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*Controlling the Floor: Parties as Procedural Coalitions in the House**

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Theory: Partisan control of House organization is contested by ideological cross-party coalitions that vary in strength with the size of the majority party and its homogeneity, as well as the nature of the issues under consideration.

Hypotheses: Key House rules are responsive to changes in the balance of power on the floor, even in the face of majority party opposition. Majority party defectors on votes on key rules are unlikely to be sanctioned unless the party has a strong majority and is relatively unified.

Methods: An analysis of rules changes since 1919 pertaining to the discharge process, Rules Committee, and committee jurisdictions, and of the conditions under which majority party members are sanctioned for disloyal behavior.

Results: The development since the mid-1970s of majority party control over House rules is a substantial departure from prior experience, and appears to be a precarious state of affairs.

The transformations wrought by the Republican takeover of Congress in 1995 make this a propitious time for theories emphasizing the importance of political parties in shaping legislative politics. Political scientists have in recent years put forth a burgeoning literature reconsidering and elevating the place of Congressional parties in legislative studies (Davidson 1988; Kiewiet and McCubbins 1991; Rohde 1991). Cox and McCubbins (1993, 1994) provide one of the more theoretically ambitious treatments of political parties. They argue (1993, 278) that the majority party is, among other things, a procedural coalition that settles the key structural decisions facing the House, thereby stacking the legislative process in favor of logrolls beneficial to the party.

Cox and McCubbins (1994, 216) observe that social choice theorems “seem to predict ever-shifting majority coalitions, with each new majority coalition implementing a different policy.” The most prominent theoretical response to this “problem” of instability is that institutions structurally induce stability (Shepsle and Weingast 1981). Following Riker (1980), Cox and McCubbins (1994) argue this solution is unsatisfying because institu-

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tions—committee systems, chamber rules, and so on—are themselves determined on the floor by majority rule. As such, the selection of institutions inherits the same potential for cycling that exists in the realm of policy.

Cox and McCubbins (1994, 215) address this problem of endogenous institutions by arguing that the majority party caucus constitutes an extra-legislative organization that stabilizes legislative institutions, which in turn stabilize policy coalitions. Their “thesis is that the rules of the Democratic Caucus in the House of Representatives dictate that all members of the caucus are bound, if they wish to retain their membership, to support caucus decisions in the House on a variety of key structural matters—such as the election of the Speaker and the design and staffing of the committee system” (1994, 218). Since membership in the caucus is valuable to members, the threat of expulsion discourages defections on important structural votes. As a result, “constitutional change of the House rules could be effected only by a group comprising a majority of the caucus and a majority of the House” (1994, 223). This reduces, though does not eliminate, the potential for cycling in deliberations surrounding rules changes.

In the past 20 years, House majority party caucuses appear to have been strong organizations with the capacity to determine key House rules and to discipline dissident members (Rohde 1991; for a dissenting view, see Krehbiel 1991, 1993). But Cox and McCubbins’ more powerful, and more questionable, claim is that parties have operated as structure-setting coalitions even when parties have appeared to be weak and ineffectual. In *Legislative Leviathan* (1993), they examine Congressional politics dating back to 1945; others have attempted to apply their model to earlier time periods, and even to the non-majoritarian Senate (Forgette and Sala 1995). The thrust of Cox and McCubbins’ argument is that the conventional wisdom that political parties lost control of Congressional institutions in the aftermath of the overthrow of Speaker Cannon and the demise of the strong Democratic caucus of the Wilson years is simply incorrect.

We draw on historical evidence to evaluate two interdependent claims central to Cox and McCubbins’ theory: (1) the majority party determines the key features of House organization. For example, Cox and McCubbins (1993, 278) write that the majority party manages to “usurp the rule-making power of the House.” (2) The majority party credibly threatens to punish party members who side with the opposition party on votes that determine the key features of House organization (1994, 224).

Our alternative perspective focuses on the risk that defectors on procedural votes may credibly threaten to move closer to the minority party should they be punished. This leads to the prediction that defectors on critical procedural votes will not be punished if there are a sufficient number of party dissidents to constitute a permanent majority should they ally with the

minority party. As a result, we hypothesize that changes in House rules are likely to occur when the balance of forces on the floor changes, even if the majority party caucus median remains unchanged. We maintain that the majority party can credibly threaten to punish its dissidents precisely when the party least needs to do so: when it has a substantial majority and is relatively unified. Otherwise, the risks to the majority party of punishing dissidents are likely to counterbalance any benefits gained through creation of a reputation for refusing to tolerate defectors. We believe party procedural control therefore varies considerably over time, and is dependent upon the size of the party majority and its homogeneity (Rohde 1991; Binder 1996).¹

We also argue that party procedural control varies significantly in scope, depending upon the nature of matters under consideration. Caucus dissidents are far more reluctant to carry their opposition to the floor with respect to personnel matters (the election of the speaker and of committees) than with respect to other important organizational matters, such as the design of committee jurisdictions. Voting against party personnel constitutes more than a threat to House organization; it is an act of open disrespect for public symbols of the party that is difficult for the majority leadership to tolerate. When we turn our attention to the conditions under which members are punished, we find that opposition to the party's presidential candidate is the action most likely to result in party sanctions against a member. This supports the notion that members' test of party standing has more to do with respect for party symbols than with upholding party logrolls embedded in House structures.

Our evaluation of these competing perspectives is based on two sorts of evidence: first, we examine House decision-making during the past 75 years concerning central House rules. Second, we examine efforts to sanction members of the majority party for disloyal behavior. We attempt to identify the ramifications of defecting on key rules votes during the period.

Parties and House Organization

Cox and McCubbins (1994) make it clear that the realm of partisan procedural control encompasses the selection of House officers and committees, the design of the committee system, and the structure of agenda power more generally (e.g., the determination of committee jurisdictions, and specification of the agenda-setting powers of the Speaker, legislative committees, and Rules Committee). Together, these features of House organization are said to entrench a set of logrolls beneficial to the majority party (1994; 220–1).

¹In our usage, party procedural control means that the majority party is at a minimum able to block changes that a majority of its members oppose, and at best is able to force changes that its members support.

To evaluate this claim, we consider procedural politics for the period 1919–94. We choose 1919 as our starting point because it allows us to test whether Democratic party troubles during the 1940s–60s were a product of a regional stalemate that constituted an aberration in an otherwise strong record of party procedural control, or were representative of long imperfect party procedural governance.²

For evidence, we first examined the *Congressional Record* for the opening of each Congress since 1919. For the period before 1945, we also combed the relevant scholarly literature on House organization (e.g., Cooper 1960; Damon 1971; Galloway and Wise 1976; Hasbrouck 1927), and news reports, where applicable. For the period after 1945, we relied heavily upon the *Congressional Quarterly Almanac* for information on each Congress.

Electing Officers

The evidence on the elections of the Speaker and committees poses the fewest problems for Cox and McCubbins' model. This should not be surprising, given that skeptics of partisan strength have long argued that parties hold together for the election of officers and committees, and then become far less influential (Young 1958, 57, 61). Our investigation of the election of the Speaker in each Congress since 1919 finds that threats by majority party members to defeat the majority caucus nominee have been rare. In December 1923, a group of roughly 20 progressive Republicans refused to vote for the party nominee for Speaker, Frederick Gillett (R-MA), on the first nine ballots. The insurgents provided Gillett with the votes he needed to be elected only after party leaders agreed to allow them a reasonable opportunity to alter key House rules (*Congressional Record*, December 5, 1923, 14).

Since that time, there have been occasional rumors of dissident factions in the majority party flirting with minority leaders to defeat the majority party nominee for Speaker (Manley 1973, 243–4; Moser 1979, 51–3). Nothing has come of these rumors, although one of the more interesting tests of the seriousness of such a possibility was averted when the Democrats, rather than simply losing seats to the Republicans in 1994, also lost their majority status.³ Nonetheless, it is intriguing to note that in 1989, cross-party coalitions rebelled against majority party control and elected the Speaker of the

²Our choice of dates excludes two noteworthy cases of rules changes in the twentieth century: the changes forced by the insurgent-Democratic coalition in 1909–10 over the objections of the Republican majority, and the rules revision of 1911 put forward by the new Democratic majority. The latter passed on a party-line vote; but the rules changes were an amalgam of partisan changes and concessions to reformers (Hasbrouck 1927, 11–3, 38–9, 145).

³Television commentator Jeff Greenfield reported rumors in Capitol Hill circles of a possible alliance between a handful of conservative Democrats and the GOP, if the Republicans had found themselves 10 seats short of a majority (see Political Hotline, November 1, 1994).

House in the state legislatures of Connecticut and North Carolina, two states with traditions of strong legislative parties.⁴ Developments in these states sent a signal that majority party leaders in other legislatures must at least be cognizant of the potential for cross-party coalitions to take control.

The election of House committees and selection of committee leaders also appears to be under relatively firm partisan control.⁵ As Rohde (1994) points out, the floor has never overturned party decisions on committee assignments. Threats to vote against caucus nominees have been few and far between, and both major "parties have shown a delicacy about interfering with each other's committee nominations" (Hasbrouck 1927, 44). This was illustrated in 1971 when several liberals, angered at their failure to unseat District of Columbia Chairman John McMillan (D-SC) in the Democratic Caucus, attempted to have the floor overturn McMillan's nomination as chair. Only 15 Republicans voted to allow the amendment, and many party members refused to vote on the motion for fear of setting a precedent of minority party involvement in the selection of chairs (*CQ Almanac* 1971, 18).

