LEGISLATORS’ PERSONAL POLICY PREFERENCES AND PARTISAN LEGISLATIVE ORGANIZATION:

SPECIAL RULES IN THE POST-REFORM HOUSE

Robert P. Van Houweling
Harvard University

September 24, 2001
A number of indicators point to the growing significance of political parties in the modern U.S. Congress. Commonly cited examples are the strong tendency of contemporary party members to vote with each other and against the opposition, an expansion in the use of restrictive legislative procedures, and a substantial increase in the size of party organizations. The sources of these developments and their significance have been at the core of debates among scholars of Congress for most of the last decade. Central questions remain open: Have modern party organizations gained the ability to pull policy toward the ideological polls they represent? If so, why have moderate lawmakers given them the power to do so?

I develop and empirically test a new account of the reasons legislators choose to cede power to party organizations that offers answers to these questions. My primary claim is that legislators have an incentive to delegate agenda and organizational powers to political parties when their personal policy preferences are more extreme than those they wish to reveal to their constituents. When vested with agenda control, parties are able to serve legislators’ interests by defining alternatives that allow them to vote in favor of relatively extreme policies they prefer without revealing extremist leanings to their electorate. This logic suggests that the growth of party activity in Congress over the past few decades is due to a widening gulf between the personal preferences of Democratic and Republican members of Congress and the preferences of their constituents. In short, legislators have increased their reliance on political parties as it has become more difficult for them simultaneously to achieve the policy outcomes they desire and remain
in office. The extremist drift in policy facilitated by the party organizations I describe has broad consequences for the representation Congress provides.

Section I of this paper places my theory within the literature on party organization. Section II offers a more narrow formal development of the theory as it applies to special rules in the House. The model is premised on the assumption that legislators are free to cast procedural votes in line with their personal preferences without fear of electoral consequences, but must heed to their constituents’ preferences on more visible roll calls on amendments and final passage. Building from here, it defines the conditions under which a majority party will propose and a legislature will adopt restrictive amendment rules. The central conclusion is that such rules will be employed when members of the majority party have extreme and cohesive preferences relative to their constituents. In this circumstance, legislators will limit the agenda so that they can vote in accord with their constituents’ preferences on amendments and final passage, yet ensure policy outcomes more in line with their personal desires than would result from an open agenda. Section III offers evidence regarding special rule voting patterns that is consistent with the hypothesis that legislators’ personal preferences have become more extreme and have driven their votes on special rules. Section IV tests hypotheses that arise from the model about the policy consequences of restrictive legislative rules with evidence from the 104th Congress. It analyzes legislative alternatives and outcomes, and concludes that more restrictive rules tend to keep moderate alternatives off the agenda and result in outcomes closer to those preferred by the majority party. Section V concludes.
I. Parties v. Politicians?

The role of political parties has been a topic of consistent controversy among students of Congress, with the recent debate focusing on whether parties are able to force legislators to act in ways they otherwise would not choose to act. While this is an interesting question, it is not the best measure of party consequence. The goals of politicians and parties certainly conflict on occasion, but this conflict is a strange starting point for a theory of parties. Indeed, one might reasonably expect most party activity, especially that which is effective and consequential, to revolve around situations in which parties can help legislators accomplish goals that would be unattainable otherwise.

Most accounts of legislative parties do not emphasize the importance of cooperative efforts by politicians and the parties they form. When David Mayhew (1974) offered his judgment that “[t]he fact is that no theoretical treatment of the United States Congress that posits parties as analytic units will go very far,” (27) it rang true. There was little one could point to in recent congressional politics to suggest Mayhew was mistaken. Moreover, it did not seem likely that things would soon change. As he points out, “[i]n America the underpinnings of “teambread” are weak or absent, making it possible for politicians to triumph over parties” (22) [emphasis added]. What we should take from Mayhew’s observation is that in America politicians control parties—parties do not control politicians. However, a less compelling part of his formulation has made at least as big a mark on subsequent scholarship. Mayhew’s language suggests politicians and parties are competitors whose relative power is determined by their ability to “triumph” over the dictates of the other—it has a zero-sum tinge.
Keith Krehbiel (1991, 1993, 1998) formalizes a similarly zero-sum logic and extends it to explain policy making in the United States. His models of legislative organization assume that policy is arrayed along a single dimension over which legislators have single-peaked preferences. In such a world it is easy to prove that the legislator with the median ideal point stands only to lose if she endows a political party with power to shape policy outcomes. On this view, what seems to be a stunning growth in party activity over the past three decades—cohesive voting, restrictive rules, growth in the size of party organizations—is nothing more than evidence of shifting preferences defined in Krehbiel’s restrictive manner. Krehbiel’s reliance on a one-dimensional policy space has drawn criticism (Aldrich 1995, Aldrich and Rohde 1999, Shepsle and Weingast 1995). I contend that his conceptualization suffers from a different flaw: the assumption that legislators’ preferences can be boiled down to a single point—presumably some optimal balance between their personal beliefs and those of their electorate. When we consider these elements separately it becomes clear that legislators (even that uncharacteristically lucky monkey in the middle) might not be able to achieve the legislative and electoral outcomes they prefer without help. This leaves room for parties and legislators to “triumph” together.

