

PARTY POWER IN THE U.S. HOUSE: DISCHARGE PETITIONS, AGENDA
CONTROL, AND CONDITIONAL PARTY GOVERNMENT

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by

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To my family, especially my husband, Tim:
You mean the world to me. Thank you.

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PARTY POWER IN THE U.S. HOUSE: DISCHARGE PETITIONS, AGENDA CONTROL, AND CONDITIONAL PARTY GOVERNMENT

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ABSTRACT

In the study of legislatures, the effect of parties on legislative organization and behavior is generally considered under the broad precepts of two party-based theories: conditional party government theory (CPG) and party cartel theory. While complimentary in many ways, these two theories have disparate expectations for the majority party's ability to keep measures off the floor (*i.e.*, negative agenda control). Advocates of CPG suggest that negative agenda control varies with intra-party preference cohesion and inter-party preference distinction, while proponents of cartel theory contend that this type of agenda control is relatively constant over time. This latter expectation is primarily tested by looking at the majority party's ability to resist rolling efforts on final passage votes. However, there are other ways to conceptualize negative agenda control, thus, prompting questions about the stability of different indicators of this type of power.

In this project, I propose that some manifestations of negative agenda control are not constant, and vary by the extent to which the conditions of CPG are met. To evaluate this claim, I examine the conditional nature of the majority party's control over participation in discharge efforts, a form of negative agenda control, in the U.S. House from 1931-2006. This project presents a more nuanced picture of how the majority party's power is restricted when the conditions of CPG are met to a lesser extent, and furthers our understanding of party power in the U.S. House.

CHAPTER ONE

INTRODUCTION

Purpose of the Project and Research Question

The reasons that political parties developed in the United States and their power in various institutions are classic questions in American politics. A myriad of scholarly works address these questions and consider the effect of parties in U.S. politics. While a backlash against political parties and their power in the political system has existed throughout U.S. history, many scholars contend that democracy would not be possible without political parties, more precisely responsible parties. Scholars as early as Woodrow Wilson (1908) have emphasized the importance of parties for the health of democracy, and noted their significance for the coordination of national institutions. From these views, the responsible party government model was formed, which emphasizes disciplined parties as mechanisms for accountability in a democratic system (American Political Science Association 1950; Ranney 1954). Following this theory, parties offer clear alternatives to voters, and when a party is voted into power, the party should have sufficient discipline over its elected members to enact its agenda (Ranney 1951; American Political Science Association 1950). Also, because they are unified, voters have an enhanced capacity to determine responsibility for government actions (Sundquist 1988).

In light of the theory of responsible parties, questions arise regarding the nature of U.S. political parties and their power to control their members and policy outputs. In

terms of congressional action, many scholars maintain that parties are of little consequence. Mayhew (1974) famously asserts that parties are inconsequential for legislative activity, and that electoral needs drive the behavior of members of Congress. The discounting of political parties was carried into formalized articulations of the distributive model of legislative politics; its proponents build on Mayhew's theory that gains from trade motivate legislators, not party discipline (Shepsle 1986; 1989; Weingast and Marshall 1988). Krehbiel (1993; 1998) also questions the significance of parties for legislative activity, suggesting that preferences trump party in terms legislative behavior, and that parties have little influence the U.S. Congress.

In contrast, other scholars tout the importance of parties in U.S. politics. In the early twentieth century, Wilson (1908) and others lauded parties for enabling the government to function and carry out national programs. More recent theories also illuminate the significance of parties for legislative behavior. The cartel theory (Cox and McCubbins 1993; 2005) and conditional party government theory (CPG) (Rohde 1991; Aldrich and Rohde 2000) contend that legislatures are organized to promote the legislative success of the majority party, and, at least at times, foster party discipline. Both theories seek to explain why party rank and file members forfeit power to the party leadership and when this is most advantageous. In this project, I build on the party-centric theories of legislative behavior, and consider the majority party's capacity to enforce discipline and control the agenda and whether this ability fluctuates across Congresses.

Though these two party-centric theories are complimentary in many ways, there

are important differences. The primary distinction is the conceptualization of negative agenda power. Both theories conceive the majority party as possessing two types of agenda power: 1) positive power, which is the ability to push a legislative agenda forward, and 2) negative power, which is the ability to keep legislative measures off the floor and control the legislative agenda (Cox and McCubbins 2005; Finocchiaro and Rohde 2008). Proponents of cartel theory argue that negative agenda power is constant across Congresses, while advocates of CPG contend that the majority party's power (negative or positive) diminishes as the conditions of CPG (*i.e.*, intra-party preference cohesion and inter-party preference distinction) are met to a lesser degree. In their recent articulation of cartel theory, Cox and McCubbins (2005) present a cogent argument regarding the stable nature of the majority party's negative agenda power. Though, their evidence rests primarily on the majority party's ability to resist rolling efforts on final passage votes and rule adoptions.¹ Given that there are other activities beyond rolls on final passage votes and rule adoptions that challenge the majority party's negative agenda control, such as discharge efforts, these findings prompt further questions about the consistency of the majority party's negative powers, particularly given that the utility of roll rates as a measure of negative agenda control is debatable (Schickler and Pearson 2009).

In this project, I propose that some manifestations of negative agenda control are not constant, and vary by the extent to which the conditions of CPG are met. To evaluate

¹ Though, see Finocchiaro and Rohde (2008) for conflicting evidence/interpretation of the consistency of the majority party's control over rule adoptions.

this claim, I examine the conditional nature of the majority party's control over participation in discharge efforts, a form of negative agenda control, in the U.S. House of Representatives from the 72nd-95th (1931-1978) and the 103rd-109th (1993-2006) Congress. I test the conditional nature of the majority party's ability to control discharge efforts in three ways. First, I examine the majority party's control over the discharge participation of majority party (co)sponsors as the conditions of CPG are met to varying degrees. Second, I consider the majority party's control over participation in petitions targeting disparate types of committees and whether the likelihood that majority party (co)sponsors will support discharge movements against certain types of committees varies with the conditions of CPG. Finally, the majority party's ability to discourage committee chairs from undermining the party's agenda power by joining discharge efforts is investigated; specifically, I look at whether holding a committee chairship affects a majority party (co)sponsor's likelihood of signing a discharge petition, and whether this likelihood moves with the level to which the conditions of CPG are met. Simply put, I consider the majority party's ability to limit the participation of majority party (co)sponsors in discharge efforts as CPG varies, and how the type of committee targeted and committee relevant characteristics of the (co)sponsor, specifically holding a committee chair position, affect the likelihood of majority party (co)sponsors signing discharge petitions as the conditions of CPG fluctuate. Building on previous work on the party-centric theories of legislative organization and behavior, I examine the effect of parties on discharge efforts and provide a more complex view of the majority party's agenda control.

Outline of the Dissertation

The project proceeds as follows. First, I review the literature on the party-centric theories of legislative organization and behavior and the related discharge petition research, emphasizing the way in which this project addresses questions regarding the power of parties in Congress and the contribution of my theoretical argument. I also review the discharge process and briefly explore the discharge petition data. Second, I present the three empirical chapters of this project. I discuss the theory behind each chapter and focus on how each chapter furthers our understanding of the conditionality of the majority party's negative agenda powers and the discharge process. Finally, I consider the implications of this project and avenues for future research.

CHAPTER TWO

A HARD TEST OF CARTEL THEORY: DISCHARGE PETITIONS AND NEGATIVE AGENDA CONTROL¹

Literature Review and Theory

For over a decade, a spirited debate over the effect of parties in legislatures motivated the research agendas of many legislative scholars. While there is an emerging scholarly consensus that legislative parties do, in fact, have a significant impact on the behavior of the U.S. Congress (Smith 2007), there is considerable debate as to the best conceptualization of party influence. Through this debate, two principal party-based theories developed: cartel theory and CPG. The CPG thesis, conceived by Rohde (1991) (also see Aldrich 1995 and Aldrich and Rohde 1997; 2000) and built on the work of Cooper and Brady (1981), contends that legislatures are designed to advantage the majority party, though the majority party's power in the institution is qualified and sets up conditions regarding the strength of the majority party. When the majority party is ideologically distinct from the minority and internally homogeneous, its leaders are granted more power to move the party's agenda forward. From this perspective, broad policy agreement among majority members allows for increased trust in the leadership to pass agreeable legislation and party polarization between the minority and majority party increases the electoral benefits derived from furthering an agenda; thus, the majority members grant greater power to their leadership under these conditions, enabling the leaders to advance the party agenda (Sinclair 1995). However, as the preference disparity

¹ This chapter is based on a paper co-authored with L. Marvin Overby.

among the majority party widens and the opposition party becomes less distinct, majority members relinquish less power to their leadership, because the leadership cannot be trusted to push through legislation that will be favorable to most majority members and the electoral incentives are not as great (Rohde 1991).

Like CPG, in their legislative cartel theory, Cox and McCubbins (1993; 2005) contend that legislatures are organized to enable majority party control and legislative success, though they take a disparate view on the majority party's agenda setting power. According to the cartel theory, the agenda-setting power of the majority party is its most important tool, and is one method by which the majority party shapes legislative outcomes and moves policy away from the majority median and toward the majority party median. From the cartel perspective, members surrender power over to party leaders in order to solve the collective action problem, and, using this power, leaders advance the party's legislative agenda, which builds the party brand name and furthers the electoral prospects of its members. The leaders use procedural power to push the party's agenda forward (*i.e.*, positive power) and to prevent issues of which most of the majority party disapproves or cross-cutting issues from reaching the floor (*i.e.*, negative power). The party leaders are armed with sticks and carrots to ensure individual cooperation in their positive and negative agenda-setting endeavors.

The principal distinction between cartel theory and CPG is the way each views the majority party's negative agenda powers (Cox and McCubbins 2005; Finocchairo and Rohde 2008). While advocates of both cartel theory and CPG posit that positive power is conditional on intra-party preference homogeneity and inter-party distinction, proponents of cartel theory postulate that negative power is constant and unconditional. The reality

of the majority party's negative agenda control is important for our understanding of the breadth of the majority party's power. With uniform negative agenda powers, the majority party would, under almost any circumstance, have the ability to block measure from the floor, giving them incredible control over the issues that can even be considered. In this project, I explore the consistency (or inconsistency) of the majority party's negative agenda control as the conditions of intra-party cohesion and inter-party distinction vary across Congresses.

Guided by CPG and cartel theory, a robust literature focuses on the effect of party on legislative behavior. Party affects roll call voting behavior generally (Snyder and Groseclose 2000; Jenkins 1999; Cox and Poole 2002; Ansolabehere, Snyder, and Stewart 2001) and party pressure is evident in final passage votes (Burden and Frisby 2004; Lawrence, Maltzman, and Smith 2006). Beyond influencing roll call votes and legislative outcomes, parties also provide structure to members' voting behavior (Jenkins 2000; Wright and Schaffner 2002) and provide incentives for members to turnout for party-salient votes (Forgette and Sala 1999).

Particularly germane to this project, the effect of party on discharge efforts is considered briefly in the literature. Krehbiel (1995), for instance, examined the 30 cosponsors who subsequently "waffled" on signing the discharge petition for the "A to Z Spending Bill" in the 103rd Congress. He found that Republican members were more likely than Democrats to waffle, and that moderates were more likely to waffle than extremists, both results more consonant with a preference-based rather than a partisan-based perspective of the influences on legislative behavior. In response, Binder, Lawrence, and Maltzman (1999) took issue both with Krehbiel's list of "wafflers" and his

measure of preference (the rating developed by the National Taxpayers Union, which they claimed was overly partisan in nature, thereby obscuring the true effects of party). Re-analyzing the results with an updated list of wafflers and a preference measure generated by the bipartisan Concord Coalition, they uncovered a significant partisan effect, concluding that Democratic members were being pressured by party leaders to withhold or retract their signatures from the discharge petition (in response, see Krehbiel 1999, who concedes some of these results, but questions the durability and robustness of the partisan effect).

While other studies examining only a few discharge petitions show mixed evidence for party effects on discharge efforts (Martin and Wolbrecht 2000; Lindstädt and Martin 2003), considering all of the publically available petitions from the 103rd to the 109th Congress, Miller and Overby (2010) find that bills sponsors and co-sponsors from the majority party are less likely to sign the discharge petition associated with their bill than their minority party counterparts. However, given that this analysis takes place during a period of relatively strong parties, we do not have a good understanding of the effect of party on discharge efforts as the loci of power in Congress shift.

The recent discovery of non-successful discharge petitions from the pre-public era in the National Archives promises to permit more extensive analysis of the political dynamics of discharge behavior.² Pearson and Schickler (2009) analyze the signatory decisions of all members of the House on all petitions filed between 1929 and 1976. They find significant and largely predictable variation in signatory decisions, with

² These petitions are now being made available to the public, subject to the 30-year seal normal for most confidential House committee documents.

members less invested in the committee power structure of the period (*e.g.*, more junior members, those with less prestigious committee assignments, those not on the targeted committee, and those not part of the Conservative Coalition) more likely than others to join in discharge efforts. Pearson and Schickler, however, do not focus on the party dynamics of signatory behavior.

Despite interest in what discharge participation can tell us about party effects in Congress, research has not explored the effect of party on discharge efforts as the strength of parties has waxed and waned, presumably because of data limitations. The recent discovery of the petition signatories dating back to 1931 provides the time-span necessary to consider such a question. Thus, in this project, I explore the relationship between party power and discharge participation and how this relationship varies over time. Theoretically, I propose this investigation as a test of Cox and McCubbins's assertion of the consistency of the majority party's negative agenda control, regardless of the level of intra-party preference homogeneity and inter-party preference heterogeneity, which I refer to as CPG.

Negative Agenda Control and the Discharge Process

Although there is considerable support for the party-centric theories of legislative behavior, questions remain about the extent of majority party power, especially regarding negative agenda control. Cox and McCubbins (2005) present evidence that the majority party's negative agenda power is constant over time. They find that the majority party's

ability to resist rolling efforts on final passage votes and rule adoptions³ and reduce dissent on reported measures from majority party members, presumably by using its negative agenda powers, is fairly stable since 1877. However, given that there are other activities beyond rolls on final passage votes and rule adoptions that challenge the majority party's negative agenda control, such as discharge efforts, these findings prompt further questions about the consistency of the majority party's negative powers. While the majority party is able to prevent rolls and dissent during periods when the conditions of CPG are met to a lesser extent (Cox and McCubbins 2005), it may not have uniform control over all forms of negative agenda setting.

A key assumption of the cartel model is that majority party leaders have unconditional negative agenda-setting prerogatives (Cox and McCubbins 2005, 39). And as Smith (2007, 132) suggests, a crucial weakness of the cartel model is that this is a heroic assumption: “[i]n fact, no House majority party leader ... has monopoly agenda-setting power under the rules of the House.” Smith goes on to note that the discharge process permits any numerical majority of members to “force a bill, or a resolution embodying a special rule, to the floor” (132). Cox and McCubbins seem especially sensitive to this critique and devote a full three-page appendix to explaining why its existence is not a major problem for their theory (2005, 83-86; see also Cox and McCubbins 1993, 232). They note the difficulties in assembling a majority of petition signers and the rarity of successful discharge efforts. Further, they suggest that even the relatively few cases of successful petitions actually speak to the strength of party leaders,

³ Though, see Finnocchiaro and Rohde (2008) for conflicting evidence/interpretation on rule adoption.

since in these cases the majority leadership aligned itself against a periodically obstinate Rules Committee. As Cox and McCubbins conclude: “in response to those who argue that the discharge procedure undermines the ability of the majority party to control the agenda, we emphasize that the discharge petition is not a major (or even minor) thoroughfare of legislation and, therefore, does not undo majority party agenda control” (2005, 86).

While Cox and McCubbins are correct about the rarity of traditionally successful discharge petitions (*i.e.*, those that garner the adequate number of signatures), it is misleading to disregard the important role of the discharge procedure, either successful or unsuccessful, in terms of negative agenda control. The basic idea of negative agenda setting is the ability to control the measures that make it to the chamber floor for consideration. Even if the discharge procedure is rarely used, the fact that it is a mechanism to bring measures to the floor that would not otherwise be considered makes it worthy of examination. This procedure is the only procedure in the US House that so thoroughly undermines the majority party’s negative agenda control. Furthermore, practical applications of the discharge procedure illustrate how even unsuccessful procedures (*i.e.*, those that do not garner the adequate signatures) undermine the majority party’s negative agenda control and reveal the incompleteness of Cox and McCubbins’s principal measure of negative agenda control: rolls of the majority party on the floor (for other examples of problems with using roll rates see Schickler and Pearson 2009). Cox and McCubbins suggest that the infrequency of rolls of the majority party on the floor represents the strength of the majority party’s negative agenda control. However, there are occasions when a measure (or a new compromise measure) makes it to the floor,

often with the help of a discharge petition, despite the majority party's efforts to thwart it, and ultimately, the majority party is not rolled on the final passage vote.

A good example of this occurred in the 108th Congress (2003-2004) with the Retired Pay Restoration Act of 2003 (H.R. 303), which would have allowed veterans to collect both disability compensation and their total military retirement (concurrent receipt). This bill was sponsored by Rep. Bilirakis (R-FL) and had 383 cosponsors, including 188 Republicans. Because this measure benefited veterans yet was also going to increase the federal budget (an estimated \$58 billion over 10 years), it put Republicans in a tough position between their veteran constituency and their promise to reduce the federal budget and, as such, the Republican leadership wanted to let it die in committee. Knowing the delicate position of their colleagues, the Democrats circulated a discharge petition to embarrass the Republicans and impugn their intentions regarding veterans. There was intense pressure on Republicans, particularly those who had cosponsored the bill, from veteran constituents and veterans' organizations to sign the discharge petition. The Republican backbenchers who were facing the harshest criticism implored the leadership to either bring the measure to the floor or negotiate a compromise, indicating that they were going to have to sign the petition if nothing was done (Sorrells 2003a). The petition received 203 signatures, and two Republicans [Walter B. Jones (R-NC) and Ralph M. Hall (R-TX)], despite the leadership's admonishments, signed.⁴ Jones was the 203rd signature, and some suggest that his signature was the impetus for the Republican leadership compromise (Sorrells 2003b). Ultimately, Republican leaders were forced to

⁴ Two more Republicans [Mac Collins (R-GA) and David Vitter (R-LA)] signed after the compromise had been made.

include a compromise provision in the National Defense Authorization Act for Fiscal Year 2004, which became public law. While Republicans were not rolled on this measure, this is clearly an example of a loss of negative agenda control and an illustration of why discharge participation (even in unsuccessful petitions) is an important element of agenda-setting.

Considering participation in discharge efforts provides a test, albeit a hard test, of Cox and McCubbins' assertion of the consistency of the majority party's negative agenda control. In this project, I explore the majority party's control over discharge participation as the conditions of CPG vary across Congresses in order to gain a better understanding of the breadth of majority party power. Again, I do not deny that this is a hard test of Cox and McCubbins' theory of negative agenda control. However, I think it is important to consider all forms of negative agenda control and to place theories under severe scrutiny in order to achieve greater clarification and determine the conditions (if any) under which they hold true.

As mentioned in Chapter 1, I consider the majority party's control over discharge participation and how participation varies across levels of CPG in three distinct ways. In Chapter 3, I explore the effect of CPG on majority party members' participation in discharge efforts. Because discharge petitions undermine the agenda control of the majority party, majority party leaders pressure members not to take part in discharge petitions. I examine whether the discharge participation of majority party (co)sponsors varies by majority party strength, as captured by CPG. In Chapter 4, I break this down further, and consider whether the potential conditional relationship between majority party (co)sponsor discharge participation and CPG is further contingent on the type of

committee targeted by the petition. I investigate whether majority party (co)sponsors are less likely to participate in discharge petitions targeting important committees as the conditions of CPG are met to a greater extent. When the majority party is relatively powerful, the prestige committees, particularly the Rules Committee, work as arms of the majority party leadership. Thus, as the conditions of CPG are achieved, majority party (co)sponsors may be less likely to participate in petitions targeting these committees than in petitions targeting non-prestige committees. Finally, in Chapter 5, I further explore the conditionality of majority party (co)sponsors' participation in discharge efforts, and consider the implications of holding a committee chair position for discharge participation as CPG varies over time. When the majority party is relatively weak, committee chairs may not experience any additional reticence when it comes to challenging the party's agenda control. Under these circumstances, chairs may be as likely as any other majority party (co)sponsor to join a discharge effort. However, as the party gains strength and majority party leaders begin keeping an increasingly tight hold on the committee leaders, this type of congressional behavior may be closed to them. Thus, as the conditions of CPG are met to a greater extent, committee chairs may be less likely than their majority counterparts to participate in discharge efforts, and there may be a significant difference in their probability of signing as CPG shifts from low to high. With these three chapters, I explore whether discharge participation for majority party (co)sponsors is conditional on CPG, and whether this relationship is further conditional on the type of committee targeted or holding a committee chair position for majority party (co)sponsors. The first chapter provides the initial test of the conditionality of majority (co)sponsor participation in discharge efforts – a test of the constancy of the

majority party's negative agenda control – and the following two chapters further explore this contingent relationship.

