

Partisan Efficiency in an Open-Rule Setting: The Amending Process in the U.S. Senate, 1865-1945

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Abstract:

Given significant differences between the House and Senate's amending processes, one would anticipate the Senate majority party to be far less successful when voting on the floor. However, recent work has demonstrated that majority party success on the Senate floor is remarkably similar to the House. We argue that an overlooked explanation for majority party success stems from its ability to control intra-party amending activity through coordination between members of the majority party. Utilizing a new data set consisting of all amendments receiving recorded roll call votes in the Senate from 1865-1945, we demonstrate that majority party extremists refrain from offering amendments despite the relative open floor setting. Nevertheless, chamber majorities cannot restrict minority legislators from offering amendments designed to force them to cast uncomfortable votes and delay the legislative process.

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On August 8, 1846, President James K. Polk submitted a message to the U.S. House of Representatives requesting two million dollars be appropriated for negotiations with Mexico regarding the end of the U.S.-Mexican War and the cession of additional territory. The proposal came under harsh criticism from northern Whigs and anti-slavery groups, who alleged that Polk and his Democratic allies in Congress had drawn the United States into the war in an effort to appease Southern Democrats by acquiring more slave territory (Holt 1999). Largely in response to this criticism, Representative David Wilmot (D-PA) offered an amendment precluding slavery in all lands acquired from Mexico. The amendment sharply divided the Northern and Southern factions within both the Democratic and Whig parties (Silbey 2005). After narrowly defeating a compromise effort that would have extended the Missouri Compromise, the bill and amendment – which came to be known as the Wilmot Proviso – passed and was sent to the Senate.

The Senate postponed consideration of the bill with the Proviso until the final day of the session. Those legislators who supported Polk sought to strip the amendment from the bill and send it back to the House, albeit with little time remaining, forcing House members to cast an up or down vote on the measure. Fearing the passage of the bill without the amendment, Senator John Davis (W-MA) took to the floor, with the intention of talking until the Senate was forced to choose either the bill with amendment or no bill at all. This choice was never forced upon the Senate, as Davis eventually talked until the House adjourned and the session expired, thus killing the bill (Potter 1976). The President assailed Wilmot and his Democratic supporters, accusing them of “divid[ing] and distract[ing] the Democratic Party (Silbey 2005, 128).”

When the lame duck Congress convened again in December, Polk requested another appropriation for negotiations with Mexico. In the interim, Polk had spoken with Wilmot and he agreed not to offer the amendment again. A month later, however, Representative Preston King

(D-NY) introduced a bill in the House organizing Oregon as a territory with the Proviso, and proposed to attach it to the Mexico appropriation. The bill, with the attached amendment, would later pass the House and eventually be sent to the Senate. Upon reaching the upper chamber, however, the amendment was stripped at the committee stage by Southerners and the session ended before a final passage vote could be obtained. Wilmot's amendment would lead to four years of sectional voting conflict over slavery-related issues (Potter 1976).

The preceding discussion of the Wilmot Proviso illustrates how amending activity can seriously alter the policy composition of legislation being considered in Congress. This can affect the coalition of members supporting the underlying legislation, which can significantly impact the likelihood the measure is successfully adopted on the floor. In rare cases – like the Wilmot Proviso – amendments can cause irreparable splits in legislative coalitions. Given the need to maintain effective coalitions, it is not surprising that both congressional chambers have sought to implement institutional controls over the amending process. Indeed, in recent years, the amending process in the U.S. Senate has been the subject of a great deal of debate. For much of the chamber's history, the Senate was characterized by an open amending process – especially when compared to the majoritarian U.S. House. Through control over the Rules Committee, the House majority party frequently blocks potentially divisive amendments from being considered and voted upon on the floor. Students of legislative politics theorize that majority party success on the chamber floor is primarily related to its ability to regulate bills and amendments in this manner (Cox and McCubbins 2005; Finocchiaro and Rohde 2008; Rohde 1991).

The U.S. Senate, by contrast, has a much more limited procedural toolset for controlling amending activity. The upper chamber lacks a powerful Rules Committee and the right to offer non-germane amendments on the floor of the U.S. Senate has remained largely intact since its

initial inception.¹ However, in recent years both scholars and senators have noted that majority leaders have increasingly exploited their procedural prerogatives to `fill the amendment tree' and block floor amendments.² Minority party senators claimed the majority leaders actions were transforming the Senate into the House.³

Minority party senators claim the use of restrictive amendments led them to engage in more obstructive behavior and force more cloture votes. At the start of the 112th Congress, Majority leader Harry Reid (D-NV) and Minority leader Mitch McConnell (R-KY) came to a ``gentlemen's' agreement," in which Reid would not block amendments and McConnell would not force cloture votes on non-controversial measures (Sanchez 2011). The agreement was quickly broken. Democrats alleged this was due to Republicans abusing their right to offer non-germane ``message" amendments, which increased delay and could weaken or harm the underlying legislation (Sanchez 2012).⁴ McConnell countered that Reid wanted to protect his members from casting ``tough votes."⁵

The contemporary debate suggests that majority party leaders would be less successful at protecting their legislative priorities under an open amending process. However, recent work has

¹ Notably, the right to offer non-germane amendments in the Senate is not absolute. We discuss this feature of the upper chamber in greater detail later in the paper.

² In the U.S. Senate, only a certain number of amendments can be pending simultaneously. To block unfavorable amendments, after a successful cloture vote the majority leader will offer a series of amendments until all the available amendment slots are filled (Rybicki 2010; Smith 2010). The Senate majority leader was granted the right of first recognition in the 75th Congress (1937-1939). This guarantees that he will be the first member allowed to propose a motion to proceed, to report a unanimous consent agreement, or offer an amendment (Gamm and Smith 2002; Lynch and Madonna 2010). As we discuss, however, even after the right of first recognition was established, filling the amendment tree was not regularly utilized until much later in the century (see Beth, Heitshusen, Heniff, and Rybicki 2009; Smith 2010; Taylor 2000a, 2000b, 2000c; Wallner 2011).

³ A typical example of this was provided by former Conference Chairman Lamar Alexander (R-TN), who argued that ``you don't want to create a freight train running through the Senate like it does in the House, because in two years it might be the Tea Party Express (Hulse 2010)."

⁴ A Democratic aid mentioned that the ``problem was with running through a gauntlet of potentially unlimited amendments on a bill that had broad bipartisan support, not about any amendment (Sanchez 2011).'' For additional press accounts, see Dinan 2012, Kasperowicz 2012, Strauss 2012.

⁵ McConnell argued that, ``What happens when you're in the majority is that your members don't want to take any tough votes, so they're always beating on the majority leader to file cloture or fill up an [amendment] tree. Harry has filled up the tree 35 times, which is as many as the last five leaders combined. I've got members that won't vote cloture unless they get amendments....I don't think any of this is a threat to the nation (Chaddock 2010).''

demonstrated that majority party success at the aggregate level in the Senate is similar to the lower chamber – even during eras with fewer institutional controls (Campbell, Cox and McCubbins 2002; Cox and McCubbins 2005; Den Hartog and Monroe 2011; Gailmard and Jenkins 2007; Smith 2007). As such, scholarly explanations for this high rate of majority party success – especially in the historical chamber – are “still wanting” (Smith 2007, 203).⁶ We argue that under an open-rule setting, the amending process is indeed dominated by extreme members of the minority party. However, these amendments are largely offered for messaging purposes and unlikely to be adopted.

In contrast, an overlooked explanation for majority party success stems from its ability to control amending activity through coordination between coalition builders and the rest of the majority party. Members of the majority party sacrifice bill-level policy benefits in an effort to facilitate the passage of more majority-sponsored legislation. Thus, we argue that majority party members refrain from offering motions that could delay or jeopardize the success of the underlying measure. By maintaining high levels of intra-party coordination, even majority party members located far from the party median benefit by extracting long-term benefits as a result of passing a greater amount of legislation that shifts status quo points toward their positions. We test this theory using a new dataset on member-level amendment activity in the U.S. Senate from 1865 to 1945. By restricting our analysis to the 1865 to 1945 period, we can examine our theory largely independent of the few institutions and practices the Senate has implemented to restrict amending activity today.

⁶ One method of evaluating “success” in the modern era is to examine if, and to what extent, a party loses. The most prominent operationalization of this concept in the context of congressional politics has been to look at partisan roll rates. A party (or group of members) is “rolled” when a majority of its membership winds up on the losing side of a vote that ultimately passes (Carson, Monroe, and Robinson 2011).

