

Chapter 13

Consequences of Electoral and Institutional Change

The Evolution of the Conditional Party Government in the U.S. House of Representatives¹

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The U.S. Congress has changed in many ways over the last fifty years, but perhaps the most dramatic has been the changing role of the political parties. David Mayhew's study of the Congress (published in 1974) argued that political parties were weak institutions in the Congress, and that they were weak because the members wanted it that way.² Virtually as he was writing, the Democratic Party (in the midst of its forty-year reign as majority party), began revising its own rules to strengthen its party organization and its leadership in the House. These changing electoral and legislative circumstances resulted, in time, in the passage of more partisan legislation. That is, many of the most important pieces of legislation, after these changes were fully in place, passed with a greater degree of party-line voting and with policy content that was closer to the views of a now more consensual majority in the Democratic Party than was true in the House Mayhew examined (see chapter 1 for a discussion of changes in party unity). This trend continued, indeed even expanded, when the Republican Party won majority control in the 1994 elections, and has persisted with the return of Democrats to power.

Why these changes? Their immediate cause was that the members increasingly came to favor stronger over weaker parties—they wanted it this new way rather than the way they had devised in the era Mayhew studied. That, in turn, raises the question of why they wanted to increase the strength of the political party in the House and, thus, why they revised the party's and even the chamber's rules to achieve a more partisan-focused set of ends. The primary answer to that question is that electoral circumstances changed greatly in the 1960s and 1970s and even into the 1980s. In particular, the Democratic Party had long been divided between Northern and Southern wings, and thus between more liberal and more conservative members. The South, through the 1960s, remained an essentially one-party region, with Republicans finding it very difficult to compete effectively in all but a handful of districts. As civil rights and related issues became a more prominent part of the agenda of congressional politics in the 1960s, the Democratic Party was split increasingly deeply between liberal Northerners and conservative Southerners, all

the while nonetheless retaining majority status.³ Thus, while the Democratic Party controlled the House, it was a deeply divided majority, one that could find agreement on fewer major issues than many majority parties had historically. Therefore, there was little that the majority party leadership could do that both wings wanted to achieve and, as a result, the party gave that leadership little power to work with.

Change came through elections. In 1953, for example, the Republicans held only 6 percent of the seats in the South but 65 percent of those in the East. By the 1970s, the Republicans carried about a quarter of the Southern House districts, but dipped under a half of those in the East. In 1981, they held over a third of the Southern House seats, and, by 2009, the GOP held a majority of the seats from the South (by now their strongest region) and under a fifth of the seats in the East.⁴ The coming of a competitive Republican Party to Southern elections and compensating changes in other regions meant that there were fewer Southern Democrats in total and that those who remained (particularly those newly elected) had relatively more liberal voters supporting them. The Democratic constituencies were more liberal because of the incorporation of African Americans and poorer whites into the electorate, and because Republican candidates were taking many more votes from the most conservative end of the spectrum. These electoral changes meant that, in the House as a whole, Southern Democrats were no longer as distinctive from their Northern peers, and thus greater party consensus was able to be achieved on what kinds of legislation would be desirable, both for their own concerns and in their run for reelection in the next election. Moreover, there was greater differentiation between Democrats and Republicans on policy (chapter 1 provides evidence of this growing differentiation). Thus, elections induced more polarized parties in the Congress, with greater consensus within each party, and with increased distinctiveness of views between the two parties. The final step, then, was the organizational one. For at this point, the majority party had more policy agreement, and with that they had greater reason to give their leadership (and thus the House's leadership) more powerful tools by which they could translate that increased consensus into actual legislation.

This broad-brush view, then, is that electoral conditions had changed from the days Mayhew was describing, leading the House members to want more powerful parties so as to achieve more consensual partisan ends. Thus we call this explanation of changes in the strength of political parties "conditional party government" (CPG). When, as Mayhew described about the 1950s and 1960s, conditions were not favorable for relatively stronger parties in the chamber, then Members favored weaker party leaders and preferred power allocated via committees and seniority. When conditions were different—when, that is, voters elected members who had greater consensus among their fellow partisans in the Congress and greater division between the two parties (as has been the case for the last quarter century)—then they strengthened

their party in the House. This is the general statement of the explanation, and the rest of this paper develops this more carefully and discusses the Congress in light of this theory of conditional party government.