The Discharge Procedure

In 1910, the House implemented an informal procedure for extracting bills from committees. With several variations along the way, the House adopted the modern discharge procedure that allows for the discharge of any bill or special rule in 1931. Until 1935, the support of only one third of the House members was required for a discharge petition to succeed, but after 1935 the number increased to 218. Under the current procedure, any House member can file a petition for any bill referred to a standing committee for at least 30 legislative days (or, in the case of the Committee on Rules, seven legislative days if the committee reports the measure favorably or after the measure is referred to committee for 30 legislative days) is subject to a discharge petition. Because filing a petition against the Rules Committee offers strategic advantages (*e.g.*, precluding the committee of jurisdiction from nullifying the discharge effort by reporting the measure and then declining to call it up), it has become increasingly popular for members seeking discharge action to circumvent the original committee of jurisdiction, introduce a new resolution to consider the legislation stalled in committee, and seek to force action by discharging the new resolution from the Committee on Rules.⁵

⁵ For more information about the discharge process, see Beth (1990; 1994), Oleszek (2004), and Burden (2005).

For most of the history of the discharge, petition supporters were kept anonymous,⁶ at least until the number required for further action was reached, when the names of signatories were made public. In 1993, however, under both internal reform demands (led by then Representative James Inhofe [R-OK]) and public pressure (generated by independent presidential candidate Ross Perot, conservative talk radio, and the editorial writers of the *Wall Street Journal*), the 103rd House altered its rules, requiring the clerk of the House to publish petition signatories in the *Congressional Record* and (subsequently) on the House web site (see: clerk.house.gov/legislative/legvotes.html).⁷

Despite their potential for circumventing the House's "dim dungeons of silence" (Wilson 1885), scholarly attention to discharge petitions has been slight, even though their use has been relatively common. Between 1931 (when the modern procedure took effect) and 2006, a total of 597 petitions were filed with the clerk of the House, approximately 15-16 per Congress and, as Burden (2005) has observed, roughly the same frequency as filibusters in the Senate. Of these, 48 attracted the signatures required to move forward, resulting in 19 bills being discharged and passed by the House. Among these 19 measures, 4 received final approval – two were enacted into federal law (the Fair Labor Standards Act (1938) and the Federal Pay Raise Act (1960)) and two altered the House rules (figures from Beth 2003). While only four measures received final approval through the discharge process, an additional 25 measures for which a petition was filed

⁶ At least officially anonymous, although there is considerable archival evidence that non-official listings of petition signatories were commonly circulated among relevant lobbyists and interest groups, at least in some high-profile cases.

⁷ Fittingly, this change was accomplished using the discharge petition.

received final approval through some other procedure. The most recent example of this was the Bipartisan Campaign Reform Act of 2002. This suggests that discharge efforts produce indirect results through pressure on the leadership to address the concerns of those organizing the petition efforts. Beth (2003), in a comprehensive study of the discharge process for Congressional Research Service, estimates that historically 16 percent of measures on which discharge petitions have been filed (not including compromise measures) have received floor consideration.⁸

Discharge Petition Data

As mentioned above, prior to 1993, supporters of unsuccessful petitions (*i.e.*, those that did not garner 218 signatures or 145 before 1935) were kept anonymous. In 1993, however, the 103rd House altered its rules, requiring the clerk of the House to publish petition signatories in the *Congressional Record* and on the House web site. For this project, I take advantage of this rule change using all the petitions filed between 103rd and 109th Congress (1993-2006), as well as a unique dataset of the discharge petitions filed between the 72nd-95th Congress (1931-1978). Because of the 30-year delay on the release of unsuccessful petition signatures prior to the 103rd Congress, I exclude discharge petitions from the 96th-102nd Congresses (1979-1992).⁹

⁸ According to Beth (2003), the House used procedures other than the simple discharge process to consider an additional 11 bills that had received 218 signatures (eight of which eventually became law) and considered 32 measures that were still in the petition process (17 of which eventually were enacted into law).

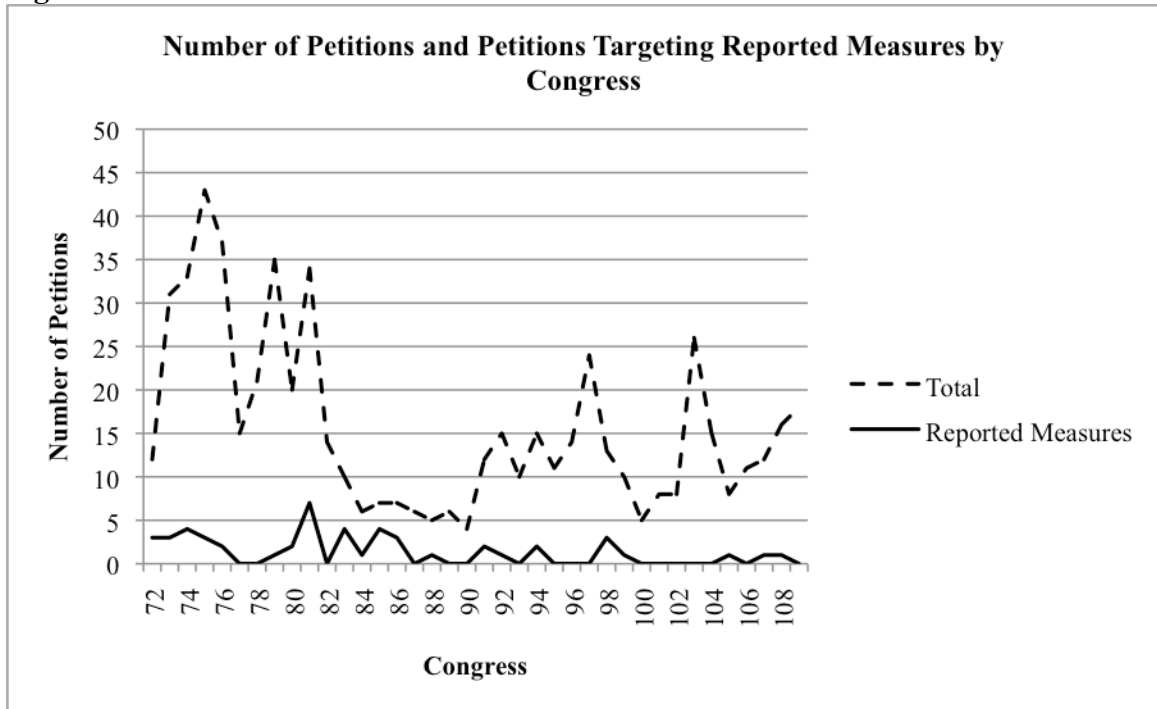
⁹ The effort to acquire these signatures from the clerk of the House is ongoing, and eventually I hope to have all the petitions.

One advantage of using data on discharge petitions since the 72nd Congress (1931) is that it enables consideration of the use of this procedure as Congress has evolved. The level of CPG has varied quite a bit over the last 80 years (see Aldrich, Rohde, and Tofias 2007). As noted above, one limitation of previous work on discharge efforts is the unavailability of data on unsuccessful petitions prior to the 103rd Congress (1993). Power shifts in the U.S. House since 1931 may alter the determinants of discharge petition participation, which is not captured in analyses beginning in the 103rd House, an era of relatively strong party government. This unique dataset allows me to trace the patterns of discharge efforts over 80 years. Further, because controlling discharge efforts is a form of negative agenda setting, this dataset also enables a test of Cox and McCubbins' proposition that the majority party's negative agenda control is constant and not conditional on intra-party preference homogeneity and inter-party preference distinction (*i.e.*, CPG).

During the period included in this data set, there were 515 petitions filed, averaging 17 petitions per Congress with a high of 43 (75th Congress) and a low of 4 (90th Congress). Figure 2.1 plots the number of petitions and the number of petitions targeting reported measures by Congress. The greatest numbers of petitions were filed when only 145 members were required to discharge a committee. There is also a spike in petition initiation during the 92nd-98th Congresses when CPG is at its lowest and in the 103rd Congress, which is the final Congress of the long Democratic reign. Regarding the petitions filed against the Rules Committee on reported measures, there is not tremendous variation over time. Although, the fact that there were a few filed in the later Congresses, when the conditions of CPG were met to the greatest extent, is interesting, indicating that

committees reported out, even if adversely (and under political pressure), measures that the Rules Committee, presumably working with the majority party leadership, did not want to come to the floor.

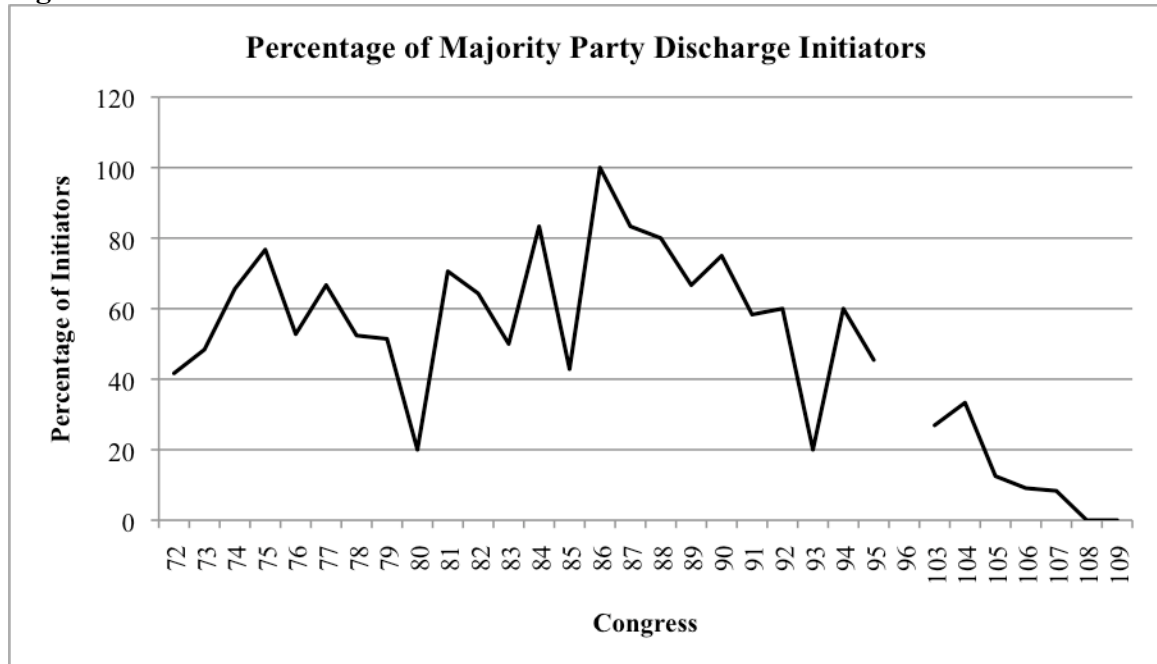
Figure 2.1



Over the entire period, 49 percent of petition initiators are from the majority party, though this number varies greatly over time with 58 percent of discharge initiators hailing from the majority party prior to the 103rd Congress and only 14 percent after the 103rd Congress. As illustrated in Figure 2.2, it is not until the 108th and 109th Congresses that there are zero initiators from the majority party. On average, 77 members sign a petition, though this number greatly increases when the signatories of all petitions were made public in 1993, with an average of 117 members signing during this period. Also, majority (co)sponsors sign at a much greater rate prior to the 103rd Congress, with 41

percent signing before and 13 percent signing after. This pattern is the opposite for minority party (co)sponsors, with 49 percent signing prior to the 103rd and 76 percent signing after.

Figure 2.2



Discharge petitions also cover a spectrum of issues. Table 2.1 summarizes the issues targeted by discharge petitions broken down by majority party and congressional period. As might be expected, economic issues are key discharge issues (12 percent of the total issues targeted). Given that the period covered by these data includes the Great Depression, many of these measures are related to easing the burden on American workers. There are numerous bills dealing with the maximum work week, minimum wage, and protecting American jobs and products, particularly through price protection. As mentioned above, the FLSA of 1938 was subject to a successful discharge petition. Over the entire period examined, governmental operations are also a source of discharge

interest, comprising 10 percent of the total issues targeted. These petitions target issues such as the creation of a Select Committee on Congressional Reorganization and salary increases for Post Office employees. Constituent issues, such as veterans, agriculture, and old-age issues, are also at the top of the list. The veterans' issues primarily deal with pensions and disability compensation. Again, given the time period, many of the agriculture measures focus on protecting American farmers from the international market, helping farmers maintain ownership of their farms, and demanding refunds of taxes paid for over-production, and the retirement issues, in large part, deal with Social Security and other federal pension options. In the more recent Congresses, the key old-age issue was Medicare prescription drug prices.

Beyond Great Depression related issues, discharge petitions target many other issues of historical importance. Civil rights issues, such as anti-discrimination, anti-lynching, and voting rights measures, were consistent targets of discharge petitions until the mid-1960s. The Civil Rights Act of 1964 was subject to discharge petition when it was held up in the Rules Committee after being reported favorably out of Judiciary (which was chaired by Emanuel Celler (D-NY) who introduced the measure). The Rules Committee, under the leadership of Howard W. Smith (D-VA), was under intense pressure to release the bill. President Johnson even called Katharine Graham, publisher of the *Washington Post*, to encourage her editors to pressure representatives to sign the petition and embarrass Judge Smith (Gittinger and Fisher 2004). When it became clear that the petition would reach the signature threshold, the Rules Committee finally released the measure, which ultimately passed the House with a vote of 290-130.

Table 2.1	Issues Targeted by Discharge Petition				
	Democratic Majority		Republican Majority		Total
	72 nd -79 th , 81 st , 82 nd , 84 th -95 th	103 rd	80 th & 83 rd	104 th - 109 th	
Economic and Tax	39	6	2	12	59
Governmental Operations	38	6	1	5	50
Veterans	38	2	3	4	47
Agriculture	37	0	1	1	39
Civil Rights	31	0	4	0	35
Old-Age & Retirement	19	1	2	10	32
Electoral, Appointment, and other Political Issues	12	3	0	11	26
Specific Constitutional Issues	25	0	0	0	25
School Prayer	5				
Flag Burning	1				
Abortion	5				
School Busing	14				
Unemployment/Poverty	16	1	0	6	23
Military Issues	18	0	4	0	22
Labor/Employment	18	0	2	0	20
War and Security	15	1	2	2	20
Crime and Guns	4	2	0	10	16
District of Columbia	11	0	1	0	12
Housing Issues	8	0	2	0	10
Foreign Affairs	8	0	0	0	8
Natural Resources	6	0	0	2	8
Health Care	1	0	0	7	8
Environmental	2	1	0	4	7
Education	4	0	1	2	7
Communists/Subversives	4	0	0	0	4
Immigration	3	0	0	0	3
Miscellaneous	19	3	5	4	31
TOTAL¹⁰	376	26	30	80	512

Other major issues of the time, such as school busing, school prayer, and abortion, are represented in the issue targeted by discharge petitions. In the 92nd Congress (1971-

¹⁰ While there were 515 petitions filed, there are only 512 represented in the sample. Petitions 25 of the 74th Congress and 8 of the 76th Congress were withdrawn, and petition 5 of the 74th Congress is missing (even Beth does not have this petition).

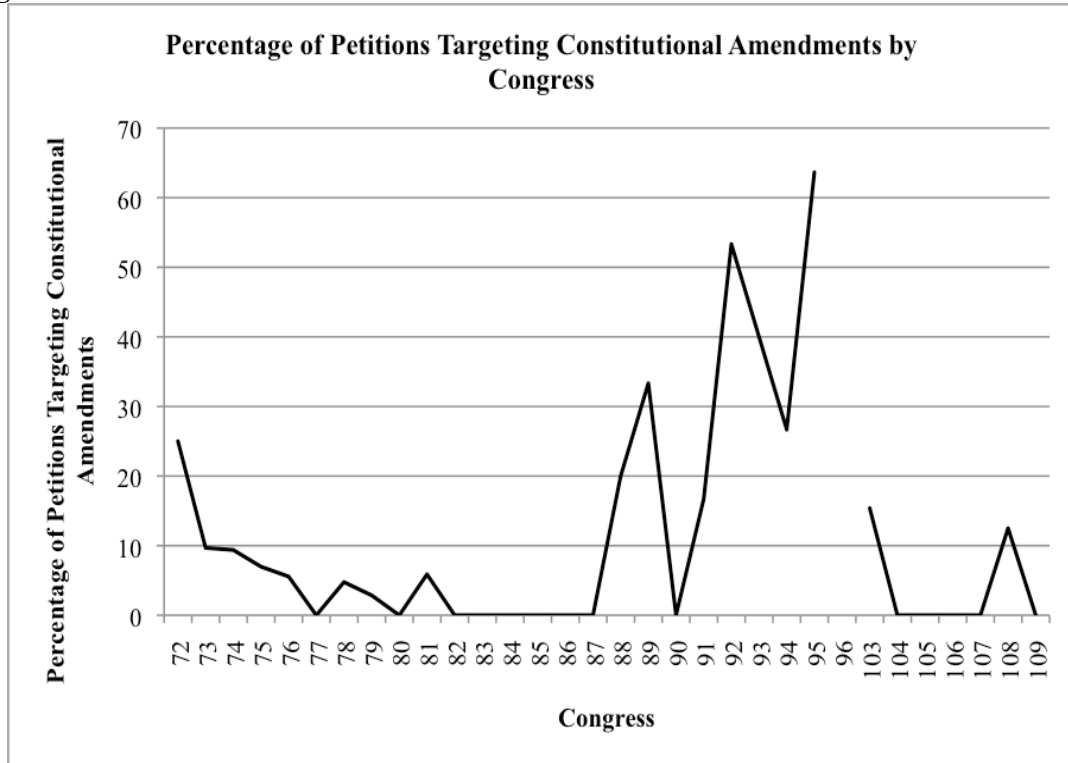
1972), 6 out of the 15 petitions were school busing amendments, and between the 92nd and 95th Congresses, nearly half of all the petitions filed (21 out of 51) focused on school busing, school prayer, or abortion. War and military issues were also widely covered during the WWII period. There were many petitions targeting measures regarding the draft, universal military service, and armament deals. The Second Red Scare also produced a few petitions concerning communists and the U.S.'s relationship with communist countries.

Petitions have also perpetually targeted political and electoral issues. These issues are quite varied and range from preventing pernicious political activities to amending the Constitution to allow initiatives by electors to amending the Constitution regarding the filling of House vacancies. In the contemporary period, campaign finance reform was the major political issue, and one of the last major discharge battles centered on campaign finance reform in the 107th Congress (2001-2002). Despite the relative strength of the Republican majority at this point, this petition was actually filed against the Rules Committee on a reported measure after the rule (H.Res. 188) for the measure (H.R. 2356) was rejected by 208 Democrats, 1 Independent, and a rebellious group of 19 Republicans led by Christopher Shays (R-CT). The Democrats and this defiant group of Republicans viewed the rule as unfair and wanted the Republican leadership to propose an alternative rule (Foerstel 2001). However, after the embarrassing defeat, Speaker Hastert (R-IL) and the other Republican leaders showed no immediate interest in bringing the measure back to the floor. Thus, a discharge petition was filed against H.Res. 203 providing for the consideration of the campaign finance measure (H.R. 2356). This petition garnered 218 signatures, and forced the Republican leadership to bring the

measure to the floor, under their own rule (H.Res. 304), of course. The measure passed the House, and eventually became P.L. 107-155.

Constitutional amendments were often the target of discharge petitions (see Figure 2.3). These cover a myriad of topics, ranging from balance budget amendments to war referendum amendments to equal rights amendments. When CPG was at its lowest levels in the 1970s, there were many issues that led to constitutional amendment attempts, including school prayer and abortion. These issues, of course, split the Democratic majority between the Southern Democrats and their Northern counterparts and caused further divide in an already fractured party. After the 103rd Congress, term limit and balance budget amendments were the focus of many of the amendments. The term limit amendments came soon after Arkansas passed term limits for its federal representatives, which were overturned by the USSC in 1995.

Figure 2.3



In sum, discharge petitions cover an important range of issues. They are not utilized for a single issue or group of issues, and are also not relegated to use only on certain types of measures, such as constitutional amendments. The issues targeted are often some of the most significant of the period, and discharge petitions are included in the legislative histories of some of the U.S.'s most prominent pieces of legislation. Some issues come and go with the times; sometimes these issues are no longer targeted as often because there is a major legislative breakthrough, such as the Civil Rights Act of 1964, or sometimes issues simply become less publically salient, such as measures regarding communism. While some issues are only considered in certain time periods, there is also substantial continuity in many of the issues targeted by petitions. Economic issues and issues dealing with government operations are consistent across the whole period. Also,

constituent issues are continually popular targets of discharge efforts, in the post-public signature era as well as prior to public signatories.

