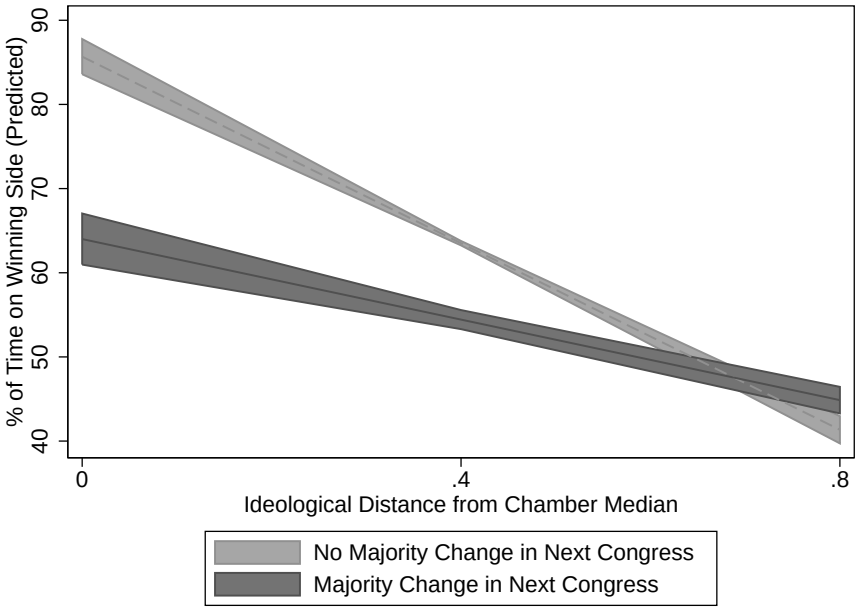
anticipated — the relationship between distance and winning "flattens out" in Congresses before a majority switch, with most of the difference in winning percentages coming as the result of changes by members closer to the median. Figure 4.8b plots predicted winning percentages for the minority party at different levels of the quality challenger-based expectations variable from model 2. Results are similar, as the minority party does appear more willing to be on the losing side of roll-calls in competitive environments, although in contrast to Figure 4.8a this appears to be due primarily to a change in behavior of those furthest from the chamber median rather than the closest. Regardless, the results appear consistent with the argument: members of the minority party are more often on the losing side of roll-call votes in electorally-competitive environments.

Discussion and Conclusions

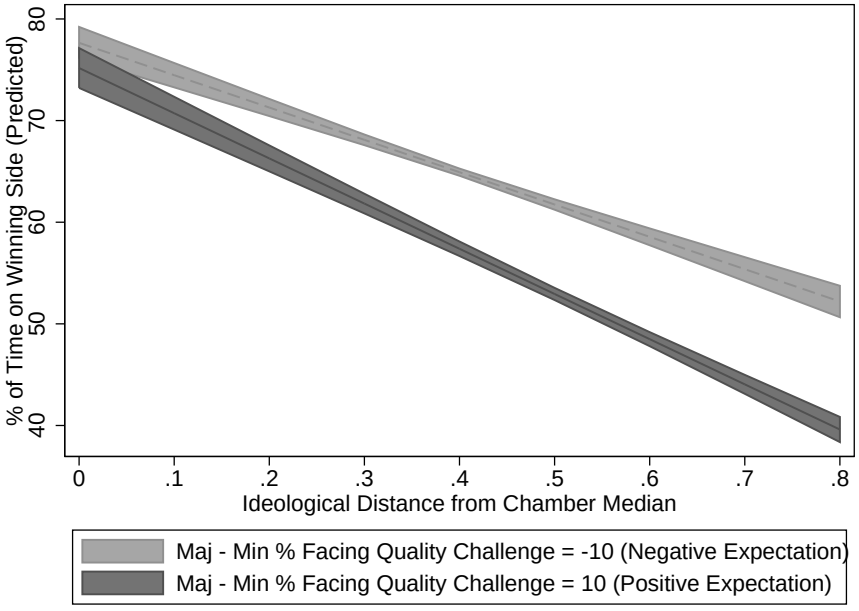
Though Republicans served as a more or less "permanent minority" party in the House for much of the postwar era, fierce two-party competition for majority control is a reality in the contemporary House. Aggregate patterns in the parties' abilities to recruit and field high-quality challengers provides a useful catch-all measure of the parties' expectations about their fortunes in congressional elections. As shown in Figure 4.3, the party serving as the House minority has had an advantage in challenging incumbents with experienced candidates in all but two elections since 1990; by contrast, the minority party between the 1948 and 1988 elections was disadvantaged in all but three years (1948, 1954, and 1966). This measure of partisan balance helps quantify what I argue is one of the most significant yet under-studied changes in recent congressional history.

