

**Parties and Leaders:
Polarization and Power in the U.S. House and Senate**
C. Lawrence Evans
College of William and Mary

By most accounts, two of the most significant congressional enactments since World War II were both attempts to guarantee that Americans would have adequate access to quality health care – the 1965 legislation that established the Medicare and Medicaid programs and passage in 2010 of comprehensive health care reform. Superficially, there are certain similarities across the two legislative episodes. For one, both measures were championed by newly elected Democratic Presidents—Lyndon Johnson and Barack Obama—who were deeply committed to making major changes in the health care systems of their day. In 1965 and again in 2010, Democrats were able to rely on huge partisan majorities in the House and Senate to help them achieve victory on the floor. And in keeping with the enduring importance of the political parties in American electoral and legislative politics, both enactments were characterized by major ideological and political differences between Democrats and Republicans.

Yet, upon closer examination, the processes through which these two measures were considered and eventually enacted were remarkably different, reflecting the profound changes that have occurred from the 1960s to the 2000s in the roles played by parties and leaders on Capitol Hill. The 1965 legislation that established Medicare and Medicaid, for instance, was largely crafted within the committees of jurisdiction in the House and Senate, especially the House Committee on Ways and Means.¹ The Ways and Means bill, in turn, was the product of a political bargain struck between the Democratic chair at the time, Wilbur Mills (AR), and the

¹ For an insightful description of Congressional action on Medicare and Medicaid in the mid 1960s, see the relevant portions of Manley (1970).

Republican ranking minority member, John Byrnes (WI). As a legislative leader, Mills' was highly responsive to the mood of the full chamber and he usually sought to minimize conflict in committee and on the floor. In 1965, he wanted to report health care legislation that could pass the House with broad support from members of both political parties, and in his view the version of the bill originally backed by the Johnson administration would have created excessive partisan conflict on the floor. So, early in that year, he proposed to Byrnes that the Johnson bill be merged with an alternative measure that Byrnes himself had introduced. The Republican accepted Mills' offer, the two measures were combined, and after the adoption of scores of modifications proposed by Democrats and Republicans alike, the compromise bill passed the House and Senate by wide margins of 307-116 and 70-24, respectively.

As mentioned, partisan differences were apparent in both chambers during the creation of Medicare and Medicaid in 1965. In the House, for example, the Republican motion to recommit the Mills-Byrnes bill back to committee failed along party lines. Overall, however, congressional action on the measure had all the hallmarks of bipartisan legislating. The basic structure of the legislation was determined in committee, with ample participation by members from both sides of the partisan aisle and only limited guidance from party leaders. Although opposition to the bill came disproportionately from the GOP side of the aisle, there also was substantial bipartisan support for final passage in both chambers.

In sharp contrast, House and Senate action on comprehensive health care reform during 2009-10 was anything but bipartisan, and party leaders played significant parts at all stages of the legislative game.² Under the leadership of Majority Leader Harry Reid (D-NV), in April 2009 the Senate adopted a budget resolution on a party-line vote that would allow the chamber to pass

² The best scholarly review of coalition building on comprehensive health care reform in 2009-10 is Jacobs and Skocpol (2010).

health care reform as a budget reconciliation bill. Since reconciliation measures cannot be filibustered and require only a simple majority for passage, the move provided Reid and his fellow Democrats with a vehicle for circumventing the minority party in the Senate. For most of 2009, there were 60 Democrats in the Senate, nominally a filibuster-proof majority. But Reid was concerned that one or two Democratic moderates might vote with the GOP against the package, which made reconciliation a potentially useful backup strategy. In the end, this partisan procedural move was critical to the outcome.

A few months later, in the House, initial legislative action on health care reform took place within three panels with jurisdiction--Ways and Means, Energy and Commerce, and Education and Labor--but the draft legislation considered by these committees had been structured beforehand by Democratic leaders. On the Senate side, Reid at first deferred to the two committees with jurisdiction, Finance and HELP (short for Health, Education, Labor, and Pensions). But following the breakdown of negotiations between Democrats and Republicans on the Finance panel in August 2009, serious attempts at striking a bipartisan accord on health care reform all but ended in the Senate as well.

As floor action neared in Fall 2009, House Speaker Nancy Pelosi was the central player among House Democrats in forging the compromises necessary to secure passage, including the critical decision to scale back plans for a public health care option managed by the Federal government. Not surprisingly, initial House passage on November 7 was near party line, with only one GOP member voting aye. In the Senate, Reid also structured the version of the bill that was adopted by that chamber in late December 2009. Although there were sporadic attempts to secure the support of Olympia Snowe, a moderate Republican from Maine, who previously had voted in favor of health care reform in the Finance Committee, in the end the Senate measure

also was entirely the product of bargaining among the majority Democrats, under the direction of the majority leadership.

This highly partisan, leadership-driven process continued for the next two months as Democratic leaders forged a bicameral package capable of passing both the House and Senate, once again without Republican support. Although the January 2010 election of Scott Brown, R-Mass., to replace the late Edward Kennedy meant that Senate Democrats no longer had a filibuster-proof majority, Reid and Pelosi were able to use their procedural prerogatives to structure floor action in both chambers to enable their party to prevail. Relying on a process that was both convoluted and effective, in March 2010 the House first adopted the version of the legislation previously passed by the Senate in December 2009, and then used reconciliation to pass a compromise, “side-car” package that included the modifications necessary to win majority support in both chambers. The Senate then adopted the “side car” compromise with only 56 members, all Democrats, voting in favor. As a reconciliation bill, only a simple majority was required for passage.³ In both chambers, but especially the House, the last days and hours before the dramatic final roll calls featured intensive efforts by Democratic leaders to whip their party rank and file into line.

The striking differences between congressional action on Medicare and Medicaid in 1965 and the passage of comprehensive health care reform in 2010, we shall see, are far from idiosyncratic. Instead, they reflect broader transformations that have occurred in congressional coalition building over the past half century, especially in the roles played by parties and leaders. Not surprisingly, much of the best recent scholarship about Congress has been devoted to identifying and explaining these changes. This chapter reviews recent scholarly research about

³ The Senate slightly modified the House-passed version of the reconciliation measure, which necessitated a final, anticlimactic, roll call on the measure in the House, also along party lines, 220-207.

parties and leaders in both chambers of Congress. The goal is to highlight precisely what we know about the remarkable shift from the bipartisan, committee-dominated processes of the 1960s Congress to the highly partisan, leadership-driven patterns that are apparent in the contemporary House and Senate. To what extent and under what conditions do parties and leaders have an independent and significant impact over legislative outcomes in Congress and how has this impact changed over time? Only by understanding the causes and consequences of heightened party polarization and strong party leaders can we evaluate whether these features of the contemporary lawmaking process will endure.