Other critics of the “parties don’t matter” school offer a different argument. They tend to accept the assumption that the short-term incentives of legislators and parties often conflict, and attempt to explain why legislators nonetheless have reason to give parties the tools to order them around. The logic of collective action is a common starting point (Rohde 1991, Aldrich 1995, Aldrich and Rohde 1999, Cox and McCubbins
1993). To take an example, Cox and McCubbins contend the party’s sterling reputation is electorally essential to even its most moderate party members, but it will become tarnished if they pursue their individual goals unfettered. With an analogy to pre-revolutionary Chinese barge whippers (90), they suggest that to overcome this dilemma caucus members hire leaders and equip them with the legislative equivalent of medieval torture instruments. Cox and McCubbins’ argument is appealing because it casts aside the zero-sum baggage of the “parties don’t matter” scholars and recognizes that what is good for the party can also be good for legislators. But in the end their theory, and in fact this entire class of theories, returns to the conflict between individuals and parties. For these theories to work, legislators must recognize that they partake of a collective good, believe that the value of the collective good is high enough to be worth some personal sacrifice, and choose to hand over power to agents that will force them to make the sacrifice. Each stride requires a substantial hurdle. Thus, we should not be too surprised that even in an era of superficially powerful parties it has proven quite difficult to find evidence that the hurdles have been cleared.

The model I propose views the relationship between legislators and the parties they form as much less contentious but no less consequential. It rejects the simple view of legislators’ preferences adopted by Krehbiel in favor of the view that legislators have at least two distinct and possibly conflicting goals: 1) to vote in a way that allows them win reelection, and 2) to enact policies they personally favor (Fenno, 1973). Building from this foundation, the model specifies conditions under which legislators can

---

1 The third motivation that Fenno discusses is a desire for power within the chamber. This is another possible justification for the strength of party organizations: legislators go along to get ahead. However, this account does not address the central question of why moderate legislators would submit to party organizations that require them to take electoral risks to get ahead.
minimize the conflict between these goals by delegating agenda control to agents of their party. Before formally developing the model, I offer a motivating case and discuss reasons to suspect that the case is exemplary of a more general phenomenon prompted by legislators with increasingly extreme personal preferences.

The passage of President Bush’s tax cut in the House of Representatives serves to illustrate the intuition behind my model. For the purposes of this example assume that every House Republican had a personal preference for a tax cut nearly as large as the one proposed by President Bush. Most evidence suggests that their constituents did not agree. A poll conducted the weekend before the vote on the first key measure indicated that only a bare majority of Americans preferred Bush’s proposed tax cut to no tax cut at all. At the same time, the public’s preference for the limited Democratic plan over the cut advocated by the president was not overwhelming, hovering around fifty-five percent. In sum, it appears that the weight of opinion rested somewhere between the Republican and Democratic alternatives, allowing room for compromise that never materialized.

The first element of the Bush’s tax cut package passed the House intact on March 8, 2001, under restrictive amendment procedures. In the days preceding the vote, Republican leaders indicated they were unlikely to propose a special rule—a set of procedures for consideration of the measure—that would allow alternatives to the president’s plan. In the end they relented, proposing a rule that permitted a pre-specified

---

2 Douglas Arnold (1990) describes a number of strategies to reduce “traceability” that policy entrepreneurs can use to ease the conflict various goals. He provides examples of ways legislative procedure can weaken the “traceability chain” that support my claim that procedural matters are not visible to constituents. My model focuses on a particular procedural strategy that I argue is often used by party leaders.

Democratic amendment with tax cuts weighted toward lower income taxpayers and with an estimated cost half that of the Bush proposal. The rule did not allow any amendments in the substantial middle ground, however. House Republicans voted unanimously for the rule and unanimously for the Bush proposal over the Democratic alternative. By voting to place the middle ground off limits, Republicans from moderate districts were able to vote for the level of tax relief they preferred without revealing to their constituents that they actually favored the deep cut to more moderate alternatives.

