

Majority Party Influence in an Open Rule Setting: Examining Amending Activity in the 45th Congress, 1877-1879

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Abstract

The amending process can fundamentally alter the substantive content of congressional legislation. As such, scholars of political parties argue that the primary way parties control legislative outcomes is by restricting minority party amendments through congressional institutions like the House Rules Committee. Despite the primary role afforded to amendments, we know surprisingly little about the process independent of the roll call voting record. This is unfortunate, as most voting in Congress is unrecorded. This project fills a substantial gap in the literature on congressional policy-making by collecting and analyzing new data on all amendments disposed of during the 45th Congress (1877-1879). We find that of the over 3,000 amendments offered in both the House and Senate, only 298 received recorded roll call votes. Further, we theorize that even in the absence of institutions restricting amendments, the amending process should still be biased in favor of majority party members. Preliminary results demonstrate mixed support for this claim.

The presidential election of 1876 was one of the most contentious in American history. The compromise of 1877 eventually led to Rutherford B. Hayes (R-OH) taking the presidency despite losing the popular vote to Governor Samuel Tilden (D-NY). Democrats lost 27 seats, but held their majority in the House. In the Senate, Republicans also lost three seats while retaining majority control of the chamber.

Much of the legislative activity that occurred during the divided 45th Congress (1877-1879) centered on the issue of silver coinage. In 1873, Congress had discontinued coinage of the standard silver dollar, putting the country squarely on the gold standard. The panic of 1873 increased the demand for currency. Southerners and Westerners of both parties pushed for unlimited coinage of silver. By 1877 many Democratic Party state conventions called for free silver (Bensel 2000; Williams 1928). During the 44th Congress, Representative Richard Bland (D-MO) had introduced a bill calling for unlimited coinage of the silver dollar. The measure was adopted by the Democratic-controlled House, but was not taken up in the Senate (Hoogenboom 1995).

On November 5, 1877, Bland again introduced a silver coinage bill, noting that the measure was “substantially the one that passed last winter with free coinage and is recommended by the committee. . . (*Congressional Record*, 45th Congress, November 5, 1877, 241).” Not surprisingly, the Bland Act passed the House quickly.¹ Also, as expected, the measure was met with less enthusiasm in the Republican-controlled Senate (Sage 1956). The Bland Bill was assigned to the Senate Finance Committee, where it was debated for three weeks.²

While Hayes strongly opposed silver coinage, other Republicans recognized the political salience of the issue (Welch 1971). Reflecting this, Secretary of the Treasury John Sherman crafted a letter to Senator William B. Allison (R-IA), a member of the Finance Committee.

¹The House passed the measure via the suspension of the rules procedure with 163 yeas, 34 nays and 93 members not voting (Bensel 2000).

²See, for example, “The Silver Bill in the Senate,” *The New York Times*, November 21, 1877; and “The Financial Question,” *The New York Times*, November 10, 1877.

In it, he pleaded that Allison amend the Bland Bill in an effort to limit the policy impact of the measure. Sherman stressed that, in its current form, passage of Bland's bill would lead to "a grievous loss and damage to the administration and to our party, for which we must be held responsible (Sherman 1895, 621)." Accordingly, Allison offered several amendments that substantially altered the bill. The most controversial of Allison's proposed amendments limited the Secretary of the Treasury to only buy silver in the amount of "not less than \$2,000,000 and not more than \$4,000,000 per month (Sage 1956, 152)."

The Bland Act and Allison committee amendments were reported to the Senate floor in late November. Debate on the measure commenced on January 28th, 1878. In contrast to the House, which successfully utilized the suspension of the rules procedure to cut off debate and amendments, the Senate debate was protracted. Additionally, the chamber considered 36 amendments to the bill, 14 of which were successfully adopted. Allison's amendment limiting the amount of silver purchased, was considered on February 15, 1878. Despite opposition from pro-silver members, the amendment was adopted 37 - 11 via an unrecorded division vote.

To some degree, the margin of victory on Allison's compromise amendment reflected the majority party's ability to encourage unity from its members. For example, pro-silver Senator William Teller (R-CO) disavowed his vote for the Allison compromise four years afterwards. He explained his vote for the "amendment that curtailed the coinage of silver," by blaming pressure put on him by other senators (Ellis 1941, 125). Silverites in the House were also in opposition to Allison's amendments. For example, Representative Milton Isaiah Southard (D-OH) noted that he took "this measure as a choice of evils, while I am opposed to most of the Senate amendments. The discriminations made by them against silver . . . will always cheapen silver and keep it at a discount (*Congressional Record*, 45th Congress, February 21, 1878, 1251)." Despite some concerns that the Allison amendments would alienate House Democrats, the amendments were adopted and the ensuing Bland-Allison Act passed the

chamber on February 21, 1878.³

The passage of the Bland-Allison Act highlights the important role played by the congressional amending process. Scholars of legislative politics theorize that the ability of the House majority party to bias policy outcomes in its favor stems from its ability to block amendments through its control of the Rules Committee (Cox and McCubbins 2005; Finocchiaro and Rohde 2008; Rohde 1991). Despite its theoretical importance, few scholars have examined how partisan institutions – like the Rules Committee – have influenced the amending process directly. This is not surprising, as examining amendments empirically is difficult for several reasons. First, only since the adoption of Reed’s Rules in the late 19th century has some form of control over the amending process been available in the House (Roberts 2010). Second, for much of congressional history, the majority of votes on amendments have been unrecorded (Roberts and Smith 2003). Thus, we have little feel for how often amendments are offered, what members offer successful amendments and what factors lead to amendments being adopted.