Party Polarization

Perhaps the most striking trend in recent congressional politics has been the significant increase in partisan polarization in the lawmaking process. Intense partisanship is now apparent at all stages of the process, but especially on the House and Senate floor when members cast roll call votes on major legislation. Scholars use a variety of techniques to gauge the level of roll call partisanship and for the most part these measures produce the same basic results. For one, consider the index of *party difference*, which is simply the absolute value of the difference between the percentage of Democrats and Republicans voting yes on a roll call. If all Democrats vote yes and all Republicans vote no (or if all Democrats vote no and all Republicans vote yes), then the parties are completely polarized and the party difference index takes on the value of 100. On the other hand, if an equal proportion of members within each party vote yes, then partisan polarization is absent and the party difference index is zero. The July 1965 votes on final passage of the legislation that created Medicare and Medicaid, for example, produced party difference scores of 32.4 for the House and 45.7 for the Senate. In contrast, the party difference

values for House and Senate passage of health care reform in 2009-10 were 86.6 and 100, respectively, reflecting the intense partisan polarization that existed within both chambers on the measure.⁴

Figure 4.1 portrays the average level of party difference per Congress on the roll calls cast within the House and Senate from the 83rd Congress (1953-54) through the 110th Congress (2007-08).⁵ As you can see, within both chambers the level of party difference, and thus the degree of partisan polarization, was fairly modest throughout the 1950s and early 1960s, reaching minimum levels during the 91st Congress (1971-72) for the House and the 90th Congress (1969-70) for the Senate. The difference index then climbed sharply over the next two decades in both chambers, reaching very high levels by the mid 1990s.

[Insert Figure 4.1 About Here]

Underling this striking increase in roll call polarization was a burgeoning ideological split between the two party caucuses in the House and Senate. Among congressional scholars, the most commonly used indicators of the ideological “preferences” of legislators are the DW-NOMINATE scores developed by Keith Poole and Howard Rosenthal.⁶ Poole and Rosenthal used a dimensional unfolding technique to assign to each member an ideological score for each Congress in which they served and cast a requisite number of votes, ranging from -1 (very liberal) to +1 (very conservative). During 1965-66, the Congress in which Medicare and Medicaid were established, most Democrats had DW-NOMINATE scores less than zero and most Republican members had scores that took on positive values. But there also was a

⁴ These difference scores are for the Senate-passed version of the main legislation. For the reconciliation “sidecar” portions, the party difference scores were 87.0 for the House and 94.9 for the Senate.

⁵ The party difference scores are adapted from the party “likeness” scores compiled by Joseph Cooper and Garry Young and downloaded from <https://jshare.johnshopkins.edu/jcooper6/web/research.htm>.

⁶ For an in-depth explanation of the DW-NOMINATE scaling technique, see <http://voteview.com>. In Figure 4.2, the common-space versions of the scores are used to facilitate bicameral comparisons. See also Poole and Rosenthal (1997), which is the landmark study of the congressional roll call record.

substantial overlap in the ideological distributions of the two political parties. And more than 100 House members and dozens of Senators from both parties had DW-NOMINATE scores located near the center of the ideological distribution in the relevant chamber. Based on the roll call record, then, there was a sizable ideological middle in the Houses and Senates of the 1960s and early 1970s.

The pattern for more recent Congresses is dramatically different. Figure 4.2 shows the distribution of DW-NOMINATE values for the House and Senate of 2009, the year when the first important votes on comprehensive health care reform occurred. Clearly, the ideological overlap that characterized the Congresses of the 1960s had completely disappeared. In both chambers, the most conservative Democrat was more liberal than the most left-leaning Republican. Moreover, the number of members with DW-NOMINATE values near zero had plummeted to just a few dozen in the House and a mere handful in the Senate.

[Insert Figure 4.2 About Here]

Over the years, a large scholarly literature has emerged that attempts to identify the causes and consequences of this heightened partisan polarization in Congress. Many pundits and some scholars, for example, argue that the redistricting that occurs after each decennial census (and occasionally during the intervening years because of Court orders or political intrigue) has resulted in a larger proportion of House districts that are gerrymandered to tilt strongly toward one party or the other, which in turn could lead to the election of more party loyalists to Congress (Mann and Ornstein, 2006; Carson et al., 2007). Although there is some evidence that redistricting has increased the number of strongly Democratic and Republican districts in the House, the size of the effect is relatively small. Moreover, as Figures 4.1 and 4.2 show, the rise

in roll call polarization is very similar in the House and Senate, and the Senate of course is not subject to reapportionment.

An alternative argument is that congressional constituencies have become more homogeneous internally, not because of reapportionment, but because of changes in the behavior of individual citizens. According to this view, ordinary Americans have grown more inclined to base their partisan affiliations and their votes on their ideological views, and they also are increasingly likely to live around other people who share their ideological and partisan attachments (Bishop, 2008; Levendusky, 2009). This political “sorting out” at the mass level is especially prevalent in the South, where the enfranchisement of African Americans following passage of the Voting Rights Act of 1965 led conservatives to transfer their partisan allegiances from the Democrats to the Republicans. The strongly ideological policies of the Reagan administration in the 1980s also appear to have strengthened the connections between personal ideology, partisan affiliation, and voting behavior among ordinary citizens (Sinclair, 2006). As a result, the Democratic Party (especially in the South) became more homogeneously liberal, while the Republican Party grew more homogeneously conservative. Not surprisingly, the House members and Senators representing these more strongly partisan constituencies have been more likely to toe the partisan line.

Still another possible explanation for the rise of polarization is that changes in the way candidates are selected (especially the shift to mass participation primaries) and in the campaign process itself (for example, the growing importance of money and interest groups) has enhanced the electoral influence of party activists on both sides of the aisle (Fiorina, 2009). Activists tend to have more ideologically extreme views than the typical voter, and their heightened role in fundraising and campaigns may create incentives for House members and senators to likewise

move toward the ideological left (for Democrats) or right (for Republicans), increasing partisan polarization in Congress.⁷

Scholars disagree about the relative importance of these factors for explaining the polarization of the congressional parties. Still, the most comprehensive analysis (Theriault, 2008) suggests that only about a third of the increase in party polarization that took place in the House from the 1970s to the 2000s resulted from some combination of redistricting, the partisan sorting of voters, and the ideological extremism of party activists. For the Senate, increased homogeneity at the constituency level and the role of party activists is probably responsible for about 15 percent of the heightened roll call polarization that took place within that chamber. In short, the lion's share of the increased in partisan polarization on Capitol Hill does not appear to derive directly from constituency-level factors, including the growing clout of party activists. What, then, is the main culprit?