Many of the patterns found in the discharge petition data are expected in terms of CPG and variation in the strength of the majority party. Trends such as the percentages of majority party discharge initiators and majority party (co)sponsors who sign petitions decreasing in the later Congresses provide the first pieces of evidence that CPG is an important factor determining discharge participation. In each of the chapters, more descriptive statistics are provided to further highlight trends regarding discharge petitions and suggest the importance of CPG.

CHAPTER THREE

PARTY CONTROL OVER DISCHARGE EFFORTS: THE CONDITIONAL NATURE OF NEGATIVE AGENDA POWER¹

Introduction and Expectations

In the first test of the conditional nature of majority party power over discharge efforts, I consider the participation of majority party (co)sponsors in discharge efforts as the conditions of CPG vary. Specifically, I examine the effect of intra-party preference cohesion and inter-party preference distinction (*i.e.*, CPG) on whether majority party (co)sponsors sign the petition associated with their bill. Because discharge petitions challenge the majority party's control over the legislative agenda, I expect that as the conditions are CPG are met to a greater degree, majority party (co)sponsors will be less likely to sign the petition associated with their bill than their minority party counterparts.

The expected conditional nature of this relationship follows from my argument that during periods of relatively weak parties (*i.e.*, parties are internally heterogeneous and externally indistinct) while the majority party may be able to keep the roll rate on the floor low, it may lose control over other indicators of negative agenda setting, like control over discharge efforts. However, during periods of strong party government, the majority party's agenda powers are vast, encompassing all the various manifestations of negative agenda setting.² Majority party leaders possess many resources with which to influence

¹ This chapter is based on a paper co-authored with L. Marvin Overby.

² Recent research provides evidence for this perspective. Roberts's (2005) finds that the majority party roll rate on motions to recommit with instructions varies by intra-party preference homogeneity and inter-party polarization. This finding suggests that all forms of negative agenda power might not be constant and that a more nuanced understanding of negative agenda control is needed.

their members and the power of the majority party leaders and their ability to effectively pressure their fellow partisans is enhanced as the conditions of CPG are met to a greater degree. In this analysis, I focus on bill sponsors and cosponsors, who are arguably the most invested in the bill targeted by the discharge petition.

Data and Methods

As mentioned in Chapter 2, the data for this analysis are the discharge petitions filed between 1931 and 2006. The data set includes 493 petitions.³ The dependent variable for this analysis is whether the bill (co)sponsors signed the petition associated with their bill. Those who signed the relevant petition are coded as 1, and wafflers (*i.e.*, those who (co)sponsor a measure and then fail to sign the petition) are coded as 0.⁴

The primary independent variables are a majority party variable, a measure of CPG, and the interaction between the two. The party variable is coded 1 for majority party members and 0 for all others.⁵ To determine if waffling behavior is responsive to changes in the conditions of party government, I include a conditional party government variable developed by Aldrich, Rohde, and Tofias (2007), which provides an estimate of

³ If a House sponsor could not be identified, petitions filed on Senate measures were excluded.

⁴ In focusing on (co)sponsors, I structure the analysis to be consistent with the waffling literature (Krehbiel 1995, 1999; Binder, Lawrence, and Maltzman 1999; Miller and Overby 2010). As these authors have noticed, a focus on waffling makes strong theoretical sense, since (co)sponsors are the members most invested in particular bills and likely to be the most conflicted members if their bills are not supported by their party leadership. Similarly, the fact that many petitions receive so few signatures (fewer than one quarter received even 100 signatures during this period, and fully one in five attracted no more than ten signers) suggests the relatively low salience of most petitions for most members.

⁵ I opt to include minor party MCs, not just Democrats and Republicans. Although relatively few in number, these members take more advantage than usual of the discharge procedure, as might be expected, so their inclusion seems intuitively pleasing to us. Their inclusion or exclusion does not substantively affect the results.

the parties' internal homogeneity and external distinctiveness over time.⁶ This variable ranges from 0 to 4.9. I interact the majority party variable with the CPG variable in order to determine if majority party members are more likely to waffle than their minority counterparts during periods of stronger party leadership.

To make the analysis consistent with previous research, I include a number of control variables. First, I include two committee-based variables: membership on the target committee (or, in the case of multiple referrals, committees) and holding a leadership position on any committee. For the first measure, (co)sponsors who were members of the target committee members are coded 1 and all others as 0, and I expect membership to decrease the bill (co)sponsor's probability of signing the associated discharge petition. For the committee leadership variable, I code committee chairs and ranking members as 1 and all others as 0. Out of mutual respect for other committee leaders and fear of retaliation, holding a committee leadership position should decrease a (co)sponsor's likelihood of signing a discharge petition for her bill.

Second, I include a chamber seniority variable, calculated as the number of Congresses of continuous service. As previous research indicates, seniority leads House members to be more focused in their behavior, better readers of legislative signals, and less likely to pursue improbable outcomes (such as most discharge petitions) (generally, see Hibbing 1991; on discharge petitions in particular, see Lindstadt and Martin 2003).

⁶ I update the Aldrich, Rohde, and Tofias (2007) variable for the 108th and 109th Congress, and create a single summary measure using principal-component analysis with varimax rotation, like Finocchiaro and Rohde (2008). For ease of interpretation, I added 4.1 to the measure in order to make all the values positive; thus, 0 indicates the lowest level of CPG. Using only the original CPG measures up to the 107th Congress from Aldrich, Rohde, and Tofias (2007) does not substantively affect the results.

Third, I also control for membership in the majority party leadership. (Co)sponsors who hold significant positions in the majority party hierarchy are coded 1, while majority party backbenchers and minority party members are coded 0. For the earlier period (72nd – 95th Congresses), I consider majority party leaders to include the speaker of the House, majority leader, whip, and caucus or conference chair. Due both to an expansion of the House leadership hierarchy and greater ease in ascertaining the occupants of lower-ranking positions in more recent years, I follow Lindstadt and Martin (2003) and opt for a more inclusive list for the CPG era.⁷ Fourth, given the predominance of Southern Democrats in the earlier Congresses and their distinct preferences (see Pearson and Schickler 2009), I also include a dichotomous variable coded 1 for Southern Democrats before the 103rd Congress and 0 for all others. Fifth, I include a dummy variable coded 1 for all cases since the 90th Congress, indicating the advent of modern co-sponsorship rules.

Sixth, I include a measure of ideological distance to test for preference-based effects. As Miller and Overby (2010) note, exactly how to construct such a variable is bit unclear. Simple measures, such as DW NOMINATE values or interest group scores, make sense for studies of one or two cases (*e.g.*, Krehbiel 1995; Binder, Lawrence, and Maltzman 1999; Martin and Wolbrecht 2000), but as Lindstadt and Martin (2003) argue are less compelling for analyses that include bills spanning a broad swath of the

⁷ The longer list includes those offices named above as well as during 1993-1994: Democratic caucus chair, secretary, and vice chair; Democratic Congressional Campaign Committee chair, co-chair, and vice chair; Democratic Steering and Policy Committee chair, co-chair, and vice chair; during 1995-2006: Republican Conference chair, vice chair, and secretary; Republican Policy Committee chair, vice chair, and subcommittee chair; Republican Steering Committee chair; and National Republican Congressional Committee chair, co-chair, and vice chair. Across the period, I also include deputy whips.

ideological spectrum. Inspired by Lindstadt and Martin, I opt here for a preference measure based on the ideological distance between the (co)sponsor's DW NOMINATE score and the mean DW NOMINATE score of all signatories to the discharge petition for the relevant bill.⁸ I consider the mean of all signatories to be as good an estimate as available of the ideal point of the bill, and the distance between this mean and the (co)sponsor's DW NOMINATE score as a workable estimate of how closely the bill reflects a member's policy preferences.

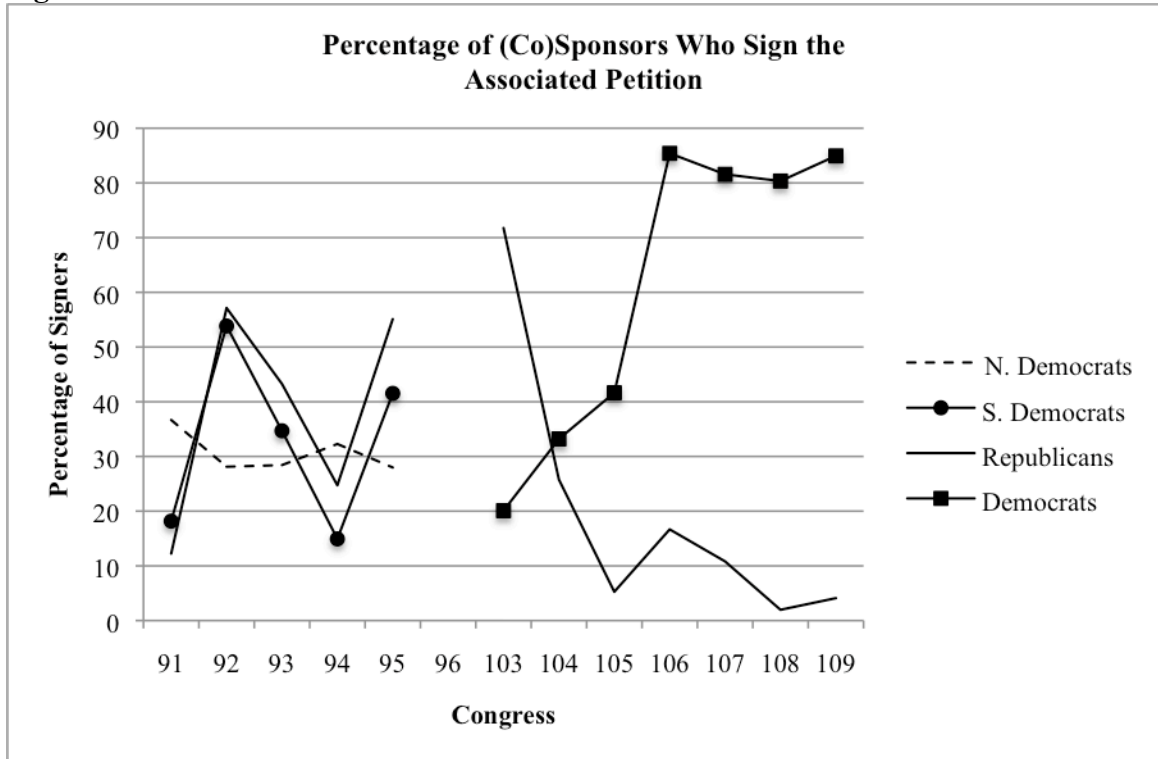
Findings

I report initial descriptive results of (co)sponsors waffling (*i.e.*, (co)sponsoring a measure and then failing to sign the associated petition) in Figures 3.1 and 3.2 and Table 3.1. Figure 3.1 presents the percentage of (co)sponsors who sign the relevant discharge petition from the 91st to the 109th Congress.⁹ Because cosponsorship was not allowed prior to the 90th Congress, I do not include those Congresses in the graph. The clear pattern is that majority party members signed discharge petitions at the same rate as their minority colleagues until the 103rd Congress (1993), when the majority party gains strength. There is no partisan distinction until this point. The signatory patterns of Southern Democrats and Republicans mimic one another, clearly depicting the factions at work during this period. However, after the 103rd Congress, majority party members rarely participate in discharge efforts.

⁸ As an alternative measure of preference, I used the bill (co)sponsor's distance from the mean of the bill sponsors for the 90th Congress forward and the distance from the mean of the discharge signers prior to the 90th Congress; the results are consistent with those presented.

⁹ I start with the 91st Congress because that is the first Congress that measures targeted by discharge petitions have a substantial number of cosponsors. When only 25 cosponsors were allowed (between 1967 and 1979), I include the cosponsors for other identical bills.

Figure 3.1



Focusing on bill sponsors only, Figure 3.2 presents similar information. This graph shows the difference between the percentage of bill sponsors from a particular group (*i.e.*, Northern Democrats, Southern Democrats, *etc.*) and the percentage of bill sponsors who sign the associated petition from that group. If the bill sponsors sign at a rate proportional to their size relative to other groups, then the lines should match perfectly. If the line is above 0, then the group of bill sponsors signed at a higher than proportional rate, and if it is below 0, then the group of bill sponsors joined at a lower rate. As with the Figure 1, there is not a distinct partisan relationship until the 103rd Congress. Before 1993, the lines are fairly close to 0, meaning that the groups signed at a relatively proportional rates. After 1993, however, majority party bill sponsors were less likely to sign than their minority counterparts. Prior to 1993, 84.8 percent of majority

party sponsors signed the associated petition compared to 43.9 percent after the 1993 (for minority party sponsors, these number are 90.7 and 95.3, respectively).

Figure 3.2

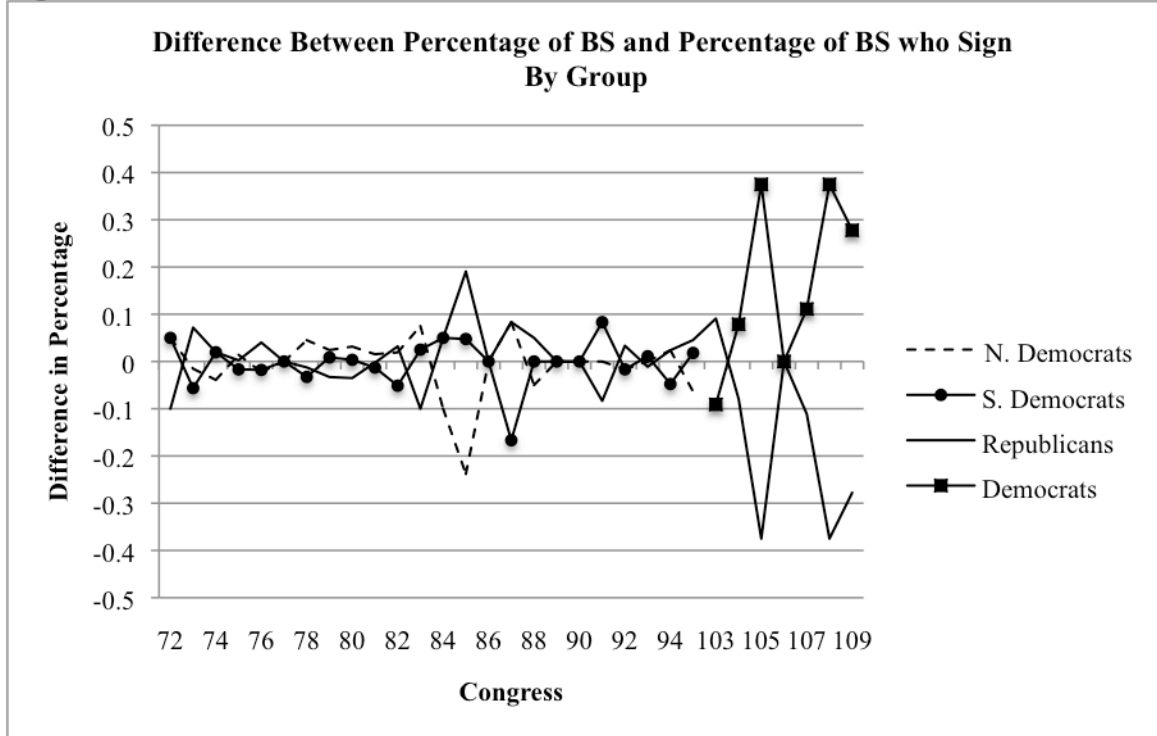


Table 3.1 presents the percentages of (co)sponsors and wafflers by level of CPG. Several patterns are immediately obvious and reinforce the graphs examining signatory behavior by Congress. First, considering (co)sponsorship, majority party (co)sponsorship of legislation subject to discharge efforts was more common when CPG was relatively low. When CPG is below 3, majority party members were only slightly less likely to (co)sponsor legislation associated with a petition, with majority party members constituting 44 percent of all (co)sponsors for these bills, compared to 56 percent for the minority party. Though, when CPG is greater than 3, majority (co)sponsorship decreases, with majority party (co)sponsors becoming much rarer (29 percent of the total) and minority (co)sponsors much more common (71 percent).

Table 3.1	Waffling by CPG			
	All Congresses			
	< 1.5	>1.5 & < 3	> 3 & < 4.5	> 4.5
(Co)Sponsors				
Majority	38.8 percent	53.1 percent	28.5 percent	31.7 percent
Minority	61.2 percent	46.9 percent	71.5 percent	68.4 percent
Wafflers				
Majority	66.8 percent	75.2 percent	78.6 percent	92.3 percent
Minority	45 percent	74.2 percent	24 percent	31.2 percent
	Congresses with Cosponsors Only (91 st -109 th)			
(Co)Sponsors				
Majority	38.8 percent	53.3 percent	27.8 percent	30.7 percent
Minority	61.2 percent	46.7 percent	72.2 percent	69.3 percent
Wafflers				
Majority	66.8 percent	76.6 percent	81.4 percent	97.2 percent
Minority	45 percent	75.6 percent	24.2 percent	31.5 percent

An analogous pattern is seen among wafflers, bill (co)sponsors who opt not to sign the discharge petition for their bill. When CPG is below 3, there is only a 17 point difference between the waffling rates of majority and minority party (co)sponsors, 70 and 53 percent respectively. But those numbers diverge radically during more recent Congresses. Indeed, when CPG is above 3, more than 8 out of ten majority party (co)sponsors waffle on discharge decisions, while waffling becomes significantly less common among minority party members (one in four), which is almost a 60 percent difference in waffling rates between the parties. Both of these patterns are suggestive of a partisan impact on discharge petition behavior that is contingent rather than constant.

These basic findings also survive multivariate controls, as can be seen from the results summarized in Table 3.2.¹⁰ This table includes two models, one that includes all Congresses in the data set and one that only includes the Congresses that allowed

¹⁰ The results reported in Table 2 are clustered by discharge petition and include Congress dummy variables (which are not separately reported in the table).

cosponsors. I present both models in order to allay concerns that the advent of cosponsorship biases my results. Given that the results for the two models indicate the same patterns, I will discuss them concurrently. In many ways, these findings are similar to the models reported by Miller and Overby (2010) for the 1993-2006 period.

Ideological distance again demonstrates a strong effect, with (co)sponsors further from the mean of petition signatories less likely to sign on to the discharge effort. Similarly, majority party leaders are significantly less likely to support discharge efforts, as are more senior members. Conversely, neither committee leadership, membership on the committee of underlying relevance, nor status as a Southern Democrat in the pre-CPG era appears to influence signatory decisions, at least once other factors have been taken into account.

Regarding the key independent variables, neither of the interaction components, majority party status or CPG, are significant. For the majority party status component, this indicates that majority party status has no effect on the probability of signing when CPG is at 0. For the CPG component, this suggests that CPG does not significantly influence minority (co)sponsors' probability of participating in discharge efforts. While the components are insignificant, importantly, the interaction between CPG and majority party status is robustly significant and negatively signed. This indicates that during periods of stronger conditional party government, members of the majority party become quite unwilling to endorse discharge efforts for bills they have (co)sponsored.

Substantively, as CPG increases from its minimum to maximum, the probability that a majority (co)sponsor will sign a petition decreases by 0.88 ($p < 0.01$) for all Congresses and 0.38 ($p < 0.05$) for Congresses after the 91st. As the core finding, this result suggests

that a significant element of the majority party leadership's negative agenda control capacity is, in fact, conditional, not absolute. During periods of greater intra-party fracture and weaker majority party leadership, members of the majority display comparatively greater willingness to buck their own frontbench and challenge the hierarchy's command of the agenda; conversely, when the party is relatively homogenous in its preferences and distinct from the minority party, challenges to the leadership's authority over the agenda tail off significantly.

Table 3.2				
Discharge Petition Behavior of Bill Sponsors and Cosponsors				
	Model 1		Model 2	
	1931-2006		1969-2006	
	Coefficient (Robust SE)	Min to Max Prob. Change	Coefficient (Robust SE)	Min to Max Prob. Change
Conditional Party Government	-0.923 (0.958)	~	-0.0415 (0.176)	~
Majority Party Status	0.308 (0.438)	~	0.287 (0.441)	~
Majority Party Status * CPG	-0.420*** (0.111)	~	-0.417*** (0.112)	~
Southern Democrat	-0.107 (0.246)	~	-0.0407 (0.264)	~
Seniority	-0.049*** (0.008)	-0.32** (0.05)	-0.0486*** (0.00823)	-0.25** (0.07)
Membership on Committee of Original Jurisdiction	0.0305 (0.098)	~	0.0671 (0.106)	~
Committee Leadership	-0.017 (0.075)	~	0.0149 (0.0756)	~
Ideological Distance	-3.502*** (0.320)	-0.80** (0.06)	-3.512*** (0.326)	-0.58** (0.14)
Majority Party Leadership	-0.703** (0.248)	-0.17** (0.06)	-0.639** (0.248)	-0.13* (0.05)
Cosponsor Congresses	-3.832*** (0.764)	~	~	~
Constant	9.151** (4.430)		0.723 (0.491)	
Observations	15564		15239	

Notes: Dependent variable is bill (co)sponsor's decision to sign discharge petition; 1 = sign, 0 = not sign. Errors are clustered by petition, and dummy variables for the Congresses are included in the model.