A further indication of the broad support for the belief that such matters do not belong on the floor is that when the majority party caucus has been divided on committee nominations, the party has nonetheless stood together on the floor. In the case of McMillan, 96 Democrats opposed him in caucus, yet only 17 did so on the floor. When the party voted to strip the seniority of presidential bolters John Bell Williams (D-MS) and Albert Watson (D-SC) in 1965, there were 115 members opposed in caucus (facing 157 who backed the punishment), yet the losing side did not appeal to the floor. Similarly, no floor appeal occurred in 1975, when three chairmen were deposed in the purge brought on by the aggressive freshman class swept into office by Watergate (Galloway and Wise 1976, 77).⁶

⁴On the North Carolina revolt, see the *Wall Street Journal*, April 17, 1989, A12. See the *Hartford Courant*, January 8, 1989, on the Connecticut rebellion. A cross-party coalition also elected the Speaker of the Massachusetts House in 1996, over the objections of most members of the majority party.

⁵Majority party control over selection of party members on committees does not necessarily imply that committee composition is biased toward the majority party median and away from the floor median (Krehbiel 1993).

⁶Party control over personnel matters has been challenged only in unusual circumstances. For example, in 1981, the Democrats wanted to strip Pennsylvania's Eugene Atkinson of his committee assignments when he became a Republican. To do this would have required floor approval, and Democratic leaders were uncertain whether southern conservatives would go along with the move in the current political atmosphere. Atkinson held onto his assignments as a Democrat for the rest of the Congress, even though he had repudiated his ties to the party (*CQ Almanac* 1981, 11). To prevent such occurrences in the future, the Democrats amended the rules in 1983 to make continued assignment to committees contingent upon being a member of the party caucus granting the assignment (*CQ Almanac* 1983, 596-7).

The Committee System and Agenda Power

Party control over the design of the committee system and of rules concerning agenda power has been considerably more tenuous than has party control over personnel matters. As is the case with personnel selections, we find several instances in which the majority party has been divided in the caucus. Unlike the election of the Speaker and of the committees, however, these disagreements have tended to carry over to the floor, undermining the party's procedural control.

As suggested above, Cox and McCubbins (1994, 223) predict that shifts in the position of the caucus majority are necessary preconditions for changes in important elements of legislative organization. Our alternative perspective holds that changes in the floor median absent changes in the position of the caucus majority are often sufficient to result in rules changes. It is only in recent years, as the threat of majority party punishment for defectors has increased, that the majority party has become capable of blocking rules changes even in the face of a potentially opposing floor majority. But this threat of punishment is precarious; in the presence of a narrow floor majority or a divided party, it recedes significantly.

One natural focus for an investigation of control over these elements of House structure is the beginning of each Congress when the House must adopt a set of rules. The chairman of the Rules Committee typically moves that the House adopt the rules of the previous Congress, at times with specific amendments. This is the only time during the session that a simple majority can amend the rules, absent the cooperation of the Rules Committee, recourse to the discharge process, or the willingness to override several valid points of order. Therefore, it is at the beginning of each new Congress that procedural control by the majority party is most critical. Cox and McCubbins (1994, 221) observe that "the vote on adoption of the House rules is taken immediately after election of a speaker and before committee assignments are handed out. At least on initial adoption there seem to be ample incentives for majority party members to support the rules proposed by their party, and empirically the majority party almost always does stick together on the bulk of the standing rules."

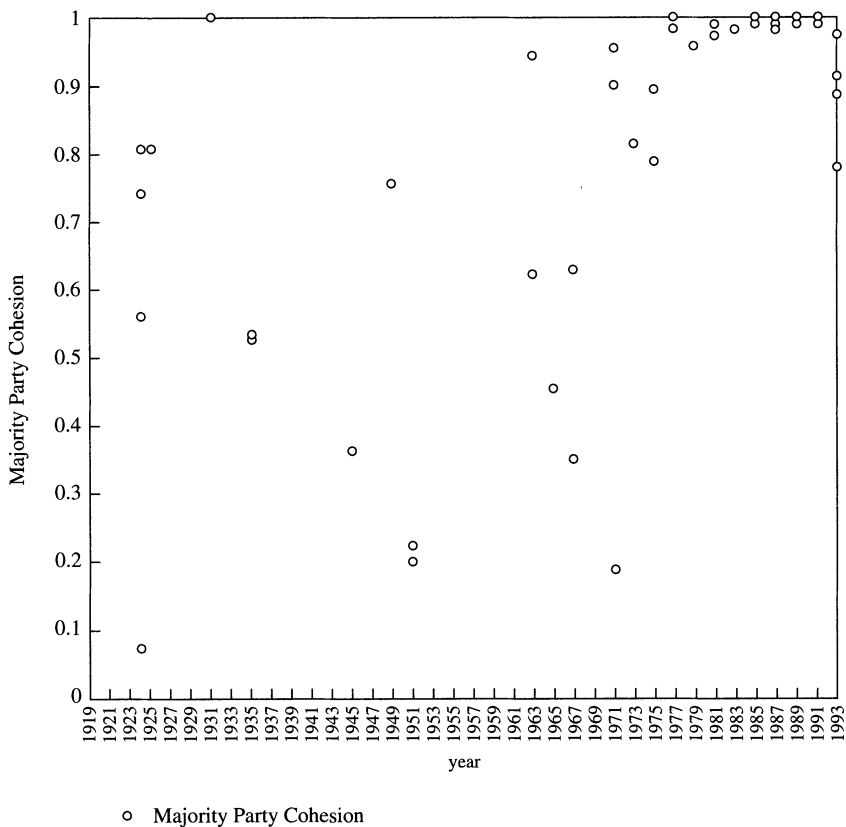
To begin to test this claim, Table 1 presents a list and brief description of all roll calls taken on the initial adoption of rules from 1919 to 1993. The table includes the cohesion of each party on the roll call, as well as the outcome. Figure 1 graphs majority party cohesion on these initial rules-adoption votes.

The data suggest first that, since the mid-1970s, majority party success on rules-adoption votes has been considerable. The Democrats used these votes to put through rules changes that were vehemently opposed by the

Table 1. Rules Adoption Votes

Year	Description	Democrats in favor	Democrats against	Democratic cohesion	Republicans in favor	Republicans against	Republican cohesion	Who won?
1924	Democratic motion to strike germaneness restriction for revenue bills	178	0	1.000	26	177	.744	Cross-Party
	Motion to keep discharge requirement at 218	27	158	.708	157	44	.562	Cross-Party
	Motion to reduce discharge number to 100	141	44	.524	19	180	.809	Maj. Party
1925	Adoption of new discharge rule	162	13	.851	87	101	.074	Cross-Party
	Previous question on rules change	1	165	.988	209	22	.810	Maj. Party
1931	Rules adoption (returned discharge to 218)	1	168	.988	206	22	.807	Maj. Party
	Previous question on rules changes (including reduction in discharge number)	217	0	1.000	9	192	.955	Maj. Party
1935	Previous question on rules change	236	72	.532	9	87	.813	Maj. Party
	Rules adoption (returned discharge to 218)	234	70	.540	11	85	.771	Maj. Party
1945	Rankin amendment creating HUAC	70	150	.364	138	34	.605	Cross-Party
1949	Previous question on rules change (to create 21-day rule)	225	31	.758	49	112	.391	Maj. Party
1951	Previous question on rules	141	89	.226	37	158	.621	Cross-Party
	Cox substitute to delete 21-day rule	91	137	.202	152	42	.567	Cross-Party
1963	Previous question on rules change (to make Rules Committee enlargement permanent)	249	7	.945	0	176	1.000	Maj. Party
	Rules adoption	207	48	.624	28	148	.682	Maj. Party
1965	Previous question on new rules (included 21-day rule and two other changes)	208	78	.455	16	123	.770	Maj. Party
1967	Previous question on rules	194	44	.630	2	181	.978	Cross-Party
	Amendment to delete 21-day rule	76	159	.353	157	26	.716	Cross-Party
1971	Previous question on new rules (cut back minority staff and restore 31-day rule)	134	91	.191	0	163	1.000	Cross-Party
	Sisk amendment to delete 31-day rule	91	133	.188	143	20	.755	Cross-Party
	Previous question on rules as amended	213	11	.902	0	163	1.000	Maj. Party
	Rules adoption	218	5	.955	8	151	.899	Maj. Party
1973	Previous question on new rules (increase Speaker control of scheduling)	208	21	.817	0	185	1.000	Maj. Party

1975	Previous question on new rules (cut back minority staff; abolish HISC; restore proxy voting; open conference committees)	247	29	.790	0	143	1.000	Maj. Party
	Rules adoption	255	14	.896	4	136	.943	Maj. Party
1977	Previous question on new rules (counter dilatory tactics; reduce committee quorum; dissolve JCAE; Ethics Committee changes)	261	0	1.000	0	140	1.000	Maj. Party
	Rules adoption	256	2	.984	0	140	1.000	Maj. Party
1979	Previous question on new rules (changes to counter dilatory tactics)	241	5	.959	0	151	1.000	Maj. Party
1981	Previous question on new rules (changes mostly to counter dilatory tactics)	216	3	.973	0	176	1.000	Maj. Party
	Republican recommittal motion	1	220	.991	179	0	1.000	Maj. Party
1983	Previous question on new rules (restrictions on appropriations riders)	249	2	.984	0	154	1.000	Maj. Party
	Republican recommittal motion	2	250	.984	154	0	1.000	Maj. Party
1985	Previous question on new rules (lifted 30 member limit on Budget Committee and change to recommittal motion debate time)	238	1	.992	0	175	1.000	Maj. Party
	Republican recommittal motion	0	237	1.000	176	0	1.000	Maj. Party
	Rules adoption	235	0	1.000	0	174	1.000	Maj. Party
1987	Previous question on rules (minor changes)	236	1	.992	0	167	1.000	Maj. Party
	Republican recommittal motion	2	240	.983	173	0	1.000	Maj. Party
	Rules adoption	245	0	1.000	0	172	1.000	Maj. Party
1989	Previous question on rules (minor changes)	231	1	.991	0	161	1.000	Maj. Party
	Republican recommittal motion	0	238	1.000	163	1	.988	Maj. Party
1991	Previous question on new rules (use CBO estimates for budget sequestration)	249	1	.992	0	161	1.000	Maj. Party
	Republican recommittal motion	0	255	1.000	160	0	1.000	Maj. Party
	Rules adoption	241	0	1.000	0	160	1.000	Maj. Party
1993	Previous question on new rules (several partisan changes)	248	3	.976	0	173	1.000	Maj. Party
	Table motion to study delegate voting change	223	10	.914	0	166	1.000	Maj. Party
	Republican recommittal motion	14	237	.888	173	0	1.000	Maj. Party
	Rules adoption	220	27	.781	0	172	1.000	Maj. Party

Figure 1. Majority Party Cohesion: Rules Adoption Votes

Note: Majority party cohesion is the absolute difference between the percentage of majority party members who vote “yes” and the percentage of majority party members who vote “no.” Members who do not vote or who are paired are excluded.