The answer appears to be the important institutional changes that have occurred within the House and Senate since the 1960s, especially the empowerment of party leaders. Indeed, most of the remarkable increase in party voting in the House and Senate captured in Figure 4.1 occurred on roll calls dealing with procedural matters, rather than on amendments or the passage of legislation (Theriault, 2008). These procedural votes, in turn, often concerned attempts by majority party leaders to maintain their grasp over the legislative agenda, or attempts by minority party members to undermine the majority's procedural control. The critical importance of procedural votes as a source of the increase in roll call polarization, in other words, suggests that party leaders and other institutional features within the House and Senate are at the heart of the intense partisan infighting that exists in the contemporary Congress.

⁷ See also McCarty, Poole, and Rosenthal (2006) for evidence linking partisan polarization to the growing income inequality between the rich and poor.

Party Theories

To understand how rules and other structural arrangements within the legislative branch might lead to party polarization and party power, we first need to consider the causal theories that have been developed to explain the lawmaking process. Among scholars, the main conceptual tool for understanding the impact of parties and the other internal features of Congress is called the spatial model of legislative choice.⁸ Spatial models make good intuitive sense and generally share three main ingredients. The first assumption is that the policy views of legislators can be captured as points along one or more underlying dimensions of evaluation, such as the liberal-conservative ideological spectrum. Second, spatial models usually posit that the legislative alternatives over which members cast their votes also can be represented as points along the underlying dimension. And third, confronted with two competing proposals, legislators will vote for the alternative that is located nearest their preference on the relevant ideological line.

For purposes of illustration, consider again the distribution of ideological views portrayed in Figure 4.2, which summarizes the DW-NOMINATE scores of House members and Senators during 2009. Here, the horizontal axis functions as the underlying dimension of evaluation, in this case the liberal-conservative continuum. The preferences, or “ideal points,” of individual lawmakers are located at their most preferred policy outcome on that line. In Figure 4.2, member preferences are captured by their DW-NOMINATE values, which in turn reflect their ideological placement on the liberal-conservative spectrum. In the House, for example, Majority Leader Steny Hoyer (D-MD), had a DW-NOMINATE value of $-.362$, so that point on the horizontal axis of the figure would represent his “preferences.” Minority Leader John Boehner (R-OH), in contrast, had a DW-NOMINATE score of $.535$, so his ideal point, as captured in the

⁸ For an overview, see Krehbiel (1988).

figure, would be right of center and near the middle of the distribution for Republican House members that year.

For obvious reasons, it is not straightforward to summarize a complex piece of legislation like comprehensive health care reform with a DW-NOMINATE value. Still, most observers would agree that the final passage vote on health care reform in March 2010 confronted House members with two main alternatives – a bill that was located in the center-left portions of the ideological spectrum and a status quo (existing law, or the policy that would obtain if the bill failed) located toward the more conservative end of the horizontal axis of Figure 4.2. Thus, for Hoyer, his preference, or ideal point, was closer to the bill than to the status quo and he voted yes. Boehner’s ideal point, in contrast, was spatially more proximate to the status quo, so he voted no.

Simple enough. However, spatial models of Congress become more complicated when we start integrating into them important institutional features of the House and Senate. Moreover, the implications of spatial theories for the power of parties and leaders depend in large part on precisely how the various institutional features are incorporated. To see why internal structures matter and may indeed be responsible for the lion’s share of party polarization in Congress, let’s begin by considering the implications of the basic spatial logic, but *without* including these features of the real lawmaking process.

In the House, if party leaders, the committees of jurisdiction, or some other subset of the full membership is not advantaged in some way, then policy outcomes should tend to be located near the preferences, or ideal point, of the median legislator in the full chamber (Black, 1958). In the top panel of Figure 4.2, the median House member would be the lawmaker with an equal number of colleagues located to her ideological left and to her ideological right. Or, in the

language of DW-NOMINATE values, the median would be the legislator for whom an equal number of colleagues had scores higher than her own score and lower than her own score. In the Figure, that would be a House member with a DW-NOMINATE value of about -.18--in this case a moderate Democrat. Any amendments that would move the legislative outcome to the left of the median position on the ideological line would be defeated by a coalition of the median member and all lawmakers to her right, while more conservative amendments would be voted down by the median member and all legislators to her left. In the House, then, absent empowered leaders, the basic spatial logic implies that the middle rules.

Now consider a spatial model of the Senate that likewise does not include strong party leaders. Here, a simple majority often is insufficient to pass a proposal in the full chamber because of the filibuster. As a result, proponents of a bill may need sixty votes to invoke cloture and pass their measure on the floor. The legislator with preferences located at the median position, in other words, may not be able to provide the pivotal vote. Instead, for proposals like health care reform in 2009-10, which would move policy to the left, the pivotal vote might be the member with the 60th ideal point, counting from the left toward the right.⁹ Prior to the death of Edward Kennedy, the 60th most liberal Senator was Ben Nelson of Nebraska, who also was the most conservative Democrat in the chamber based on the DW-NOMINATE index. After Scott Brown replaced Kennedy in January 2007, the 60th most liberal Senator was Olympia Snowe (ME), a moderate Republican, which is precisely why Majority Leader Reid needed to use reconciliation (which cannot be filibustered) as the vehicle for passing the sidecar portion of comprehensive health care reform without any GOP votes. When filibustering is threatened or

⁹ For proposals that, in contrast, would move policy from the left to the right, the filibuster pivot is the 60th position counting in from the conservative end of the ideological spectrum. Krehbiel (1998) shows precisely how the location of the pivotal voter in legislatures such as the U.S. House and Senate depends on both the distribution of preferences and on chamber rules. His model also integrates the presidential veto and override procedures, but these aspects of the analysis are excluded from the discussion here for reasons of expositional parsimony.

employed, supermajorities are required for passage in the Senate and outcomes shift somewhat from the chamber median position in the direction of the minority party.