In what follows, we theorize that even in the absence of institutions restricting amendments, the amending process should still be biased towards majority party members. We attempt to examine this question by utilizing a new dataset on all amendments disposed of during the 45th Congress (1877-1879). The 45th Congress predates the adoption of Reed’s Rules, and as such, the amending process is generally open.⁴ To get an accurate assessment of the amending process, we read through the *Congressional Record* and generated a dataset containing all amendments disposed of by either recorded or unrecorded vote in both the House and the Senate. Preliminary results demonstrate mixed support for our theory. However, our data highlight the vast amount of congressional activity that occurs independent of

³See “The Silver Controversy,” *The New York Times*, February 18, 1878 on the bill’s chances in the House. 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, the House and Senate would vote to override the veto (Poole and Rosenthal 1997).

⁴As the Bland-Allison Act example demonstrates, measures adopted via the suspension of the rules procedure are an exception. Bills passing under the suspension procedure require two-thirds majorities.

the roll call voting record. During the 45th Congress, of the over 3,000 amendments offered in both the House and Senate, only 298 received recorded roll call votes.

The Amending Process

As noted in the introduction, students of congressional politics have written extensively about roll call voting and the legislative process in Congress (see, e.g., Cox and McCubbins 2005; Kingdon 1989; Sinclair 1995; Smith 1989). Throughout much of this research, however, a majority of attention has been given to final passage or procedural votes in Congress. While scholars have theorized about how the amending process alters the ideological composition of legislation, few have studied it systematically. Moreover, the little that we do know about the amending process is derived from data on recorded votes. This is unfortunate given that amendments provide the crucial linkage between procedural and final passage votes, and have the ability to fundamentally shift the substantive content of bill proposals in Congress. Additionally, throughout congressional history, a substantial portion of legislative proposals (including amendments) were adopted without recorded votes.

With respect to the consequential importance of amending activity there have been relatively few systematic studies of the amending process. Weingast (1989) structured formal models to study the U.S. House under the open rule to explain the increase in amendment activity that had been observed from the mid 1960s to the early 1980s. By this argument the increase in amendment activity is a result of the ability of supporters of legislation to respond to an amendment by the opposition, with another amendment limiting the potential damage of the proposal. His model suggests that legislative outcomes are more predictable, ending up closer to the original proposal, and that amending activity under open rules helps to solve the potential reneging problem in the chamber from minority members (Weingast 1989).

Roberts and Smith (2003) argue the increase in amending activity was attributable to the adoption of electronic voting in the early 1970s. Prior to this, most amendment votes

occurred in the Committee of the Whole and were unrecorded. The authors suggest 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. These recorded votes on amendments could pose electoral consequences for those members who were required to cast these unpopular roll call votes (Smith 1989).

To date, much of the research on congressional amendments has involved a search for sophisticated voting or “killer” amendments (see, e.g., Denzau, Riker, and Shepsle 1985; Calvert and Fenno 1994; Volden 1998). A vote is considered sophisticated if a legislator votes against an amendment she would normally support to improve chances for passage of the underlying bill. Also relevant are killer amendments or amendments offered to increase the chance of defeating the bill. Several more recent studies on killer amendments have focused on isolated instances of these types of amendments or activity limited to one or two congresses (Jenkins and Munger 2003; Gilmour 2001; Wilkerson 1999). Only one study (Finocchiaro and Jenkins 2008) that we are aware of has attempted to systematically uncover instances of killer amendments across a longer time period (1953-2004).

Lee (2010) examines amending activity in the U.S. Senate from 1959-2008. Specifically, Lee assesses individual activism in the modern era of the upper chamber in light of a number of recent changes within the Senate. Most notably, she argues that the rise in partisan conflict in the Senate during the past few decades should lead to a notable change in the floor behavior of individual senators, especially when comparing the behavior of majority and minority party senators. Lee finds that senators’ floor behavior in the form of amending activity is vastly 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. In particular, Lee contends that individual levels of activism and effectiveness among senators during the two most recent decades has become much more structured by party influence.

While few studies have examined amendments directly, numerous scholars have theorized

about how negative control of the amending process can bias outcomes. Cox and McCubbins (2002; 2005; 2007) suggest that the House majority party can bias policy outcomes towards the party median through its use of the Rules Committee.⁵ Specifically, by granting bills restrictive or closed rules, the majority party can force members to cast an up or down vote on the bill. Under an open rule setting, the bill could be amended away from the majority party median and closer to the ideological preference of the floor median. The authors go on to suggest that negative agenda control constitutes the majority party’s primary source of influence.⁶ They go on to conclude that – unlike positive agenda control – negative agenda control is an unconditional power for the majority party.