Their rhetoric was consistent with this strategy—many claimed to have voted for the Bush bill because of the lack of a better alternative. Representative Michael Castle, a Republican from the Democratic leaning state of Delaware, and a leader of a similarly situated caucus of Republicans called the Tuesday Group, provides one example. While he voted for the cut he was quick to “[emphasize] that he still has reservations about other aspects of the plan, including Bush's proposed elimination of estate taxes. He will continue to push for triggers, he said, even if that puts him at odds with the White House and Republican leaders in Congress.” Of course, in the closely divided House, Castle and his Tuesday Group colleagues had enough votes to insist upon a rule that allowed a trigger amendment, but they chose not to insist. Eventually, the bill was signed into law without a trigger provision. Representative Nancy Johnson, a Republican from Connecticut, also voted for the rule that let the bill slip by without amendment even though she claimed she would have preferred a bill with a smaller reduction in top tax rates and more “help for health insurance.” Her view was “there’s going to be flexibility

---

Republican Amo Houghton of New York bemoaned the closed procedure (for which he voted) as he expressed his qualified endorsement of the bill in a speech on the floor of the House.

Mr. HOUGHTON. Mr. Speaker, I wish this were a little more evenly balanced in terms of a bipartisan approach, but evidently we are dealing with things which have been triggered by the White House, and we have to follow that route. Look, there are certain things about the Republican bill that I do not particularly like…

The president and the House leadership were common scapegoats for Republicans from moderate districts who uniformly supported the legislative procedures they criticized. Yet if they had truly wanted a more moderate alternative they could have rejected or amended the legislative procedures. They chose not to do so.

There are explanations for the outwardly contradictory behavior of Republican representatives from moderate districts other than their personal desire for a large tax cut. Representative Houghton points to a common one when he suggests that the White House is behind the restrictive procedures. Houghton’s insinuation is that he truly preferred a moderate alternative, but the party of which he is a part left him and other representatives with no choice but to vote against their better judgment. Theories of party organization that see legislators as bound together in pursuit of a collective good because of their similar electoral bases (Aldrich and Rohde) or their shared electoral fates (Cox and McCubbins) offer a rationale for such behavior. In application to this case, the claim would be that the collective electoral interest of Republican lawmakers was served by the exercise of discipline over representatives from moderate districts. Enacting the more conservative policy enhanced the party’s reputation and the prospective electoral

---

success of its members. Moreover, representatives from moderate districts recognized this and willingly gave the party tools to enforce discipline. This perspective is plausible, but begs a question: how do Amo Houghton and his ilk from moderate districts benefit from a party with a conservative reputation? There are answers to this question involving primary electorates, brand name distinctions, and/or voters who use informational shortcuts. But the more straightforward explanation is the one I have proposed: “moderate” Republican lawmakers preferred a large tax cut and agreed to the restrictive amendment procedure because it saved them from having to violate this preference by voting for moderate amendments favored by the majority of their constituents.

For this logic to explain increases in the use of restrictive procedures like the one described above and, more broadly, the apparent strengthening of party organizations over the last three decades, it must be the case that the gulf between the personal preferences of partisan legislators and those of their constituents has widened. I will offer two reasons to consider seriously this conjecture. The first is the decline of the solid Democratic South. In his account of Conditional Party Government, Rohde (1991) stresses how the rise of the two-party South has meant that the constituencies that Southern Democrats represent have become much more similar to those represented by Northern Democrats. I focus on a different consequence of the rise of two party competition. One-party domination in the South meant that relatively liberal and relatively conservative politicians alike could only succeed if they were Democrats. The factional and personalized politics prominent in the region resulted in a party in which the

---

Jacobs and Shapiro (2000) also argue that politicians’ preferences have become more extreme and cohesive over the last thirty years. They give an persuasive account of how this development has led to the use of public opinion polls to craft messages to sell policies that are non-centerist. It is another way that
candidates had diverse views (Key 1949). It is easy to imagine asking a Southern Democrat in the 1950s whether he is “more liberal” or “more conservative” than the majority of his constituents and having him answer that he is “more conservative.” Southern Democrats who had genuinely conservative personal views had no incentive to support legislative procedures that allowed Northern counterparts to pull legislative outcomes in a liberal direction. Not only would the reputation of their party suffer among their constituents but their personal policy preferences would be violated as well. Two-party competition changed the circumstances because candidates have gravitated to the parties with which they have more in common. New Southern Democrats— with views aligned with their fellow partisans in the North and at odds with a substantial portion of their constituents— have an incentive to cooperate in the efforts of their party to pull policy in a liberal direction as long as they are not implicated in those efforts. The opposite can be said of Southern Republicans.

Another reason legislators of each party may have developed more extreme and cohesive personal preferences is that the pools from which they are recruited have become more extreme. As Aldrich and Rohde observe, “Party activists care about policy and they not only want their candidates to share and pursue those policy interests, but they are also the most likely source from which the candidates will come” (Aldrich and Rohde, 1999, pg. 2). But if candidates are drawn from the ranks of activists, we have reason to believe that they might prefer policies that are more extreme than they are letting on. At least since the NES started keeping track, partisan campaign activists have

---

 legislators can get the policies they want and get re-elected that works in tandem with the partisan strategies I describe.