Evidence here suggests that, even when controlling for district preferences and other factors that contribute to party loyalty, members of electorally-competitive minority parties act in a more partisan fashion and are more willing to place themselves on the losing

Figure 4.8: Effect of Distance from Chamber Median on Minority Party Winning Percentage, Conditional on Electoral Expectations



(a) Predicted Effect of Ideological Distance from Chamber Median on Win Rate, Conditional on Minority Party Expectations (assuming perfect foresight)



(b) Predicted Effect of Ideological Distance from Chamber Median on Win Rate, Conditional on Minority Party Expectations (using challenger quality measure)

side of legislative issues than non-competitive minority parties. Based on arguments made in this chapter, and similar to results from the first chapter, the persistent minority-party dilemma of choosing conflict or compromise hinges in part on minority electoral expectations. Accordingly, increased rates of party loyalty (as shown in Figure 4.1) among members of the minority party cannot be explained entirely as a matter of changing district preferences. Constituency-based explanations for the observed rise in partisan conflict in Congress (e.g., Rohde 1991) can only go so far.

Similarly, results from this chapter echo those from the previous chapter. Ideology estimates such as DW-NOMINATE that show increasing distance between Democrats and Republicans rely on the assumption that members vote (at least probabilistically) based on their sincere policy preferences (e.g., Poole and Rosenthal 1997). Arguments and evidence provided in this chapter suggest that members of the minority party are sometimes willing to vote against their sincere policy preferences (e.g., rejecting policy gains that could be realized through compromise with the majority party) in order to establish a more credible record of opposition for the next election. Members of the minority appear willing to lose the legislative battle to attempt to win the electoral war. This type of behavior can have an impact on estimates of legislator ideology. As Lee (2009) explains, if Democrats and Republican find themselves more frequently divided for electoral reasons, then defining this additional division as an ideological difference is a mistake:

> Any vote that tends to divide the two parties from one another, *regardless of the reason*, will be treated by such methodologies as measuring members' ideology …Equating party votes with ideological votes is not warranted if …partisan conflict can have *any other source* besides members' differing preferences on public policy. (p. 52-53, italics in original).

Despite the fact that the contemporary House minority party lacks many procedural tools to affect policy outcomes, the minority should not be ignored in legislative studies, nor simply treated as the "crazy uncle of American politics" (Krehbiel and Wiseman 2005).

Greater attention to the House minority's electoral and policy goals, along with the tradeoffs that the minority faces in pursuing one goal versus the other, can help explain variations in partisan conflict and patterns of win rates over time.

Table 4.5: Linear Regression with Fixed Effects by Member: Party Unity Scores for Members of the Majority Party, 80th to 112th Congress

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
District Partisanship	0.217**	0.183**	0.174**	0.183**	0.192**	0.170**	0.199**	0.190**
	(0.0147)	(0.0152)	(0.0146)	(0.0146)	(0.0145)	(0.0149)	(0.0147)	(0.0150)
Running for Re-Election	-0.704*	-0.536	0.684	-0.534	-0.296	-0.474	0.408	0.703
	(0.356)	(0.360)	(0.365)	(0.360)	(0.359)	(0.359)	(0.362)	(0.364)
Majority-Party President	-1.447**	-1.618**	-1.291*	-1.658**	-3.281**	-2.465**	-0.439	0.00980
	(0.298)	(0.309)	(0.651)	(0.344)	(0.375)	(0.361)	(0.661)	(0.714)
Avg. Net Approval	0.0352**	0.0427**	0.0691**	0.0431**	0.0331**	0.0297**	0.0684**	0.0916**
	(0.00705)	(0.00729)	(0.00774)	(0.00719)	(0.00719)	(0.00774)	(0.00775)	(0.00924)
Majority-Party President * Avg. Net Approval	0.0308**	0.0462**	0.0382**	0.0453**	0.0830**	0.0733**	0.00319	0.000378
	(0.00926)	(0.00975)	(0.0105)	(0.00959)	(0.0105)	(0.0113)	(0.0113)	(0.0136)
Pct. Maj Incumbs Facing QC	-0.247**						-0.250**	
	(0.0220)						(0.0240)	
Pct. Maj - Pct. Min Incumbs w/QC		0.00105						-0.0941**
		(0.0152)						(0.0201)
Per Capita GDP			0.108**				0.101**	0.127**
			(0.00844)				(0.00839)	(0.00933)
Majority-Party President * Per Capita GDP			-0.00505				-0.0177**	-0.0186**
			(0.00578)				(0.00587)	(0.00648)
Midterm Election				-0.0559			-0.756**	-0.575*
				(0.207)			(0.218)	(0.249)
Majority Change					3.418**			
					(0.461)			
Current Minority: Seat Share, Next Cong.						0.123**		
						(0.0289)		
Constant	76.13**	73.34**	63.73**	73.34**	72.72**	69.09**	67.87**	60.66**
	(0.830)	(0.861)	(1.064)	(0.806)	(0.801)	(1.278)	(1.134)	(1.248)
Observations	7135	7135	7135	7135	7135	7135	7135	7135
R^2	0.086	0.064	0.096	0.064	0.074	0.067	0.114	0.099