Recent work by Smith (2007) and Finocchiaro and Rohde (2008) has questioned this conclusion. They suggest that partisan agenda control – the ability of the majority party to successfully push a bill or amendment through the chamber – is not as readily distinguishable from its negative counterpart. Specifically, the House Rules Committee has not always been under the tight control of the majority party (Finocchiaro and Rohde 2008). As such, the majority party’s ability protect the agenda from potentially divisive bills and amendments should weaken during these eras.⁷

An additional problem for scholars examining the amending process stems from the prevalence of unrecorded votes on amendments. The default mechanism for voting in Congress is unrecorded voice voting. A recorded vote is only taken after a request by a member and a

⁵Due to the chamber’s heavy workload in the modern era, bills that do not receive a special rule from the Rules Committee are unlikely to arrive on the floor before the legislative session ends. This is more formally referred to as an adjournment *sine die*. After a *sine die* adjournment, bills must be reintroduced and passed through committee in the next Congress before they can be considered (Tiefer 1989).

⁶The support for the negative agenda thesis largely stems from the majority’s party small partisan roll rate on final passage votes. The authors define a partisan roll as occurring if more than half of a party’s membership is on the losing side of a vote. Cox and McCubbins (2002) report that the modal number of times the majority party was rolled on final passage per Congress (from 1877 to 1987) was zero. They further note that the median number of majority party rolls on final passage per Congress (1.5), was far smaller than the mean number of minority party rolls (13).

⁷The authors support this claim using data from votes on special rules. They conclude that when the majority lacked the capacity to control the Rules Committee “conflict over rules passage was infrequent and often not partisan when it occurred (Finocchiaro and Rohde 2008, 48).”

second of "...one-fifth of those present." This is specified by Article 1, Section 5, Clause 3 of the United States Constitution. Two other voting mechanism - division and teller votes - necessitate a sufficient second of one-fifth, and are also unrecorded.⁸

Scholars have argued that making inferences from longitudinal data like the roll call record necessitates an understanding of the data-generating process by which the roll call record was created (Morton 1999). Carrubba et al. (2006) employ data from the European Parliament to show that the rate of issues receiving a roll call vote are inconsistent across issue areas, by an issue's level of salience, and by the party that introduced an issue. Hug (2010) draws similar inferences in his study of all roll call votes cast in the Swiss lower house.

Recent work in the American Congress has echoed these findings. Smith (2007) has argued that the roll call generating process has not been consistent over time. Examining the ratio of public laws to final passage votes, he reports a great deal of fluctuation over time. He concludes by suggesting that studies evaluating party success via roll call voting may be biased if majorities sought to avoid recorded roll calls on potentially divisive issues. Crespin, Rohde and Vander Wielen's (2002) analysis of party voting from 1953 to 2000 has similar implications. In it, the authors report that fluctuations in party voting are largely due to shifts in the types of votes selected for roll-calls.

Clinton and Lapinski (2008) tracked public laws through the bill stage and enactment. They reported that from 1889 to 1994 the percentage of enacted laws that receive a roll call vote has varied significantly from Congress to Congress and across issue areas and levels of salience. In sum, recent work on recorded voting in the United States Congress has highlighted that the recorded roll call record may not be representative of law-making

⁸Once a division vote is requested, members rise if they take the affirmative on a question and are then counted by the chair. This process is repeated for those in opposition. Division votes are not recorded and, like with voice votes, the chair's count of the votes cannot be appealed. In the House, the chamber has the opportunity to request a recorded vote only after the voice or division vote. If this is not done, the result stands. In the Senate, the recorded vote can be requested at any time. Teller voting is restricted to the House and is used infrequently. While it is likely to yield more accurate vote totals than either voice or division votes, it is similar to these in that it also does not produce a record of how members cast their votes (Tiefer 1989, 352).

process. We attempt to address these issues by utilizing a new dataset on all amendments disposed of during the 45th Congress (1877-1879).

Amendments in an Open Rule Setting

The literature suggests that negative control of the amending process primarily works against centrists. Accordingly, in the absence of institutions that facilitate negative agenda control, legislation will be considered under an open rule (Jenkins and Monroe 2011; 2012). Indeed, this was the case with the Senate's consideration of the Bland-Allison Act. Under a purely open rule, policy outcomes should be dictated by the median voter theorem. Thus, the prediction is that a bill reported out at the committee median's ideal point would be amended to the position of the floor median. At a broader level, what this suggests is that amendments should only be successful if the amendment moves the bill closer to the floor median than the unamended bill.⁹

Figure 1 underscores this theoretically. Assuming bills are introduced at the majority party median, amendments should only be adopted if they are offered in zone 2 – located between the unamended bill and the floor median, or zone 3 – located between the unamended bill and the unamended bill reflection point. Amendments proposed at zone 1 or zone 4 should move the amended bill away from the floor median, and as such, be rejected. In the absence of negative agenda control, legislators' ideologies and the the median voter theorem should dictate amendment success. Partisan affiliation of the legislators should have no effect on amendment success.