In chapter 1 there is data about the effects of these changes on increasing policy polarization in the Congress and on increasing party unity (voting along party lines on the floor). We can see this in a slightly different way in Figure 13.1. Central to our argument is the combination of separation between the two parties on important policy considerations, that is, of polarization, and the increasing homogeneity of policy preferences among members of the same party, especially within the majority party—this is the “condition” in conditional party government. In Figure 13.1, we show a measure that combines these features, with the higher the value, the more intraparty homogeneity and the greater the interparty heterogeneity.⁵ We report these data from the time Mayhew was studying (his book was published during the 93rd Congress) up to the 107th Congress (2001–02). As you can see there, Mayhew was writing in the early 1970s, a time in which the parties were showing decreasing internal agreement and this internal divisiveness was also reflected in lesser distinctiveness of the two parties from each other. That decline continued until about 1980 when it reversed and began to climb. By the time of the “Republican Revolution” of the 104th Congress (1995), the measure had increased considerably and it continued to increase consistently if now more slowly through the 105th Congress. In our view that increase is due primarily to changes in the electoral arena, and those changes have meant that the

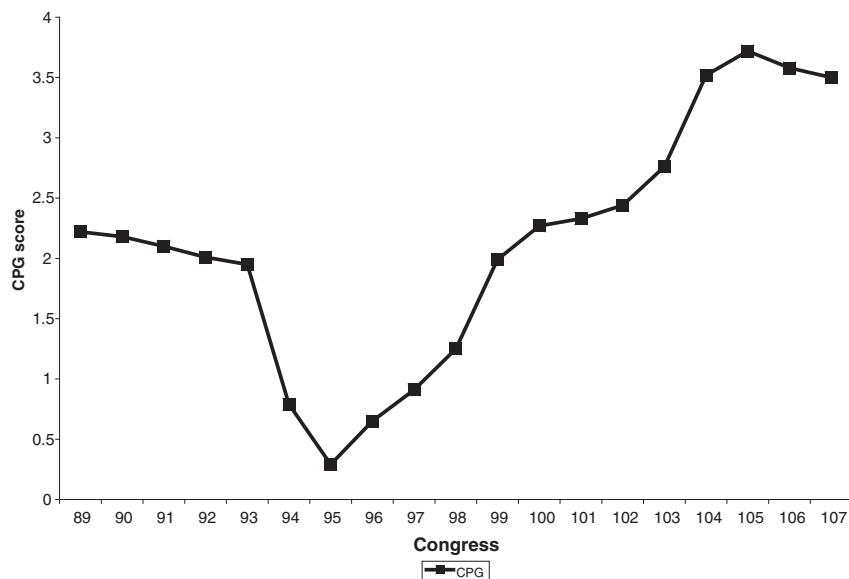


Figure 13.1 Conditional Party Government: 89–107th Congresses, 1965–2002.

"condition" in conditional party government has increased in strength so that the Members in Congress increasingly have desired stronger parties within the Congress so that they can achieve their more consensual partisan goals. It is this account we develop below.

Why Strong Parties?

The institutional structure of each House of Congress is designed by its members. The analytical challenge with regard to the enormous changes in the role of parties in Congress in recent decades involves explaining why members would opt to create strong parties. We conceive of members as goal-oriented individuals who make strategic choices to accomplish those goals. Thus an explanation must focus on what members want, and how various strategies lead to their desired ends.

Members' Goals

In the period leading up to the era of congressional reform in the 1970s, the most influential perspective on members' goals was offered by Mayhew (1974). He argued that members were motivated solely by the desire for individual reelection, and that they designed congressional rules to foster that goal. While we certainly agree that reelection is an important interest for legislators, and we will return to it below, our view is that it is only a part of the story. Other influential factors must be taken into account to explain the transformation of the Congress and its move to strong parties.⁶

Another goal of members is to enact policies that match their own preferences as closely as possible. We do not argue that legislators care more about policy than their own electoral fate, nor even that all members have strong policy motivations. We do contend, however, that a large portion of the membership has policy goals. Indeed this was a major factor in the reforms of the 1970s. Liberal Democrats faced an institution in which committees dominated the legislative process. Conservative Southern Democrats had disproportionate influence over those committees, influence that was protected by the seniority system. At the same time, party leaders were granted only limited power, and so they had few means of influencing the chairs and their committees. These circumstances prevented the liberals from moving policy in the direction they wanted, and that stimulated them to seek to alter the institution's arrangements. We will discuss some details of how they did so later, but it is sufficient to note here that policy goals were the driving force behind the effort (Aldrich 1995; Rohde 1991).

Policy was also central in the "Republican Revolution" of 1994, when the GOP gained fifty-two seats in the elections and won majority control of the House for the first time in forty years. Because of the desire for significant policy change among a great preponderance of newly elected Republicans,

they supported major alterations in the operation of the House and further strengthened the powers of the majority leadership (Aldrich and Rohde, 1997–98, 2000a, 2000b). Members with policy goals will favor strong parties if they believe that will permit them to achieve the policies they want. Thus the more similar are the policy preferences of the party's members, the more attractive they will find strong party leaders.

A third motivation for legislators is the desire to achieve or maintain majority status, not so much for its own sake, but because that status has major implications for members' ability to achieve other goals. Members of the majority party will usually be more able to influence the institution than a corresponding minority member. For example, the Speaker (the top leader of the majority party) has more power than the minority leader, her counterpart. Similarly, the chair of a committee or subcommittee will usually have more influence than the ranking minority member of the same panel. Majority status has always been important, even in the era when parties were weak. This factor was not, however, prominent in our early development of conditional party government because, in that period, there was little doubt about which party would be in control. Between 1930 (when the Democrats won the House during the Depression) through the 1970s (and the end of the Democratic reform era), the Republicans controlled the House for only four years (1947–49 and 1953–55). As the initial strengthening of parties took hold, this factor did not affect members' calculations very much because they did not think it likely that their choices would affect the very high subjective probability that Democratic control would continue.