Republicans. For example, the Democrats increased their opportunities to suspend the rules during the session, curtailed the range of available dilatory tactics, and tightened restrictions on appropriations riders.⁷

⁷Democratic success even in this period has required party leaders to be wary of pushing too far; Democrats did not seek to limit appropriations riders in 1981 due to the fear of antagonizing conservatives in the party who held the balance of power in the House. Party leaders waited until their majority was enhanced in the 1982 election to push through the change (*CQ Almanac* 1981, 5, 1983, 596–7).

Second, it is only in the past 25 years that the rules votes at the beginning of each Congress have become routinely controversial. The rules were typically adopted on voice votes from the 1920s into the 1960s, with only sporadic controversy. In 16 of 26 Congresses from 1919 to 1970, the rules were adopted without so much as a recorded vote.⁸ This includes several instances in which partisan control of the Congress changed in the preceding election; in four of six cases in which partisan control of the House shifted, no contested rules changes were made. This is interesting in light of the numerous controversial changes made by Republicans in 1995. Several of these recent changes were indications that the Democrats had in the 1970s and 1980s restructured elements of the legislative process in favor of their priorities. The absence of such changes in 1919, 1947, 1953, and 1955 reveals, however, that new majority parties do not necessarily confront a structure stacked in favor of the former majority party's priorities.

Third, in the 10 sessions opening with contested rules changes from 1919 to 1970, the majority party was triumphant in only six of the sessions. An examination of the specific cases involved reveals that important rules changes affecting agenda control have on several occasions followed shifts in the floor median in the absence of changes in the party median.

To structure our analysis, we have divided the rules changes into three substantive domains: the discharge process, the powers of the Rules Committee, and committee jurisdictions more generally. These three areas encompass the bulk of the efforts to change rules that appear to fit Cox and McCubbins' category of "key structural matters" pertaining to agenda control.⁹

Discharge Process

The discharge process was a center of controversy between party leaders and cross-party coalitions for much of the first 40 years of this century. Following Republican losses in the 1922 elections, the Democrats held a sufficient number of seats to constitute a majority should they unite with progressive Republican members. At the opening of the new Congress in January 1924, progressive Republicans joined the Democrats to force through a series of rules changes, including a reduction in the number of members required to support the discharge of a committee from 218 to 150. This change challenged agenda control by the majority party and the standing committees (Beth 1994), and was opposed by 78% of the Republicans voting. At the next

⁸In most of these 16 cases, the *Congressional Record* reveals no evidence of controversy during floor debate on the rules.

⁹Our discussion also includes those rules changes affecting the areas in question that were adopted at times other than the opening of a new Congress.

election, the 1924 Coolidge landslide gave the regular Republicans a sufficient floor majority to control the next Congress without the help of the progressive Republicans' votes. As a result, the regulars in 1925 reversed the 1924 rules changes and rendered the discharge process ineffective. Dissident Republicans cast 22 votes against the rules changes, but this left them several votes short of the number needed to preserve the rule.

The Democrats continued to call for a liberalization of the discharge process while in the minority. When the party gained a slim majority in 1931, they had their opportunity to implement such a change, reducing the number of members required to support bill discharges from committees from 218 to 145. This rules change passed on a near-perfect partisan vote, yet it is unclear that liberalizing the discharge process was done in order to facilitate majority party priorities. After all, as the majority party, the Democrats would presumably be the ones threatened by discharge petitions (given that they controlled the committee system, as is assumed in the Cox and McCubbins formulation). It is better to view the 1931 change as part of an effort to maintain consistency in positions: the Democrats, having advocated a rules change to benefit the minority party while in the minority, were unable to switch sides on the issue quickly once they were in the majority.

By 1933, Democratic leaders came to believe that the party needed to return to the requirement for 218 signatures on discharge petitions. The Democrats now had a large, unruly majority, and leaders were concerned that members would use the discharge process to force ill-advised bills to the floor that benefited special interests while undermining the general Democratic recovery program (*Washington Post*, April 13, 1933). Despite a clear majority of the caucus favoring the rule change, a large number of Democrats promised to fight the move on the floor. Facing the prospect of an embarrassing floor defeat, party leaders deferred action until 1935, when the once-more increased Democratic majority led to a renewed effort to restrict the discharge process. Before the opening of the new Congress, the Democratic caucus voted 225-60 to make the rule change a binding party position (*Washington Post*, January 3, 1935). The change then passed on the floor by a 245 to 170 vote. Seventy-two Democrats defected on the critical procedural vote shutting out amendments to the rules package, and 70 defected on the vote on final passage of the rule change. Thus, although the party leaders were successful, the force of the so-called "binding" vote is difficult to judge.

As the "conservative coalition" of Republicans and southern Democrats gained control of several critical committees in the late-1930s, some mainstream Democrats sought a liberalized discharge rule as a mechanism to pry party programs loose from recalcitrant committees (see for example, *Congressional Record*, January 3, 1939, 13-4). Party leaders successfully re-

sisted such efforts, believing that a liberalized discharge rule held the danger of disrupting the House agenda too seriously to be a well-tailored tool to challenge the growing conservative ascendancy. Still, the calls by liberal Democrats to ease the discharge rule underscore the extent to which a strong faction within the Democratic party believed that the party lacked effective control over the proposal behavior of House committees.

Beyond these occasional liberal demands, one finds no serious effort to alter the discharge rule until 1993.¹⁰ The 1993 change makes public the names of representatives who sign discharge petitions, thus undermining party leaders' ability to discourage members from signing petitions for politically popular proposals opposed by the majority Democrats. Republican James Inhofe's (R-OK) success in amending the rule was rooted in his ability to use the media to raise the visibility of the issue. Democratic leaders, sensing an impending defeat, dropped their pleas for members to fight Inhofe's proposal, and reluctantly accepted this minority party-forced change (*CQ Almanac* 1993, 10).

To sum up, rules surrounding the discharge process were changed twice following changes in the balance of power on the floor absent changes in the majority party (1924, 1925), once following a change in the majority party that arguably coincided with a change in the balance of power on the floor (1931), and once when a minority party member successfully manipulated the visibility of House decision-making to his advantage (1993).

The Rules Committee

While the discharge process was the major agenda control issue plaguing the House in the 1920s and 1930s, efforts to limit the power of the Rules Committee were central to House rules battles in the 1940s through the 1960s. In the 1948 election, the Democrats regained majority party status, with their largest majority since the 77th Congress of 1941–42. As Cox and McCubbins (1993, 259) observe, at the opening of the new Congress in 1949, the Democratic caucus voted 176–48 to bind its members to vote for a 21-day rule to curtail the power of the then-conservative Rules Committee and thus to assist in the enactment of liberal programs. The rule allowed legislative committees to bring bills to the floor on specified days if the Rules Committee had held up the bills in question for more than three weeks. The Democrats succeeded in passing the change on the floor. This is where Cox and McCubbins' (1993) discussion of the 21-day rule ends. Thirty-one

¹⁰In December 1982, the Democrats contemplated seeking a rules change increasing the number of signatures required for a discharge petition on constitutional amendments to two-thirds of the membership. The move was intended to hinder Republican efforts to bring politically embarrassing constitutional amendments to the floor, but the effort was dropped due to fierce opposition by some Democrats (*CQ Almanac* 1983, 596–7).

Democrats, however, defected on the floor vote, disregarding the binding caucus decision. These defections were insufficient to affect the outcome, given the substantial Democratic majority. But Rules Committee member Eugene Cox (D-GA) attempted to overturn the 21-day rule a year later, and attracted the votes of 85 Democrats. Cox's bid fell short only because 64 Republicans voted to retain the rule.

Republican gains in the 1950 election provided a floor majority for the conservative coalition, however. This is precisely the sort of situation in which the stability-inducing quality of a party caucus is presumed to shut out rules changes. A majority of Democrats, including the majority leader and whip, opposed Cox's 1951 proposal to delete the 21-day rule. But 39% of voting Democrats united with 81% of voting Republicans to make way for the Cox substitute to pass at the opening of the new Congress.