The implications of spatial theory for lawmaking change significantly, however, as we begin to layer on further institutional details, especially the procedural prerogatives and other resources of party leaders. One theory, called the “Party Cartel Model,” posits that, especially in the House, the majority leadership has control over which bills are considered on the floor and which bills never see the light of day (Cox and McCubbins, 1993, 2005). This assumption about the leadership’s agenda setting powers is important. Party leaders owe their leadership positions to the relevant partisan rank and file. As a result, majority party leaders should be disinclined to bring to the floor legislation that on final passage would probably be opposed by most of their fellow partisans. This principle became known as “the Hastert rule” after Speaker Dennis Hastert (R-IL) articulated it during a speech at the U.S. Library of Congress in November 2003. “On occasion, a particular issue might excite a majority made up mostly of the minority [party],” Hastert observed, but “[t]he job of the Speaker is not to expedite legislation that runs counter to the wishes of a majority of his majority.”¹⁰

According to the Hastert rule – and the Cartel Model – if the House majority leadership expects that most majority party members will support a piece of legislation on final passage, then that bill will be placed on the floor agenda and the outcome within the chamber should be something approximating the preferences of the floor median *a la* the basic spatial logic without strong parties. However, if the expectation is that most majority party members will vote no on final passage, then the leadership should use its agenda powers to keep that measure off the floor, avoiding a contentious fight within the majority caucus. Here, the middle only rules when it

¹⁰ The Hon. Dennis Hastert, R-Ill., “The Cannon Centenary Conference, U.S. Library of Congress, page 62: <http://www.gpoaccess.gov/serialset/cdocuments/hd108-204/pdf/reflections.pdf>.

advantages the partisan majority. Otherwise, the result is inaction and a status quo outcome that also promotes the interests of the majority party.

Another spatial theory, called the “Conditional Party Government” model, layers on still more institutional detail about the role of parties in Congress (Rohde, 1991; Aldrich, 1995; Aldrich and Rohde, 2000). According to this approach, party leaders may significantly influence the legislative process if the distribution of preferences within the majority party are relatively homogeneous and there is a substantial difference between the policy preferences of the typical Democratic and Republican member. As Figure 4.2 indicates, the House and Senate of 2009 met both of these conditions quite well. The ideal points of most majority party members, as captured by their DW-NOMINATE scores, were clustered to the left; the policy preferences of most minority party members were clustered to the right; and there was a noticeable gap located in the middle. According to the Conditional Party Government argument, when these two conditions hold, there are significant incentives for rank-and-file members of the majority party to delegate authority to their leaders, providing them with the resources necessary to control the agenda. This, in turn, could move policy outcomes systematically away from the preferences of the floor median and toward the policy program of the majority party.

The party theories help explain how the institutional features of the House and Senate could have fueled the rampant partisan polarization of the contemporary Congress, and also how leaders can have an independent impact on lawmaking. If the logic of the Cartel Model holds, then legislation that might divide the majority party, and thus dampen party polarization, is systematically blocked from the floor agenda by the majority leadership, and instead the leadership advances measures that divide the chamber cleanly along party lines, enabling the majority party to prevail because of its larger membership. Indeed, the fact that most of the

increase in roll call polarization that has occurred since the 1970s was on procedural votes resonates strongly with the Cartel Model.

The basic logic of Conditional Party Government may also exacerbate congressional partisanship. As member constituencies have become more politically homogeneous since the 1960s, the kinds of Democrats elected to Congress have become more similar ideologically, as have the Republicans who prevailed in their electoral contests. The two party caucuses in both chambers, but especially the House, became more cohesive internally and the ideological gap between the two party memberships grew. As a result, rank-and-file members enhanced the procedural powers and other resources available to their party leaders, enabling them to minimize defections from the party line on major roll calls, which in turn resulted in increased polarization. To what extent, does the available evidence back up one or both theories and what are the implications for our understanding of parties and leaders?

The Case for Party Power

Scores of scholarly studies have explored the role of parties and leaders in the lawmaking process and thus shed light on the explanatory power of the Cartel and Conditional Party Government theories. A full review of this scholarship is beyond the scope of a single chapter.¹¹ But many of the most significant contributions touch on changes over time in chamber rules, the selection of party leaders, the level of participation by the leadership on major legislation, the ability of the majority party to win on final passage votes, and the leadership's use of its procedural prerogatives on the floor. In this section, I summarize key contributions in each area, primarily focusing on the House, and then consider some recent empirical scholarship about party power in the Senate.

¹¹ See Smith (2007) for a book-length treatment of the literature about parties and their leaders in Congress.

Institutional Development

Let's begin with the evolution of congressional procedure over time. Is it consistent with party influence? The internal procedures and structures of the two chambers are determined by the members themselves and have been altered throughout congressional history. Certain enduring features of congressional procedure clearly advantage the majority party and its leaders. Since the early 1890s, for example, the House has granted the Speaker the power to circumvent obstructionist tactics by the minority party, and has enabled the Rules Committee--which at important junctures has functioned as an arm of the majority leadership--to facilitate the consideration of legislation on the floor. Moreover, the two political parties have played critical organizational roles throughout most of congressional history, determining the committee assignments of their members and effectively selecting chamber leaders.

The relative strengths of the majority and minority parties also help explain the timing of important changes in House and Senate rules. Binder (1997, 2006) demonstrates that decisions to expand or restrict the parliamentary rights of the House minority party are strongly affected by the majority party's size and cohesion relative to the minority. Binder's finding has been challenged by Schickler (2000), who presents evidence that the timing of these rule changes can be explained by the ideological distance of the median voter on the floor relative to the majority party. Overall, it appears that partisan strength is an important determinant of congressional rules affecting the relative parliamentary powers of the two parties during the nineteenth century, and that during the twentieth century such rules changes primarily are sensitive to movements in the floor median. Still, shifts of the floor median obviously are related to changes in the relative cohesion of the majority party. As a result, the conditions in conditional party government are associated with important alterations in House procedure throughout congressional history.

The partisan roots of congressional rules and structures are especially apparent in the House since the 1960s. Consistent with the Conditional Party Government argument, as the two congressional parties became more unified internally and more differentiated from one another in the 1970s, rank-and-file members of the Democratic majority took important steps to strengthen their leaders (Rohde, 1991). In 1973, the Democratic Caucus adopted the “subcommittee bill of rights,” which significantly curtailed the ability of full committee chairs to delay or derail the majority party’s legislative agenda. In 1974, the Speaker was given the authority to select Democratic members of the Rules Committee, which had operated with considerable autonomy since at least the 1920s. The 1974 change gave the majority party leadership effective control over the procedures that structure floor action on legislation.

Following the Republicans’ takeover of the House after the landmark midterm elections of 1994, the new GOP majority was especially unified on the major issues of the day. And once again, a highly unified congressional majority strengthened its leadership (Evans and Oleszek, 1997, Aldrich and Rohde 2000). For example, incoming Speaker Newt Gingrich (R-GA), was granted the authority to select committee chairs and they were limited to six year terms. These changes enabled Gingrich and his successor as Speaker, Dennis Hastert, to harness the House committee system behind the Republican policy agenda. In short, the broad contours of House procedure, including the timing of important rules changes and reforms, is consistent with party theories of Congress and suggestive of majority party power in the legislative process.

