Restrictive Rules Reconsidered

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*Restrictive Rules Reconsidered**

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Theory: Three classes of theories—partisan, informational, and distributive—yield a diverse set of predictions about legislative organization and legislative outcomes. A specific area in which they are amenable to empirical tests is the House of Representatives' use of rules governing the amendment process. Dion and Huber (1996) propose and test a formal model of the choice of rules that lies solidly within the partisan or majority-party-leadership class of theory and also comports well with conventional wisdom about rules and their strategic uses by the majority party.
Hypotheses: The Dion-Huber theory identifies a necessary condition for open rules: that the House median voter lies interior to the Rules Committee median and the standing committee median. This condition defines a *rule profile* that Dion and Huber show helps to predict rule assignments. Informational and distributive theories yield additional hypotheses, only one of which Dion and Huber test.
Methods: (1) Replication and extension of Dion and Huber's tests using their committee-level data set, OLS, GLS, and fixed-effects estimations. (2) Joint tests of the rule-profile hypothesis with informational and distributive hypotheses using a rule-level data set and probit analysis.
Results: In the committee-level data set, the rule-profile effect is sensitive to model specification. In the rule-level data set and in the presence of both informational and distributive variables, the rule-profile effect is barely or not at all distinguishable from zero. Information- and distributive-theoretic findings are significant and consistent with previous studies.

Conventional wisdom can be hard to pin down, but observers of recent congressional politics have exhibited remarkable uniformity in their views about majority party leadership and restrictive amendment rules in legislative decision-making. Consider this assortment of statements, essays, and summaries by legislators, journalists, and political scientists:

> The role of [the House Committee on] Rules is to exert the power of the Democratic House leadership on legislation to ensure that committees reconcile their differences and that the final product is a bill reflecting the leadership's agenda (Rubin 1993, 3050).
>
> So it is true that a majority of restrictive rules have not totally foreclosed amendments by minority and noncommittee members. But it is equally true,

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> and undoubtedly more important, that the Rules Committee often has written special rules with a strong bias toward party and committee interests (Bach and Smith 1988, 71).
>
> The history of the [Rules Committee], from Czar Thomas Brackett Reed to Uncle Joseph Cannon to Judge Howard Smith, is replete with examples of Rules Committee members using their institutional position to further their own or their party's policy views (Dion and Huber 1996, 26).
>
> We are an arm of the Democratic leadership; Rules is there to push through Democratic programs (Butler Derrik, Dem.-S. Car., 1993 quoted in Rubin 1993, 3050).

The obvious point of agreement is that special rules and the Rules Committee are instruments of majority-party power in a partisan Congress.

This thesis plays an important role in several broader works, too. Rohde (1991), for example, characterizes congressional decision-making as "conditional party government" and portrays majority-party leaders in the House as central to the inner workings of party government (see also Aldrich 1995). House organization in general and restrictive rules in particular are viewed as weapons used to secure majority-party advantage. "While restrictive rules were not initially developed solely to seek partisan advantage for the majority, we will see from examples that they were employed for that purpose more often in the 1980s. . . . Given the Speaker's control over appointments, the leadership is usually able to get what it wants" (Rohde 1991, 102, 104).

Cox and McCubbins (1993) advance a similar but less time-bound argument. Under the rubric of "collective action problems," leadership institutions such as the Rules Committee are portrayed as solutions to problems of legislative design. The authors' conclude:

> The picture of the postwar House . . . is one in which the majority party acts as a structuring coalition, stacking the deck in its own favor—both on the floor and in committee—to create a kind of "legislative cartel" that dominates the legislative agenda. The majority party promotes its agenda-setting advantage in two basic ways: by giving its members greater power to veto legislation; and by giving its members greater power to push legislative initiatives on the floor" (Cox and McCubbins 1993, 270).

Forceful works such as these have a number of positive attributes, not the least of which is their explicitness about the alleged consequences of partisan uses of rules: namely, to secure legislative outcomes preferred by the majority party. The claim is that by controlling legislative procedures, the majority party is a big winner relative to the minority party and the median voter in the legislature. Indeed, if this were not so, the majority-

party component in theories of strong parties would be inconsequential, since median outcomes are attainable in a fully nonpartisan theory.

Some limitations in these works are nevertheless evident. First, while the Rules Committee is regularly portrayed metaphorically—e.g., as an "arm" of the Speaker (Oppenheimer 1977), as an "agent" of majority-party leaders (Cox and McCubbins 1993), or as an "institution" that enhances majority-party exercises of power (Rohde 1991)—no such party-centered work presents an explicit theory of the choice of rules. Even more surprising, neither do such works present an explicit collective-choice theory about legislative outcomes and their alleged majority-party biases. Second, and in parallel fashion, while the empirical analyses in these works span an impressive range of legislative behavior from committee organization to roll call voting, the research does not include systematic analyses of Rules Committee behavior or of the House's final choice of rules. Rohde, for example, offers several examples of rules whose underlying politics he describes as partisan. But for good reason, he does not claim that his examples make up a random sample from which generalizations can be drawn. Nor does he identify and test hypotheses about covariates of rule choice. Cox and McCubbins (1993), likewise, do not sample rules and analyze rule choice. Instead, they stake their claims about leadership control and Rules Committee power on an analysis of the composition of the Committee[1] and on a model of leadership scheduling. Throughout this literature, the modal argument seems to be that because the majority party seems genuinely to *care* a great deal about rules, the Rules Committee is therefore an instrument that regularly produces *biased outcomes* in the majority party's favor. Careful inspection, however, fails to uncover an explicit theory and a body of evidence in which caring about rules is linked to biases in policy.

More recent works begin to address these limitations. Sinclair (1994) collects and analyzes bill-specific data on the choice of rules in the 100th and 101st Congresses. The premise of her "framework" is perfectly consistent with conventional wisdom: "Restrictive rules are devices the majority party leadership uses to advance the goals of its membership" (Sinclair 1994, 483). More specifically, she hypothesizes that restrictive rules are

[1]Cox and McCubbins's findings on Rules Committee composition are puzzling with respect to their broader majority-party argument. In 21 Congresses analyzed, the overall composition of the Rules Committee never deviates significantly from the chamber (chap. 3, Tables 12–15). Furthermore, Democratic contingents on Rules are never significantly more liberal than their party median, and in six of these Congresses, the contingents are more conservative than the party median (chap. 12, Table 28). Thus, the majority-party "legislative leviathan" does not succeed in stacking this "power committee" overall, and it inexplicably (but only occasionally) seems to stack it with chamber-median-tending members.

used (a) on major legislation, (b) when the party is reasonably united, and (c) when, due to complexities or partisan opposition, floor success is not assured. An encouraging feature of Sinclair's study is its attention to alternative theories of the choice of rules, such as the "distributive" view that legislative procedures generally are adopted to institutionalize logrolling (Weingast and Marshall 1988) and the "informational" view that restrictive rules in particular facilitate committee specialization and communication of expertise (Gilligan and Krehbiel 1987, 1988).