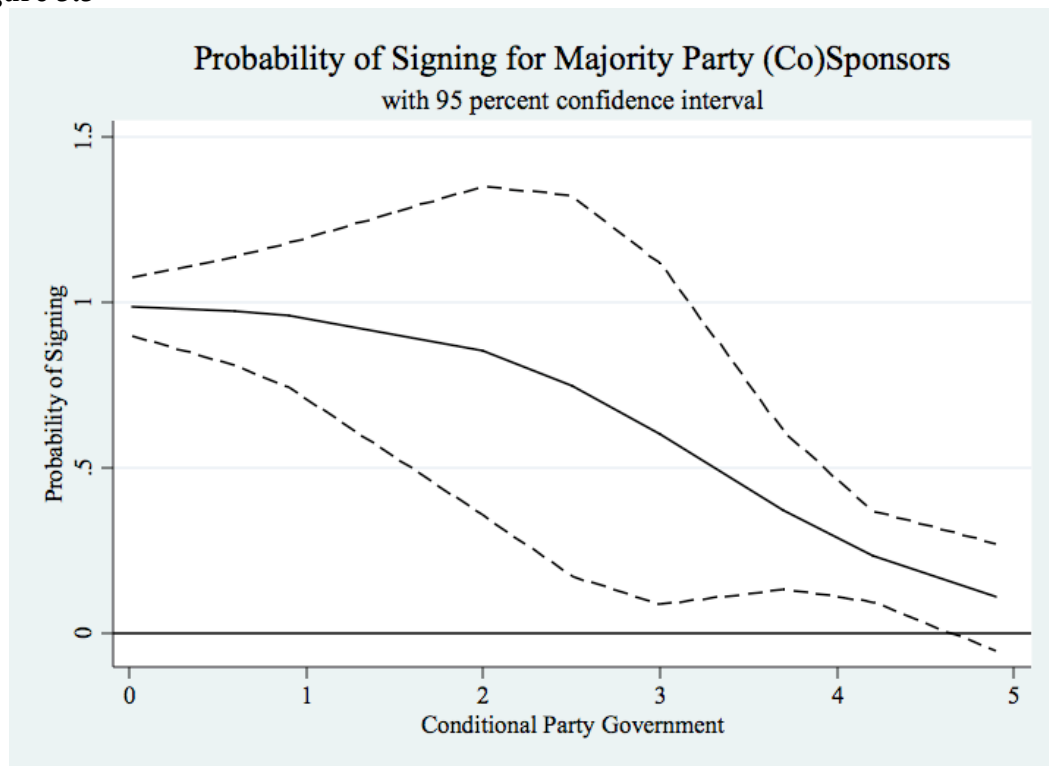
The minimum to maximum probability changes are calculated holding all other variables at their means (or modes for dichotomous variables) and allowing the variable in question to range over its values from minimum to maximum.

* $p < .05$, ** $p < .01$, *** $p < .001$, two tailed test

The impact of the interactive measure can be seen graphically in Figures 3.3, 3.4, 3.5, and 3.6. Figures 3.3 and 3.4 show the probability of a majority party bill (co)sponsor

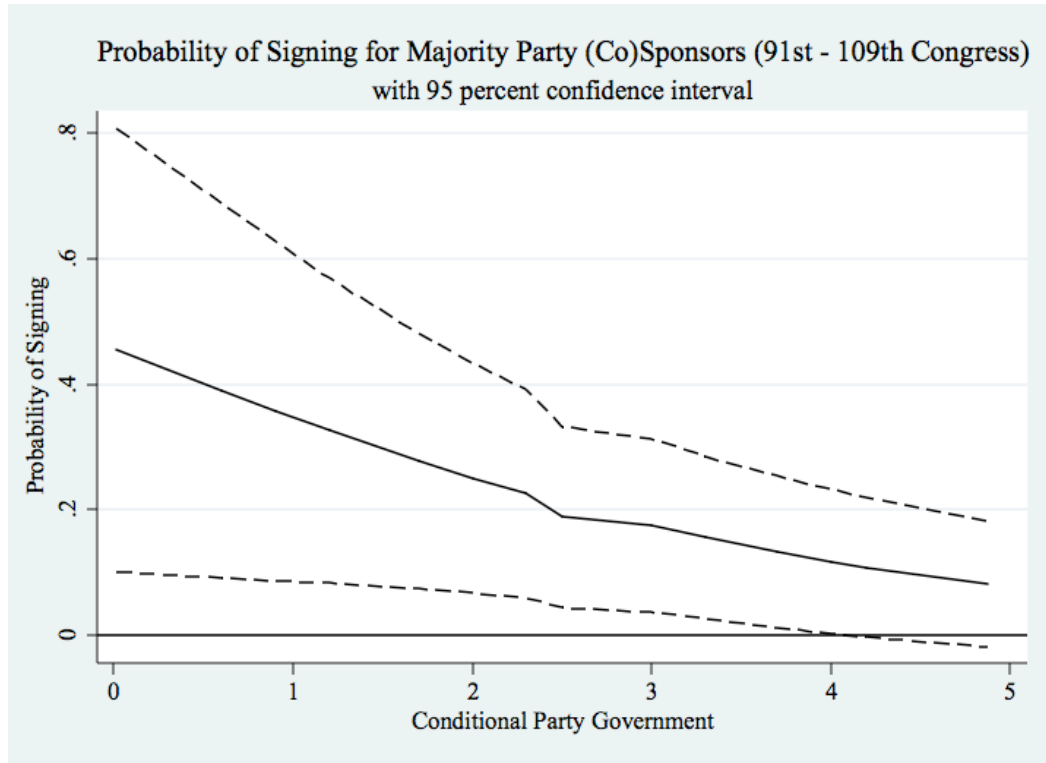
signing on to a discharge effort over a range of CPG strength, with Figure 3.3 including all Congresses and Figure 3.4 including the 91st-109th Congresses. For Figure 3.3, at the lowest level of party government, an otherwise average majority party (co)sponsor shows a 0.99 probability of signing the petition for her bill. In contrast, at the high end of the CPG scale, when the parties are very internally homogenous and externally distinctive, the likelihood falls to 0.11, a rate that is statistically indistinguishable from zero.

Figure 3.3



When only considering the Congresses since the advent of cosponsorship, Figure 3.4 shows a similar pattern. At the low end of CPG, a majority party (co)sponsor's probability of signing is 0.46. Though, when the level of CPG is at its greatest and the majority party is relatively strong, the probability of signing for majority party member drops to 0.08, which, like in Figure 3.3, is indistinguishable from zero.

Figure 3.4



Figures 3.5 (all Congresses) and 3.6 (91st-109th Congress), which graph the differences in the probability of majority versus minority party (co)sponsors signing discharge petitions, tell a similar story. As both graphs indicate, when CPG is at its lowest value, majority and minority (co)sponsors are indistinguishable in terms of discharge participation. But, as the conditions of CPG build, majority party (co)sponsors become much less likely to sign the petition associated with their bills. In Figure 3.5, when CPG is at its maximum value, a majority (co)sponsor has 0.30 lower probability of signing on to a discharge effort than a (co)sponsor from the minority side of the chamber aisle (0.26 lower probability in Figure 3.6).

Figure 3.5

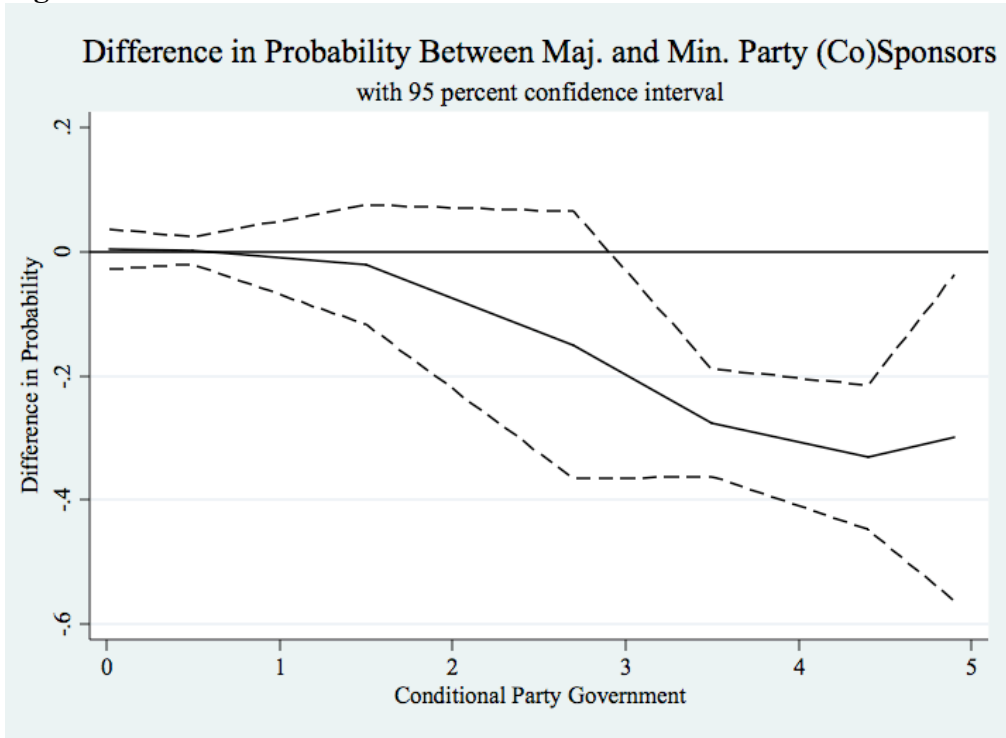
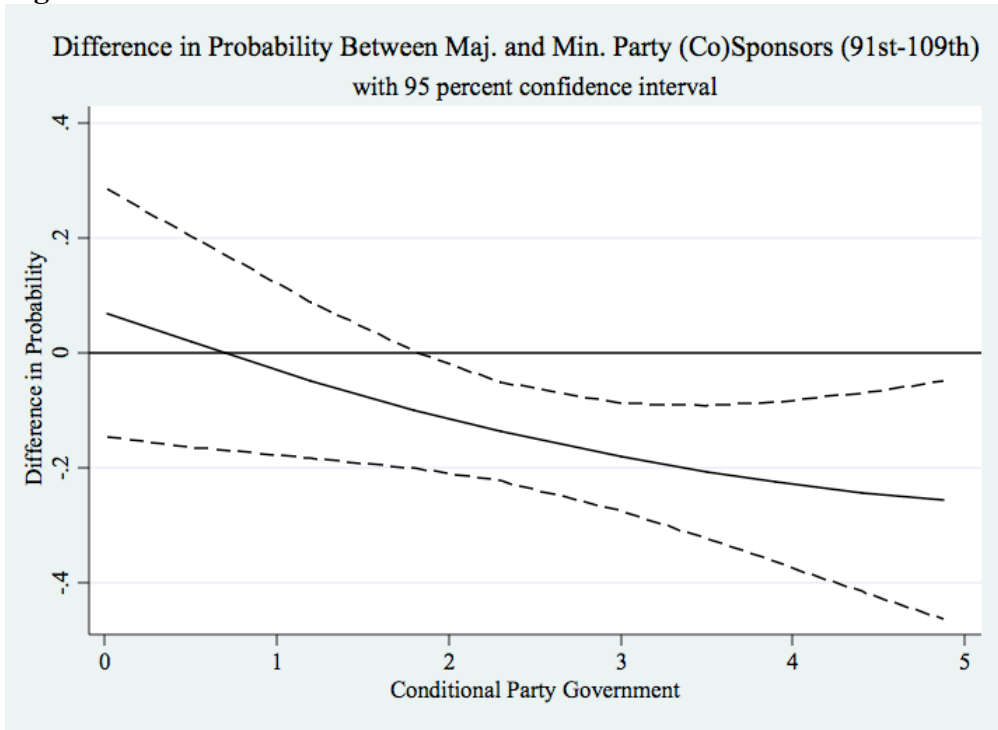


Figure 3.6



Discussion and Conclusions

In this chapter, I have explored the conditional relationship between majority party status and discharge participation. Employing recently uncovered archival data on discharge petition behavior between 1931 and 2006 and focusing on the signatory decisions of bill sponsors and co-sponsors, I find that as the majority party becomes more internally cohesive and externally distinct, majority party bill (co)sponsors are less likely to participate in discharge efforts. In these periods, the majority party's negative agenda-setting powers are vast, touching even the decisions of majority party bill (co)sponsors regarding their own favored bills. When the conditions central to the CPG perspective are met to a lesser extent, however, majority and minority (co)sponsors are indistinguishable in terms of discharge participation. As the parties become more fractured and their leaders relatively weaker, the majority party's negative agenda control is diminished, as leaders find it more difficult to dissuade backbenchers from joining discharge efforts. This indicates that the majority party leadership's ability to control discharge efforts, a form of negative agenda control, varies with the conditions emphasized in the CPG theory, and is not constant in the manner suggested by the cartel theory.

These findings provide empirical support for the theoretical expectation that some negative agenda-control powers are conditional, and that when their ability to control the rank and file is diminished, party leaders do not have the same depth to their agenda control. While a roll on the floor may be rare for the majority party regardless of the level of CPG, that is not equivalent to possessing constant negative agenda powers. This distinction provides more explicit expectations about the types of negative agenda control

that are invariant over time and those that are not, and extends our understanding of the breadth of majority party legislative power and how it changes as the internal dynamics of the institutional parties change.

CHAPTER FOUR

NOT ALL COMMITTEES ARE CREATED EQUAL: AGENDA CONTROL, DISCHARGE PETITIONS, AND COMMITTEES

Introduction and Expectations

Despite desiring to dissuade majority members from participating in all discharge efforts, there may be characteristics of the discharge petition that make majority party members' participation in that particular petition more objectionable to majority party leaders. Because committees in the U.S. House perform different functions and the majority party keeps a tighter hold on a few, such as Ways and Means and Rules, the committee that the discharge petition targets may affect the participation of majority party members. Specifically, I posit that because the prestige committees (*i.e.*, Appropriations, Budget, Rules, Ways and Means, and Energy and Commerce after 1995) handle the most influential legislation and are central to the majority party's policy interests (Aldrich and Rohde 2000; Cox and McCubbins 1993), majority party members will be less likely to participate in discharge petitions that target these committees.¹

The prestige committees hold a privileged position in the U.S. House (see Fenno 1973; Bullock 1976; Smith and Deering 1983) and, especially during periods of strong party government, are considered arms of the party leadership (Rohde 1991; Sinclair 1981). Demonstrating their importance to the majority party leadership and its control of the legislative agenda, these committees are stacked with majority party members to a

¹ Because of the importance of the Energy and Commerce Committee, particularly for Republicans (see Adler and Lapinski 1997), I include it in the coding of prestige committees after 1995. If Energy and Commerce is not included, results are consistent with those presented here.

greater extent than other non-prestige committees (usually more than 2 to 1 for the Rules Committee). Majority party members should be less likely to support discharge efforts against these committees because of the strong connection between these committees and majority party leaders. Although majority party bill (co)sponsors are less likely to sign petitions than their minority colleagues as the conditions of CPG are met to a greater extent, some majority party bill (co)sponsors still participate. I suggest that variation in the participation of majority party bill (co)sponsors in discharge efforts can be explained by variation in the characteristics of the committees targeted. Because participating in a discharge effort against a prestige committee may be viewed as more disloyal than participating in an effort targeting another type of committee, majority party bill (co)sponsors may be less likely to support discharge efforts targeting prestige committees. Further, following my argument that certain forms of the majority party's negative agenda power, such as control over discharge efforts, may be conditional, I expect that this relationship is conditional on intra-party preference homogeneity and inter-party preference distinction (*i.e.*, CPG).

Building on this logic, I also separate out petitions targeting the Rules Committee, and consider whether majority party (co)sponsors are less likely to sign petitions targeting the Rules Committee as the conditions of CPG are met to a greater extent. The Rules Committee plays a singular role in House legislative process; it acts as a gatekeeper to the floor and sets the rules for floor debate. No other committee can claim as much control over House activities. It is pivotal in helping (or hindering) the majority party leadership carry out its agenda. When the majority party is relatively strong and the conditions of CPG are achieved to a large extent, the Rules Committee acts as an

essential player in aiding the majority party leadership in its legislative accomplishments. Thus, any relationship between the type of committee targeted by a petition and discharge participation of majority party members should be exaggerated for petitions targeting the Rules Committee. As such, I suggest that majority party (co)sponsors may be less likely to sign petitions that target the Rules Committee than petitions that target other committees when the conditions of CPG are met to a considerable degree.

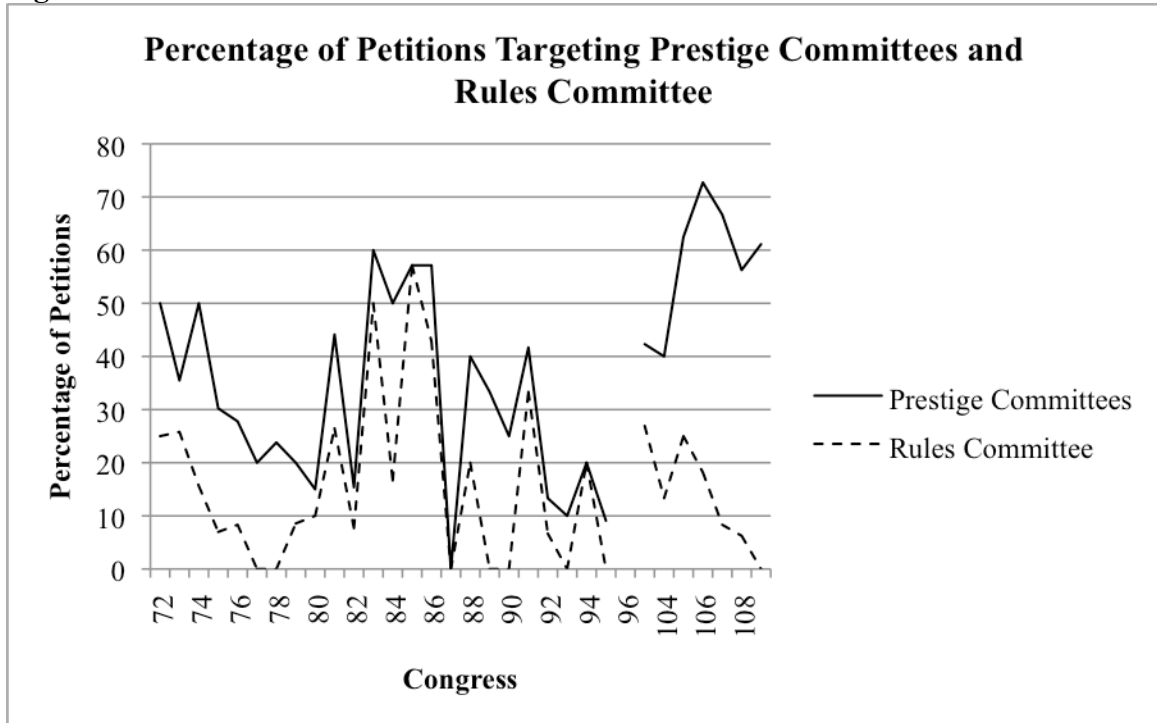
Data and Methods

To examine the effect of targeting a prestige committee (or the Rules Committee) on the likelihood of majority party (co)sponsors signing the relevant petition as the conditions of CPG vary, I consider participation in discharge petitions between 1931 and 2006. Because my hypotheses specifically concern majority party members, I only include majority party (co)sponsors in this analysis. The dependent variable for this chapter is whether a majority party (co)sponsor signed the discharge petition associated with her bill, with those who signed coded 1 and otherwise 0. Because the dependent variable is a dichotomous, I use a logit model for this analysis.

The primary independent variables are the target committee type variable, the measure of CPG, and the interaction between the two. Target committee type is dummy variable coded 1 for petitions targeting prestige committee and 0 for petitions targeting other committees, or for the Rules Committee models, it is coded 1 for petitions targeting the Rules Committee and 0 otherwise. Prestige committees represent 36 percent of the committees targeted by petitions, and 14.5 percent of all petitions target the Rules Committee. As illustrated in Figure 4.1, the mid-1950s to early 1960s (83rd-86th

Congresses) and 1997 forward (105th-109th Congresses) saw the greatest percentages of petitions targeting prestige committees. Although, in the mid-1950s and early 1960s, petitions filed against the Rules Committee are primarily responsible for this uptick, which is not the case in the later Congresses. Not surprisingly, the largest proportions of petitions filed against the Rules Committee occur during the tenures of conservative Republican Leo Allen (IL) (83rd Congress) and Judge Smith (D-VA) (85th and 86th Congresses). Both of these chairs worked for the advancement of the conservative coalition's agenda to the dismay of Northern Democrats and moderate Republicans. The extensive use of petitions against the Rules Committee does not last the entire period of Smith's reign because the Democratic majority relinquished some of his power late in his tenure (Jones 1968). In the 87th Congress, the Rules Committee was expanded from 12 to 15, giving Northern Democrats greater voice, and in the 89th, the 21-day rule was reinstated. Together, these two events diminished the need to utilize the discharge procedure against the Rules Committee to the same extent, especially on measures already reported from other committees.