Further evidence of the importance of floor majorities, as opposed to caucus majorities, is suggested by the 21-day rule's reenactment in 1965 when Democrats had a greatly increased floor majority and could again afford numerous southern defections. The caucus approved the package of rules changes 189 to 71.¹¹ The changes passed on the floor despite the opposition of 78 Democrats. Sixteen Republican votes provided the Democrats with their margin of victory. The caucus voted to retain the rule in 1967, but it was once again repealed by the full House since Republican gains had shifted the floor majority in favor of the conservatives (*CQ Almanac* 1967, 180). This time, 18.5% of the Democrats voting cast ballots with the Republicans to open the rules to amendment, and 32% voted for the amendment to delete the 21-day rule. This defeat for a substantial majority of the Democrats again illustrates the party's inability to control key structural matters during this period.¹²

There is a single instance of a major rules change affecting the Rules Committee that was not done through amending the rules at the start of a new Congress. This was the 1961 decision to enlarge the Committee, which enabled the Democrats to put two additional liberals on Rules. Cox and McCubbins (1993, 257) correctly observe that this is perhaps the premier instance of the majority party manipulating committee sizes for partisan purposes. Nevertheless, its passage also illustrates some of the limitations on partisan control. Although more than two-thirds of the Democrats favored enlarging the Committee, Speaker Sam Rayburn (D-TX) did not ask for a

¹¹The 1965 rules also prevented the Rules Committee from blocking bills from being sent to conference.

¹²The Democrats made a final attempt to pass what had become a 31-day rule in 1971. By this time, the rule was of limited importance because the Rules Committee was no longer a conservative power base. Still, 40% of the Democrats united with the Republicans to delete the proposed 31-day rule.

binding two-thirds caucus vote on the issue for fear of further antagonizing conservative Democrats (MacKaye 1963). The floor vote on the rules change was postponed for five days due to the belief that the leadership lacked the votes to prevail. The leaders finally succeeded in an extremely tight 217-212 vote.¹³ While this was an important triumph for the majority party, 64 Democrats defected from the party's position, and as a result the Democrats could not have prevailed without the support of 22 Republicans who defected from their fellow partisans. Former Republican leader Joe Martin (R-MA) provided his friend Rayburn with crucial assistance in gaining the Republican votes. Furthermore, pressure from the White House was applied in the closing days before the vote, including offers of side-payments to wavering members (Peters 1990). Had the White House been in Republican hands, such side-payments would likely have been used to foil the majority party.

In 1963, the rules were amended to make permanent the increase in the size of the Rules Committee initially approved in 1961. On the initial procedural vote to shut off further amendments, the Democrats prevailed easily with only seven defectors. On the vote on adoption of the new rules, the Democrats again prevailed, although this time with 48 defectors. The vote on the first motion, with its mere seven dissidents, is one of the first indications in the data we have explored of numerous majority party members apparently voting against their policy preferences in order to follow the majority of their fellow partisans.¹⁴

The Democrats gained a much greater degree of control of the Rules Committee during the 1970s. Particularly important was the Democratic caucus rule adopted in 1975 granting the Speaker the power to appoint majority party members to the Committee. There is little doubt that majority party members on the Rules Committee now have strong incentives to be responsive to party leaders. It should also be noted that since shortly after the 1910 enlargement of Rules, the majority party has maintained an advantageous party ratio on the Committee.¹⁵ The crucial point, however, is that in spite of a favorable majority party ratio, Republicans and dissident Democrats enjoyed a working majority on the Committee throughout the 1937-61 period (Rohde 1991, 98), and the Democratic leadership did not gain unequivocal control of Rules until the 1970s.

¹³Observers estimated that Rayburn had between two and five pocket votes ready should he have needed them (MacKaye 1963). Still, even with the pocket votes, the outcome was extremely close.

¹⁴One reason for the low number of defectors on the previous question motion was that the vote shut out a package of "fair-play" proposals that the Republicans were planning to offer, which included such provisions as increased minority staffing.

¹⁵This ratio was increased from 2-1 to 11-5 in 1975.

The evidence on rules changes pertaining to the Rules Committee therefore offers only limited support for the hypothesis of majority party control. Important changes were made in 1951 and 1967 despite clear majority party opposition to change. It also appears that most Republicans opposed changes adopted in January 1924 restricting the powers of the Rules Committee chairman (Hasbrouck 1927). The majority party succeeded in altering the Committee in 1949, 1961, and 1965, but the latter two triumphs were dependent on minority party support, and the 1949 and 1965 changes were reversed two years later by cross-party coalitions. Not until caucus changes in the 1970s did the majority party finally gain firm control of the Committee.

Committee Jurisdictions

Turning to changes in committee jurisdictions, one finds surprisingly few cases of either party using the adoption of rules at the start of the session to put forward changes. Nevertheless, important changes have been considered and, on occasion, approved in the past 75 years. Jurisdiction changes are of three types: formal rule changes, changes based on bill-referral precedents, and alterations based on more-or-less formal understandings among committee leaders (Evans and Oleszek 1995). King (1992, 1994) argues convincingly that bill-referral precedents have been a major instrument of jurisdiction change, and that this process has been largely nonpartisan since the institutionalization of the parliamentarian's office in the years following the overthrow of Speaker Cannon.

To supplement King's analysis of precedent-based changes, we attempt to identify every case in which the jurisdiction of a committee was altered through a rule change from 1919 to 1993. We rely primarily on the House Rules Manual, which is published with each new Congress. We use the versions of the Manual for the 65th Congress (1917–19), 68th Congress (1923–25), 75th Congress (1937–38), 79th Congress (1945–46), 80th Congress (1947–48), 84th Congress (1955–56), and 103rd Congress (1993–94). We compare the jurisdiction listed in the Manual for each committee at each point during the period. To reduce the likelihood of missing any changes, we use the detailed notes about jurisdiction changes included in the Manual, and the discussions of committee jurisdictions in Joint Committee on the Organization of Congress (1993) and House Select Committee on Committees (1974).

Table 2 presents a brief description of each rule-based jurisdiction change that our search uncovered.¹⁶ Of the 26 items, the only instances of

¹⁶Our table omits one case: between 1920 and 1921, Ways and Means' jurisdiction was tightened to include matters "purporting to raise revenue." We were unable to find any information on this change.

party-line voting on committee changes are two cited by Cox and McCubbins (1993, 254)—the 1975 abolition of the House Internal Security Committee and the 1977 decision to dissolve the Joint Committee on Atomic Energy (JCAE)—along with the decision to strip the Standards and Conduct Committee of its legislative jurisdiction (which was folded into the same rules changes as the Internal Security and Atomic Energy changes).¹⁷ These examples are rightly taken as indications of majority party strength. Particularly impressive, in sharp contrast to rules votes in the 1940s–60s, is that although 97 members voted against dissolving the JCAE in caucus, only two Democrats voted to save the committee on the floor.

We also find two instances in which the majority party provided the bulk of the support for the proposition, but could not have prevailed without the help of numerous minority party members. These cases are the recentralization of the appropriations process in 1920 and the Hansen committee reforms of 1974.¹⁸ But there are also important cases in which controversy crosscut partisan lines, such as the changes to energy jurisdiction adopted in 1980 (King 1992; Uslander 1980), and the creation of the Budget Committees in 1974 (Schick 1980; Wander 1984). Furthermore, there are many cases of jurisdiction change that appear to have been non-controversial. These include the 1927 decision to merge the 11 Committees on Expenditures in the Executive Departments (Galloway and Wise 1976), the Legislative Reorganization Act of 1946 (Cooper 1960), and the creation of the Science and Astronautics Committee in 1958 (*CQ Almanac* 1958, 164). Floor debates about many of the changes in our table indicate that the absence of controversy stemmed from members' belief that the changes would increase the efficiency of the committee system (cf. King 1992). This suggests that informational models of committee organization can be helpful in illuminating jurisdictional changes (Krehbiel 1991).

Perhaps most importantly, cross-party coalitions have on occasion overwhelmed the procedural control of the majority party: the classic case of this is the creation of the House Un-American Activities Committee (HUAC) in 1945. When the 79th Congress convened in 1945, conservative Democrat John Rankin (D-MS) sponsored a surprise floor amendment to the rules,

¹⁷One possible additional example is the 1977 vote to make the Intelligence Committee a Permanent Select Committee, which pitted most Republicans against most Democrats. Nonetheless, there were 43 Democratic defectors on the vote. Republican opposition to the resolution was due to displeasure over the party ratio on the committee and concern about guidelines for handling classified information (*CQ Almanac* 1977, 376–7).

¹⁸Although most Democrats opposed the special rule to consider the 1920 changes, several Democratic leaders supported the rule and the most recent Democratic Party national platform endorsed the change (*Congressional Record*, June 1, 1920, 8113). See Sheppard (1985) and King (1992) for discussions of the Hansen reforms.