The Legislative Process in Congress

In the context of congressional research, there has been an increasing amount of attention placed on procedural and final passage votes (see, e.g., Cox and McCubbins 2005; Finocchiaro and Rohde 2008; Marshall 2005; Roberts 2005, 2010; Rohde 1991). Theoretically, this focus on rules and final passage votes makes sense. Scholars have long argued that usage of restrictive rules in the U.S. House has allowed chamber leaders to bias legislation towards the majority party. Majority party leaders use these rules to control the floor by blocking amendments offered by members of the minority party (Rohde 1991; Cox and McCubbins 2007). Despite this, few studies have examined amending activity directly. This is unfortunate given that amendments provide the crucial linkage between procedural mechanisms and final passage votes and have the ability to fundamentally shift the substantive content of bill proposals in Congress.

To date, there have been few systematic studies of the amending process in Congress, especially explaining amendment sponsorship. In his examination of the U.S. House, Weingast (1989) credits the use of the open rule with increasing the amount of amending activity that had been observed from the mid-1960s to the early 1980s. He finds that the increase in amendment activity is a result of the supporters of legislation responding to an amendment by the opposition, with another amendment limiting the potential damage of the proposal. Roberts and Smith (2003) attribute the dramatic increase in the number of amendments in the U.S. House to the adoption of electronic voting in the early 1970s. They suggest that much of the increase in the number of amendments introduced stemmed from activities of minority party members, who were simply trying to force majority party legislators to cast embarrassing or unpopular votes. This, in turn, could pose electoral consequences for those members who were required to cast these unpopular roll call votes (see also Smith 1989).

Although a considerable amount of research to date has examined the use of restrictive rules to block amendments (see, e.g., Marshall 2005; Bach and Smith 1988), only recently has attention shifted to examining which amendments get considered on the floor. Lynch, Madonna, and Roberts (2010) investigate all proposed amendments considered before the creation of a special rule in the 110th Congress. They find that while majority party Democrats were more likely to have their proposed amendments considered and successfully adopted under these rules, the success was conditional on member ideology (the more conservative the Democrat, the more likely their amendment was to succeed). This, they argue, was a function of the party leadership needing these legislators' support to successfully pass the underlying bill.

In the most comprehensive study to date, Lee (2009) examines amending activity in the modern Senate. Specifically, Lee assesses individual activism in the modern era of the Senate in light of a number of recent changes within the chamber. Most notably, she argues that individual levels of activism and effectiveness among senators during the two most recent decades has become more structured by party influence. Lee finds that senators' floor behavior in the form of amending activity is different in the contemporary Senate when compared to the behavior of individual senators in the 1960s and 1970s. Whereas moderate senators from this earlier era tended to offer fewer amendments in general, this is no longer the case.

As the brief discussion above illustrates, with very few exceptions (see Lee 2010; Sinclair 1989; Smith 1989), we know very little about amending activity in open vs. closed rule settings. The amending process in the early U.S. Senate is of particular interest due to the openness of the chambers' procedures. By examining this process in greater detail, we gain increased leverage on how restrictive rules (or the lack thereof) influence policy outcomes on the floor. This, we believe, allows us to better evaluate the contemporary debate over the amending process.

Theoretical Motivations

The debate over the Wilmot Proviso highlights how an open amending process can drastically impact policy outcomes. In that episode, the House majority party lacked sufficient procedural controls to block Wilmot from offering a divisive amendment. Since then, greater coordination on the part of the majority party in the House led to the development of more procedural tools designed to restrict amending activity of both dissident majority party members and hostile minority party members (Binder 1997). The primary procedural tool for limiting amendments - the special rule - was first utilized by the Speaker of the House in 1883 (Roberts 2010). Conversely, the U.S. Senate's amending process could be characterized as open for much of the chambers' history (Smith 1989; Oleszek 2011). As a result, it is more difficult to restrict amending activity on the part of both majority and minority party members in the Senate.

While the modern Senate majority party lacks the restrictive power of the House rules committee, scholars have argued that it still employs some procedural tools as leverage over amending activity. These tools include tabling motions, cloture votes, and unanimous consent agreements (Ainsworth and Flathman 1995; Binder and Smith 1997; Den Hartog and Monroe 2011; Smith and Flathman 1989).⁷ In recent congresses, majority leaders have used their right of preferential recognition to block minority-sponsored amendments from being considered on the Senate floor by filling the amendment tree (Rybicki 2010; Smith 2010). While these procedures allow the majority some influence over the amending process, unlike the House, most require some minority party approval.

⁷ The motion to table is a non-debatable motion that is subject to a simple majority vote. Unlike special rules in the House, however, motions to table must be offered on the floor of the chamber, which increases their visibility and can provide members with a recorded roll-call vote on their substantive proposals. In the modern Senate, once cloture is invoked there is a 30-hour cap for post-cloture consideration. During this period, amendments must be germane to the subject matter (Beth, Heitshusen and Palmer 2011). Unanimous consent agreements can specify the number and types of amendments offered (Ainsworth and Flathman 1995).

In contrast to the modern era, most of these tools were non-existent or rarely employed in the Senate of the late nineteenth and early twentieth centuries.⁸ For example, the Senate lacked a formal cloture rule until 1917. Even after the rule was established, it was not regularly utilized to curb debate or amending activity until the mid- to late twentieth century (Binder and Smith 1997; Koger 2010; Wawro and Schickler 2006). Usage of unanimous consent agreements did not become commonplace until the 1950s (Ainsworth and Flathman 1995; Smith and Flathman 1989). Finally, the right of first recognition was not formally granted to the majority leader until the late 1930s, and it was not until the 1980s that leaders began to use it regularly to fill the amendment tree (Smith 2010; Wallner 2011).⁹ The open amending process notwithstanding, recent empirical work has demonstrated that the Senate majority party was rarely defeated on final passage votes in this era (Campbell, Cox and McCubbins 2002; Cox and McCubbins 2005; Den Hartog and Monroe 2011; Gailmard and Jenkins 2007; Smith 2007). In fact, many of the patterns of majority party success during this period are surprisingly similar to what we observe in the post-World War II Senate – or even the more restrictive U.S. House.

We argue the Senate majority party’s success is due to a combination of factors. First, the procedural toolset during this period was light, but it was not completely empty. As is true in the modern era, the majority party controlled chairmanships and majorities on key committees where nearly all legislation was drafted (Gamm and Smith 2002). Additionally, by virtue of having a simple majority, the party could successfully garner enough support to pass motions to proceed, thus granting them modest agenda-setting powers. Conversely, the majority could

⁸ A notable exception to this is usage of the motion to table. Carson, Madonna and Owens (2011) find that roughly 8% of all recorded amendment votes from 1865 to 1945 occurred on tabling motions. To account for this in our empirical analysis, we treat successful tabling motion votes on amendments as votes on the amendments themselves. Notably, varying this treatment does not alter our substantive results.

⁹ Additionally, throughout the course of this data collection process, we did not encounter any instances in which a senator was not allowed to offer an amendment due to a full amendment tree. While there were several instances where a member was temporarily blocked, he was allowed to offer the amendment once the pending second-degree amendment was dispensed with.

dispense with minority proposals quickly by maintaining a coalition against minority-sponsored motions to proceed.

Second, we argue that majority party members generally incur efficiency benefits from maintaining a high level of coordination. This is especially true in the Senate when the smaller size of the chamber makes it easier for the leadership to coordinate with senators compared with the significantly larger House. As such, rank and file senators within the majority party are more likely to have their opinions taken into consideration while legislation is being drafted. As such, those members understand that time spent debating and voting on extraneous amendments is time not being spent passing other legislation of consequence in the Senate (Oppenheimer 1985). Conversely, senators within the minority party are less likely to be influenced by such concerns over maintaining chamber efficiency.

The incentive to offer amendments is likely influenced by not just party status, but also senators' ideologies. Within the majority party, the incentive to cooperate should be stronger for extremists than more moderate members. We suggest this is due to several factors. First, more extreme members recognize that even though they may prefer a potential amendment to a bill, they benefit by passing more majority-sponsored legislation while Congress is in session. Put another way, extreme members of the majority party benefit by moving more status quo points closer to their preferred position. Hence, they should be significantly less willing to slow down the legislative process by offering potentially divisive amendments.

For example, minority party Democrats offered numerous obstructive amendments during the 51st Senate (1889-1891). During that Congress, Republicans sought to enact three differing legislative priorities: a new, restrictive tariff, voting rights for blacks, and silver coinage legislation (Schickler 2001). Of these bills, Democrats opposed the Federal Elections Bill

(voting rights for black) most aggressively. Knowing that this legislation would be considered after the passage of the restrictive tariff, Senate Democrats used the amending process to force a protracted debate over the McKinley Tariff. During the nearly two-month debate and amending process, the minority sponsored and forced roll call votes on 79 unsuccessful amendments.