Figure 4.1



As in Chapter 3, the measure of CPG is calculated using the method specified in Aldrich, Rohde, and Tofias (2007). I interact the target committee type dummy variable with the measure of CPG to create the interaction terms. I consider the prestige committee interaction and the Rules Committee interaction in separate models. The control variables are also the same as those included in the models on discharge participation in the previous section (Chapter 3).

Findings

Prestige Committees

Table 4.1 presents the results for the models considering the relationship between majority (co)sponsor discharge participation and prestige committees.² As in Chapter 3, I present two models, one including all Congresses and one with only the 91st-109th Congresses. The findings are similar, and as such, I review them concurrently. Regarding the key independent variables, neither the interaction components, CPG and prestige committees, nor the interaction have a significant impact on majority party (co)sponsors' participation in discharge efforts. While the interaction is negatively signed, as expected, it does not attain statistical significance in either model. Thus, these results indicate that majority (co)sponsors are not less likely to sign petitions targeting prestige committees than those targeting other committees as the level of CPG increases. When considering the probability differences, the probabilities of signing discharge petitions targeting prestige and non-prestige committees are statistically indistinguishable at all levels of CPG.

² For the models in this chapter, when I include a dummy variable for the Congresses in which multiple referrals were allowed (starting in 1975), the results are consistent with those presented. See the appendix for the models without the interaction terms.

Table 4.1	Prestige Committees and Discharge Participation	
	Model 1 1931-2006	Model 2 1969-2006
	Coefficient (Robust SE)	Coefficient (Robust SE)
Conditional Party Government	-0.290 (0.210)	-0.304 (0.211)
Prestige Committee * CPG	-0.190 (0.313)	-0.176 (0.315)
Prestige	0.618 (1.280)	0.561 (1.280)
Southern Democrat Prior to the 103 rd Congress	-0.126 (0.208)	-0.0780 (0.219)
Seniority	-0.033 (0.0179)	-0.0289 (0.0178)
Member of Committee of Original Jurisdiction	-0.017 (0.164)	0.0391 (0.162)
Committee Leader	-0.450* (0.217)	-0.371 (0.217)
Ideological Distance	-2.433*** (0.565)	-2.370*** (0.580)
Cosponsors Allowed	-6.002*** (1.092)	~
Majority Party Leader	-0.759*** (0.217)	-0.652*** (0.197)
Constant	6.207*** (1.371)	0.160 (0.897)
Observations	4726	4522

Notes: Dependent variable is bill (co)sponsor's decision to sign discharge petition; 1 = sign, 0 = not sign. Errors are clustered by petition, and dummy variables for the Congresses are included in the model.

* $p < .05$, ** $p < .01$, *** $p < .001$, two tailed test

Regarding the control variables, as in the previous chapter, greater ideological distance from the average discharge petition signatory reduces a (co)sponsor's likelihood of joining a discharge effort. Also, majority party leaders are less likely to sign discharge petitions than other majority party members. Not surprisingly, leaders do not desire to undermine the negative agenda powers inherent in their majority position. Also, it is

important for them to not lose too many legislative battles; even if they personally prefer a measure, they do not want to support an action that either does not pan out or is not worth the effort. Finally, in the model with all the Congresses, committee chairs are less likely to participate in discharge efforts, though this result disappears in the model with only the Congresses that allow cosponsors. While committee chairs may be less likely to sign petitions generally, perhaps during the periods of the greatest party divisions committee chairs are not less likely to sign, which, with almost equal low and high CPG Congresses, leads to strong countervailing forces in Model 2 and is the reason for the null result.

Rules Committee

The results for the analysis of petitions targeting the Rules Committee are presented in Table 4.2. Again, because the same patterns arise in Models 3 and 4, I discuss the results together. Unlike the prestige committees models, the measure of CPG, the Rules Committee variable, and the interaction are each significant in Models 3 and 4. For CPG, this suggests that majority party (co)sponsors are less likely to sign petitions targeting committees other than Rules as the conditions of CPG are met to a greater extent. While the probability change when moving from the minimum level of CPG to the maximum, holding all else constant, is insignificant, increasing CPG by one standard deviation from the mean decreases the probability of signing by 0.02 ($p < 0.10$) in each model. For the Rules Committee component, the coefficient indicates that when CPG is 0, majority party (co)sponsors are more likely to sign petitions targeting the Rules Committee, which provides the first clue to the real relationship between CPG and majority (co)sponsors' participation in Rules Committee petitions. Importantly, the

interaction between CPG and the Rules Committee variable is negative and significant, indicating that as the conditions of CPG are achieved to a greater degree, the probability of majority (co)sponsors signing petitions targeting the Rules Committee drops significantly. Though, this relationship does not work exactly as I expected, which is clear when considering this relationship graphically.

Table 4.2	Rules Committee and Discharge Participation			
	Model 3 1931-2006		Model 4 1969-2006	
	Coefficient (Robust SE)	Min. to Max. Prob. Changes	Coefficient (Robust SE)	Min. to Max. Prob. Changes
Conditional Party Government	-0.352* (0.168)	-0.18 (0.14)	-0.364* (0.167)	-0.18 (0.14)
Rules Committee * CPG	-0.752** (0.304)	~	-0.685* (0.343)	~
Rules Committee	2.939** (1.028)	0.62** (0.14)	2.827** (1.088)	0.61** (0.16)
Southern Democrat	-0.084 (0.209)	~	-0.0316 (0.220)	~
Seniority	-0.034 (0.018)	~	-0.0301 (0.0180)	~
Member of Committee of Original Jurisdiction	-0.011 (0.163)	~	0.0400 (0.156)	~
Committee Leader	-0.458* (0.217)	-0.03* (0.01)	-0.390 (0.217)	~
Ideological Distance	-2.382*** (0.579)	-0.21** (0.06)	-2.300*** (0.599)	-0.20** (0.06)
Majority Party Leader	-0.756*** (0.215)	-0.04** (0.01)	-0.647*** (0.195)	-0.03** (0.009)
Cosponsors Allowed	-6.271*** (1.100)	~	~	~
Constant	6.488*** (1.327)		0.163 (0.852)	
Observations	4726		4522	

Notes: Dependent variable is bill (co)sponsor's decision to sign discharge petition; 1 = sign, 0 = not sign. Errors are clustered by petition, and dummy variables for the Congresses are included in the model.

The minimum to maximum probability changes are calculated holding all other variables at their means (or modes for dummy variables) and allowing the variable in question to range over its values from minimum to maximum. The minimum to maximum probability changes for the interaction components are calculated holding the other component and the interaction at 0.

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$, two tailed test

Figures 4.2 and 4.3 present the probability of majority party (co)sponsors joining discharge efforts targeting the Rules Committee as CPG increases (Figure 4.2 includes all Congresses and Figure 4.3 only includes the 91st-109th Congress). For the average majority party (co)sponsor, the probability of participating in discharge petitions filed against the Rules Committee drops by 0.82 ($p < 0.01$) in Figure 4.2 and 0.80 ($p < 0.01$) in Figure 4.3 as CPG shifts from its minimum to its maximum value. This indicates that majority party (co)sponsors are much more likely to join a discharge effort against the Rules Committee when CPG is relatively low. While this lends support for my hypothesis in part, the real test is whether majority party (co)sponsors are less likely to sign petitions targeting the Rules Committee than petitions targeting other committees as the conditions of CPG are met to a greater extent.

Figure 4.2

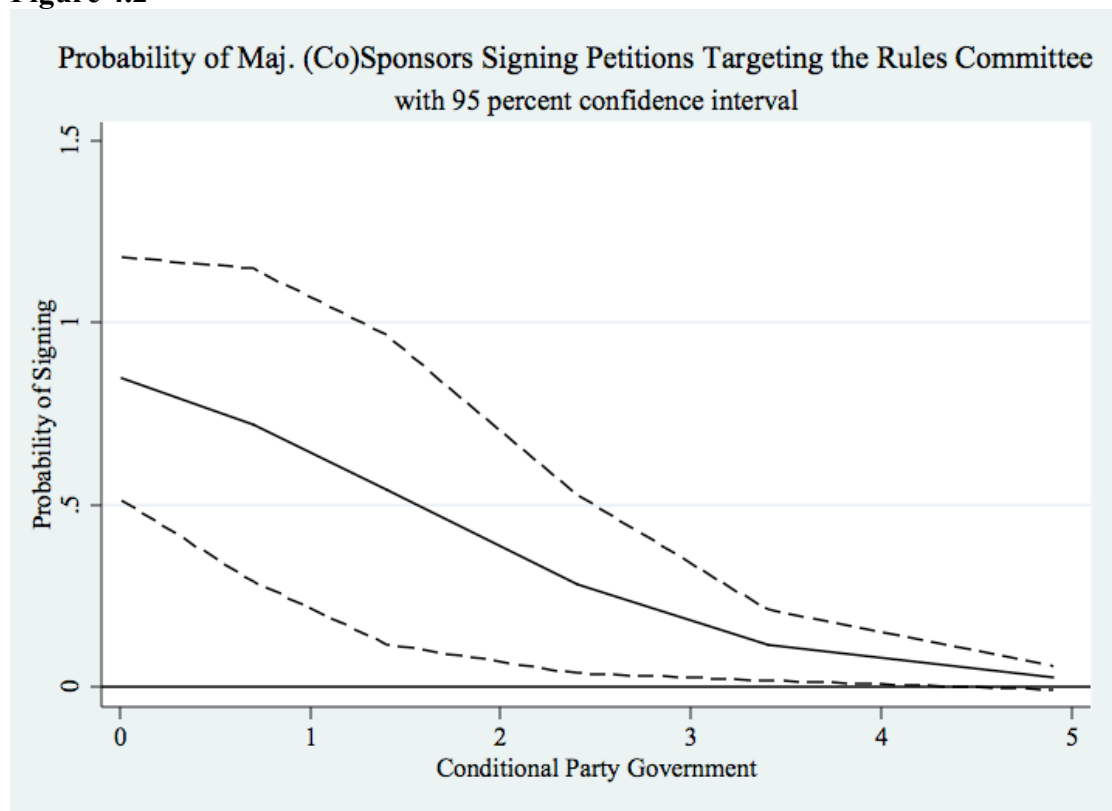
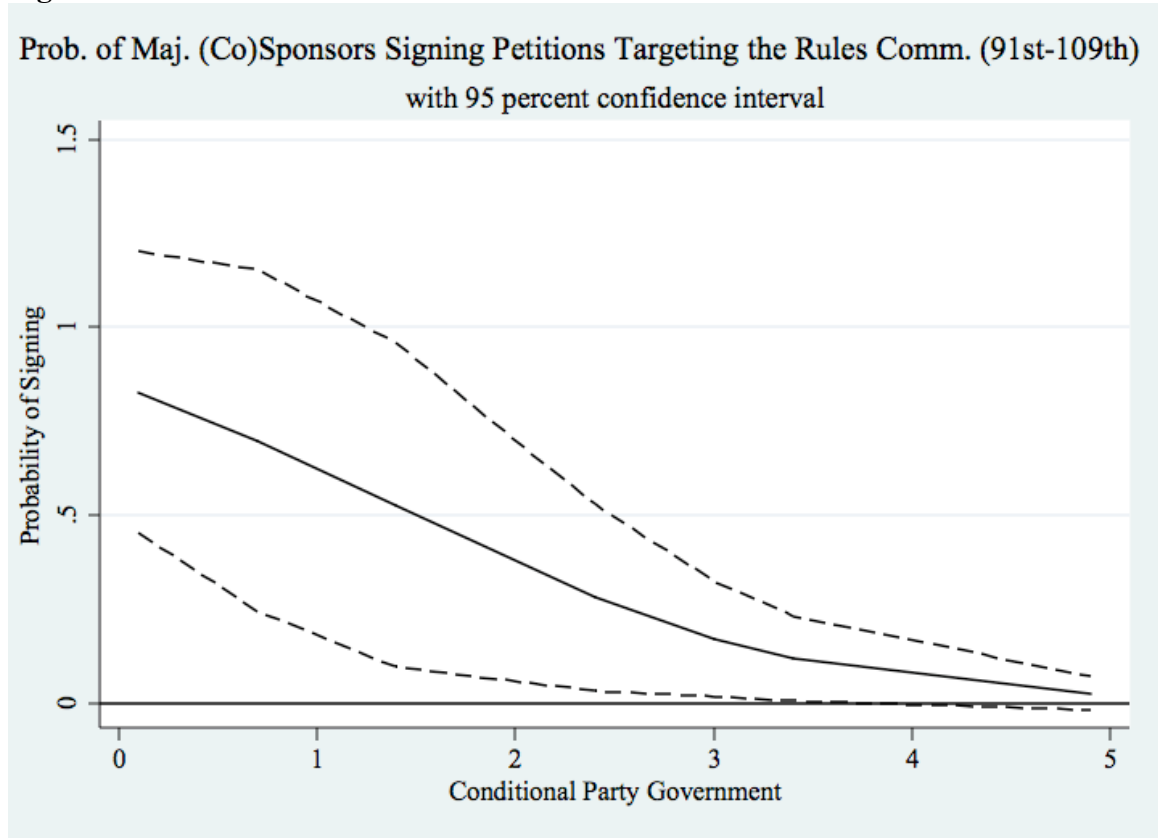


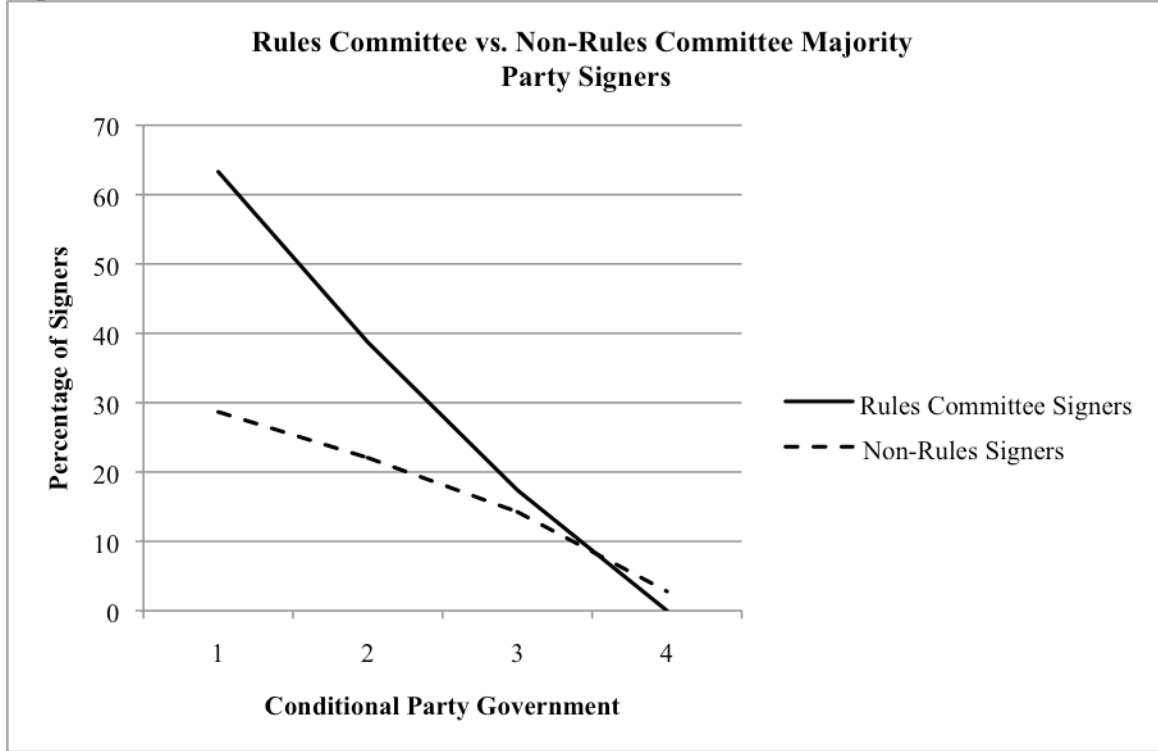
Figure 4.3



To address this question, I first present the percentage of majority party signers for petitions targeting the Rules Committee and petitions filed against other committees by CPG (Figure 4.4). The pattern is very clear. A greater percentage of majority party (co)sponsors sign petitions initiated against the Rules Committee (63 percent) than sign petitions against other committees (29 percent) when CPG is low. However, when the conditions of CPG are represented to a more substantial degree, petitions targeting the Rules Committee receive only a slightly lower percentage of signers than petitions targeting other committees, 0 percent and 3 percent respectively. Considering the simple percentages of majority (co)sponsors who sign the relevant petition, my expectation that

majority (co)sponsors should be less likely to sign petitions filed against the Rules Committee as CPG increases is not confirmed.

Figure 4.4



To further illuminate this relationship, I show the difference in the probability of signing petitions targeting the Rules Committee and petitions targeting other committees for majority party (co)sponsors. Figures 4.5 and 4.6 present the differences in probabilities as CPG increases (Figure 4.5 includes all Congresses and Figure 4.6 includes the 91st-109th Congresses). These graphs indicate that majority party (co)sponsors are more likely to sign petitions filed against the Rules Committee than petitions filed against other committees when the conditions of CPG are met to a relatively modest degree. However, at the high end of CPG, there is no difference in the

likelihood of signing petitions targeting the Rules Committee and signing petitions targeting other committees for majority party (co)sponsors. For the average majority party (co)sponsor, the difference in the probability of joining a petition targeting the Rules Committee or a petition targeting another committee is indistinguishable from 0 when CPG is at its highest level. Thus, my initial expectation is not supported; majority party (co)sponsors are not less likely to participate in petitions initiated against the Rules Committee than petitions targeting other committees as CPG increases.

