

NATIONAL OR FEDERAL: THE US SENATE AND THE  
AMERICAN POLITICAL SYSTEM, 1789-1809

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A Dissertation

Presented to

The Faculty of the Department

Of Political Science

University of Houston

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In Partial Fulfillment

Of the Requirements for the Degree of

Doctor of Philosophy

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By

David W. Putz

May, 2003

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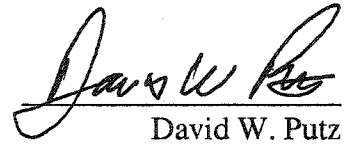
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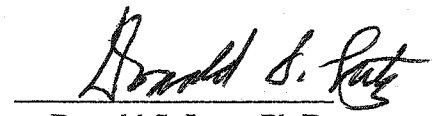
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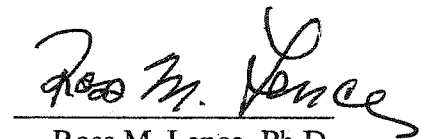
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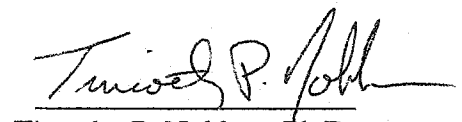
  
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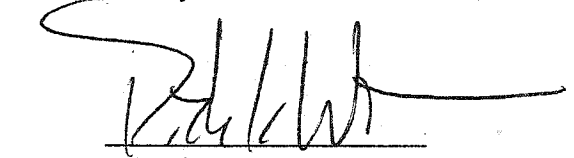
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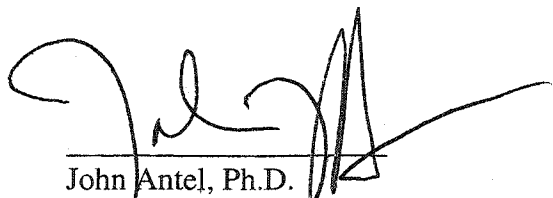
  
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## NATIONAL OR FEDERAL: THE US SENATE AND THE AMERICAN POLITICAL SYSTEM, 1789-1809

This dissertation challenges contemporary wisdom regarding the necessity of extra-constitutional rules to induce policy preferences of legislators in the United States Congress. I demonstrate that the differences in the constitutional design of the House and the Senate would lead to two long-term policy goals held by the framers of the US Constitution. First, as a result of the constitutional differences between the two chambers, the framers believed that domestic public policy would reflect the preferences of a more nationally oriented, moderate Senate. Second, these differences would minimize replacement effects to ensure policy continuity over time. I argue that the framers believed that success of the US Constitution in neutralizing the consequences of parochial interests which plagued the Congress under the Articles of Confederation would depend on the addition of a second legislative chamber whose members would have preferences different from the first. I suggest that the framers expected that the rules governing the tenure, selection, and constituencies of Senators and Representatives would create senatorial preferences that lag behind the preferences of Representatives, and that these lagged preferences would aid in the nationalization of the preferences of the Senate and minimize replacement effects in both chambers.

Using empirical and quantitative analysis to test this argument, I examine the levels of support for national legislation and the predictors of such support from congressional members serving in the seven congresses meeting from 1789-1809. I select this time period to control for the presence of extra-constitutional institutions that contemporary congressional scholars claim induce legislative behavior. I then turn to an analysis of the continuity of the preferences of the early members of Congress.

On all accounts, the data indicate that the framers underestimated the ability of the Constitution to induce legislative preferences. First, there are few differences in the preferences of Senators and Representatives in their levels of support for national legislation. This finding calls into question advantages of bicameralism beyond its deliberative qualities. Second, constitutional electoral laws were insufficient mechanisms to provide structure for the roll call behavior of legislators. This finding demonstrates that extra-constitutional institutions such as political parties are instrumental in organizing legislative preferences.

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There are also those who well understood what completion of my academic career at the University of Houston entailed. Even after the completion of my dissertation, I am still very well aware of the meaning of the word humble. First and foremost, there are those who remember those endless Friday nights that began with our eventual discovery of PJs, which was to become the graduate student bar during my first year. Those memorable Friday nights were made possible by Fred and Dana Morales, Philip and Lacy Michelbach, Curtis Frasier, Vanessa Baird, and Buddah, and on those special occasions, T-na Hughes would show us her dance moves. With the passage of time, new colleagues became friends. To these I also owe thanks for enriching the final two years of my graduate experience: Colleen Barry, Bruce Carroll, Craig Goodman, Joe Howard, Jeff May, Rebekah Smith Leub, and Ragini Tripathi. We are all champions.

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## Table of Contents

List of Tables.....	viii
Introduction.....	1
I. Inducing Legislative Preferences: Constitutional and Extra-Constitutional Institutions.....	5
II. Legislative Procedures and Leadership in the Early American Congress, 1789-1809.....	36
III. The Operation of Passionate Majorities in the US Congress: Concepts and Hypotheses.....	63
IV. Congressional Roll Call Voting.....	55
V. The Institutional Consequences for Legislative Behavior In the Early Congress.....	144
VI. Building a National Character: The Performance of the US Senate: 1789-1809.....	173
Appendix A.....	185
Appendix B.....	212
Appendix C.....	229
Bibliography.....	231

## List of Tables

2.1	Official Rules and Procedures of the First United States Senate.....	45
4.1	Examples of Substantive and Non-substantive Roll Calls.....	102
4.2	Examples of Roll Calls Addressing Federal Authority.....	104
4.3	Examples of Roll Calls Addressing National Uniformity.....	106
4.4	Examples of Roll Calls Addressing Executive Authority.....	107
4.5	Examples of Clear and Unclear Roll Call Descriptions.....	109
4.6	Examples of Roll Calls not Included in Analysis.....	110
4.7	The Universal and Sample Data Sets: Chamber Roll Call Votes in the US Congress, 1789-1807.....	114
4.8	The Universal and Sample Data Sets: Roll Call Votes of Members of Congress, 1789-1807.....	115
4.9	Freshman Representatives and Senators, US Congress, 1789-1807.....	117
4.10	Partisan Distribution, US Congress, 1789-1807.....	119
4.11	MC Support for National Legislation in the US House and Senate, 1789-1807.....	122
4.12	Chamber Support for Passage of National Legislation in the US House and Senate, 1789-1807.....	123
4.13	Frequency of Winning National Legislation, US House and Senate, 1789-1807.....	125
4.14	Percentage of Variance Explained by First Dimension of Roll Call Analysis, US House and Senate, 1789-1807...	129
4.15	Correlations of Legislator Coordinates, US House and Senate, 1789-1807.....	133
4.16	Correlations of Legislator Coordinates by Number of Terms Served, US House and Senate, 1789-1807.....	134
4.17	Cohort Analysis, Correlations of Legislative Coordinates, US House, 1789-1807.....	135
4.18	Cohort Analysis, Correlations of Legislative Coordinates, US Senate, 1789-1807.....	136
4.19	Comparison of Intra-Chamber Means of Returning Members, US Senate, 1789-1807.....	138
4.20	Comparison of Intra-Chamber Means of Returning Members, US House, 1789-1807.....	140

4.21	Rank Order of MCs, Dynamic versus Static Model.....	142
5.1	Expected Effects of Alternative Explanations for Levels of Support for National Legislation in the US Congress, 1789-1807.....	156
5.2	Correlation between D-NOMINATE and ADA-type Scores, US House and Senate.....	159
5.3	Legislative Coordinates of Returning Members, D-NOMINATE and ADA-type Scores, US House and Senate.....	159
5.4	Determinants of Support for National Legislation: The US House of Representatives, 1789-1807.....	166
5.5	Determinants of Support for National Legislation: The US Senate, 1789-1807.....	168

## Introduction

This dissertation challenges contemporary wisdom regarding the necessity of extra-constitutional rules to induce policy preferences of legislators in the United States Congress. I suggest that the differences in the constitutional design of the House and the Senate would lead to two long-term policy goals held by the framers of the US Constitution. First, as a result of the constitutional differences between the two chambers, the framers believed that domestic public policy would reflect the preferences of a more nationally oriented, moderate Senate. Second, these same differences would minimize replacement and conversion effects and temper the consequences of passionate majorities. I argue in the pages that follow that the framers believed that the success of the US Constitution in neutralizing the consequences of the parochial interests which plagued the Congress under the Articles of Confederation would depend on the addition of a second legislative chamber whose members would hold preferences different from the first. I suggest below that the framers expected that the rules governing the tenure, constituencies, and selection of Senators and Representatives would create senatorial preferences that lag behind the preferences of Representatives, and that these lagged preferences would aid in the nationalization of the preferences of the Senate and minimize replacement and conversion effects in both chambers.

To test whether these institutional differences did indeed induce the preferences of members of Congress, I examine two alternative views of constitutional design. I first draw from the arguments presented by the authors of *The Federalist* who suggest that

three constitutionally mandated electoral laws were sufficient to induce divergent preferences among members of the lower and upper chambers of the US Congress. According to this older theory, different methods of selection, term length, and constituencies would structure policy preferences of Senators and Representatives differently. Contemporary scholarship, however, minimizes the importance of constitutional rules in favor of extra-constitutional institutions such as legislatively enacted electoral laws, congressional chamber decision making rules, or political parties to structure legislative preferences. The focus on constitutional provisions in *The Federalist* and the focus on extra-constitutional provisions by a more recent body of literature creates a tension in the constitutional design literature not previously explored.

This project contributes to two additional bodies of literature as well. First, my approach draws heavily from the tradition in political science known as the “new institutionalism.” Scholars working in this tradition argue that political institutions are the product of choices made by rational political actors. Once these political institutions are in place, the behavior of political actors become constrained by those institutions. In order to understand legislative outcomes, I look at the interaction between legislative preferences and political institutions. The new institutionalists, however, generally ignore the interaction that takes place between constitutional and extra-constitutional institutions and the relative importance of one over the other. By incorporating the older theory of constitutional design as understood by the authors of *The Federalist* and the newer arguments of the new institutionalism into a single research design, I not only test these competing arguments but hope to provide readers with a better understanding of the consequences of the choice of political institutions as well.

The third body of literature to which this work contributes is the growing interest in the historical development of political institutions. An increasing number of scholars are not only examining contemporary theories of legislative institutions in light of the operation of the early US Congress and other legislative assemblies, they are also testing the operation of political institutions against the original expectations for those institutions. In this project I test whether legislative outcomes reflected the expectations of the framers as outlined in *The Federalist*.

To test these alternative approaches to constitutional design I examine the roll call behavior of congressional members serving in the first nine congresses which met from 1789-1809. I selected this period because congressional and party scholars argue that extra-constitutional institutions were either non-existent or in their nascent forms (Binder 1997; Aldrich 1995; Hoadley 1986). The research design, therefore, controls for the presence of many of these extra-constitutional arrangements. Though this project relies heavily on the early American experiment and contemporary literature on American politics, the conclusions I reach regarding constitutional rules and nationalized policy preferences can provide a generalizable theory of constitutional design.

The structure of this dissertation includes both normative and empirical analysis as well as a concern for the early legislative process. The first chapter serves to familiarize the reader with the constitutional and extra-constitutional institutions that contemporary and historical constitutional design scholars argue induce legislative preferences. In Chapter 2, I provide a comprehensive examination of the differences and similarities in the legislative procedures across the early House and Senate. Chapter 3 offers an in-depth review of the institutions and procedures that minimize the

consequences of passionate majorities on the preferences of Representatives and Senators. I define several concepts that are important to the remainder of the work, and close the chapter with a review of the hypotheses I draw from the arguments presented in *The Federalist*.

The empirical section of the dissertation begins with Chapter 4. I operationalize the concepts defined in Chapter 3 and use the Poole-Rosenthal (1997) NOMINATE program to scale roll call votes along a measure that allows support for national policy to emerge if such a continuum exists. After its construction, I use the results to assess the stability of preferences of MCs both within and across chambers. In Chapter 5 I conduct a multivariate analysis to explain both inter and intra chamber differences in individual levels of support for national policy.

In the final chapter, I return to the research question guiding this dissertation: are constitutional rules sufficient to structure legislative preferences? I review the assumptions of the authors of *The Federalist* and contrast these arguments with arguments from contemporary neo-institutionalists, and consider the implications of my findings for this debate and constitutional design in general.

## Chapter 1

### Inducing Legislative Preferences: Constitutional and Extra-Constitutional Institutions

The institutions that structure the preferences of contemporary legislators look very different from those envisioned by the framers of the US Constitution. Today, political parties are viewed by a large number of scholars as instrumental in structuring legislative preferences, especially on important partisan issues (cf. Rohde 1991). Public choice scholars see political parties as a significant contributor to the reduction of a multi-dimensional legislative space to a single dimension (Cox and McCubbins 1993; Poole and Rosenthal 1997; Shepsle and Weingast 1984). Others, however, note that chamber decision making rules, themselves a product of partisan choice, induce legislative preferences (Binder 1997; Dion 1997). For these scholars, the US Constitution is treated as an exogenous influence on preferences. For the founding generation, however, the Constitution was seen not only as the premier mechanism through which legislative preferences would be structured and the consequences of passionate majorities tempered, but as the institution that would minimize the effects of other extra-constitutional influences on legislative behavior as well. By mandating a few important differences between the House and Senate, the framers expected that the Constitution would limit the influences of passionate majorities and other competing extra-constitutional arrangements on congressional preferences.

In this chapter, I examine the rules that are announced in the US Constitution prescribing elections and electoral constituencies for the House of Representatives and the Senate. To provide theoretical justification for the different sets of electoral



institutions, I turn to *The Federalist*. Next, I review a growing body of literature that takes interest in the stability-inducing effects of bicameral legislative institutions. *The Federalist* again proves instructive for understanding the nature of bicameral systems. In the remaining two sections of this chapter, I examine two extra-constitutional institutions that have captured the hearts and minds of contemporary students of legislative behavior: chamber decision-making rules and political parties. I conclude with an assessment of these competing theories.

### **Legislative Preferences and the Constitutional Connection**

A logical place to start an assessment of the effects of constitutional design on legislative preferences is the US Constitution itself. Remarkably, the United States Constitution says very little about the rules that govern elections to the national Congress. In fact, prior to amendment, there are only six paragraphs in the original document devoted to the subject of selection to Congress: Article I, Section 2, paragraphs 1 and 5 on elections to the House of Representatives; Article I, Section 3, paragraphs 1 and 2 on elections to the Senate; and Article I, Section 4, paragraph 1 granting states the power to regulate elections to the national legislature.<sup>1</sup> Despite allowing the states almost complete discretion over elections to the national legislature, the constitutional rules that were prescribed were expected to minimize the effects of various state electoral laws on national public policy.

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<sup>1</sup> The absence of additional electoral rules in the Constitution highlights the fact that most regulations that govern elections to the United States Congress are extra-constitutional and left to state discretion.

Selection to the House of Representatives is governed by Article I, Section 2, paragraph 1 of the US Constitution: “The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each state shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.” This clause provides an example of a single rule governing elections to the lower chamber, and a second rule creating electoral constituencies for the House. The two rules themselves are quite limited in scope. The rule governing elections only dictates the tenure of representatives. They are to be “chosen every second year.” The second rule creates constituencies for each of the original 65 representatives. Members of the House, the Constitution stipulates, are selected “by the people of the several states.” The Constitution authorizes the states to determine the eligibility of voters to participate in national elections, but the national Congress on several notable occasions has constrained the regulatory authority of states to define their electorates.<sup>2</sup>

The Constitution similarly says little about the selection of Senators, devoting only two paragraphs to the subject. Article I, Section 3, paragraph 1 reads “The Senate of the United States shall be composed of two Senators from Each state chosen by the legislature thereof for six Years.” Much like the rules governing election to the House, the Constitution provides a rule that governs tenure and a rule creating constituencies for the original Senators. The Constitution creates six-year terms for Senators and indicates that their constituencies are state legislators. There is, however, an additional rule for the Senate found in the following clause of Section 3, staggered terms. Article I, Section 3,

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<sup>2</sup> For example, Congress mandated members of the House of Representatives stand for election in single member districts.

clause 2 reads “immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year.” This clause is responsible for the well-known fact that the Senate is divided into three cohorts; one-third of the chamber is up for re-election every two years. It is also responsible for the little known fact that the Senate, unlike the House, is a continuous body. The 106<sup>th</sup> Congress is still the first Senate.

The few constitutional rules that do govern elections to the Senate and House create three important differences between the two chambers that the framers expected to have consequences for the effect of majority opinion on the policy preferences of members of Congress (MCs). The first is the difference in terms of service. Representatives stand for re-election every two years and Senators every six. The greater frequency with which elections to the House are held serve to tie representatives to their constituencies much more closely than Senators are tied to state legislatures. Thus, Senators have a degree of independence from their constituencies that Representatives do not which provides them with the luxury of taking a long-term view of public policy. In addition, removed from what Madison and the other framers of the Constitution perceived as the instability of public opinion and the popular excesses of democracy, the preferences of Senators would be more stable than the preferences of the lower House.<sup>3</sup>

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<sup>3</sup> Kuklinski (1978) has shown that the voting behavior of members of the California state Senate is subject to election cycles. Senators who stand for re-election adjust their voting

Senate independence from both popular opinion and state legislative constituencies was ensured through staggered terms as well. Madison justified staggered terms in *Federalist #62* as necessary for the provision of stability and permanency for government policy. Since only a minority of Senators stood for re-election every two years, the remaining members provided continuity with previous policy and minimized the probability that public policy would mutate with every new election. This works according to the following logic. The two-thirds of the Senate not standing for election provided policy continuity because absent an intervening election, the preferences of these members were not expected to reflect contemporary opinion. Thus, the policy preferences of these Senate "holdovers" served to check the preferences of freshman Senators. In other words, if the preferences of the median freshman Senator were different from the median preferences of the chamber, the chamber median would be little affected. If change did occur, it would be reflected in the range of the distribution of preferences. Change would therefore occur slowly, if at all, since replacement would occur on the margins. The framers expected staggered terms to serve two purposes then. First, they would minimize replacement and conversion effects both within and across chambers. Second, they would temper short-term changes in public policy. The interaction between preferences and institutions would reduce the likelihood membership change would translate into policy change.

The third difference between the House and the Senate are their constituencies. Representatives are elected by, and responsive directly to, the people of individual states

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behavior to more closely reflect constituency preferences while those not standing for re-election fail to do so. Thomas (1985) and Wright and Berkman (1986) found similar results. These results are discussed in greater detail in Chapter 5.

organized into constituencies of different sizes.<sup>4</sup> Publius justified different constituencies for the Senate based on two considerations.<sup>5</sup> Lacking an hereditary element within the political community whose interests were traditionally represented in an upper legislative body, Madison and his colleagues had to find an alternate justification for the addition of a second chamber. Since the states perceived that the Senate would represent their parochial interests, they believed that the upper chamber would check the national government and make sure state interests were not completely consolidated under the new national government. However, this was not the basis on which the Senate was originally justified at the Constitutional Convention. As Wood (1998) notes, the framers believed that the Senate was a national body, designed to check the more popular, local interests represented in the House. Nonetheless, this led to a second consequence of bicameralism: senatorial preferences that were different and removed from the influence of contemporary public opinion. Because majorities in state legislatures chose Senators, their preferences would be induced indirectly through the preferences of state legislators. The Senate was expected to be less sensitive to public mood swings. How then would a body responsive to state interests promote national interests?

The answer can be found in the US Constitution. Even though the language used to defend the Senate suggested that its purpose was to represent and protect state interests, the electoral rules announced in the Constitution, and the original purpose of the Senate, suggest otherwise. It would be a national, not federal, body. In fact,

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<sup>4</sup> States instituted several different electoral systems to select members to the House. I review these strategies later in this chapter.

<sup>5</sup> Martis (1989) notes that while several other modes of selection were debated, state selection was not only popular with both delegates and the public, it provided representation of state, as opposed to popular, interests.

constitutional rules work against the proposition that the Senate would protect state interests. Instead, the Constitution created a Senate that was largely free from the influence of state legislators (Swift 1996). The most important of the rules in the Constitution governing elections to the Senate that created this independence was the mandate for six-year terms. Most state legislators, especially in lower chambers, served one-year terms. Some states, such as Rhode Island, required representatives to stand for re-election every six months. Thus, the body of legislators originally electing a Senator to office would not have been the same as the later re-election constituency. The state legislative majority to which a Senator was to be held accountable could change several times over the course of a single six-year term. The various laws regulating selection to state legislatures and the timing of these elections further ensured that the preferences of the Senate would not change with the frequency of public opinion. The omission of certain other constitutional rules work against the protection of state interests as well. The US Constitution did not provide for recall of Senators, nor did it constitutionalize requirements that Senators follow the instructions of state legislatures. States that did attempt to instruct their Senators failed on almost every occasion, and legislation authorizing such instruction was easily defeated.<sup>6</sup> In addition, as Schiller (2000) notes, each state was provided two votes in the Senate which allowed Senators, elected in different classes, to respond to national and state political matters as individuals and not as part of a state voting bloc. Thus, there were several departures in the US Constitution that provided Senators greater freedom from state legislatures than delegates enjoyed under the Articles of Confederation. First, Senators voted as individuals, not in blocs;

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<sup>6</sup> See Riker (1957) for an in-depth discussion of the few instances when such methods were successful.

second, states were not allowed to recall Senators; and third, they were unable to instruct their Senators.<sup>7</sup>

With the exception of a few public choice theorists (Nordhaus 1975; Keech and Simon 1983), scholars often overlook the implications of these constitutional provisions on public policy (but see Swift 1996; Kuklinski 1978). Most studies of the constitutional design of electoral systems fail to include a discussion of tenure which the framers believed structured legislative preferences (for example, see Cox 1997; Shugart and Carey 1992). The authors of *The Federalist* were acutely aware of the effects of the interaction between legislative preferences and political institutions regulating the tenure of the members of the House and Senate and their effects in creating nationally oriented, moderate public policy. Contemporary congressional scholars have only recently begun to note that longer terms have stabilizing influences on policy preferences (Jenkins 2000; Poole and Rosenthal 1997; Binder 1997). None, however, have addressed this question empirically. In order to understand the advantages of a bi-cameral legislature in structuring the policy preferences of MCs, I turn to a review of the arguments presented by Madison and his colleagues in *The Federalist*.

### **The Utility of the Senate**

In *Federalist* #62 and #63, Madison notes the advantages associated with longer Senate terms for policy stability. In #62, Madison argues that longer terms for Senators are preferable over shorter ones because they create a long-term familiarity with the

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<sup>7</sup> The Constitution still mandated state delegations to vote as units on certain occasions, most notably if no candidate for the presidency wins a majority of votes in the Electoral College, the election is decided in the House. Under election rules, each state delegation is afforded one vote. A similar process is mandated for the Senate and selection of the vice-president.

effects of legislation. In addition, the six-year term served by Senators allows the Senate to correct possible errors arising out of legislation passed by the lower chamber. In Number 62, he writes of the House that

It is not possible that an assembly of men called for the most part from pursuits of a private nature, continued in appointment for a short time, and led by no permanent motive to devote the interests of public occupation to a study of the laws, the affairs and comprehensive interests of their country, should, if left wholly to themselves, escape a variety of important errors in the exercise of their legislative trust.