Standard errors (clustered by member) in parentheses

* $p < 0.05$, ** $p < 0.01$

5 CONCLUSION

The Importance of Partisan Electoral Incentives for Understanding Congress

Members' desire to gain or retain majority status in the Congress has a significant impact on their legislative behavior. Despite the fact that recent decades have witnessed a far higher level of competition between Democrats and Republicans for congressional majorities, scholars have done little systematic research on the side-effects of this intense partisan competition. A significant body of work addresses the role of congressional majority parties in shaping their party brand in advance of upcoming elections, but this literature has little to say about the role of the minority party. Moreover, theories that do address majority party electoral incentives (e.g., Cox and McCubbins 1993, 2005) do not explore variation in the importance of electoral motives. A central theme of this dissertation has been that collective partisan electoral goals of gaining or retaining majority status (as opposed to the re-election goals of individual members, e.g., Mayhew 1974) are a larger driving factor in members' behavior during periods of intense competition, and a smaller factor when one party tends to dominate. Members dedicate more efforts to collective partisan goals when control of the chamber is at stake. Attention to both the minority party as well as variation in levels of two-party competition for majorities aids in our understanding of the sources of legislative obstruction, reasons for partisanship and polarization observed in recorded voting, and the construction of the roll-call record.

Summary of Findings

The first essay provides evidence that, prior to the passage of Reed's Rules, electoral expectations played a role in House members' use of dilatory motions and the disappearing quorum tactic during the nineteenth century. Minority party members in lame-duck

sessions, when election results were known in advance, engaged in more procedural delaying efforts when their party gained seats. Additionally, members also engaged in more dilatory efforts in early sessions when signs pointed to the possibility of electoral gains. This finding makes a contribution to the existing literature on the sources of legislative obstruction, which tends to focus either on ideological disagreement, workload pressures (Koger 2010), sectional divisions (Wawro 2005), or partisan strength (Binder, et al. 2002) as the primary causes of obstruction. Although this essay focuses on the House in a different century, findings also have implications for understanding the contemporary "60-vote Senate" (Sinclair 2002). As others have suggested (Smith 2014), electoral expectations have likely played a role in the rise of Senate filibustering since the 1970s — a rise that largely coincides with the increased level of competition between Democrats and Republicans for control of that chamber.

The second essay builds on existing work (Clinton and Lapinski 2006; Jessee and Theriault 2014; Roberts 2007) showing that the roll-call record is not simply made up of a random sample of issues on which members sincerely record their policy preferences. Evidence from this essay shows that the public record is built in a way consistent with an electoral strategy on the part of the minority party. Compared with majority party-requested votes, minority party vote requests make Congress as a whole appear more partisan and ideologically polarized, and make vulnerable members of the majority party appear more partisan and ideologically extreme. The chapter carries with it a number of implications. First, results show that the minority party accounts for a majority of roll-call requests during the time period. Moreover, standard measures of partisanship and ideological polarization are likely inflated artificially due to the minority's electoral incentive to tarnish the appearance of vulnerable majority-party members, as well as the image of Congress as a whole. Accordingly, inferences about polarization — one of the defining features of the

modern Congress — can be affected by who requests recorded votes. Results are similar to findings by Lee (2009): members of the minority party use recorded votes in an attempt to build a record against presidents of the opposing party. Presidents appear to serve as a source of strategic partisanship on the part of the minority party.