Figure 4.5

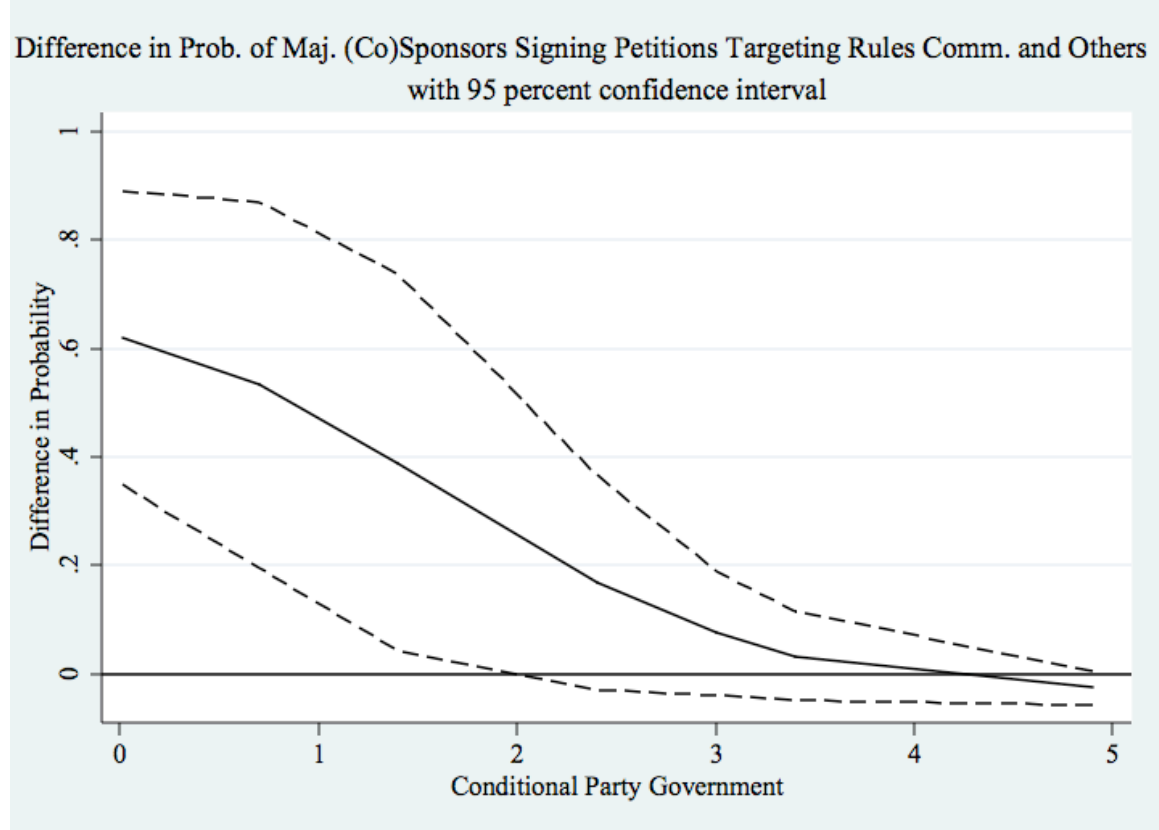
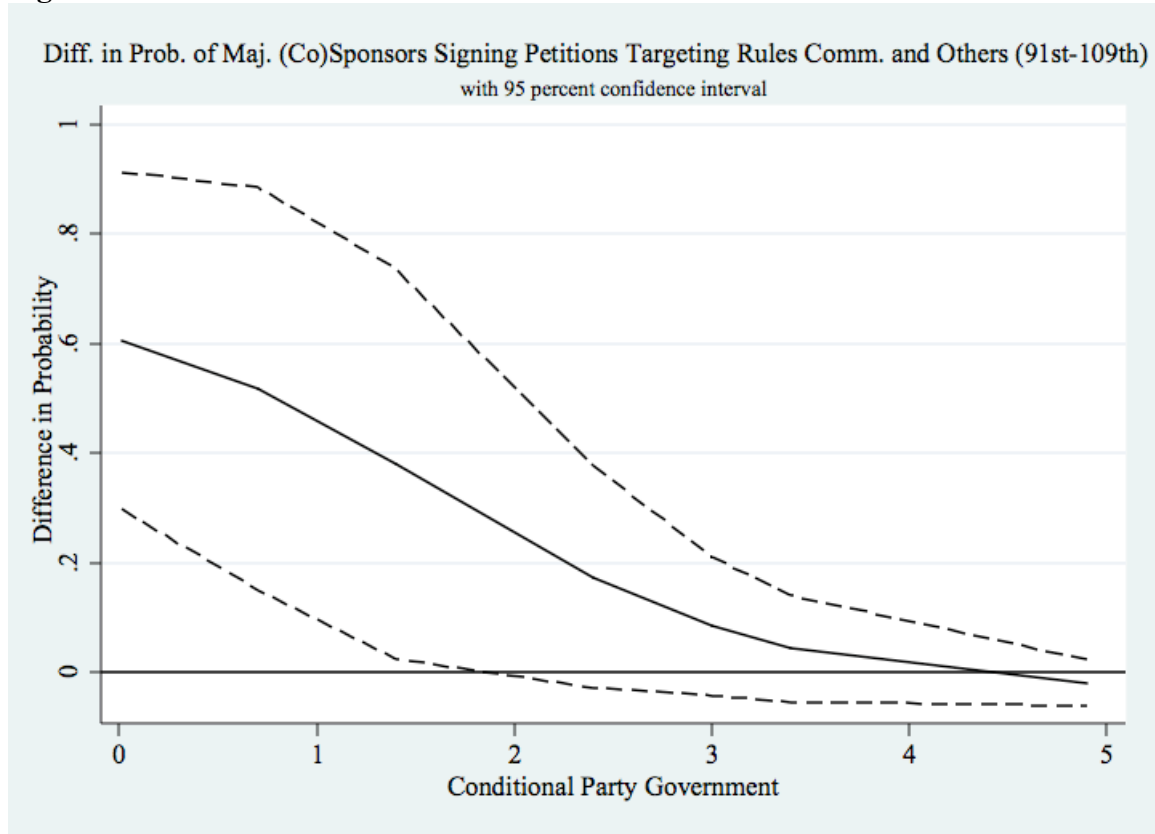


Figure 4.6



However, while this expectation is not borne out, there is an interesting relationship between the participation of majority party (co)sponsors in petitions targeting the Rules Committee and petitions targeting other committees as CPG varies over time. When the conditions of CPG are achieved to a limited extent, majority party (co)sponsors are more likely to sign petitions targeting the Rules Committee than petitions targeting other committees, suggesting that when the majority party is fractured, it is petitions filed against the Rules Committee that attract majority party participation. Under these circumstances, majority (co)sponsors do not shy away from taking on this powerful committee, suggesting an element of illegitimacy to the Committee's decisions that does

not exist to the same extent for other committees during the same period and does not exist for any committee when the conditions of CPG are met to a considerable degree. One reason for the increased participation in discharge efforts focused on the Rules Committee may be the types of measures referred to it. When CPG was relatively low, measures referred directly to the Rules Committee, such as a measure to create a Committee on the Constitution in the 91st Congress, which was signed by 20 members, all Southern Democrats, and a measure to prevent discrimination in the House Restaurant in the 73rd Congress, which garnered 145 signatories (so it was successful) including 48 Democrats, were measures that divided the Democratic Party. Measures such as these led to elevated levels of majority party involvement in discharge petitions targeting Rules.

Another important reason for this heightened acrimony towards Rules Committee decisions is that Rules often used, particularly when CPG was relatively low, its power to block measures that were reported favorably from other committees, and as such, petitions initiated against the Rules Committee often target reported measures. The discharge petitions for the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 were both filed after these measures were reported from their respective committees. During the period under consideration, when CPG was relatively low, Southern Democrats dominated the Rules Committee, and they worked with conservative Republicans to block measures that the majority of the majority party preferred (Jones 1968; Schickler and Pearson 2009). Also, even after the Rules Committee was no longer controlled by the conservative coalition, when the Democratic Party was irreparably splintered, it was difficult to satisfy the entire majority party, and thus, different factions

viewed many of its decisions as illegitimate. Thus, it makes sense that when the majority party is not working together as a collective whole (or at least being cajoled into collective behavior), the committee that has a unique power over the legislative process would be the recipient of a lot of animosity.

A good example of a Rules Committee decision that deeply divided the Democratic Party occurred in the 94th Congress over the issue of surface mining regulation and reclamation. During the first session of the 94th Congress, the House and Senate passed the Surface Mining Reclamation and Control Act of 1975, which was a bill to limit and regulate surface mining in the U.S. and compel reclamation of mines. This measure was vetoed by President Ford (he had vetoed a similar bill in the 93rd Congress), and in an attempt to override this veto, the House fell only 3 votes short of the requisite 2/3rds majority. Immediately, a movement began to pass an alternative bill. On March 12, 1976, the Committee on Interior and Insular Affairs reported out H.R. 9725 (by a vote of 28 to 11), which was similar to the vetoed measure, though attempted to address some of the President's stated concerns. Western and Northern Democrats, particularly those from states that had already adopted reclamation policies, vehemently supported this measure, while many Southern Democrats, particularly those from states that had not enacted reclamation policies (or that had passed lax, unenforceable policies), were opposed. On March 23, 1976, the Rules Committee tabled the Interior Committee's request for an open rule on H.R. 9725. Or, as described in a *Dear Colleague* letter written by 14 House members (11 of whom were Democrats) urging participation in the discharge petition against the Rules Committee, the "Rules Committee, with several members absent, after a brief discussion and without a record vote moved to table the

Interior Committee's request for an open rule for H.R. 9725 . . . [and] declined even to hear testimony from five House Interior Committee members who were present and seeking to testify" (*Congressional Record* 1976, 9826). This description clearly illustrates the perceived illegitimacy of the Rules Committee's decision to table the request for a rule. The discharge petition (petition 10 of the 94th Congress) was filed against the Rules Committee on April 7, 1976 by John Melcher (D-MT), and received 108 signatures, with Democrats comprising 93 percent of the signatories. Instead of trying to work out a deal with the leadership or the Rules Committee, these majority party members initiated a petition to undermine the agenda control of the Rules Committee – an act not seen when the majority party is more cohesive. While the petition was unsuccessful in the immediate term, Congress passed the Surface Mining Reclamation and Control Act of 1977 in the first session of the 95th Congress, which President Carter signed into law on August 3, 1977 (P.L. 95-87).

Discussion and Conclusions

In this chapter, I examine the effect of committee type on the likelihood of majority party (co)sponsors joining discharge efforts as the conditions of CPG are met to varying degrees. When considering whether majority party (co)sponsors are less likely to sign discharge petitions targeting prestige committee when CPG is relatively high, I find that there is not a significant difference in majority party signatory behavior between prestige and non-prestige committees at any level of CPG. These results indicate that the prestige committee are not distinct when a majority party (co)sponsor considers joining a discharge effort, and that when the conditions of CPG are met to substantial degrees,

these (co)sponsors are equally unlikely to participate in petitions targeting non-prestige committees as those targeting prestige committees. This reveals the intensity of the majority party leaderships desire to repress discharge participation in that there are not allowances made for lesser committees; when CPG is high, majority party leaders want uniform control over all committee action.

I also explore how petitions targeting the Rules Committee affect majority (co)sponsor participation. My expectation that majority party (co)sponsors will be less likely to sign discharge petitions filed against the Rules Committee as CPG increases is not upheld. As with all prestige committees, when the conditions of CPG are met to a considerable extent, majority party (co)sponsors are equally unlikely to participate in petitions targeting any committee, Rules or not. This analysis, however, did uncover the greater extent to which majority (co)sponsors join petitions targeting the Rules Committee than petitions targeting other committees when CPG is relatively low. This finding indicates that Rules Committee decisions lead to discontent among majority party members, presumably because of the types of measures originally referred to the Committee and its use of its ability to block reported measures from the floor.

Taken together, these findings suggest that all committees are not created equal, though the relationship with CPG and discharge participation is the reverse of my original hypothesis. The Rules Committee is more likely to attract discharge attention from majority party members when CPG is low, not the other way around (*i.e.*, fewer signatures when CPG is high). This speaks to the power of the majority party as the conditions of CPG are met to a greater extent, and indicates that all committees are off limits for majority party members in terms of discharge participation. These findings

provide further insight into the breadth of the majority party's negative agenda control as the conditions of CPG vary.

**Appendix
Table 4.3**

	Models without Interactions			
	Prestige Comm. 1931-2006	Prestige Comm. 1969-2006	Rules Comm. 1931-2006	Rules Comm. 1969-2006
Conditional Party Government	-0.339* (0.173)	-0.350* (0.174)	-0.356* (0.168)	-0.366* (0.167)
Prestige Committees	-0.0958 (0.361)	-0.0952 (0.382)	~	~
Rules Committee	~	~	0.411 (0.418)	0.611 (0.430)
Southern Democrat	-0.135 (0.210)	-0.0863 (0.221)	-0.112 (0.208)	-0.0523 (0.217)
Seniority	-0.0335 (0.018)	-0.0291 (0.0179)	-0.034 (0.018)	-0.0299 (0.0179)
Member of committee	-0.0317 (0.166)	0.0285 (0.161)	-0.039 (0.165)	0.00644 (0.158)
Original Jurisdiction Committee Leader	-0.454* (0.217)	-0.376 (0.216)	-0.474* (0.217)	-0.391 (0.216)
Ideological Distance	-2.441*** (0.566)	-2.378*** (0.581)	-2.370*** (0.578)	-2.274*** (0.596)
Cosponsors Allowed	-6.123*** (1.087)	~	-6.116*** (1.077)	~
Majority Party Leader	-0.756*** (0.217)	-0.650*** (0.197)	-0.747*** (0.215)	-0.639** (0.195)
Constant	6.385*** (1.293)	0.210 (0.854)	6.345*** (1.292)	0.164 (0.850)
Observations	4726	4522	4726	4522

Notes: Dependent variable is bill (co)sponsor's decision to sign discharge petition; 1 = sign, 0 = not sign. Errors are clustered by petition, and dummy variables for the Congresses are included in the model.

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$, two tailed test

CHAPTER FIVE

THE CONTINGENT LOYALTY OF COMMITTEE CHAIRS: DISCHARGE PARTICIPATION AND CONDITIONAL PARTY GOVERNMENT

Introduction and Expectations

Another characteristic that may further discourage majority party members from participating in discharge efforts is their position within the chamber. Holding positions of power, such as committee chairships, may deter majority party (co)sponsors from signing petitions, and this effect may vary with CPG. The expectation regarding committee chair participation in discharge petitions compared to other majority party (co)sponsors is straightforward; when conditions of CPG are met to a significant extent, committee chairs, compared to other majority party (co)sponsors, should be less likely to sign discharge petitions. However, the expectation for whether the likelihood of committee chair discharge participation will vary with CPG is more involved. When only taking into account the level of CPG, I expect that committee chairs will be more likely to sign petitions when CPG is low than when CPG is high. However, this expectation may be negated by the strength of committees and the norms of reciprocity and specialization that existed in the “textbook Congress” period when CPG was relatively low. Because of the committee strength and the norms of reciprocity in the historic period, committee chairs may be deterred from participation in discharge efforts, despite the lower levels of CPG. Thus, committee chair involvement in discharge petitions may not be dependent on the level of CPG. In the following paragraphs, I discuss these expectations in greater detail.

Committee Chairs and Other Majority Party (Co)Sponsors

First, I outline the expectation for committee chairs in relation to other majority party (co)sponsors as CPG increases. When CPG is high and power in chamber resides with party leaders, committee chairs should be less likely to participate in discharge efforts than other majority party (co)sponsors. As the party leaders in the House gained strength, there was a distinct shift in the loci of power from committees and committee chairs to the majority party leadership. This evolution began in the 1970s and 1980s, and was fully realized with the Republican Revolution in 1995. In the 104th Congress, Speaker Gingrich (R-GA) took a number of actions to centralize power over committees in his hands, such as enhancing his influence over committee assignments, violating seniority for committee and subcommittee chair assignments, and even requiring the newly appointed Appropriations chair, Livingston (R-LA), and the 13 subcommittee chairs to write letters to him pledging their loyalty (see Aldrich and Rohde 2000). This shift ushered in a new era for committee chairs, one that centered on deference to party leaders. In this period of elevated levels of CPG, committee chairs no longer enjoyed the autonomy afforded them in the previous era; majority party leaders centralized party control over committees and their leaders, and made it almost impossible to attain a chairship without unwavering allegiance to the party and its agenda.

When the party leaders have this level of control over committees and committee assignments, committee leaders are extremely vulnerable to pressure from party leaders. Party leaders can use their control to encourage (or discourage) specific actions under threat of sanction, including removal from their committee position. The vulnerability of committee leaders, even those in the minority, when party power in the House is

extensive is evident in the recent events surrounding Barton's (R-TX) statements about BP and the \$20 billion escrow fund for loss claims from the gulf oil spill. In a June 17, 2010 Energy and Commerce subcommittee hearing on BP's role in the gulf oil spill, Barton, who is the ranking member on the House Energy and Commerce Committee, apologized to BP for the government's actions and characterized the escrow fund as a "shakedown" (Calmes 2010). Immediately following his apology to BP, Republican leaders threatened to remove Barton from his committee leadership position if he did not recant this statement. Within a few hours of the apology to BP, he publicly retracted the BP apology, apologized for it, and issued a statement of contrition, which was also distributed by House Minority Leader Boehner's office (Calmes 2010). This clearly illustrates the susceptibility of committee leaders to party leadership demands when the leadership heads an internally cohesive and externally distinctive party and holds vast powers over committee leadership assignments. Because the leadership could make a credible threat to remove him from his ranking member position, Barton was forced to acquiesce. When parties are internally divided, the leadership does not have the same ability to force compliance. For comparison, in 1933, when the party leadership did not enjoy nearly the same level of control and CPG was relatively low, Speaker Rainey did not even have the power to prevent the initial appointment of Judge Smith (D-VA) to the Rules Committee, a decision that haunted the liberal wing of the Democratic Party until the 1960s (Jones 1968). Thus, given the vulnerability of committee leaders to party leadership pressure when the conditions of CPG are met to a substantial degree, I expect that committee chairs, compared to other majority party (co)sponsors, should join discharge efforts to a lesser extent when CPG is relatively high.

Committee Chairs and CPG

Now I turn to whether committee chair participation in discharge efforts will vary with CPG. In other words, I consider whether there will be a significant difference between the likelihood of committee chair involvement in discharge petitions when CPG is at its lowest level and when CPG is at its highest level. This is a more complex question. As mentioned above, when only taking into account the level of CPG, the expectation is clear: as CPG increases, committee chair participation in discharge efforts should decrease. When CPG is low and the party leadership does not possess as many tools of persuasion, committee chairs may not feel the same pressure to restrain from participating in discharge efforts. However, as CPG increases and party leaders become more formidable (as discussed above), committee chairs may be less likely to join discharge movements.

Although, despite the low levels of CPG, there are reasons why committee chairs still might not sign discharge petitions in the earlier Congresses. Traditionally, when cataloging congressional history, scholars depict the 1920s through the 1960s as the “textbook Congress” period. After the revolt against Speaker Cannon, immense power was vested in committees and committee chairs, and this period is characterized by congressional norms of reciprocity, specialization, apprenticeship, and deference to committees (Froman 1967; Goodwin 1970; Huitt 1954). The norms of reciprocity and committee deference are often cited as deterring discharge petition participation. An exchange between Clare Hoffman (R-MI), who was the ranking member on Government Operations at the time and the former chair of this committee (83rd Congress) and the Committee on Expenditures in the Executive Departments (80th Congress), and Noah

Mason (R-IL), who was the ranking member on Ways and Means at the time, in 1960 exemplifies many members' views towards discharge petitions during this era.

Mr. HOFFMAN of Michigan. Will the gentleman sign it [the petition]?

Mr. MASON. I have signed it. And it is the first time I have signed a petition in 15 years.

Mr. HOFFMAN of Michigan. That is a long, long while. I have refused to go along with that method for 20 years for I know it means legislative chaos. The point that I am trying to make and the only point that I am trying to make is, you can see what is happening. I will not sign a petition, perhaps because I am not in favor of that particular legislation. But when I do favor a bill I will not sign because so doing will in the end prevent fair consideration of many, many bills. But if we are going to get all this legislation before the House, seriously, I would suggest that the easiest, the quickest, and the most effective way is to abolish the Committee on Rules and permit all bills to come up in the order they are filed. Of course, there will not be anybody here to protect the people in the future. We will be here, so why worry? Is that to be our attitude? Do you see what we are coming to? The rules of the House do not amount to a tinker's darn at the present time and they will not in the future if that is the way we are going to do business. So, when it is politically expedient, just walk down to the desk and sign the petition? Not me. Now, I would not say that to my good friend from Illinois [Mr. MASON], because he would not do anything just for political expediency.

Mr. MASON. I believe in what that petition calls for and I felt it was expedient for me to sign that petition, although I refuse to sign most petitions.

Mr. HOFFMAN of Michigan. I wish the gentleman would cut out that word "expedient." I, too, believe in remedial legislation for those interested. I only want to be sure it will be helpful and have it come up in a manner that will not in the future be harmful. But if we yield now, what is going to happen here? You will have the well of the House so filled with bills, with perhaps nine-tenths of which we do not agree. *I cannot sign this discharge petition much as I desire the bill be reported out.* The Rules Committee is our insurance against crackpot bills, our safe-guard for sound orderly procedure. (emphasis added) (*Congressional Record* 1960, 11927).

Many members at this time opposed signing discharge petitions on principle, even if, like Mr. Hoffman, they favored the measure in question. During this textbook Congress period, there was deference given to committees and their members' judgments about which measures should make it to the floor (Bailey 1989; Froman 1967; Robinson 1963; Teifer 1989). Committees experienced unprecedented authority over their jurisdictional area and members were conscious not to infringe on committee prerogatives.¹

Committee chairs were especially wary about encroaching on other committees' territories because the same could be done to them (Owens 1999). The norms of deference and reciprocity protect committee (and committee chair) power by encouraging autonomous committee control over a policy area. In order to guard their jurisdiction, committee chairs have an incentive to defend every committee's undisputed authority over its jurisdiction. Regarding discharge participation, Pearson and Schickler (2009) find that members who were invested in the committee system were less likely to undermine committee power in this way.

Given the strong norms of reciprocity and institutional integrity that existed during this era of committee government, committee chairs may not sign petitions during the earlier congressional period, despite the relatively low levels of CPG. Instead of centralized party control restraining chair behavior, committee chairs may be bound by the norms of the House and fear of retaliation.² Thus, there may not be any variation in the likelihood of committee chairs joining discharge efforts across the Congresses

¹ Rational choice theories accounting for committee power during this period use gains from trade instead of norms to explain committee strength (see Shepsle 1989; Shepsle and Weingast 1984; Weingast 1979; Weingast and Marshall 1988). Either perspective results in the same conclusion regarding participation in discharge petitions.

² It should be noted that prior to 1993 when petition signatures became public, House members could view the petitions and their signatories (Beth 1990). Thus, norms could be enforced within the institution.

considered, though for very distinct reasons.

However, while these norms existed, it is also noted that there were no serious penalties for violating these norms, and some may not have been as strong as generally thought (Owens 1999; Hall 1996). This is not to suggest that these norms were not significant contributors to congressional behavior, only that they may not uniformly dictate behavior. Furthermore, the period with the lowest levels of CPG – the 1970s – also coincides with a generally accepted deterioration in these norms and a diminution of committee strength (Shepsle 1989; Loomis 1981; Smith 1989).³ As such, committee chair participation in discharge efforts might still vary with the level of CPG.