Indeed Democratic dominance continued until the surprising landslide of 1994, when the GOP ended forty unbroken years of Democratic rule. From that time through the 2006 elections, the majority party held only a small majority, meaning that retaining majority status was uncertain at every election. Moreover, representatives have recognized that how their party is perceived (often termed the party reputation or "brand") has become increasingly important to voters, thus tying, at least in part, their own electoral fate to the chances that their party will attain or continue to hold a House majority. In this context, there is a strong incentive to delegate power to party leaders so that they may take actions that will protect that reputation (Cox and McCubbins 1993). Legislators would not generally act to protect their party's collective reputation if they were left to pursue their own individual interests without constraint. Party leaders have the strongest interest in holding majority status, so they are less likely to use the powers they were granted to further their own goals at the expense of the party and its membership. Moreover, as parties were strengthened, majority status became even more important for members with policy goals because they were more likely to enact legislation to achieve them. If a party lost its majority, the other party would then be increasingly likely to pass policies the original majority opposed. All of this

means that the desire to attain or maintain majority status was reinforcing itself over time.

A final goal of legislators is to have increasing influence within the chamber. Most members want to secure a position within the body that will give them the ability to influence the process in some significant way. This might be a place in the party leadership, in an informal caucus like the Republican Study Committee (the group of conservative Republicans in the House) or in committee or subcommittee leadership. For those in the formal or informal party leadership, strong parties are obviously advantageous. For committee and subcommittee leaders, the implications of strong parties are more uncertain. Every committee leader wants to exercise independent influence, so a strong party leadership is potentially problematic. How much so depends in large part on how compatible are the interests of the party and committee leaders. Here too, then, the more similar the policy goals of party members are, the more favorable committee leaders will be toward strong leaders.

This returns us, finally, to where we began: to individual reelection, which is intertwined with the other goals. Mayhew (1974), as we argued above, wrote that the primary goal of members was winning reelection. It was primary because it came first. No matter what else the member might like to achieve by being in office, she or he could not achieve those goals without being elected and reelected to office. With biennial elections, members of the House are always rapidly approaching their next election. It is for this reason that Mayhew titled his book *Congress: The Electoral Connection* rather than, say, *Congress: The Policy Connection*. Policy, in this view, is thus something at least in part induced by the electorate.

A second major feature of the era in which Mayhew's observations were set was that members were increasingly able to take control of their own reelection fortunes. As a result, they, individually, were responsive to their constituencies' interests and concerns. The constituency, in turn, was increasingly likely to hold them responsible for what they had done. This made members focus on where they stood and how they voted on policy—"position taking" in Mayhew's parlance—instead of what policies actually passed or failed in Congress. This was particularly so when both parties were internally divided.

Once each party became more internally homogenous, it became easier to expect that consensus, at least within the majority party, should actually get translated into law. Members could expect that voters would want them not just to *stand for* the correct thing, but for them and their partisan peers (especially in the majority party) actually to *pass* those bills into law. Hence, as the condition for party government is increasingly strong, members should expect to be judged for where they stood *and* for what they enacted.

Of course, a constituency is not all like-minded. Indeed, there is a general tension for all candidates who seek election or reelection to any political office. In many states, congressional candidates need to win majority support in two

constituencies, the primary electorate and general electorate, and those are rarely identical. Indeed, the primary electorate is nearly always more ideologically extreme than the general electorate, with Democratic primary voters more liberal and Republican primary voters more conservative than the full electorate. Each member must therefore appeal to a more extreme constituency for nomination and then a more moderate one for election. This dual pull—to the center for reelection and away from the center for nomination—is a common and repeated tension. Even in the general election, the candidate is often pulled one way to appeal to her party's "base" (which is often even more extreme than the primary electorate) and the other way to appeal to the swing voters more in the center. The centrifugal pressure arises not only from seeking votes in the primary election, but also for seeking support from activists to help staff the campaign, for fund raising, and from interest groups (at least on issues key to them) for resources, endorsements, and other sources of support. Merely seeking reelection, therefore, can generate countervailing pressures, even on a single policy.

As we noted above, the coming of full suffrage and of a competitive Republican Party in the South meant that the electoral forces Southern Democrats faced became more like their Northern counterparts. To be sure, newly enfranchised liberal Southern constituencies might be only moderate compared to their Northern counterparts, but there were certainly fewer and fewer truly conservative Southern Democratic constituencies. At the same time, Republicans were losing their moderate Northern constituencies, while gaining the conservative vote in the South. The result is that, in both parties, the constituencies have increasingly become more similar across the country, both in terms of the primary and of the general election. It is not that every partisan constituency is alike, far from it, but the degree of similarity has increased substantially, especially as compared to that in the 1950s and 1960s. Thus, members of the same party have more opportunity to find common ground than they did, and they were less likely to find bitter opposition within their own party.