7 Nevertheless, Aldrich and Rohde explicitly base their theory on the preferences that legislators publicly reveal (but see Rohde in Shepsle and Weingast, 1995, for an account more similar to the one I offer).
been more extreme than their fellow partisans who choose not to give much of their time or money to political campaigns. Moreover, the extremity in the average ideological positions of the activists in each party has grown since the late 1960s.

**Figure 1. Party Activists Have Become More Extreme**

Figure 1 plots the position of respondents who engaged in three or more types of campaign activities and their fellow partisans who did not on the NES ideology thermometer scale. The gap between Democratic and Republican activists tripled from around fifteen points in 1968 to over forty-five in 1996. This development may be complemented by a growing number of candidates with roots in activist organizations (e.g. National Organization or Women, the Sierra Club, the National Rifle Association, and the Christian Coalition). The number and strength of such advocacy organizations...
has exploded over the last three decades (Walker, 1991) perhaps making them a more likely source of candidates with strong policy preferences.

I. The Model

I construct a simple one-dimensional model with two players: one legislator with the power to propose policies and restrictive rules and a median legislator with the power to accede to the rules or reject them and offer amendments. The model allows legislators to have different personal preferences than those they wish to reveal publicly. The model is built on the assumption that votes on final passage and amendments are visible to voters, but votes on rule choice are not. This enables the median legislator to dodge responsibility when she supports an agenda that does not include the policy her constituents prefer. However, in equilibrium, she can only take advantage of this possibility when both she and the proposer prefer that policy be pulled away from her electorally induced public position in the same direction.

**Actors.** The setting is a legislature with an odd number of legislators. However, the model consists of two actors: the median legislator, M, and a bill proposer, P. We can simplify the legislature by focusing on the median voter because voting is by simple majority rule. I usually refer to the proposer as a party leader when discussing applications of the model, but one could also think of the proposer as the median member of a committee, a committee chairperson or a proposer selected in some other manner. In any case, the proposer is an exogenously specified member of the legislature.

**Preferences.** Legislators’ preferences have three components. The first component is legislators’ electorally induced preferences, denoted as $P_{public}$ and $M_{public}$ in
the model. I assume that the primary goal of legislators is to win re-election. Voter behavior is not explicitly incorporated in the model. However, the model is based on the assumption that voters have single-peaked policy preferences in a unidimensional policy space. They vote for the incumbent unless a challenger can point to a specific instance in which the incumbent violated their preferences. There are only two actions in the model that can reveal legislators’ preferences to challengers and voters. The first is votes on paired alternatives. To be reelected legislators must always vote for the alternative that the median voter in their district prefers. The second is proposals the legislator makes. To be reelected legislators must make proposals as if their ideal point is that of the median voter in their district. This does not mean that they must always propose policy at that point, but they must propose the closest feasible policy (i.e. the closest one that is preferred by the median member of the legislature to the status quo.) Note, this means that if the median member of the legislature makes a proposal, she must always propose the closest feasible policy to ideal point of the median voter in her district.

The second component of legislators’ preferences is their personal policy desires, denoted as $P_{\text{private}}$ and $M_{\text{private}}$ in the model. These are again single-peaked preferences in a unidimensional policy space, and the peaks can be located anywhere in the policy space.

The third component of legislators’ preferences arises from their desire to appear fair. This is denoted in the model as a cost, $k$, for proposing or voting for a restrictive procedure. I assume that this cost is minimal and it does not affect legislators’ electoral prospects. However, if everything else is equal it leads legislators and proposers to prefer open procedures.
Game Sequence. The game sequence is presented above. First, nature, $N$, picks a status quo policy, $q$, which serves as a reversion point. Next the proposer, $P$, offers a bill, $b$, and decides whether to adopt a restrictive procedure or not. If he does not adopt a restrictive procedure, $b$ is reported to the floor and amended until no more amendments can pass – which results in $a$. Then $a$ is paired against the status quo. To simplify the game, $M$ is required to offer $a$ if there is an open rule.

If the proposer offers a closed rule, then $M$ has the choice of approving the rule or rejecting the rule and offering an amendment. A crucial assumption of the model is that challengers and voters cannot blame $M$ for the policy consequences of approving the rule. If $M$ rejects the rule the game proceeds as it does in the open rule case described above. In short, $M$ offers $a$, it is paired with $b$, and the winner is paired with the status quo. If $M$ approves the rule, $b$ is paired with the status quo.
**Results.** Instead of presenting general results I will analyze two scenarios that illustrate the model when legislators do not have extreme private and when they do.

1) \( q < M_{\text{public}} = M_{\text{private}} < P_{\text{public}} = P_{\text{private}} \),

2) \( q < M_{\text{public}} < M_{\text{private}} < P_{\text{public}} = P_{\text{private}} \)

**Case 1:** \( q < M_{\text{public}} = M_{\text{private}} < P_{\text{public}} = P_{\text{private}} \)

This diagram is a specific instance of the case where both the proposer and the median legislator have identical public and private ideal points.