He continues, lamenting the instability of the preferences of the lower chamber, asking “what indeed are all the repealing, explaining and amending laws, which fill and disgrace our voluminous codes, but so many moments of deficient wisdom; so many impeachments exhibited by each succeeding, against each preceding session?” (Hamilton, Jay, and Madison 2001:322). Because of the “mutability of the public counsels, arising from a rapid succession of new members” despite their qualifications suggests to Madison “the necessity of some stable institution in the government” (Hamilton, Jay, and Madison 2001:323). He notes that “every new election in the States is found to change one half of the representatives.” High turnover rates “must proceed a change of opinions; and from a change of opinions, a change of measures.” Continual change “even of good measures is inconsistent with every rule of prudence and every prospect of success.” The institution which can bring “a certain order and stability,” Madison concludes, is the Senate. He framed the advantage of a Senate in the following way:



The necessity of a senate is not less indicated by the propensity of all single and numerous assemblies to yield to the sudden and violent passions, and to be seduced by factions leaders into intemperate and pernicious resolutions (Hamilton, Jay, and Madison 2001: 322).

*Federalist* #63 continues this theme. Madison observes that the Senate's longer terms are necessary since the House is "unable to provide more than one or two links in a chain of measures." The corrective to this problem is to institute a second legislative chamber with "sufficient permanency to provide for such objects as require continued attention." Thus, Madison argues in these two numbers of *The Federalist* that the Senate contributes to policy stability because of its longer terms of office, not because of their differences in electoral constituencies or the extra-constitutional presence of political parties, factions, or state electoral laws.

Existing literature on the stability-inducing properties of an upper chamber invariably draws, as I have done here, from Madison's discussion in *Federalist* #62 and #63 (cf. Miller and Hammond 1987). However it is John Jay, not Madison, who provides the basis for the theoretical argument behind this dissertation. In many ways, Jay is the forgotten author of *The Federalist*, overshadowed by the much larger numbers written by Hamilton and Madison. The oversight of Jay's contribution to understanding the operation of the US Congress has lead to an incomplete picture of the paramount role of the US Senate in the policy process. While the greater part of #64 pertains to the Senate's advise and consent role in the treaty process, as Jay notes, his reasoning is applicable to the Senate's role in the lawmaking process as well. Jay makes clear that the

Senate will have national policy preferences, an advantage not to be found in the lower chamber.

Like the more prolific Madison, Jay was aware of the stability-inducing properties of longer-term lengths for Senators. Longer terms were especially important for the Senate's role in the treaty making process. The Senate, Jay argues, is the logical chamber to possess the authority to approve executive treaties because the changing membership of the House "must necessarily be inadequate to the attainment of those great objects, which require to be steadily contemplated in all their relations and circumstances" (Hamilton, Madison, and Jay 2001:333). National matters "can only be approached and achieved by measures, which not only talents, but also exact information and much time are necessary to concert and execute" (2001:333). He justifies longer terms for Senators because "they should continue in place a sufficient time to become perfectly acquainted with our national concerns, and introduce a system of management of them" (2001:334). As national managers of policy, six-year terms give Senators "an opportunity of greatly extending their political information and of rendering their accumulating experience more and more beneficial to their country" (2001:333).

Jay also recognized the importance of staggered terms in providing policy continuity and minimizing replacement and conversion effects. Though frequent elections, Jay argues, are a political inconvenience in the management of "great affairs" (Hamilton, Madison, and Jay 2001:332), implementing staggered terms for Senators combines the popular necessity of frequent elections with the benefits provided by longer term length. The advantages of staggered terms obtain "by leaving a considerable residue" of Senators in office every two years, and "uniformity and order, as well as a

constant succession of official information, will be preserved” (Hamilton, Madison, and Jay 2001:334).

Of the third constitutional difference between the two chambers, Jay argued that the selection of Senators through state legislatures not only insulated the Senate from public opinion, but also protected any remaining portion of state sovereignty and veto rights the states had over national policy under the Articles of Confederation (Gammon 1979). Selection of Senators by state legislatures was to ensure they “will always be the number of those who best understand our national interests. . . whether considered in relation to the several states or to foreign nations (Hamilton, Madison, and Jay 201:332). Selection by state legislatures was expected to induce policy preferences that moved beyond state borders and parochial state interests.

### **The Overlooked Electoral Connection**

The Constitution allows the states discretion over the methods of selection to the House of Representatives. Contrary to the expectations of the framers, the states failed to uniformly adopt single member electoral districts (Martis 1989). The difference in state electoral laws had the potential to undermine the effectiveness of the Constitution in mitigating parochial state interests and provides yet another opportunity to test the ability of the Constitution to structure legislative preferences regardless of the diversity of state electoral laws.

The states implemented variations of two electoral systems, general ticket and multi-member districts. Under the general ticket method of selection, states held elections to fill congressional seats statewide. Each voter was given a number of votes for congressional office equal to the number of representatives apportioned to the state.

For example, Rhode Island was apportioned two representatives and used the general ticket method of selecting her congressional delegation. Each voter in the state would cast a vote for each House seat. Critics argued that such general ticket elections diluted minority-voting strength and favored district elections to increase the representation of local state minorities (Martis 1982). Though the correlation is far from perfect, populous states were more inclined to institute district elections and those states with smaller populations were more likely to hold general ticket elections (Zagarri 1987). As a result of these differences, small states using a general ticket were often accused of manipulating local electoral laws since the consequence of general ticket elections was that small state delegations tended to vote together more frequently than large state delegations elected in district elections (Zagarri 1987). This observation suggests state legislators also recognized the interaction between behavior and preferences and tried to manipulate the behavior of their legislators. Zagarri (1987) notes, however, that the selection of electoral laws in each state was determined in large part by the strength of competing political coalitions within the state. When local Federalist parties realized popular support for their policies and candidates was waning, they attempted to maintain election to national office by having state legislatures implement electoral systems the party believed would be most beneficial to its candidates.

Similarly, Geddes (1996) has shown that communist successor parties in Eastern Europe designed electoral systems to ensure their success. Parties that hold a majority when electoral systems are implemented design systems that will protect or enhance their majority status. In the former US colonies, as in the former communist bloc countries, electoral engineering often back-fired because the majority party, whether Federalist or

communist, overestimated their support among voters (Geddes 1996; Zagari 1987). Probably the best example in the US is the efforts of the Federalist-controlled New Jersey legislature. Sensing the electorate was turning against them, Federalists implemented a general ticket system to replace a single member system to send a Federalist delegation to Congress. However, the voters sent a Democrat-Republican delegation instead, leaving New Jersey Federalists without representation.

States also implemented multi-member districts in an attempt to keep the county as the primary geographical unit of representation while recognizing more populous regions deserved greater representation (Martis 1989). Again, critics noted that this method of selection tended to dilute the voting strength of minorities residing in the multi-member district. However, as a result of the larger constituency, a representative would have to craft a more moderate message because of the increased diversity of district preferences. In other words, the median voter's preferences in a larger multi-member district would be less extreme than the preferences of a median voter in a smaller, single-member district. Thus, the size of the constituency has a moderating effect on the preferences of a representative because the opinion of the larger district is less extreme and intense.

States could also use any combination of these methods of selection. New Hampshire used a general ticket, multi-member method. Over the first seven congresses, New Hampshire elected its three, and after the first census its four, representatives statewide on a single ticket. Similarly, Delaware elected its single representative in a statewide election. States also implemented a mixture of multi-member and single member districts. Pennsylvania was particularly fond of this method of selection

beginning with the 4<sup>th</sup> Congress. That state elected thirteen of its fifteen representatives in single-member district elections and two in a multi-member district for Philadelphia and the surrounding areas. The largest number of states, including New York, Connecticut, and North Carolina, elected their representatives in district elections. Generally, selection methods changed as the partisan control of the state legislature changed in hopes of sending a partisan majority to the national congress (Zagarri 1987).

What these early elections provide then is an environment where electoral systems were used by states to compete for influence in the national legislative councils. Those who sought to manipulate electoral laws at both the national and state levels were conscious of the interaction between political institutions and individual preferences. As Zagarri suggests but does not argue, state electoral systems were the product not of principle but of political choice. While Publius intended for states to create single member districts (Martis 1989), the fact that they did not implement uniform electoral systems suggests states still tried to control national policy outcomes despite the intention of the Constitution's framers to minimize such manipulation.<sup>8</sup>

### **The Renewed Interest in Bicameralism and Legislative Outcomes**

Electoral systems are just one of several mechanisms that may affect the behavior of members of Congress once in office. One of the primary assumptions of what has been called the "new institutionalism" is that policy outcomes are a function of the policy preferences of individual actors and the institutional arrangements which structure the decision-making process. Thus, for example, the size of a district may affect the preferences of a representative. However, most contemporary scholarly attention

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<sup>8</sup> Single member districts were instituted by the US Congress in 1842.

investigating decision making in the US Congress focuses on the ability of extra-constitutional features such as parties, committees, or chamber decision-making rules to induce legislative preferences. One well-known, and well-worn, debate suggests that political parties are instrumental in solving the collective action problem faced by all legislative institutions by structuring the decision-making process (Aldrich 1995; Cox and Mc Cubbins 1993; but see Krehbiel 1991). Absent from this body of literature, however, is both normative and empirical concern for the characteristic institutional feature of the assembly on which most of this literature focuses: bicameralism.

*The Federalist* offers a well-known defense of the deliberative and stability inducing properties of bicameralism. Publius justifies bicameralism based on four distinct advantages over unicameral assemblies. Two, the deliberative and stability inducing qualities of a dual-chambered assembly, have long been recognized by legislative scholars (cf. Tsebelis and Money 1997). The presence of a second legislative chamber not only creates delay in the legislative process it also makes policy change difficult. The third justification, one that has few practical policy consequences today but was part of the Great Compromise that secured the success of the Constitutional Convention, was to protect the interests of the states by giving them a veto over national legislation in the Senate. Though it provided the original justification for the Senate, legislative scholars as well as constitutional design theorists have long ignored a fourth reason. Despite its perception as providing a forum to protect state interests, the upper chamber was designed to promote a national policy agenda. The observation by political pundits that the contemporary Senate is a more nationally oriented body would not surprise the framers. It was the expectation they held for the historical Senate.

Until recently, studies of congressional behavior failed to acknowledge the institutional differences of two-chambered legislative branches and the implications of bicameralism on the decision-making process. Tsebelis and Money (1997) have called attention to the failure of neo-institutional models to incorporate bicameralism into formal models of legislative behavior and have suggested that the institutional norms in the House and Senate structure the decision-making process in distinct ways. This, in turn, produces different policy outcomes than those suggested by studies which ignore the bicameral structure of the Congress. In keeping with Federalist theory, their work suggests that representatives in unicameral legislatures behave differently than those situated in bicameral institutions because decision-making strategies in bicameral systems must incorporate both internal and external constraints on the decision-making process of individual legislators.<sup>9</sup> The thrust of this literature suggests that bicameral institutions can induce policy stability by overcoming what has been identified by early public choice theorists as the problem of recurrent policy instability through majoritarian cycling (Arrow 1951; McKelvey 1976, 1979). Bicameralism can end the problem of majoritarian cycling since the decision-making rule to pass legislation now requires the concurrence of majorities in two chambers (Miller and Hammond 1987, 1989; see also Tsebelis and Money 1997).

The overemphasis on the stability-inducing benefits associated with bicameralism is a consequence of the attraction of Madison to public choice theorists. A substantial portion of Madison's discussion of the House and the Senate is framed by the potential for greater policy stability from the Senate. Instability, Madison argued in *Federalist 62*,

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<sup>9</sup> Legislators have to anticipate the reaction of members in the second chamber before they act.



threatened the very existence of liberty itself. Domestic public policy change subject to frequent policy change is “calamitous. It poisons the blessings of liberty itself.” He continues, arguing that

It will be of little avail to the people that the laws are made by men of their own choice if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today, can guess what it will be tomorrow.

Frequent policy change, Madison argues in #62, advantages “the sagacious, the enterprising, the moneyed few over the industrious and uninformed mass of the people” (Hamilton, Madison, and Jay 2001: 324). Due to the unequal distribution of political information and knowledge among the mass public, the politically informed, he laments in the same essay, are presented with a “harvest, reared not by themselves, but by the toils and cares of the great body of their fellow citizens” (Hamilton, Madison, and Jay 2001: 324). The Senate, he suggests, “as a second branch of the legislative assembly distinct and dividing the power with a first, must be in all cases a salutary check on the government.” A bicameral system, Madison concludes, “doubles the security to the people by requiring the concurrence of two distinct bodies in schemes of usurpation or perfidy, where the ambition or corruption of one would otherwise be sufficient” (Hamilton, Madison, and Jay 2001:321).

The ability of bicameralism to produce stable policy outcomes are limited, however. If the preferences of legislators are the same across the two chambers, the utility of a bifurcated legislature is lost and the two chambers function as a unicameral assembly (Tsebelis and Money 1997). Thus, the two chambers must be structured to induce different preferences among legislators. Madison recognized the necessity of

different preferences across the House and the Senate to realize the benefits of bicameralism in *Federalist* 63. There he acknowledged that the betrayal of the interest of the people is more likely “where the whole legislative trust is lodged in the hands of one body of men, than where the concurrence of separate and dissimilar bodies is required in every public act.”

Ultimately, Madison’s justification for and defense of the Senate as the protectorate of state interests is half-hearted. As Swift (1996) notes, small states believed that the Senate would be an assembly of ambassadors from the states and would serve to protect their interests.<sup>10</sup> In *Federalist* #62, Madison notes that “no law or resolution can now be passed without the concurrence first of a majority of the people, and then a majority of the States.” Without the protection of a bicameral legislature “the larger states will always be able by their power over the supplies to defeat unreasonable exertions of this prerogative of the lesser states.” A bicameral assembly reduces the “excess of lawmaking” liable to democratic governments.

However, the constitutionally designed chamber differences work against this proposition. Increasing the difficulty to pass legislation protects the status quo, and as Madison notes approvingly, “this part of the constitution may be more convenient in practice than it appears to many in contemplation.”

In sum, the literature on bicameralism, presently dominated by neo-institutionalists and public choice scholars, fails to capitalize theoretically and empirically on alternative consequences associated with bicameral assemblies, including

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<sup>10</sup> This, as Wood (1998) notes, was the second justification on which the Senate was based. Proponents of a second chamber initially argued it would balance the interests of the more locally-oriented House.

those used by the framers to defend the Senate at the Constitutional Convention. These newer bodies of literature focus too heavily on the stability-inducing properties of bicameralism at the expense of an equally compelling reason to divide the legislative branch: nationalizing policy. They devote little time to understanding how preferences between the upper and lower houses will be structured to achieve different outcomes. Scholars such as Miller and Hammond (1987) ignore the effect of the interaction of multiple constitutional rules (McCarty 2000). Because of the national electoral system, the Senate should be more supportive of national policies and policy if the system operates according to expectations. If, however, preferences do not diverge across chambers, the potential to nationalize and stabilize policy is lost and the presence of a second chamber can only be justified by the deliberative qualities it induces by providing “the saucer that cools the tea.” Miller and Hammond therefore give an incomplete picture of policy-making in the early US Congress. They are correct to note the stabilizing benefits of the addition of a second chamber but fail to note the advantages associated with nationalizing policy as well.

### **Chamber Decision Making Rules and Legislative Preferences**

Each House may determine the Rules of its Proceedings  
US Constitution, Article I, Section 5, Clause 2

The literature on the interaction between chamber decision-making rules and legislative preferences is not as developed as the other bodies of congressional literature. Only recently have scholars begun to address the consequences of Article I, Section 5, Clause 2 of the US Constitution and treat decision-making rules in the US Congress as endogenous preferences subject to change by partisan chamber majorities (cf. Binder 1997; Dion 1997). Though this literature has emphasized the importance of majority

chamber control to structuring procedural rules, it remains “constitutionally free.” By that I mean these scholars address only those endogenous procedural rules governing the legislative process that can be changed by legislative majorities. Like most work in the neo-institutional tradition, Binder (1997) and Dion (1997) over-emphasize the effect of non-constitutional rules, such as the role of the partisan majority on the structure of procedural rules to induce legislative preferences, and under-emphasize the effect of constitutional rules on inducing legislative preferences. While both should be applauded for their efforts in tracing the historical effects of changing procedural rules, both models fail to control for the constitutional rules that may effect the decision making process. Since they are subject to change only through constitutional amendment, both works treat constitutional provisions such as tenure and staggered terms as exogenous.<sup>11</sup>

Since the Constitution mandates such few decision-making rules to govern legislative procedures, it seems reasonable to assume that the framers believed constitutional rules such as tenure, staggered terms, and constituency differences would minimize the effects of the procedural choices made by each chamber. While Binder acknowledges this possibility, she fails to test it explicitly, merely acknowledging that “both Madison and Hamilton seem to have believed that the structure of the Senate was sufficient for restraining passionate majorities and that supermajority voting requirements would be undesirable and unnecessary under the new Constitution” (1997:38).

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<sup>11</sup> Of course, theoretically, the tenure and staggered terms provisions could be treated as endogenous variables. The 17<sup>th</sup> Amendment is a good example of the possibility of changing constitutional rules. However, this change occurred well after the date my analysis ends, and in many instances, the amendment merely constitutionally sanctioned the practice already in use in a majority of the states at the time.

Despite the freedom given to each chamber by the Constitution to organize its rules and proceedings, both the House and Senate instituted rules of procedure similar to the English Parliament (Binder 1997).<sup>12</sup> Each chamber was characterized by egalitarianism, considering bills as they came to the floor and providing members equal access to debates. Procedural rules placed few restrictions on the rights of members to speak, and debate over legislation was unlimited in both chambers. Both gate-keeping institutions and any sort of formal party apparatus were absent. Since committees were ad hoc, they were denied property rights to certain legislative jurisdictions. In the House, the Speaker had yet to be granted many of the formal powers later partisan majorities would give to speakers such as Reed and Cannon. Instead, the Speaker in the early Congress merely facilitated discussion in the House much like the president did under the Articles of Confederation and the Continental Congress (Jillson and Wilson 1994) and the speaker in the British House of Commons. In short, congressional leaders in the early American Congress lacked the tools to control the legislative agenda and hence the preferences of members because the few decision-making rules generally favored unrestrained debate to protect the individual rights of legislators (Binder 1997). Extensive procedural rules had yet to be institutionalized in either chamber which would have allowed floor leaders to rise to power.

While neo-institutionalists have failed thus far to address the consequences of exogenous and endogenous constitutional rules, formal theorists have not. Scholars who

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<sup>12</sup> The US Constitution is not completely free from procedural constraints on the legislative process. For instance, to override a presidential veto requires the assent of 2/3<sup>rd</sup> of both chambers. A similar constraint would be the mandate that all revenue bills originate in the House of Representatives. Other procedural mandates for each chamber include expelling members and maintaining journals of proceedings.

model formally the legislative process as a series of bargaining games note that legislative bargaining is in large part a function of the future expectations of players (McCarty 2000). Current policy support by legislators is based on expectations about future policy proposals. The more certain a legislator is about his tenure in office, the less willing he will be to bargain over his preferred policy position. Knowing that he will remain in office when others with shorter terms may leave the assembly, the representative with tenure certainty will be less willing to change the status quo. Longer terms and lack of term limits, McCarty (2000) suggests, aid in the reduction of uncertainty over tenure and the ability to affect policy outcomes. Since there is an interaction effect between time and legislative bargaining rights, policy outcomes should resemble the ideal point of those legislators who have held office longer. Both lend themselves to preservation of the status quo and policy stability. Thus, McCarty provides theoretical insight into the way in which the Constitution structures preferences in legislators with longer terms in office.

The early American Congress provides an opportunity to test the interaction effects between policy preferences and tenure. The Senate, in fact, presents a natural experiment with which to test these assumptions. By constitutional design, the Senate is divided into three cohorts. The first Senators randomly drew lots to determine with which cohort each Senator would sit (Joseph 1975). McCarty's model leads to the expectation that policy would reflect the preferences of Senators who served, or expected to serve, longer terms. As McCarty notes, "any institutional feature that increases the professionalism and careerism of politicians, such as longer term lengths and the lack of term limits, should increase the value of veto rights relative to proposal rights"

(2000:518). Following this logic, those Senators serving the longest terms should have the most nationally oriented policy preferences. Extending the logic of the argument further, representatives serving multiple terms should have more nationally oriented preferences as well and should provide continuity with legislation in the lower chamber. Anticipating the reaction of senior MCs reduces the options available for policy change.

After drawing a flurry of academic interest at the turn of the century, the procedural rules of Congress long went ignored. While many of these early texts were rich in detail, they were largely descriptive, devoid of analysis of the origins and political consequences of the rules themselves (Cooper 1962; Sait 1938; Rogers 1926; McCall 1911; Follett 1902). Contemporary congressional scholars have returned to these texts and have taken a renewed interest in the procedural rules of Congress. While maintaining the descriptive approach of earlier studies to provide context for analysis, scholars today emphasize the political nature of the choice of procedural rules (Fink 2000; Binder 1997; Dion 1997). Decision-making rules, this literature suggests, reveal the procedural and policy preferences of partisan majorities. However, some rules structuring policy outcomes are not subject to change by majorities. Formal theorists are only recently beginning to include these exogenous rules in legislative bargaining games. These models provide compelling evidence that constitutional rules can structure political outcomes regardless of other decision-making rules. This dissertation moves this research forward by analyzing empirically the importance of constitutional rules in structuring legislative preferences that favor the status quo.

## **The Importance of Political Parties: Are They or Aren't They?**

Contemporary political science literature on congressional parties has been dominated by a single question: do parties matter? The central thrust of this debate centers on the potential for political parties to induce preferences on party members that are different from the policy positions of the members themselves.<sup>13</sup> While parties today are seen as a normal though not necessarily integral part of the legislative process, the framers looked at their political value with suspicion.

In his *Federalist* writings Madison characterized the presence of a political party as the rule of “passion not reason.” As Bell (1973) notes, party behavior was identified easily in legislatures because it resulted in polarized voting coalitions across a number of issues. “Party,” as used by Madison, is not to be confused with the use of the term “faction” in *Federalist* #10 (Bell 1973). There, Madison acknowledged that factions arise over “the various and unequal distribution of property.” The primary responsibility of government, Madison argues, is to regulate these various interests. Factions are, Madison reasoned, a part of man’s nature, and as such, could not be eliminated by any institutional means. Their effects, however, could be controlled through certain institutional arrangements found in the Constitution. Parties, however, originate not from man’s nature, but from their shared opinions across numerous interests (Bell 1973). Though it is unclear whether Madison believed a constitution could eliminate party behavior, the US Constitution was drafted in part to minimize polarization in Congress. Madison saw parties as having a high probability of effectively structuring legislative preferences that could be minimized by institutional arrangements.



The more contemporary Cox and McCubbins/Krehbiel debate over the importance of partisan majorities to the organization of the US Congress is well known to congressional scholars, and I will only summarize it briefly here. Cox and McCubbins (1993) argue that political parties are instituted to meet the re-election interests of their members. Assuming that party members are self-interested seekers of re-election, Cox and McCubbins suggest that members want the party label to reflect their own policy preferences to advantage them electorally. This introduces a collective action problem, since the party label is a good equally shared by all members. In a sense, the party label serves as a product label in the electoral marketplace, offering an informational “short-cut” to voters (Popkin 1991). In order to provide a quality brand name to the electorate, party members give their leaders formal authority to enforce collective legislative decisions in order to create and maintain a party reputation. Thus, the party label becomes something that both the electorate and party members come to value, and congressional party leaders are given sanction by party members to maintain the worth of the label both within and without Congress.

Krehbiel (1991; 1993) has been one of the most vocal critics of the party-dominated model, and has suggested that congressional parties are simply the aggregation of the individual preferences of party members. Krehbiel argues, and provides strong evidence to suggest, that once the preferences of legislators are controlled, the effect of majority party control of the legislative chamber matters little. Party matters because individual preferences coincide. He finds little evidence that legislators vote contrary to

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<sup>13</sup> Cox and McCubbins (1993) and Krehbiel (1991; 1993) are the most well-known contributors to this debate, and have in essence, defined the terms on which it currently takes place.

their preferences and concludes that party is irrelevant in inducing legislative preferences. Contrary to Cox and McCubbins (1993), he finds scant evidence that contemporary committees favor the majority party or are structured to meet the re-election needs of members. Instead, Krehbiel argues that Congress is organized to meet the informational needs of its members.