[Figure 1 About Here]

Despite the open rule setting, we argue that majority party members should still be more successful in the amending process than their minority party counterparts. To be sure, scholars have argued in the past that the majority party could use its positive agenda

⁹We assume non-strategic amendment introduction and voting.

powers to advance non-median outcomes (Rohde 1991; Monroe and Robinson 2008). While our argument is consistent with much of this literature, few scholars have been able to examine it systematically due to data limitations. Specifically, we argue that the majority party members in both chambers should be more successful for three primary reasons.

First, consistent with much of the existing literature, even in the 19th century members of both chambers benefitted from the maintenance of a favorable party brand name (Mayhew 1974; Cox and McCubbins 2007). As such, majority party members are less likely to offer and support floor amendments that may damage their brand. In his letter to Allison, Treasury Secretary John Sherman appealed to the maintenance of the Republican Party's brand name in urging Allison to offer his amendment. Again, Sherman (1895) noted that the passage of the unamended Bland bill would lead to serious damage to both the Hayes administration and his party.

Second, the alienation of fellow party members could have serious electoral consequences. An example during the antebellum era illustrates this point. In the waning days of the first session of the Thirtieth Congress a bill was taken up that would organize the Oregon Territory. Southern Democrats largely opposed this bill because of a provision prohibiting slavery in the territory. They obstructed the measure until August 13, 1848, when the measure passed by a bare majority.

The leader of the Southern Democratic faction - Senator John C. Calhoun (D-SC) used the passage of the Oregon Territory Bill in an effort to unite fractured Southern interests. In a letter to a constituent, Calhoun asserted that Southern Democrats must unite behind it in the 1848 election (Wilson and Cook 1999).¹⁰ In later speeches he made every effort to assail the two Democratic senators who defected in support of the bill - Senators Thomas Hart Benton (D-MO) and Samuel Houston (D-TX.) He argued that "lamentable as was the defeat of the South on that question, it was still more lamentable that it was accomplished by the

¹⁰Implicitly, Calhoun is arguing that the South should unite behind him as the Democratic candidate for president, a position he made a notable but failed attempt to secure in 1848.

votes of two Southern Senators. He would name them. They should be known and deserved to be held in reprobation by every Southern man. They were Col. Benton, of Missouri, and Gen. Houston, of Texas (*quoted in Wilson and Cook 1999*).” Calhoun’s efforts against Benton ultimately contributed to the Missouri legislature not reelecting Benton to the Senate in 1851.

Finally, congressional scholars have long theorized that members without a strong stake on an issue may seek voting cues from others. Kingdon (1989) suggests this is because other congressmen are available at decision time and can provide easy to digest policy and political information on matters. Moreover, these colleagues are known quantities and members can easily determine whom they trust and don’t trust. He suggests that a likely source of cue-givers would be members who share the same partisan affiliation.

Descriptive Data

To examine the amending process under an open rule setting we constructed a dataset of all amendments offered during the 45th Congress (1877-1879). This was a fairly tedious process that necessitated a thorough reading of the *Congressional Record*. Specifically, working with several undergraduate research assistants, we coded information pertaining to all amendments that were disposed of by some form of vote in both the House and the Senate. This includes unrecorded voice votes, teller votes, division votes and recorded roll call votes.¹¹ Appendix A outlines the data coding process in greater detail.

Our results confirm that scholars are missing a great deal of legislative activity by restricting their analyses to only amendments that received recorded roll call votes. In the U.S. Senate, roughly 1,917 amendments were disposed of during the 45th Congress. Only 213 of these received recorded roll call votes. Of amendments that did not receive recorded votes, roughly 92% were successfully adopted and altered the substance of the underlying

¹¹Amendments offered on the floor by withdrawn or adopted via unanimous consent were omitted from the data collection process. This was done primarily to make the coding process easier. We stress the preliminary nature of this analysis. There are still a number of missing observations that need to be accounted for.

bill in some capacity. In the U.S. House, roughly 1,264 amendments were disposed of during the 45th Congress. Of these, only 84 received recorded roll call votes. Of amendments that did not receive recorded votes, 64.12% were successfully adopted and altered the substance of the underlying bill in some capacity.¹²

The raw data from the 45th Congress further suggests that amendments that did not receive recorded roll call votes were frequently controversial. Of the 305 amendments that received division votes but not recorded votes in both chambers, the median size of the winning coalition was .613. Similarly, of the 117 amendments that received recorded teller votes but not recorded votes, the median size of the winning coalition was a mere .556. On six occasions, the announced voice vote result was overturned by a later vote. On four occasions a teller result was overturned by a later vote. On 28 occasions, a division vote was overturned by a later vote. This suggests that despite the absence of a recorded vote there was substantial disagreement over the propriety of the amendment.¹³

Our preliminary results shed some light on how institutions influence the amending process. The bulk of the amendments offered were offered on behalf of a committee. In the Senate, 1,102 of 1803 amendments were committee amendments. In the House, 144 of 1,210 of amendments were offered on behalf the committee. Krehbiel (1991) suggests that there is an information benefit to the floor deferring to committees. He suggest that doing so rewards committee members for specializing in a given issue area. The raw data strongly

¹²This is consistent with the raw data from an earlier data coding project. An examination of amending activity on the House and Senate floor from December 1873 to April 1874 revealed that 46 amendments garnered recorded roll call votes. This is but a sliver of all amendments disposed of during this period as an additional 1,022 amendments were considered on the floor during these four months. Of these, nearly 90% were successfully adopted and altered the substance of the underlying bill in some capacity.

