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Party Government in the House Reconsidered: A Response to Cox and McCubbins

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In their response to our essay, Gary Cox and Mathew McCubbins offer a helpful elaboration on the implications of their partisan model of House institutions. We particularly appreciate their effort to detail the relationship between changing party homogeneity and House rules changes. We nonetheless believe that our findings raise serious questions for Cox and McCubbins' party cartel model, and cast considerable doubt on the notion that the 1920s–70s period is aptly characterized as an era of party government. In our rejoinder, we first consider this general issue of whether House institutions are designed to suit majority party interests. We then respond to several specific criticisms made by Cox and McCubbins of our analysis and evidence.

Our analysis of House rules changes discloses two central features of institutional development in the 1920s–70s that undermine claims of party government: first, major features of House institutions, such as rules concerning committee jurisdictions, were shaped far more by cross-party and universalistic coalitions than by party-based coalitions; and second, House rules respond more to changes in the ideological balance of forces on the floor (i.e., the relative numbers of liberals and conservatives) than to changes in the preferences of a majority of majority party members.

One major claim made by Cox and McCubbins in *Legislative Leviathan*, and developed in considerable detail in their 1994 *Legislative Studies Quarterly* essay, is that the majority party usurps the rule-making power of the House and stabilizes House institutions by imposing firm discipline on its members when it comes to votes on important House rules (1993, 2, 278, 1994, 215–23). Cox and McCubbins (1994, 218) assert that the majority party binds its members to “support caucus decisions in the House on a variety of key structural matters.” They argue that as a result, major rules changes opposed by a majority of majority party members will not take place (1994, 223).

Yet we discuss several rules changes that were opposed by a majority of majority party members. In each case, dissidents from the majority party united with minority party members to make the changes.¹ How does one interpret these changes? Cox and McCubbins' party cartel model, which

¹The changes adopted in 1924, 1945, 1951, and 1967 are leading examples of this, along with the elimination of several select committees in 1993.

commits them to the view that the majority party at a minimum exerts a veto over major rules changes (1994, 223), requires that these changes were somehow consistent with the majority party's "interests." Thus, Cox and McCubbins take us to task for suggesting that the changes stemmed from shifts in the balance of ideological forces on the floor rather than from changes in the majority party median. They assert that we do not control for changes in the ideological position of the median member of the majority party.

This is an important issue because if the majority party median had shifted to become supportive of the new rules, then the changes might be consistent with majority party interests. *But the crucial point is that the median member of the majority party opposed each of these cross-party coalition changes:* the evidence for this assertion is simply that a substantial majority of party members voted against each change. In other words, we use members' *behavior* as an indicator for their preferences, and we infer that most majority party members (and hence the median majority party member) opposed those changes that they voted against. Beyond this observation, an examination of change in the ideological position of the majority party's median legislator, based on Poole and Rosenthal's (1997) D-NOMINATE scores, shows that majority party setbacks on the rules do not correspond to shifts in the position of the party's median member.²

Cox and McCubbins point to a second sense in which the cross-party coalition rules changes could be viewed as consistent with the majority party's interests when they argue that changes in majority party homogeneity may explain apparent majority party defeats. The basic idea is that as the majority party becomes increasingly divided, its members acquire an interest in a more decentralized set of institutions that grant party leaders fewer prerogatives (1997, 1385–6). Once again, the preferences and characteristics of the majority party—rather than the relative floor strength of the two parties—are the key to institutional change in the party cartel model. Still, this is an important concession: Cox and McCubbins' original claim that the existence of a majority party cartel "stabilizes key features of the structure of the House" (1994, 218, 1993, 278), becomes difficult to sustain if they concede that cross-party coalitions have on several occasions managed to amend critical House rules over the apparent opposition of most majority party members.

Whether majority party homogeneity outperforms models that emphasize the ideological balance of forces on the floor is not clear. For example,

²For example, in 1924 and 1945 the majority party median became more extreme (that is, moved further apart from the minority and further away from the position of dissident majority party members), while in 1951 and 1967 the majority party median became less extreme. We used first-dimension NOMINATE scores.