Numerous scholars have attempted to refute the Krehbiel thesis by developing alternative ways to measure party effects. Sinclair (1999) has found that when a committee is highly partisan, decision-making is much more likely to occur under restricted rules. Thus, committee majorities deny the minority party such rights as the opportunity to amend legislation prior to its passage to the floor. Other legislative scholars have examined the behavior of MCs who have switched parties. Nokken (2000), for example, suggests that representatives who switched parties over the course of their legislative careers begin to vote more frequently with the leadership of their new party (cf. McCarty, Poole, and Rosenthal 2000). Jenkins (1999, 2000) examined the behavior of members of Congress serving in both the US and Confederate Houses and concludes that policy and ideology in the US House was more stable than the Confederate House due to the presence of parties in the US House to structure the preferences of members. Interestingly, Jenkins notes that policy preferences did become more stable in the Confederate House over time even without the presence of parties, but does little to investigate the process behind stabilization. Similarly, Poole and Rosenthal (1997) note that that the stability of preferences of Representatives serving in the US House is a function of term length. However, they also fail to test the process behind stabilization.

The debate over partisan structuring of MC preferences, however, is not the only one in congressional literature that has bearing on this dissertation. Equally important is the work that traces the historical development of political parties in the US Congress. Little consensus among congressional scholars exists as to the dating of the first American political parties. Based on roll call votes, some scholars suggest parties emerged as early as the 3<sup>rd</sup> Congress (Aldrich 1995). Over the course of the earliest congresses, Aldrich (1995) finds that roll call votes cast by individual legislators began to form around coalitions he and most historians identify as Federalist and Republican parties.<sup>14</sup> This conclusion, however, has not gone unchallenged. Others suggest that the earliest congresses can best be characterized as a period of partisan development (Hoadley 1986). While analysis of roll call votes such as the work done by Aldrich (1995) provides evidence of nascent partisanship in the early Congress, Hoadley (1986) argues that these coalitions were highly fluid. Party labels held little meaning outside Congress, and in many ways were even more fluid (Formisano 1981). Sectional loyalties also continued to play a role in the early Congress, though their effects noticeably decrease toward the end of the eighteenth century. Still, Formisano (1981) argues parties in the modern sense did not appear until the Jackson era.

The division in this body of literature obtains as a result of whether or not scholars take a narrow conceptualization of party (Aldrich 1995) or a broad definition (Hoadley 1986; Formisano 1981; Bell 1973). Those favoring a narrow definition of party find evidence of party effects as early as the 3<sup>rd</sup> Congress (Aldrich 1995). These scholars take as evidence for the presence of party the relative frequency with which MCs aligned

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<sup>14</sup> Martis (1989) labels these two groups pro-administration and anti-administration.

themselves into voting coalitions over the course of the early congresses. These “party-in-legislature” scholars argue that these early legislative alignments represented supporters of two members of Washington’s cabinet, Alexander Hamilton and Thomas Jefferson. They cite as evidence of party leadership effects the close working relationship Hamilton had with his lieutenants in the House of Representatives. The evolution of these nascent partisan groupings has been well documented by historians (Hofstadter 1969; Cunningham 1956).

As Formisano (1981) notes, however, the aggregate analysis conducted by political scientists and the assumptions made by historians on the voting behavior of early MCs obscures the shifting coalitions that took place across different policy areas (cf. Bell 1973). Looking at “party-in-the-electorate,” Formisano finds little evidence of partisan electioneering or strong identification with either of the two voting coalitions in Congress. In effect, he finds no evidence of a functioning party system in the US during the late 18<sup>th</sup> and early 19<sup>th</sup> centuries. Of the early Federalist and Republican parties, he writes that “there is substance to the claim that Federalists and Republicans in the national Congress behaved as parties-in-the-legislature.” However, this statement is qualified. Partisan competition centered on particular issues, and coalitions shifted around two central questions: the scope of the power of the federal government relative to the states and the dominance of northern, as opposed to southern, interests. He concludes, suggesting that “party voting in Congress rose and fell in response to political events, both foreign and domestic. In addition, regional and sectional loyalties also influenced legislative behavior, notably roll call voting, and the institutionalization of the

legislature itself and of partisan groups within it remained at a very low level compared to later periods” (1981:42).

As these two debates suggest, political parties in Congress may be a force to be reckoned with. Though the earliest political parties in the US may not have looked like the contemporary two-party system, research is suggestive that there was party-like voting behavior among MCs beginning as early as the 3<sup>rd</sup> or 4<sup>th</sup> Congress. This, I think, is sufficient to warrant consideration of the possibility that the influence of partisanship was growing in the early Congress. Because the primary cleavage between these two groups was primarily the size and scope of the national government, it is reasonable to expect that levels of support for national policies varied between the two. As voting blocs within the Congress became more cohesive, it seems reasonable that these extra-constitutional arrangements may have had some influence on the behavior of MCs. The national electoral system may not have sufficiently tempered the passion of party.

### **Conclusion**

The expectations of the authors of *The Federalist* contradict many of the arguments of contemporary legislative scholars, and even those they presented to their contemporaries. Publius argued that the few electoral laws regulating the selection and constituencies of the House and Senate would structure legislative preferences to overcome many of the problems experienced by the Congress under the Articles of Confederation. In many instances, the framers clearly expected the Constitution to constrain legislative behavior. Bicameralism forces MCs to anticipate the behavior of the opposite chamber and advantages members with electoral security. The Senate is elected under a set of electoral institutions that give primary consideration to national policies.

Because they serve longer terms than their colleagues in the House, their preferences are less responsive to contemporary majorities and lag behind the preferences of Representatives. Reflecting current levels of public opinion, Representatives must anticipate Senate reaction to policy proposals. Thus, the bicameral design of the legislature interacts with constitutional electoral laws to structure legislative preferences. Despite this insight into the operation of bicameral systems, Publius lacked foresight of the effects of other institutions such as political parties on legislative behavior. His inability to provide mechanisms for effectively controlling those institutions, however, shows the limits of the framers' understanding of the relationship between institutions and behavior.

## **Chapter 2**

### **Legislative Procedures and Leadership in the Early American Congress, 1789-1809**

The design of the House of Representatives is to represent the people of the United States, and to protect their liberties. The design of the Senate is to give stability and energy to the government.

John T. Harrison,  
From the Debates in New York Convention on  
Ratification of the Constitution

A reasonable place to start a review of the legislative process is the US Constitution itself. The Constitution announces specific rules regulating the passage of legislation as it moves from the House and the Senate to the president, and if necessary, back to the Congress. The Constitution, however, is silent on the legislative procedures internal to each chamber. It does not detail the introduction, debate, or vote on legislation before Congress presents it to the president for his signature. Thus, constitutional rules by themselves ultimately provide an incomplete picture of the legislative process. Legislative scholars, therefore, must turn to the internal procedures of the House and the Senate to see the types of extra-constitutional rules they have implemented to supplement the rules outlined in the Constitution.

#### **The Constitution and the Legislative Process**

Article I Section 1 of the US Constitution creates a bicameral legislature. That is, there is a chamber known as the House of Representatives which is traditionally referred to as the lower chamber and a second, the Senate, which is traditionally referred to as the upper chamber. This first article, by far the longest in the Constitution, creates well-known differences between these two chambers with regard to their legislative responsibilities. According to Article I Section 7 Clause 2 of the US Constitution,

majorities in both chambers are required to pass legislation before it is sent to the president for his signature. However, the House is given sole authority by the Constitution over revenue-generating legislation and the Senate has been given amending authority. Beyond this division of labor on tax bills, either chamber is free to introduce legislation and subsequently amend legislation introduced by the other chamber.

The framers, though, left unclear how the legislative process would work prior to presentment. According to Article I Section 5, each chamber determines “the Rules of its Proceedings, punish its members for disorderly behavior, and with the Concurrence of two thirds, expel a Member.”<sup>15</sup> The Constitution is also silent on the internal organization of both the Senate and the House, though it does establish positions of leadership for each chamber. The vice-president, the Constitution states, is the president of the Senate, and votes only if the chamber is tied. The Constitution also authorizes the Senate to elect a president pro-tempore to act as president of the Senate in the absence of the vice-president or when he is called to assume the responsibilities of President of the United States. The Constitution creates the office of the Speaker of the House as that chamber’s presiding officer. The organization and internal procedures of the two chambers, therefore, are governed by the Constitution in only the most limited sense. In other words, most of the proceedings and internal organization of the House and the Senate are extra-constitutional arrangements determined by majorities in each of the respective chambers. Conversely, the legislative process outlined in Article I Section 7 Clause 2 is a constitutional procedure that cannot be altered except by constitutional amendment.

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<sup>15</sup> Other constitutional provisions regarding congressional procedures are found in Article 1, Section 5, paragraphs 1, 3, and 4. Though these clauses govern procedure, they are not expected to structure the preferences of legislators and are thus beyond the scope of this dissertation.



Thus, legislation that is passed by the US Congress is a product of the interaction that takes place between constitutional and extra-constitutional rules.

Despite the potential for variation in procedures across the two chambers, the House and the Senate initially operated under a limited number of rules that were remarkably similar. Most of these rules were designed to control the behavior of Members of Congress (MCs) while on the chamber floor or to define the authority of each chambers' presiding officers. The first Senate agreed to a total of twenty rules to govern its proceedings, many of which were reproduced in the first set of rules of the House of Representatives. Today, the rules of the Senate are contained in a volume of almost 100 pages while the contemporary House needs over 700 pages to publish its rules (Smith 1999). In large part, the emergence of different rules to govern the two chambers is a function of the partisan and environmental changes that took place in the House and the Senate over the past 200 years (Binder 1997). As the larger body, the House has instituted numerous rules that reduce the rights of individual legislators and minorities and provide more chamber control to partisan majorities. Similar attempts over the past two hundred years to restrict the parliamentary rights of Senators have, however, been unsuccessful despite numerous attempts to do so (Binder 1997).

In this chapter, I accomplish the following. First, I review the structure and organization of the United States Senate to show how different the legislative process has become since the Senate first debated and adopted the oath of office for federal officials. I next focus on the procedural rules governing the chamber, the use of committees, the leadership structure, the emergence of political parties, and the distribution in workload. I next address the structure of the House of Representatives and again focus on

procedures, committees, leadership, parties, and workload. I show how the House used rules and procedures similar to the Senate but because of institutional differences, implemented strict partisan control of the legislative process at the expense of the political rights of individual representatives.

### **The Senate**

Unlike many second chambers in bicameral legislative systems, the US Senate has remained a co-equal partner in the legislative process. The British House of Lords which some have argued provided the model for the US Senate (Swift 1996) has been emasculated by reformers, pushed to what is at best an ancillary role in the parliamentary process. Even those second chambers such as the German *Bundestag*, arguably one of the strongest national upper chambers next to the US Senate, lacks the authority to initiate and amend legislation to the same degree as its American counterpart. Despite its initial removal from popular pressures and the need for responsiveness to popular preferences, the contemporary Senate has surpassed the House of Representatives in prestige and power to become the show horse of American political institutions. The House, meanwhile, providing limited opportunities for members to develop national reputations, has become the nation's institutional workhorse.

The resilience of the Senate and its importance in the legislative process comes in large part from the autonomous role the framers designed it to play in the constitutional system. The Senate, the framers hoped, would serve two purposes. First, it was expected to reduce the excess of policies passed by the popular, and what was believed to be, politically turbulent chamber. Second, the framers sought to limit the excesses they associated with abuse of executive authority by requiring the Senate's advice and consent

on treaties and executive appointments. Modeled after provincial councils of revision, the Constitution stipulated that Senators would have both executive and legislative powers, though it would operate independently from both the lower chamber and the executive. Contrary to early critics of the Constitution, the Senate never became an unaccountable and aristocratic second chamber. However, the Senate quickly moved beyond its initial advisory role to become as active as the House of Representatives in the legislative arena.

**The Legislative Process in the Early Senate.**<sup>16</sup> The Constitution provided very little guidance in the way of organization for either the House or the Senate. Therefore, the legislative process in the early Senate reflected the proceedings that Senators had inherited from early colonial and national assemblies. The first twenty-six senators were no strangers to the legislative process or parliamentary proceedings. Almost half of those elected to serve in the first Senate had helped draft the US Constitution. Among those, seven had served under Washington's command in the Continental Army. Four signers of the Declaration also sat in the First Senate. A large percentage, almost three-fourths, had served in provincial legislatures, and many of those had participated in state conventions held to ratify the Constitution. Nineteen of the twenty-six senators were members of either the Continental Congress or the Congress under the Articles of Confederation.

Two of the most striking features of the early Senate are its size and workload. The early Senate was an extremely small body, so small, in fact, that it was smaller than

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<sup>16</sup> This discussion draws heavily from CQ Press (1982), Smith (1999), and Byrd (1991).

most of the committees in the contemporary Senate. Even after its first one hundred years, the Senate still had not reached the size of the first House. The first Senate consisted of 26 senators, two from each of the thirteen states that would eventually ratify the Constitution. However, as Haynes (1960) notes, at most only twenty Senators were present until July of 1789.<sup>17</sup> The small number of Senators that served in the early Congress, coupled with the fact that many of them had prior experience working together, created an extremely collegial and informal body. Senators were known to leave their desks to gather around the chamber fireplace to discuss pending legislation.

The workload of the early Senate was light, not only by modern standards, but by the standards of the early House as well. The Constitution stipulates that the House of Representatives has exclusive authority to originate legislation for raising revenue, but allows either chamber to introduce bills pertaining to other matters. Despite this broad grant of authority to initiate non-revenue generating legislation, the Senate generally waited for the House to act first, and then would, much like colonial councils of revision, move to amend or revise the legislation passed by the lower chamber. Because they perceived of their role as largely advisory, Senators found themselves most active during the end of the session, after the House had submitted legislation to the Senate for consideration, and least active during the beginning of a session, when the lower chamber still deliberated over legislation. As a consequence of their light workloads, Senators would often leave their chamber to observe what commentators noted were more lively debates taking place in the House.

The House was not completely responsible for setting the Senate's agenda, nor

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<sup>17</sup> This was due to delays in the selection process.

were Senators apprehensive about revising bills from the lower chamber. The Senate aggressively amended tax legislation submitted to it by the House, and it radically altered the first amendments submitted to the states for ratification. In areas where it believed it was more competent than the House because of its unique position in the constitutional scheme of checks and balances, the Senate took primary responsibility for initiating such legislation as that pertaining to the judiciary. The first Senate was responsible for drafting bills establishing the lower federal court system and regulating its procedures. In addition to organizing the national courts, the Senate first debated the location of the new capital for the national government. Legislation organizing new states and territories originated in the Senate, and the plan for the first national bank was initially introduced in the Senate as well. Thus, the Senate was not completely a passive body. Where it believed matters were more national in scope, the Senate did not hesitate to introduce and act upon legislation before the House.

*The Senate's Presiding Officer.* The Constitution creates two positions of leadership in the Senate, and subsequently allows it to establish other inferior offices. The first position is the president of the Senate. Article I Section 3 Clause 4 of the US Constitution states that "The Vice-President of the United States shall be president of the Senate, and shall have no Vote, unless they be equally divided." Clause 5 of the same article and section reads "the Senate shall choose their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States." Except for the vice-president's constitutional authority to break ties, the Senate itself structures the behavior of its presiding officers through its rules and procedures. The President of the Senate, and the

president pro-tempore in his absence, are subject to chamber control. By virtue of the authority allocated to it by the Constitution, the Senate, then, determines the authority exercised by its presiding officers. The chair is only as powerful as the Senate allows it to be. Ultimately, however, neither position provided policy leadership for the early Senate.

The constitutional design of the office of the president of the Senate enables it to be either a very powerful or very weak position of leadership. The vice-president, sitting as president of the Senate, has no electoral constituency within the chamber, weakening his ability to set the agenda for the Senate considerably. Except under the rare circumstance where a vice-presidential candidate fails to win a majority of the Electoral College vote, he has no accountability to the Senate. As the presiding officer of that body, he has no constitutional allegiance to it. However, the authority granted to the vice-president by the Senate's rules had the potential to make this a very powerful position of leadership over that body.

The president pro tempore was in a much better position to provide direct leadership over Senators. As a member of the Senate, the president pro tempore had a constituency within that body since his selection relied upon the support of members of the Senate themselves. However, since the position was temporary, the possibility that a Senator pro-tempore would command the Senate was slight. Every time the vice-president was out of the Senate chamber, the Senate would elect a new president pro-tempore. Upon the vice-president's return, he would once again resume the authority of the Senate's presiding officer, and during his next absence, another president pro-tempore

was elected.<sup>18</sup> There was little opportunity for the president pro tempore to exploit the powers associated with sitting as the Senate's presiding officer on an interim basis.<sup>19</sup>

Despite the Senate's desire to reduce its presiding officer to nothing more than a parliamentarian, he was given two formidable powers that could have enabled the vice-president to become one of power in the Senate equal to the Speaker in the House. In its initial rules, the Senate authorized its president, and president pro tempore in his absence, to control floor behavior. Rule V of the procedures of the first Senate granted the presiding officer the power to recognize individual Senators on the chamber floor. The Senate's presiding officer could have used this power to control the direction of debate, and to limit the participation of a single Senator, or any group of Senators, to which the chair was opposed. However, even the ability of the presiding officer to use this rule for political reasons was limited. The chair, under all circumstances, had to recognize the person rising to speak first if two members rose at the same time. Rule XVI had the potential for a similar consequence by granting the presiding officer the authority to recognize points of order. Rule XVII authorized the president of the Senate to judge whether or not a Senator on the floor was out of order. The two rules provided the chamber's presiding officer with the direct authority to not only control the behavior of Senators but to judge that behavior as well.

*The Rules and Procedures of the Early Senate.* The interaction of the members of the earliest Senate is a function of two constitutional rules: the size of the body and the

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<sup>18</sup> Unlike earlier national congresses which rotated the office among the states, presidents pro-tempore were selected by their colleagues for their popularity or personal characteristics (www.senate.gov).

<sup>19</sup> Presidents pro-tempore served as little as two days (Henry Tazewell, 4<sup>th</sup> Congress, 7-8 December 1795) or as long as nine months (James Ross, 6<sup>th</sup> Congress, 1 March 1799-1 December 1799).

method of selecting Senators. To further structure the behavior of Senators, the Senate adopted twenty rules during its first session in 1789. A small committee appointed by the chamber drafted the rules which were presented to the chamber and approved without amendment. A majority of the rules prescribed the role of the presiding officer of the Senate, the Senate's decision-making processes, and the rules of debate. These rules are reproduced in Table 2.1.

**Table 2.1. Official Rules and Procedures of the First United States Senate**

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- I. The President having taken the chair, or otherwise being present, the journal of the preceding day shall be read, to the end that any mistakes may be corrected that shall have been made in the entries.
- II. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any printed paper while the journals or public papers are reading, or when any member is speaking in any debate.
- III. Every member, when he speaks shall address the chair, standing in his place, and when he has finished shall sit down.
- IV. No member shall speak more than twice in any one debate on the same day, without leave of the Senate.
- V. When two members shall rise at the same time, the President shall name the person to speak; but in all cases the person first rising shall speak first.
- VI. No motion shall be debated until . . . seconded.
- VII. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President, or any member, delivered in at the table, and ready by the President before the same shall be debated.
- VIII. While a question is before the Senate, no motion shall be received unless for an amendment, for the previous question, or for postponing the main question, or to commit, or to adjourn.
- IX. The previous question being moved and seconded, the question for the chair shall be: "Shall the main question now be put?" and if the nays prevail, the main question shall not then be put.



**Table 2.1 continued. Official Rules and Procedures of the First United States Senate**

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- X. If a question in a debate include several points, any member may have the same divided.
  - XI. When the yeas and nays shall be called for by one-fifth of the members present, each member called upon shall, unless for special reasons he be excused by the Senate, declare, openly and without debate, his assent or dissent to the question. In taking the yeas and nays, and upon the call of the House, the names of the members shall be taken alphabetically.
  - XII. One day's notice at least shall be given of an intended motion for leave to bring in a bill.
  - XIII. Every bill shall receive three readings previous to its being passed; and the President shall give notice at each, whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise.
  - XIV. No bill shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.
  - XV. All committees shall be elected by ballot, and a plurality of votes shall make a choice.
  - XVI. When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question or order shall be decided by the President, without debate; but, if there be a doubt in his mind, he may call for the sense of the Senate.
  - XVII. If a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President may be better enabled to judge the matter.
  - XVIII. When a blank is to be filled, and different sums shall be proposed, the question shall be taken on the highest sum first.
  - XIX. No member shall absent himself from the service of the Senate without leave of the Senate first obtained.
  - XX. Before any petition or memorial, addressed to the Senate, shall be received and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer.
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Because the Constitution is silent on the procedures internal to the House and Senate, each chamber has found it necessary to supplement constitutional guidelines with their own extra-constitutional rules. The procedures adopted by each chamber are a function of other constitutional rules on the operation of both the House and the Senate. Because of its size, the rules of the first Senate mirror the collegial atmosphere characterizing the chamber. For example, Rule II stipulated that no member speak to another or interrupt the business of the Senate, or read a newspaper, while another Senator has the floor.

As Table 2.1 suggests, there were few rules restricting debate on the chamber floor. The chamber, however, retained tight control over floor activity. Rule IV denied any Senator the right to speak twice in any single debate on the same day without the leave of the Senate, affording all Senators the opportunity to participate in the legislative process. Rule VI required any debate to take place only after the motion had been seconded. The rule with the most far-reaching consequences was Rule IX, the “previous question” motion. At the time, Rule IX was not used as a dilatory tactic but rather was used to move an issue off the agenda by referring back to a previous question.

The passage of legislation was outlined in Rules XII through XIV. A Senator was expected to give one day’s notice prior to the introduction of a bill. In practice, however, legislation could not be introduced without the leave of a majority of the Senate. Once introduced, a bill would receive three readings, each on different days. Because of its small size and closed sessions, legislation moved much more quickly than in the House, whose members were often accused of playing toward the galleries. The lack of an attentive public implies that Senators were able to speak more candidly about pending

legislation, and subsequently, popular opinion would have little influence on legislators. Even after the Senate decided to open its doors to the public in 1794, visitors still preferred to observe the livelier House to the staid Senate. With or without the presence of the public and journalists, action on legislation, such as revision or amendments, could not take place until it was read a second time. It was after the second reading that legislation would be submitted to committee for detail. After the Senate received the committee's bill, it would receive a third hearing.

*Committees in the Early Senate.* Standing committees are the workhorses of the modern Congress, and following British precedent, the early Senate also used committees, but on a temporary, select basis. After a bill received its first two readings before the full Senate, the chamber appointed a committee to review and detail the bill. Unlike the standing committees of today, committees in the early Senate were temporary, and were used to fine-tune legislation. Committees were used less to revise legislation than to finalize and perfect what the full chamber had decided.<sup>20</sup> Each committee was commissioned to handle a specific piece of legislation, and once the committee reported a bill to the full chamber, the committee disbanded.<sup>21</sup> Initially the use of committees was justified because of the need for legislative expertise and independence from the executive branch.

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<sup>20</sup> Bills were introduced only upon approval of the chamber. Unlike the modern Congress, committees did not have power to report legislation (Cooper 1970).