**Proposition 1:** If the median legislator has identical public and private ideal points then all policies will be offered under an open rule and the outcome will be the median legislator’s ideal point.

Starting at the terminal nodes of the game we can characterize the equilibrium in the diagrammed case and then generalize. If \( P \) offers any \( b \) under a closed rule, \( M \) will reject the rule and offer the amendment \( a \) at her ideal point. Note, \( M \) would reject the closed rule even if \( P \) offered \( b \) at \( M \)’s ideal point, because \( M \) would not want to incur the reputational cost, \( k \), associated with supporting a closed rule. Thus, the payoffs for the two players if \( P \) offers a closed rule are \([-|p_{\text{priv}} - a| - k, 0]\). If \( P \) offers an open rule, \( M \) will again offer the amendment \( a \) at her ideal point and the payoffs for the two players are \([-|p_{\text{priv}} - a|, 0]\). Consequently, at the previous node where \( P \) chooses a rule, he will prefer an open rule to avoid paying \( k \). Thus, in equilibrium, the proposer will always
offer some bill, $b$, under an open rule and the median member will offer an amendment, $a$, at his (public and private) ideal point. The amendment, $a$, will first be paired with $b$ and win and then be paired with $q$ and win. This equilibrium holds for every location of the status quo except for the trivial case when it is already located at $M$’s ideal point.

**Case 2:** $q < M_{\text{public}} < M_{\text{private}} < P_{\text{public}} = P_{\text{private}}$

<table>
<thead>
<tr>
<th>Liberal</th>
<th>$q$</th>
<th>$a$</th>
<th>$b^*$</th>
<th>$k = \text{two units}$</th>
<th>Conservative</th>
</tr>
</thead>
<tbody>
<tr>
<td>$M_{\text{pub}}$</td>
<td>$M_{\text{priv}}$</td>
<td>$P_{\text{pub} &amp; \text{priv}}$</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Proposition 2:** If the median legislator’s private ideal and the proposer’s public ideal point are on the same side of the median legislator’s public ideal point, then the proposer can have an incentive to offer a policy that is not at the median legislator’s public ideal point under a closed rule.

First, consider the terminal nodes. In the closed rule node, $M$ will support the closed rule and vote for $b$ if $-|m_{\text{priv}} - b| - k > -|m_{\text{priv}} - a|$ subject to the electoral constraint that the median member of $M$’s district prefers $b$ to $q$ (technically, $|m_{\text{pub}} - q| > |b - m_{\text{pub}}|$). In the diagrammed case there is a range of policies that satisfy both constraints and we need to determine the optimal policy, $b^*$, for $P$ to propose. $P$ is not constrained by the median member of $M$’s district. For example, if $P$ proposes $b$ at his own ideal point, $|m_{\text{pub}} - q|$ is greater than $|b - m_{\text{pub}}|$. However, $P$ is constrained by $M$’s personal preferences: if $P$ proposes $b$ at his own ideal point, $M$ will prefer to reject the closed rule and offer $a$. The best $P$ can do is to offer $b^*$, a policy that is $k$ short of the reflection of $a$ over $m_{\text{priv}}$. In response, $M$ would accept the closed rule and vote for $b^*$. In the open rule
node, the result will be $a$. Therefore, in equilibrium $P$ will offer $b^*$ under a closed rule because he prefers $b^*$ to $a$.

The results stated in the two propositions above form the basis for the two tests that follow. Using data on roll call votes on rules and amendments, I test the claim that over the past thirty years the voting behavior implied in proposition 2 has become more prevalent. I also explore whether restrictive rules in recent congresses have had the agenda and policy consequences consistent with proposition 2.

III. Voting on special rules 93rd-104th Congresses.

This section of the paper offers the first test of the theory, examining whether legislators’ voting patterns on agenda-structuring-rule votes differ from their voting patterns on amendment votes. According to my model, legislators are more likely to vote in accord with their personal policy preferences on rule votes and with the preferences of their constituents on amendment and final passage votes. If the personal preferences of legislators have grown more extreme over the last 30 years, then the differences between their voting patterns on rules votes and other more public votes should have increased in tandem. The evidence supports this hypothesis. Voting patterns on amendment votes have become a less certain predictor of lawmakers’ special rule votes, while party has become a more reliable predictor of the same. Democrats in recent congresses have expressed more liberal preferences when voting on rules than their voting record on other matters would lead us to expect, and vice-versa for Republicans.