While these changes led to a general increase in the homogeneity within each party on what policies its members would like to see enacted, this is only an increasing similarity. There remain considerable differences of opinion within both parties. Thus, for example, there is only a subset of policies that divide the two parties. To be sure that subset has increased over time (adding first civil rights, then abortion, and so on to the cleavages between the two parties), but many issues and thus many policies on which members vote do not cleave the two parties.⁷ Only on those party-cleaving issues—those that typically figure prominently in public debate between the two parties and in the public's voting choices between the two candidates—do the party members want their party to take action. For example many distributive policies are valued by members of both parties, as are many, albeit not all, defense programs, and there is no need for party leaders to use scarce resources to secure

potentially wavering members' votes on bipartisan issues. Still other issues (immigration in recent years) divide one or both parties. Thus, only on those central issues that define the differences between the two would even the most partisan members want the party to employ its powers.

This combination of homogeneity on some issues and heterogeneity on others leads us to expect limitations on what issues members want their party to act on and thus limits on the scope of party leadership activity even during times of strong parties. A strong party leadership will not threaten the reelection chances of any member who generally shares the dominant policy preferences of the party. Indeed, strong leaders can provide many benefits that are electorally valuable. These include the ability to raise and distribute large amounts of campaign funds, to offer opportunities to visibly participate in the passage of important legislation, or to shelter members from politically risky legislative situations.⁸ For members with preferences that diverge from their party, however, the electoral risks of powerful leaders, just like the risk to policy goals, would be greater. This is why the degree of preference homogeneity within parties is so central to our theory.

Goals, Parties, and Delegation

We have outlined what we see as the major goals of members of Congress and how each is related to the strength of parties. The set of legislators within each party must decide, in light of the mix of goals and preferences among them, how much authority (and which specific powers) to delegate to their leadership. Principal-agent theory is a theoretical tool that deals with decisions of delegating powers such as from party members to party leaders, in which a person or group (the principal) chooses someone (the agent) to act for them and secure benefits for them.⁹ The perfect agent would be someone with identical preferences as the principal. It is rare or, in many cases, even impossible to find potential agents with identical preferences. The key question is: how different are they? The more similar are the preferences of principals and agents, the more certain the principals are that the agent will act faithfully to achieve their goals and, therefore, the more comfortable the former can be with delegating decision powers to the latter. This factor dictates the importance of the main condition in CPG: the more similar are the preferences of the members of the majority party, the more willing they will be to delegate strong powers to their leadership. With a high degree of preference homogeneity, there is less danger of the leaders, as agents, pursuing strategies that would endanger the interests of the principals (i.e., the rank-and-file members).

Thus when members choose party leaders, especially as part of an empowered leadership, they will likely seek agents who well reflect the preferences of the dominant faction of the party. Figure 13.2 illustrates this effect. While in the 111th Congress House Democrats retained their leadership from the 110th, the Republicans changed several leaders. Figure 13.2 shows how con-

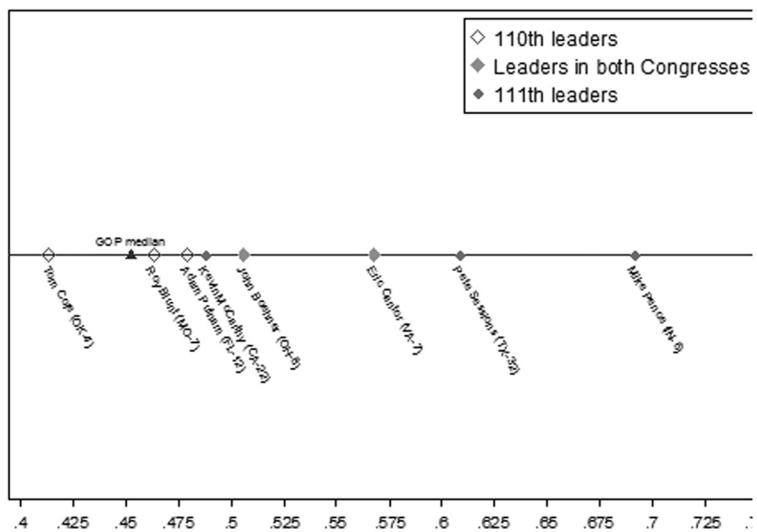


Figure 13.2 Conservatism of House Republican Leaders in the 110th and 111th Congress.

servative the voting records of the GOP leaders in the both congresses were (based on roll call scores from the 110th).¹⁰ The Republican membership in the 111th Congress was more cohesively conservative because of the departure of a substantial portion of the party's more moderate members. The new Republican leadership is now even more conservative than it was in the 110th and every leader is more conservative than the House Republican delegation was on average. Republicans, that is, consistently chose to select even more conservative members as their leaders.