Some limitations of Sinclair's (1994) study, too, can be noted and addressed. First, although she regards various theories as complementary and thus worth combining, she does not present estimates that jointly test her partisan hypotheses with those of other theories. Thus, we lack confident comparative statements about how theories may (or may not) complement one another. Furthermore, since her two disjoint sets of estimates each includes significant coefficients, model misspecification due to omitted variables is probable. Second, Sinclair's sample is subject to selection bias of two sorts. She draws observations from the 100th Congress in which "a greater willingness by leaders to use the tools at their disposal reached their maximum" (Rohde 1991, 105). To the extent that Rohde's assertion is correct, Sinclair's sample stacks the deck in favor of her partisan hypotheses. She then further pares down her bill-level observations to 71 "major measures" even though the relationship between major legislation and restrictive rules was to have been a test hypothesis. Third, to test the relationship between a united majority party and a restrictive rule, Sinclair uses a measure of "floor coalitions that are party coalitions." This supposedly exogenous variable is measured by behavior that occurs *after* the rule itself has passed, and its probable endogeneity with respect to rule choice is essentially conceded: "The character of the floor coalition is not determined solely by member preferences but also by the rule itself" (Sinclair 1994, 484). Fourth, like prior studies, Sinclair's study states interesting hypotheses about restrictive rules, but it offers no explicit theory about the mechanics of procedural choice nested within a theory of policy choice.

Most recently, Dion and Huber's (1996) study on rules constitutes a major advance in spelling out the mechanics by which restrictive rules may be mechanisms that majority-party leaders employ to achieve partisan policy outcomes. These authors propose a uniquely explicit formal model whose assumptions comport well with prior views of special rules as partisan instruments. They rigorously derive a testable hypothesis from the theory that relates configurations of standing-committee preferences, Rules-Committee preferences, and chamber-median-voter preferences to the Rules Committee's optimal assignment of open versus closed rules. They assemble a data set covering a longer time period than any comparable

multivariate research. They test their party-leadership theory jointly with a hypothesis from informational theory, thus yielding comparative assessments of theories. Finally, their substantive conclusion is strong, sweeping, and important for reaching a deeper understanding about preferences, partisanship, and procedures in legislative choice:

> Restrictive rules are not simply the glue holding vote trades together, as distributive theories conclude, nor are these rules precommitments that encourage legislative specialization, as informational theories argue. Instead, restrictive rules facilitate noncentrist policy outcomes that are preferred by both substantive committees and the Rules Committee to the policy outcome that would result if the Floor had been allowed an unconstrained choice of policies (Dion and Huber 1996, 43).

The objective of this paper is to use Dion and Huber's uniquely comprehensive study as a specific springboard for assessing more generally the conventional and unquestionably partisan view of rules. Initially, close attention is directed to Dion and Huber's *party-leadership theory,* its predictions, and its initial empirical test.[2] With a minor technical exception, I replicate Dion and Huber's regression findings. However, I also show how their test fails to exploit fully the implications of their theory. For comparative purposes, I introduce an alternative, *simple-majoritarian theory* and show how it provides a better account for central tendencies in rules than does Dion and Huber's theory. Unlike the party-leadership theory, however, the simple-majoritarian model does not account for variation in rules. Accordingly, the focus shifts from central tendencies to variation. First, I show that Dion and Huber's committee-level estimates are sensitive to model specification. Second, I merge Dion and Huber's key variable—restrictive-rule profile—into a rule-specific data set that is similar to but more inclusive than Sinclair's (1994). These findings suggest that when a broader class of theory-based predictors of restrictive rules is considered, the party-leadership theory has little or no marginal predictive significance. Concluding comments focus on three classes of theories of rules and, more generally, on majoritarianism in models of legislatures.

A Party-Leadership Theory of Rules

Dion and Huber propose a majority-party-motivated, two-stage, complete-information theory of the choice of rules in the United States House. The model has two explicit players and a third implicit player. With single-

[2]Dion and Huber do not call their model a party-leadership theory, however this term is perfectly consistent with their substantive interpretations.

Figure 1a. Committee Behavior and Rule Assignment when Floor is between Committee and Rules Committee

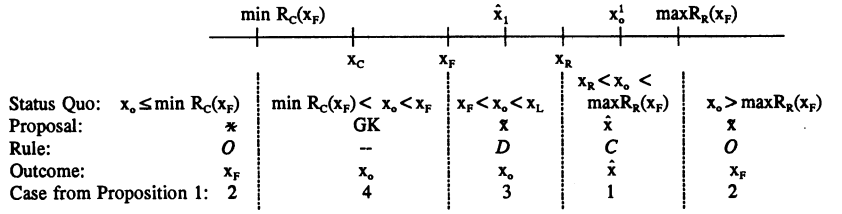


Figure 1b. Committee Behavior and Rule Assignment when Committee is between Floor and Rules Committee

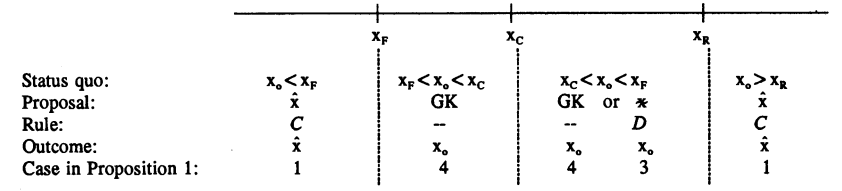
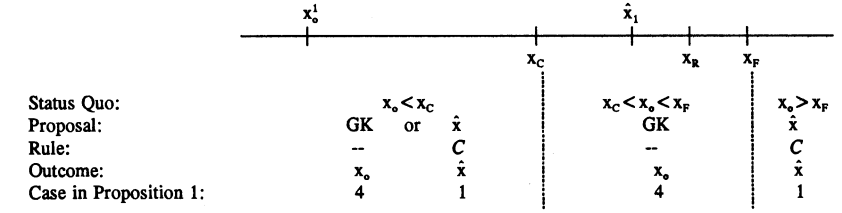


Figure 1c. Committee Behavior and Rule Assignment when Rules Committee is between Floor and Committee



peaked preferences over R^1, the players and their ideal points are a standing committee (x_c), a partisan Rules Committee (x_r), and implicitly a floor median voter (x_f). In stage 1, the committee may exercise gatekeeping authority to keep in effect an exogenous status quo x_o, or it may propose a bill. In stage 2, the Rules Committee takes one of three actions: denies a rule and terminates the game with the status quo in effect, grants a closed rule and accepts the committee's bill, or grants an open rule and accepts the median voter's ideal point. The main proposition is complex but is summarized nicely in Dion and Huber's Figure 1a–c. A necessary but not sufficient

condition for an open rule is that the floor median voter's ideal point lies between that of the Rules Committee and the standing committee, as in Figure 1a. For sufficiency, it is also essential that status quo is extreme ($x_o < 2x_c - x_f$ or $x_o > 2x_r - x_f$). Empirically, these conditions for an open rule seem to be extremely difficult to meet.