<sup>21</sup> The Senate instituted four standing committees, but none of these handled legislative matters. The standing committees addressed housekeeping and administrative matters only. Two were joint committees with the House to coordinate administrative matters, the Joint Standing Committee on Engrossed Bills and the Joint Standing Committee for the Library. The other two were the Senate Committee on Engrossed Bills and the Senate Committee to Audit and Control Contingent Expenses of the Senate.

The use of select committees suggests that senatorial preferences favored a legislative process that minimized the ability of minorities to frustrate the will of legislative majorities.<sup>22</sup> The entire chamber first debated legislation and reached consensus on the bill before it was referred to a committee responsible for legislative detailing. Senators were unwilling to provide committees with substantial discretion over legislation because of the potential committees had to rewrite the bill and go against the preferences of the majority. Most committee members, therefore, shared preferences that were close to the chamber majority. Preference outliers sitting on these ad hoc committees were kept to a minimum, and it was generally accepted that opponents would not be selected as committee members.

As Rule XV of the procedures of the first Senate stated, all committees were to be elected by ballot, and a plurality of votes would determine committee members. There are no records of any sort of nomination process, nor is there any evidence Senators canvassed for committee membership. Balloting took place in secret, and the Senator receiving the most votes was assigned as the committee's chair.<sup>23</sup> Usually, the Senator receiving the most votes was the Senator who originally introduced the bill.<sup>24</sup> Again following British precedent, opponents of legislation were not selected to serve on a committee commissioned to review legislation.<sup>25</sup> The names of committee members were then listed in the *Senate Journal* after the purpose of the committee had been

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<sup>22</sup> These preferences reflected Jeffersonian principles of parliamentary procedure (Cooper 1970).

<sup>23</sup> Members were selected from their expertise in a given policy area, suggesting an informal property right assignment to certain members.

<sup>24</sup> Partisan considerations had yet to influence committee assignments, though as Jeffersonian principles of parliamentary procedure gave way to practical politics, this began to change as early as 1801 (Cooper 1970).

<sup>25</sup> The only opportunity for opponents to influence legislation was on the chamber floor.

recorded and notification that the desire to form a committee to consider a bill had been raised. In practice, the majority of committees consisted of three members, and there is no justification in the records of the Senate for this practice. Since committees did not keep records of their "hearings" it is impossible to know whether or not the committee or committee chair were able to amend the bill to reflect their policy preferences. Strict chamber (read majority) control of committees suggests that this was most likely not the case.<sup>26</sup>

Use of the select committee system resulted in an uneven distribution of work among Senators. Over time, as Senators began to gain experience with certain types of legislation, their colleagues selected them to serve on the same types of committees (Cooper 1970). In the first four congresses, the same 24 Senators handled committee work on treaties, and more than half of the seats on those committees were held by the same five Senators. In practice, then, these five Senators acted as a type of standing committee, and members of the Senate deferred to the decisions of this small group by selecting them repeatedly to deliberate on matters of foreign policy. By the 6<sup>th</sup> Congress, the Senate had authorized that once a select committee had been established, any other similar bills could be referred to the same committee. Thus, the early Senate established a nascent form of standing committees and granted select committees parliamentary rights over their jurisdiction well before their institutionalization in the Senate rules.

*Party Development in the Early Senate.* It is practically impossible today to imagine the Senate without the presence of the Democrat and Republican parties. Organization of the chamber takes place along party lines; the majority party not only

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<sup>26</sup> Further evidence from Cooper (1970) suggests committee chairs simply moderated discussion.

controls the chamber's positions of leadership, it also controls the committee system. Committee chairs are members of the majority, and on prestigious committees, the majority party usually retains additional seats for itself. The majority party also grants itself greater staff resources than it provides to the minority. Both the majority and minority may introduce legislation, but the Senate agenda is ultimately the agenda of the partisan majority and its leadership. Partisan leaders structure debate and control the rules of the chambers, generally to their advantage (Binder 1997).

Parties as we know them today did not exist in the early years of the Senate, and the chamber was forced to organize itself without the benefit of some individual or institution bearing the costs of organization. Though the Constitution provided two positions of leadership for the Senate, the chamber failed to exploit the potential of either position to structure senatorial preferences. The Constitution created the possibility that the vice-president would lack a partisan majority in the Senate and the potential for the president pro tempore to become an institutionalized position of leadership was minimized because the office was temporary. The Constitution, in fact, makes no mention of political parties, nor did the language of the framers reflect contemporary understanding that political parties contest elections and subsequently organize government to enact policy. As Pole (1966) notes, the failure of the framers to foresee the development of parties was due in part to the fact that they were just beginning to recognize the legitimacy of political opposition. The unwillingness to grant committees substantial decision-making authority and autonomy reflects the suspicious way in which minorities were viewed by early legislators.

In the early Senate, political opposition manifested itself as opposition to the Washington administration. This, however, was not the only cleavage present. Senators also aligned themselves along regional and economic lines. These alignments were quite fluid, and it wasn't until the Jay Treaty in 1795 that senatorial coalitions began to solidify into recognizable, cohesive voting blocs (Hoadley 1986). Without any sort of constitutional or extra-constitutional mechanism sufficiently in place to structure the policy preferences of Senators, roll call votes indicate that Senators continued to vote their personal policy preferences.

### **The House of Representatives<sup>27</sup>**

Historically, one of the chambers of the legislature in bicameral systems has been popularly elected. Though requirements for electors varied widely, the lower chamber was elected directly by the people in the British Parliament, state legislatures, and early colonial assemblies. This fact was not lost on the framers of the Constitution who designed one chamber, the House of Representatives, to be accountable to popular majorities through two-year electoral cycles. Public interest in the elections to the first Congress, however, remained slight. Galloway (1976) notes that estimates suggest that less than 4% of the free population participated in the first elections held under the US Constitution.

While the Senate attempted to keep up appearances that it had legislative business with which to occupy itself (Haynes 1960:76), the House was busy keeping up appearances for the public that filled its galleries. Early during its first session, the House resolved to open its doors to the public. The lack of participation during that first

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<sup>27</sup> This discussion draws heavily from CQ Press (1982), Galloway (1976) and Smith (1999).

election did not translate into a lack of interest in the nation's public policy pursuits. The galleries of the House were filled daily with those anxious to see the national legislature at work. Undoubtedly, this attached the public to the House more readily than the Senate's secret sessions.

As the chamber most directly accountable to the people through frequent elections, the House was granted constitutional privileges to initiate all revenue generating legislation, an authority which it jealously guarded. The Senate, however, jealously guarded its constitutional prerogatives in approval of treaties and executive appointments.<sup>28</sup> There are other constitutional features that differentiate the US House and Senate other than parliamentary rights to originate and amend tax bills. Electoral laws in the Constitution stipulate that representatives serve shorter terms, two years compared to a Senator's six-year term. Representatives can begin service in the national assembly at a younger age than senators, 25 for a Representative versus 30 for a Senator. Each chamber served a different constituency as well. Popular majorities selected representatives, while majorities in state legislatures selected Senators.

**Legislative Processes in the Early House.** Except for the three requirements that the House choose its Speaker and other officers, that it determine the rules of its proceedings, and that it publish a record of its proceedings, the Constitution is silent on the internal operation and organization of the lower chamber.<sup>29</sup> As experienced legislators, the members of the first Congress quickly filled these gaps with the parliamentary procedures they had inherited from service in colonial and state

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<sup>28</sup> The House, however, was not merely an passive actor in the treaty approval process. The lower chamber tried to make its presence in foreign affairs through its power of the purse.

<sup>29</sup> The Constitution notes that the chamber may expel a member with 2/3<sup>rd</sup> vote.



assemblies. Among those original 65 Representatives elected to serve in the first House were 36 members of the Continental Congress and nine had been members of the Constitutional Convention. Thirty-nine of the 65 had served in some capacity as members of state legislatures.

While the Senate was busy drafting legislation regarding the judiciary and other national matters such as crafting a bill that would charter the first Bank of the United States, the House was busy with matters of its own. The lower chamber was responsible for setting most of the country's policy agenda. Generally the Senate waited until the House acted before it began debating legislation. The House of Representatives created the first executive departments—War, Treasury, and Foreign Affairs (State)—and established the salaries for judicial and executive officers as well as legislators. The 1<sup>st</sup> House was responsible for the original draft of amendments that would be submitted to the states for ratification. In accordance with its constitutional mandate, the House also passed the nation's first tariff bill. This, in fact, was the first piece of recorded legislation considered by the House. Many of its formal and informal procedures adopted to assist the chamber in passing legislation set precedent for subsequent congresses.

*Rules and Procedures.* The standing rules and procedures of the first House were drafted by an eleven-member select committee appointed by the Speaker the day after the House reached a quorum to conduct business. The rules reported out by the committee and subsequently approved by the full House dealt with four topics: the responsibilities of the Speaker, the relationship between members while on the chamber floor, legislative procedure, and the committee of the whole. That these rules were adopted without debate

suggests widespread agreement among Representatives over the procedures which should govern legislative assemblies.

The responsibilities of the Speaker of the House were modeled after those held by the Speaker of the English House of Commons. Most of the authority granted to the Speaker was, much like his counterpart in the Senate, parliamentary in nature. The Speaker presided over the House when it was in full session, he preserved order on the chamber floor, and was given authority to decide points of order and to announce the results of roll call votes. The Speaker moderated debate. If he wished to participate in floor proceedings, he had to give up the Chair. Decisions on points of order were usually final. In only one instance over the first seven congresses did Galloway (1976) note that a ruling from the chair had been overturned. The Speaker, however, possessed two additional powers, one constitutional and one extra-constitutional, that the presiding officer of the Senate did not have. The vice-president, as President of the Senate, does not have a regular vote in that chamber. He votes only if the Senate is tied. The Speaker, as presiding officer of the House, is also a member of that body. He therefore has a floor vote as do any of the other Representatives. When the House meets in the Committee of the Whole, the speaker steps down as the chamber's presiding officer to engage in debate. The House also authorized the Speaker to appoint committees of no more than three persons, while the Senate retained appointment power for the chamber.<sup>30</sup>

The first rules also structured the interaction that took place between Representatives while on the chamber floor. No member was allowed to speak twice on the same issue before the House without the permission of the entire chamber. Members

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<sup>30</sup> Committees exceeding three members would be selected by secret ballot by the House.

were prohibited from voting on issues before the House in which they had a particular interest. Members were required to vote on all bills unless the House had provided leave for a member to do so. The “previous question” rule would be allowed if five members requested it. The attendance of any truant Representative could be compelled at the request of fifteen members. The initial rules established by the House did not place time limits on members’ speeches, but even the small size of the early Congress found unlimited debate to be time consuming and quickly amended its rules to limit the amount of time each Representative was allowed to speak on the chamber floor.

Another set of rules governed a nascent committee system. Much like the Senate, House majorities retained tight control over committees and the legislative process. The House did most of its work in the Committee of the Whole House of the State of the Union. In actuality, this is just the House by a different name operating under different legislative procedures.<sup>31</sup> While sitting as a Committee of the Whole, the Speaker stepped down and another member assumed the chair, and restrictions on debate were relaxed. However, certain parliamentary procedures such as the “previous question” motion were prohibited when the House worked as a Committee of the Whole. After the Committee of the Whole had debated a bill, a resolution was passed referring it to a three-member select committee appointed by the Speaker.<sup>32</sup> A final set of rules outlined the procedures that governed the Committee of the Whole in greater detail.

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<sup>31</sup> In the Committee of the Whole House, the House debated the principles of the legislation before sending it to a committee for detailing (Cooper 1970). This reduced the influence of committees or any single MC.

<sup>32</sup> Ad hoc committees, discussed in greater detail in the next section, were used as a legislative resource to provide facts and research to the chamber in order to maintain its independence from the executive branch. The line between providing facts and providing opinion leadership, was quickly blurred however (Cooper 1970).

*Committees.* To understand the operation of the modern Congress is to understand the operation of its committee and sub-committee system. As Woodrow Wilson acknowledged more than one hundred years ago, "Congress at work is Congress in its committees." In the early days of the US House, the House at work was the House in the Committee of the Whole. Most legislation originated in the Committee of the Whole, and once the issue had been sufficiently debated on the floor, a resolution was passed to submit the bill to a temporary, select committee convened for the sole purpose of preparing and reporting on the bill before it.<sup>33</sup> The House provided specific instructions to the committee which would then report its draft to the House. Important legislative matters were still reserved for consideration in the Committee of the Whole. As Cooper (1970) notes, the process of assigning all bills to the Committee of the Whole before committee referral reflected the belief that not only were all legislators considered equal on the chamber floor, all legislation would be considered under equally egalitarian principles. Initial referral to committee, did not provide the chamber the opportunity to obtain an adequate sense of the majority.

After its report, which was predetermined to be favorable by stacking the committee and tightly controlling its activities, the committee disbanded. The House would then take up the bill for a second reading in the order it reached the floor. After the second reading, the bill would be referred back to the Committee of the Whole. The House then would resolve itself to a Committee of the Whole, a Representative from the floor would assume the seat of the Speaker as the chamber's presiding officer, and the Committee of the Whole House would consider the committee's reported bill and amend

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<sup>33</sup> This was the preferred process according to Jeffersonian parliamentary procedures (Cooper 1970).

and revise it as it saw proper. The Speaker would then take the chair after the bill was considered in the Committee of the Whole, and the chairman of the Committee of the Whole would then report to the Speaker the action of the Committee and deliver any amendments to then be agreed upon by the full House. The full House would then order the first engrossment of the bill to have it read for the third time before the chamber. The House would then pass a resolution calling for adoption of the measure before its clerk proceeded to the Senate to request their concurrence. The chamber, this suggests, had little gatekeeping authority over the legislative process. Without such authority, the incentive for strong leadership to emerge was absent. This process further ensured that no single institution used by the House could threaten the independence of any legislator (Cooper 1970).

Though the practice of the early House was to use almost exclusively the Committee of the Whole for initiating and adopting legislation and select committees for detailing, the House on occasion used select committees to draft legislation before it was discussed in the Committee of the Whole.<sup>34</sup> The first House also established one standing committee, a Committee on Elections, that determined the credentials of Representatives. Members of this nine-member committee were selected by secret ballot by the entire House. After establishing the Treasury Department, the House created a Committee of Ways and Means to offer advice on financial matters modeled after state assembly finance committees. The committee, consisting of a single member from each state selected by secret ballot, was disbanded after six days when it became apparent to

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<sup>34</sup> It was highly unusual for the House to violate its procedures and refer legislation to committee before discussion in the Committee of the Whole. However, political principles guiding the use of committees soon gave way to political realities (Cooper 1970).

the House that Alexander Hamilton, as Secretary of the Treasury, would set the financial agenda for the country. The House would finally establish a standing Committee of Ways and Means in 1795. By 1806, the House would have ten standing committees.

These practices must be understood in the larger context of legislative practices as understood by the members of the first congress. The purpose of debate and deliberation in the Committee of the Whole was to first identify the principles underlying the policy. The greater number of members of Congress participating in this process, adherents of Jeffersonian procedures believed, led to superior decisions. Deliberation further served to educate reluctant members since, in the light of early understanding of majority rule and dissent, opponents were viewed as insufficiently enlightened about any given piece of legislation (Cooper 1970; Pole 1966).

Thus, there were three goals of the early legislative process used by the US Congress. First, there was an understanding that the majority should govern.<sup>35</sup> Second, the legislative arena provided a forum for the rational debate and discussion of the issues considered before the Congress (Cooper 1970). Finally, through debate and deliberation, two things would happen. True legislative principles would be identified, and opponents would be sufficiently enlightened to support the legislation.

*Presiding and Lesser Officers.* The final clause of Article I Section of the US Constitution states that “The House of Representatives shall chuse their Speaker and Other officers.” The first speaker, Frederick A.C. Muhlenberg (PA) was chosen by majority ballot. As partisan alignments had yet to emerge in the first Congress, it was a

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<sup>35</sup> This also suggests that the majority could not err, a point inadequately considered by Cooper in his treatise on committee development (Cooper 1970). Note how this understanding differs from Madison’s understanding of the majority outlined in Chapter 3.

chamber majority, and not a partisan majority that elected Muhlenberg. As the House became a more ideological and partisan body, elections for Speaker began to fall along party lines. By 1799, votes for Speaker reflected the partisan distribution in the chamber. Other House officials, a clerk, a doorkeeper and assistant doorkeeper, and a House chaplain, were all similarly elected by secret majority ballot. Unlike constitutional provisions that the Senate select a president pro-tempore to serve as its president in the absence of the vice-president, it is unclear who sits in the Speaker's chair when he is absent from the chamber. No record exists of any early House rule that provided for this possibility.

The House rules grant the Speaker parliamentary authority over the proceedings of the House. The Speaker was granted formidable powers to decide on points of order and appoint committee members to select committees. In practice, however, these powers were limited. Since the House retained tight control over the legislative process, the Speaker had no power to set the legislative agenda to reflect his personal policy preferences. All committee work was subject to revision by the House. Though the Speaker may have been able to appoint members to a select committee who shared his policy preferences, there was no guarantee that those preferences would be enacted into law. Like the Senate, committees were stacked with supporters of legislation. Similarly, the Speaker had no control over the floor agenda. Lacking any gate keeping institution, the House debated bills as they were reported out of committee. The Speaker had no authority to block legislation, or to refuse to call it out of committee for a floor hearing. Finally, the Speaker did not preside over the Committee of the Whole where most legislation was considered prior to the resolution to submit it to a select committee.

*Parties in the Early House.* In many ways those who favored and those who opposed the Constitution had incredible foresight. In many ways, however, their vision was equally limited. Neither proponents of the US Constitution, nor its critics, envisioned the role of political parties in structuring the US Congress and setting the legislative agenda for the country. The overwhelming number of those who moderately identified with an ill-defined Federalist Party who sat in the first House and the apolitical selection of George Washington as the country's first president masked many of the underlying regional, partisan, and economic differences that would come to divide the members of the first House. Representatives later identified by historians as Federalists numbered 37, while 28 were anti-Federalists (Martis 1989). Southerners accounted for one-half of the representatives in the first Congress, and the middle Atlantic and New England states divided the remaining half equally. As Hoadley (1986) notes, in addition to regional and partisan voting alignments, Representatives also aligned themselves along an economic cleavage. The primary cleavage dividing the early House, those who favored ratification of the Constitution versus those who were opposed, was muted by regional and economic cleavages.

This pre-partisan state in American politics was short-lived, however. Representatives soon began to align themselves into pro and anti administration forces. Alexander Hamilton, after assuming the position of Secretary of the Treasury, became the leader of one group, and James Madison, a leader on the House floor, enlisted opposition to Hamilton's plans. Hamilton sought to centralize and strengthen the role of the central government at the expense of state governments. Madison, enlisting the support of



Secretary of State Thomas Jefferson, sought to block any proposals which would reduce the powers of state governments.

Still, modern parties were non-existent. Partisan labels such as Federalist or Jeffersonian or Republican had little meaning to most of the electorate. Neither had large partisan bases external to the legislature. They did, however, provide a useful way in organizing Congress. Disputes over the slave trade, the size of the central government, the establishment of a national bank, and the war between England and France gradually gave rise to nascent forms of party caucuses, where likeminded individuals would meet to discuss legislative strategies. These early caucuses evolved into legislative organizations that were used to organize the Congress.

### **Summary**

The early Congress operated much differently than the contemporary Congress. Most institutional arrangements internal to either chamber have been subject to changes by majorities acting out of partisan politics more than principle (Binder 1999). While chamber leaders failed to exploit the rules at their disposal, chamber majorities kept tight control over floor and committee activity. Early members of Congress were not initiators of novel legislative procedures. Familiar with legislative procedures at both the national and sub-national level, early Representatives and Senators merely adopted those rules for a new institution. These rules were remarkably similar across the two chambers, and served to expedite the legislative process and facilitate the majority's ability to enact its agenda without substantial minority obstruction. The extra-constitutional procedures internal to Congress facilitated the translation of majority preferences into public policy.

### Chapter 3

## The Operation of Passionate Majorities in the US Congress: Concepts and Hypotheses

We are attempting, by this Constitution, to abolish factions, and to unite all parties together for the general welfare.

Alexander Hamilton, Debates in New York  
Convention on Ratification of the Constitution

The first set of rules passed by the House and Senate provided very little opportunity for any chamber majority to control formally the legislative process to the extent the modern Congress does. Legislators in the early Congress jealously guarded their political rights and were unwilling to grant the majority or its leaders any sort of agenda-setting or gatekeeping authority. In accordance with a legislative tradition that valued the equality of both legislators and legislation, bills were considered on the floor on a “first come, first served” basis.<sup>36</sup> Though majorities in both the House and Senate were denied positions of formal leadership over legislative procedures, they manipulated an *ad hoc* committee system to pass legislation.

The recognition that legislative majorities had political rights to act without the interference of minorities presented a dilemma for the framers. On the one hand, they perceived the majority as the only legitimate decision-making body consistent with republican principles (Binder 1997). The super-majority alternative used by the Congress under the Articles of Confederation forced majorities to “conform to the views of the

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<sup>36</sup> For a detailed review of the principles of the legislative process in the early US Congress and their consequences, see Cooper (1970).

minority” allowing “the sense of the smaller number [to] overrule that of the greater.”<sup>37</sup>

However, Publius also recognized the oppressive nature of majority governments.

Attempting to balance these two concerns, Madison and his colleagues outlined in *The Federalist* a two-stage institutional solution that allows majorities to govern but minimizes the likelihood that any passionate, single issue majority would threaten the rights of the minority.

In the first part of this chapter, I identify the institutions and procedures that minimize the effect of passionate majorities on the preferences of Senators and Representatives. After I trace the diffusion of national and local majorities, I explore the meaning of three concepts important to testing theories that structure individual and institutional preferences in the early US Congress: national, stable, and moderate. I develop working definitions of these terms in order to test the arguments in *The Federalist* that the Senate would minimize the effects of passionate majorities through several constitutional balances not included in the design of the House. Where

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<sup>37</sup> There are many well-known instances under the US Constitution where a super-majority is required: overrides of presidential vetoes, approval of treaties, and approval of amendments. Such an argument seems to be contradictory, and Madison appears to have forgotten his earlier complaint against the use of super-majorities. Of the requirement that 3/4ths of the states ratify amendments, he argues that “the mode preferred by the convention, seems to be stamped with every mark of propriety. It guards equally against that extreme facility, which would render the constitution too mutable; and that extreme difficulty, which might perpetuate its discovered faults” (Hamilton, Jay, and Madison 2001: 228). Of the super-majority requirement for approval of treaties, Jay simply argues in Number 64 that “the power of making treaties is an important one, especially as it relates to war, peace, and commerce; and it should not be delegated but in such a mode, and with such precautions, as will afford the highest security, that will be exercised by men the best qualified for the purpose.” None of the authors comment on the requirement that 2/3rds of both chambers of the legislature agree to override a presidential veto. Except for veto overrides, an argument could be made that Madison preferred the use of super-majorities for acts that were not considered ordinary legislation.

appropriate, I introduce the language of spatial theory to help clarify these concepts. Once these concepts have been defined, I return to Publius to tease out his policy and behavioral expectations from the interaction of electoral laws and institutional design. In the conclusion of this chapter, I develop a set of hypotheses based on these expectations and again use spatial theory when I believe it is useful for understanding the operation of the Madisonian dynamic. These theories are then tested in the remainder of this dissertation.

### **Recognizing and Minimizing the Consequences Associated with Passionate Majorities**

Even a limited set of extra-constitutional rules under which the early Congress operated still provided legislative majorities avenues to enact their agendas. Before they reached this point, however, legislative majorities had been subject to the first stage in tempering levels of intensity and the extremities associated with public opinion and passionate majorities, especially those single-issue groups. Madison expected this to be just one part of a two-part process that would convert passionate majorities into reasonable majorities. The preeminent player in this dynamic: the US Senate.