Table 2. Rule-based Changes in Committee Jurisdictions, 1919–1993

Year	Case	Partisan context
1920	Recentralize Appropriations	Majority party provided most support, but minority votes essential to passage
1924	Create World War Veterans, along with minor changes to Civil Service and Irrigation and Reclamation	Cross-party coalition victory or noncontroversial (see footnote 19 of text)
1927	Merge 11 Expenditures Committees, and abolish five minor committees	Noncontroversial ^a
1929	Create Memorials Committee	Noncontroversial
1935	Merchant Marine jurisdiction over radio given to Commerce, and Commerce jurisdiction over water transportation transferred to Merchant Marine	Noncontroversial ^b
1939	Jurisdiction of Pensions, Invalid Pensions, and Veterans Affairs adjusted	Noncontroversial (see <i>Congressional Record</i> , January 13, 1939, 13–15)
1944	Expand World War Veterans' jurisdiction	Cross-party coalition victory or bipartisan controversy (see footnote 20 of text)
1945	Creation of HUAC	Cross-party coalition victory
1946	Legislative Reorganization Act (Davidson 1990; King 1992)	Noncontroversial
1946	Joint Committee on Atomic Energy creation	Noncontroversial ^c
1953	Minor changes to Armed Services jurisdiction to account for creation of Department of Defense	Noncontroversial
1954	Atomic Energy Committee granted authorization power	Noncontroversial, but with partisan element ^d
1958	Science and Astronautics creation	Noncontroversial (<i>CQ Almanac</i> 1958, 164)
1967	Standards and Conduct creation	Noncontroversial ^e
1967	Veterans Committee given jurisdiction over veterans' cemeteries from Interior	Noncontroversial (<i>Congressional Record</i> , October 20, 1967, 29560–29566)
1969	Clarify HUAC jurisdiction and change its name to Internal Security (HISC)	Minor cross-party coalition victory ^f
1971	Banking and Finance given jurisdiction over impact on the economy of tax exempt foundations and charitable trusts	Noncontroversial ^g
1971	Small Business made Permanent Select committee	Noncontroversial ^h
1974	Creation of Budget Committee and related budget jurisdiction changes	Bipartisan controversy ⁱ
1974	Hansen committee reforms (King 1992; Sheppard 1985)	Majority party provided most support, but minority votes essential to passage
1975	Abolish HISC and strip Standards and Conduct of its jurisdiction over campaign contributions	Majority party forced change (see text)

Table 2. Rule-based Changes in Committee Jurisdictions (*continued*)

Year	Case	Partisan context
1977	Abolish Joint Atomic Energy and strip Standards and Conduct of its jurisdiction over lobbying	Majority party forced change
1977	Permanent Select Intelligence Committee created	Noncontroversial, but with partisan element (see footnote 17 of text)
1980	Energy changes (King 1992; Uslaner 1989)	Bipartisan controversy
1983	Tightened Ways & Means jurisdiction over tax matters	Noncontroversial ¹
1993	Dissolve select committees, including Permanent Select Committee on Aging	Cross-party coalition victory

^aThe jurisdiction of the resulting Expenditures Committee was modified slightly in 1928. The Rules Committee unanimously reported the change, which passed without dissent (*Congressional Record*, March 17, 1928, 4930).

^bThe Rules Committee's Democratic chairman and Ranking Republican member each endorsed the change, which was agreed to on a voice vote (*Congressional Record*, February 26, 1935, 2627–2631).

^cSenator Arthur Vandenberg (R-MI), a member of the minority party, originated the proposal to create a Joint Committee, which was made part of the Atomic Energy Act of 1946 (*CQ Almanac* 1945, 674, Hewlett and Anderson 1962, 435, 507). We found no indication of a dispute over the creation of the Joint Committee or its jurisdiction in Hewlett's lengthy description of the Act's travails (Hewlett and Anderson 1962, 482–530).

^dSee discussion in footnote 21 of the text. The Committee's authorization power was expanded in June 1957. This change was also noncontroversial (Green and Rosenthal 1963, 179–80).

^eThe committee was created on April 13, 1967 on a 400–0 vote. The House made the committee a permanent standing committee and expanded its jurisdiction on April 3, 1968. The 1968 proposal was praised by members of both parties and passed 406–1 (*Congressional Record*, April 3, 1968, 8776–8812). Lobby reform was added to the committee's jurisdiction on July 8, 1970 by a 382–0 vote (*CQ Almanac* 1970, 1020).

^fDemocrats on the Judiciary Committee complained that the changes infringed on Judiciary's jurisdiction (*CQ Weekly Report*, February 21, 1969, 274, 277). The previous question on the resolution passed with the Democrats evenly split, and the Republicans united in favor of the motion.

^gSee *Congressional Record*, April 27, 1971, 12080–1. The proposal was cosponsored by the chairmen and ranking minority members on the two affected committees.

^hThe change was incorporated into the package of new rules passed by the Democrats. The rules were controversial but there is no indication in the *Congressional Record* or in *Congressional Quarterly* that this particular change was opposed by anyone. Small Business was made a standing committee with legislative jurisdiction in a floor amendment to the Hansen reform proposal passed in 1974. The amendment passed on a standing vote.

ⁱSee Wander (1984). The 1974 Budget Act also made modifications to the responsibilities of the Appropriations Committee. A provision in the 1985 Budget Act modified the Budget Committee's jurisdiction to provide for responses to presidential sequestration orders (*House Rules Manual*, 103rd Congress, pp. 376–7, 423). Budget law changes over the years also necessitated minor modifications in the jurisdiction of Ways and Means, Government Operations and Rules (*House Rules Manual*, 103rd Congress, 387–8, 404, 412–3).

^jAlthough included in the Democratic package of rules changes, the Republicans kept this proposal in their substitute version of the rules (*Congressional Record*, January 3, 1983, 39). There was no discussion of this change during the floor debate on the rules changes (see also *CQ Almanac* 1983, 597).

reviving the Dies Special Committee on Un-American Activities, and making it a standing committee. Democratic leaders, including Majority Leader John McCormack (D-MA), condemned the Rankin amendment, and more than two-thirds of Democrats voted against the Rankin motion (*CQ Almanac* 1945, 79–82). However, 70 Democrats joined the bulk of the Republicans to create the standing committee. Although the Democrats did tame HUAC somewhat with caucus changes adopted in 1949, the committee continued to use its substantial budget to plague the Democratic left for some time to come (Goodman 1968).

In addition to the case of HUAC, the 1924 creation of the World War Veterans Committee,¹⁹ and the 1944 decision to expand the Veterans Committee's jurisdiction,²⁰ each appear to be cross-party victories over majority party leaders eager to prevent excessive largesse to a powerful political constituency. A more recent case of a cross-party coalition triumph occurred in 1993 when Republicans attracted enough Democratic votes to doom several select committees that had long served as political platforms for Democrats (*CQ Almanac* 1993, 13).

This diversity of experience supports the view that majority party control of committee jurisdictions has been variable at best. Nonetheless, Cox and McCubbins (1993, 255) argue that “the majority party has reshuffled jurisdictional responsibilities several times since the Legislative Reorganization Act of 1946.” For evidence, they cite Dodd and Oppenheimer (1977), who discuss the 1974 Hansen reforms and the 1974 creation of the Budget Committee, but no other full committee jurisdiction changes. Beyond this, the only cases offered in defense of this claim are the Democrats' depriving their Ways and Means committee members of their role as the party's Committee on Committees, and the Republicans' 1954 expansion of the jurisdiction of the Joint Committee on Atomic Energy. Whether the Ways and Means case is properly regarded as a change in *committee* jurisdiction is unclear, and while the atomic energy change was to some extent a partisan move, it passed without substantial controversy.²¹ Similarly, the creation of

¹⁹See Hasbrouck (1927). Democrats had pushed for creation of a World War Veterans Committee since 1919, but Republicans buried these measures in the Rules Committee (*Congressional Record*, December 3, 1919, 100). The Rules Committee included the change in its package of rules changes in January 1924.

²⁰The Rules Committee refused to report Democrat John Rankin's resolution to expand the Committee's jurisdiction, but Rankin obtained the 218 signatures required to discharge Rules. Republicans provided 131 signatures for the petition, as opposed to 84 from Democrats and three from members of third parties. Several Republican leaders, and few Democratic leaders, signed the petition. The resolution passed on a division vote—doubtless few members wanted to oppose the veterans publicly. Despite a drafting error, the change was treated as a valid precedent for subsequent referrals (*House Rules Manual*, 79th Congress, 326).

²¹Section 261 of the Atomic Energy Act of 1954 granted the JCAE the power to report authorization bills for certain Atomic Energy Commission projects. Democratic leaders on the Committee

the Budget Committee was hardly dominated by partisan forces (Wander 1984). Even in the case of Hansen, Democrats were so deeply split that reform advocates made several concessions to Republicans to attract needed votes (Sheppard 1985).

The reason that partisan coalitions have put through few major revisions in committee jurisdictions may be that membership on committees creates crosscutting cleavages that are viewed as a legitimate basis for opposing party leaders. Unlike assignments of members to committees, the determination of committee jurisdictions appears to be a matter that is with rare exceptions left to the membership as a whole rather than restricted to the majority party caucus.

Even the Republican-designed changes to committee jurisdictions adopted in 1995 were limited by fear of trouble on the floor. David Dreier (R-CA) devised an ambitious plan to reshape jurisdictions to correspond to Republican priorities. But the Republican leadership dramatically scaled back the proposal due to fear that the Dreier plan would “endanger unanimous Republican support for the opening day reforms, and potentially complicate timely passage of the Contract with America” (Evans and Oleszek 1995, 17). The Republicans did eliminate three minor committees with primarily Democratic constituencies; however, few other changes to jurisdictions were adopted. Evans and Oleszek argue that the fierce divisions in the Republican caucus surrounding the committee changes paralleled the Democrats’ earlier experiences with jurisdiction reform, and seriously limited leaders’ ability to reshape the committee system in a partisan direction. They conclude that “in the House Republican experience with jurisdictional change, constituency interests and the personal power stakes of key legislators dominated partisan motivations” (Evans and Oleszek 1995, 21).