Agents will usually have better information than their principals, especially about the agents' own preferences. Because there is always some divergence of preferences, agents will always have some incentive to "shirk" and pursue their own goals to the potential detriment of the principals. Thus it will be in the principals' interest to monitor the actions of the agents and take remedial measures if the agents stray. The greater the preference homogeneity, however, the less time and effort the principals need to invest in monitoring the actions of their agents. Thus, the CPG theory emphasizes the "bottom up" nature of the leader-member relationship in Congress, including the mechanisms by which members can monitor leaders, and pressure or even remove them if the members perceive their behavior to be unacceptable. Thus, the party leadership exerts its granted powers only when it has to. If a policy the majority party favors is going to pass anyway (or, rarely, fail miserably), there is no point in its using its powers. Most often, the party leadership uses its power to organize for collective action, making sure that the legislation that its majority actually favors comes to fruition. It uses its powers to get its members to vote

as they would not otherwise vote only for those few roll calls needed to secure passage on the most closely fought issues.

Mayhew's basic point, that individual members want to win reelection, has not changed. What has changed is that partisan composition of constituencies is more similar across the country now than it was four decades ago, yielding a more consensual party in the House. Even so, there remains considerable diversity across districts (and within districts). As a result, when there is no consensus within the party or when their votes are not needed to make the difference between winning and losing, members are typically free to vote as they choose for their own reasons. In short, while party polarization has led to greater consensus within each party, which has led members to grant their party in the chamber greater resources and powers, the result is a considerable increase in party unity; that is, in party members voting alike and in opposition to the other party. But there remains—and should remain—considerable opportunity for individual members to defect from their party's position when they feel they have to represent their constituents, and on many other issues when there is no party position from which to defect because there is no agreement among its members to make it a partisan issue. We have written at length about the preferences of members and conditions under which they will want to grant leadership powers to achieve those preferences. Let us look now at how those powers have actually been employed.

Institutional Change and the Instruments of Partisan Advantage

Assuming that we may have convinced the reader that members may want strong parties, the question remains how the party (particularly the majority party) might go about securing some advantage for its members. What instruments can confer advantage, and how are they used? This is a big subject with many facets, and we will not be able to cover all of it in the available space. We will focus here mainly on the most important source of the majority's advantage: the ability to exert disproportionate control over the legislative agenda.

Agenda Control and the Rules Committee

There are many different aspects of the agenda that the majority party might want to influence. Cox and McCubbins (2005) talk about *positive agenda power* (the ability to bring desired proposals to the floor for a vote) and *negative agenda power* (the ability to prevent undesired proposals from getting to the floor). In the period leading up to the Democratic reforms of the 1970s, liberal Democrats' main complaint was that important committees that were controlled by conservative Southerners, supported by Republicans, served as a roadblock to liberal legislation. That is, the Southerners were exerting negative agenda power. Many of the reforms of the 1970s were designed to alter the

distribution of both kinds of agenda power, decreasing the amount held by committees and increasing the power of the majority party leadership. Specific actions were aimed at both the substantive legislative committees (like Armed Services and Ways and Means) and at the Rules Committee, which controlled the terms of debate for most major bills that came to the floor. Subsequent developments during the period of Republican rule from 1995 to 2007, as well as the restoration of Democratic control after the 2006 elections related to these two main avenues. We will focus on the control of substantive committees in the next section, and deal first with the Rules Committee.

One thing that the two avenues of agenda control had in common before the 1970s reforms was the independence of committee leaders. Committee chairs were chosen via the seniority norm: the chair was the most senior member of the majority party in terms of continuous service on the committee. It did not matter whether the person in line to be chair was highly loyal to the party, or almost never voted with it; there was no practical way for the majority to bypass the most senior member or later to remove her or him. Thus committee chairs had little or no external incentive to support the majority party or its leaders.

The Rules Committee was a particular problem in this regard. Usually, for a major bill to come to the floor after it had been approved by the substantive committee of jurisdiction, a resolution from the Rules Committee (called a “special rule”) was necessary. This resolution could specify how much time would be available for debate, and whether amendments would be permitted on the floor, as well as other considerations.¹¹ From 1945 through 1960, the committee had eight Democratic and four Republican members. Thus when the Democrats were in the majority, given that there always were two or more conservative Southern Democrats on Rules, those Southerners could join with the committee’s Republicans and block a special rule from being granted to a bill they did not like, preventing its passage.¹² To mitigate this blocking power, in 1961 reformers secured the expansion of Rules to fifteen members. This eliminated the possibility of a six-six deadlock, but the committee and its leader still were independent of the majority party and able to interfere with Democratic priorities. This situation continued until 1974, when House Democrats adopted a party rule that vested the appointment (and potential removal) of the Democratic members of Rules and its chair in the Speaker of the House. From this point on, Rules was no longer independent. It became, in Oppenheimer’s (1977) words, an “arm of the leadership.”