¹³These results are supported by preliminary results from a study that examines only amendments to landmark enactments as coded by Stathis (2003). Of amendments to landmark enactments passed during the 60th (1907-1909) and 61st (1909-1911) Congresses only 11 were disposed of in the House by recorded vote. In contrast, 274 were disposed of without a roll call. In the Senate, 116 were disposed of with a recorded vote, 786 without. In both chambers, there were 89 amendments that received division votes but not recorded amendment votes. The median winning coalition size of amendments that received division votes but not recorded votes was 58.9%. Similarly, there were 34 amendments that received teller votes but not recorded amendment votes. The median winning coalition size of amendments that received teller votes but not recorded votes was 54.9%.

supports this hypothesis. Committee amendments were successfully adopted in 96.13% of observations in both chambers.

Additionally, consistent with much of the existing literature, most amendments were considered in the Committee of the Whole.¹⁴ In the House, 699 amendments (or 57.67%) were disposed of in the Committee of the Whole as opposed to 1,494 amendments (or 83.19%) disposed of in the Committee of the Whole in the Senate.¹⁵ The House used the motion to reconsider on 71 of 1207 amendments and the suspension of the rules process in 84 instances. The Senate used the motion to table to block amendments in 17 occasions.

We have argued that despite the absence of negative agenda control, there should be a bias in favor of majority party members in both chambers. The raw data provides some support for this. In the 45th Congress, House Democrats controlled a majority of the 293 seats. In the House, 364 (or 44.17%) of non-committee amendments were offered by minority party Republicans. Of these, 182 (or 53.22%) were successfully adopted. In contrast, of the 446 non-committee amendments offered by majority party Democrats, 292 of them (or 65.47%) were successfully adopted. In the 45th Senate, majority party Republicans offered 435 (or 71.78%) of non-committee sponsored amendments. Of these, 343 (or 81.86%) were successfully adopted. Of the 157 amendments offered by minority Senate Democrats, 63.69% were successful.¹⁶

¹⁴While more commonly associated with the House of Representatives, the Senate also operated as the Committee of the Whole throughout its history. It was not until the 1930s that the chamber amended its rules to do away with the practice.

¹⁵Also as expected, a substantial number of amendments offered were secondary amendments. In the House, 102 of the 1,211 amendments were secondary amendments. In the Senate, 177 of 1,804 amendments were secondary amendments.

¹⁶These numbers treat Liberal Republicans as minority party members. Again, this is consistent with the raw data from an earlier data coding project. In the 43rd Congress, despite controlling an oversized majority of House seats (nearly 70%), majority party Republicans were unable to prevent the minority from successfully amending bills during this era. Of the 749 successful House amendments during this period, 315 (approximately 42%) were offered by minority party Democrats. Senate Republicans controlled 64% of the seats in the 43rd Senate. However, over 85% of successful amendments were offered by majority party members.

Fitting a Model of Amendment Success

In an effort to examine the amending process in the 45th Congress more systematically, we fit a logit model of amendment success. The dependent variable, success, is a simple dummy variable coded 1 if the amendment was successfully adopted. Consistent with predictions generated by the median voter theorem, we anticipate that amendment success should be influenced by the floor median. To account for this, we include a measure that takes the absolute difference between the DW-NOMINATE score of the member offering the amendment and the chamber floor median (Poole and Rosenthal 2007).¹⁷ As Figure 2 demonstrates, the closer the member's ideology is relative to the floor median, the more likely the amendment is to be adopted.

[Figure 2 About Here]

We further argue that we should expect to see a bias towards majority party members even in the absence of institutions controlling the amending process. First, even in the 19th century, members of both chambers benefit from the maintenance of a favorable party brand name. As such, majority party members are less likely to offer and support floor amendments that may damage their brand. Second, rank and file members could be harmed by staking out positions that run contrary to well-established fellow partisans. Finally, members without a strong stake on an issue may seek voting cues from members of their own party.

Thus, even after controlling for distance from the floor median, we expect that being a member of the majority party should increase the likelihood an amendment is successfully adopted. However, our theoretical discussion suggests that this is likely to be conditioned by member ideology. Moderate members of the majority party should be more successful than their extreme counterparts. To account for this, we include a dummy for being a member of the majority party. Additionally, we interact the dummy with distance from the floor median.

¹⁷Future iteration of this paper will seek to control for the presence of second dimension issues.

We include two additional control variables. First, consistent with Krehbiel (1991), amendments offered on behalf of the reporting committee should enjoy a higher level of success. Committees have more information regarding the underlying measure. Given this expertise, rank and file members should be more likely to defer to committee amendments. We control for committee amendments with a dummy variable coded (0,1) depending on whether or not the member offering the amendment described it as being “on behalf of the committee.”¹⁸ Moreover, given the overwhelming descriptive evidence supporting this claim, we also opt to fit a logit model (Model 2), without committee amendments.