Cox and McCubbins cite Binder's (1996) analysis of minority obstruction as support for the majority party homogeneity hypothesis. But Binder's theory and data analysis suggest that the cohesion and size of *both* parties, rather than simply the internal characteristics of the majority party, explain rules changes affecting minority rights. Her evidence, therefore, is more consistent with our argument that the balance of forces on the floor explains changes in key House rules than it is with Cox and McCubbins' focus on the preferences and interests of the majority party alone.³

Still further evidence that shifts in majority party interests do not account for the patterns of rules changes is provided by examining years when party control of the House changes hands. We show that in four of six such cases between 1919 and 1970, no controversial rules changes followed. Cox and McCubbins point out that this observation would be consistent with a partisan theory, if the incoming majorities in those four cases did not differ markedly in homogeneity from the outgoing majorities. But in three of those four cases, the incoming and outgoing majorities differed sharply in homogeneity: the 1947, 1953, and 1955 changes in party control involved switches in majority status between a deeply divided Democratic party and a much more homogeneous GOP. An examination of objective measures of party homogeneity, such as change in the standard deviation of party members' first dimension NOMINATE scores, supports this assertion. Of the 61 Congresses from the end of the Civil War through 1986, these three Congresses ranked first, second, and seventh in the magnitude of change in majority party homogeneity, based on the NOMINATE measure.⁴

Evidence: Partisan Procedural Control Reconsidered

Committee Chairmen and Staff

To be sure, our evidence on rules changes does not directly counter Cox and McCubbins' claim that the majority party enjoyed certain advantages throughout the period we examine. Cox and McCubbins emphasize that only majority party members chaired standing committees and that the majority party controlled committee staffing decisions, even during the era of conservative coalition ascendancy. They argue (1997, 1379) that such advantages meant that the "deck was stacked" in favor of the majority party, and that policy could therefore "be expected to deviate from that sought by the median legislator." That the Democrats' monopoly on committee chairmanships

³Nonetheless, a more direct test of the relative importance of majority party homogeneity and the ideological balance of power on the floor for understanding this type of institutional change is needed. We are in the process of completing such a project.

⁴The 66th Congress of 1919–21 ranks as the 14th biggest change. Similar results are obtained when we examine measures of homogeneity that account for both the first and second NOMINATE dimensions.

and the party's influence over staffing led to distortions in policy in favor of the party's positions, however, is not clear.

Southern Democrats held a disproportionate share of committee chairmanships during the conservative coalition era. For example, from 1949 to 1968, southern Democrats held 58.6% of Democratic committee chairmanships (Goodwin 1970, 127), yet southerners typically made up only about 40% of the Democratic caucus. Many of the southern chairmen were ardent conservatives. In several Congresses, a majority of the southern chairmen were actually more conservative than the median legislator on the floor, leading to legitimate questions about the *direction* in which such leaders could be expected to distort policy.⁵ These southern chairmen often used their agenda power to boost conservative positions opposed by most Democrats. Thus, conservative Democrat Graham Barden used his agenda power as chairman of the important and fiercely partisan Education and Labor Committee in the 1950s to foster cooperation with committee Republicans and to bolster conservative policy positions (Reeves 1993).

Cox and McCubbins' claim that "allocation of committee staff is controlled by the majority party" requires careful interpretation in light of the disproportionate southern control of committee chairmanships. Unlike the highly centralized parties in some state legislatures (Rosenthal 1981, 214), majority leaders in the House of Representatives do not control committee staffing; instead, to a much greater extent, committee chairmen shape staffing decisions. How did conservative southern chairmen use their influence over staffing? When Democrats regained control of Congress following the 1948 election, several conservative chairmen retained the professional staff hired by their Republican predecessors in 1947 (Kammerer 1951, 1129). Although the liberal chairman of Education and Labor, John Lesinski (D-MI), did manage in 1949 to hire staff members sympathetic to Democratic policy priorities, Barden replaced the bulk of the majority staff when he became chairman in 1950. He reorganized staff operations to promote closer working relationships between majority and minority staffers, and thus made the majority staff's work far more useful to Republican committee members (Kofmehl 1977, 60–1). More broadly, Goodwin (1970, 151) argues that having a preponderance of southern chairmen meant that "generally, the staffs [were] tipped in the direction of the conservative position." It simply is not evident that having so many southern Democratic chairmen aided in distorting policies in favor of the Democratic median, which after all was relatively liberal throughout this period.