A testable implication of Dion and Huber's theory is that open rules are more common in situations resembling Figure 1a rather than Figures 1b and 1c—that is, when the floor median voter's ideal point is between the ideal points of the standing committee and the Rules Committee. The authors analyze committee-level data spanning the 94th–98th Congresses. In the simplest case, they regress the proportion of a committee's bills' rules that are restrictive on a constant and a rule-profile dummy variable (which equals 1 only if the open-rule necessary condition is not met).[3] They find a positive and significant coefficient for the rule-profile variable. Since this effect seems robust, the authors claim support for their theory.

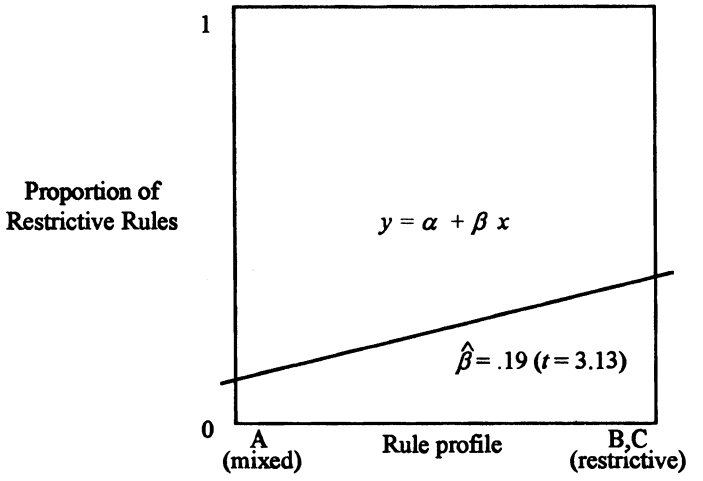
The intuition behind Dion and Huber's most straightforward test is shown in Figure 2, which graphs the estimates of the simple regression, $y = \alpha + \beta x$, where y is the proportion of restrictive rules received by a committee, x is the committee's rule-profile type, and α and β are parameters to be estimated. Dion and Huber focus exclusively on the estimate of β, which, in this simple regression case, is the difference in means of y across two discrete classes of profiles (type A versus types B and C). Consistent with their hypothesis, this estimate is positive. Their interpretation is that for observed configurations of legislative preferences (types B and C) in which the theory predicts restrictive rules, such rules are indeed chosen at higher rates than in the remaining configuration (A).[4]

The Dion-Huber theory says more than this simple test and its multivariate counterparts exploit, however. Not only does it make a rough qualitative comparison about the relative incidence of restrictive rules across preference profiles, but it also makes a precise quantitative prediction regarding

[3]The dependent variable is innocuously mislabeled *percentage* of restrictive rules and comes from Bach and Smith (1988). The *rule-profile* measure is based on orderings of Londregan and Snyder's (1994) estimates of medians. The only remaining exogenous variables in Dion and Huber's analysis are two variations on the above theme. A *committee-floor distance* variable is Londregan and Snyder's estimated average difference between a standing committee's median and the chamber median. An *outlier* variable is a dummy variable equaling 1 if the absolute t-value for this distance exceeds 1.98.

[4]Dion and Huber do not state but necessarily employ an auxiliary hypothesis here. Technically, in type A (Figure 1a) situations, we cannot say whether restrictive rules should be strictly less likely than in type B and C situations without postulating a distribution of status quo points. As long as such a distribution has some probability mass on the extreme intervals of the support—i.e., as long as there are some extreme status quo points as shown in Figure 1a—this hypothesis can be derived from the theory.

Figure 2. Dion and Huber's Main Finding—Positive Slope

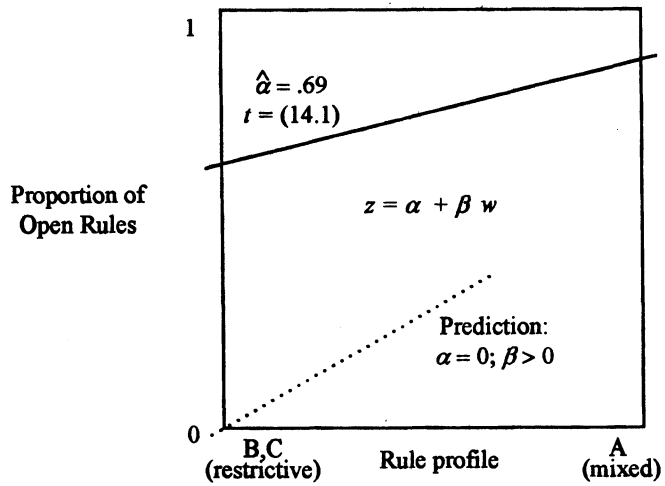


B and C profiles. Specifically, a strict but overlooked implication of the theory is that for these profiles *all* rules should be restrictive—not just *more* restrictive rules than in type A situations. In other words, the theory predicts that the regression line passes through the upper-right corner in Figure 2.[5]

A simple test of this hypothesis within Dion and Huber's regression framework entails recoding. Let $z = 1 - y$ be the proportion of *open* rules, and let $w = 1 - x$ be the inverse coding of Dion and Huber's profile type. Thus, all-restrictive-rule types (B,C) are coded zero while mixed-rule types (A) are coded one. Estimation of the equation with recoded variables $z = \alpha + \beta w$ is thus amenable to the simple hypothesis test, consistent with the

[5]For this prediction alone, a more direct approach is to test the null hypothesis that the proportion of restrictive rules given a B or C rule profile equals 1. Dion and Huber presumably chose not to do this because they were interested in testing other theories as well as theirs and thus opted for a multivariate test with this simple regression as a point of departure. An additional caveat is that Figures 1a–c in Dion and Huber's article are not quite exhaustive. The authors (and their model's theoretical assumptions) rule out situations in which the Rules Committee and chamber median voter's preferences *perfectly* coincide. This is a minor concern for both a substantive and a technical reason, however. Substantively, why would a strong Speaker and/or majority party appoint such a Rules Committee if, as Dion and Huber argue, the Rules Committee is an important *partisan* instrument? Technically, on a continuous choice space, such perfect coincidence of preferences is a measure zero event, thus the theory indeed offers predictions for 100% of observations. Thus, the regression line should pass through the upper-right corner according to a precise interpretation of the theory.

Figure 3. Overlooked Finding—Significant Constant



theory, that $\alpha = 0$. Confident rejection of this null hypothesis is inconsistent with the theory.