Now that the committee was an agent of the majority leadership, rather than a potential adversary, the Democrats began to devise ways of using special rules to give them a legislative advantage. Most efforts revolved around controlling the amendment process, protecting the policy, reelection, and majority maintenance goals of the majority. It was in the interests of the leadership to block Republican amendments that could pass, and thereby move the legislation in question away from the Democrats’ favored position. They

also would want to prevent votes on amendments that would fail, but that would be politically embarrassing to members of the majority. This strategy would protect Democrats who had liberal personal preferences, but who came from relatively conservative constituencies, from having to choose between their policy and reelection goals. Over time the Democrats also developed more complex ways of using rules to advantage their bills, such as having certain amendments automatically adopted when the special rule passed, rather than having members vote separately on the amendments (Rohde 1991).

This transformation of institutional control and strategy put voting on special rules, which had long been routine and noncontroversial, at the center of the legislative process in the House. From the 83rd through the 91st congresses (1953–71), there was an average of only eighteen special rules roll calls per congress.¹³ This was because there was rarely conflict about the special rules, and most were adopted by voice votes or unanimous consent. Over time the frequency of conflict increased, with roll calls on rules becoming more frequent and more partisan (see Figure 13.3). In the 1980s, with Reagan in the presidency, there were large numbers of rules votes, and on more than half of them a majority of Republicans disagreed with a majority of Democrats. Republican members recognized that the majority was using special rules to gain a legislative advantage, and they complained frequently and vociferously, contending that such manipulations of the agenda were unfair.

Then in the 1990s, partisan conflict on special rules votes grew even sharper. As the data in Figure 13.3 indicate, in each congress during that decade, 80 percent or more of the rules votes saw party majorities on opposite sides. Even

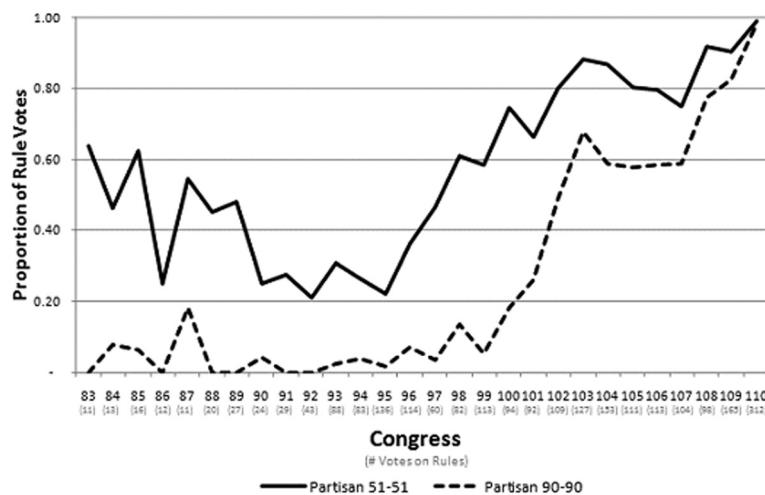


Figure 13.3 Roll Call Votes on Special Rules, 1953–2008. Note: Partisan 51–51 is the proportion of roll calls on which majorities of each party voted on opposite sides. Partisan 90–90 is the proportion of which at least 90 percent of each party were opposed.

more illustrative is the second line in the figure, which uses a higher standard of party conflict: whether 90 percent or more of both parties are on opposite sides of a vote. Such a level of disagreement was very rare up until the 1980s. By the 1990s, however, a majority of votes on special rules surpassed that standard.

This further increase in party conflict reflected both the growing homogeneity of preferences in the parties that we discussed above, as well as the more extensive efforts by Republicans to use special rules to gain advantages after they took over the majority in the 104th Congress (1995–97). Having been in the minority for forty continuous years, the GOP came to power with great ambitions to change a wide range of public policies. In this effort, however, they perceived some significant challenges. The activists in the Republican Conference, led by the new leadership team of Speaker Newt Gingrich of Georgia, were concerned that their party's senior members on committees might balk at major changes in policies under their jurisdiction because they had built up a vested interest in the status quo.

To overcome this problem, the majority leadership decided on an imaginative solution: for a substantial number of policy changes they would bypass the substantive committees of jurisdiction and channel the shifts through the Appropriations process. But there was a difficulty with this solution. The task of the Appropriations Committee was deciding how much money should be allocated to programs that were authorized by other committees, and the rules of the House prohibited the inclusion of legislative language in appropriations bills. Fortunately for the GOP leaders, however, their control of the Rules Committee gave them a way around the problem: the special rule for each appropriations bill could waive the restrictions of the House rules and permit legislative changes to be included. This controversial strategy outraged the Democratic minority and led to extensive conflict between the Congress and the Clinton administration over virtually every appropriations measure. The resulting delays caused parts of the federal government to shut down twice in 1995 and 1996 because the legislation that authorized and appropriated their funds were not completed.¹⁴

In the end few of the House GOP's major changes became law due to resistance from the Senate and the president, but the fact that they came close was due to the GOP's aggressive use of the majority's agenda control powers. In subsequent congresses under Republican rule, party leaders employed these powers over a wider range of legislation. Indeed, in the words of Don Wolfensberger (2007, 293), who was the former Republican staff director of the Rules Committee, “[b]y the 107th Congress (2001–2002), their fourth consecutive Congress in power, the Republicans far exceeded the Democrats' worst excesses in restricting floor amendments.”