The final essay explores variation in members' voting records over time. Although congressional scholars typically think of members' voting records as stable (Poole 2007), evidence from this chapter suggests that members of the minority party vote in a more partisan fashion in electorally-competitive environments. Minority party members of all ideological stripes are more likely to place themselves on the losing side of a legislative issue when expecting electoral gains. The persistent minority-party dilemma of choosing a strategy of conflict or compromise with the majority is more likely to result in conflict in competitive environments. Non-ideological factors like the minority's pursuit of majority status can produce additional partisan division in voting; typical measures of legislator ideology, which assume that members vote against one another as a result of ideological difference, are inflated by this type of voting behavior.

Competitive elections are largely thought of as beneficial, keeping incumbents honest and responsive to voters in their districts. By contrast, intense competition for majority status appears to incentivize obstruction and partisan conflict — the type of congressional behavior for which voters express intense dislike (Hibbing and Theiss-Morse 1995, 2002), and which contemporary observers bemoan as a reason for current congressional dysfunction (Mann and Ornstein 2012).

Looking Forward

Although these three substantive chapters help advance our understanding of the minority party and the consequences of its pursuit of legislative majorities, much work remains to

be done. Filibustering in the modern Senate remains a topic thinly explored relative to the amount of public and scholarly interest in the subject. No doubt this is due in some part to the myriad problems with measuring filibusters and their effects. However, future research should attempt to determine how much legislative obstruction in the contemporary Senate — a chamber that has witnessed even more changes of party control than the House in recent decades — results from the minority's expectations about the future, and the minority's desire to tarnish the image of the majority party. Similarly, recent changes to the Senate's rules might be explained in part by this type of forward-looking behavior. Just as the minority party appears to have an incentive to block legislative action when anticipating greater strength in the next Congress, the majority should have an incentive to accomplish as much as possible before losing strength — this type of calculus might explain why the Senate finally reduced the cloture threshold on most presidential nominations from 60 votes to 51, just a year before the Democrats lost majority control of the chamber.[1]

Variation in the degree of competition for majority status might affect legislative decision-making in other ways. The second essay in this dissertation discusses the House minority's use of amendments as political tools, employed frequently to embarrass members of the majority party by forcing difficult or divisive votes (e.g., Roberts and Smith 2003). House leaders since the 1970s responded to this type of minority amending behavior with an increased use of restrictive rules that that deny members an opportunity to offer amendments (Bach and Smith 1988). If the minority party's incentive to engage in this type of "message" amending activity is greater during periods of heightened competition, then variation in the degree of competition for majority status can help explain the majority's use of restrictive procedures over time. In particular, it may help explain the dearth of open rules reported by the Rules Committee in the contemporary House. This explanation

[1]Peters, Jeremy W. 2013. "In Landmark Vote, Senate Limits Use of the Filibuster." *New York Times*. Accessible at http://www.nytimes.com/2013/11/22/us/politics/reid-sets-in-motion-steps-to-limit-use-of-filibuster.html

applies to both chambers. Electoral motivations were clearly at play in the Senate during the 113th Congress (2013-2015), when Majority Leader Harry Reid frequently used the tactic of "filling the amendment tree" in order to prevent minority Republicans from offering amendments, amendments which Reid believed were intended simply to embarrass electorally-vulnearble Senate Democrats in their home states (Smith 2014).

Results from the second essay demonstrate that most of the partisanship observed in roll-call voting between 1995 and 2010 occurred on votes requested by the minority party. Future work should extend this data collection effort across time and across chambers. It would be worthwhile to understand whether the patterns identified in vote-requesting behavior hold in the Senate, and whether they vary over time. Although few would argue with the proposition that Democrats and Republicans are more ideologically distant today than they were during the mid-20th century, it would be worthwhile to discover the degree to which levels of polarization and party voting observed in the roll-call record during this period are explained by changes in the vote-requesting behavior of the minority party. Understanding which members request recorded votes, and their reasons for doing so, are critical for understanding how the roll-call record — a record vital to the measurement of partisan polarization, and to the broader study of Congress — is constructed.

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