⁵In four of the nine Congresses with Democratic majorities from 1949 to 1968, the median southern chairman's ideology rating was to the *right* of the floor median, and in each Congress, the median southern chairman was substantially closer to the floor median than to the Democratic median. First-dimension NOMINATE scores were used in these calculations.

Committee Jurisdictions

Cox and McCubbins also challenge the importance of our evidence on rules changes concerning committee jurisdictions. Arguing that the focus should be on the base jurisdictions, not marginal changes, Cox and McCubbins (1997, 1383) assert that “the main question is whether the committee system in place at any given time is consistent with majority party interests or not.” Ironically, the baseline that Cox and McCubbins refer to was shaped most prominently by the Legislative Reorganization Act of 1946, passed by a broad, bipartisan coalition. The set of jurisdictions in the Act was largely the work of a member of the *minority* party, James Wadsworth (R-NY). The acceptability of these jurisdictions to both parties was demonstrated by the fact that the frequent shifts in party control of the House in the decade following the Reorganization Act did not lead to any partisan jurisdiction changes. To say that the baseline supplied by the Reorganization Act was “consistent” with majority party interests tells us little about the majority party’s influence over jurisdictions: after all, the jurisdictions were also quite consistent with the minority party’s interests. Put simply, our evidence strongly suggests that the structure of jurisdictions in place during the period we examine was not designed to suit the distinctive interests of either party and is best understood in terms of broad, nonpartisan interests. When partisan controversies over jurisdictions have developed—as in 1945, 1969, 1975, 1977, and 1993—the minority party emerged victorious as often as did the majority party.

Oil Depletion Allowance

The case of the oil depletion allowance is another example where Cox and McCubbins take issue with us and seek to attribute causal influence to majority party interests. We maintain that a balanced reading of the evidence suggests that the interests of the majority party—at least as distinct from the minority—played an extremely limited role in preserving the allowance. Cox and McCubbins (1997, 1383) argue that after 1932, oil producers “overwhelmingly supported Roosevelt and the New Deal ... helping to finance many New Deal candidates around the country” and that the depletion allowance is appropriately viewed as part of a majority party logroll due to these campaign contributions and due to the industry’s importance to the south. But data on campaign contributions indicates that the oil industry had shifted much of its support from the Democrats to the Republicans by the 1950s (Heard 1960, 106, 120; Oppenheimer 1974, 40–1). The steadfast support given to the depletion allowance by Republicans and southern Democrats—and the consistent opposition by nonsouthern Democrats—leads one to wonder why this should be called a *Democratic* logroll at all (Oppenheimer 1974). Instead, the representation of oil depletion

allowance supporters on the Ways and Means Committee is more accurately interpreted as upholding a cross-party sectoral logroll.

Defections and Seniority Violations

With respect to our evidence on defections on key structural matters, Cox and McCubbins (1997, 1384) respond that the “most striking thing ... is the paucity of crimes.” Paucity is in the eye of the beholder, apparently. Prior to the mid-1970s, substantial numbers of majority party members defected on many votes on key House rules. As we show in our Table 1, more than 20 majority party members defected on votes on initial rules adoption in 1924, 1925, 1935, 1945, 1949, 1951, 1963, 1965, 1967, 1971, 1973, 1975, and 1993; more than 40 defected in eight of those 13 cases. Cox and McCubbins, in seeking to illustrate the “paucity” of defectors and the effectiveness of majority party threats of sanctions, point to the low numbers of bolters in presidential elections. Yet defections in presidential elections have little to do with upholding House institutions that advantage the majority party. Our finding that defections in presidential and Speakership elections are far rarer and more likely to be punished than are defections on key rules votes indicates that members long have been held accountable more for disrespect for major party symbols than for failure to protect party logrolls entrenched in House structures.