Neither the efforts to use agenda control strategically, nor the partisan conflicts over them, ceased when the Democrats regained the majority in the 2006 elections. Nancy Pelosi employed her control of the Rules Commit-

tee to advantage right from the beginning of her tenure as Speaker, directing that a set of six top priority bills to be considered at the opening of the 110th Congress, all having special rules that restricted the minority's ability to offer amendments. Indeed, as Figure 13.3 shows, the conflict over special rules reached unprecedented levels in 2007–2008. The number of roll calls on those resolutions was nearly twice that in any previous congress (indicating a wider range of party conflict), and 98 percent of the votes were partisan by 90 percent of each party opposed criterion. The evidence is that in the last three decades, the majority party has expanded both the range and intensity of its efforts to extract partisan advantage from agenda control.

Controlling Party Subordinates

While the control of the Rules Committee by the leadership does, as we have seen, confer advantages, much of the legislative activity of the Congress is done in substantive committees pursuing their own priorities. Their decisions have major consequences for the goals of members. The interests of committee leaders will sometimes be the same as their party's and sometimes they will differ. In the latter case, the agents will have incentives to satisfy their own preferences unless their behavior is being monitored and there are countervailing incentives that induce the committee leaders to serve the interests of their principals.

During the Democratic reform era, many of the changes in the majority party's rules related to this problem. The reformers simultaneously followed two courses. One sought to place limits on the independent powers of committee chairs in order to mitigate the damage they could do to party interests. The other track was to adopt procedures that directly undermined the independence of chairs by permitting a party majority to remove them. The implications of the first set of changes, collectively known as the "subcommittee bill of rights" (Rohde 1991), are straightforward: powers that were formerly exercised by committee chairs came under the control of subcommittee chairs or the majority party caucus on a committee. The latter set of reforms affected the incentives of chairs regarding their use of the powers they retained. At the beginning of each congress the Democratic Caucus would take a secret-ballot vote on each chair from the previous congress, or each member next in line by seniority for a vacant position. If the Caucus voted against any nominee, an alternative chair would be chosen by the Caucus, potentially in a competitive election.

In 1974, the removal of chairs was shown not to be merely hypothetical, when three Southern chairs were removed and replaced by Northern Democrats. From that point on, committee chairs were no longer guaranteed their positions regardless of their behavior. Current or potential chairs, when making legislative decisions, now had to at least consider the preferences of their party colleagues. They might still choose to go their own way, but they

recognized that they could be made to pay a heavy price. Committee leaders were less likely to try (and less likely to be able) to block legislation the party wanted, and they were more likely to seek to enact party priorities. Both the positive and the negative aspects of agenda control of the majority leadership were enhanced.

When the Republicans took over in 1995, they went even further in giving their leadership control over committee leaders. Shortly after the 1994 elections, speaker-designate Gingrich called a press conference and announced who would be the chairs of some major committees that would be important for the party agenda. With the exception of the chair of Rules, nothing in the party's rules gave the leader that power. Gingrich simply asserted it, and it was accepted by the majority of the party's members (Aldrich and Rohde 1997–98). At least as important, Gingrich made clear that he believed that he could engineer the removal of a chair who was not responsive to the party's wishes, and that view was widely accepted. The Republicans also adopted a six-year term limit for chairs.

In 2000, when the term limit was reached by many sitting chairs, the party (led by Speaker Dennis Hastert of Illinois) chose to vest the selection of their successors in the leadership-dominated Steering Committee, which conducted competitive elections among self-starting candidates from the committee in question. This process often chose someone other than the most senior candidate, and in many cases bypassed a more senior moderate to pick a more conservative but more junior member. Then in 2002, with the urging of Speaker Hastert, the GOP extended that selection mechanism to all subcommittee chairmanships on the powerful Appropriations Committee. In addition to influencing the initial selection of committee chairs, the Republican leadership demonstrated that they could penalize recalcitrant chairs. This happened in 2005, when Chris Smith of New Jersey was removed as chair of the Veterans Affairs Committee because his continuous efforts to increase spending on veterans programs conflicted with leadership priorities. Smith had been warned that he needed to be responsive to the leadership, and after he persisted in his efforts he was deprived of his position. Thus during the Republican era, the party leaders demonstrated that they could influence the selection (and even cause the removal) of committee leaders. Thus those committee leaders were forced to be responsive to the wishes of the leaders, who were themselves agents of the party membership.