Leadership Selection

Second, consider the kinds of individuals that the parties select as their leaders. Over time, the congressional parties have developed fairly elaborate leadership organizations in both

chambers. The House Speaker is the most visible and influential leader on Capitol Hill. Although a constitutional officer nominally elected by the full chamber, Speakers are usually selected by party line votes, so the position is effectively the top leader for the House majority party. The House Majority Leader is formally chosen by the majority caucus and is responsible for managing day-to-day operations on the floor. The House Majority Whip runs the party whip system, which now includes from 70 to 100 members (depending on which party is in control), and is used to track the evolving preferences of members on upcoming floor votes important to the party.¹² On the other side of the aisle, the House Minority Leader and Minority Whip are selected by rank-and-file members from that party and have responsibilities that resemble their majority counterparts, albeit with the purpose of undermining the majority coalition on the floor and setting the stage for a change in partisan control after the next election. In the Senate, the two parties each select from among their members a floor leader and whip. And in both chambers, the parties elect members to fulfill a host of secondary leadership positions, such as chair of the relevant party caucus, policy committee chair, or campaign committee chair.

The selection of party leaders is generally by private ballot within the relevant caucus, and perceptions about the skills of individual leadership candidates and personal friendships and relationships can be pivotal to the outcomes of these contests. But one question that has sparked considerably scholarly attention concerns the ideological preferences of party leaders relative to other members of their party in that chamber.¹³ One argument, called the middle person hypothesis, is that the members selected as party leaders will tend to have policy views located

¹² In the House, the Democratic whip operations of the 1990s and 2000s generally included around 100 members, while the Republican networks were somewhat smaller, usually 60-70 members (Evans, 2010).

¹³ Noteworthy scholarship about the ideological positions of party leaders includes Peabody (1976), Clausen and Wilcox (1987), and Grofman et. al. (2002). But see especially Jessee and Malhotra (2010) for a review of the competing hypotheses about leadership ideology as well as the most systematic and comprehensive analysis of the alternative arguments.

near the middle of the ideological distribution for their party within the chamber. If the Cartel Model is correct, members may believe that leaders at the median ideological position for their party will be most likely to use their agenda setting powers to keep bills opposed by most party members off the floor.

An alternative hypothesis is that leaders tend to be selected from the ideological extremes of the relevant party caucus, rather than the middle. It may be that extremist leaders make better negotiators with the other party, chamber, and the White House. The ideological distributions for each party in the House and Senate also tend to be skewed to the left (for the Democrats) or the right (for the Republicans). Perhaps the clusters of ideological extremists within each party caucus attempt to coalesce behind likeminded candidates for their respective party leaderships, increasing the likelihood these individuals will prevail in leadership contests. And, of course, still another possibility is that the role played by party leaders is really not all that important in Congress, in which case the ideological preferences of the legislators elected to the leadership may be a random draw from the relevant party caucus.

The most authoritative study of the selection of party leaders in Congress is Jesse and Malhotra (2010). For the House, they consider elections for Speakers, majority leaders, and whips during 1899-2009 and for other party leadership offices for 1975-2009. For the Senate, their evidence spans the floor leader and whip selections made between 1919 and 2009 and other, secondary, leadership positions for 1975-2009. They find that leaders tend to have ideological preferences located near the median for their party in the relevant chamber. But they also demonstrate that Democratic congressional leaders in both chambers tend to be located just to the left of the ideological median within their caucus, while the members selected to GOP leadership positions tend to have ideological views located just to the right of the median within

their party. In other words, some combination of the middle person and extremist hypotheses best fits the available evidence. Rank-and-file members are careful to select as their party leaders legislators who will most effectively manage the agenda and negotiate on their behalf, which is yet another indicator of the vital importance of party leaders in Congress.

Leadership Activism

Third, if party theories of Congress have explanatory power, then we would also expect that the degree to which party leaders are actively engaged in the lawmaking process should have ramped up markedly after the 1960s. During the middle years of the twentieth century, when the congressional parties were often internally divided on many issues, committees and their chairs should have dominated the legislative process and the role of party leaders should have been limited. Following the 1960s, as the party caucuses became more internally unified and differentiated from one another, the autonomy of the committees should have declined and the legislative activity of party leaders should have grown. Are such trends discernable in the best available evidence?

For the most part, the answer to the question is “yes.” In a series of important studies, Sinclair (1995, 2007) demonstrated that the legislative activism of majority party leaders in the House did grow substantially after the 1960s. Relying on a large sample of major bills, Sinclair showed that the House majority leadership stepped up its involvement in setting the floor agenda, mobilizing the support of rank-and-file members, rewriting committee bills prior to floor action, and structuring the legislative choices confronting members on the floor.

Perhaps a more direct indicator of the level of leadership involvement in the House legislative process is the number of “whip counts” conducted by the majority leadership over

time. Prior to major floor votes important to the party, the leadership may poll its members, asking them if they support the party position on the matter. Parties in both chambers have their own internal whip operations. Typically, members are categorized during these counts as yes (supporting the party), leaning yes, undecided, leaning no, or no (opposing the party). Whip counts usually are only conducted when there is some possibility of a unified party position on the underlying issue and the outcome is in doubt. These counts are part of the vote mobilization, or “whipping” efforts that the leadership uses to advance the party agenda through Congress. As a result, the number of whip counts conducted by the majority party is an indicator of leadership activism when it matters the most.

Interestingly, the level of party whipping did rise as the degree of partisan polarization in the House increased over time.¹⁴ The available evidence about majority party whip activity must be drawn from the archived personal papers of former congressional leaders and thus there are some years for which systematic evidence is unattainable. Still, nearly comprehensive data are available for the House majority party from the 1950s to the 2000s and the results are instructive. During 1955-72, with Democrats in majority control of the chamber, the average number of counts per two-year Congress was about 18. In the 1970s, the average number of Democratic whip counts rose to about 50 per Congress, and increased still further during 1982-94. With the Republican takeover of the House in 1995, the average number of majority party whip counts per Congress jumped to over 100. Clearly, there are strong linkages between the degree of party polarization within the House and the incidence of majority party whipping over time.