Second, consistent with the theory behind committee amendments, we argue that members with greater seniority should have more success on the chamber floor. Again, senior members should have more expertise, leading to more deference on the part of junior members on the floor. Legislative scholars have long maintained that seniority played an important role governing member behavior in the earlier congresses (Matthews 1960; Sinclair 1989). To account for this, we include a variable measuring the number of years a member served in the House or Senate prior to the 45th Congress. The variable ranges from 0 to 20.42.

Finally, not all amendments disposed of during the 45th Congress carried with it the policy implications of Allison’s amendments to the Bland Bill. Many of these amendments were technical in nature and carried with them little by way of substantial policy implications. While minor or technical amendments surely exist in these data, we do not have any reason to expect that they should systematically bias against our hypotheses. Regardless, we fit an additional model (Model 3) as a robustness check. This model only examines amendments disposed of by either a teller, division or recorded vote. Receiving one of these three votes necessitated a member be sufficiently motivated enough to request a vote, and also have the support of a sufficient second.¹⁹ This suggests that these matters generated some measure

¹⁸See Appendix A for more on how this variable was coded.

¹⁹In the modern era votes are often granted without an accurate determination regarding the presence of a sufficient second (Tiefer 1989). However, historically, these requests were frequently contested. For example, during consideration of the Bland-Allison Act in the Senate, an amendment was offered by Senator Benjamin Butler. Butler immediately requests the yeas and nays on his amendment. Several senators

of controversy, and as such, were not minor or technical in nature.

[Table 1 About Here]

Discussion and Conclusion

Our results are presented in Table 1 and appear to provide some support for our theory. Altering our data specifications does not seem to significantly alter our findings with one expectation. In the model that omits measures passed by unrecorded voice votes, the service variable is in the predicted direction but no longer significant at the .05 level. We do not find this to be all that surprising, as it is consistent with the argument that more senior members are more likely to catch technical issues in the legislative process that necessitate amendments.

[Figure 3 About Here]

Figure 3 plots graphically the predicted probability an amendment is successful given the member's ideological distance from the chamber median and party affiliation.²⁰ In it, we set the service variable to its mean and the committee amendment variable to zero. Our results are largely consistent with our argument that the success of majority party members in the amending process is conditioned by their distance from the floor median. Majority party members' amendments are generally more successful than amendments proposed by minority party members. Additionally, majority party members with ideologies close to the floor median are more likely to be successful than are majority party members farther from the floor median. An amendment proposed by a majority party member sharing the ideology of the floor median has a 82.94% predicted probability of adoption. In contrast, majority

rejected, leading the presiding officer to take a formal count. He eventually ruled that a sufficient second did exist (*Congressional Record*, 45th Congress, February 15, 1878, 1106.)

²⁰Predicted probabilities were generating using the Zelig package in R programmed by Imai , King and Lau (2008).

party members located the maximum distance away from the floor median have a predicted probability of having their amendment adopted of 59.32%, a 23.62% reduction.

The effect of distance from the floor median on the predicted probability an amendment offered by a member of the minority party is less clear. The predicted probability ranges from 54.46% for minority party members closest to the floor median and go to 70.05% for members located at the maximum distance from the floor median. This result that more extreme members are more successful in the amending process runs counter to our hypotheses. However, the errors bounds for these estimates are fairly high, indicating that there is a weak relationship between ideology and amendment success for minority party members. These results together seem to indicate that member ideology is important for members of the majority party but have little impact for minority party members.

Additional future work will seek to expand our dataset to span multiple congresses. Doing so will grant us increased leverage on several important issues related to legislative policy-making. First, as we have demonstrated, a substantial portion of the amending process occurs independently of the roll call voting record. A larger dataset will allow us to examine the process in its entirety.

Second, recent scholarship has theorized that roll call vote requests on amendments are more likely to be made by members who are both electorally safe and ideologically extreme. The purpose of calling for these recorded votes is to force moderates from the opposing party to go on record on politically difficult issues. This could serve to distort the observed ideology of members of Congress.²¹ By coding the name and party affiliation of members requesting the yeas and nays, we can get a better feel for how members use roll call votes to further their reelection interests.

Finally, a longer time series will allow us to more directly examine the effect institutions providing for negative agenda control - like the adoption of Reed's Rules in the House - have on the amending process. Legislative scholars have long theorized that these rules facilitated

²¹On this point, see Harbridge 2011.

the passage of non-median policy outcomes. However, data limitations have prevented political scientists from examining the degree to which this is the case. Additionally, the long and short term effects of institutional change on the amending process are still unclear.

Appendix A: Coding Recorded and Unrecorded Amendments

Research assistants were tasked with coding all amendments that were “disposed of” by some sort of vote, be it unrecorded voice vote, unrecorded teller votes, unrecorded division vote or recorded roll call vote. Thus, amendments offered on the floor but withdrawn or adopted by unanimous consent were omitted from the data collection process. This was done primarily to make the coding process easier. To accomplish this, research assistants scanned the online *Congressional Record*. Once a disposed of amendment was identified, a number of additional variables were coded. First, descriptive data regarding the timing of the vote (the Congress, month, date, year, and chamber) was entered. Second, all votes taken on the amendment were coded. This was accomplished by filling in a series of variables labeled vtype1, vtype2, vtype3, vtype4. For example, in the 43rd House (1873-1875), Representative Frank Morey (R-LA) moved to:

Offer the following as a substitute for the resolution submitted by the gentleman from New York, [Mr. COX]:

Resolved, That the name of George L. Smith be placed upon the roll, as the Representative from the fourth congressional district of Louisiana (*Congressional Record*, 43rd Congress, December 3, 1873, 49).