Intuitively but somewhat redundantly, Figure 3 shows the result. Given the recoding, the figure is necessarily a twice-flipped (once horizontally, once vertically) image of Figure 2, leaving the slope, β, unchanged but focusing attention on theoretically and empirically important constant, α. In the simple regression case—corresponding to Dion and Huber's Table 1, Equation 1—the null hypothesis that $\alpha = 0$ can be rejected at a high level of significance ($t = 14.1$, $p < .001$). For the recoded counterparts to Dion and Huber's remaining equations in Table 1, the α coefficients are always at least .69 and their t-statistics are never less than 11. Thus, open rules are empirically assigned in theoretical restrictive-rule situations with much greater regularity than can be attributable to measurement error or chance.

Two slightly different inferences can be drawn. The stronger argument focuses on the strict prediction of the Dion-Huber theory that $\alpha = 0$ and calls for rejection of the theory in spite of the small but statistically significant estimate of β. The weaker argument—which the authors undoubtedly have in mind—takes relatively lax views of the theory and of a constant term in a regression equation, the latter of which may represent any of several omitted factors that the focal theory makes no attempt to address. In this case, outright rejection of the theory may be inappropriate. However,

questioning the applicability of the theory for the preponderance of observations in the sample is only reasonable. Can alternative theories provide a better account for the preponderance of observations?

A Simple-Majoritarian Theory of Rules

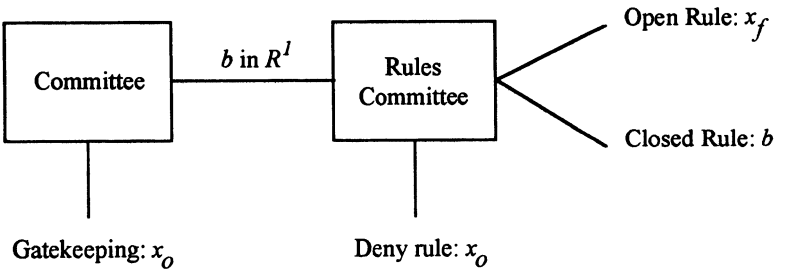
Dion and Huber have criticized one theory of the choice of rules (Gilligan and Krehbiel 1987) for assuming that the parent chamber commits to restrictive rules prior to the standing committee proposing a bill. From the standpoint of sequential realism, Dion and Huber regard their theory as an improvement. The previous section illustrates, however, that simply altering the sequence is not sufficient for obtaining good predictions overall. What alternative assumptions might address the predictive limitations of Dion and Huber's theory?

Suppose that the United States Congress is a fundamentally majoritarian body that cannot commit to procedural arrangements such as restrictive rules prior to seeing committee proposals. Then two things are noteworthy about Dion and Huber's theory. First, in a minor change from one of two previous theories, it alters the sequence of choice of rules to obtain a more palatable view of procedural choice without commitment.[6] Second, in a major change from previous theories, Dion and Huber's theory adopts three strong and *anti*-majoritarian components of procedural commitment that are not characteristic of previous models of rule choice: their standing committee can unilaterally impose the status quo by exercising gatekeeping power; their Rules Committee can unilaterally impose the status quo by denying the committee a rule of any sort; and their Rules Committee dictates the rule. Each of these is an instance of pro-committee procedural commitment, since other players absolutely cannot change these procedures in the course of play. Each is also anti-majoritarian since a veto right and a procedural-dictator right are conferred to a single player who is a minority within the legislature. Last but not least, each is contradicted by actual House procedures. Specifically, a House majority can discharge a standing committee from consideration of a bill; a House majority can also discharge the Rules Committee from an attempted denial of a rule;[7] and the House

[6]The model they criticize is Gilligan and Krehbiel's first signaling theory (1987). We noted the sequencing objection in their original paper and addressed it by reversing the rule-choice/committee-proposal sequence in a subsequent article (1989). The noteworthy feature is that comparative statics in the two papers are identical, suggesting that the sequencing feature is not of predictive significance.

[7]To do this, a member writes and introduces a House Resolution to provide for consideration of the standing committee's bill. This resolution then is referred to the Rules Committee and is the target of the discharge petition. Furthermore, bills can bypass the Rules Committee entirely and come up under various calendars.

Figure 4. A Party-Leadership Theory of Rule Choice

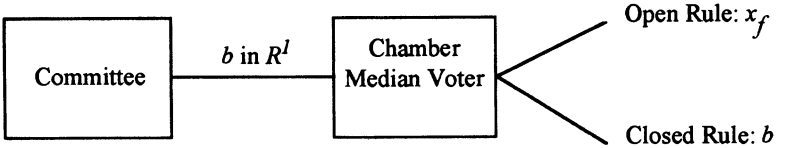


Rules Committee only proposes rules to the full House. That is, rules do not and cannot take effect without explicit majority approval.

In light of Dion and Huber's empirically questionable procedural assumptions, a significant comparative issue is whether a more consistently majoritarian approach without procedural commitment yields distinctive predictions and, if so, whether it has stronger empirical support than Dion and Huber's theory.

A simple but substantively illuminating exercise illustrates the essential nature of Dion and Huber's counterfactual assumptions for their predictions. The exercise begins by adopting the authors' original criticism about the sequencing of committee proposals and rules choice, but it continues by abandoning their three forms of distinctly anti-majoritarian procedural commitment. Dion and Huber's party-leadership model is contrasted with a simple-majoritarian model without procedural commitment in Figures 4 and 5, respectively. In both games, the committee first proposes a bill. But in the second game the committee does not have gatekeeping authority. In the party-leadership model (Figure 4), the second-stage player is the Rules Committee, which dictates the choice of rules. In the simple-majoritarian model (Figure 5), the second-stage player is the floor median voter who,

Figure 5. A Simple-Majoritarian Theory of Rule Choice



as the pivotal voter in the chamber, selects the rule and then the bill. The equilibrium to the revised simple-majoritarian game is attributable to two empirically motivated features that extant literature often suppresses. First, the real-world chooser of rules is the 435-member House of Representatives, not the 13-member Rules Committee. Thus, in the simple-majoritarian model, the floor median voter, as chooser of rules, can always obtain his/her ideal point by selecting an open rule (and amending the bill, if necessary). This is a dominant strategy in the last stage of the game. Second, real-world standing committees do not possess a unilateral and uncontested right to kill legislation. Thus, in the simple-majoritarian model, the standing committee without gatekeeping (veto) authority cannot do anything to affect the second-stage strategy of the median voter. So the committee always proposes its ideal point, the floor median voter always chooses an open rule, and the floor median voter always amends the committee's bill to its ideal point.[8]

The empirical implication of the nonpartisan simple-majoritarian model is transparent: it predicts that all rules are open. From Dion and Huber's data, we know that this prediction is not perfectly supported. However, many more rules are open (79%) than closed (21%), so the simple-majoritarian model better accounts for the data than Dion and Huber's model. More broadly, according to each of three criteria—simplicity, procedural realism, and predictions—the simple-majoritarian theory without procedural commitment seems preferable to the party-leadership theory in which the legislature commits to the anti-majoritarian procedures of gatekeeping and a procedurally dictatorial Rules Committee.