However, there was a significant spike in majority party whip counts in the late 1970s, prior to the sharp turn toward polarization in Congress (Evans and Grandy, 2007). In 1977-78,

¹⁴ For a full discussion of whip activity over time, including the specific archival sources from which the relevant evidence is drawn, consult Evans and Grandy (2007) and Evans (2010).

for example, the Democratic leadership whipped its members on over 100 issues, which is a significant increase from prior periods. What does this spike indicate about the causes and consequences of party leadership activity in the chamber? Prior to the 1970s, roll call votes did not generally occur during the floor amendment process in the House. However, as a result of a 1970s rule change and the establishment of electronic voting in 1973, roll calls on amendments became both permissible and easy to administer. In the mid 1970s, the number of amendments and amendment votes skyrocketed, creating a daunting challenge for majority party leaders. Much of the increase resulted from the minority's attempts to use the amendment process to force Democratic members to cast politically difficult votes, potentially helping the Republicans win more seats. Not surprisingly, the Democratic leadership had to step up its whipping in the late 1970s in order to maintain control over the floor agenda. However, as the Democrats made increased use of highly restrictive amendment procedures in the 1980s, the number of floor amendments dropped and majority whip activity likewise declined, before rising again at the end of the decade because of burgeoning partisan polarization within the chamber.

In short, the level of majority party whipping over time is yet another indicator of the importance of parties and leaders in the legislative process. And the level of whip activity is associated with the degree of partisan polarization within the chamber, mediated by the strategic behavior of the minority party and the magnitude of the legislative challenge confronting the majority caucus.

Roll Rates and Rules

Now consider the extent to which party leaders, especially leaders of the majority party in the House, are able to successfully carry the day on the floor of the chamber. That is, how often

is the House majority party “rolled” on final passage votes, where a “roll” is said to occur when a majority of the majority party fails to prevail? Recall that the Cartel Model predicts that the majority leadership will use its agenda prerogatives to block from the floor bills that are not supported by a majority of the majority party within the chamber. If so, then the majority party should almost never get rolled on final passage votes.

Indeed, Cox and McCubbins (2005) demonstrate that bills seldom pass on the House floor without the support of most members of the majority party. Not surprisingly, roll rates for the minority party are much higher and also vary systematically over time, depending on the ideological distance between the typical member of the minority party and the preferences of the median voter in the chamber. The greater (smaller) the ideological distance between the minority party median and the ideological center of the chamber as a whole, the more (less) often the minority party will be rolled on the floor. Although the evidence that Cox and McCubbins and others have marshaled about majority versus minority party success on final passage votes is not definitive (e.g., Krehbiel, 2006), it still is highly suggestive of effective agenda control by the partisan majority in the House.

Lastly, the rules that the House leadership uses to structure floor debate in the chamber are another potentially important source of majority party power. Since the mid 1970s, the Speaker has been responsible for appointing all majority party members to the Rules Committee and the minority leader has had that prerogative for the minority party. There are two motions on the floor that must pass before the “rule” reported by the Rules Committee has force. First, the majority must win the vote on the motion on the previous question on the rule. If this motion fails, under House rules the minority party is able to offer a substitute rule for the bill, effectively circumventing the majority party’s control over the agenda. And after the previous question

motion is adopted (by voice vote or roll call), there typically is a vote on the rule itself, which likewise must pass the full chamber. Finocchiaro and Rohde (2008) demonstrate that since 1975, the majority party has rarely lost on rule votes and almost never on previous question motions. The roll calls that have occurred on previous question motions and on rules votes have become increasingly partisan, so that near party line votes are now the norm. Moreover, the likelihood the majority party will prevail on these votes is strongly associated with intra-party homogeneity and polarization between the parties, which is fully consistent with partisan theories of Congress.

Beginning in the 1980s, the House majority leadership also made increased use of highly restrictive amendment procedures that constrain the ability of individual lawmakers, especially members of the minority party, to offer amendments on the floor (Marshall, 2005; Sinclair, 2007). If the majority leadership can limit the choices of members so that votes are cast between the majority party's most preferred policy and a fairly extreme alternative offered by the minority, then centrist legislators may be left with no other choice than to support the majority's proposal. Indeed, scholars have marshaled intriguing evidence that the majority leadership does use amendment rules in this way to tilt the procedural playing field in its favor, shifting policy outcomes toward the majority's most preferred outcome (e.g., Monroe and Robinson, 2008).¹⁵

The Senate

The best available evidence about the timing of procedural changes, leadership selection, leadership activity levels, roll rates, and the use of special amendment rules is highly suggestive of influential parties and leaders in the House. But what about the U.S. Senate? The Senate, of course, differs procedurally from the House in significant ways. The Senate majority leader is unable to rely on special rules from a leadership-controlled Rules Committee to structure floor

¹⁵ For more details on the development of House procedures over time, see Chapter 6.

action on legislation. Unlike the House, there also is no general germaneness requirement in Senate rules, which means that rank-and-file members of both parties have ample opportunity to bring their legislative proposals before the full body. The ability of senators to filibuster and engage in other obstructionist tactics also limits the majority leadership's effectiveness at managing the floor agenda (Koger 2010). And since it is rare for the Senate majority party to have 60 or more members, the Senate majority leadership often is unable to pass legislation without a degree of support from across the partisan aisle. For these reasons, the majority party and its leaders are not as formally empowered in the Senate as they are in the House.

Still, Majority Leader Reid clearly played a significant role in the passage of comprehensive health care reform in 2009-10, and the best scholarship indicates that Reid's clout during that legislative episode was not all that exceptional. For instance, majority party roll rates are not significantly higher in the Senate than they are in the House, suggesting that the Senate majority leadership also exercises a significant degree of agenda control, blocking initiatives from the floor that are opposed by a majority of the majority party (Gailmard and Jenkins, 2007). However, if the Senate majority leadership lacks the formal powers and other procedural advantages exercised by the House leadership, what precisely is the source of its influence?

Existing scholarship suggests two potential answers to the question. First, Den Hartog and Monroe (forthcoming) point out that the majority leadership in the Senate, although less empowered than the House leadership, is not completely lacking in parliamentary privileges and other political resources. For example, the majority leader has the right of priority recognition on the Senate floor, conveying procedural "first mover" advantages to the majority party. The Senate leadership also has disproportionate staff help, which provides certain informational advantages in the legislative process. Rather than attempt to defeat a minority party amendment

outright, the majority leader can instead move to table the proposal. Party loyalty tends to be higher on procedural motions such as the motion to table, which can give the majority leader enhanced leverage on the Senate floor. These and other prerogatives, resources, and tactics apparently aggregate into a degree of agenda control and power for the Senate majority party.