Our evidence on jurisdictions challenges the view that the committee system is designed to protect majority party logrolls. Clearly, committee jurisdictions have been shaped through more party-centered processes in recent years than in the past. It is hard to imagine in 1995 that a major revision in committee jurisdictions could be adopted that was essentially proposed by a member of the minority party, as was the case with the Legislative Reorganization Act of 1946 (Evans and Oleszek 1995). But it is not at all clear that

had sought a similar change starting in 1949, but had been dissuaded from pursuing it by AEC objections (Green and Rosenthal 1963, 169–71). The 1954 change had a partisan element: it was tailored to the Republican goal of limiting the AEC’s ability to initiate large-scale public nuclear power projects. But Section 261 was not a particular target of Democratic objections. Indeed, the AEC—chaired by an Eisenhower appointee—was the primary opponent of the authorization provision. Green and Rosenthal (1963, 172) write that despite the Eisenhower “administration’s opposition to inclusion of [the jurisdiction change], there was little public discussion of the matter. In lengthy debate on the 1954 act, the legislators raised no objection to the authorizing provision” (see Hewlett and Holl 1989, 142–43 for a similar assessment).

the majority Democrats built a set of committee jurisdictions systematically biased to favor Democratic party logrolls. Cox and McCubbins (1994, 220) argue that “the key logrolls of a U.S. majority party are often protected by the judicious allocation of committee power (e.g. the dominance of organized labor on the Education and Labor Committee; the required support of the oil-depletion allowance for a Democratic assignment to Ways and Means; the dominance of the Interior Committee by westerners; and the domination of the Agriculture Committee by members from agriculture districts).” In our view, three of the four cases cited by Cox and McCubbins are characteristic of cross-party distributive coalitions, as opposed to Democratic party logrolls.

The oil-depletion allowance was created in 1926 by a Republican Congress. It was attacked vigorously by three Democratic presidents, and for several decades it was defended against liberal Democrats’ attacks by Congressional Republicans in alliance with conservative Democrats (Oppenheimer 1974). Why Democratic presidents would repeatedly attack what scholars take to be a key element of Democratic logrolls in Congress is unclear. While Speaker Rayburn protected the provision, Oppenheimer (1974, 72–3) reports that after Rayburn’s death in 1961, committee appointments to Ways and Means no longer were based on support for the allowance. Furthermore, liberal Democrats were finally successful in scaling back the allowance in 1975 (*CQ Almanac* 1975, 98–110).

The dominance of members with a strong constituency interest on Agriculture and Interior has long held true for both Democrats and Republicans (Fenno 1973; Jones 1961). The new Republican Congress of 1995 did not challenge the jurisdiction of either committee. Republican Dreier proposed removing nutrition jurisdiction from Agriculture. But incoming Agriculture Chair Pat Roberts (R-KS) and other farm state Republicans successfully blocked the change, indicating that the famous linkage between food programs and farm benefits is valued by some prominent Republicans as well as Democrats (Evans and Oleszek 1995, 14).

Of the four cases cited, only Education and Labor is an element of a party-specific logroll of sorts.²² Although the committee was under conservative control for the first decade after its creation in 1946, Democratic leaders sought to appoint only liberals to the committee, and by 1959, the committee had a liberal majority. But this did not stop the floor from substituting the antilabor Landrum-Griffin bill for the committee’s more liberal 1959 proposal (Reeves 1993). Indeed, notwithstanding successes in 1964–66,

²²Still, creation of Education and Labor was included in *Republican* James Wadsworth’s committee realignment plan, which served as the basis for the jurisdiction changes adopted in the Legislation Reorganization Act of 1946.

Education and Labor has long been notorious for having its products taken apart on the floor (Fenno 1973; Mayhew 1974). Although labor influence on the committee probably prevented some antilabor legislation over the years, it also must be acknowledged that labor has never achieved its goals of reversing restrictions in Taft-Hartley (1947) and Landrum-Griffin (1959).

We conclude from our examination of House rules that decisions surrounding the discharge process and Rules Committee have been only incidentally party-based. They have been fundamentally ideological, and can be represented on a single underlying dimension for much of the period under consideration. Conservative Republicans opposed Democrats and progressive Republicans in the 1920s, while liberal Democrats opposed conservative Democrats and their Republican allies for much of the 1940s–60s. As the balance among these coalitions shifted, so (in general) did the relevant rules. Increased Democratic homogeneity in the 1970s and 1980s, however, allowed the majority party to gain control over the Rules Committee to a degree that appears to be less susceptible to changes in the coalitional balance on the floor. A second type of rules change has been more consistently partisan: Democrats have been quite united when it comes to depriving Republicans of committee staff and opportunities to offer dilatory motions (see Table 1). A third type of rule change, involving committee jurisdictions, has tended to be less partisan than either of the first two categories. The distribution of committee turf involves multiple, crosscutting evaluative dimensions for members. Only rarely has the majority party been sufficiently strong to dominate the cross-party cleavages in this realm.

Punishing Defectors

Our investigation of changes in House organization reveals that the majority party has enjoyed consistent control of the election of the Speaker and committee assignments, but that partisan control of key House rules has been far more tenuous, particularly prior to the mid-1970s. The weakness of partisan control over rules in the 1919–70 period might relate to limitations in the majority party's ability to punish defectors on rules votes during this period.

Cox and McCubbins (1994) argue that majority party control over rules is safeguarded by a party's ability to sanction defectors on key procedural votes. They write that "the Democratic caucus has made a very public commitment to expel (or discipline) members who fail to support the features of House structure that undergird the party's logrolling abilities" (1994, 224). The central question is whether the majority party is willing to punish "pivotal" defectors—that is, dissidents who constitute a majority if they unite with the minority party (1994, 223). Cox and McCubbins observe that punishing pivotal defectors carries the risk that the party will lose its majority

status permanently, but they argue that the party will nevertheless credibly threaten punishment to dissidents because a reputation for toughness is essential to the party's organizational viability. The way to build a reputation for toughness is to use a range of punishments: "if nonpivotal groups are punished, possibly with sanctions less severe than expulsion, then members of a prospective dissident group will be concerned with the group's unity of purpose and pivotalness" (1994, 224). This suggests that defectors on important rules votes will not necessarily be expelled, but that defection on such votes should have adverse consequences for some members. These consequences should be visible to other members—otherwise, the party will not create the reputation for toughness that is required for an effective deterrent.

Testing the claim that party leaders are able to use a range of sanctions to make the threat of punishment credible even to potentially pivotal groups is difficult; there is no ideal method to determine the number of members deterred from defecting by the threat of punishment. We focus on one particular type of punishment here: seniority violations. We do so because seniority violations are the most visible form of punishment, short of expelling members from the party (which has not been done since the 1924 case discussed below). For Cox and McCubbins' hypothesis to be testable, there must be observable punishments that are predicted to be used under specifiable conditions. Cox and McCubbins' (1994) essay suggests that some form of punishment is predicted to be meted out to at least some of the defectors on a given rule vote on a key structural matter undergirding the party's log-rolling abilities. This prediction is challenged if it turns out that the most visible form of punishment—seniority violations—was not used to punish disloyalty on important rules votes for several decades.

We assess the likelihood of visible punishment in the event of various forms of disloyal behavior by majority party members: opposition to the party's presidential candidate, opposition to the party on the election of the Speaker, and defection on the vote to adopt the House rules at the opening of each new Congress.²³ In Table 3, we list the number of members engaging in each of these activities for each Congress from 1919 to 1993 in which defections occurred, along with whether these activities were followed by any loss of committee assignments or committee seniority. This does not fully respond to the problem of members being deterred from defecting due to the anticipation of punishment. The table indicates, however, the conditions un-

²³For the period up through 1944, we relied on Berdahl (1949) for our list of presidential election defectors. For the 1948 election, we relied upon Garson (1974), Key (1962), and Bolling (1968). For information on subsequent presidential elections, we relied primarily upon *CQ Almanac* and *CQ Weekly Report*. We believe our list covers a substantial majority of cases of defections in presidential elections by majority party members.

der which members are likely to be punished, which in turn should inform member expectations of punishment. If members see that defectors in presidential elections have often been punished, while many members have defected on rules votes without apparent sanctions, this will presumably shape members' beliefs about what the party expects of them.

Sanctions

The aftermaths of the 1922 and 1924 elections provide an interesting test for the conditions under which the majority party credibly threatens to punish dissidents. As noted above, progressive Republicans held the balance of power following the 1922 elections, and refused to back the Republican candidate for Speaker on the first several ballots in December 1923. The insurgents also allied with the Democrats to force through several important rules changes in January 1924. Yet we find no evidence that these insurgents were punished for their behavior during the Congress in question. Indeed, insurgent leader John Nelson (R-WI) was placed on the Rules Committee. Fear of losing their majority status forced Republican leaders to make concessions to the insurgents within their ranks, rather than sanctioning these members. This inability to punish dissidents in a closely divided House is evidence that the credibility of the threat to punish is seriously reduced in the case of potentially pivotal defectors.

In 1925, the greatly increased Republican majority allowed party leaders greater leverage. Party leaders made it clear that earlier misbehavior in December 1923, and January 1924, was not now at issue.²⁴ Leaders stated that the tests to be applied to members were support for Coolidge in the 1924 presidential election and support for the Republican effort to organize the House in December 1925 (Berdahl 1949). Eleven of the 12 presidential election defectors refused to vote for Republican Nicholas Longworth of Ohio for Speaker on the floor. Each lost committee seniority, and those serving on major committees, with one exception, were transferred to minor assignments (Berdahl 1949). A twelfth presidential election defector, Oscar Keller of Minnesota, voted for Longworth for Speaker but defected on the rules adoption vote at the opening of the Congress. Keller apparently was

²⁴The Republicans passed a caucus rule in 1925 preventing committee chairs from serving on the Rules Committee (Hasbrouck 1927). This change led two members of Rules to leave the Committee. One of the two—Royal Johnson (R-SD)—had defected on one of the four floor votes on the rules in January 1924. We were unable to document whether the caucus rule change was done to oust Johnson. The change was one of a handful of restrictions passed by the Republicans in the 1920s to prevent members from serving in more than one “leadership” position (Hasbrouck 1927), and it was enforced in subsequent sessions, forcing reliable party supporters, such as Wallace White (R-ME), off of Rules. Still, we cannot rule out the possibility that the caucus change was a party leader move to enhance their control of the Committee.