When committee deference and norms of reciprocity are weakened and strong party leadership is not there to fill the void, committee chairs may be more likely to sign petitions compared to periods of higher levels of CPG. In other words, committee chairs might be more willing to sign petitions when CPG is low and the norms of reciprocity and committee deference have subsided than when CPG is high and party leaders have greater power. Thus, instead of committee chairs unwilling to participate in discharge efforts during any period under consideration either because of committee strength and adherence to norms or party leadership pressure, committee chairs may be more likely to participate when CPG is at its lowest, given the lack of party control and the diluted state of the recognized norms of reciprocity and committee deference. Because of the occurrence of the lowest levels of CPG at the same time as the disintegration of House norms and committee government, I expect that committee chair participation will be conditional on the level of CPG (*i.e.*, committee chair participation will significantly

³ See Schneier (1988) for an argument that congressional norms, at their foundation, have not changed.

decrease as CPG increases).

Though, in light of the two factors that could depress the likelihood committee chairs joining discharge efforts (*i.e.*, norms and committee strength and party power), there is the problem of isolating the effect of CPG. If as CPG increases, the probability of committee chairs signing petitions decreases, then the initial decrease in the mid-ranges of CPG may occur because of the strong adherence to norms in the Congresses with mid-level CPG. Thus, the results may look like what is expected to support the CPG hypothesis, but the actual effect, at least in part, might be the result of norms deterring discharge participation. In order to isolate the effect of CPG, in addition to considering the whole time period, I also confine the analysis to a period in which CPG varies and committee government and the norms of reciprocity have, in large part, already deteriorated [91st-109th Congress (1969-2006)]. By doing so, I consider the effect of CPG on the likelihood of committee chairs joining discharge movements, and any downward trends can be attributed to CPG.

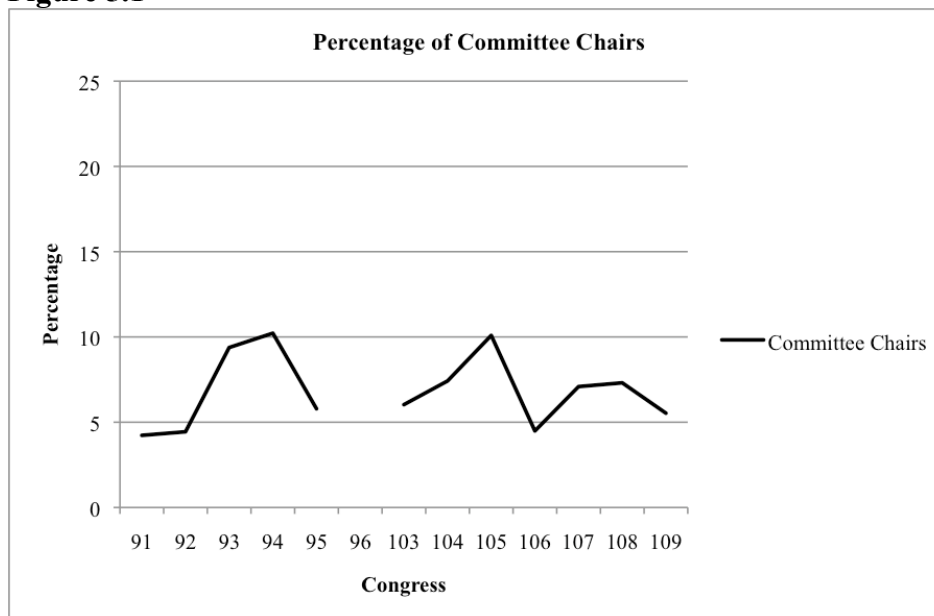
Data and Methods

To examine the effect of holding a committee chairship on the likelihood of majority party (co)sponsors signing the relevant petition as the conditions of CPG vary, I consider participation in discharge petitions between 1931 and 2006. As in Chapter 4, because my hypotheses specifically concern majority party members, I only include majority party (co)sponsors in this analysis. The dependent variable for this chapter is whether the majority party bill (co)sponsor signed the discharge petition associated with

her bill, with those who signed coded 1 and otherwise 0. Because the dependent variable is a dichotomous, I use a logit model for this analysis.

The primary independent variable is the committee chair variable, the measure of CPG, and the interaction between the two. Committee chair is a dummy variable coded 1 for (co)sponsors who are committee chairs and 0 otherwise. As Figure 5.1 illustrates, in relation to all majority party (co)sponsors, the percentage of committee chairs who (co)sponsor measures that are subject to discharge does not vary greatly over time. Even as CPG increases, the percentage of committee chairs who are (co)sponsors remains fairly constant. As in the previous chapters, the measure of CPG is calculated using the method specified in Aldrich, Rohde, and Tofias (2007). I interact the committee chair variable with the measure of CPG to create the interaction term. The control variables are also the same as those included in the models on discharge participation in the previous sections.

Figure 5.1



Findings

Before discussing the results from the multivariate analysis, I present some descriptive statistics that provide a first glimpse of the findings. Figure 2, which shows the percentage of committee chairs and ranking members who join the discharge effort associated with their measure, is surprisingly similar to the equivalent graph in Chapter 3 (Figure 3.1). There is no partisan trend until the 103rd Congress, when the percentages of committee leaders of the majority and minority party start to separate. As with Figure 3.1 in Chapter 3, the extra-partisan coalitions are apparent, with the discharge participation of Southern Democrats and Republicans echoing one another. This graph clearly indicates that committee chairs joined discharge efforts to a greater extent in the earlier Congresses than the later. Moreover, when exclusively considering bill sponsors who are committee chairs, 71 percent of committee chairs signed the relevant petition prior to the 103rd Congress, while only 30 percent signed after the 103rd Congress, which supports the pattern depicted in Figure 5.2. These pieces of evidence are the first indications that committee chair participation in discharge efforts is dependent on CPG.

Figure 5.2

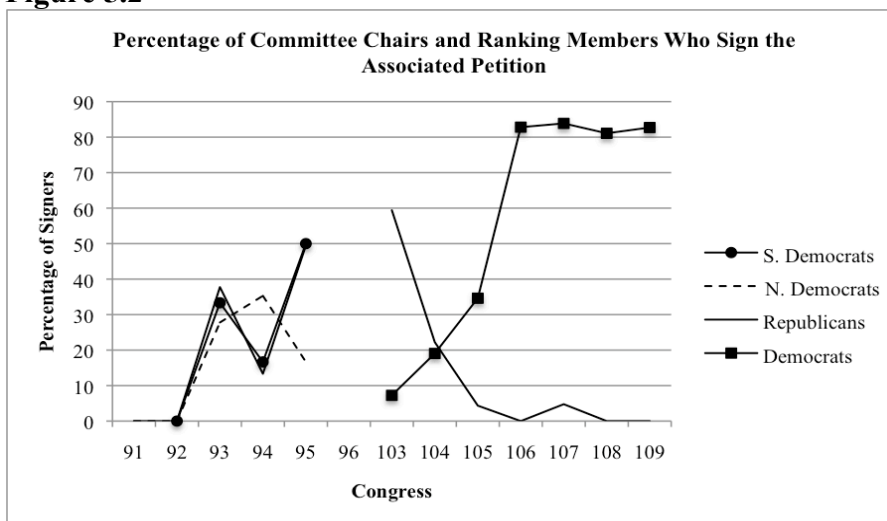
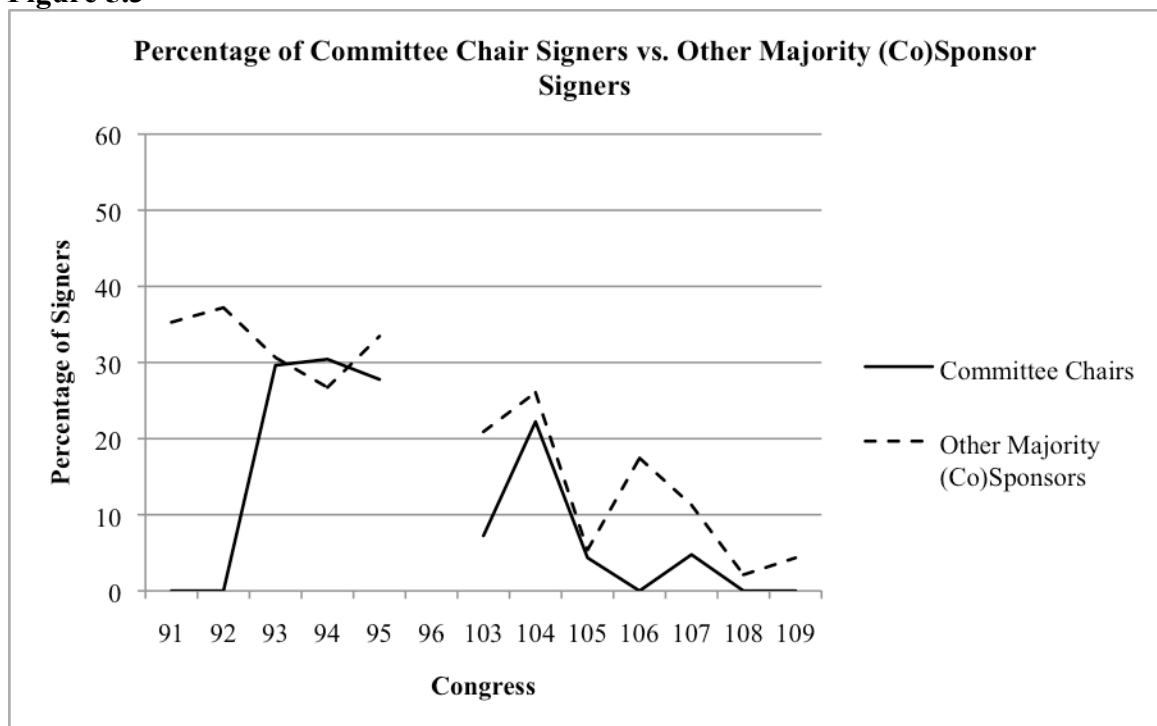


Figure 5.3 presents the percentage of committee chairs who joined discharge efforts for measures they (co)sponsored compared to other majority party (co)sponsors. Interestingly, when the levels of CPG are the lowest in the period under consider [93rd-95th Congresses (1973-1978)], the percentages of committee chairs who participate in discharge movements are almost identical to the percentages of non-chair majority (co)sponsors. This is important, and suggests that when CPG is low, there is no difference between committee chairs and other majority party (co)sponsors when it comes to signing discharge petitions, which is a result that is borne out in the multivariate analysis. Then, as expected, in the later Congresses when CPG is relatively higher, a smaller percentage of committee chairs sign the relevant discharge petition compared to other majority (co)sponsors.

Figure 5.3



The multivariate results are presented in Table 5.1.⁴ Model 1 presents the results for all Congress and Model 2 presents the results for 1969 forward; given that the results are similar, I discuss them alongside one another. Regarding the key independent variables, the coefficient for the CPG variable is negative and significant, indicating that as CPG increases, majority (co)sponsors who are not committee chairs become less likely to sign the associated discharge petition. While the minimum to maximum probability changes are insignificant in each model, as CPG increases from the 10th percentile to the 90th percentile, the probability of non-committee chairs joining discharge efforts decreases by 0.04 ($p < 0.10$) for both models. The committee chair component is insignificant, suggesting that when CPG is at 0, being a committee chair does not affect one's probability of participating in a discharge effort. Importantly, in both models, the interaction between the committee chair variable and CPG is negative and significant. This indicates that as CPG increases, committee chairs who (co)sponsor measures targeted by petitions are less likely to sign them. For both models, as CPG moves from its minimum value to its maximum value, the probability of committee chairs joining discharge efforts decreases by 0.27 ($p < 0.10$). The fact that this relationship holds in Model 2 is critical for my theory; it indicates that it is not just the adherence to norms in the Congresses in the mid-ranges of CPG that is driving down committee chair discharge participation, and that the involvement of committee chairs in discharge efforts is conditional on CPG.

⁴ It should be noted that when I include a variable capturing petitions filed against reported measures, the results improve. However, for consistency, I utilize the same control variables as in the other chapters.

Table 5.1	Committee Chairs and Discharge Participation			
	Model 1		Model 2	
	1931-2006		1969-2006	
	Coefficient (Robust SE)	Min to Max Prob. Change	Coefficient (Robust SE)	Min to Max Prob. Change
Conditional Party Government Committee Chair	-0.343* (0.169)	-0.17 (0.14)	-0.353* (0.169)	-0.17 (0.14)
Committee Chair *	0.380 (0.507)	~	0.392 (0.516)	~
Committee Chair * CPG	-0.253† (0.133)	~	-0.241† (0.138)	~
Southern Democrat	-0.125 (0.209)	~	-0.0817 (0.221)	~
Seniority	-0.0338† (0.0177)	-0.05*** (0.02)	-0.0295† (0.0179)	-0.04** (0.02)
Member of Committee of Original Jurisdiction	-0.0330 (0.166)	~	0.0474 (0.160)	~
Ideological Distance	-2.442*** (0.572)	-0.22*** (0.06)	-2.378*** (0.587)	-0.21*** (0.06)
Majority Party Leader	-0.756*** (0.215)	-0.04*** (0.01)	-0.652*** (0.195)	-0.03*** (0.01)
Cosponsors Allowed	-6.262*** (1.093)	~	~	~
Constant	6.477*** (1.306)		0.163 (0.846)	
Observations	4726		4522	

Notes: Dependent variable is bill (co)sponsor's decision to sign discharge petition; 1 = sign, 0 = not sign. Errors are clustered by petition, and Congress dummies are included in the models.

The minimum to Maximum probability changes are calculated holding all other variables at their means (or modes for dichotomous variables) and allowing the variable in question to range over its values from minimum to maximum. The minimum to maximum probability changes for the interaction components are calculated holding the other component and the interaction at 0.

† $p < .10$, * $p < .05$, ** $p < .01$, *** $p < .001$ two tailed test

Figures 5.4 and 5.5 present these results graphically (Figure 5.4 includes all Congresses and Figure 5.5 includes only the 91st Congress forward). These figures show the probability of committee chairs joining a petition as CPG varies. For each model, at the lowest level of CPG, committee chair (co)sponsors have a 0.29 likelihood of joining

the discharge effort for the relevant petition. This probability decreases to 0.02 when the conditions of CPG are met to the greatest degree.

Figure 5.4

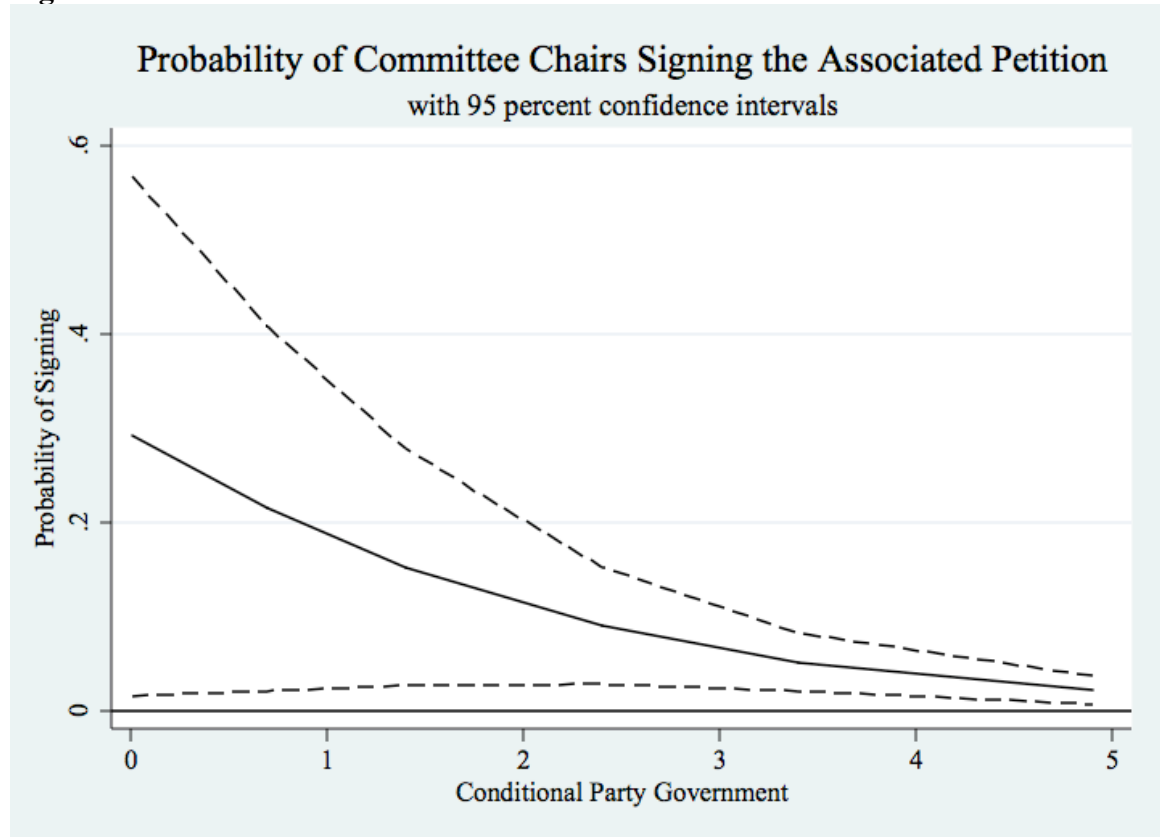
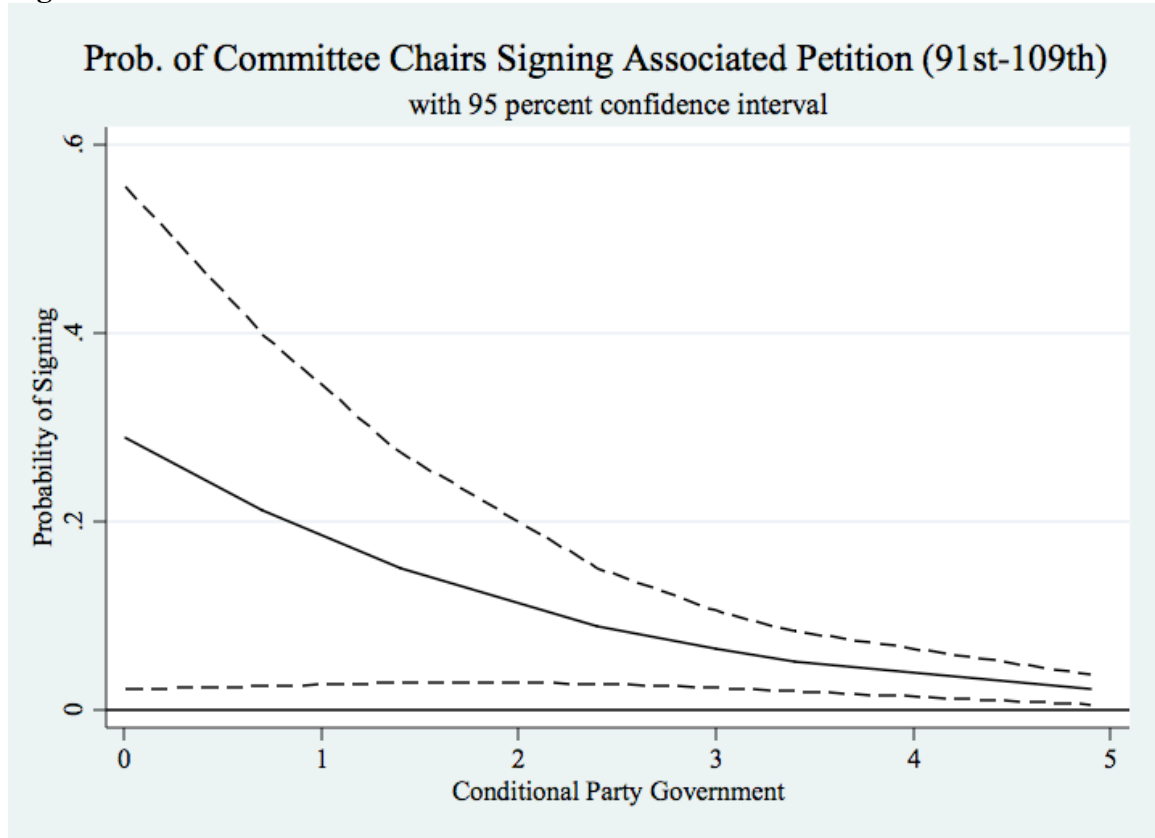