Passionate majorities, Madison asserted in *Federalist* 10, require one of two preconditions. First, a passionate majority may form because there is a “zeal for different opinions concerning religion, concerning government, and many other points.” They may also arise out of “an attachment to different leaders ambitiously contending for pre-eminence and power.” Thus, passionate majorities, as Ackerman (1991) notes, may be either ideological or charismatic. Certain political consequences follow from either of these two sources. Passionate majorities have “divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress

each other, than to co-operate for their common good.” They are the source of “mutability in the public councils” and are “adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.” Political decisions made under the influence of a passionate majority are not based on justice or the rights of minorities but on the “superior force of an interested and overbearing majority.”

Passionate majorities are a natural consequence of republican governments using majority rule as the basis for political decision-making. Even when “no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle [the public’s] unfriendly passions and exercise their most violent conflicts.” Passionate majorities, Madison notes, are part of the “necessary and ordinary operation of government.” Since legislative assemblies provide an avenue where passionate majorities can express their preferences, he concludes that the political community must be structured in such a way as to minimize the likelihood that a permanent, passionate majority will form in the first place.

He rejects the utility of democratic governments because they lack checking and balancing mechanisms sufficient enough to minimize the consequences associated with passionate majorities. “A common passion or interest,” Madison writes of democratic governments, “will, in almost every case, be felt by a majority of the whole.” The problem arises from the form of government itself. “There is,” Madison notes, “nothing to check inducements to sacrifice the weaker party, or obnoxious individual.” In democratic governments, passionate majorities express their preferences in the legislature because members of the public are directly responsible for making political decisions.

The passionate majority *is* the government in democracies; there is nothing that distinguishes the opinions of the two.

*Stage One: The Checks on Passionate Majorities.* Unable to control the presence of passionate majorities, since as he notes their latent causes are “sown into the nature of man,” Madison turns his attention in Number 10 to controlling their effects. He offers a two-stage solution. In the first stage, Madison minimizes the likelihood that a passionate majority will be sustained within the community. Through a series of balances in the second stage, he makes it less likely that a permanent majority will be sustained in the national government.

A republican form of government “in which the scheme of representation takes place” offers an alternative to the “spectacles of turbulence and contention” of democracies. Two qualities, Madison notes, make republics superior to democracies, the delegation of responsibility for governing to a small number of citizens and the more extensive pool of potential representatives and interests associated with the greater amount of territory falling under its jurisdiction. Representatives are advantageous because public preferences are refined and enlarged through elected officials “whose wisdom may best discern the true interest of their country.” Representatives, Madison claims, will be least likely to sacrifice the public good “to temporary or partial considerations.” Their preferences will be less likely to be subjected to the rapid changes associated with passionate majorities. “The public voice,” he argues, “pronounced by the representatives of the people, will be more consonant to the public good, than if pronounced by the people themselves.” Representatives, Madison argued, would improve the quality of legislation by filtering the passions of the majority.

Republican governments, however, can only do so much to counter passionate majorities. “Men of factious tempers, of local prejudices or of sinister designs,” Madison argues, “may by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests of the people.” Under such conditions, the advantages of representation are lost. Madison suggests that by itself, representative government provides an insufficient check on the influence of passionate majorities. The reasons for this are two-fold. First, the talent pool from which representatives are drawn in a republic may lead to the election of inferior candidates. Second, because of their small size, republican governments historically reflected the homogenous preferences of their publics. To overcome the first inconvenience, Madison suggests expanding the pool of individuals qualified to serve in the legislature by extending the scope of republican government over a more expansive territory. Supplementing the principle of representation by extending the size of the country also brings a greater number of interests into government which lessens the probability that a passionate majority will threaten the rights of minorities. The probability of sustaining a passionate majority is reduced because of the increase in the number of cross-cutting cleavages in the community. In other words, in an extended republic, individual preferences are more heterogeneous than in traditional, smaller republics. Because there would be no pre-existing majority, the extended republic would require time, effort, and compromise to create one. This would tend to preclude the intensity and extremeness associated with passionate majorities, and reduce the likelihood that a uniform public would agree on a single issue.

Madison associated the extended republic with a second advantage as well: larger election districts. A greater number of people included under the representative scheme, Madison argued, would produce an applicant pool of more qualified individuals capable of service in the legislature. Voters would be forced to look beyond their own parochial interests associated with smaller election districts and place in office those individuals who were more qualified and had greater concern for the district.<sup>38</sup> By creating larger election districts, representatives would be less likely to be captured by a single interest. This process again tends to minimize and temper extreme and intense degrees of public opinion because in order to be elected, candidates would find it necessary to craft a campaign message that would appeal to a diverse set of interests within the district. By electoral necessity, the preferences of MCs would be moderated through the inclusion of a greater number of cross-cutting cleavages within a district.

Representation and extensiveness, however, fail to offer a complete safeguard against the consequences of passionate majorities. While extending the sphere takes “in a greater variety of parties and interests,” this can only make it “*less probable* that a majority of the whole will have a common motive to invade the rights of other citizens.” Madison argues that “if such a common motive exists,” the scheme of the extended republic can only make it “more difficult for all who feel it to discover their

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<sup>38</sup> These benefits obtained in matters of foreign relations as well. As Jay notes in *Federalist* #3, the most qualified men will not only agree to serve in the government, the votes of the people will generally fall upon them. He argues that men who are elected to local offices will not have the “more general and extensive reputation for talents and other qualifications,” that are “necessary to recommend men to offices under the national government.” The extended republic “will have the widest field for choice, and never experience the want of proper persons, which is not uncommon in some of the states.” As a result, national decisions “will be more wise, systematical, and judicious, than those of the individual states.”



own strength, and to act in unison.” Extensiveness provides no guarantee that passionate majorities will not be able to influence policy outcomes. Madison again refers to the probabilistic way in which extensiveness can only be a partial remedy for the consequences associated with passionate majorities in *Federalist* #51. “A coalition of the whole society *could seldom* take place upon any other principles,” Madison admits, “than those of justice and the general good.” Constituting the polity so that numerous interests compete with one another for influence over government “will render an unjust combination of a majority of the whole *very improbable*, if not impracticable.” Again, we see that Madison is unwilling to entrust the principle of the extended republic as the sole check on passionate majorities.

*Stage Two: Passionate Majorities and the Electoral Connection.* Checking the power of passionate legislative majorities, therefore, requires institutional solutions as well. These “auxiliary precautions” include not only “the necessary partition of power among the several departments” of the federal government, they require the division of the legislature “into different branches; and [rendering] them, by different modes of election, and different principles of action, as little connected with each other, as their common dependence on society will admit.” What sort of electoral institutions and principles of action will differentiate the House and Senate and temper passionate majorities that do find their way into the national councils?

Figure 3.1 reproduces these electoral mechanisms and the dynamic process designed to reduce the effect of passionate majorities on legislative preferences and public policy. The electoral connection induces legislative preferences in line with those of the passionate majority through one of two ways, conversion or replacement. Those

legislators whose preferences change to reflect the preferences of the public after an intervening election experience a conversion effect. According to Madison, there has been a “change of opinion.” Though contemporary evidence suggests that even the earliest MCs had stable preferences (Poole and Rosenthal 1997), it was a very real concern for the framers of the US Constitution that legislative preferences would change frequently, and provided the basis for the necessity for legislative checks and balances on the preferences of representatives. A “change of men” occurs because legislators either retire or are defeated at the polls. Newly elected members of Congress whose preferences, because they were recently elected, should mirror public opinion replace outgoing representatives. These two sources of individual-level change of legislative preferences result in policy change at the institutional level.

Replacement and conversion effects are applicable to both the upper and lower chambers of the US Congress. The Senate, however, was designed to minimize the consequences of both. As Figure 3.1 shows, the source of preference change at the individual and institutional level is the presence of a passionate majority in the electorate. The passionate majority, however, affects each of the chambers differently because it is channeled through different electoral institutions. Public opinion has a direct and more immediate effect on the preferences of Representatives because all members are held directly accountable to the public every two years. The response of the House to changes in public opinion is immediate since the entire body stands for re-election at the same time. All members are therefore subject to either replacement or conversion effects. The Senate, however, is removed from the direct effects of public opinion through a set of institutions not operating in the House: staggered terms, state legislative constituencies,

and longer terms. A majority of Senators are therefore removed from similar conversion and replacement effects inducing preferences of the House and a small percentage of Senators.

Both chambers, therefore, were expected to have different levels of responsiveness to passionate majorities. The House, by institutional design, is highly responsive to changes in local public opinion. Because the Framers expected public opinion to change rapidly, and because representatives would be sensitive to these changes, policy in the House would be unstable. The preferences of passionate majorities, and therefore all the consequences associated with their presence, are provided a forum in the House. Since the House offers no institutional protection against passionate majorities, Madison relied on the Senate to minimize and temper their effects. There are several features in the institutional design of the Senate that balance the effects of public opinion in the House. Senators are responsible to different constituencies, state legislatures, that act as an initial filter on local passionate majorities. Since state legislatures were on different electoral calendars, local passionate majorities would have a more difficult time forming a national majority because the likelihood that the preferences of these majorities will be simultaneously expressed in the Senate is reduced. In addition, the federal structure makes it more difficult for passionate majorities to capture majorities in state legislatures simultaneously (Gammon 1979).

The following scheme minimized responsiveness to public opinion in the Senate. Because of the constitutional requirement Senators serve staggered terms, the electoral connection is absent for two-thirds of Senators every two years. These consequences of a “change of men” and a “change of opinion” that Madison expected to occur after an

intervening election are minimized by the presence of Senators not standing for re-election. In spatial terms, the median Representative is more likely to move than the median Senator after an election. Thus, it would take time, the course of several electoral cycles, for a passionate majority to capture the Senate. In the House, because of expected rapid rates of turnover, individual and institutional preferences would change more frequently due to conversion and replacement effects. Preferences in the House would be less stable over each session of Congress and position of the chamber's median member more volatile than the Senate's median member.

As Figure 3.1 indicates, the bicameral structure of the US Congress requires two majorities, one among the people and one among the states, to pass legislation. In addition to increasing the difficulty to garner a single legislative majority of both individuals and states, bicameralism structures both institutional and individual preferences in the House. This works according to the following logic, also displayed in Figure 3.1. The super-majority of Senators not standing for re-election minimizes the consequence of a passionate majority in that chamber. The inclusion of staggered terms for Senators introduces an element of delay in the upper chamber. During any electoral cycle, these Senators alone are removed from the electoral connection. Madison transforms any passionate majority among state legislatures into a passionate minority in the Senate whose preferences are then defeated by republican principles.<sup>39</sup> Reasonable majorities in the Senate in turn check the preferences of the House, and its members, reducing the consequences of national passionate majorities in the lower chamber and in

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<sup>39</sup> Majority rule.

public policy more generally. The Senate reduces the volatility surrounding the median member in the House.

To conclude, Madison believed that the extended republic would minimize passionate majorities in the House and the volatility associated with rapid changes in public opinion. Extensiveness makes it difficult for national passionate majorities to materialize in the first place since, as Madison argued, there would be so many different competing majorities, none would share a common passion or interest. The extended republic, however, does not protect against the consequences associated with majorities that might sometimes coalesce in the House into a passionate majority. Thus, Madison argues that institutional safeguards, or “auxiliary precautions,” are necessary in order to temper the effects of local majorities finding representation in the lower chamber. His solution is a national element such as the US Senate that is less responsive to passionate local majorities, less volatile in its preferences over time, and slower to respond than the House to any national majority, passionate or otherwise.

The bicameral check on the legislature intended to delay the formation of passionate majorities is supplemented with several balances in the institutional design of both chambers. These balances require different electoral systems for each chamber. Hamilton, Madison, and Jay defend the constitutional convention’s implementation of three: staggered terms in the Senate, longer terms in the Senate, and different and larger constituencies for the Senate. The checks and balances within Congress reduce the volatility of public policy after every new election and as a result, the policy would be more stable, and less susceptible to the vagaries of state preferences as it was under the Articles of Confederation. Free from the consequences of local passionate majorities,

Publius expected that the policies passed by the new Congress would transcend parochial interests and reflect that preferences of a national majority whose passions had been tempered by institutions designed for the expression of the collective interests of the states.

### **Conceptual Clarification: National**

Defining the term national is not as easy as it first sounds. It is one of those words that we use in our everyday language without stopping to inquire about its meaning largely because it is so ubiquitous. Political scientists regularly refer to national governments and national political parties; however, few provide operational definitions of either. Conceptual definitions beyond those in standard dictionaries are virtually non-existent in the discipline.

A good place to start to develop a working definition, therefore, are the three authors of *The Federalist*. Since I want to test the arguments presented in those essays, it seems logical to first understand how the authors used and understood the meaning of national. This, however, can be as difficult as formulating a definition based on its current use in political science. Much like contemporary political scientists, Hamilton, Madison, and Jay never provide their readers with an explicit definition. In *Federalist* 39, Madison himself struggles with differentiating a national form of government from the federal form. Depending on the elements under inquiry, the government created by the Constitution can be either national or federal. The national form, Madison first argues, “regards the union as a *consolidation* of states” while the federal “regards the union as a *confederacy* of sovereign states.” Though he himself later questions the accuracy of the distinction between the national and federal forms of government

(Hamilton, Jay, and Madison 2001:196), it is clear that Madison strongly associated national with anything that eliminated the different characteristics and independence of the states. National, then, suggests those policy preferences that transcend local interests.

Madison makes his assessment in *Federalist #39* about the character of the new government based on four criteria: the basis for its authority, the operation of its powers, the extent of its powers, and the basis for subsequent amendments to the newly drafted constitution, and finds it a blend of both the national and federal forms. Examining the elements of the central government more closely, Madison concludes that the House of Representatives is the national body under the Constitution because it “will derive its powers from the people of America” (Hamilton, Jay, and Madison 2001:197). This assessment, however, is based solely on the source of the House’s political authority. The Senate, conversely, will be a federal body, deriving “its powers from the states, as political and co-equal societies. . . represented on the principle of equality” (Hamilton, Jay and Madison 2001:197). The source of the power of the House is national, that of the Senate, federal.<sup>40</sup> While the source of the House’s authority is national—the people of the several states—its object remains local and particularistic.<sup>41</sup> The source of the Senate’s authority is federal—the several states—however, its object is entirely national.

His observation in Number 39 that “the idea of a national government involves in it, not only an authority over the individual citizens, but an indefinite supremacy over all persons and things, so far as they are objects of lawful government” suggests that the

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<sup>40</sup> The president is similarly national because he is selected by the people of the states. Madison, quoted in Banning (1995:168) argues that “the executive magistrate would be considered as a national official, acting for and equally sympathizing with every part of the United States.”

<sup>41</sup> Here Madison uses the term national to refer to representation of all local interests.

business of a national government extends to individuals as well as states, the national and the federal. However, the extent of the powers of government is more national than federal.<sup>42</sup> Most importantly, however, is Madison's recognition that the extent of what is deemed national is *limited*. Under his Virginia Plan, Madison had envisioned a national Congress that would only legislate in areas where the states were incompetent to act. This suggests the national legislature would act as the body to coordinate policy matters that either transcended traditional state borders.

Madison next contrasts a national government with the federal form. National governments have "not only an authority over individual citizens, but an indefinite supremacy over all persons and things, so far as they are objects of lawful government." However, the jurisdiction of a federal government "extends to certain enumerated objects only, and leaves to the states, a residuary and inviolable sovereignty over all other objects." He classifies the extent of the powers of government created by the Constitution as federal. However, the federal form does not prohibit the government from operating on individual citizens so there is very little that differentiates the two forms in the extent of their powers. Madison implies that the object of a national government has something to do with creating and maintaining unity and uniformity out

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<sup>42</sup> Madison claims that the extent of the powers of the government are national because "in its ordinary and most essential proceedings, will, on the whole, in the sense of its opponents, designate it in this relation, a national government."



of state diversity.<sup>43</sup> It is, I suggest, the responsibility of the Senate that makes this transformation to the national complete.<sup>44</sup>

Another obvious place to turn in developing a conceptual definition of the term national is the dictionary. I have selected *Merriam-Webster*, the most well known of English language dictionaries. *Merriam-Webster* lists two definitions for national. The first definition, though, has little utility for this project. Here, *Merriam-Webster* defines national as “one that owes allegiance to or is under the protection of a nation without regard to the more formal status of citizen or subject.” This definition is rejected because it addresses the question of legally recognized citizenship or residency. I need a definition of national in a more political sense as it relates to the context of legislation passed by the US Congress and the preferences of its members.

To that end, I turn to examine the utility of the second *Merriam-Webster* definition of national. According to *Merriam-Webster*, national used as an adjective has the following multiple definitions:

**National:** 1) of or relating to a nation; 2) nationalist; 3) comprising or characteristic of a nationality; 4) belonging to or maintained by the federal government; 5) of, relating to, or being a coalition government formed by most or all major political parties usually in a crisis.

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<sup>43</sup> Madison notes in his discussion of the lack of an effective commerce authority under the Articles of Confederation that “from the gradual conflicts of state regulations, . . . the citizens of each would at length come to be considered and treated by the others in no better light than that of foreigners and aliens” (Hamilton, Jay, and Madison 2001: 105).

<sup>44</sup> Others such as Banning (1995) have recognized Madison’s commitment to an upper chamber that would check the preferences of the lower. Banning (1995:169) goes as far to note that “Madison was plainly more inclined to transfer more responsibilities to truly ‘national’ hand, as well as to imagine the executive as a completely equal, fully countervailing branch.”

Though they all relate to political affairs and are therefore superior to the previous definition, these definitions are still unsatisfactory. The first is too broad for my purposes. It provides no qualifications to what relates to a nation. The second definition, nationalist, requires additional clarification by requiring a definition of nationalist in addition to national.<sup>45</sup> The third similarly requires an additional definition, this time of the word nationality.<sup>46</sup> The fourth definition is rejected since it would require judgment on what constitutes that which belongs to the jurisdiction of the federal government. The fifth is rejected because it pertains to political coalition building, a topic beyond the scope of this dissertation.

Out of these five definitions, only the first comes close to a working definition for this project. To supplement *Merriam-Webster*, I turn to the *American Heritage Dictionary*. *American Heritage* offers several overlapping definitions with *Merriam-Webster*. On the first, however, *American Heritage* elaborates. *American Heritage* defines national as “relating to a nation as an organized whole.” This definition is an improvement because it qualifies the jurisdiction of a nation as that which affects the organized whole of it. This definition also comes closer to what Madison intended in distinguishing a national from federal government. The Constitution operates on the whole of the country, states as well as individuals. Thus, national pertains more to the objects of government than either its operation or fountain of authority.

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<sup>45</sup> Merriam-Webster defines nationalist as “an advocate or believer in nationalism.” This is rejected because, as a noun, it emphasizes the political ideology of an individual and not the context of legislation, which is what I am after in a definition.

<sup>46</sup> I reject this definition as well since nationality addresses the legal relationship between an individual and the state or between the shared characteristics of an individual and the larger political community.

From these sources, I can begin to arrive at a conceptual definition of national. However, national could have multiple meanings other than that which pertains simply to uniformity and the object of government. In addition to uniformity, Hamilton wanted a vigorous, energetic government. Any restrictions on the authority of the government were perceived to weaken the ability of the government to act with the requisite energy in the pursuit of its constitutional ends. Of the ability of the government to defend itself militarily, Hamilton notes in *Federalist* #23 that “there can be no limitation of that authority, which is to provide for the defense and protection of the community, in any matter essential to its efficacy; that is, in any matter essential to the *formation, direction, or support* of the national forces.” As a result, I include in my definition of national those preferences which expand the size, direction, and financial support of the military. Since this dimension of national authority is primarily concerned with tethering or expanding the powers of the executive branch, any unilateral expansion of executive authority is included here as well.

Continuing to draw from Hamilton’s discussion of the need for energy and vigor in the federal government, I include as a third element of my definition of national those preferences which limit the influence of state governments over the national. The national government, Hamilton argues, must have the requisite powers to carry out its responsibilities under the Constitution. When necessary, the national government should be able to act unilaterally. Parochial state legislatures, however, make that possibility difficult. “The danger which most threatens our political welfare,” Hamilton argues in the 33<sup>rd</sup> essay, “is, that the state governments will finally sap the foundations of the union.” Similarly, Madison notes in *Federalist* #46 that “the great

interests of the nation have suffered on an hundred, from an undue attention to the local prejudices, interests, and views of the particular states.” Hamilton intended the Constitution would remove the national government from the dependence on the states. The problems of particularism that Hamilton associated with the states have “matured themselves to an extreme, which as at length arrested all the wheels of the national government, and brought them to an awful stand” (Hamilton, Jay, and Madison 2001:74).

I incorporate these elements—uniformity, unilateralism, expansion, and independence—into a single conceptual definition:

**National:** preferences that ensure uniformity among the states and expand the authority of the federal government or reduce state and popular control over federal decision-making

As the definition suggests, there are two dimensions to this concept. The first or “objective” dimension captures the idea that national policy should reflect not the diverse approaches to public policy among the states but instead uniform solutions to similar problems. The second dimension captures a “power” component. The “power” dimension reflects the expansion of federal authority as well as the reduction of democratic and state control over the federal government.

The strength of this definition is that it captures what I believe is the intent of the authors of *The Federalist* when they use this term. Turning his attention to the commerce power and the problem of uniformity, Hamilton, in *Federalist 22* acknowledges the difficulties in achieving a national trade policy with Great Britain under the Articles of Confederation because the “clashing and dissimilar views in the states has hitherto frustrated every experiment of the kind; and will continue to do so, as long as the same

obstacles to an uniformity of measures continue to exist.” Allowing states policy discretion in foreign trade is the “obstacle” to national uniformity in trade policy.<sup>47</sup>

At the close of number 64, Jay notes more broadly that as the United States begins to assume “a national character, so will the good of the whole be more and more an object of attention.” His reasoning suggests that there is a linear relationship between the acquisition of a national character and advancing the good of the country. As the United States becomes more national in its identity, Jay expects the common good of the nation to become more a focus of common attention. Local interests will be transcended by those which require local passionate majorities to look beyond their own interests. He continues by noting that the strength of the government and “the good of the whole” can only be promoted by “advancing the good of each of the parts or members which compose the whole.” The Senate “having no private interest distinct from that of the nation. . . will be under no temptation to neglect the later.” The preferences of the Senate *are* the preferences of the nation.<sup>48</sup> Those preferences, expected to be divergent because of state lines, are brought to bear on the floor of the House, where, the framers feared, they would remain particularistic. Despite being labeled the “national” body, there was no institution in the House as a unicameral assembly to transform local interests into the interests of the entire nation. It is the Senate that is responsible for shaping these local

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<sup>47</sup> As regards foreign commerce, Publius notes in Number 42 that “if we are to be one nation in any respect, it clearly ought to be in respect to other nations.”

<sup>48</sup> Elsewhere Publius notes that the Senate will protect state interests. By making such comments, I suggest that Publius was being disingenuous by attempting to appease those who feared the national government would reduce the amount of power the states had in the national legislative councils. That the new Constitution did not provide for states to instruct their Senators provides support for this interpretation. While state interests were provided a forum in the Senate and thus ensured the states representation, that did not guarantee that the interests of individual states would be protected. The Senate would protect only those interests that affected the states in their collective interests.

preferences into national ones. Thus, Hamilton, Jay, and Madison argue that the Senate provides a forum for a check of the parochial, partial interests of the states. While providing an arena for the representation of state interests, the Senate simultaneously acts as a filter on passionate local majorities.<sup>49</sup>

### **Concept Two: Stability**

Political scientists who have returned to *The Federalist* for insight into constitutional design, especially the expected benefits associated with bicameralism, note the stability inducing properties of an upper chamber (cf. Hammond and Miller 1987).<sup>50</sup> Though the discipline is more familiar with the conceptualization of stability than perhaps my definition of national, I still must defend this definition. The preceding discussion of *Federalist* #10 suggests that Madison defined stability as the preservation of existing individual and chamber preferences. Stability in a general sense, therefore, is the relative absence of change. It is the opposite of volatility.