Accounting for Variation at the Level of Committees

An important point of contrast in models discussed thus far is that Dion and Huber's theory explains some variation in restrictive rules, while the simple-majoritarian theory merely rationalizes a central tendency or approximate constant. Another comparative advantage of Dion and Huber's analysis is that they not only provide support for their party-leadership model but also test it jointly with the preference-outlier prediction of informational theory. Equation 1 of Table 1, for example, shows that while the coefficient for their restrictive-rule-profile variable is positive and significant as predicted, the information-theoretic committee-floor distance measure is not distinguishable from zero.

[8]This model is a special, complete-information case of the model in Gilligan and Krehbiel (1989). Some technical issues might be raised regarding the committee's equilibrium strategy here, but these are of no substantive consequence given the transparently dominant strategy of the median voter in the final stage.

Table 1. Replication of and Modifications to Dion and Huber's Estimates*

	1	2	3	4
Restrictive-rule profile	0.190	0.162	0.150	0.048
	(3.168)	(2.447)	(2.246)	(0.825)
Committee-floor distance	−0.003	−0.090	−0.891	1.008
	(−0.006)	(−0.192)	(−1.860)	(2.018)
Constant	0.122	0.169	0.212	0.069
	(2.023)	(2.621)	(3.178)	(1.077)
N observations	84	88	88	88
Adjusted R^2	.045	.026	.064	.610
S.E. of regression	.331	.345	.296	.218

*Equation 1 replicates Dion and Huber's Table 1, Equation 5 using Ordinary Least Squares with White standard errors (t-statistics in parentheses). Equation 2 adds four observations that were incomplete in the Dion-Huber data set. Equation 3 presents GLS estimates, weighting by the square root of the number of bills. Equation 4 presents OLS estimates with White standard errors and with committee-specific fixed effects (not reported).

The remaining three equations of Table 1, however, suggest that some additional empirical probing may be fruitful. First, on a minor point, Dion and Huber claim to report GLS estimates with White standard errors. Technically, they are OLS estimates with White standard errors. These are perfectly replicated in Equation 1.[9] Second, four observations in Dion and Huber's data set had missing values although the data exist in their sources (Bach and Smith 1988, Table 5.1, 116–7; Londregan and Snyder 1994, Table 2, 244–5). These are added in Equation 2 where the slope and significance of the restrictive-rule profile coefficient are somewhat smaller, the model's adjusted R^2 drops, but the committee-floor distance coefficient remains insignificant. Equation 3 then presents actual GLS estimates. Here the restrictive-rule-profile coefficient is further attenuated, the committee-floor distance coefficient increases, and the R^2 doubles.

Still, none of the first three equations accounts for more than a little variation. Why is this, and what can be done about it? Consistent with Fenno's (1973) famous dictum that "committees differ," there are *a priori* empirical reasons to expect that this sample includes cross-committee variation that restrictive-rule-profile and committee-chamber-distance measures do not tap. Equation 4, therefore, estimates a simple fixed-committee-effects

[9]Dion and Huber use SST's regress command with the robust option. I use Stata's Huber regression procedure (no relation to John).

model to check this conjecture. The conjecture is confirmed.[10] Committee-specific effects not only boost the R^2 by a factor of 13 relative to Equation 1 but also change the substantive coefficients dramatically. Now the restrictive-rule-profile coefficient is insignificant, and the distance coefficient is significant but positive. To say the least, the lack of stability of these coefficients is bothersome. Recall, however, that the fixed-effects model is essentially atheoretic and the data remain highly aggregated. Perhaps a more theoretically informed rule-specific approach can better discern whether previous findings are artifacts of aggregate data and/or omitted variables.

Accounting for Variation at the Level of Rules

In contrast to Dion and Huber's data, the data I analyzed previously are rule-specific (Krehbiel 1991, chap. 5). An observation is a rule-bill pair and thus the data set, somewhat like Sinclair's (1994), accommodates bill-specific attributes as well as committee-level variables. Unlike Sinclair's data, however, mine includes all rule-receiving bills (not only "major bills") and a large set of committee variables that better represents informational theory: e.g., committees' preference extremity, homogeneity, and seniority. For present purposes, the chief limitation to my data set is its absence of Dion and Huber's restrictive-rule-profile variable, but this is remedied below. Specifically, the sample to be analyzed is comprised of all rules adopted for single-referral bills in the 98th or 99th House of Representatives. The dependent variable is a dummy variable equal to 1 if the rule is restrictive, 0 otherwise. The independent variables are the same as those used and defined elsewhere (Krehbiel 1991, 168–73), plus Dion and Huber's restrictive-rule-profile variable, as defined above. The aim of the investigation is to see whether the somewhat fragile findings from earlier aggregate data analyses can be corroborated or refined using this more comprehensive data set. The more specific concern is whether the key party-leadership variable, restrictive-rule profile, retains its significance in the presence of more theoretically motivated independent variables.

Table 2 returns briefly to the issue of overall predictive abilities of the two theories summarized in Figures 4 and 5: Dion and Huber's party-leadership (PL) theory and the alternative simple-majoritarianism (SM) theory. The findings from the rule-specific data set are consistent with the earlier slope-constant exercise using Dion and Huber's data (Figures 2 and 3). For mixed-rule profiles the party-leadership theory does not place any constraints on the data and thus is not refutable. However, the simple-

[10]To conserve space, the committee coefficients are not reported. Nine of the 22 such coefficients are significant at $p < .05$. Fixed effects were also estimated using GLS, in which case only seven of 22 coefficients were significant and the R^2 was .818.

Table 2. Simple Predictions About the Choice of Restrictive Rules*

	Open Rules				Restrictive Rules				All Rules	
	Predicted %		Observed		Predicted %		Observed		Pct Correct	
Rule profile	**PL**	*SM*	N	Pct	**PL**	*SM*	N	Pct	**PL**	*SM*
A (mixed)	†	*100*	41	91.1	†	*0*	4	8.9	**n.a.**	*91.1*
B,C (restrict.)	**0**	*100*	111	68.1	**100**	*0*	52	31.9	**31.9**	*68.1*
Col. Total/Ave.			152	73.1			56	26.9	**31.9**	*73.1*

*The sample includes all 208 single-referral bills for which a rule was adopted in the 98th or 99th House of Representatives. Numbers in bold face refer to Dion and Huber's party-leadership (PL) theory. Numbers in italics refer to the simple-majoritarian (SM) theory. A † indicates that the theory predicts anything between 0 and 100.