Table 3. Majority Party Defectors

Congress	Majority Margin ^a	Speaker Election		Previous Question on Rules Adoption		Defectors		Presidential Support		Additional Notes
		Defectors	Punished	Defectors	Punished	Defectors	Punished	Defectors	Punished	
68th (23-25)	20	20	0	25/43/18 ^b	0					The eleven members who were disciplined each defected in the presidential election, speaker election, and rule votes.
69th (25-27)	64	11	11	22/22 ^c	11/10	12	11			
74th (35-36)	216	0	0	72/70	0					Presidential defectors were Abernathy (MS), Boykin (AL), Colmer (MS), Cox (GA), Domengeaux (LA), Hebert (LA), Hobbs (AL), Passman (LA), Rankin (MS), Whitten (MS), Whittington (MS), Williams (MS), and Winstead (MS).
79th (45-46)	52	0	0	70 ^d	0					
81st (49-50)	92	0	0	31	0	13	2 ^e			
82nd (51-52)	35	0	0	89	0					Presidential defectors were Powell (NY) and Williams (MS).
85th (57-58)	33	0	0	0	0	2	0			
87th (61-62)	89	0	0	0	0	5	0			Presidential defectors were Colmer (MS), Passman (LA), Whitten (MS), Williams (MS), and Winstead (MS).
88th (63-64)	81	0	0	7	0					Presidential defectors were Williams (MS) and Watson (SC).
89th (65-66)	155	0	0	78	0	2	2			
90th (67-68)	60	0	0	44/76 ^f	0/0					Presidential defector was Rarick (LA).
91st (69-70)	51	0	0	0	0	1	1			
92nd (71-72)	74	0	0	91/11 ^g	0/0					

93rd (73-74)	47	0	0	21	0	Hebert (LA), Patman (TX) and Poage (TX) were deposed as committee chairs at the beginning of the 94th Congress.
94th (75-76)	147	0	0	29	0	
96th (79-80)	119	0	0	5	0	Gramm (TX) was removed from the Budget Committee after his defection on the rules vote. His removal was primarily the result of his cooperation with the Republicans during consideration of Reagan's budget in 1981.
97th (81-82)	51	0	0	3	0	
98th (83-84)	104	0	0	2	1	
99th (85-86)	70	0	0	1	0	
100th (87-88)	81	0	0	1	0	
101st (89-90)	83	0	0	1	0	
102nd (91-92)	100	0	0	1	0	
103rd (93-94)	81	0	0	3/10/14/27 ^h	0	

^aThis column indicates the number of majority party members minus the number of minority party members for each Congress.

^bThe first vote is on a Democratic motion to strike the germaneness restriction for revenue bills. The second is a Republican motion to keep the discharge requirement at 218. The third vote is on a Democratic motion to reduce the discharge number to 100. The second and third amendments failed.

^cThe first vote is on the previous question on the adoption of the rules. The second is on the adoption of the rules.

^dThis vote is on the Rankin amendment to create the House Un-American Activities Committee.

^eHebert (LA) and Rankin (MS) were removed from the House Un-American Activities Committee through a change in caucus rules. We consider this to be a case of discipline because the rules change was specifically targeted at these two members (Ripley 1967). Rankin was also one of the 31 defectors on the rules vote; discussions of the events, however, suggest that it was his lack of support of the party's presidential candidate that accounts for his being disciplined.

^fThe first vote is on the previous question on the rules; the second is on a motion to delete the 21-day rule.

^gThe first vote is on the original previous question on the rules, which was defeated. The second vote is on the previous question for the rules after the 31-day rule was deleted.

^hThe first vote is on the previous question. The second vote is on a motion to table the Solomon amendment to study the Democratic proposal to allow delegates to vote. The third vote is on the Republican recommittal motion, and the fourth is on the adoption of the rules.

not punished.²⁵ The other 14 Republicans who defected on one or both of the 1925 rules votes, but who had backed Longworth for Speaker and Coolidge for president, also were not punished.²⁶

The message sent by these actions would seem to be that while a divided party with a slim majority did not punish its dissidents, a more secure majority looked to support for the party's presidential candidate and Speaker nominee as the criteria for good standing. Disloyalty on rules votes, while perhaps affecting future advancement, did not portend severe punishment. When asked in 1937 what makes a "bona-fide Republican," Congressman Hamilton Fish (R-NY) responded that since 1910 the clear criterion had been that "it is one who supports his party's candidate for the presidency" (as quoted in Berdahl 1949, 504). Senate Republicans in 1936 also concluded that the "generally accepted definition of what makes a party man is that he shall have supported the Presidential candidate of the party in which he claims membership" (Berdahl 1949, 505). The absence of defectors on votes to elect the Speaker after 1925 suggests that this too was a criterion for good party standing, following Longworth's disciplining of the 1925 bolters. These loose standards were not a mere aberration used by Republicans due to their regional divisions: before the Democrats' deep regional split emerged, the Democrats did not punish any of the 72 party members who in 1935 disobeyed a binding caucus vote to reinstitute the requirement for 218 signatures on discharge petitions. Although the Democrats did succeed in increasing the discharge requirement, party leaders had been unable to do so two years earlier because many of the same members had made it clear they would defect on the floor. During the era of deepest Democratic regional divisions (1937–65), the party punished only a handful of its presidential election bolters and none of the members who defected on rules votes. Based on this record of party discipline since 1919, Ripley noted in 1967 that caucuses violated seniority only in isolated instances where members "supported the presidential nominee of another party" (1967, 53).

By 1975, this conclusion no longer held. Although the three chairmen who lost their positions in 1975 were not punished for disloyalty on rules votes, these were the first clear instances of seniority violations in the majority party for reasons having to do with conduct within the House of Repre-

²⁵Keller retained his chairmanship of the Railways and Canals Committee, remained as the ranking member on Claims when the chair of that committee became vacant, and moved up from fourth to second place on the District of Columbia Committee. He did not become chair of Claims, presumably due to the practice that no member chair more than one committee.

²⁶Nonetheless, the fall in the number of defectors on the discharge vote—from 44 in 1924 to 22 in 1925—might indicate that the increased Republican majority allowed party leaders to intimidate several potential dissidents. Hasbrouck (1927) surmises that this threat successfully deterred freshmen from defecting.

sentatives—as opposed to presidential election defections, frail health, or personal scandals—in several decades. The operation of recently adopted caucus rules facilitating attacks on sitting chairmen, the restlessness of the large freshman class, and Democrats' substantial majority in 1975 likely each contributed to the success of the 1975 effort to depose the three chairmen.

It appears from Tables 1 and 3 that member beliefs about the level of loyalty expected from them on rules votes changed dramatically following the 1975 seniority violations. There continued to be substantial numbers of defectors on the vote on initial adoption of House rules up through 1975. Yet immediately after 1975, defections fell to minuscule levels until 1993. The most interesting feature of this development is that Democratic loyalty on substantive matters did not rise significantly until 1983 (Rohde 1991, 53). This suggests that the emergence of a credible threat to sanction defectors (after its absence for many decades)—though rooted in rising Democratic homogeneity and in the large majorities of the mid-1970s—had an independent impact on partisan procedural control. Majority party members apparently were relatively free to disobey the party on even the most important procedural matters up through the mid-1970s, until the party finally made members subject to seniority violations for their conduct in the House. This change resulted in a dramatic increase in party procedural control, and likely created incentives for member loyalty on other, substantive issues as well.

Our evidence on the credibility of party threats to sanction defectors is indirect and thus should be interpreted with caution. It is possible that even before the 1970s, the majority party had access to sanctions which perhaps were less visible than seniority violations, yet were sufficient to deter a large proportion of would-be defectors. This interpretation is suspect because the majority party did lose several important rules votes during this period. Still, our evidence is sufficient only to call into question, not refute, Cox and McCubbins' view of sanctions.

Rewards

The seniority system did not leave party leaders without any tools to induce loyalty prior to 1975. For example, scholars have long observed that party loyalists are advantaged when it comes to initial assignments to committees (Cox and McCubbins 1993; Ripley 1967; Smith and Ray 1983). But it is an open question how much impact the potential loss of future rewards—as opposed to the threat of an immediate loss in existing assignments—had on member loyalty on rules votes.

To begin to answer this question, we examine the likelihood of receiving a favorable committee assignment for Democrats in the 79th Congress (1945–46) in the aftermath of Rankin's successful amendment to create HUAC. We selected this case because the vote to create HUAC was one of

the clearest tests of party loyalty on a committee jurisdiction matter in the twentieth century. The previously existing Dies Select Committee on Un-American Activities had a record for successfully undermining the reputation and electoral success of liberal Democrats (Goodman 1968). As a result, voting to create HUAC was an action likely to lead to direct electoral harm to fellow Democrats.

Table 4 presents our results. Based on Galloway (1946, 54, 90), we classify 10 committees as major House committees. We then examine the likelihood of receiving an assignment to one of these 10 committees, given a yes or no vote on the Rankin amendment. The first notable result is that members already on the 10 committees (none of whom were removed from the committees in the aftermath of the vote), voted 65 to 37 against the Rankin amendment.²⁷ The rate of defections of these members (36%) is slightly higher than the 28% defection rate for party members not on the 10 major committees, although the difference is not statistically significant ($p = .26$). If one restricts the analysis to the Rules, Appropriations, and Ways and Means committees, the disparity is a bit stronger: members already on these committees voted 20 to 15 against the Rankin amendment, a lower proportion than that for the rest of the party, which voted 129 to 55 against Rankin ($p = .19$). These results most likely are traceable to disproportionate southern representation on leading House committees, but they also indicate that members serving on key committees were hardly paragons of loyalty on rules votes.