In an initial attempt to examine the data I use the W-NOMINATE procedure (Poole and Rosenthal 1997) to estimate the ideal points that members of the House of
Representatives revealed on rule votes, amendment votes, and final passage votes. W-NOMINATE generates a two dimensional scaling of roll calls that places each legislator along a continuum from –1 to 1 on each dimension. I focus on the first dimension as the second dimension is relatively unimportant in the period under consideration and for the particular votes I scale. Figure 2 displays the distribution of estimated ideal points for amendment and rule votes for members of the 93rd and 102nd Congresses.

The members of the 93rd Congress revealed moderately bipolar preferences on both amendment votes and rule votes. By the 102nd Congress, the preferences representatives revealed on both types of roll call votes became more polarized.
However, this trend is much stronger for rule votes than for amendment votes, on which there are still a substantial group of lawmakers who express moderate preferences. On rule votes the distribution of ideal points is starkly bi-polar compared to the other three distributions presented in the figure. Figure 3 breaks down the estimated rule vote ideal points from the 102nd Congress by party. It shows that there is absolutely no overlap between revealed preferences of Democrats and Republicans.

Figure 3. Partisan Division on Rules in the 102nd Congress (Kernel Density Estimates)

Of course, there is reason to interpret this evidence with caution. A judgment based on voting patterns in only two congresses could be misleading. Moreover, there are not enough rule votes (fewer than one hundred in the 93rd Congress) to place great confidence in the accuracy of the vote scaling. In contrast, there are over three hundred amendment votes in every congress, making those estimates more reliable. Nevertheless, this snapshot of two congresses suggests that today’s representatives are consulting more

---

8 Communications with Keith Poole suggest that while it is always better to have more roll calls, a rule of thumb is that the estimates are reliable when there are at least as many roll calls as legislators, which is true of amendment votes in almost every Congress since the 93rd.
extreme preferences when casting rule votes than when casting other more public votes in a way yesterday’s representatives did not.

The following analysis offers additional and more reliable evidence to buttress the conclusions from the snapshot. I estimate an OLS regression for each roll call vote on a legislative rule taken in the 93rd to 104th congresses. This method avoids reliance on questionable rule vote scales and offers a more precise way to quantify the changes in voting patterns. The dependent variable is a dichotomous indicator of whether a legislator voted yea or nay on the rule. The first independent variable is a legislator’s party. The other independent variables are the first dimension and second dimension W-NOMINATE coordinates from a scaling of legislators amendment roll calls in the congress in which the rule vote occurred. Thus, to obtain estimates of the parameters for rule vote \( j \) the equation is:

\[
\text{rulevote}_{ij} = \alpha + \beta_1 (scale_i) + \beta_2 (party_i) + e_{ij}
\]

\( \beta_1 \) estimates the effect of a legislator’s position on the amendment vote scale on a particular rule voting decision. \( \beta_2 \) captures the influence of party correlated preferences on the same voting decision, controlling for the preferences the legislator revealed on amendment votes.

If legislators are making every voting decision based on the same set of preferences, then their position on the amendment scale should predict their position on

---

9 This procedure is similar to one Snyder and Groseclose (2000) use. They have a discussion of why it is appropriate to use OLS with Huber standard error estimates despite the dichotomous dependent variable.

10 The findings are nearly identical using an amendment scale or a final passage scale, but the amendment scale should be more reliable because it is based on a larger number of votes.
the rule scale relatively well. In this circumstance, the party affiliations of legislators should not influence their of rule votes, because any information about preferences party affiliation contains have already been incorporated into legislators’ voting patterns on amendments. On the other hand, if party affiliation has a substantial influence on representatives’ voting decisions on rules even after controlling for the preferences they revealed on amendment votes, then we have reason to suspect they are expressing different preferences on the two types of measures. My model implies that party affiliation will be an important predictor of rule voting decisions when co-partisans have extreme and cohesive personal preferences, because lawmakers will express these preferences on rule votes but not on amendment votes. The evidence below shows a substantial increase in the importance of the party in explaining rule votes over the last few decades, which is consistent with a rise in co-partisan preference cohesiveness and extremity.

The regressions are summarized by congress and presented graphically in Figures 4 and 5. Figure 4 plots the average absolute value of the coefficients for the amendment scale and the party dummy. It has two panels: the first summarizes the models for all of the close rule roll calls, and the second summarizes the models for all of the close amendment roll calls, which are included for purposes of comparison.  

11 The party dummy is coded 1 for Republicans and 0 for Democrats. Conservative legislators have positive nominate scores. Thus the variables tend to have estimated coefficients of the same sign.
12 The absolute value is appropriate because sometimes a yea vote represents a conservative position and sometimes it represents a liberal position. See Snyder and Groseclose (2000) for a discussion.
13 The figures only summarize the results for votes on which the margin of victory was less than 65% of voting representatives. The summary results are nearly identical if for all votes. However, I examine the close votes because doing so facilitates comparison between amendment votes and rule votes. Snyder and Groseclose (2000) conduct an analysis similar to mine in which they scale lopsided votes to generate a measure of legislators’ preferences absent party influence. Then they use the resulting scale and a party dummy to predict close votes. They interpret the effect of the party dummy as an estimate of party power. If one accepts their logic (my theory suggest an alternative interpretation), then the fact that a higher
The trends in the amendment scale and party coefficients move strongly in opposite directions for the rule roll call models. In the 93rd Congress a shift of one quarter point on the NOMINATE scale would have changed a legislator’s probability of voting yea on the percentage of rule votes than amendment votes are close might render my analysis biased toward the conclusion that legislators express different preferences on the two types of votes. By limiting my sample to close votes I control for this possible bias.