Debate ensued before the speaker put the question:

The first question was upon the amendment moved by Mr. MOREY, to substitute the name of George L. Smith for that of E. C. Davidson, as having the *prima-facie* right to a seat as the Representative from the fourth district of Louisiana.

The question was taken, and upon a division there were – ayes 81, noes 78.

Before the resolute of the vote was announced, Mr. SPEER called for the yeas and nays.

The yeas and nays were ordered.

The question was again taken, and there were – yeas 161, nays 94, not voting 261. . . (*Congressional Record*, 43rd Congress, December 3, 1873, 49).

In this example, vtype1 would be coded as a division vote and vtype2 would be listed as a recorded roll call vote. The remaining two categories – vtype3 and vtype4 – would be coded as “Not applicable. No additional vote taken.” In the event a recorded vote was taken, recorded vote data originally coded by Poole and Rosenthal (1997) was merged into the database (this includes the yeas, nays, missing votes, party and sectional splits). Information regarding the amendment was coded next. This included the amendment sponsor, the underlying measure and additional information regarding the vote. Specifically, students would enter a description of the amendment. When feasible, this involved taking the description of the amendment directly from the record. For example, in the preceding example, the description would read “substitute the name of George L. Smith for that of E. C. Davidson, as having the *prima-facie* right to a seat as the Representative from the fourth district of Louisiana.” Other examples include “amendment to change expenses for Naval Department from 100k to 50k” or “Amendment to strike out clause instructing Secretary of Treasury to cover into the Treasury all undrawn monies from 1873 salary act.” Coding descriptions of the amendments allows us the flexibility of going back and conducting a measure that assesses the importance of the amendment.

Determining the sponsor of each amendment offered created some challenges. In the rare cases where a member introduced an amendment on behalf of himself and other senators, only the member introducing the measure on the floor was coded as the sponsor. However, the name of the additional sponsors was coded in the notes section. For example, in the 88th Congress (1963-1965), the *Congressional Record* noted that, “Mr. Williams of Delaware (for himself and Mr. Case) submitted a resolution (S. Res. 330) to inquire into the financial of business interests or activities including use of campaign funds, of any Member of former Members of the Senate, officer, employee, or former employee of the Senate, which was ordered to lie on the table and to be printed (*Congressional Record*, 88th Congress, May 13,

1964, 10757.)” In this instance, Senator John Williams (R-DE) was coded as the sponsor.

When an amendment was described as a “committee amendment,” a detailed reading of the record was undertaken to determine whether the member who sponsored the amendment in the committee was identified. This was frequently the case. In the 77th Congress (1941-1943), Senator Walter George (D-GA), stated that an “amendment was presented to the committee by the Senator from Michigan [Mr. Vandenberg], and the committee voted favorably on the amendment offered (*Congressional Record*, 77th Congress, October 9, 1942, 10757.)” In this instance, Senator Arthur Vandenberg (R-MI) was listed as the sponsor.

If the committee sponsor was not explicitly listed, students listed the sponsor as the member who consumed the most floor time advocating for the adoption of the amendment. For example, in the 85th Congress (1957-1959), Senator Robert Kerr (D-OK) stated that, “Speaking for that committee and for what I believe to be the rights of the people of a great State and of a great metropolitan area, and in the conviction that it can do no harm to any area, I urge the passage of the proposed legislation by the Senate (*Congressional Record*, 85th Congress, August 22, 1958, 19125).” In this case, Kerr was listed as the sponsor. A dummy variable (1, 0) for committee amendments was also coded, granting us some flexibility in how we deal these moving forward.

In a limited number of cases, neither the identifying amendment sponsor nor committee could be accurately determined. When this occurred, the amendment sponsor information was coded as missing data. For the 45th Congress, this occurred in just 1.5% of observations.

Data was also collected regarding the underlying measure. This allows us to better assess the characteristics of bills and motions that receive large numbers of amendments. As such, students were asked to list the underlying bill, motion, resolution or conference report being amended (i.e. HR 478). Much like the amendment sponsor variable, research assistants would then code the primary sponsor of the root measure. Occasionally this information was not made clear in the *Congressional Record*. In these instances, students were encouraged to utilize the *Congressional Record*’s index. The student looks up the name of the member

who sponsored the amendment and the page number where the amendment was introduced. The index will then provide the underlying bill that was being amended. Students can then look up the bill number in the index and retrieve the name of its sponsor.

Occasionally, the underlying measure was another amendment. When this occurred, students coded a dummy variable denoting that the amendment was a secondary amendment that sought to amend another amendment. In these instances, the underlying bill, resolution and motion, as well as information on the amendment being amended were coded. We felt this was important, as successful secondary amendments can significantly alter the content of the underlying amendment.