Table 3. Predictors of Restrictive Rules Using Rule-Specific Data*

	1	2	3	4	5
Restrictive-rule profile	0.877	0.825		0.969	
	(3.102)	(3.000)		(1.821)	
Distributive content			−2.431	−2.138	−2.579
			(−2.316)	(−2.066)	(−2.343)
Urgency			1.008	0.921	1.137
			(2.612)	(2.360)	(2.833)
Law cited			0.085	0.084	0.039
			(4.064)	(4.010)	(1.857)
Committee seniority			0.097	0.015	−0.061
			(1.391)	(0.186)	(−0.692)
Preference outlier		−0.042	−0.059	−0.057	−0.105
		(−3.031)	(−3.302)	(−3.226)	(−4.587)
Heterogeneity			0.128	0.022	0.101
			(2.616)	(0.283)	(1.236)
Republican cosponsors			0.030	0.030	0.031
			(1.819)	(1.856)	(1.612)
Democratic cosponsors			−0.001	−0.002	−0.001
			(−0.144)	(−0.439)	(−0.260)
Congress			0.601	0.583	0.593
			(2.646)	(2.530)	(2.417)
Constant	−1.348	−0.859	−64.726	−59.572	−61.126
	(−5.111)	(−2.933)	(−2.836)	(−2.555)	(−2.464)
Log likelihood	−115.5	−110.6	−88.1	−86.3	−71.6
Pseudo R^2	.046	.087	.273	.288	.299
N observations	208	208	208	208	163
N correctly predicted	152	152	167	165	128
Pct correctly predicted	73.1	73.1	80.3	79.3	78.5

*Probit estimates (asymptotic *t*-statistics in parentheses) using Dion and Huber's restrictive-rule profile variable merged into my data set. Equations 1–4 include all single-referred bills that received rules. Equation 5 includes only observations for which the restrictive-rule profile variable equals 1.

majoritarianism theory predicts 91.1% of rule assignments correctly. For the restrictive-rule profiles the strict party-leadership prediction is that all such rules will be restrictive, but only 31.9% of them are. In contrast, the simple-majoritarianism theory, which predicts all open rules, has a 68.1% success rate. The bottom line reaffirms the sharp, overall differences: the simple-majoritarianism theory predicts much better than the party-leadership theory.

The primary interest lies in whether the theories explain variation, however, so the probit estimates in Table 3 are key. Equation 1 is consistent with the party-leadership theory of rules and also suggests tentatively that

the type of data—committee-specific or rule-specific—does not much matter. Restrictive-rule profile has a positive and significant effect on the choice of individual rules, and the proportion of variation explained using the merged data set (R^2 = .046) is on par with that in Dion and Huber's data set.[11]

Equation 2 tells a somewhat different story. Preference-outlier effects are rare in the Dion-Huber regressions. When data are disaggregated to the level of individual rules, however, the outlier effect is negative, significant, and consistent with informational theories. Furthermore, the explained variation goes up by about 90% (R^2 = .087). Although this specification fails to improve the prediction success rate, the significance of the preference-outlier coefficient begins to call into question Dion and Huber's—and, to a lesser extent, Sinclair's—null or negative findings regarding informational theories.

Equations 3 and 4 thus move on to the heart of the matter. What happens when data are rule-specific *and* when independent variables span a wider range of informational, distributive, and partisan concerns? Equation 3 is an approximate replication of my earlier analysis,[12] and it exhibits a large increase in explained variation (R^2 = .273). In addition to the preference-outlier effect, which increases in magnitude and significance, committee heterogeneity also has a strong bearing on the likelihood of the House choosing a restrictive rule.[13] Other effects, such as the *negative* coefficient for distributive content and the positive coefficients for proxies of specialization and urgency, are also as reported and discussed in detail elsewhere.

The new finding which helps to discern whether rule choice is predominantly informational or partisan appears at the top of Equation 4. When informational and distributive determinants of rules are more fully specified, the effect of Dion and Huber's restrictive-rule profile variable is no longer statistically distinguishable from zero at the .05 level.[14] Meanwhile,

[11]The R^2 is .037 for the regression of proportion of restrictive rules on restrictive-rule profile in Dion and Huber's data set. For the probit equation, this criterion is advantageous for the party-leadership theory. In terms of percent correctly predicted, Equation 1 does not improve on the null (or simple-majority) model of all open rules.

[12]There are two minor differences. To facilitate interpretations and conserve space, I do not include the interaction effects reported in the appendix of my book. (The main substantive findings, however, are unchanged when this is done.) Second, because others have identified time effects, I include a dummy variable for the 99th Congress. (Similarly, its absence does not affect the thrust of the findings.)

[13]Heterogeneity is measured as the standard deviation of ADA ratings of members on the committee that reported the bill. A merge error was discovered and corrected in the 98th Congress portion of the data set. Resulting changes are minuscule.

[14]The p-value for the coefficient is .069. A likelihood ratio test of the null hypothesis that the overall fits of Equation 3 and 4 are equal fails to reject the null (p = .062).

Table 4. Standing Committees, Rule Profiles, and Heterogeneity

Profile A: mixed rules	Profiles B or C: restrictive rules
Agriculture*	Appropriations
Armed Services*	Banking Budget
Merchant Marine and Fisheries*	Education and Labor
Science and Technology*	Energy and Commerce
Small Business	Foreign Affairs
Veterans' Affairs†	Government Operations
	House Administration
	Interior
	Judiciary
	Post Office
	Public Works
	Ways and Means

*Among five most homogeneous committees in 98th and 99th Congresses.
†Third most homogeneous committee in the 99th Congress.

the preference-outlier coefficient is unchanged, as are most other information- and distributive-theoretic coefficients.[15]

Levels of significance are subjective matters, of course. Another way to assess the comparative significance of the theories is to ask: what is the marginal predictive benefit of knowing the ordering of medians of the standing committee, the Rules Committee, and the House? In other words, what does Dion and Huber's key variable contribute to a more fully specified equation? The bottom rows of columns 3 and 4 of Table 3 answer this question. By a margin of two out of 208 rules, Equation 4 yields a *lower* predictive success rate than does Equation 3. Because this answer is implicitly based on an insignificant (or marginally significant) coefficient, though, a more appropriate (or charitable) answer to the question is simply that the restrictive-rule profile variable yields no marginal improvement in the prediction of individual rule assignments.