To be sure, we do not believe that defectors were ever entirely free from potential sanctions. But the majority party was able to sanction defectors when the party least needed to do so: when it enjoyed a substantial majority and was relatively unified. Thus, GOP dissidents were free to bolt in January 1924 when Republicans had a slim majority, but were subject to punishment in December 1925 when the party enjoyed a clear floor majority. The GOP had not become more homogeneous in 1925,⁶ but the party’s increased floor majority allowed it to sanction its hard core dissidents. Similarly, Democrats did not begin to violate seniority for reasons having to do with members’ conduct within the House (as opposed to presidential election defections) until 1975, when liberals gained a firm floor majority.⁷

Discharge Rule

Finally, we wish to respond to Cox and McCubbins’ (1997, 1381) challenge to our reading of the evidence concerning the decision to liberalize the

⁶The distribution of party members’ NOMINATE scores suggest that if anything the GOP actually had become a bit less homogeneous.

⁷Cox and McCubbins argue that Democrats were subject to punishment even in the conservative coalition era, if they offended both the northern and southern wings of the party. But even when a majority of northern and southern members voted together on key rules matters during the conservative coalition period, the remaining defectors were not punished. Thus, the 31 defectors on the 21-day rule in 1949 and the 48 defectors on the rules in 1963 were not subject to any visible sanctions.

discharge rule in 1931. They question our assertion that the Democrats were primarily concerned with maintaining consistency in positions, asking “how many voters were aware of this arcane House rule.” But while rules matters rarely attract much attention nowadays, the discharge change received substantial coverage in the press of that era, including two front page articles in the *New York Times* and three in the *Washington Post*. In addition, evidence suggests that many Democrats privately opposed the change. For example, the *Post* reported that Democrats, “for the most part, are opposed to liberalizing the rules. Having suffered under them while a huge Republican majority was in control, they now would like to retain them and thus strengthen their grip. However, there are independents, or liberals, among the Democrats as well as among the Republicans, and it is difficult to see how [Speaker] Jack Garner can head off a new set of rules” (December 3, 1931, 1).⁸

This reference to “independents” among the rank-and-file of both parties points to a key feature of the 1931 change that is especially troublesome for Cox and McCubbins’ party cartel theory. The change was demanded most stridently by a small group of progressive Republicans and Democrats led by Fiorello La Guardia (R-NY). In the closely divided House, both parties sought the support of this faction. La Guardia used this leverage to force promises of rules liberalization from both parties, before it became clear which party would hold a majority of seats (Mann 1959; *Congressional Record*, December 8, 1931, 75). As early as February 1931, when it still appeared the GOP would retain a slim majority, Republican leaders indicated that they would support liberalization of the rules in order to gain the dissidents’ support (MacMahon 1931, 934; *Washington Post*, February 27, 1931, 2). The Democrats made a similar commitment. Thus, had the Republicans retained control of the House by a slim majority, it appears quite likely that the discharge rule would have been liberalized, just as it was under the Democratic majority. Once again, the influence of majority party interests on the rules appears to be secondary to the interests of cross-party floor coalitions.

Conclusion

In sum, we believe that our evidence on House rules, committee jurisdictions, and seniority violations strongly suggests that it is not appropriate to view House institutions as tailored to promoting the interests of majority party members. Instead, our evidence confirms the centrality of cross-party coalitions in shaping key features of legislative organization. We show that

⁸Cox and McCubbins suggest that the change was consistent with the Democrats’ interest in changing policy substantially. But the Democrats lacked a program in the 72nd Congress, and Speaker Garner and other leaders believed that it was not in the party’s interest to push new policies, for fear of allowing Hoover to share responsibility for the Depression with Congressional Democrats (Schwarz 1970).

change in the ideological balance of forces on the floor has played a more critical role in determining House institutions than has change in majority party members' preferences.

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