Perhaps most important, public perceptions about the competence of a Senate party and the quality of its policy program can influence whether voters support the candidates of that party at the polls (Jones and McDermott, 2009). To some extent, even senators share a common electoral fate with colleagues from their party, which creates incentives for them to support the leadership on roll calls important to the party agenda and reputation. Moreover, the electoral importance of the legislative agenda creates incentives for the leaders of the two parties to transform potentially nonpartisan matters, like budget process reform, procedures for conducting the U.S. Census, and other “good government” measures, into party-line issues and votes. Lee (2009) demonstrates that much of the increased partisan polarization that has occurred in the Senate (and presumably the House), results from the efforts of party leaders to create “wedge” issues, with an eye toward dramatizing differences between the party programs and advantaging their party in campaigns. In the contemporary House and Senate, then, any distinctions between party campaigning and lawmaking have all but disappeared, which has fueled both polarization and leadership influence in Congress.

Conclusion

The striking differences between the relatively bipartisan enactment of Medicare and Medicaid in 1965 and the intense partisan infighting apparent during congressional action on comprehensive health care reform during 2009-10, reflect a broader transformation in the role of

parties and leaders on Capitol Hill. Scholars have documented with precision the remarkable increase that has occurred in partisan polarization within the House and Senate from the 1960s to the 2000s. A portion of the intense party polarization that defines the contemporary House and Senate is rooted in the growing ideological and partisan homogeneity of the constituencies of individual members, including the enhanced electoral role of party activists. But the weight of scholarly evidence suggests that most of the rise in partisan polarization is caused by institutional features and strategic decisions that are internal to the House and Senate.

The leading theories that scholars have developed to understand the lawmaking process provide ample guidance about the institutional sources of polarization and strong party leaders. The Cartel Model emphasizes agenda control, while the Conditional Party Government theory also integrates the procedures and tactics that leaders can use to keep potential defectors on the party reservation on major roll call votes. Diverse empirical studies marshal considerable evidence in support of these theories, which scholars for the most part treat as complementary to one another. Research about the temporal development of congressional procedure, leadership selection, the legislative involvement of party leaders, party success or failure on final passage votes, and the strategic use of floor rules is suggestive of consequential parties and leaders.

As is the case with any body of research, however, there are important gaps in existing scholarship about the congressional parties.¹⁶ For example, the finding that the rise in roll call polarization mostly occurred on procedural votes is somewhat puzzling. The Party Cartel and Conditional Party Government arguments imply that the majority leadership will use procedure to stack the deck in favor of its legislative program. If so, then shouldn't one consequence be a noticeable increase in partisan conflict on amendments and final passage votes, as well as

¹⁶ See Smith (2007), Chapter 8, for a thorough discussion of the strengths and weaknesses of scholarship about the congressional parties.

procedural motions? The strategic linkages between the procedural tactics employed by House and Senate leaders, the content of legislative alternatives, and the composition of the coalitions supporting and opposing majority party initiatives need further clarification.

More generally, the leading party models need to be extended to better integrate the full range of coalition-building tactics that are available to congressional party leaders. There is some evidence that leaders use agenda setting, the provision of information, promises of sanctions or rewards to fellow members, substantive changes in the relevant legislation, careful bargaining, the mobilization of public and interest group pressure, and a host of other tactics to advance their legislative and political agendas. Unfortunately, existing scholarly research provides only fragmentary guidance about how often these tactics are employed and under what conditions.

Along those lines, scholarship about parties and leaders in Congress needs to pay more attention to the role of the president. During congressional consideration of Medicare and Medicaid in 1965 and the fight over comprehensive health care reform in 2009-10, the White House was highly involved in mobilizing support for passage among the public and within the House and Senate. Yet, the president is largely absent from leading party theories of Congress. Clearly, the policy priorities, tactics, and political clout of the White House have consequences for the fate of legislation, especially items on the programmatic agendas of the two parties. Lee (2009), for instance, shows that presidential priorities are particularly likely to produce party-line votes within Congress. Party theories and research about congressional leadership need to better incorporate the role of the president.

Existing scholarship on parties and leaders takes us a long way toward understanding coalition building in the contemporary Congress. The implications should be troubling to many

citizens. Public opinion polls routinely show that ordinary Americans are deeply dissatisfied with Congress, in part because of the level of partisan conflict that they perceive on major issues. Why, Americans ask, cannot Democrats and Republicans in Congress simply get along and confront the major issues of the day in a constructive, bipartisan fashion? The best scholarship, however, indicates that the root causes of the intense partisan polarization that concerns so many Americans are longstanding and deep and unlikely to change anytime soon. Like it or not, the era of polarized congressional parties and strong party leaders will probably continue for the foreseeable future.

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Figure 4.1. Average Party Difference on House and Senate Roll Calls, 83rd-110th Congresses