Restrictive-Rule Profile and Heterogeneity

A final objective is to address the puzzle of why the initially significant coefficient for restrictive-rule profile loses its statistical and predictive significance as we progress to rule-specific data and a more thorough set of exogenous variables. Table 4 provides an immediate hint by partitioning standing committees according to their Dion-Huber rule profile. Notice first

[15]The null hypothesis of zero coefficients for specialization variables (laws cited and committee seniority) is rejected at $p < .001$. For preference variables (preference-outlier and heterogeneity) the null is rejected at $p = .003$.

that there are relatively few committees for which open rules are theoretical possibilities within the pure party-leadership theory. The six committees in the left column account for only 22% of single-referral rule-bill pairs in the 98th and 99th Congresses. Second and more importantly, the committees in the left column appear to have common characteristics in addition to their estimated median on the opposite side of the Rules Committee median relative to the House median (i.e., their mixed-rule profile). According to many descriptive accounts, Agriculture, Armed Services, Merchant Marine and Fisheries, Small Business, and Veterans' Affairs all tend to focus on serving relatively narrow constituencies. Indeed, had Public Works been classified in column A, too, the resulting list would replicate perfectly Bach and Smith's (1988) list of "constituency committees." Similarly, according to some quantitative accounts, the composition of some of these committees is more homogeneous than that of the parent chamber (Groseclose 1994; Krehbiel 1991, chap. 4). Indeed, four of the six mixed-rule committees rank in the top five in homogeneity in both Congresses, and a test of the null hypothesis of no difference in average heterogeneity across columns can be rejected at $p < .001$.

These observations invite speculation that Dion and Huber's operational measure of restrictive-rule profile may serve double duty as a proxy for committee heterogeneity, in which case positive coefficients for restrictive-rule profile have *two* potentially sound interpretations: Dion and Huber's party-leadership interpretation, and Gilligan and Krehbiel's (1988) heterogeneous-committees interpretation. Further evidence of multicollinearity is found in Table 3. The coefficient for heterogeneity in Equation 4 is much lower than in Equation 3; all that has changed is the introduction of restrictive-profile type, which may also be a proxy for committee homogeneity. Similarly, the standard error for the restrictive-profile coefficient is much larger in Equation 4 (1.04) than in Equation 1 (.283); among the several changes is the addition of the heterogeneity measure. While little can be done to solve the multicollinearity problem, an experiment that builds on two conflicting suppositions is suggestive.

Suppose first that the pure party-theoretic interpretation of the rule-profile coefficient is accurate. That is, suppose the measure is *not* a proxy for committee heterogeneity but rather exclusively reflects configurations of preferences in which the majority party uses rules to obtain party-favored outcomes at the expense of the median voter. Under these conditions, if attention were confined to a subset of profile types—say restrictive-rule profile types—the party-leadership theory, by definition, cannot account for any variation.

Suppose alternatively that the pure party-theoretic interpretation of the rule-profile coefficient is inaccurate. That is, suppose the measure is nothing

more than a proxy for committee heterogeneity and only coincidentally and imperfectly reflects configurations of preferences in which the majority party would like to but cannot use rules to obtain party-favored outcomes at the expense of the median voter. Under these conditions, if attention were confined to a subset of profile types—say restrictive-rule profile types—other variables representing other theories should account for variation in much the same ways they account for variation in the full sample.

Equation 5 of Table 3 shows the outcome of this experiment on the restrictive-rule type subsample. To reiterate, by construction the party-leadership theory cannot account for any variation within this subsample; the question is whether informational or distributive variables can. Overall, the answer is yes. By the R^2 criterion, Equation 5 is the best of the lot, even though a large portion of the variance in committee heterogeneity has been eliminated by subsampling. By the percent-correctly-predicted criterion, Equation 5 performs nearly as well as Equations 3 and 4. And with the exceptions of committee heterogeneity and preference-outlier, individual coefficients and their significance levels tend to be stable across Equations 3–5. The heterogeneity coefficient makes a comeback in magnitude from Equation 4 but fails to regain the statistical significance of Equation 3. When considering information-theoretic preferences effects overall, however—that is, the joint effects of preference-outlier and heterogeneity—the null hypothesis of no such effects can be rejected confidently ($p < .001$).

Finally, it should be stressed that Equations 3–5 in Table 3 include as many as three measures that have a bearing on the importance of heterogeneous committees: the explicit measure (*heterogeneity*) on which the discussion has focused thus far and which is measured at the level of committees, the Dion-Huber measure (*restrictive-rule profile*) which at least by coincidence reflects heterogeneity, and an implicit heterogeneity measure (*Republican cosponsors*) which is bill- and rule-specific. To the extent that Republican cosponsorship is a plausible measure of "confirmatory signaling" in the sense of the information-theoretic heterogeneous-committees model (Gilligan and Krehbiel 1988), it is sensible also to assess the joint significance of these variables. In Equation 3 the null hypothesis of zero joint effects of heterogeneity and Republican cosponsors is rejected at .005, and in Equation 4 the null hypothesis of zero joint effects of heterogeneity, Republican cosponsors, and restrictive-rule profile is rejected at .003.[16] The substantive significance of these statistical tests is clarified when returning

[16]In Equation 5, in which committees are relatively homogeneously heterogeneous (sic.) by construction, the null cannot be rejected ($p = .111$).

to the big picture. If the unstable but sometimes-significant restrictive-rule profile coefficient truly represents a strong majority party that regularly uses rules to achieve party-desired outcomes at the expense of the minority party and median voter, then a major puzzle remains to be solved. Why is *minority*-party cosponsorship, but not majority-party cosponsorship, positively associated with the use of restrictive rules? To date, only the informational theory and its notion of confirmatory signaling provides a viable theoretical explanation for this anomaly.

In summary, although some uncertainty persists regarding interpretations of restrictive-rule-profile effects, several observations are relatively certain. First, joint heterogeneity effects are significant within the entire sample. Second, information-theoretic variables explain considerable variation in predicted ways even within a subsample of observations in which the party-leadership theory cannot explain variation. Third, it is hard to envisage an interpretation for positive Republican-cosponsorship effects that is consistent with majority-party theories, and the same holds for heterogeneity effects more broadly. Rohde's (1991) key condition for "conditional party government" is, after all, *homogeneous* preferences. Sinclair's (1994) more specific hypothesis is that restrictive rules are more common in the presence of partisan *opposition.* Together, these observations and anomalies add credibility to an information-theoretic interpretation of the findings, including that for restrictive-rule profile. That is, although it cannot be established definitively, it seems increasingly likely that the occasionally significant restrictive-rule-profile coefficient is a committee heterogeneity effect in disguise.

Discussion

Conventional accounts of how and why the House of Representatives chooses the rules of its proceedings almost invariably emphasize the majority party or its leaders as key agents who impose structure on an otherwise minimally structured collective choice process. This study has focused on Dion and Huber's pathbreaking work not because it portrays leaders, rules, committees, and the Rules Committee in a unique manner but rather because it embraces conventional accounts with unique parsimony and precision. As noted and quoted in the introduction, Dion and Huber's conclusion addresses each of three dominant theories of legislative procedures.

> (1) Restrictive rules are *not simply* the glue holding vote trades together, as distributive theories conclude. . . .
> (2) . . . *nor* are these rules precommitments that encourage legislative specialization, as informational theories argue.

> (3) *Instead*, restrictive rules facilitate noncentrist policy outcomes that are preferred by both substantive committees and the Rules Committee to the policy outcome that would result if the Floor had been allowed an unconstrained choice of policies (Dion and Huber 1996, 43; italics and numbers added).