McCarty, Poole, and Rosenthal (2000) raise variety of criticisms of Snyder and Groseclose’s work. One is that lopsided votes do not contain the information necessary to accurately estimate the preferences of moderates. Consequently, when a lopsided vote scale is used to predict close votes party affiliation is likely to provide additional information useful for distinguishing legislators, yielding a significant coefficient. My analysis does not suffer from this problem, because in every congress there are a substantial number of close amendment votes allowing the scale to distinguish among moderates.
average rule vote as much as a change from one party to the other. In contrast, by the 104th Congress a legislator would have to shift more than two units on the NOMINATE scale to equal the effect of changing parties. To put this in perspective, recall that the entire NOMINATE scale is only two units long; in the 104th Congress the distance between Richard Gephardt and Dennis Hastert was only 1.35 units. Thus one can conclude that the importance of party in determining rule vote outcomes drastically increased over the period. Looking at the second panel one can see that in the case of amendment roll calls the importance of the amendment scale decreased somewhat and the importance of party marginally increased over the same period. However, these trends are much weaker than those for rule roll calls. Note that the average coefficients for both independent variables were strikingly similar across amendment and rule votes in the 93rd Congress, suggesting that the determinants of rule and amendment voting were similar at that time. This appears to no longer be the case.

Figure 5 plots the average absolute value of the t-ratios for the amendment scale and the party dummy for the same models. The first panel suggests that not only have the effects of the two independent variables changed over time when it comes to rule votes, but the certainty with which we can assert these effects has changed as well. In most congresses, the average t-ratios for both coefficients are well above traditional levels of statistical significance for rule roll calls. However, the trends are in markedly different directions. Once again, much weaker evidence of the same trends exists for amendment roll calls.
While evidence presented in the figures above is consistent with my hypothesis, it is necessary to survey existing rationales for the use of closed and restrictive rules in the House to see if they offer compelling alternative explanations. Some of these are explicitly or implicitly partisan (e.g., Sinclair 1999; Dion and Huber 1997), while others allow no role for parties (Krehbiel 1991, 1997; Baron and Ferejohn, 1989, Shepsle and Weingast, 1987). The later—informational and distributive theories—are not necessarily inconsistent with my findings but they do not offer obvious alternative explanations.
However, theories that hold parties are able to discipline their members suggest the alternative hypothesis that parties exercise strict discipline on rule votes but loose discipline on amendment votes. Thus, as the power of parties to discipline legislators varies, the divergence between legislators’ voting patterns on rules and other measures will vary in turn. Through this lens my findings could be seen as evidence of increased party power over the last few decades.

Nevertheless, the results are consistent with my hypothesis that legislators consult increasingly extreme personal preferences when making procedural voting decisions while they consult more moderate ones when making publicly visible choices on amendments and final passage. Regardless of which explanation one prefers, the finding that party has become a more powerful determinant of rule votes—even after accounting for the preferences legislators reveal through amendment roll calls—suggests that the majority party increasingly employs rules to pursue its agenda. The next section tests the hypothesis developed in Section II about the mechanics of this strategy.

IV. Restrictive rules and legislative outcomes in the 104th Congress

If restrictive rules function as I hypothesize in Section II, they should be associated with policy outcomes more favorable to the majority party and with less moderate policy alternatives. To test these hypotheses, I use the NOMINATE scaling procedure to examine the locations of policy alternatives and outcomes associated with legislation considered under various types of rules in the 104th Congress.

The NOMINATE procedure is most often used to measure the ideal points legislators reveal through their votes, but it also provides estimates of the location of the
yea and nay alternatives on each vote along the familiar –1 (liberal) to 1 (conservative) scale. To test hypotheses about how the locations of alternatives and outcomes should vary with rule type, I coded what type of rule governed the measure underlying each roll call vote in the 104th congress and merged this information with NOMINATE location estimates. For the analysis presented below, I restrict the sample to votes on final passage for bills that passed the House in the 104th Congress to avoid including cases that are inconsequential or do not fit within the framework of my model.