During consideration of the Federal Elections Bill, Republicans sought to cut down the damage from these amendments by establishing a precedent that a motion to table an amendment carries any pending second-degree amendments with it. Specifically, on January 16, 1891, Senator John Tyler Morgan (D-AL) proposed another amendment to the bill. Senator Isham Harris (D-TN) then moved to amend the Morgan amendment. At this point the bills' sponsor, Senator George Frisbee Hoar (R-MA) moved to table the Morgan amendment. The motion to table is not debatable and subject to a simple majority vote. By tabling Morgan's amendment, he hoped to avoid debate on Harris's amendment.

This irritated the Democratic floor leader, Senator Arthur Pue Gorman (D-MD), who raised a point of order that Hoar could not table the Morgan amendment while Harris's secondary amendment was before the Senate. Vice President Levi Morton (R-NY) rejected Gorman's point, ruling that the tabling motion was in order and that it carried the secondary amendment with it. Morton's point would be upheld in this case, but it did not save the Federal Elections Bill, nor did it reduce the viability of obstruction via amendments. The Democratic obstruction eventually led several key Western Republicans to defect and the bill was displaced by an apportionment bill by a vote of 35 to 34. As Binder and Smith (1997, 138) note, the bills' defeat had a lasting effect on American public policy, concluding that the Federal Election Bill "marked the last time for three-quarters of a century that the Senate seriously debated a bill to guarantee fair elections by federal law."

Congressional scholars suggest that parties have an electoral incentive in maintaining a positive “brand name” in an effort to provide voters with a simplifying heuristic on Election Day (Mayhew 1974; Cox and McCubbins 2007). To clarify the party’s brand, the leadership works to minimize internal voting divisions on the floor (Cooper and Brady 1981). Accordingly, party members should willingly choose to refrain from bringing potentially divisive measures to the chamber floor, which is consistent with the observed high levels of party unity throughout the time period (Cooper and Rybicki 2002; Rothman 1966; Smith and Gamm 2001).¹⁰ Finally, in contrast to members of the minority, majority party members should be most likely to offer an amendment when they feel it has a good chance of being successful. All else equal, we expect moderate majority party members to be more successful by virtue of their ideological position in the chamber.

By contrast, extreme members of the minority party should be more likely than all other members to offer amendments on the chamber floor. The more legislation the majority passes, the more likely these minority party extremists are to lose. Hence, they have increased incentive to delay legislation by offering a large number of amendments. Second, they are also the most likely to suffer bill-level policy defeats by virtue of the majorities limited positive agenda control powers stemming from the motion to proceed. This allows the majority to select which issues to consider. Finally, due to their distance from the majority party, extreme members of the minority are more readily able to draw clear distinctions among themselves and their partisan opponents. Thus, they may be more inclined to offer amendments for position-taking purposes.¹¹

¹⁰ This argument is related to Minozzi and Volden’s (2010) findings regarding the House of Representatives in the modern era. Essentially, they argue that extreme members of the majority party should be more likely to give in to party pressure given the lower costs associated with such behavior.

¹¹ Note that the strategic behavior here is not motivated by a desire to kill the legislation, but to force one or more legislators to take an unpopular position on the proposed amendment.

The period we examine includes several institutional reforms that systematically changed the electoral process, such as the institution of the direct primary, implementation of the office bloc (Australian) ballot, and adoption of the Seventeenth Amendment, establishing the popular election of senators. By changing who directly elects a senator, the Seventeenth Amendment should have the greatest influence on the activities of position taking by incumbents. As such, we would expect senators to adapt their electoral behavior to reach the new broader and more heterogeneous population of voters, in a different way than an incumbent would have with respect to their state's legislature (e.g., Fenno 1978). However, there was often turnover in the state legislative membership prior to a senator seeking reelection, making it all the more important for an incumbent to remain responsive to their state even before the adoption of the Seventeenth Amendment (Schiller 2006).

We expect that amendments should be used by centrist majority party senators to pull policies toward the center of the chamber. In 1873, for instance, Congress discontinued coinage of the standard silver dollar, putting the country squarely on the gold standard. After the Panic of 1873 increased the demand for currency, Southern Democrats and Western members of both parties pushed for unlimited coinage of silver. The Democratically controlled House, working with Western Republicans, used the suspension of rules procedure to pass an aggressive silver coinage bill sponsored by Representative Richard Bland (D-MO). Although President Hayes strongly opposed silver coinage, other Republicans recognized the political salience of the issue (Welch 1971). In light of this, Secretary of the Treasury John Sherman crafted a letter to Senator William B. Allison (R-IA). In it, he pleaded that Allison – who was viewed as moderate on the coinage issue – amend the Bland Bill in an effort to limit the policy impact of the measure.

Whether in response to Sherman or entirely on his own accord, Allison offered several amendments to substantially alter the bill. The most controversial of these amendments limited the amount of silver the Secretary of the Treasury could purchase. With the backing of Republicans opposed to the silver coinage bill, the amendment was adopted and the bill passed. Despite Sherman's view that Allison's amendments "completely revolutionized that measure (Sherman 1895, 621)," President Hayes vetoed the Bland-Allison Act. A week later, however, the House and Senate would vote to override the veto (Poole and Rosenthal 2007). Clearly, Allison's amendment substantially altered the measure in a manner consistent with his policy views. In contrast, Senator Henry Moore Teller (R-CO), an advocate for an unlimited silver coinage, deferred to Allison on his amendment and opted not to push one of his own.

In addition to the preceding example, Senate bill managers and party leaders may also offer amendments to moderate legislation and ensure its passage. In response to the financial panic of 1907, for instance, Congress crafted an emergency currency bill. The bill was sponsored in the House by Rep. Edward Vreeland (R-NY) and considered under a restrictive special order from the House Rules Committee. The order allowed only one amendment – an unpopular substitute amendment sponsored by Representative John Sharp Williams (D-MS).¹² The Vreeland Bill passed 184 to 145 with no Democratic support.

In contrast, the Senate had no comparable mechanism to the Houses' restrictive special order. This forced the bill sponsor in the Senate, Senator Nelson Aldrich (R-RI), to modify the measure. Specifically, in addition to the authorization of emergency currency, both Aldrich and

¹² Minority party Democrats were incensed by both the short notice and the majority party's decision to block all amendments. The Williams bill had been drafted much earlier in the session and Democrats had drifted away from many of its' features. Williams lamented that the majority will not even permit him to amend his bill as he "desire[s] desire to amend it, especially in one essential part of it, where a typewriter's carelessness in section 7 exists in the bill that was introduced on the 7th of February, 1908 (*Congressional Record*, 60th Congress, May 14, 1908, 6246.)" Only six Democrats voted in favor of it.

Vreeland's bills contained a highly controversial proposition authorizing the purchase of railway bonds. Over the course of the lengthy debate and amending process, it became clear to Aldrich that by including the provision in the bill, he risked alienating key Western senators who were necessary to secure passage of the measure. Consequently, Aldrich offered an amendment that stripped that portion of the bill. Numerous additional amendments sponsored by moderate Republicans were adopted before the bill was eventually passed.¹³

Another example of this type of behavior occurred during consideration of the Salary Grab Act of 1873. On the last day of the 42nd Congress, members of both chambers voted to give themselves a retroactive 50% pay increase (Alston, Jenkins, and Nonnenmacher 2006). This measure generated a great deal of criticism and public outrage (hence the name given to the bill).¹⁴ Theriault (2004) suggests that the passage of this controversial legislation contributed to the Democratic takeover of the House in the subsequent election. While the bill was still being considered, legislators introduced a wide number of amendments that appeared to clarify their positions on the issue and inoculate themselves from potential criticism assuming the bill were to pass. Furthermore, the amendments forced supporters of the bill to cast a number of highly visible votes in support of a controversial salary increase.¹⁵

As the preceding examples illustrate, we argue that majority party success in the open-amending process era is strongly related to majority party members extracting efficiency benefits from maintaining high levels of coordination as a unified party. Even though certain members of the majority party may have strong incentives to alter, delay, or obstruct a given policy in the Senate by offering amendments, we contend that these senators opt not to do this in order to

¹³ The House bill contained many of the same provisions Aldrich was forced to strip from his Senate bill. As such, the Senate was forced to insist on its amendments, leading to a conference and an eventual lengthy – but ultimately unsuccessful -- filibuster of the conference report.

¹⁴ See *The New York Times*, “Helping Themselves.” March 8, 1873.

¹⁵ For more details on this debate, see *Congressional Globe*, 42nd Congress, March 1, 1873, pp. 2043-2053.

maximize their long-term electoral and policy benefits. Thus, even in an era without centralized party control or unanimous consent agreements, extreme majority party legislators recognized the rational benefit of remaining loyal to their party. In contrast, as the contemporary debate suggests, extreme members of the majority party take advantage of the open amending process.