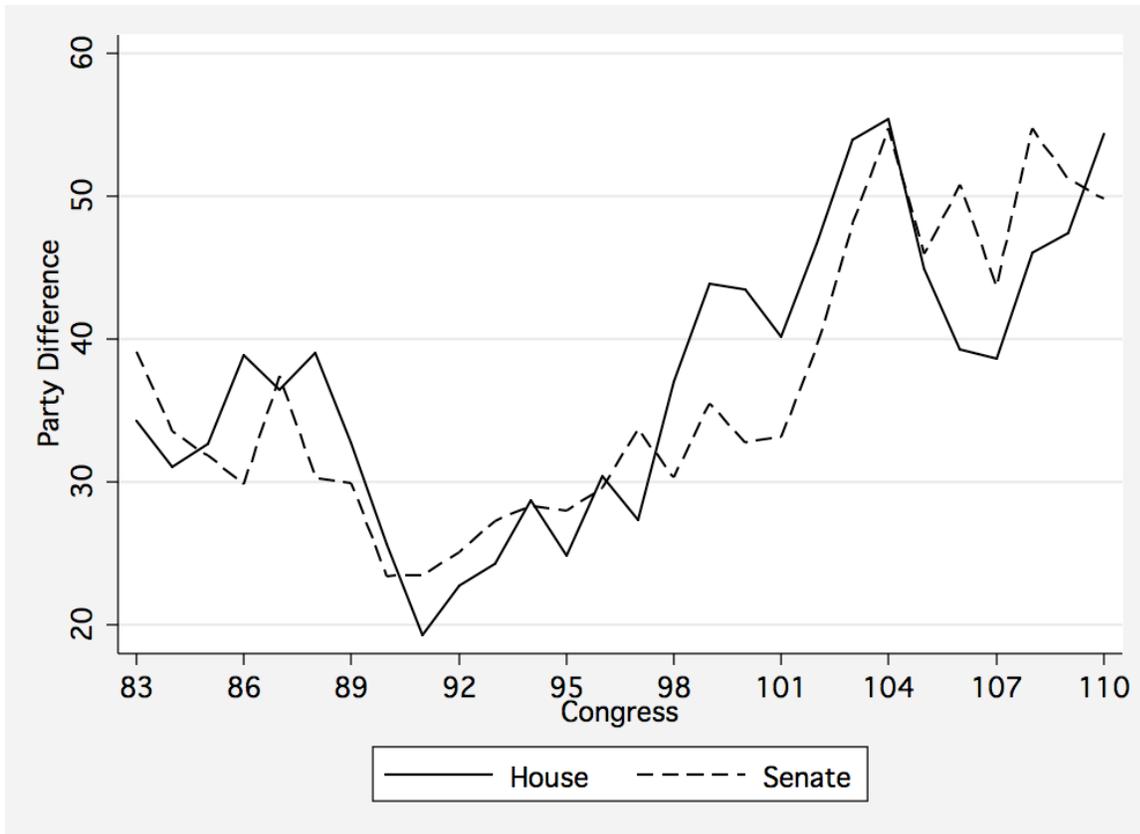
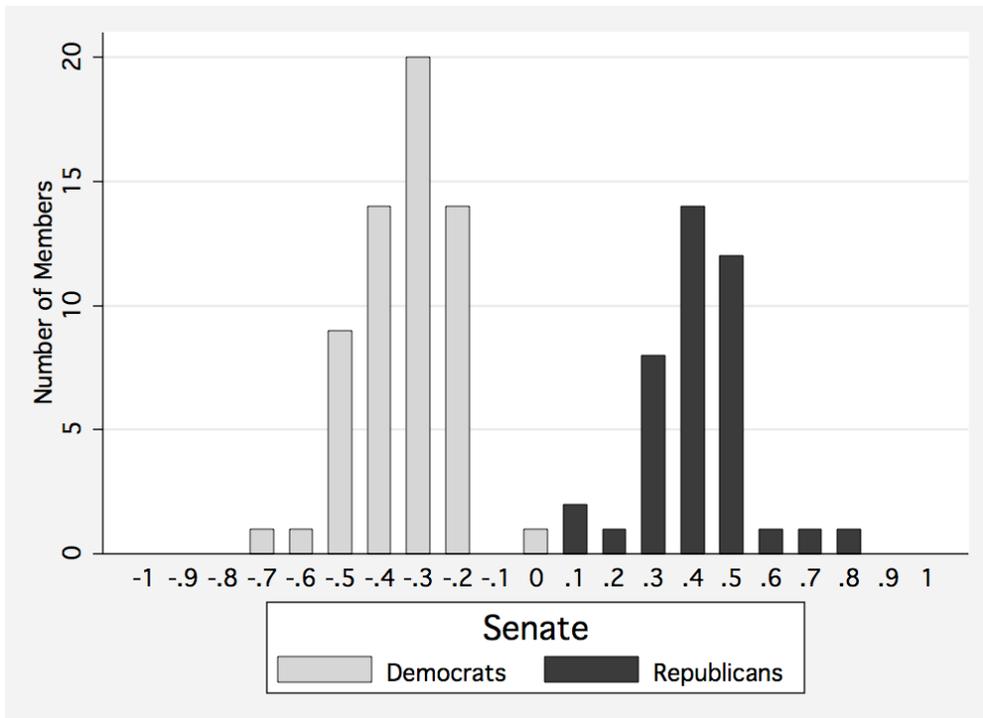
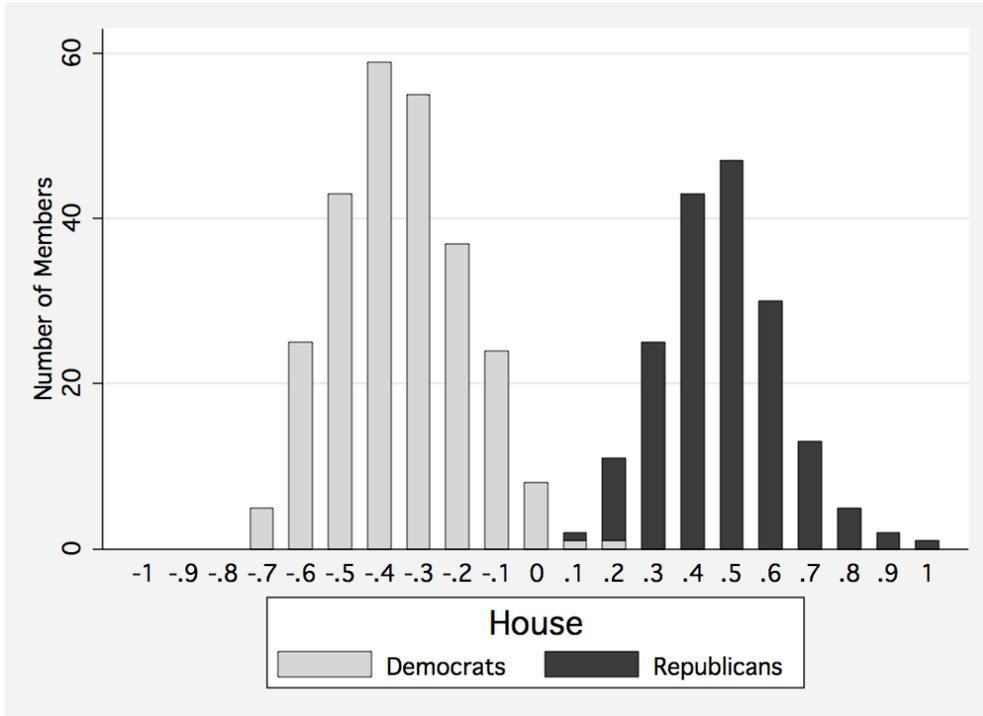


Figure 4.2. Ideological Distribution of House Members and Senators, 2009



The United States Senate is the upper house of the legislative branch of the federal government, with the House of Representatives referred to as the lower house. But in the United States, the terms "upper" and "lower" house are merely shorthand, dating back to a time in the 1780s when the Senate and House of Representatives met on the upper and lower floors of Federal Hall, their base in the former U.S. capital of New York City. However, the Senate holds the power to vet and approve these appointments. Both the Majority Leader and the Minority Leader, who represents the party with fewer seats in the Senate, also advocate for their respective party's positions on various issues and pieces of legislation being debated in the body. Sources However, the US party system faces several challenges which have made governing more difficult. The two parties have become much more ideologically polarised. They remain weaker than many European parties in their ability to select their candidates and maintain party discipline among their representatives. Polarisation of the political parties. The US political party system has become increasingly polarised. Each of the two parties has become more internally homogenous and has moved further to the left or to the right of the political spectrum. For example, independent expenditures in the 2014 House and Senate races totalled \$531 million, up from less than \$200 million in 2010 and less than \$10 million in 1998 (Ornstein et al. 2014, Table 3-14).