How does Madisons' understanding of stability compare with more contemporary definitions? To undertake this task, I again borrow from *Merriam-Webster*. *Merriam-Webster* gives several definitions for stability which I have reproduced below.

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<sup>49</sup> Publius assumed that the interests of their state legislatures would prejudice Senators. Because each Senator would try to have policy reflect the preferences of his home state legislature, different cleavages within the Senate would make it difficult for any legislation to be passed which would not benefit all states. This was ensured by retaining 2/3rds of the body every electoral cycle.

<sup>50</sup> There are certain requirements for bicameralism to produce stable outcomes. Preferences must be different across the two chambers. The US Constitution, prior to the 17<sup>th</sup> Amendment, created two sets of constituencies for the Senate and House with the expectation their preferences would be different. However, even if both chambers are

**Stability:** 1) the quality, state, or degree of being stable, firmness; 2) the property of a body that causes it when disturbed from a condition of equilibrium or steady motion to develop forces or moments that restore the original condition.

To clarify the meaning of this definition, I turn to a second.

**Stable:** 1) not changing or fluctuating, steady in purpose; 2) placed so as to resist forces tending to cause motion, designed so as to develop forces that restore the original condition when disturbed from a condition of equilibrium or steady motion.

These are very general definitions applicable to numerous situations outside the legislative arena. Both, however, have attractive qualities for a comparative analysis such as the one that I am undertaking here. First, the definitions indicate firmness or resolution and can be applied to either institutional or individual preferences. Unicameral assemblies, however, have the propensity “to yield to the impulse of sudden and violent passions” (Hamilton, Jay, and Madison 2001: 322), suggesting that such legislatures experience conversion effects in addition to replacement effects and are anything but stable in their policy outputs. Madison understood the effects of legislative replacement on institutional preferences that resulted from a “rapid succession of new members” (Hamilton, Jay, and Madison 2001: 323). The “great firmness” of the institutional preferences of the Senate corrects the infirmities and immoderation associated with the lower or uni-cameral chamber (322). Recall the logic of Figure 3.1. A larger proportion of Senators remains in office every two years, which shields them from changes in public opinion over the previous electoral cycle. The preferences of these Senators lag behind current levels of public opinion and the passions associated

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responsive to the same constituency, the preferences of a super-majority of Senators not standing for re-election are not affected by contemporary public opinion.

with contemporary majorities. Two factors then contribute to minimizing the strength of the electoral connection in individual and institutional preferences. First, a super-majority of Senators induces chamber preferences on the individual preferences of new and returning Senators. Second, the institutional preferences of the Senate induce preferences of representatives and the lower chamber. The House, sensing the preference of the Senate, may fail to introduce legislation that it knows the Senate will not pass. Its proposal rights are reduced relative to the veto rights of the Senate (McCarty 2000).

The second attractive quality of these two definitions is the emphasis on returning to, or maintaining an, original condition. Publius acknowledges throughout *The Federalist* that stable public policy preserves the status quo. Contemporary students of constitutional design and legislative behavior also conceptualize stability of policy as the preservation of the status quo (Hammond and Miller 1987; Tsebelis and Money 1999; Levmore 1992). One of the primary justifications of upper chambers such as the US Senate is to increase the difficulty of policy change because the number of acceptable alternatives to the status quo are reduced (Tsebelis and Money 1999). Because preferences are constrained by the Senate, the volatility of the preferences of the median member in the House after each election is minimized. Though Madison argued in Number 62 that the preferences of MCs are highly subject to change over the course of their legislative careers, contemporary literature is divided on this point (see for example Jenkins 2000; Nokken 2000; Poole and Rosenthal 1997). Both bodies of literature, old and new, however, conceptualize change and stability similarly. Stability is the relative absence of change.



Since Madison expressed concern for the stability of individual and institutional preferences, I develop definitions for both as well.

**Individual Preference Stability:** the consistency of the roll call behavior of returning members of Congress from one legislative session to the next

**Institutional Preference Stability:** the preservation and maintenance of the policy status quo in each chamber from one congressional session to the next.

Individual stability reflects the continuity of an individual's own preferences while serving in the Congress. Institutional preference stability refers to a chamber's aggregate preferences indicated by its legislative output over time. Again, I have tried to remain as true to the meaning of stability as Publius used it in *The Federalist*. Institutions are designed to induce the behavior of two sets of legislators subject to the electoral process, new as well as returning members. The process minimizing replacement and conversion effects, however, is the same for both groups. The preferences of representatives, old and new, are affected by a super-majority of Senators not standing for re-election indirectly through the institutional preferences of the Senate. The same institutions work directly on individual Senators. This process is similar to what Stimson and his colleagues have called "rational anticipation" (Stimson, MacKuen, and Erikson 1995) and McCarty (2000) has identified as the importance of veto rights relative to proposal rights in bargaining games where one set of legislators serves longer terms than a second set. This dynamic works according to the following logic. The House calculates its chances of having the chamber's most preferred policy position passed by the Senate. If the House is aware that the Senate preferences differ greatly from its own, it will be less likely to move on passage of a bill that is most likely to fail in

the Senate. The chamber's proposal rights are reduced because Senators serve longer terms and can wait until preferences of the lower chamber are closer to its own median member. The House has no similar luxury in waiting because institutional arrangements delay change in preferences in the Senate's median member. The House's ideal point, therefore, is subject to the preferences of the median voter in the Senate. Since the Senate's mid-point is slower to change, the ability of the House to pass its ideal point is reduced.

### **Concept Three: Moderation**

The third concept is perhaps the most difficult to define and thus my discussion of it is somewhat attenuated in comparison with the two previous concepts. Part of the problem in conceptualization moderation is that Publius does not offer his readers a substantive definition. There is the additional problem that moderation can have both procedural and spatial consequences.

I begin by reviewing the inter-chamber differences in levels of responsiveness to public opinion reproduced in Figure 3.1. Madison notes that the more numerous House of Representatives has the "propensity to yield to the impulse of sudden and violent passions." The effect of *Federalist* 10's passionate majority on the House is direct and immediate. By holding Senators responsible to majorities in state legislatures, the design of the Senate removes it from direct and rapid changes in opinion. While the House moves lock-step with the preferences of the public, the Senate is twice removed from public opinion. First, the Senate was selected by state legislatures which are on different electoral calendars. Since states did not respond simultaneously to local public opinion, neither would the Senate. Second, Senators served staggered terms, which meant only a minority of Senators would respond to public opinion at any one time.

As I noted, discussion of moderation in *The Federalist* is limited. Jay notes in one of the earliest numbers of *The Federalist* that a spirit of moderation will prevail in the national government. What makes his discourse in *Federalist 3* so unique is the noticeable absence of any sort of differentiation between the House and the Senate so common elsewhere in the text. Jay argues that the *government* exhibits moderation. He expected that both the House and the Senate would be characterized by a moderate approach to policy. In foreign affairs, Jay notes that the national government “will be more temperate and cool” than state governments. The national government, removed from the pride afflicting both states and individuals “will proceed with moderation and candor” in foreign affairs.<sup>51</sup>

This spirit of moderation is felt more broadly in other areas of public policy as well. Likening the United States to the Achean League, Madison notes that the former will share in the latter’s strength. He argues that “there was more moderation and justice in the administration of [the Achean League’s] government and less violence in the people, than were to be found in any of the cities exercising *singly* all the prerogatives of sovereignty.” Madison seems to argue that moderation relates to legislative procedure, and not legislative output.<sup>52</sup> Moderation is a result of the delaying quality of the national

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<sup>51</sup> Because of the proximity of certain states to British and Spanish interests in North America, Jay argues that international conflicts will center “more immediately to the borderers.” Those states “under the impulse of sudden irritations, and a quick sense of apparent interest or injury, will be most likely, by direct violence, to excite war with those nations.” The national government will not be affected “by the passions which actuate the parties immediately involved” because it can operate with “wisdom and prudence.”

<sup>52</sup> Legislative procedure in the US involves a series of checks and balances on majority opinion designed to delay and temper those passionate majorities who hold extreme and/or intense opinions relative to the remainder of the population. Delaying mechanisms such as bicameralism and constitutional electoral laws serve to defuse heightened majority passions.

government.

Spatial theory is instructive here as well. Those persons holding the most extreme preferences usually define the ends of unidimensional continuums in political science. Individuals, whether they are voters in the general electorate or senior MCs, who sit at the mid-point between the extremes are those with the most moderate or centrist preferences. Because of the distribution of preferences among members of legislative assemblies, the median member usually occupies the centrist position. The mid-point, however, is relative to the distribution of preferences along the continuum. Thus, a mid-point may be more extreme than another if preferences are distributed differently across two groups. Such is the distribution of preferences between the House and the Senate envisioned by the Framers. Believing the House would be captured by local interests, the chamber median would be more extreme than the median in the Senate on a national-local dimension. However, because of the dynamic reproduced in Figure 3.1, the preferences of the more moderate Senate would be imposed on the House to bring that chamber's median closer to the Senate's more nationally oriented, moderate center. The Senate was key to reducing both the extremism and the volatility associated with replacement and conversion.

Turning to academic usage, moderation, as defined by *Merriam Webster*, is "to lessen the intensity or extremeness of." I find this definition attractive because it shares similarities with the procedural qualities of moderation as used by Madison and his colleagues in *The Federalist*. It also has possibilities for the spatial qualities of moderation as well. Thus, I use the following definition in the remainder of this project.

**Moderation:** To lessen the intensity or extremeness of.

## Policy and Preference Expectations

Having clarified the three most important concepts relative to this project by remaining as close as possible to their meanings the way Publius used and understood them, I now turn to a discussion of the consequences of the inter-chamber design differences for legislative behavior. In this section, I examine the expectations of theories of legislative behavior and policy output from *The Federalist*. Hamilton, Jay, and Madison argue that policy outcomes are the product of the interaction of individual preferences induced by majority opinion and institutional rules. They intended to minimize the overall effects of public opinion on individual preferences through certain institutional rules that created differences in term length, constituency size, and tenure between the two chambers. In this section, I answer two questions. First, what does it mean that the Senate will have more nationally oriented, stable, and moderate preferences; and second, what other differences should become evident because of the institutional design differences of the House and the Senate?

To answer the first, I suggest there are two consequences of institutional design. First, on roll call votes involving substantive domestic policy questions, Publius argues that individual Senators will more likely favor national policies than Representatives on similar roll calls. Second, aggregate national policy support in the Senate will be greater than levels in the House. Thus, I formulate the following **Federal, not National** hypothesis, which states that

*The percentage of Senators who support a given national policy will exceed the percentage of House members who support that specific policy, whether it is passed or not.*

Due to the limitations of using data from the early Congress, this hypothesis is difficult, if not impossible, to test. There are relatively few recorded roll call votes during the first nine congresses in which both chambers voted on identical measures. Thus, I develop two alternative hypotheses that are testable using available data sources. These hypotheses, I believe, capture the spirit of the **Federal, not National** hypothesis, while accounting for the limitations in the data set. The first hypothesis, the **Individual Federal Preferences**, suggests that

*The average Senator will support a higher percentage of national public policy bills during a given session than will the average member of the House.*

The next, the **Chamber Federal Preferences** hypothesis states that

*During any given session, the Senate will vote to pass a higher percentage of the national public policy bills proposed during that session than the House.*

It is not enough to say, however, that preferences will simply differ between the two chambers as the second and third hypotheses suggest. If the assumptions Publius outlines in Number 64 are correct and extended to their logical conclusions, over time inter-chamber differences in the frequency of support for national policy should be reduced. That is, as we compare the differences in levels of support for national legislation across each Congress, the difference between the chambers in later congresses should be smaller than the difference in the First. This convergence should obtain because Publius expected the preferences of Representatives in part to be a function of the preferences of Senators as well as the gradual response of the Senate to popular

preferences. As a result, the fourth hypothesis, the **Diminishing Chamber Differences** argument states that

*Over time, as Congress moves from session to session, the difference in the percentage of national public policy bills passed by the Senate and House will diminish compared with the difference in the percentage of such bills passed by the Senate and House during the previous session.*

The **Diminishing Chamber Differences** hypothesis will obtain if the Senate, for example, initially supports national policy 60% of the time, and the House, initially 40% of the time. The Hypothesis argues that over time, the 20% “national policy support gap” that exists between the two chambers will decrease.

The fifth hypothesis, **Increasing Average Support**, states very much like the fourth hypothesis that

*Over time, as Congress moves from session to session, the percentage of individual Senators who support a majority of national policy bills proposed during the session will increase relative to the percentage of individual House members who support a majority of the national policy bills proposed, although the percentage who support a majority of those bills will trend upward in both chambers.*

This hypothesis works according to the following argument. If initially national policies are supported by an average of 55% of Senators and by an average of 45% of Representatives, over time the percentages of individual Senators and Representatives supporting national policies would increase to a point of equilibrium. This would mean that perhaps as many as 60% of individual Senators will support national policies and 48% of individual Representatives would support the same national policies. The average percentage of support would increase in both chambers, but the increase in the Senate would be larger than in the House. The Senate, however, will reach its

equilibrium sooner than the House, and the fluctuations around it will be smaller. The House can always be expected to be subject to local forces to a greater extent than the Senate.

The percentage of House members failing to support national policies should not, however, remain constant.<sup>53</sup> While there should be a gradual increase in the percentage of representatives supporting national policies, this percentage should not be as large as in the Senate. There are several reasons for this. First, there are a few representatives such as Giles from Virginia, Hartley and Hiester from Pennsylvania, and Thatcher from Massachusetts that served in multiple congresses. Over time, their preferences should become more national because, like Senators, their preferences are a function of tenure.<sup>54</sup> These representatives, then, provide policy stability for the lower chamber, because freshman and junior members of the House will anticipate their behavior. The **Senatorial Seniority** hypothesis suggests that

*The preferences of individual Senators will tend toward an equilibrium the longer they are in office.*

That is, the trends described in earlier hypotheses will gradually reach a stable pattern with little or no subsequent change. Hypothesis seven, **Senatorial Similarity**, takes this argument and applies it to the lower chamber.

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<sup>53</sup> The percentage of Representatives supporting national policies is a function of the number of newly elected Representatives. If a freshman class constitutes more than a majority of the House, it will be less likely that the preferences of returning members can structure those of the freshmen.

<sup>54</sup> This in no way defeats the argument that policy preferences become more stable over time. Publius opposed institutions that fostered rapid policy changes that favored local majorities. The Constitution functions to create an environment that encourages national and gradual policy change.



*Representatives who serve multiple terms will have preferences that look much like their peers in the Senate with an equal number of years in office.*

These seven hypotheses provide an initial test of the expectations of the framers in structuring legislative preferences. However, I am interested in not only in the existence of differences in preferences but the cause of those differences as well. According to Publius, preferences of Senators and Representatives should differ because members of the two chambers serve different constituencies and term lengths. In addition, Senators are divided into three cohorts which Publius expected to minimize replacement and conversion effects. These differences should obtain even in the presence of extra-constitutional variables such as chamber decision-making rules, state electoral laws, political parties, and regional voting blocs. It is safe to say that Publius believed that the Constitution would be sufficient to check and balance passionate majorities as well as any competing institutions operating to influence legislative behavior. My goal, then, is to test whether constitutional rules can induce national, stable, and moderate legislative preferences when competing extra-constitutional forces are present. Quite simply, I want to know was Publius right, or are contemporary constitutional design scholars correct in arguing extra-constitutional institutions are necessary for inducing legislative preferences to achieve the outcomes Publius expected. I develop the following hypothesis to test these competing expectations. Hypothesis Eight is the **Institutional Differences** argument.

*The preferences of Representatives and Senators will differ in levels of support for national, and be more moderate and stable because of differences in term length, size of constituencies, and staggered terms.*

Finally, as Figure 3.1 suggests, the preferences of junior and senior Representatives are also a function of the preferences of the Senate through anticipation of Senate behavior. Because of higher rates of turnover in the lower chamber, there would be wider fluctuation in percentage of support in the House than in the Senate. The Senate, as a more nationally oriented body, then, limits the effects of replacement through a process of rational anticipation of the past preferences of senior MCs. I therefore expect the preferences of Representatives to be a function of the lagged and current preferences of the members of the lower chamber as well as the lagged and current preferences of the Senate. This dynamic is captured by the **Minimizing Passionate Majorities** hypothesis.

*The preferences of Representatives are a function of contemporary and lagged preferences of Senators as well as the lagged and contemporary preferences of fellow Representatives.*

Again, these differences should obtain for aggregate policy as well.

### **Conclusion**

As students of constitutional design, Hamilton, Madison, and Jay were faced with two tasks. First, they were challenged by the need to prevent the formation of a permanent, passionate majority. Through the theory of the extended republic that included a series of checks on majorities by incorporating numerous political cleavages within the community *The Federalist* attempted to explain how to minimize the

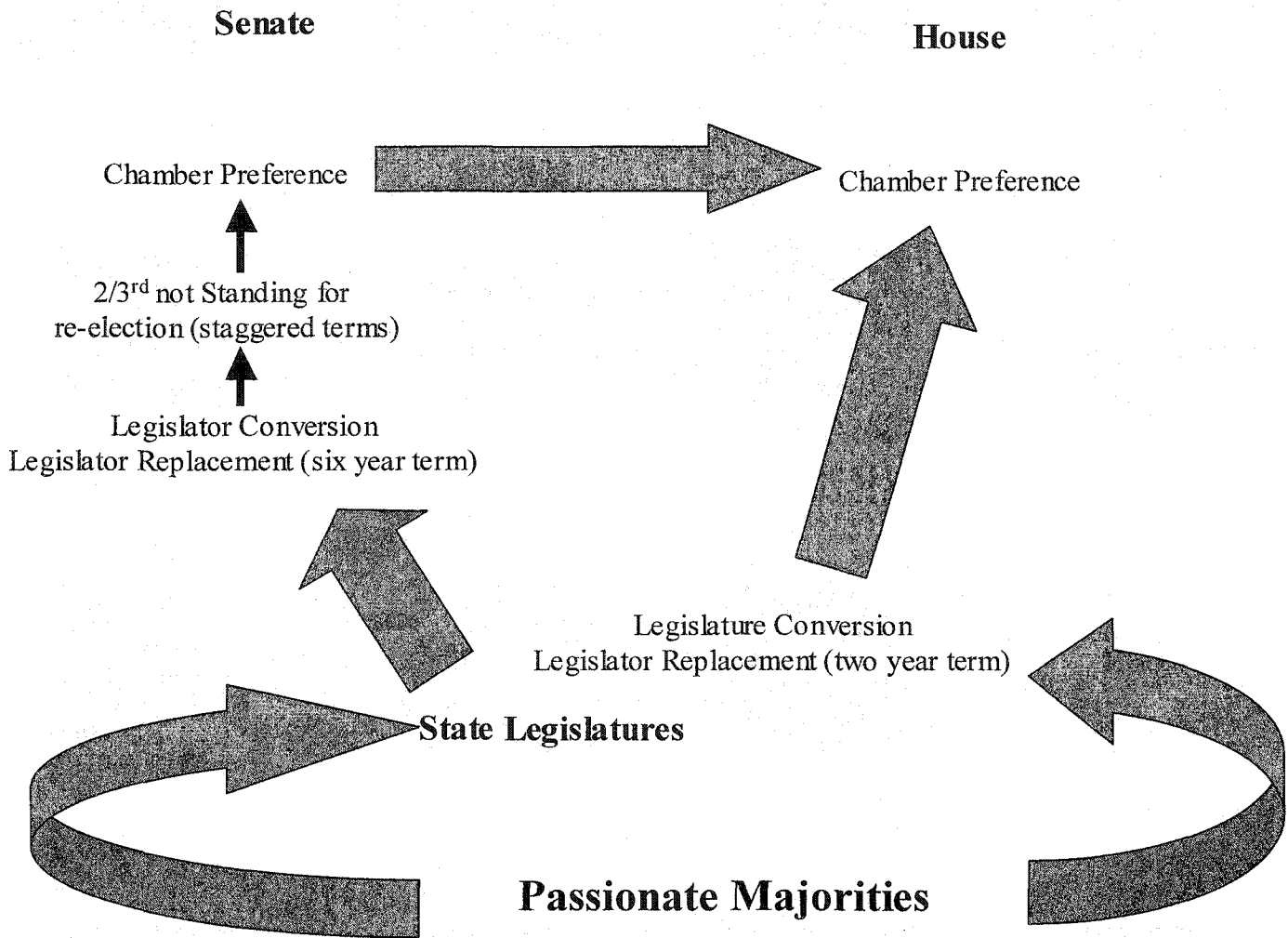
formation of a permanent national majority. However, a second stage was necessary to supplement the effects of the extended republic in case the extended republic proved inadequate. Madison therefore instituted a series of checks on the legislative branch in order to make it less likely that passionate majorities could be sustained in either chamber.

The second task the authors faced involved minimizing the effects of extra-constitutional rules on legislative behavior. Adverse to political parties and realizing the potential of their influence on MCs, the framers used the electoral system in order to reduce the likelihood that party effects would be felt in Congress. In addition, these same balances would minimize the consequence of chamber decision-making rules on legislative outcomes.

In the following chapter I discuss the coding rules and data set used to test the above hypotheses. I provide examples of roll call votes included in the analysis and offer an initial examination of the reliability and validity of the coding scheme by comparing my findings with previous studies. I show that electoral laws in the US Constitution minimized parochial state interests.

**Figure 3.1.** The Operation of Passionate Majorities in the US House and Senate

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## Chapter 4 Congressional Roll Call Voting

The data for this project are the recorded roll call votes taken from the 1<sup>st</sup> through 9<sup>th</sup> US Congress. This eighteen-year period is advantageous for a study of constitutional design because most scholars agree that the extra-constitutional institutions which compete for influence on the preferences of contemporary members of Congress (MCs) were only beginning to emerge as forces powerful enough to constrain legislative behavior. Hoadley (1986) shows how partisanship grew in importance over the first seven congresses, replacing other voting cues such as regional and state interests. Similarly, Binder (1997) notes, and I have argued in Chapter 2, that chamber-decision making rules in the early Congress were relatively similar across the two chambers. Both houses operated under a limited number of rules that provided structure and decorum to floor debate.<sup>55</sup> In effect then, the design of this research project controls many of those institutions such as strong parties and endogenous decision-making rules that scholars argue structure political outcomes in the contemporary Congress. The only constraints on the voting behavior of the earliest MCs were those envisioned by the Framers and given effect through constitutional electoral laws and the bicameral structure of the Congress. Returning to the early American Congress, then, provides the opportunity to conduct what comes as close as possible to a “natural” experiment in the social sciences. Since most extra-constitutional institutions are absent or are similar across chambers, variation in roll call behavior becomes a function of variation in constitutional and state electoral laws.

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<sup>55</sup> These rules are reproduced in Table 2.1.