Data and Descriptive Evidence

The time period for our analysis of amendment voting in the Senate is 1865-1945, an era where there were virtually no procedural controls available to majority party leaders seeking to curb amending behavior. For our analyses, we focus exclusively on amendments that received recorded roll call votes. In general, unrecorded voting is more prevalent in the Senate than in the U.S. House (Lynch and Madonna 2008). However, this is not the case when dealing with amendments for several reasons. First, while both chambers experienced unrecorded voting in the Committee of the Whole throughout their history, it was far less prevalent in the Senate. The House continued to utilize unrecorded voting in the Committee of the Whole until the early 1970s (Roberts and Smith 2003), but the Senate amended its rules to end the practice in 1930 (Riddick and Frumin 1992).

Second, the U.S. Constitution specifies a small, one-fifth threshold for recorded votes (*The Constitution of the United States*, Article 1, Section 5, Clause 3). In the modern Senate, this set the minimum number required for a recorded roll call at 11 members. Given the low threshold for a roll call, it was often easier for senators to provide a sufficient second than their counterparts in the House (Tiefer 1989). Even if a sufficient second could not be mustered, the threat of continued obstruction often made providing a recorded roll call more efficient in the chamber. The following exchange between Senator Henry Fountain Ashurst (D-AZ) and Pat Harrison (D-MS) during the debate over a 1933 tariff increase underscores this point:

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.
Mr. ASHURST. On that I respectfully ask the yeas and nays.

The yeas and nays were not ordered.

Mr. ASHURST. Mr. President, that forces me to do that which I very much regret to do. I am forced to speak at enormous length if I am not to have the yeas and nays.

Mr. HARRISON. I understood the yeas and nays were ordered.

The PRESIDING OFFICER. No; the Chair announced there was not a sufficient number seconding the demand.

Mr. HARRISON. I ask unanimous consent that the count be taken again on the demand for the yeas and nays.

The PRESIDING OFFICER. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered (*Congressional Record*, 73rd Congress, June 9, 1933, 5358).

When coding amendment data for the Senate, the sponsor variable was determined using a combination of Poole and Rosenthal's (2007) Voteview software and through careful readings of the *Congressional Record* for every amendment in our dataset. When the amendment came from the governing committee, the *Record* was again consulted to determine whom the primary amendment sponsor was. In many cases, this was revealed in a straightforward manner during the debate. For example, in a 1934 debate, Senator Robert La Follette (R-WI) bluntly declared, "This amendment was proposed in committee by the Senator from Pennsylvania - Mr. Reed (*Congressional Record*, 78th Congress, April 6, 1934, 6178)." In those instances where the amendment sponsor was not named directly, we used the member charged with defending the measure on the floor. For example, during debate over an appropriations bill, Senator Carl Hayden (D-AZ) gave a lengthy speech in favor of the committee's amendment and ended by declaring, "That is the justification for this appropriation; and on behalf of the committee, I ask that the committee amendment be adopted" (*Congressional Record*, 75th Congress, July 1, 1938, 7813). In this instance, Hayden was coded as the amendment's sponsor.

To provide a sense of the sheer number of amendments that senators voted on from 1865-1945, we plot the number of party sponsored amendments with recorded votes in Figure 1. As

the figure shows, there is considerable volatility in terms of the total number of roll call votes on Senate amendments. The spikes at various points in the figure correspond to congresses where controversial and major tariff legislation was considered (Wawro and Schickler 2006). This is most likely a function of the lack of a Rules Committee to regulate amending activity on the most salient bills, as well as the right to offer non-germane amendments, which is one of the Senate's most distinguishing features.¹⁶

[Insert Figures 1 and 2 about Here]

In Figure 2, we plot the average number of recorded roll call votes on amendments per party member. To generate the data in the figure, we took the total number of amendments offered by each party in a given congress and divided it by the total percent of seats controlled by the majority party. Consistent with our theory, the average number of amendments offered per minority party seat is consistently higher than that of the majority party. This pattern emerges in the wake of Reconstruction – an era characterized by supersized majority parties.¹⁷ Over the entire time series, the majority averaged 1.97 amendments per seat controlled. This was roughly 25% less than the number of minority party sponsored amendments per seat. We believe this figure reflects both greater disagreement on behalf of dissident minority party members, as well as restraint on behalf of extreme members of the majority party. These amendments could be particularly contentious and serve to tilt policy outcomes away from the majority party.

¹⁶As noted earlier, the right to offer non-germane amendments in the Senate is not absolute. For example, Senate rules require amendments to general appropriation bills to be germane. Should a senator challenge an amendment to a general appropriations bill as non-germane, Senate rule XVI, paragraph 4 requires the presiding officer to submit the question to the full Senate where they are decided without debate (Riddick and Frumin 1992; Tiefer 1989). This germaneness rule had been included in the Senate's formal standing rules as early as 1870 (*The Senate Journal*, 41st Congress, July 11, 1870).

¹⁷Examining only the congresses after the 45th (1877-1879), the majority party offered over 40% fewer amendments per seat controlled.

Hypotheses and Methods

We build off of Lee's (2009) analysis by examining factors influencing the number of amendments offered by each member of the Senate that received roll call votes from 1865-1945. Since the dependent variable for this model is a count measure of all amendments offered by each senator that were voted on, estimating this with OLS could lead to biased and inefficient results (Long 1997). In light of potential concerns about overdispersion in the number of amendments introduced, making poisson regression inappropriate, we rely on negative binomial regression to estimate our first model.¹⁸ We also report robust standard errors.

We argue that majority party success during this era of relatively open floor procedure was strongly influenced by intraparty coordination. Specifically, member ideology should have a significant effect on a senator's propensity to introduce amendments. Nevertheless, this effect should be conditional on party status. Extreme members of the majority should be less willing to offer amendments on the chamber floor than party moderates and minority party members. In particular, these members should be inclined to follow the party's preferences.

Members of the minority party, however, have an incentive to offer a greater number of amendments on the chamber floor compared to their majority party counterparts. As a greater number of bills are considered, the number of bills on which the minority is defeated increases. Accordingly, they may seek to delay the legislative process when possible by introducing a large number of amendments given the Senate's overall lack of restrictive procedures. Given their greater ideological distance from members of the majority, they should also be likely to offer more amendments to try to shift policy outcomes in their favor. Minority party members may also introduce controversial amendments in an effort to force members of the majority to take unpopular positions with respect to their constituents or harm the majority party's brand name.

¹⁸ Fitting a poisson model does not alter our key substantive findings.

To examine the above hypotheses systematically, we include a number of independent variables. First, we constructed a variable accounting for majority party status. This is a dichotomous variable coded 1 if the amendment sponsor was a member of the majority party and 0 otherwise. Member ideology was calculated by taking the absolute difference between a senator's first dimension DW-NOMINATE score and the chamber median's first dimension DW-NOMINATE score in a given Congress (Poole and Rosenthal 2007). As our hypothesis specifies that the effect of ideology should be conditional on a member's party affiliation, we include a multiplicative term that interacts the majority party and chamber distance variables.

As we have noted, senators are generally free to introduce non-germane amendments. This introduces potential problems stemming from the opening up of additional dimensions not captured by members' first dimension DW-NOMINATE score. To account for this, we fit an additional model that only examines amendments to general appropriation bills. Since at least the mid-nineteenth century, Senate rules have specified that amendments to appropriations bill must be germane. We anticipate the results of this model – Model 2 – to match those of Model 1.

Additionally, we also include several control variables that help represent the behavior of senators sponsoring amendments. First, legislative scholars have argued that seniority played an important role in governing member behavior in the early chamber (Matthews 1960; Sinclair 1989). We account for the number of years of Senate service for each member per Congress. The variable ranges from 0 to 36.3, and we anticipate that longer service should lead to a greater amount of amending activity, especially given the increased level of experience among senators with greater tenure in the chamber.

Party leaders and committee chairs are increasingly likely to take a lead role in the floor amending process (Gamm and Smith 2002) and we include controls for these variables in our

model as well. The committee chair variable is a dummy variable coded 1 if the senator was the chairman of an influential, prestige committee in the Senate.¹⁹ The committees included were Appropriations, Commerce, Finance, Foreign Relations, Military Affairs and Naval Affairs. The latter two committees would later be merged into the Armed Services Committee. Overall, we expect committee chairs to introduce more amendments, all else equal. This is consistent with the modern amending process (Oleszek 2011). The ranking member variable is coded 1 if the senator was the ranking minority member of one of the aforementioned committees. We expect ranking members should offer fewer amendments than the average committee member. By virtue of their senior status on the committee, ranking members represent the few members of the minority party whose views were considered during the drafting of the legislation. As such, offering a substantial number of amendments should be largely unnecessary.