One hundred seventeen Democrats voting on the Rankin amendment were not on any of the 10 major committees at the opening of the 79th Congress. These members voted 84 to 33 against the Rankin amendment. We find that 34.5% of the members voting against Rankin received an assignment on one of the top 10 committees, while 27.3% of the members voting in favor of Rankin received such an assignment.²⁸ Although this difference is small and is far from statistical significance ($p = .59$), there is some evidence to suggest

²⁷Two members who voted *against* the Rankin amendment, Mike Mansfield (D-MT) and Donald O'Toole (D-NY), moved from slots on one of the 10 committees to places on several minor committees. One member who voted in favor of Rankin, E.C. Gathings (D-AR) was transferred in 1945 from Military Affairs to Agriculture. Both committees are on our list of 10 major committees. We lack information on whether Gathings sought the transfer. Finally, Clifford Davis (D-TN), who voted in favor of Rankin, moved from Military Affairs to Public Works in 1947 when Military Affairs and Naval Affairs were consolidated into the Armed Services Committee. Two lower ranking members of Military Affairs in 1945, both of whom also voted in favor of Rankin, were appointed to Armed Services in 1947.

²⁸We also used a logit model to predict whether members not on the 10 committees in 1943–44 received assignments to the committees in 1945, controlling for region and whether the member was a freshman in 1945. The coefficient for the vote on the Rankin amendment was tiny and insignificant (.025; $p = .83$).

Table 4. Analysis of Vote on Rankin Amendment and Assignments to 10 Major Committees*

	Member of one of the 10 committees in 1943-44, and in 1945-46.	Member of one of the 10 committees in 1943-44, but not in 1945-46.	Promoted to one of the 10 committees in 1945.	Not on any of the 10 committees in 1943-44 or in 1945-46.
Voted against Rankin	63	2	29	55
Voted in favor of Rankin	37	0	9	24
Total	100	2	38	79

*The 10 committees are Ways & Means, Appropriations, Rules, Interstate and Foreign Commerce, Judiciary, Agriculture, Foreign Affairs, Naval Affairs, Military Affairs, and Banking and Currency. Majority Leader John McCormack is excluded from the analysis.

that the desire to receive favorable committee assignments played some role in the vote. Freshmen Democrats, who presumably had the most to gain or lose by their conduct, voted 51 to 5 against the Rankin amendment. Region and ideology undoubtedly were in part responsible for this strong leadership support: only 16% of freshmen Democrats who voted were from the South. But even controlling for region, freshmen voted against the Rankin amendment in greater numbers than did non-freshmen.²⁹ It seems fair to conclude that the desire for rewards from the leadership was at least a mild incentive for party loyalty on this vote. Nonetheless, the extent of this incentive is open to question: after all, three of the five freshmen who voted for Rankin received assignments to a major committee (as opposed to 19 of the 51 who were opposed).

Our analysis of the 1945 case is subject to the problem that the decision to defect might depend on whether a member is seeking to transfer to a new committee. Still, our data provide some support for the view that there is an asymmetry between party leaders' ability to reward loyal behavior and leaders' ability to punish disloyal behavior (Sinclair 1983). A likely explanation for this is that party leaders need to balance the goal of enforcing unity with "keeping peace in the family" (Sinclair 1983). Withholding rewards from dissidents poses much less of a threat to "peace in the family" than does direct punishment.

But the threat of withholding possible rewards apparently was not nearly as strong a deterrent to defection on critical votes as has been the post-1975 additional threat of specific sanctions. Our 1945 data indicate that the effect on future advancement of defecting on this particular key rule vote was far from overwhelming. The successes of cross-party coalitions in 1924, 1945, 1951, and 1967 speak to the limited effectiveness of the mere threat of reduced prospects for future advancement.

We conclude that the party threat to punish dissidents has varied significantly in scope and severity. The 1923 and 1925 evidence indicates that members who defect on the election of officers such as the Speaker are subject to punishment, but that leaders have been reluctant to jeopardize partisan control of the House in order to enforce strict discipline on these matters. Members who defect on rules votes have only rarely been subject to direct punishment. The threat of sanctions for various forms of disloyalty, however, appears to have increased significantly since 1975, contributing more than likely to the dramatic rise in party loyalty on rules-adoption votes. By contrast, members who defected to support the opposing party's presidential candidate have long been subject to visible punishment. This set of

²⁹We used a logit model to predict the vote on the Rankin amendment (yes = 0, no = 1; $n = 219$). The dummy variable for freshmen had a coefficient of 1.54 with a standard error of .52.

findings suggests that the primary test of party status for roughly 50 years starting in 1919, had far more to do with deterring open disrespect for public symbols of the party, than with safeguarding the majority party's procedural control of the House.

Discussion and Conclusions

One possible response to our analysis is that we are examining a period in which the majority party has often been unusually divided, and that this leads us to underestimate the degree of majority party procedural control. It is certainly true that the Democrats were extremely divided during the 1937–75 period, and that the Republicans faced important divisions during the 1919–31 period when they were in the majority. The question is whether the relatively unified parties of recent Congressional experience or the divided parties of these earlier periods are more characteristic of Congressional politics. In fact, with the exception of the 1983–92 period and a short-lived era of Democratic strength in 1911–17, which suffered a severe setback with the outbreak of World War I (Galloway and Wise 1976), the Democratic party has faced serious divisions at all times since the Civil War when it has held majority status in Congress. For example, the Democrats were the majority party in the House for all but four years from 1875 to 1895. The party was forced to grapple with a strong, regionally-based, protectionist wing for much of this period, and was torn apart even more severely by the silver issue in the early 1890s. Its record of procedural control during this period could be characterized as mixed, at best (Alexander 1916; Wolf 1981). As for the Republicans, after facing serious divisions throughout the 1870s and 1880s (Cooper and Brady 1981; Wolf 1981), they did enjoy perhaps the longest period of strong party governance in Congressional history, lasting roughly from 1895 to 1909. Yet as early as 1905, the party began to face serious fissures rooted in regionally-based divisions over President Theodore Roosevelt's ambitious program (Hatch 1967). Although Republican leaders were able to delay the progressive-conservative split which erupted in 1909–10, this breach was not fully repaired for nearly three decades (Berdahl 1949). Clearly, it has not been at all unusual to have a sizable bloc of opposition-prone dissidents within the majority party.

Evidence from the 103rd Congress (1993–94) indicates that the fairly long recent period of Democratic unity and procedural effectiveness was beginning to unravel before the Republican takeover of the House, revealing once again the frailty of strong party government in Congress. The number of Democrats defecting on the initial adoption of the House rules increased substantially in 1993. Granted, the Democratic leadership was pushing a number of controversial changes, and the leadership did triumph

over Republican objections. Nonetheless, the willingness of 14 Democrats to vote for the Republican recommittal motion on the rules, and of 27 Democrats to vote against final adoption, is suggestive of a rebellious spirit within the party. This rebellious spirit had concrete effects later in January 1993, when one-third of the Democrats surprised the leadership by joining with the Republicans to deny funding for the Select Committee on Narcotics. By March, Democratic leaders conceded they lacked the votes to preserve funding not only for the Narcotics committee but also for the Select Committees on Hunger, Aging, and Children, Youth and Families (*CQ Almanac* 1993, 13). Restiveness among conservative Democrats also led to floor defeats for six special rules to consider legislation in the 103rd Congress, a dramatic contrast to the Democrats' record of success on these votes in previous sessions.

A further sign of declining Democratic procedural control was Inhofe's victory on the discharge petition secrecy fight in September 1993. The discharge change no doubt contributed to leadership difficulties in fighting yet another manifestation of fraying procedural control: the so-called "A to Z" spending reductions plan (Krehbiel 1995). The measure, proposed by Robert Andrews (D-NJ) and Bill Zeliff (R-NH) aimed to set aside a 56 hour bloc of time for consideration of any floor amendment to reduce federal spending. Andrews and Zeliff filed a discharge petition to bypass the Rules Committee's effort to block the measure. Although Andrews and Zeliff fell 14 signatures short of the 218 required, it is likely that had the Democrats retained a reduced majority in the ensuing 104th Congress, the Republicans would have found a sufficient number of Democratic allies to bring "A to Z" to the floor.³⁰ This opportunity for open floor consideration of untold numbers of amendments to reduce spending would have doubtless threatened all sorts of Democratic and cross-party logrolls. It might well have been 1910 all over again, with the party labels reversed.

The Democrats' troubles in the 103rd Congress, along with the evidence on rules changes and committee jurisdictions presented above, reveals that the House majority party has not consistently been able to entrench a set of partisan logrolls in House rules. Instead, partisan control of House organization is ordinarily contested by ideological cross-party coalitions that vary in strength with the size of the majority party and its homogeneity, and by bipartisan distributive coalitions that appear to be something of a constant in Congressional politics. This complexity goes against the view that there is any coherent principle of Congressional organization that "solves" the cycling problem. It also points the way for models of legislative politics in

³⁰See *National Journal Congress-Daily*, "Andrews, Zeliff to Renew Spending Cut Effort in 1995," October 7, 1994.

which innovative representatives battle to manipulate the design of institutions to suit partisan, ideological, distributive, and other goals.

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