There are, however, disadvantages associated with returning to the historical Congress to test older theories of constitutional design against competing contemporary theories. Despite the constitutional command in Article I, section 5 that

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal,

records from the earliest congresses are woefully incomplete.<sup>56</sup> Scholars who are willing to overcome the difficulties in working with a limited amount of data can turn to the only sources available on the historical Congress, *The Annals of Congress*, and separate *Journals* for both the House and Senate. The *Annals* cover the first session of the 1<sup>st</sup> Congress through the first session of the 18<sup>th</sup> and provide the most complete information on the early Congress.<sup>57</sup> They are fuller than either those of the House or Senate *Journal* which cover the same period but do not record the actual debates that took place; they report roll call votes only.<sup>58</sup> Because they are subject to the preferences and prejudices of journalists reporting for partisan newspapers, the *Annals* and *Journals* provide only a snapshot of the activity of the early Congress. Nonetheless, they remain our only source of information, however incomplete, on the historical congress.<sup>59</sup>

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<sup>56</sup> For example, there is no record of the roll call of one of the most important votes in the 1<sup>st</sup> Senate, assumption of state debts.

<sup>57</sup> The collection of debates and roll calls was not published contemporaneously, but was compiled from newspaper accounts that paraphrased the speeches that took place on the floor in either chamber.

<sup>58</sup> The *Register of Debates*, which cover the 18th through the 25th Congress, replaced the *Annals*. Like the *Annals*, the *Register* provides a summary of the most important debates that took place during this period, and do not provide a verbatim account of congressional proceedings. The *Congressional Globe* succeeded the *Annals*.

<sup>59</sup> Several projects and edited volumes are increasing our understanding of the operation of the earliest sessions of the US Congress and the politics surrounding those meetings. Among those are Bowling and Kennon (1999).

Despite the existence of these relatively rich sources of information, they remained in “raw” form for quite some time. It was not until a New Deal program that provided employment for academics displaced during the Great Depression that the *Annals* and *Journals* were used to provide a single collection of the recorded roll call votes taken in the US Congress from its first meeting in 1789 until the project began in 1932. Though the New Deal effort was never finished, partial records were compiled in the *Atlas of Congressional Roll Calls*. Completion of the *Atlas* was left to the Historical Archive of the Inter-University Consortium for Political and Social Research (ICPSR). Their work, now housed at the University of Michigan, contains the voting records of every MC serving in the 1<sup>st</sup> through 101<sup>st</sup> US Congress. The unit of analysis in the data set is the individual members of the House of Representatives and the Senate.<sup>60</sup> In addition to variables identifying individual members, the codebook provides descriptive information for each roll call, usually the title of a bill, the language of an amendment or a brief description of the measure, the date of the roll call, the name of the member proposing the legislation, the outcome in terms of “yeas” and “nays,” and the roll call number.<sup>61</sup>

In addition to the records provided by the ICPSR data set, I have compiled the partisanship of each MC serving in the US Congress during the 1<sup>st</sup> through 9<sup>th</sup> Congress.<sup>62</sup> I have supplemented the roll call voting history of individual members with

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<sup>60</sup> The data contain the following information on individual MCs: name, party identification (if available), state, method of selection to office, type of district served, senatorial cohort, and roll call voting history.

<sup>61</sup> Poole and Rosenthal (1997) have compiled a second data set housed at ICPSR covering the 1<sup>st</sup> through 100<sup>th</sup> Congress. Corrections to the original data set made by Poole and Rosenthal include identifying correct partisanship for several members.

<sup>62</sup> The party identification of members has been compiled from Martis (1989).

additional information as well. Using Martis (1989), I have incorporated variables for the number of terms served by each MC, the current term served, the number of districts within the member's home state, and the type of district served by a MC.<sup>63</sup>

### **The Sample of Roll Call Votes: Decision-Making Rules**

While multiple studies have previously analyzed the roll call voting behavior of early MCs, how can this project contribute to our understanding of the importance of constitutional design on legislative preferences? None of these existing studies, I suggest, have examined the importance of constitutional rules relative to extra-constitutional rules in explaining legislative behavior and determining policy outcomes consistent with the intent of the Framers. This project contributes to our understanding of the effectiveness of the Constitution in minimizing the consequences of passionate majorities and producing nationally oriented, moderate, stable policies through a number of electoral laws mandated in the Constitution.<sup>64</sup> This project tests how successful the Framers were in accomplishing their goals. Since I am concerned only with those roll calls that pertain to substantive national issues, my classification of roll call votes reflects that interest. Roll call votes analyzed in this project are therefore somewhat different than earlier projects since the votes that I include may cross more traditional categorizations (cf Poole and Rosenthal 1997; Bell 1973). All votes subsequently

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<sup>63</sup> While the ICPSR includes many of these variables, I used Martis (1989) as a way to verify the ICPSR information, and to incorporate the variables in a way that had greater utility for my project.

<sup>64</sup> In their study of the ideological preferences of MCs, Poole and Rosenthal (1997) weighted all roll call votes equally. They did not differentiate between substantive and non-substantive votes. Thus, a vote to adjourn or send a bill to a select committee is treated the same as a vote on final passage. Hoadley (1986) and Bell (1973) also treat substantive and procedural votes equally, however, Hoadley provides a separate analysis of those votes historians have determined were important for contemporaries.



analyzed have been determined to have a clearly defined national content, and it is to the set of decision-making rules to which I next turn.

Three decision-making rules guided my selection of votes. The first was whether or not the roll call involved an issue of substantive policy. Substantive issues are matters that are directly related to questions of public policy. Votes of substance may include amendments on legislation pending on the floor of either chamber, Senate ratification of a treaty, or final passage of a bill. Procedural questions relating to adjournment, postponing consideration of a bill, or sending a bill to committee are excluded from analysis.<sup>65</sup> Table 4.1 provides examples of substantive and non-substantive roll calls.

**Table 4.1.** Examples of Substantive and Non-Substantive Roll Calls

Bill	Congress	Chamber	Roll Call
<b>Substantive</b>			
To amend HR 102, a bill to establish a uniform militia, by extending the president's authority to call up the militia and to provide punishment for refusing to obey orders while in the service.	Second	House	51
To amend HR 39, a bill to make provision for the payment on the balances due to certain states; by providing that the balances reported, and carried to the debit of certain states, be relinquished.	Third	House	27
<b>Non-Substantive</b>			
To postpone HR 221, a bill to establish	Sixth	House	45

<sup>65</sup> Procedural votes are excluded because it is often difficult to tell whether or not a vote is cast in support or opposition to a roll call. A vote cast to deny committee referral of a bill, for example, may indicate either of the following. It may indicate that the MC supports the measure and is ready to vote on it as it stands on the chamber floor, or it may indicate that the MC is opposed to the measure and is ready to reject it on the floor. Yet another interpretation of the vote may lead to the conclusion that the MC proposing the referral was using it as a delaying tactic.

**Table 4.1 continued.** Examples of Substantive and Non-Substantive Roll Calls

Bill	Congress	Chamber	Roll Call
a military academy, and for the better organization of the corps of artillerists and engineers.			
To delay consideration of the committee report on HR 144.	Seventh	Senate	47

Determining whether a roll call vote was substantive or procedural was the first step towards selecting the sample. The second step was to determine whether or not the roll call had to do with national policy. In the previous chapter, I defined national as *“the preferences that ensure uniformity among the states and expand the authority of the federal government or reduce state and popular control over federal decision-making.”* This definition is broad enough to encompass what Bell (1973) has called the external and internal dimensions of national authority. The external dimension deals with the federal relationship, and the balance of power between the states and the national government. The internal dimension deals with the balance of power between the Congress and the President. Both dimensions are represented in the roll calls of the first nine congresses and included for analysis in this dissertation.

There are three types of roll calls that can be classified as “national” according to this definition. I consider any legislation that either expands or restricts the authority of the federal government national. Tax bills are included under this category. For example, nationalists in the early Congress argued that a broad tax base would provide a source of revenue for an “energetic” federal government. Under such a bill, the power of the

national government would be enhanced.<sup>66</sup> Conversely, reducing the federal government's tax base provided a way for those opposed to a strong central government to constrain its activities. Certain taxes, such as the land tax proposed in the 6<sup>th</sup> House, also provided a way for opponents of energetic government to limit its authority. The land tax, it was believed, would directly affect the largest number of taxpayers possible, and supporters hoped that taxpayer interest in government expenditures would keep taxes and spending as low as possible. Such votes, then, capture both the politics and principles associated with roll calls in the early Congress, and they happen on a regular basis in the first nine congresses. Other examples of roll calls that either increase or decrease federal authority are reported in Table 4.2.

**Table 4.2. Examples of Roll Calls Addressing Federal Authority**

Bill	Congress	Chamber	Roll Call
<b>Increase or Expand Federal Authority</b>			
To pass HR 55, a bill to lay duties upon carriages for the conveyance of persons.	Third	House	53
To pass HR 137, a bill to regulate trade and intercourse with the Indian tribes and preserve peace on the frontier	Fourth	Senate	54
To pass S 18, an act to establish an executive department to be named the department of the Navy.	Fifth	Senate	93
To pass S 17, an act to incorporate subscribers to the Bank of the United States	First	House	106
To amend S 58, by recognizing electors from any state whether the authorized by the state legislature or not	Sixth	Senate	48

<sup>66</sup> Enhancing the authority and energy of the national government does not have to come at the expense of state governments. The federal relationship is not a zero-sum game. Roll calls that increase the power of the federal government is usually in addition to, not at the expense of, state governments.

**Table 4.2 continued.** Examples of Roll Calls Addressing Federal Authority

Bill	Congress	Chamber	Roll Call
<i>Decrease or Limit Federal Authority</i>			
To amend HR 40, to strike out the third section of the bill which specifies who is eligible to vote for representatives of the territory.	Seventh	Senate	72
To pass HR 31, to repeal internal taxes	Seventh	Senate	63
To amend the constitutional amendments resolution, by prohibiting Congress from imposing direct taxes, except when duties collected are insufficient, in which event, Congress may assess each state its proportionate share to defray deficiency, with interest thereon of 6% per annum.	First	House	12
To amend the constitutional resolution; by adding a clause prohibiting Congress from interfering in the times, places, and manner of holding elections of Senators or Representatives, except when any state shall refuse, neglect or be unable to hold an election due to invasion or rebellion.	First	House	11
To pass the entire resolution to repeal the Sedition Act.	Sixth	House	8

The definition of national I crafted in the previous chapter also includes roll calls that impose policy uniformity on the states. The authors of *The Federalist* were quick to criticize the various measures adopted by the states that made trade between the states virtually impossible.<sup>67</sup> Not all roll calls, however, denied the states the opportunity to develop policy to reflect local circumstances. The Constitution creates a delicate balance between the distribution of political power between the federal and state government. A strict interpretation of Article I, section 8 implies a national government limited to those

<sup>67</sup> See *Federalist* 22 for example.

powers expressly delegated to the Congress. All other powers by virtue of the 10<sup>th</sup> Amendment fall to the states. Legislation where states retain their 10<sup>th</sup> Amendment powers or where legislation defers to state law is also considered under this third classification of national policy. Such measures are reported in Table 4.3.

**Table 4.3.** Examples of Roll Calls Addressing National Uniformity

Bill	Congress	Chamber	Roll Call
<i>Increase or Expand National Authority</i>			
To pass HR 113, an act to establish a uniform rule of naturalization.	Seventh	Senate	137
To pass HR 186, an act to establish a uniform system of bankruptcy throughout the United States.	Sixth	House	29
To pass HR 135, a bill to establish a uniform system of bankruptcy throughout the US.	Fifth	House	131
<i>Decrease or Limit National Authority</i>			
Amend S 30, a bill to authorize the president to regulate the landing of French passengers and other foreigners who may arrive within the US; said amendment to read: "nothing in this act shall be construed to prohibit the migration or importation of such persons as any state may think proper by law to admit, nor to such persons whose admission may be prohibited by the respective states."	Fifth	Senate	137
To amend HR 154, to establish the post office and post roads within the United States, by providing that wherever any exclusive privilege of conveying passengers in state carriages on any post roads had been granted by any state for a term of years, such privilege shall continue in force until term expires.	Second	House	10
To amend the resolution concerning the reimbursement of a loan made to the Bank of the United States, to provide for opening a load to the amount of the balances which, upon a final settlement of accounts, shall be found due from US to individual states,	Second	House	73

**Table 4.3 continued.** Examples of Roll Calls Addressing National Uniformity

Bill	Congress	Chamber	Roll Call
provided "that no such loan shall be opened in any state without the assent of the legislature thereof, by an act approving the measure.			

My definition of national also incorporates unilateral expansion of executive authority. Such legislation is usually, but not always, limited to removal of the executive from the popular control of the legislature. Nationalists did not envision an executive branch tethered to the Congress. Those MCs who favored a stronger national government feared the president would be weak relative to the legislative branch if he had to wait for congressional authorization to act. They favored giving the president more discretion in managing the executive branch and the military. That does not mean, however, that such legislation restricting executive discretion was not introduced. Opposition to discretionary executive authority appears in the roll call record as well. Examples of roll calls addressing executive authority are reproduced in Table 4.4.

**Table 4.4.** Examples of Roll Calls Addressing Executive Authority

Bill	Congress	Chamber	Roll Call
<i>Increase or Expand Executive Authority</i> To amend S 26, by giving the president power to remove any alien, who may be imprisoned, under the act, for speaking, writing, or printing contrary to the provisions thereof.	Fifth	Senate	109
To amend HR 102, an act to more effectually provide for the national defense by establishing a uniform militia throughout the country; by extending the authority of the president to call up the militia in emergencies.	Second	House	61

**Table 4.4 continued.** Examples of Roll Calls Addressing Executive Authority

Bill	Congress	Chamber	Roll Call
To concur in the Senate amendment to HR 35, an act providing the means of intercourse between the US and foreign nations; said amendment would eliminate the clauses which specify the officers to be employed abroad and the salaries of each, and for the president to apply the sum to be appropriated.	First	House	45
<i>Decrease or Limit Executive Authority</i> To amend S 4 by striking out the eighth section, which proposed, "that the president be authorized and empowered to cause to be procured and fitted out, manned, and employed, a number of vessels."	Fifth	Senate	45
To limit the president's power to call out the provisional army.	Fifth	House	67
To adopt the committee report to amend HR 49, a bill for the more effectual protection of the southwest frontier settlers; said amendment to strike out the sections authorizing the president to call out the militia against the Creek and Cherokee Indians, establishing certain military posts, and providing that the militia receive the same rate of pay as regular United States troops.	Third	Senate	65

The third decision-making rule whether or not to include a roll call for analysis was its clarity. The substantive nature of the roll call had to be apparent. If I could not determine from information provided by ICPSR whether or not the roll call pertained to national policy, I turned to the *Annals* and the *Journals* for further clarification of the measure.<sup>68</sup> If, after reading the record, I was unable to determine the content of the bill,

<sup>68</sup> At a minimum, ICPSR provides the following information: title of the bill, a summary of the bill, the subject of the bill, or the language of the bill. ICPSR information is reproduced from the *Annals* and *Journals*.

the roll call was excluded from analysis. Table 4.5 shows examples of legislation that is either clear or unclear in its content.

**Table 4.5. Examples of Clear and Unclear Roll Call Descriptions**

Bill	Congress	Chamber	Roll Call
<b>Clear</b>			
To Pass the resolution to continue in force the law commonly called the Sedition law.	Sixth	House	72
To amend HR 31 to retain tax on carriages.	Seventh	House	46
<b>Non-Substantive</b>			
To amend the Tennessee report to express the satisfaction of the US government with the proceedings of the territory of Tennessee in forming a constitution.	Fourth	Senate	57
To agree to the Senate amendment to the constitutional amendment resolution which would alter the 8 <sup>th</sup> article.	First	House	46

Table 4.6 provides examples of legislation that was not included for analysis. Four types of roll calls fall under this final category. The first set of roll calls I have excluded are those that relate to foreign policy. This includes not only Senate ratification of treaties, but also those roll calls addressing foreign commerce and foreign military engagements.<sup>69</sup> I have also excluded from the analysis roll calls that fall under the Senate's advice and consent authority.<sup>70</sup> Procedural votes such as adjournment or salary

<sup>69</sup> These types of roll calls are inherently national; there is no non-national position.

<sup>70</sup> These votes are also rejected because there is no non-national position. Treaty approvals are by their nature matters of national policy. Similarly, a vote to reject a presidential nominee does not indicate support for a reduction in national authority.



questions were rejected as well.<sup>71</sup> The fourth category of votes excluded from the data set are those labeled miscellaneous. Roll calls falling under this classification include location of the capital in the 1<sup>st</sup> Congress and prosecution of William Duane, editor of the *Philadelphia Aurora*, under the Sedition Act in the 6<sup>th</sup> Senate.

**Table 4.6.** Examples of Roll Calls not Included in Analysis

<i>Foreign Affairs</i>			
To pass HR 40, a bill to suspend the importation of certain goods, wares, and merchandise.	Third	House	16
To pass S 29, an act to declare the treaties heretofore concluded with France, no longer obligatory on the US.	Fifth	Senate	131
<i>Advice and Consent</i>			
To consent to the nomination of James Lynn of NJ as supervisor for the District of NJ.	Seventh	Senate	4
To amend the treaty between the US and the Chickasaw Indians made at Chickasaw Bluffs on 10.24.01, by eliminating there the words "to assist the Chickasaws to preserve entire, all their rights against the encroachments of unjust neighbors, of which he shall be the judge."	Seventh	Senate	6
<i>Procedural</i>			
To postpone consideration of the resolution that a provision ought to be made for the appointment of an agent to supervise the foreign expenditures of the US.	Fourth	House	35
To order the main question on passage of the motion to refer the petition of sundry merchants of Charleston, to the committee of the whole House	Second	House	76
<i>Miscellaneous</i>			
To pass the resolution that it is not expedient to take further action concerning the letter of	Sixth	House	61

<sup>71</sup> These votes are rejected because of the difficulty in determining the meaning of a roll call vote. Postponing consideration of a bill may indicate support or opposition to a measure.

**Table 4.6 coninued.** Examples of Roll Calls not Included in Analysis

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Joseph Wheaton, sergeant at arms, relating to his arrest.			
To amend the government seat bill, to provide that the temporary seat of government shall change from New York to Philadelphia in December of 1792.	First	Senate	53
To pass HR 214, and act to regulate claims of invalid pensions.	Second	House	72

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Once the sample was selected, I found it necessary to recode some of the roll call votes. Because I am interested in the effects of constitutional rules on both levels of support for national legislation as well as their rates of passage, the national policy position must be the same on all roll calls. Thus, I determined for each roll call whether a “yea” or “nay” vote indicated support for the national policy position. Roll calls where the national position was “nay” were recoded. Thus, a “yea” vote would be in favor of the national policy position and not necessarily in favor of passage of the bill. The following roll call taken from Table 4.2 is instructive on this point. Roll call number 63 in the 7<sup>th</sup> Senate was a vote to repeal all internal taxes. With the diminished threat of a war with France, opponents of a strong national government sought to rescind all federal taxes as a way to limit the authority of the national government. A vote in favor of the bill would repeal taxes and reduce national authority. A vote cast in opposition to the bill would favor keeping all federal taxes and maintaining current levels of funding for national priorities. A “nay” vote therefore indicates support of national policy—maintaining the current tax structure to continue financing the federal government at current levels. Under my coding scheme, “nay” votes were changed on this roll call to reflect support for the national policy position.

One final matter must be taken into consideration regarding the sample data set—the reliability of the coding and selection of roll calls included in the analysis. Both the coding and selection of roll calls was as objective as possible. Obviously, a different set of coding rules would produce a different set of roll calls and possibly generate different results. Objectivity, however, was not my only goal in selection of these roll calls. I have also sought to be as consistent as possible in the coding and creation of my data set. The reliability of the coding scheme was tested by having a second individual select, classify, and code roll call votes according to the decision-making rules outlined in this chapter. Across the nine congresses, the inter-coder reliability yielded results within 8% of my original decision making scheme. While not perfect, it indicates the utility of the rules for selection of the subset of votes used for analysis.

It further goes without saying that the data set is obviously not a random set of all the roll calls cast by MCs during the 1<sup>st</sup> through the 9<sup>th</sup> Congress. However, in order to remain as close as possible to my conceptual definitions in the previous chapter, I have been extremely conservative in the selection of votes included for analysis. While this certainly reduces the size of the data set and the number of roll calls available for analysis, I believe this strategy will contribute to the strength of my results. Increasing the size of the data set by as much as 10% or as little as 3% did not produce results different from those reported in the following pages. The same general patterns emerged regardless of the size of the sample data set.<sup>72</sup> A complete list of votes included for analysis can be found in Appendix A for the House and Appendix B for the Senate.

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<sup>72</sup> I also analyzed those votes that were excluded from my original data set. Results from analysis of these non-national roll calls were remarkably similar to the national data set.

## The Sample and the Universe Compared

Table 4.7 indicates that my coding scheme did not bias dramatically the total number of roll calls included in the sample. Roll calls are distributed among the sample data set as I would expect. National business makes up a larger portion of the Senate's agenda in the earlier part of the series as the Congress attempted to define clearly the powers of the new national government. Once this was accomplished, national policy matters represented a smaller percentage of the business conducted in the Senate. As the national policy agenda in the Senate declined, a substantial portion of the Senate's agenda became preoccupied with foreign policy and procedural questions required by the Senate's advice and consent role under the Constitution.<sup>73</sup> The distribution of national policy in the House stays relatively stable because of its limited role in foreign policy.<sup>74</sup> In six of the nine congresses, more roll calls were recorded in the Senate.<sup>75</sup>

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<sup>73</sup> Using a different scheme for classifying votes in the House, Bell (1973) shows that foreign policy constituted 4% of the business of the 1<sup>st</sup> House and 12% of the 6<sup>th</sup>, increasing to a high of 25% in the 5<sup>th</sup>. Policy relating to the army and navy were 1% and 0% of the agenda in the 1<sup>st</sup> House, and 10% and 6% in the 6<sup>th</sup> respectively. The growth of these issues came at the expense of what Bell calls government authority, which declined by 6% over the same period. These figures provide support for my interpretation of the agenda shift taking place in the Senate over the first seven congresses.

<sup>74</sup> The House was not completely excluded from foreign policy. It aggressively played a role in the treaty-making process by refusing to allocate funds to finance these agreements.

<sup>75</sup> Several factors may account for this observation that are unrelated to the Senate's workload. First, journalists recording congressional debates may have been more likely to record the roll calls in the smaller body. Second, the prejudices of journalists may have influenced their reporting. Writing for a national audience may have biased the types of roll calls that were reported. Parochial legislation introduced and debated in the House may have had less of an appeal to readers than questions of national policy in the Senate.

**Table 4.7.** The Universal and Sample Data Sets: Chamber Roll Call Votes in the US Congress, 1789-1807

Congress	Total Number Roll Call Votes <sup>1</sup>		Roll Call Votes Analyzed <sup>2</sup>		Votes Analyzed as Percentage of Total <sup>3</sup>	
	House	Senate	House	Senate	House	Senate
First (1789-1791)	109	100	35	43	32%	43%
Second (1791-1793)	102	50	46	28	45%	56%
Third (1793-1795)	69	79	38	25	55%	32%
Fourth (1795-1797)	83	86	36	16	43%	19%
Fifth (1797-1799)	155	207	78	81	50%	39%
Sixth (1799-1801)	96	120	28	19	29%	16%
Seventh (1801-1803)	88	142	41	25	47%	18%
Eighth (1803-1805)	132	150	40	43	30%	29%
Ninth (1805-1807)	158	88	51	23	32%	26%
Totals	992	1022	393	303	40%	30%

<sup>1</sup>These figures represent the universe, the total number of roll call votes during each session.

<sup>2</sup>These figures represent the sample, those roll calls selected for analysis using the decision making rules stipulated in text.

<sup>3</sup>These figures represent the roll call votes analyzed (note 2) as percentage of total votes (note 1).

Table 4.8 shows the distribution of individual roll calls included in the sample data set relative to the distribution of votes in the universe. Once again, the subset of votes selected for analysis conforms to expectations. Since national policy constitutes a smaller portion of the Senate's agenda, it is not surprising that the percentage of individual roll calls is lower in the Senate than in the House. Again, no single legislative session dominates the sample, though there is almost a 2:1 difference in the average percentage of votes analyzed across the two chambers.