To evaluate the effects of party leadership on amending activity, we include a variable tapping majority leadership status if the member served in the leadership of the Senate majority party. We also code a minority leader variable as 1 if the member served in the leadership of the Senate minority party. The leadership positions included in this study are the Majority Caucus Leader, the Majority Floor Leader, the Majority Whip, the Minority Caucus Leader, the Minority Floor Leader and the Minority Whip. The caucus leaders were coded using Gamm and Smith's (2002) listing, the Senate historian website, and various newspaper articles detailing specific changes in Senate party leadership.²⁰ In the later years of our data, majority and minority whips were coded using the Senate historians' website as well as various newspaper articles detailing

¹⁹The list of important Senate prestige committees was taken from Davidson, Oleszek, and Lee (2010). Given the changing nature of Senate committees over time, we also relied on data from Bullock (1985) and Sinclair (1989). Substituting a dummy variable for all committee chairs – as opposed to prestige committee – does not alter our findings.

²⁰http://www.senate.gov/artandhistory/history/common/briefing/Conference_Chairpersons.htm#3

specific changes in Senate party leadership.²¹ We expect the leadership variables to operate much like the committee variables, with minority leaders offering fewer floor amendments and majority leaders offering more.

Empirical Analysis

Our main results are presented in Table 1. Our primary theoretical expectation was that more extreme minority party members should be the most likely to take advantage of the amending process. The conditional nature of our hypotheses requires that we interpret our key variables collectively (Brambor, Clark, and Golder 2006). As such, we plot the predicted probabilities graphically. Figure 3 displays the predicted number of amendments offered given a senator's ideological distance from the chamber median and party affiliation. Given that Model 2 is consistent with the result of Model 1, we restrict our analysis and discussion to Model 1.

[Insert Table 1 about Here]

The estimates in Figure 3 were calculated holding all dichotomous variables to 0 and Senate service to its mean. The parties predicted count values range from the minimum value of chamber distance (0), to the value at the 99th percentile (0.68 for the majority party, 1.04 for the minority). The evidence presented in Figure 3 suggests that minority party members have stronger incentives to offer amendments than their majority party counterparts. Comparing the predicted number of amendments offered by the most extreme members of the two parties highlights this. For a majority party member in the 99th percentile, the predicted number of amendments offered is roughly .5, this is approximately a full amendment lower than a minority party member in the 99th percentile.

²¹http://www.senate.gov/artandhistory/history/common/briefing/Party_Whips.htm. Excluding the leadership variables does not alter our results.

[Insert Figure 3 about Here]

In terms of control variables that were included in the model, we see that longer tenure in the Senate results in an increase in the number of amendments introduced by senators, which is consistent with prior literature elaborating on developing norms in the Senate (Matthews 1960; Sinclair 1989). More senior members offered more amendments on the chamber floor than their junior colleagues. The committee chair variable also operates as expected. Committee chairmen offered a greater number of amendments than others. Again, this is consistent with our hypotheses that members of prestige committees are viewed as leaders on the Senate floor. The coefficient for the ranking member variable fails to reach conventional levels of significance, but is in the predicted direction. The controls for party leadership also fail to reach conventional levels of significance. This lack of a statistical finding could simply be a function of different leadership styles in the chamber that cancelled out any otherwise observable effect. Or, it could suggest that majority leaders during much of this era were more likely to take a backseat to more senior colleagues or committee leaders (Gamm and Smith 2002).

Amendments are clearly important for several reasons. First, they allow members to go on record as supporting a policy their constituents may also support. Additionally, they can fundamentally change the ideological policy location of the underlying bill. For an amendment to accomplish this goal, however, it must be successfully adopted. We have hypothesized that anticipating a low probability of success plays some role in explaining why extreme members of the majority party offer fewer amendments. For minority party members looking to go “on record,” this lack of success should be less likely to dissuade them.

To examine this question systematically, we fit a logit model. The dependent variable, success, is dichotomous, taking on the value 0 if the amendment failed and 1 if it was adopted.

As with the number of amendments offered, we anticipate that success is conditional on party affiliation and ideological distance. Moderate majority party members should be more successful than their minority party counterparts and the more extreme members of their own caucus. We adapt the same control variables as the member-level models with one exception. In order to better evaluate the influence committee chairmen and ranking members have on legislation, we went through the *Congressional Record* and coded the committee that reported the underlying measure subject to the amendment. We then used Charles Stewart's committee membership data to determine whether the senator offering the amendment was either the committee chairman or ranking member.²²

[Insert Table 2 about Here]

Table 2 presents the results from our logit model. Given the conditional nature of our key hypotheses, Figure 4 plots graphically the predicted probability an amendment is successful given the member's ideological distance from the chamber median and party affiliation. We set all other variables to their mean or modal values. The figure offers further support for our theoretical story. Although more extreme members of the minority party appear to offer a large number of amendments, they are less likely to succeed on such amendments relative to members of the majority. The probability that an amendment offered by a minority party member with the mean ideological distance from the chamber median is successful is approximately 0.23. In contrast, the probability that an amendment offered by a majority party member with the mean ideological distance from the chamber median succeeds is slightly greater than 0.43.

[Insert Figure 4 about Here]

²² David Canon, Garrison Nelson, and Charles Stewart. Historical Congressional Standing Committees, 1st to 79th Congresses, 1789-1947.

Figure 4 also suggests a conditional effect for ideology, albeit a slightly weaker one than we may have anticipated. As we move from the chamber median's DW-Nominate score to a majority party member in the 99th percentile, the predicted probability that an amendment is successful on the chamber floor changes by very little. The conditional effect among minority party members appears to be more pronounced. The predicted probability of success for a minority party member at the chamber median is roughly 0.37, whereas a minority party member in the 99th percentile is only 0.14.

Of the control variables included in our model of amendment success, the service in the Senate and committee chair variables are statistically significant and in the expected direction. Again, this suggests that individual senators were deferential to their senior colleagues in terms of overall amending activity. Moreover, committee chairs were much more likely to have their amendments successfully adopted. The ranking member variable failed to reach conventional levels of statistical significance. Finally, we see that neither of the leadership variables attained statistical significance, which is consistent with our earlier findings concerning leaders' inclination not to introduce amendments.²³

Conclusion

When the framers of the Constitution were discussing the institutional design of the U.S. Senate, one of their main objectives was the establishment of a smaller, more deliberative body compared to the House of Representatives. Whereas the much larger House established more restrictive procedures early on to regulate activity on the floor of the chamber, the Senate has maintained a much more open legislative process where senators have a right to challenge and debate policy proposals coming to a vote. As the modern debate over the Senate amending process suggests, this open amending process results in more activity on the part of individual

²³ As with Model 1, omitting these variables from our model does not alter our other substantive findings.

senators and greater amounts of delay, which has notable implications for the legislative process in a bicameral institution. Additionally, the right of any senator to offer non-germane amendments on the floor of the chamber means that senators can offer unrelated amendments in their attempt to obstruct the policy making process in the Senate. This further complicates the two chambers' ability to reconcile legislative differences given the more restrictive procedural tools available in the House.

In this paper, we have examined the open amending process in the Senate over the 1865-1945 period in an attempt to learn more about the amending activity of individual senators. Among the results noted in the paper, we found that majority party legislators in the Senate have gotten better at managing and coordinating floor time, resulting in more predictable amending behavior in terms of winners and losers. Despite not having control over the legislative agenda in the Senate, there appears to be less intraparty conflict amongst members of the majority party. We suggest this is due to coordination among majority party legislators, as evidenced by the limited number of amendments offered by more extreme members. This is even true during the early part of the twentieth century (the latter half of the period we analyze) when the parties are believed to have been weak—thus, making this a tough case for predictions of party cooperation. Moreover, senators in the majority party appeared to have a substantial advantage in having their amendments adopted over their counterparts in the minority.

When we shift our attention to amending activity on the part of the minority party in the Senate, we find that the majority party leadership cannot restrain minority party extremists from forcing roll call votes on amendments of their choosing. This is due largely to the lack of restrictive procedures in the upper chamber. Thus, minority party members in the Senate were just as likely to offer amendments to bills being considered as both the incentive and capacity to

delay the passage of key majority party prerogatives appeared to remain constant over time. At the same time, minority party amendments during this era were much more likely to be defeated by the larger chamber as a whole. Even so, moderates within the minority party still maintain a relatively high level of success in getting their amendments adopted.

Overall, our analysis has uncovered several interesting patterns regarding the amending process in the U.S. Senate, which are instructive to the current debate on whether the restrictions in the upper chamber to offer amendments should be reduced. In fact, when the majority party does not restrict the amending activity of minority party senators, our results suggest that those in the minority will take advantage of this opportunity. As the Senate has continued to evolve, it eventually became necessary for the leadership of the chamber to develop more innovative procedural tools to try to manage the number of amendments that were introduced. This, we suspect, was largely a function of the increasing workload of the Senate chamber during the first half of the twentieth century (Binder 1997). As a greater number of bills were introduced and the types of issues became more complex, the majority party consolidated greater amounts of power in the leadership in order to coordinate and manage the increasing uncertainty that came with the growing demands on the senators' time. Such coordination also helped protect the majority party's brand name from possible challenges by the minority party regarding the majority's control of the legislative agenda.