This reconsideration of restrictive rules supports three significant amendments to the excerpt.

Rewrite (1) as: Restrictive rules seem *not at all* to be the glue holding vote trades together, as distributive theories conclude. Dion and Huber offer no new evidence regarding the distributive-theoretic rules-as-glue claim. This study and other analyses confidently refute this hypothesis (Krehbiel 1991; Sinclair 1994). The original assertion, therefore, is not a corroborated claim. At best, it is a chronic hope.

Rewrite (2) as: *Often* restrictive rules seem to be procedures that encourage legislative specialization and communication of expertise, as informational theories predict. The exclusive conjunction "nor" in the unamended passage is not justified by Dion and Huber's analysis, since even they found some support for the information-theoretic outlier prediction. Building on their committee-level findings, this rule-specific analysis finds stronger support for the positive relationships between committee specialization, committee heterogeneity, committee-floor preference congruence, and the House's choice of restrictive rules. Comparatively, these informational factors account for much more variation than partisan-theoretic factors.

Rewrite (3) as: There is still *no direct evidence* that restrictive rules facilitate noncentrist policy outcomes at the expense of the chamber median voter. Dion and Huber's "Instead" is unwarranted because their findings do not nullify other theories and because this analysis supplements prior corroboration of the informational theory. The sole support for Dion and Huber's theory—the small slope coefficient for their restrictive-rule profile variable—is of marginal magnitude and significance, may be attributable primarily to committee heterogeneity, and cannot speak directly to alleged majority-party biases in final outcomes.

If the conventional wisdom about restrictive rules is as unwise as the proposed amendments to Dion and Huber's conclusion imply, then it may be useful to conclude by speculating why conventional wisdom has gone awry and by offering a suggestion about how to improve upon conventional wisdom.

As a central tendency but not law-like rule, members of Congress are prone to self-aggrandizement. Ask a majority-party member with a prized seat on the House Rules Committee what he or she does, and he or she is likely to say something such as: "I wield power on behalf of my leader,

the Speaker, who appointed me. I push through my party's programs.'' Another central tendency but not law-like rule is that journalists appreciate pithy characterizations of complex processes, rely heavily on inside sources for information, and try to report objectively what they learn from insiders. Thus, a journalist covering Capitol Hill and writing a feature story on the House Rules Committee is comfortable with political prose such as: ''The role of Rules is to exert the power of the Democratic House leadership on legislation to ensure that committees reconcile their differences and that the final product is a bill reflecting the leadership's agenda'' (Rubin 1993, 3050). Finally, political scientists, too, exhibit central tendencies, rely on politicians and journalists for information, filter it, refine it, and pass it on in various ways.

Conventional wisdom as propagated through such channels may be a reasonable place from which to embark on scholarly pursuits, but more thorough analysis of patterns of behavior is required before conventional wisdom should be embraced. Granted, in previous studies, such as Dion and Huber's and Sinclair's, conventional wisdom fares well. In this study, however, relatively unconventional nonpartisan theories perform better than theories that accentuate or exaggerate the role of the majority party in the House.[17] Why do some theories tend to predict choices of rules better than others? An increasingly plausible answer hinges on *majoritarianism.*

First, recall that the most basic, simple-majoritarian theory of rule choice (Figure 3) predicts central tendencies in the choice of rules quite well. Not only does it provide a high baseline prediction rate (79% in Dion and Huber's sample; 73% in mine), it also stresses a property that an improved theory—one that accounts for variation as well as central tendencies—ought to possess. The property is *consistent* majoritarianism.

Second, consider extant theories of parties and legislative procedures. While these invariably emphasize the majority party, they nevertheless fail to invoke majoritarianism consistently. Again because of its admirable explicitness, Dion and Huber's theory provides the best specific illustration of this general tendency. Clearly, their theory is majoritarian at the level of policy choice: a standard median voter calculus is backed into the prior stages of the game to derive the equilibrium. Less clearly but equally crucially, the theory is not majoritarian at the level of procedural choice: the Rules Committee does not propose but rather dictates the rule. One may argue, *a la* conventional wisdom, that the Committee is an ''arm'' of the Speaker, who in turn is an ''agent'' of the Democratic Caucus, i.e., the majority party. But a chain of metaphorical arguments is not the same as

[17]Other recent studies that challenge empirically the conventional wisdom on party strength include Schickler and Rich (1997) and Krehbiel (1995, 1996a).

a consistently majoritarian theory. Analytically, the Rules Committee in the Dion-Huber game is not a majority; it is but one of three players. Empirically, the Democratic Caucus does not effectively commit its members to vote for restrictive rules. If the Caucus could and did effectively bind its members on procedural matters, then the Dion-Huber model of rules and majority-party theories more generally would surely predict better than they do. That the Caucus does not effectively bind its members—but, of course, wishes to—must be regarded as evidence that the majority party and majoritarianism should not be equated, empirically or analytically.

Third, consider the theories whose several predictions are more reliably borne out. The simple-majoritarian theory is transparently majoritarian at the level of procedural and policy choice. In informational theories, too, procedural as well as policy choices are consistently majoritarian. Consequently, when a majority of the House (or, analytically, its median voter) chooses a restrictive procedure, it must be that at least a majority of the House prefers the consequences of a restrictive rule to those of an open amendment process. Informational theories show that reduction of uncertainty is often a sufficient condition for rational legislators to have this procedural preference. Reduction of uncertainty, in turn, is facilitated by moderate, heterogeneous, committee specialists. Measures of such phenomena are imperfect, to be sure. Nonetheless, even crude measures are related to the choice of rules sufficiently well to account for variation over and above the otherwise-compatible complete-information simple-majoritarian theory.

In summary, two types of theory predict reasonably well. A complete-information simple-majoritarian theory accounts for central tendencies in the choice of rules, and incomplete-information theories account for variation above and beyond central tendencies. Each is consistently majoritarian. This is probably not a coincidence. If not, then a clearer path now exists for future attempts to explain additional variation in legislative procedures. In legislative bodies in which each house determines the rules of its proceedings, legislators can scarcely make long-term commitments to intra-legislative procedures other than the majoritarianism that is implicit in general parliamentary law.[18] Like the collective choice bodies they depict, theories of legislatures, too, should adhere consistently to principles of majoritarianism. To the extent that they do and continue to fare well in empiri-

[18]The Senate's cloture rule is an important exception to the simple-majoritarian rule that can be modeled (Krehbiel 1996b). Notice, however, that this procedure is *super*-majoritarian and codified. In contrast, party-motivated theories of intra-legislative procedures tend to be *anti*-majoritarian and are rationalized in terms of theoretical constructs, such as gatekeeping, which are not codified in House or Senate rules.

cal tests, additional research will underscore further that majoritarianism and majority-party strength are not synonymous.

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