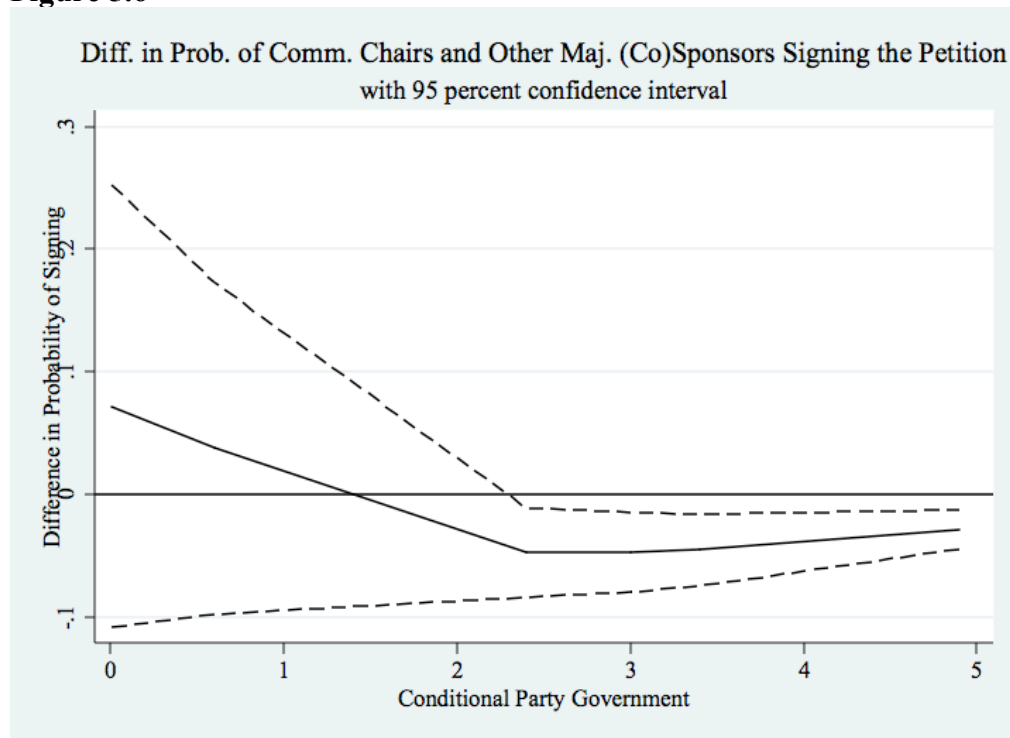
Figure 5.5



To examine the probability of committee chairs joining discharge petitions in relation to other majority (co)sponsors, the difference in the probabilities of committee chairs and other majority party (co)sponsors joining discharge efforts is presented in Figures 5.6 (all Congresses) and 5.7 (91st-109th Congress). Interestingly, in both graphs, committee chairs and non-committee chairs are equally likely to participate in discharge petitions when CPG is relatively low. In other words, there is not a significant difference between their probabilities of signing at the lowest levels of CPG. However, in both graphs, as the conditions of CPG are met to a substantial degree, committee chairs become significantly less likely to join discharge efforts. While this difference should

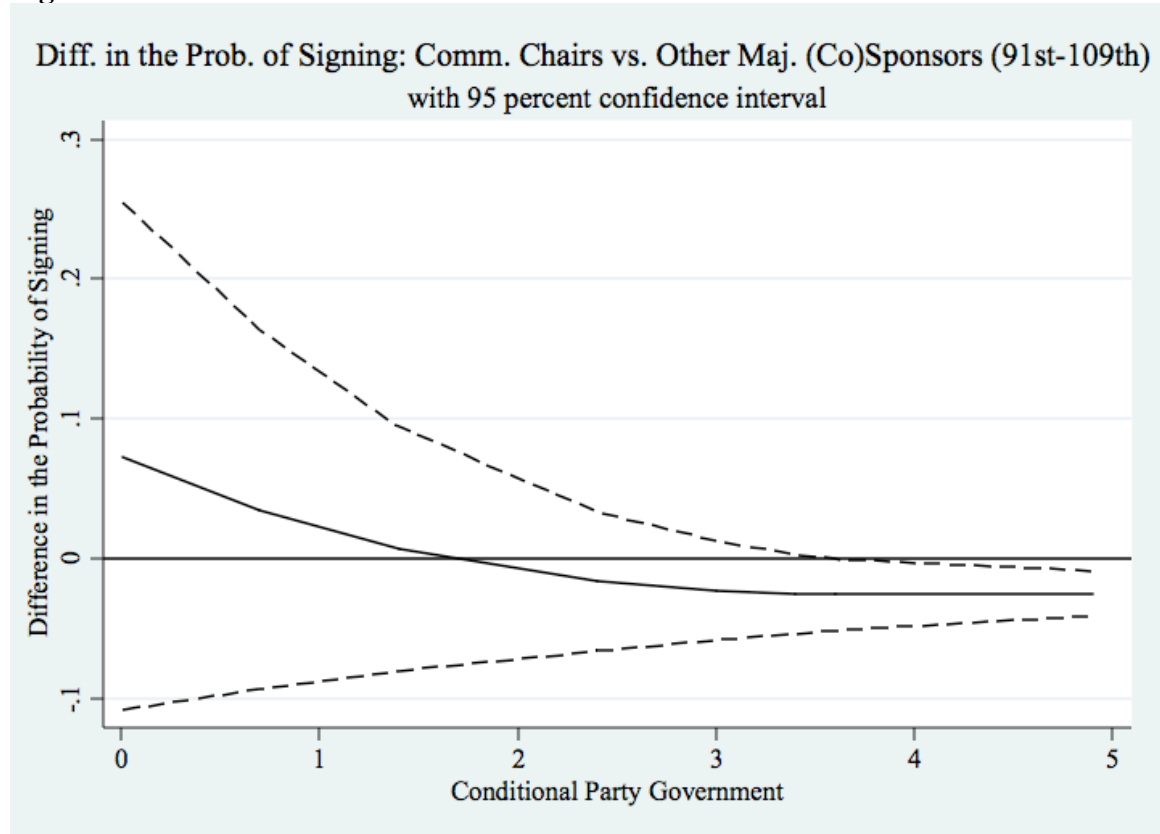
not be over-exaggerated (it is only a 0.03 difference in both graphs), in a period when majority party (co)sponsors have such a low probability of participating in discharge efforts, a significant discrepancy is important. This indicates that committee chairs do not have the same boundaries to discharge involvement when CPG is low. For Figure 5.6, it should be noted that the mid-ranges of CPG include Congresses in the textbook period when committees were venerated and there was substantial adherence to House norms. Thus, the norms of reciprocity and committee deference and the less splintered majority party are presumably working in tandem to reduce the likelihood of committee chairs joining discharge efforts during this period. When comparing Figures 5.6 and 5.7, the effect of norms may account for the difference in the CPG level at which committee chairs become significantly less likely to participate in discharge efforts than other majority (co)sponsors; it is close to 2.4 in Figure 5.6 and about 3.9 in Figure 5.7.

Figure 5.6



Essential for the CPG story, when only considering Congresses in which CPG varies and adherence to norms does not, the same pattern is found (Figure 5.7). When CPG is low and there is no other restriction on behavior, such as norms, committee chairs are just as likely as other majority (co)sponsors to join discharge efforts. This clearly illustrates the power of party leaders and the vulnerability of committee chairs to the pressure of majority party leaders as CPG increases. The probability of committee chair participation in discharge efforts is driven down such that it is significantly lower than the probability for other majority (co)sponsors at the highest levels of CPG.

Figure 5.7



Discussion and Conclusions

In this chapter, I examine the effect of holding a committee leadership position on discharge participation as the conditions of CPG vary across Congresses. I develop a couple of inter-related expectations. First, I propose that committee chairs should be less likely to join discharge efforts than their fellow partisans when the conditions of CPG are met to a considerable extent. I also suggest that the likelihood that committee chairs participate in discharge efforts should decrease significantly as CPG increases. As expected, when CPG is high, I find that committee chairs are less likely to sign discharge petitions than other majority (co)sponsors. I also find that the discharge involvement of committee chairs is conditional on CPG, and that they are more likely to join discharge efforts when the conditions of CPG are met only to a modest degree. Interestingly, my results indicate that there is no distinction between committee chairs and other majority (co)sponsors in terms of discharge participation when CPG is at its nadir for the period under consideration. This indicates that when CPG was at its lowest levels, committee leaders were not deterred from signing discharge petitions any more than other (co)sponsors from the majority party. Though, when CPG reached its highest point and party leaders had centralized party control over the committees, committee chairs were less likely to participate in an activity that undermines the majority party's agenda control.

These findings should not be read as discounting the role of norms and their importance for congressional behavior or the power of committees in the textbook period. In fact, as mentioned above, in the mid-ranges of CPG, it is most likely these norms coupled with a less fractured majority party that reduce the probability of committee

chair (co)sponsors participating in discharge efforts. The important take away here is that in the absence of dominant committees and a strong adherence to norms, without powerful parties to fill the void, behavior, even of chamber leaders, is not restricted. These findings are a testament to the strength of committees in the “textbook Congress” era and the norms of reciprocity and specialization in that when they are diminished without another power center to take their place, behavior becomes less controlled and less predictable.

In light of the larger project, these findings suggest that committee chair participation in discharge efforts is conditional on CPG. Importantly, when CPG is high, committee chairs are significantly less likely than other majority party (co)sponsors to sign petitions, which speaks to the dissuasive capacity of majority party leaders when the conditions of CPG are met to a considerable degree. Also, when CPG is relatively low, committee chairs are not deterred from discharge participation any more than other majority (co)sponsors and seem less concerned with circumventing the leadership’s agenda coordinating function. Taken together, these findings suggest that when the majority party is strong, committee leaders rarely undermine the party’s agenda control, even to a lesser extent than the average majority (co)sponsor, and when the party is weak, the behavior even of committee leaders is not restricted. Thus, the degree to which the conditions of CPG are met is an important factor in determining committee chair participation in discharge efforts.

CHAPTER SIX

CONCLUSION

Recapitulation of Argument and Findings

In the legislative literature, two prominent partisan theories of legislative behavior and organization have emerged. These two theories, cartel theory (Cox and McCubbins 1993; 2005) and conditional party government theory (CPG) (Rohde 1991; Aldrich and Rohde 2000), submit that legislatures are organized to enable the majority party's control over the legislative chamber, further the party's legislative agenda, and, at least at times, promote party discipline. While the two party-centric theories are complimentary in many ways, there are important differences, particularly in the conceptualization of negative agenda control (Cox and McCubbins 2005; Finocchiaro and Rohde 2008). Proponents of cartel theory argue that negative agenda power is constant across Congresses, while advocates of CPG contend that the majority party's power (negative or positive) diminishes as the conditions of CPG (*i.e.*, intra-party preference homogeneity and inter-party heterogeneity) are met to a lesser degree. This distinction is the focus of this project.

In light of these two theories, I propose that some manifestations of negative agenda control are not constant, and vary by the extent to which the conditions of CPG are met. To evaluate this claim, I examine the conditional nature of the majority party's control over discharge efforts, a type of negative agenda control, in the U.S. House of Representatives in three ways. The first is the primary test of Cox and McCubbins's

hypothesis regarding the stable nature of the majority party's negative agenda control, and the second two chapters offer further exploration of this initial test. Specifically, with these three chapters, I explore whether discharge participation for majority party (co)sponsors is conditional on CPG, and whether this relationship is further conditional on the type of committee targeted or holding a committee chair position for majority party (co)sponsors. Broadly, I build on the party-centric theories of legislative behavior, and consider the majority party's capacity to enforce discipline and control the agenda and whether this ability fluctuates across Congresses.

My findings are generally supportive of the proposed conditional relationship between discharge participation and CPG. In Chapter 3, I propose that because discharge petitions undermine the negative agenda control of the majority party, majority party (co)sponsors may be less likely to support discharge petitions targeting measures they sponsored when the conditions of CPG are met to a greater extent. I find that as the majority party gains strength and CPG increases, majority party (co)sponsors are less likely to join in discharge efforts. Under these circumstances, the majority party is able to regulate involvement of majority party members in procedures that undermine the party's negative agenda control, even when the measures were (co)sponsored by the members. In contrast, when the conditions of CPG are met to a modest extent, majority party (co)sponsors and their minority colleagues are statistically indistinguishable in terms of discharge participation. Majority party (co)sponsors are as unrestricted as their minority counterparts when the majority party is divided and its leaders are less able to impose party discipline. This indicates that the majority party leadership's ability to

control discharge efforts, an indicator of negative agenda control, varies with the conditions emphasized in the CPG theory, and is not constant in the manner suggested by the cartel theory. While a roll on the floor may be rare for the majority party regardless of the level of CPG, that is not equivalent to possessing constant negative agenda powers. When the leadership's ability to control the rank and file is diminished, party leaders do not have the same depth to their agenda control.

In Chapter 4, I break the conditional relationship between discharge participation and CPG down further, and consider whether this relationship is further contingent on the type of committee targeted by the petition. Because prestige committees, particularly the Rules Committee, are arms of the majority party leadership when the majority party is powerful, I submit that majority party (co)sponsors will be less likely to participate in discharge petitions targeting these important committees as the conditions of CPG are met to a greater extent. Differences between petitions targeting prestige committees and the Rules Committee exclusively are considered. When looking at prestige committees, I find that there is not a significant difference in majority party signatory behavior between prestige and non-prestige committees at any level of CPG. Thus, at any level of CPG, majority party (co)sponsors are not discouraged from joining in a petition because it targets a prestige committee. When the conditions of CPG are met to substantial extent, the probability that majority (co)sponsors will participate in discharge petitions is uniformly low, which is a testament to the ability of the majority to dissuade involvement in petitions targeting all committees, not simply important ones.

In this chapter, I also explore whether majority (co)sponsors are less likely to join petitions targeting the Rules Committee when the conditions of CPG are met to a considerable degree. This expectation is not supported; as with all prestige committees, when the conditions of CPG are met to a considerable extent, majority party (co)sponsors have statistically indistinguishable probabilities of participating in petitions targeting any committee, Rules or not. Majority (co)sponsors, however, are more likely to sign petitions targeting the Rules Committee than those filed against other committees when CPG is relatively low. This intimates a high level of discontent with Rules Committee decisions among majority party members when the party was internally fractured, presumably because of the types of divisive measures referred to it and, perhaps more importantly, its ability to block measures that were reported out of other committees. Thus, while not the expected outcome, this finding still supports the idea that majority (co)sponsor participation in petitions targeting certain types of committees is conditional on CPG. When the majority party is less cohesive and relatively weaker, majority (co)sponsors are unapologetic signers of petitions targeting the Rules Committee. Though, when the circumstances are reversed, majority (co)sponsors rarely take part in discharge movements against Rules, presumably because discharge participation is not tolerated against any committee, let alone Rules, and committees rarely report measures that the Rules Committee, with the leadership, does not want to bring to the floor. As such, participation in petitions targeting the Rules Committee is conditional on CPG.

I further investigate the conditionality of majority party (co)sponsors' participation in discharge efforts in Chapter 5, considering the consequences of holding a

committee chair position for discharge involvement as CPG varies over time. I suggest that when the majority party is relatively weak, committee chairs may not be as apprehensive about undermining the majority party's agenda control by joining discharge efforts, however, as the party gains strength and majority party leaders begin reigning in committee leaders, this type of congressional behavior may be closed to them. Thus, as the conditions of CPG are met to a greater extent, committee chairs may be less likely than their majority counterparts to participate in discharge efforts, and there may be a significant drop in their probability of signing compared to when CPG is low. Both of these expectations are borne out in the data. Also, interestingly, I find that there is no distinction between committee chairs and other majority (co)sponsors in terms of discharge participation when CPG is relatively low, indicating that committee leaders are not more reluctant to sign discharge petitions than their non-chair counterparts under a weak party regime. Taken together, these findings suggest that committee chair participation in discharge efforts is conditional on CPG. Importantly, when CPG is high, committee chairs are even less likely than the average majority (co)sponsor to challenge the leadership by joining a discharge effort, evidence of the vulnerability of committee chairs when the party is strong, and when the party is weak, the behavior of committee leaders is as unrestricted as that of other majority (co)sponsors; the boundaries imposed by party leadership are removed.

The findings of each chapter point to the conditional nature of the majority party's negative agenda control. The third chapter illustrates the key element of the argument – the majority party's ability to stifle challenges to their negative agenda control does not

arrive until the conditions of CPG are met to a considerable degree. This is contrary to Cox and McCubbins's contention that this type of agenda control is stable. The fourth chapter demonstrates the variable willingness of majority (co)sponsors to sign petitions targeting the Rules Committee, and further highlights the conditionality of the majority party's influence over this type of challenge to their agenda control. Finally, the fifth chapter shows the transformation of committee chairs' response toward discharge efforts, calling attention to the contingent nature of the majority leadership's ability to discourage discharge participation, even among its top ranks. These results indicate that not only is the majority party's ability to control majority (co)sponsors' participation in discharge efforts conditional, their ability to thwart these efforts against the Rules Committee and restrict committee chairs' involvement is also conditional.

With these findings, this research contributes to the literature on party power in Congress, and furthers our understanding of the extent of the majority party's agenda power. In their recent articulation of cartel theory, Cox and McCubbins (2005) suggest that the majority party's negative agenda power is unwavering over time. I present a hard test of this theory by considering the majority party's ability to control discharge efforts as the conditions of CPG fluctuate, and find that this form of negative agenda control is conditional. This suggests that not all manifestations of negative agenda control are constant across Congresses, and this distinction enables more explicit expectations about negative agenda control. Cox and McCubbins find that roll rates on final passage votes and rule adoptions are relatively stable over time, however, there may be other forms, beyond discharge challenges, that are conditional. By clarifying this point, this study

extends our understanding of the breadth of majority party legislative power and how it changes as the internal dynamics of institutional parties change.

This project also contributes to the legislative procedure literature, and provides a better understanding of how the discharge procedure is used and by whom, particularly in a partisan context. Many scholars focus on the use of legislative procedures to consider the effect of party. The use of special rules (Krehbiel 1991; 1998; Sinclair 2007; 1983; Bach and Smith 1988), motions to recommit (Roberts 2005; Krehbiel and Meirowitz 2002), and other unorthodox procedures (Sinclair 2007) are widely considered in the literature. Discharge petitions are also briefly examined, though this research is limited by the unavailability of data (Binder, Lawrence, and Maltzman 1999; Krehbiel 1995; Martin and Wolbrecht 2000; Lindstädt and Martin 2003; Pearson and Schickler 2009; Miller and Overby 2010). These works have greatly enriched our understanding of the mechanics of Congress, and how the parties use the legislative process to protect their interests. This project fills a gap in our knowledge by presenting a more comprehensive examination of discharge efforts since the 1931, and adds to our understanding of legislative processes and the way in which parties impact the use of procedures.

Future Research

An agenda for future research on the nature of party power in legislatures and discharge petitions set up by this project. First, this study reveals the need to further clarify the consistency of negative agenda powers. Cox and McCubbins find that roll rates on final passage votes and rule adoptions are constant. However, this research

uncovers the conditionality of the majority party's control over discharge efforts. Also, Schickler and Pearson (2009) find that the conservative coalition that governed the Rules Committee from 1937-1952 (75th-82nd Congress) pushed 44 legislative measures to the floor that were opposed by the Democratic administration, the Rules Committee chair, and most Northern Democrats, challenging the idea that the majority party's negative agenda control is constant. More research is needed to determine the exact dynamics of the majority party's veto power over the floor agenda. With conflicting evidence from different indicators and research designs, it is important to determine how the majority party's power evolved over time.

In light of the discrepancies in findings regarding negative agenda control, the question about the direction of policy movement is brought to the forefront. From the perspective of cartel theory, the negative agenda-setting power of the majority party is one method by which it shapes legislative outcomes and moves outcomes away from the majority median and toward the majority party median. Cox and McCubbins (2005) show that policy does, in fact, move toward the party median even when the majority party is relatively weak, and they suggest that this is because of the majority party's consistent veto power over the agenda. However, if many manifestations of negative agenda power are conditional, why does policy shift when the party is ineffective? Perhaps the party does not need to maintain constant negative agenda control, only a minimum level above a certain threshold. This should be considered in future research.

Beyond party power, this project suggests many other questions about the discharge process. First, why is the discharge process not employed to embarrass the

majority party more often and force action on various measures? An example of this type of behavior by the minority concerning concurrent receipt for veterans is described in Chapter 2. Therefore, petitions are sometimes used to achieve this end, but there are not as many examples of this type of behavior as might be expected if the minority was simply looking to humiliate the majority or win legislative battles. There seems to be some other mechanism at work. Perhaps petitions are not used in this fashion because legislative activity is an iterated game, and the minority will be the majority at some point, or institutional integrity norms prevent this type of overt meddling with the legislative process. Another possibility is that this type of behavior would eliminate the possibility of future cooperation in that legislative session, and therefore, the minority party only uses petitions to humiliate the majority when there is very little hope of cooperation during a Congress. This is an interesting non-use of the discharge process that deserves further attention.

There are also a myriad of other questions to explore regarding the discharge process. Research on retaliation of the majority party against majority members who support discharge efforts and whether retaliation varies by the conditions of CPG could be investigated. Also, given the diversity of the types of issues targeted by petitions, participation on discharge efforts could vary with the different issues targeted. Petition involvement could be another form of constituent representation, and perhaps participation in constituent-focused petitions does not vary with CPG. Future work could also consider the effect of issue salience and public interest on discharge participation, the evolution of the petitions against special rules, and social networks in the discharge

process. These new data present many new research opportunities, enabling consideration of the discharge process and, more generally, party power, constituent representation, legislative signaling, and various other questions of legislative process.

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