We would encourage scholars to further investigate factors that influence amending activity in future research. While we believe the evidence presented here is consistent with the argument that majority party extremists have refrained from offering amendments in order to facilitate the movement of status quo locations, it is likely this is just one of several important factors. Additional research could take a more detailed look at the content of the underlying bills

and offered amendments to examine the degree to which proposed amendments are directly related to the primary issue area. We also believe it would be beneficial to focus more generally on bicameral differences in amending activity across the two chambers, especially as it relates to the development and use of more restrictive procedural tools in the House during this particular era. More specifically, we plan to systematically examine both recorded and unrecorded teller voting in the House during this historical era to tease out the effects of restrictive rules and party leaders on the chamber's amending process. Additionally, future research on amending activity in the Senate should evaluate the increasing usage of simple-majority tabling motions in an attempt to better manage the growing legislative agenda throughout the twentieth century.

References

- Ainsworth, Scott, and Marcus Flathman. 1995. "Unanimous Consent Agreements as Leadership Tools." *Legislative Studies Quarterly* 20(2): 177–95.
- Alston, Lee J., Jeffery A. Jenkins, and Tomas Nonnenmacher. 2006. "Who Should Govern Congress? Access to Power and the Salary Grab of 1873." *The Journal of Economic History* 66(September): 674-706.
- Bach, Stanley and Steven Smith. 1988. *Managing Uncertainty in the House of Representatives: Adaptation and Innovation in Special Rules*. Washington, DC: Brookings Institution.
- Beth, Richard S., Valerie Heitshusen, and Betsy Palmer. 2011. "Filibusters and Cloture in the Senate." *CRS Report RL 30360*.
- Beth, Richard S., Valerie Heitshusen, Bill Heniff, Jr., and Elizabeth Rybicki. 2009. "Leadership Tools for Managing the U.S. Senate." Paper prepared for the 2009 Annual Meeting of the American Political Science Association, Toronto, Canada.
- Binder, Sarah A. 1997. *Minority Rights, Majority Rule: Partisanship and the Development of Congress*. New York: Cambridge University Press.
- Binder, Sarah A. and Steven S. Smith. 1997. *Politics or Principle? Filibustering in the United States Senate*. Washington, DC: Brookings Institution Press.
- Brambor, Thomas, William Roberts Clark, and Matt Golder. 2006. "Understanding Interaction Models: Improving Empirical Analysis." *Political Analysis*. 14(1): 63-82.
- Bullock, Charles S. 1985. "U.S. Senate Committee Assignments: Preferences, Constituency, and Roll-Call Voting in the U.S. Senate." *American Journal of Political Science* 29(November): 789-808.
- Campbell, Andrea C., Gary W. Cox, and Mathew D. McCubbins. 2002. "Agenda Power in the U.S. Senate, 1877-1986." In David W. Brady and Mathew D. McCubbins, Eds., *Party, Process, and Political Change in Congress: New Perspectives on the History of Congress*. Stanford, CA: Stanford University Press.
- Canon, David, Garrison Nelson, and Charles Stewart. 2010. *Historical Congressional Standing Committees, 1st to 79th Congresses, 1789-1947*. Senate, 39th-79th Congresses. 1865-1946.
- Carson, Jamie L., Anthony Madonna, and Mark Owens. 2011. "The Evolution of Tabling Motions in the U.S. Senate, 1865-1947." Paper presented at the Annual Meeting of the Southern Political Science Association, New Orleans, Louisiana.
- Carson, Jamie L., Nathan Monroe, and Greg Robinson. 2011. "Unpacking Agenda Control in Congress: Individual Roll Rates and the Republican Revolution." *Political Research Quarterly* 64(1): 17-30.
- Chaddock, Gail Russell. 2010. "Mitch McConnell predicts more bipartisanship in next Congress." *The Christian Science Monitor*. August 5, 2010.
- Cooper, Joseph and David W. Brady. 1981. "Institutional Context and Leadership Style: The House from Cannon to Rayburn." *American Political Science Review* 75(June): 411-425.

- Cox, Gary and Mathew McCubbins. 2005. *Setting the Agenda: Responsible Party Government in the U.S. House of Representatives*. New York: Cambridge University Press.
- Cox, Gary and Mathew McCubbins. 2007. *Legislative Leviathan: Party Government in the House*, 2nd ed. New York: Cambridge University Press.
- Davidson, Roger H., Walter J. Oleszek, and Frances E. Lee. 2010. *Congress and Its Members*. 12th ed. Washington, DC: CQ Press.
- Den Hartog, Chris and Nathan Monroe. 2011. *Agenda Setting in the U.S. Senate: Costly Consideration and Majority Party Advantage*. New York: Cambridge University Press.
- Dinan, Stephen. 2011. “Reid uses ‘nuclear option’ to block GOP amendments.” *Washington Times*. October 6, 2011.
- Fenno, Richard F., Jr. 1978. “Home Style: House Members in their Districts.” New York: Harper Collins.
- Finocchiaro, Charles J. and David W. Rohde. 2008. “War for the Floor: Partisan Theory and Agenda Control in the U.S. House of Representatives.” *Legislative Studies Quarterly* 33(February): 35-61.
- Gailmard, Sean and Jeffery Jenkins. 2007. “Negative Agenda Control in the Senate and House of Representatives: Fingerprints of Majority Party Power.” *Journal of Politics* 69(3): 689-700.
- Gamm, Gerald and Steven S. Smith. 2002. “Emergence of Senate Party Leadership.” In *U.S. Senate Exceptionalism*, Bruce I. Oppenheimer, editor. Columbus: The Ohio State University Press.
- Groseclose, Tim and Jeffrey Milyo. 2010. “Sincere Versus Sophisticated Voting in Congress: Theory and Evidence.” *Journal of Politics* 72(1): 60-73.
- Hixon, William and Bryan W. Marshall 2007. “Agendas, Side Issues and Leadership in the U.S. House” *Journal of Theoretical Politics* 19(1):83-99
- Holt, Michael. 1999. *The Rise and Fall of the American Whig Party*. Oxford: University Press.
- Hulse, Carl. 2010. “Democrats Seek Changes to Senate Procedures.” *The New York Times*. December 24, 2010.
- Koger, Gregory. 2010. Filibustering: A Political History of Obstruction in the House and Senate. Chicago, IL: University of Chicago Press.
- Kasperowicz, Pete. 2012. “Reid vows to block vote on Paul’s ‘life at conception’ amendment to flood bill.” *The Hill*. June 26, 2012.
- Lee, Frances E. 2009. *Beyond Ideology: Politics, Principles, and Partisanship in the U.S. Senate*. Chicago: University of Chicago Press.
- Lee, Frances E. 2010. “Party Politics, Public Relations, and Changes in Senate Floor Politics, 1959-2008.” Paper presented at the Congress and History Conference, University of California at Berkeley.

- Long, J. Scott. 1997. *Regression Models for Categorical and Limited Dependent Variables*. Thousand Oaks: Sage Publications.
- Lynch, Michael and Anthony Madonna. 2008. "Viva Voce: Implications from the Disappearing Voice Vote, 1807-1990." Paper presented at the Annual Meeting of the Midwest Political Science Association.
- Lynch, Michael and Anthony Madonna. 2010. "The Vice President in the U.S. Senate: Examining the Consequences of Institutional Design." Typescript.
- Lynch, Michael, Anthony Madonna, and Jason Roberts. 2010. "The House Majority Party and the Rules Committee: Bargaining over Chamber Procedure." Paper Presented at the Annual Meeting of the Southern Political Science Association, Atlanta, Georgia.
- Marshall, Bryan W. 2005. *Rules for War: Procedural Choice in the U.S. House of Representatives*. Vermont: Ashgate Publishing.
- Marshall, Bryan W., Brandon C. Prins, and David W. Rohde. 1999. "Fighting Fire with Water: Partisan Procedural Strategies and the Senate Appropriations Committee." *Congress and the Presidency* 26: 114-132.
- Matthews, Donald R. 1960. *U.S. Senators and Their World*. New York: W.W. Norton.
- Mayhew, David. 1974. *Congress: The Electoral Connection*. New Haven: Yale University Press.
- Minozzi, William and Craig Volden. 2010. "Who Heeds the Call of the Party in Congress?" Typescript.
- Oleszek, Walter J. 2011. *Congressional Procedures and the Policy Process*, 8th edition. Washington, DC: CQ Press.
- Oppenheimer, Bruce. 1985. "Changing Time Constraints on Congress: Historical Perspectives on the Use of Cloture." In *Congress Reconsidered*, 3rd Edition. Lawrence C. Dodd and Bruce I. Oppenheimer, editors. Washington, DC: Congressional Quarterly Press.
- Poole, Keith T. and Howard Rosenthal. 2007. *Ideology and Congress*. New Jersey: Transaction Publishers.
- Potter, David. 1976. *The Impending Crisis: 1848-1861*. New York: Harper and Row Publishers.
- Riddick, Floyd and Alan Frumin. 1992. "Riddick's Senate Procedure: Precedents and Practices." Washington, D.C.: U.S. G.P.O.
- Roberts, Jason. 2005. "Minority Rights and Majority Power: Conditional Party Government and the Motion to Recommit in the House." *Legislative Studies Quarterly* 30(May): 219-234.
- Roberts, Jason M. 2007. "The Statistical Analysis of Roll Call Data: A Cautionary Tale." *Legislative Studies Quarterly* 32(August): 341-360.
- Roberts, Jason M. 2010. "The Development of Special Orders and Special Rules in the U.S. House, 1881-1937." *Legislative Studies Quarterly* 35(August): 307-336.