When the Democrats regained the majority, they reverted to the mechanisms for control of committee leaders that had been in place before the GOP takeover in 1994. That is, instead of placing direct selection and removal power in the leader's hands, for most committees this capability was still vested in the full Caucus.¹⁵ However, despite the procedural differences, the ultimate result was the same. In the 110th Congress, the Speaker demonstrated that she could induce committee chairs to shape their bills in accord with the preferences of the members of the Caucus. An example of this was when she summoned

John Dingell of Michigan, the powerful chair of the Energy and Commerce Committee, to a meeting in her office to discuss the energy bill his committee was drafting. She demanded that he alter two provisions that Dingell had authored that conflicted with her priorities, and he complied (Aldrich and Rohde 2009).

Then after the election of Barack Obama in 2008, it was clear that Dingell's committee would be central to the new president's and the party's agenda due to its jurisdiction over energy, global warming, and health care, as well as other important matters. Based on their experiences in previous congresses, liberal Democrats distrusted Dingell's willingness to aggressively pursue party preferences on these central issues. As a result, Henry Waxman of California, the second-ranking Democrat on Energy, launched a challenge against Dingell for the chairmanship. Waxman held positions on the issues of concern that were more in accord with those of most rank-and-file Democrats (as well as being a strong ally of Pelosi), and the party Caucus voted to remove Dingell and replace him with Waxman. This made clear that House Democrats continued to see committee chairs as agents of the party Caucus, and that any chair who took positions that were too far from the Caucus's views on important matters risked a heavy penalty.

Conclusion

In this chapter we have sought to account for the increase in the strength of political parties in Congress over the last four decades through the application of the theory of conditional party government. The theory contends that observed increases in the homogeneity of policy preferences within congressional parties, and the increases in policy conflicts between the parties, are rooted in electoral changes. In turn, the increased intraparty homogeneity and interparty conflict led members of Congress to be willing to delegate strong powers to their party leaders, in order that those leaders as agents of the members could secure political advantages for their respective parties.

In offering evidence for our claims in the limited space available, we have focused on the central issues of agenda control, first with regard to the majority's need to shape the procedural environment on the House floor, and then with regard to efforts to influence the behavior of leaders of substantive committees.¹⁶ Based on our theory, we expect that as long as the underlying condition continues to be met, strong centralized parties will continue to dominate the legislative process, and CPG will continue to offer a dependable explanation of congressional politics.

Notes

1. The authors are grateful for the able research assistance of Aaron King and Francis Orlando of the Political Institutions and Public Choice Program at Duke University.

2. In this chapter, we examine the House primarily. Due to space constraints, we consider the Senate only in passing. However, in our view the theory of conditional party government applies, with suitable attention to institutional differences, to the Senate as well (Aldrich and Rohde 2009). Indeed, there is mounting evidence regarding party effects in the Senate; see the essays in Monroe, Roberts, and Rohde (2008).
3. They held their majority at first in large part because the Republican Party—the party of Lincoln and the Union a century before—could not gain anything beyond a toehold in Southern congressional elections.
4. These data can be found in, for example, Abramson, Aldrich and Rohde (2009, Table 9-3).
5. The data in Figure 13.1 are taken from Aldrich, Rohde, and Tofias (2007).
6. Our perspective builds on the work of Richard Fenno (1973), who postulated multiple goals (reelection, influence in the House, and good public policy) for members in his analysis of congressional committees. Also see Sinclair (1995, 2006).
7. That is, while the issues that divide Democrats from Republicans tend to follow more or less along liberal-conservative lines, many other issues do not fit into that framework. Policy is a complicated, multidimensional aspect of governing.
8. We will offer more details on this later.
9. For an introduction to principal agent concepts see Shepsle and Bonchek (1997, 360–70), and for more extensive treatment see Epstein and O'Halloran (1999). In addition to the work on conditional party government, theoretical discussions of delegation in the congressional context are seen in Cox and McCubbins (1993) and Sinclair (1995, 2006).
10. The scores are first-dimension DW-NOMINATE scores. The scores, which measure positions on the aggregate of issues that most involve the parties, range from -1.00 (most liberal) to +1.00 (most conservative). See Poole and Rosenthal (2007) for a discussion of the scores, their computation, and their implications. We are grateful to Professor Michael C. Brady for drawing these developments to our attention and for creating the figure.
11. At this time a rule would be “open” (all germane amendments were allowed) or “closed” (no amendments allowed at all). As we will see, later things got a good deal more complicated.
12. Evidence also shows that the conservatives were sometimes able to push conservative legislation to the floor (Schickler and Pearson 2009).
13. The calculations reported here include both votes on passage of special rules and on the previous question on rules resolutions. For a more complete discussion of these votes and their implications see Finocchiaro and Rohde (2008).
14. For more details on the Republicans' use of the Appropriations Committee in the 104th and 105th Congresses, see Aldrich and Rohde (2000b) and Marshall, Prins, and Rohde (2000).
15. Speaker Pelosi was able to directly appoint five committee chairs, including that of the vital Rules Committee.
16. While we regard the aspects of agenda control we have considered to be the most important mechanisms of party influence, they are certainly not the only ones. Interested readers will find a fuller account in the various references we cite herein.