As was the case with identifying the amendment sponsor, there were a limited number of cases where the sponsor of the root measure could not be determined. When this occurred, the root measure sponsor information was coded as missing data. For the 45th Congress, this occurred in 4.0% of observations. Once sponsors were identified, the member's ICPSR numbers were entered.

Additionally, research assistants were asked to code an assortment of other institutional factors related to the amendment. For example, scholars of the U.S. Senate have argued that the motion to table plays an important role in restricting measures on the chamber floor. Students coded whether or not a tabling motion was offered and information regarding who offered it.²² Students also coded whether or not the amendment was considered in the Committee of the Whole, whether or not it was considered under the suspension of the rules procedure, and whether a motion to reconsider was offered.

Finally, information pertaining to the specific votes was coded. This can provide scholars with some leverage in analyzing how different vote types can alter policy outcomes. For measures that passed without a recorded vote, students coded the announced result. For example, on September 15, 1944, the *Congressional Record* noted the following announcement

²²For example, in the 84th Congress (1955-1957), Senator Prescott Bush (R-CT) moved “to lay on the table the amendment on page 3, line 10 (*Congressional Record*, 84th Congress, July 22, 1956, 10831.)” In this case, Bush would be listed as the tabling motion sponsor.

by the presiding officer:

The PRESIDING OFFICER (Mr. THOMAS of Oklahoma in the chair). The next amendment was, on page 13, line 14, after the word “Roads” to strike out “Administration; and the Commissioner of Public Roads is hereby directed to concur only in such installations as will promote the sage and efficient utilization of the highways.”

The amendment was agreed to.

Mr. BRIDGES. Mr. President, I was absent in the cloakroom a moment ago when action was taken on the so-called McClellan amendment. I am told that it was agreed to before my return to the floor, and that there was no opportunity to request a yea-and-nay vote on the amendment, that action on it was taken very quickly. Therefore, I ask unanimous consent that the Senate reconsider the by which the amendment was agreed to (*Congressional Record*, 78th Congress, September 15, 1944, 7802).

Later in the debate, the chair announced that no objection to Bridges request was heard, and a recorded vote was taken. In this case, the announced result was that the amendment passed. For division and teller votes, students coded the results of those votes as well as the yeas and nays. For amendments that received more than one type of vote, scholars can compare the size of coalitions on each vote, as well as the final result.

In an effort to assess how members use the record to publicize their positions on issues, we also had research assistants code who requested the yeas and nays when a recorded vote was taken. For example, during consideration of a spending bill in the 78th Congress, Senator Robert Rice Reynolds (D-NC) stated that “Mr. President, I wish to have the Record show that I tried to save the United States a billion dollars, and also to show I voted on the proposal. I ask for the yeas and nays (*Congressional Record*, 78th Congress, February 17, 1944).” The Record went on to note that the yeas and nays were ordered, indicating that a sufficient second was present. In this episode, Reynolds would be listed as the member

ordering the yeas and nays.²³

²³As was the case with the amendment sponsor variable, in the rare instance multiple members requested the yeas and nays, only the first member is coded as the member requesting the yeas and nays. Additional members are listed in the notes section.

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Table 1: Logit Model of Amendment Success

Covariate	Model 1	Model 2	Model 3
Majority Party	1.852* (0.386)	1.866* (0.414)	2.490* (0.771)
Ideological Distance	1.122 (0.586)	1.268* (0.629)	1.834 (1.198)
Majority Party × Ideological Distance	-4.145* (1.127)	-3.757* (1.182)	-5.774* (2.026)
Service Time	0.083* (0.016)	0.080* (0.017)	0.025 (0.024)
Committee Amendment	2.227* (0.173)	–	1.038* (0.364)
Constant	-0.646 (0.354)	-0.729 (0.382)	-1.955* (0.719)
Observations	2604	1569	499
Null Deviance	2658.5	1964.7	683.3
Residual Deviance	2211.5	1882.8	642.7

Note: * indicates significance at the $p = .05$ level. Coefficients with robust standard errors clustered on member listed in parentheses. Model 1 is the full model. Model 2 omits amendments that offered on behalf of the reporting committee. Model 3 omits amendments disposed of via a method other than through voice vote.

Figure 1: The Amendment Process Under an Open Rules

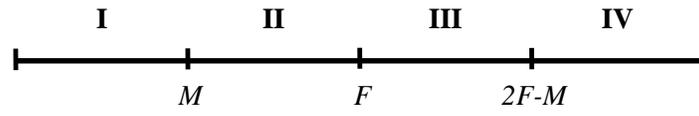


Figure 2: Predicting Amendment Success

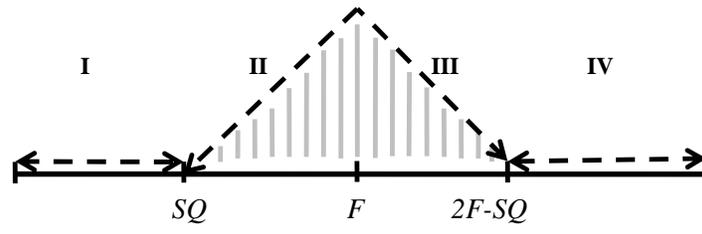


Figure 3: Predicted Probability of Amendment Success by Party and Distance from the Floor Median