- Roberts, Jason M. and Steven S. Smith. 2003. "Procedural Contexts, Party Strategy, and Conditional Party Voting in the U.S. House of Representatives, 1971-2000." *American Journal of Political Science* 47(April): 305-317.
- Rohde, David. 1991. *Parties and Leaders in the Postreform House*. Chicago: University of Chicago Press.
- Rothman, David. 1966. *Politics and Power: The United States Senate, 1869-1901*. Cambridge: Harvard University Press.
- Rybicki, Elizabeth. 2010. "Amendments Between the Houses: Procedural Options and Effects." *CRS Report R41003*.
- Sanchez, Humberto. 2011. "Gentlemen's Agreement Showing Signs of Wear: Leaders' Cooperation In Jeopardy After Senate Showdown Last Week." *Roll Call*. October 12, 2011.
- Sanchez, Humberto. 2012. "Harry Reid Rails Against Amendments to Transportation Bill." *Roll Call*. February 29, 2012.
- Schickler, Eric. 2001. *Disjointed Pluralism: Institutional Innovation and the Development of the U.S. Congress*. Princeton: Princeton University Press.
- Schiller, Wendy J. 2006. "Building Careers and Courting Constituents: U.S. Senate Representation 1889-1924." *Studies in American Political Development* 20(October): 185-197.
- Sherman, John. 1895. *Recollections of Forty Years in the House, Senate, and Cabinet*. New York: The Werner Company.
- Silbey, Joel H. 2005. *Storm over Texas: The Annexation Controversy and the Road to Civil War*. New York: Oxford University Press.
- Sinclair, Barbara. 1989. *The Transformation of the U.S. Senate*. Baltimore: Johns Hopkins University Press.
- Smith, Steven S. 1989. *Call to Order: Floor Politics in the House and Senate*. Washington, DC: The Brookings Institution.
- Smith, Steven S. 2007. *Party Influence in Congress*. New York: Cambridge University Press.
- Smith, Steven S. 2010. "The Procedural Senate, 1960-2010." Weidenbaum Center on the Economy, Government, and Public Policy. Typescript.
- Smith, Steven S. and Marcus Flathman. 1989. "Managing the Senate Floor: Complex Unanimous Consent Agreements Since the 1950s." *Legislative Studies Quarterly* 14: 349-74.
- Smith Steven S. and Gerald Gamm. 2001. "The Dynamics of Party Government in Congress." In *Congress Reconsidered*, 7th edition, eds. Lawrence C. Dodd and Bruce Oppenheimer. Washington, DC: CQ Press.
- Strauss, Daniel. 2012. "Rand Paul blocked from adding Pakistan provision to farm bill." *The Hill: Floor Action Blog*. June 12, 2012.

- Taylor, Andrew. 2000a. Congressional Affairs: Senate Leaders' Parliamentary Ploys. *CQ Weekly Online* (February 26): 394-399.
- Taylor, Andrew. 2000b. A Different Sense of Urgency. *CQ Weekly Online* (September 30): 2255-2256.
- Taylor, Andrew. 2000c. Republicans Expected to Welcome Back Floor Votes. *CQ Weekly Online* (October 21): 2449-2250.
- Theriault, Sean M. 2004. "Public Pressure and Punishment in the Politics of Congressional Pay Raises." *American Politics Research* 32(July): 444-464.
- Tiefer, Charles. 1989. *Congressional Practice and Procedure*. New York: Greenwood Press.
- Wallner, James. 2011. "Parliamentary Rule: The Origins, Development, and Role of the Senate Parliamentarian in the Legislative Process." Paper presented at the 2011 Congress and History Conference at Brown University.
- Wawro, Gregory and Eric Schickler. 2006. *Filibuster: Obstruction and Lawmaking in the U.S. Senate*. Princeton, NJ: Princeton University Press.
- Weingast, Barry R. 1989. "Floor Behavior in the U.S. Congress: Committee Power Under the Open Rule." *American Political Science Review* 83 (September): 795-815.
- Welch, Richard E., Jr. 1971. "The Federal Elections Bill of 1890: Postscripts and Prelude." *Journal of American History* 52: 511-26.

Table 1 – Negative Binomial Regression of Number of Amendments Introduced

Variables	Model 1	Model 2
Majority Party Dummy	-0.052 (0.122)	0.391 (0.222)
Ideological Distance	0.239 (0.179)	-0.045 (0.307)
Majority Party * Ideological Distance	-1.331* (0.319)	-1.746* (0.569)
Senate Service	0.055* (0.005)	0.054* (0.008)
Committee Chair	0.405* (0.074)	1.016* (0.119)
Ranking Member	-0.149 (0.109)	-0.116 (0.230)
Majority Leader	-0.147 (0.167)	-0.384* (0.317)
Minority Leader	-0.200 (0.164)	0.293 (0.308)
Observations	3786	3786
Wald Chi-Square	724.35	558.68

* $p < 0.05$. Robust standard errors are presented below estimates. Model 1 evaluates the number of amendments offered by all members. Model 2 examines the number of amendments offered to appropriation bills. Ideological distance corresponds to distance from the chamber median. Both models are fit with fixed effects for Congress.

Table 2 – Logit Model of Success for Amendments Introduced

<u>Variables</u>	<u>Coefficients/S.E.</u>
Majority Party Dummy	0.240 (0.373)
Ideological Distance	-1.644* (0.661)
Majority Party*Ideological Distance	1.231 (0.721)
Senate Service	0.031* (0.010)
Committee Chair	0.892* (0.141)
Ranking Member	0.093 (0.244)
Majority Leader	-0.266 (0.297)
Minority Leader	-0.181 (0.356)
Constant	-0.581* (0.412)
Sample Size	7236
Wald Chi-Square	744.46

* $p < 0.05$. Robust standard errors clustered on Congress below.