The first hypothesis drawn from the model is that distance between the status quo and the yea alternatives should be larger for measures considered under a closed or restrictive rule than those considered under an open rule. In the model, closed rules keep moderate alternatives off the agenda so members of the majority party from moderate districts can vote for extreme alternatives without explicitly violating the wishes of their constituencies. Consequently, bills considered under such rules should be associated with a greater average distance between the location of the status quo, which is fixed, and the location of the bill at final passage than for bills considered under open rules.

The second hypothesis is that the yea alternative should be more conservative for closed or modified closed rules than for open rules. This is because the purpose of restrictive rules in the model is to generate more extreme policy outcomes than would be possible under open rules. Table 1 presents results pertaining to both hypotheses.

---

14 These estimates are less reliable than the estimates of legislator ideal points because there are many more parameters to be estimated with the same information (Poole and Rosenthal, 1997). However, when aggregated they become more reliable. Moreover random measurement error should bias against finding differences in outcomes related to rule types. See McCarty and Poole (1995) for another application of outcome location estimates.

15 I coded rules that allowed no alternative closed; rules that only allowed pre-specified alternatives modified closed; and rules that allowed any alternatives open. The open category included rules that required that alternatives be printed in advance in the Congressional Record.
Table 1. Relationship Between Rule Type and Location of Outcomes for Legislation that Passed the House in the 104th Congress.

<table>
<thead>
<tr>
<th>Rule Type (N)</th>
<th>Distance Between Y and N (s.e.)</th>
<th>Location of Outcome (s.e.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Closed (28)</td>
<td>1.62 (.93)**</td>
<td>.34 (.90)*</td>
</tr>
<tr>
<td>Modified Closed (36)</td>
<td>1.33 (.71)</td>
<td>.14 (.85)</td>
</tr>
<tr>
<td>Open (56)</td>
<td>1.23 (.63)</td>
<td>.00 (.74)</td>
</tr>
</tbody>
</table>

T-tests of difference of means between open and closed rules:
** p < .025 (two-tailed)
* p < .075 (two-tailed)

The policy alternatives at final passage for bills considered under a closed rule were on average about .4 further apart on the NOMINATE scale than the alternatives for bills considered under an open rule. The difference of means test indicates that we can be very confident in this finding. Closed rules also resulted in winning policy alternatives that were more conservative than those emerging when bills were considered under open rules. In both cases the findings are substantively important, representing nearly a fifteen to twenty percent change on the NOMINATE scale. As expected, bills considered under modified closed rules fall between bills considered under open and closed rules on both scores, but the differences do not reach traditional levels of statistical significance. Again, neither distributive nor informational theories offer explanations for these findings, which are entirely consistent with my model and theory.

V. Conclusion

This paper addresses two questions that have occupied scholars of Congress for the last decade: Have modern party organizations gained the ability to pull policy toward the ideological polls they represent? If so, why have moderate lawmakers given them the
power to do so? Consistent with conventional wisdom I answer affirmatively to the first question, offering some new evidence in support of the answer. My answer to the second question is unique: when the personal policy preferences of legislators are more extreme than those of their constituents, they satisfy their personal preferences and minimize their electoral risk by delegating agenda power to their parties. In essence, the “moderates” are not moderate at all, but the creative use of legislative procedures allows them to appear so in order to secure re-election. Moreover, legislative recruitment patterns have resulted in more non-moderate lawmakers representing moderate districts; this has fueled the rising prominence of party organizations in Congress over the past three decades.

I develop a formal model of legislative rules based upon this theory, draw hypotheses from the model, and test those hypotheses. The model posits that restrictive rules are used to generate extreme policy outcomes. Evidence supports the model. It also predicts that if lawmakers’ personal preferences have become more extreme we will observe this in voting patterns on rules more than in their voting patterns on amendments. Evidence again supports the model, and gives credence to my explanation for the increasing prominence of political party organizations in the Congress since the 1970s.

These findings are not readily explained by informational or distributive theories of legislative organization. Alternative partisan theories might be able to offer rationales that lead to the same predictions as my model. However, my model is more parsimonious and my predictions more direct than those afforded by other explanations for why legislators delegate important tasks to party organizations. Other accounts draw on collective action theory, and posit that common electoral bases and interests of legislators lead them to instill disciplinary power in parties. The parties need this power
because sometimes the collective good is best served by forcing individuals to sacrifice. Legislators in my account do not need to possess as much foresight, thought, or trust in party organizations as do those described in these alternative accounts. I contend that party leaders exercise their prerogatives to reduce the costs that legislators face when attempting to satisfy their conflicting policy and electoral goals. They are enablers, not disciplinarians.

The extremist drift in policy facilitated by the party organizations I describe has broad consequences for the representation Congress provides. Political scientists have often yearned for parties able to distinctively shape policy, because they can be held accountable by the electorate in ways that inconsequential parties cannot. On the other hand, the policies such parties produce tend to leave voters with choices at the extremes, so extreme, perhaps, that they would prefer party-free moderation to party-driven choice.
References