Figure 1 – Amendments Introduced in the U.S. Senate, 1865-1945

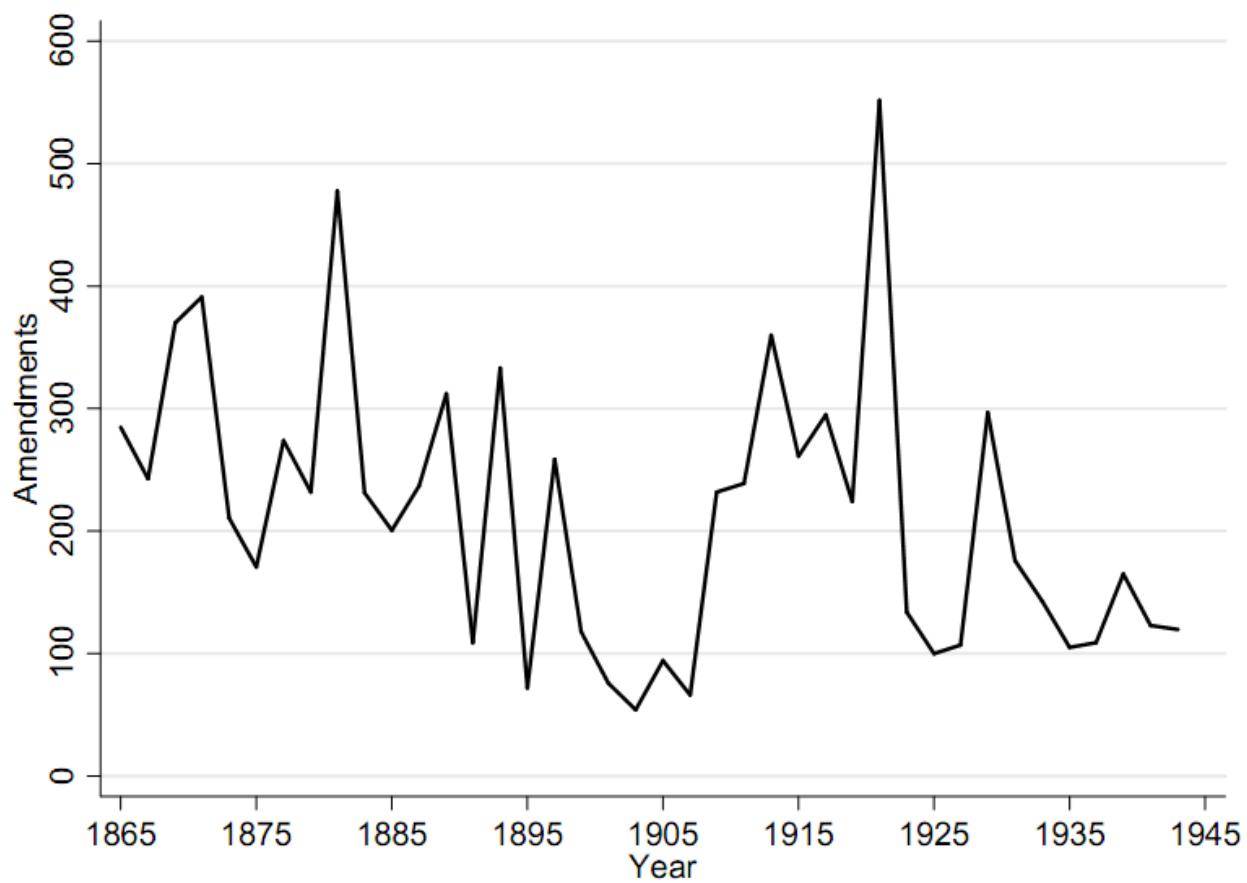


Figure 2 – Average Amendments Introduced in the U.S. Senate by Party per Seat Controlled, 1865-1945

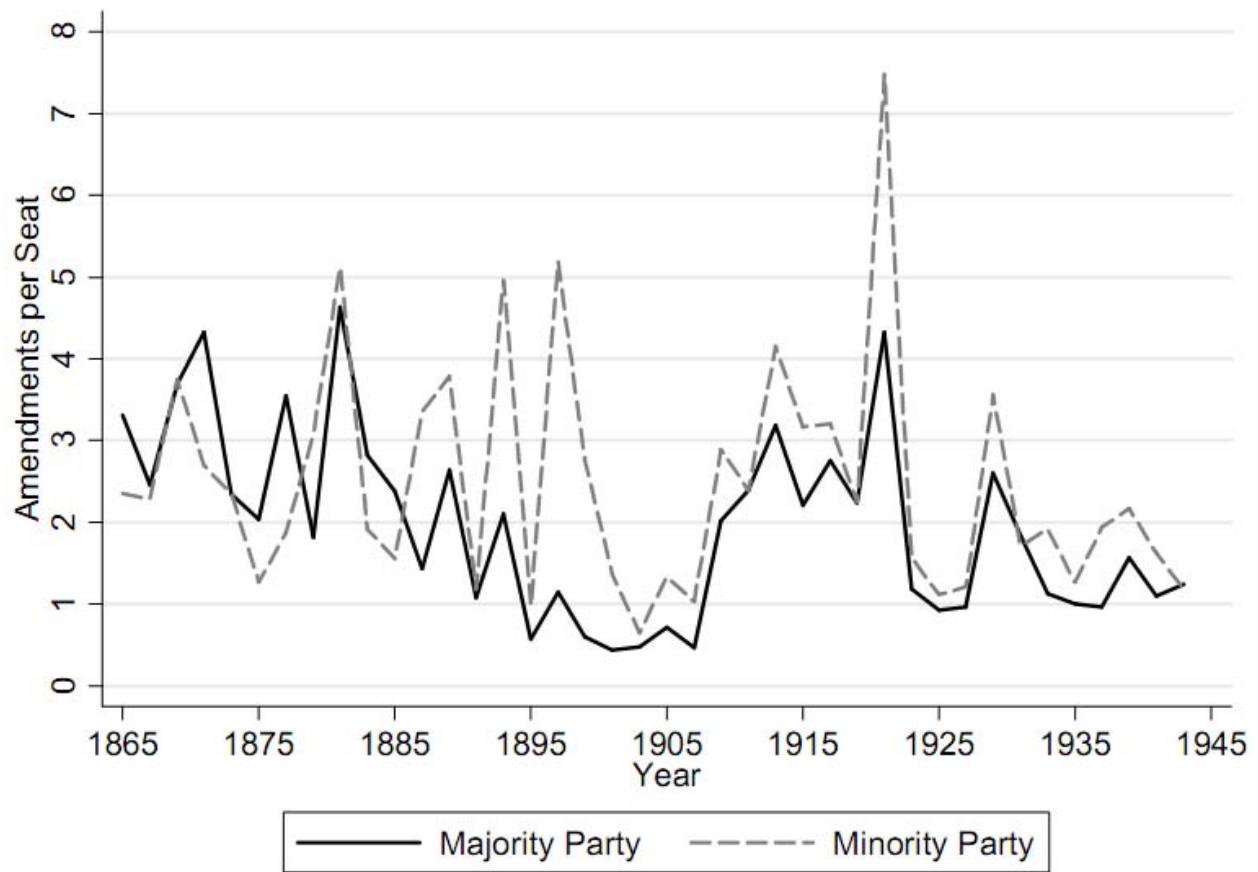


Figure 3 – Effect of Chamber Distance on Rate of Senate Amendments by Party

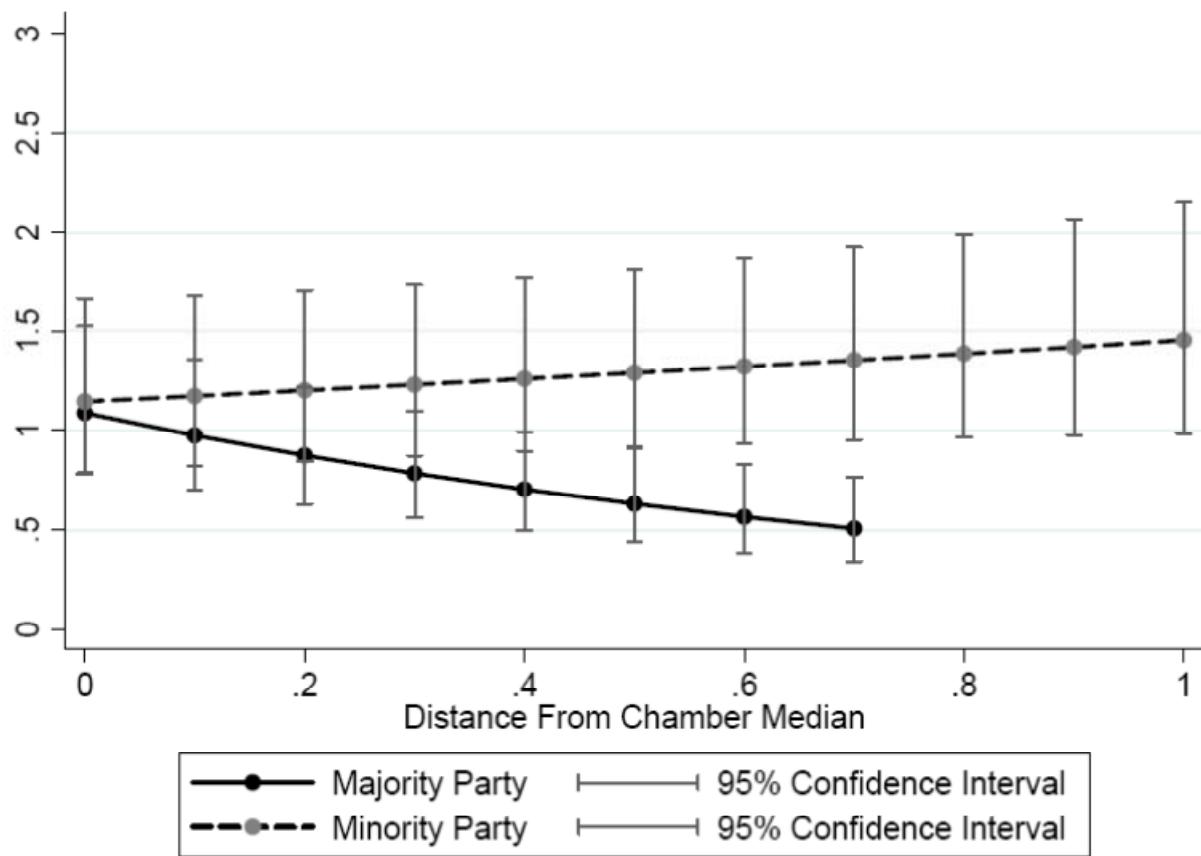


Figure 4 – Effect of Chamber Distance on Likelihood of Senate Amendment Success by Party