**Table 4.8.** The Universal and Sample Data Sets: Roll Call Votes of Members of Congress, 1789-1807

Congress	Total Number Roll Call Votes <sup>1</sup>		Roll Call Votes Analyzed <sup>2</sup>		Votes Analyzed as Percentage of Total <sup>3</sup>	
	House	Senate	House	Senate	House	Senate
First (1789-1791)	5908	2275	2032	979	34%	43%
Second (1791-1793)	5613	1308	2564	746	46%	57%
Third (1793-1795)	5793	1780	3398	530	59%	30%
Fourth (1795-1797)	7002	2195	3087	438	44%	20%
Fifth (1797-1799)	13624	4812	6769	1209	50%	25%
Sixth (1799-1801)	8695	3284	2551	500	29%	15%
Seventh (1801-1803)	11271	5440	3309	601	29%	11%
Eighth (1803-1805)	19932	6600	3776	1059	19%	16%
Ninth (1805-1807)	24332	3344	5421	647	22%	19%
Totals	102170	32818	33387	6871	33%	21%

<sup>1</sup>These figures represent the universe, the total number of roll call votes during each session.

<sup>2</sup>These figures represent the sample, those roll calls selected for analysis using the decision making rules stipulated in text.

<sup>3</sup>These figures represent the roll call votes analyzed (note 2) as percentage of total votes (note 1).

As Tables 4.7 and 4.8 illustrate, there were a total of 992 recorded roll calls in the 393 of the House votes and 303 of the Senate votes were included for analysis. During the same period, 102,170 votes were cast by individual Representatives; 33,387 were included in this analysis. In the Senate, 32,818 votes were cast and 6,871 were analyzed. Excluded from subsequent analysis are lopsided votes and MCs not participating in at least 90% of the votes in a Congress.<sup>76</sup>

<sup>76</sup> Votes were included for analysis as long as 2.5% of individual votes were cast for the minority position.

### **Turnover and Partisanship in Congress, 1789-1803**

Having reviewed the selection and distribution of roll calls included for analysis, I turn to an examination of the characteristics of membership in the early Congress. Tables 4.9 and 4.10 provide information on the members of the first seven congresses and highlight the variation in turnover and partisanship, the effects of which the framers believed the Constitution could minimize. Table 4.9 shows the percentage of freshmen in each Congress.<sup>77</sup> As Publius expected, freshmen constitute a larger percentage of membership in the House than the Senate. Generally, 2/5<sup>th</sup> of the House consists of new members with the exception of the 3<sup>rd</sup> Congress when almost two-thirds of the chamber consisted of freshmen Representatives. In Chapter 3 I argued that Madison and his colleagues expected policy change in Congress to be a function of both conversion and replacement of legislators. Bicameralism, though, and the rational anticipation of junior MCs, would minimize the effects of both. While the hypotheses presented in Chapter 3 suggest that policy change has the potential to be greatest when turnover is highest, the institutional design of the Senate should reduce this likelihood. For the same reason, the consequences of the large number of freshmen elected in 1793 to the 3<sup>rd</sup> House should be negligible. Regardless of the size of any freshman cohort, institutional output and the preferences of MCs should remain relatively stable around policy equilibrium in each chamber for two reasons. First, the size of the incoming cohort should be insufficient to affect any sort of substantial change on the preferences of the chamber. Second, if the

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<sup>77</sup> The percentage of freshmen includes MCs replacing retiring or defeated members, MCs elected from newly drawn districts after apportionment, or those members elected from states newly admitted to the Union.

preferences of freshmen are more extreme than the preferences of the chamber, because of their size, they should once again be unable to shift the chamber median.

**Table 4.9.** Freshman Representatives and Senators, US Congress, 1789-1807

Congress	House		Senate	
	Total <sup>1</sup>	Freshmen <sup>2</sup>	Total	Freshmen
First (1789-1791)	65	100%	26	100%
Second (1791-1793)	69	44%	30	31%
Third (1793-1795)	105	61%	30	34%
Fourth (1795-1797)	106	44%	32	44%
Fifth (1797-1799)	106	44%	32	31%
Sixth (1799-1801)	106	46%	34	36%
Seventh (1801-1803)	107	51%	34	33%
Eighth (1803-1805)	142	51%	34	38%
Ninth (1805-1807)	142	32%	34	18%

<sup>1</sup>Total number of Representatives or Senators serving during that session.

<sup>2</sup>Total number of Representatives or Senators serving first term as percentage of total.

There is also considerable reason to believe that the partisan distribution of legislators across the two chambers may effect levels of support for national policy. Congressional scholars argue that parties, under certain circumstances, can exert a powerful influence over the behavior of MCs (cf. Cox and McCubbins 1993). The founding generation, however, viewed the presence of political parties with skepticism. In his "Farewell Speech," George Washington warned that "the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it." Political parties, he noted, serve "always to distract



the public councils and enfeeble the public administration.” The presence of party spirit “agitates the community with ill-founded jealousies and false alarms, kindles the animosity of one part against another, [and] foments occasionally riot and insurrection.”

Though they are more appropriately described as coalitions, partisan groups in the early legislature functioned as “parties-in-the-legislature.” In the early Congress, historians and political scientists alike tell us that nationalists tended to identify with an emerging Federalist party voting bloc and the Washington administration while those MCs opposed to a strong central government and Washington’s policies tended to associate with the nascent voting behavior of the Democrat-Republican party.<sup>78</sup> Hoadley (1986) notes that there were regional divisions within these two groups that minimized the absolute levels of the cohesiveness of the blocs. It was not until the 4<sup>th</sup> Congress that partisan affiliations became more important than regional influences.<sup>79</sup> As the Federalist and Democrat-Republican parties began to take on the appearance of a modern two-party system, there is reason to believe that the shared preferences of MCs may have influenced levels of support for national policies. Madison and his co-authors of *The Federalist* argued, though, that constitutional rules would operate to minimize this possibility. Thus, while voting blocs within Congress may influence roll call behavior, design of the national electoral system reduces the likelihood that any majority, Federalist or otherwise, would be guided by passion and not reason.

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<sup>78</sup> Martis (1989) classifies members serving in the 1<sup>st</sup> Congress as either pro- or anti-administration

<sup>79</sup> Hoadley does not test whether or not membership in either the Federalist or Democrat-Republican Party predicts voting behavior in these early congresses. Using multidimensional scaling he spatially reproduces increased levels of cohesion among MCs that he interprets as party behavior.

My partisan construct is borrowed from Martis (1989) who uses many of the same sources reviewed by Hoadley (1986), a discussion of which can be found in Appendix C. The work by Martis provides what is arguably the most complete and accurate source of the partisanship of Representatives and Senators serving in the first nine congresses. Unfortunately, as Martis notes, in order to identify the partisanship of some MCs serving in the earliest congresses he uses the voting behavior of members. This has the potential to inflate the effect of partisanship in later analysis.

**Table 4.10. Partisan Distribution, US Congress, 1789-1807**

Congress	House		Senate	
	Total <sup>1</sup>	Federalist <sup>2</sup>	Total	Federalist
First (1789-1791)	65	56.9%	26	69.2%
Second (1791-1793)	69	56.5%	30	53.3%
Third (1793-1795)	105	48.6%	30	53.3%
Fourth (1795-1797)	106	44.3%	32	65.6%
Fifth (1797-1799)	106	53.8%	32	68.8%
Sixth (1799-1801)	106	56.6%	32	68.8%
Seventh (1801-1803)	107	35.5%	34	44.1%
Eighth (1803-1805)	142	27.5%	34	26.5%
Ninth (1805-1807)	142	19.7%	34	20.6%

<sup>1</sup>Figures compiled from Martis (1989). This figure represents the total number of representatives serving over the course of a Congress.

<sup>2</sup>Percentage of members who are Federalist or Pro-administration.

Table 4.10 shows the distribution of Federalist MCs and their slow demise during the first nine congresses. The percentage of MCs associating with the Federalist Party drops to its lowest point in the 9<sup>th</sup> Congress, with only 19.7 % of Representatives and

20.6% of Senators identified as Federalist. Generally, though, a little over half of sitting MCs were associated with the Federalist Party throughout the earliest meetings of Congress. Table 4.10 also indicates that the Federalist majority in the Senate took longer to wane than in the House. This suggests that the national electoral system delayed the Democrat-Republican takeover of the Senate, if only for a few terms. While the partisan preferences of the increasingly Democrat-Republican majority suggests reduced levels of support for national policies, I expect levels to remain relatively constant. The 3<sup>rd</sup> Congress provides a unique opportunity to test Madison's assumptions that the Senate will check the preferences of the lower chamber. Even though a sizeable number of freshmen entered the House in 1793, the Senate should minimize the effects of popular opinion on the preferences of MCs. A similar pattern should obtain for the 7<sup>th</sup> Congress. The reasons for this dynamic are similar to the process of minimizing the consequences associated with large freshman cohorts. Through rational anticipation, MCs newly elected to Congress, regardless of their party affiliation, will take as voting cues, in part, the preferences of senior MCs. Thus, if the partisanship of an entering freshman class differs substantially from those of returning members, the institutional consequences for policy output should be minimized.

### **Examining Roll Calls and Estimating Ideal Points**

I now turn to an examination of the structure of roll call voting in the first nine congresses, and test the initial set of hypotheses from the close of Chapter 3. To operationalize each of the first eight hypotheses, I perform two different analyses on the set of selected roll calls. First, I examine the percentage of roll calls where the national policy position is the winning position across chambers. I cannot simply examine the

number of bills that passed in either chamber. In many instances, a roll call cast in opposition to a bill was actually a vote cast in favor of the national position. Even though all bills included for analysis have national content, counting the number of bills passed in each chamber only provides the rate of passage of legislation. Such a method does not discriminate between national and non-national votes. To tap this difference, I determine whether a “yea” or “nay” vote supports the national position, and then examine the percentage of national bills that passed either chamber. This allows me to assess passing, and not simply winning, roll calls. In both instances, I expect that the Senate will be more supportive of national legislation, whether passed or winning, than the House. That is, a larger percentage of national legislation should pass the Senate relative to the House.

Table 4.11 presents a first look at the distribution of inter and intra chamber differences in the levels of support for national policies. Here, I operationalize the Individual Federal Difference hypothesis and test whether or not Senators are more likely to support national legislation than Representatives. At this point of the analysis I am not concerned with the passing position. Instead, I am interested in relative levels of support for national legislation between the two chambers, and the winning position. In this table, the unit of analysis is the individual legislator. For example, in the 1<sup>st</sup> House, there were 35 roll calls on which 65 representatives cast a total of 2,032 votes. Of these 2,032, 55% were cast in support of the national policy. In the 1<sup>st</sup> Senate, 62% of its 979 roll call votes were cast in favor of nationally oriented legislation for a difference across the chambers of 6.6%. While this difference is not large, it is in the expected direction, and supports the hypothesis for the 1<sup>st</sup> Congress. Several congresses, however, are contrary to the hypothesis, the 3<sup>rd</sup>, 7<sup>th</sup>, and 9<sup>th</sup>. Thus, Table 4.11 lends partial support for the

Individual Federal Preference hypothesis and suggests that in most congresses, the average Senator supports more national public policy bills during a given session than will the average member of the House.

**Table 4.11.** MC Support for National Legislation in the US House and Senate, 1789-1807

Congress	House		Senate		Chamber Difference
	Total <sup>1</sup>	National <sup>2</sup>	Total	National	
First (1789-1791)	2032	55.4%	979	62.0%	+6.6%
Second (1791-1793)	2564	48.0%	746	55.2%	+7.2%
Third (1793-1795)	3398	54.7%	530	52.5%	-2.2%
Fourth (1795-1797)	3087	53.0%	438	56.2%	+3.2%
Fifth (1797-1799)	6769	52.1%	1209	63.3%	+11.2%
Sixth (1799-1801)	2551	53.5%	500	59.2%	+5.7%
Seventh (1801-1803)	3309	53.6%	601	44.3%	-9.3%
Eighth (1803-1805)	4256	57.6%	1221	63.5%	+5.9%
Ninth (1805-1807)	5421	63.4%	647	60.0%	-3.4%

<sup>1</sup>Total number of roll call votes cast by all MCs during that Congress.

<sup>2</sup>Percentage of roll call votes cast in favor of the national position whether to support or defeat the measure.

Table 4.11, however, does not support the Increasing Average Support hypothesis. Over time, the percentage of individual Senators who support a majority of national policy bills proposed during the session does not increase relative to the percentage of individual House members who support a majority of the national policy bills proposed in that chamber. The differences across the two chambers do not trend upward over the series. There is no identifiable monotonic pattern of increasing levels of support for national policy as the Congress matured.

At the institutional level, the same patterns obtain as at the individual level. As table 4.12 shows, support for national policy is greater in every Senate except the 4<sup>th</sup>, 6<sup>th</sup>, and surprisingly, the 1<sup>st</sup>. The Chamber Federal Preferences hypothesis therefore receives only limited support from the data. Though the pattern in the data is not consistent or identifiable, in certain congresses, the Senate votes to pass a higher percentage of national policy bills proposed during that session than the House. Hypothesis three is not fully supported by the data.

**Table 4.12.** Chamber Support for Passage of National Legislation in the US House and Senate, 1789-1807

Congress	House		Senate		Chamber Difference
	Total <sup>1</sup>	National <sup>2</sup>	Total	National	
First (1789-1791)	35	37.1%	43	27.9%	-9.2%
Second (1791-1793)	46	26.1%	28	28.6%	+2.5%
Third (1793-1795)	38	31.6%	25	32.0%	+4.0%
Fourth (1795-1797)	36	44.4%	16	31.2%	-13.2%
Fifth (1797-1799)	78	44.9%	81	55.6%	+10.7%
Sixth (1799-1801)	28	42.9%	19	42.1%	-.80%
Seventh (1801-1803)	41	14.6%	25	16.0%	+1.4%
Eighth (1803-1805)	40	55.0%	43	69.8%	+14.8%
Ninth (1805-1807)	51	51.0%	23	52.1%	+1.1

<sup>1</sup>Total number of chamber roll calls with national content during that Congress.

<sup>2</sup>Percentage of chamber roll calls cast in support of the national position, whether to pass or defeat the measure.

The Diminishing Chamber Differences hypothesis is similarly not supported by the data. Over time, the differences in the percentage of national public policy bills passed by the Senate and the House do not diminish compared with the difference in the

percentage of such bills passed by the Senate and the House during the previous session. Tables 4.11 and 4.12 indicate the potential for large, though not necessarily lasting, support for legislation between congresses. The data illustrate the real fears the framers had that levels of policy support could fluctuate considerably during each session of Congress.

Another alternative to assess the initial hypotheses is to examine the frequency with which the national position is the passing position. That is, how often does national legislation actually pass either chamber? Tables 4.11 and 4.12 showed that, on average, majority coalitions supported the national policy position on more than 50% of all roll calls regardless of whether the coalition formed to support or oppose the measure. Regardless of whether a bill passed one or the other chambers, more MCs voted to support the national position than not. Table 4.13 presents the frequency of roll calls where the national position is the winning position. As the results indicate, national legislation has a slightly better chance of *passing* in the Senate, though such measures have an equal chance of *winning* in either chamber. Results from the First Congress will suffice as an example to explain the table. Out of the 23 national bills in the House where the national position was revealed by a “yea” vote, 65.7% passed. Conversely, almost 75% of the Senate’s 32 bills passed for an inter-chamber difference of 8.7% percentage points. Once again, no pattern emerges in the data. In almost half of the first nine congresses, the House passes more national legislation than the Senate. These results are contrary to the expectations of the framers who, I have suggested, believed that the Senate would be more supportive of national legislation than the House on a

regular basis. Table 4.13 indicates that support for national policies in the Senate was highly variable.

**Table 4.13.** Frequency of Winning National Legislation, US House and Senate, 1789-1807

Congress	House		Senate		Chamber Difference
	Total <sup>1</sup>	National <sup>2</sup>	Total	National	
First (1789-1791)	23	65.7%	32	74.4%	+8.7%
Second (1791-1793)	19	41.3%	17	60.7%	+19.4%
Third (1793-1795)	24	63.1%	14	56.0%	-7.1%
Fourth (1795-1797)	19	52.8%	7	43.8%	-9.0%
Fifth (1797-1799)	54	69.2%	69	85.2%	+16.0%
Sixth (1799-1801)	18	64.3%	14	73.4%	+9.1%
Seventh (1801-1803)	16	39.0%	6	24.0%	-15.0%
Eighth (1803-1805)	22	55.0%	30	69.8%	+14.8%
Ninth (1805-1807)	41	80.4%	14	60.9%	-19.5%

<sup>1</sup>Total number of chamber roll calls with national content during that Congress.

<sup>2</sup>Percentage of chamber roll calls cast in favor of passing the national position.

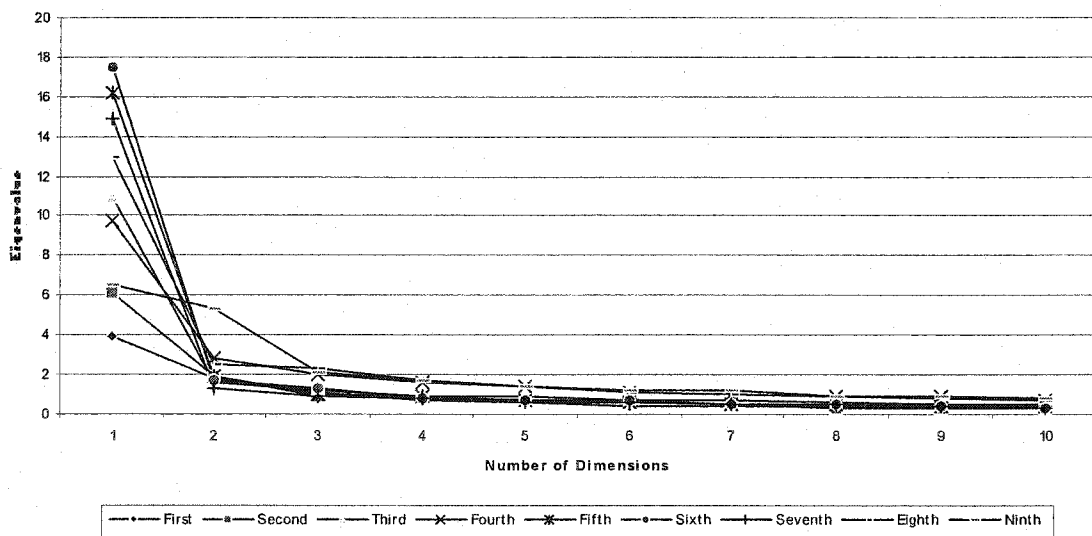
From this initial analysis, it appears that the electoral system could not minimize the presence of passionate majorities in the legislature when more than half of either chamber was replaced. Whether the unit of analysis is the individual legislator or roll calls, the first four hypotheses received only limited support from the data. As the previous three tables indicate, there are no discernable patterns of frequency of support for national policies in the data.

Still, there are other strategies that can be used to assess the voting behavior of MCs and examine the expectations of Madison and his two co-authors. One such approach is to determine the ideal points of all members serving in the US Congress from



1789 until 1807. While the estimation of ideal points cannot be used to test directly the hypotheses from Chapter 3, they can be used to compare my selection of roll call votes with other studies of legislative behavior and therefore they provide an additional test of external validity. In addition, these estimates can be used to determine what sort of changes in the roll call behavior of MCs is occurring over time. I therefore use the Poole-Rosenthal W-NOMINATE program to determine not only the ideal points of MCs, I use it to test the validity of my selection of roll call votes as well. The program estimates the positions of MCs on a spatial left-right continuum, and estimates the relative ideological distance of one member to another. In addition, it enables the analyst to track changes in the voting behavior of MCs. Once these estimates have been generated, I provide in Figures 4.1 and 4.2 a first look at the dimensionality of voting in both chambers. Figure 4.3 reports the vote classification percentage in each chamber and provides additional leverage in determining the initial voting patterns in the early Congress. In Figure 4.4 I present the Proportional Reduction in Error (PRE).

Figure 4.1. Skree Plots, First through Ninth US House



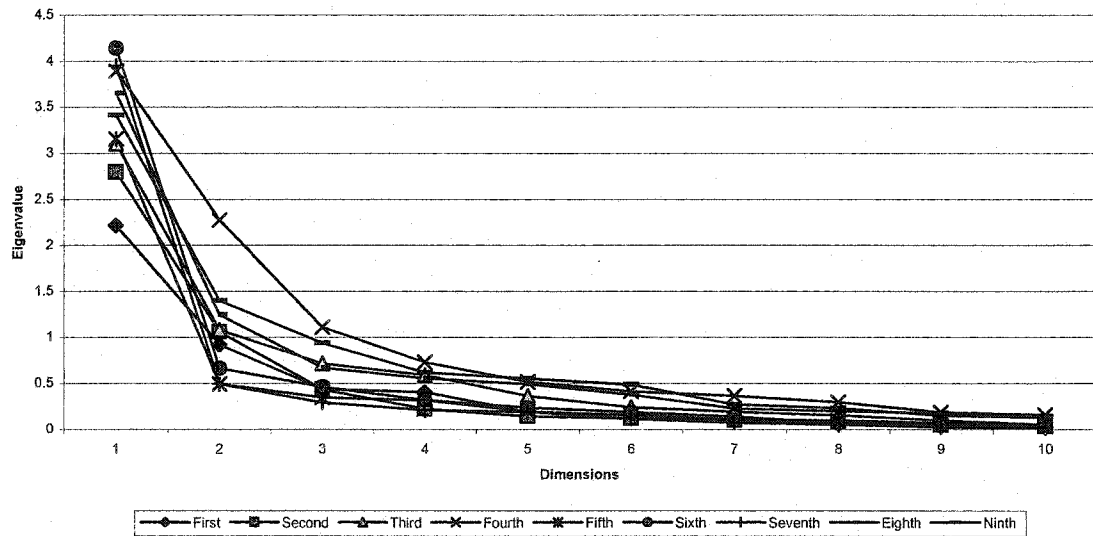
The explanatory gains in including additional dimensions for the House and Senate are reported in Figures 4.1 and 4.2 respectively.<sup>80</sup> If my coding scheme was successful, a uni-dimensional solution should obtain. The figures conform to expectations and indicate that votes on national policies were largely one-dimensional in both chambers. The steep drop from the first dimension to the second indicates that the first dimension explains a larger portion of the variance relative to additional dimensions. Table 4.14 supports this conclusion. Over time, a single dimension can explain a larger percentage of the variance in roll call behavior. Including additional dimensions does not increase dramatically the ability to explain legislative roll calls. The only exception is the 4<sup>th</sup> Senate. As Figure 4.2 indicates, the slope for the 4<sup>th</sup> is not as steep as preceding or subsequent sessions which suggests that a second, and possibly third, dimension may be important for explaining legislative preferences for Senators serving in this Senate.<sup>81</sup> The initial analysis of roll calls on national policy compares favorably with Poole and Rosenthal's work that finds 1.5 dimensions adequately explains votes over the history of the Congress.

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<sup>80</sup> Psychometricians will recognize these figures as skree plots commonly associated with factor analysis.

<sup>81</sup> The 8<sup>th</sup> and 9<sup>th</sup> congresses also generate a two-dimensional solution to the analysis of roll call votes. This should not be surprising, as Poole and Rosenthal (1997) also find a strong second dimension in the early session.

Figure 4.2. Skree Plot, First through Ninth US Senate



A second tool to examine roll call behavior from the Poole-Rosenthal W-NOMINATE algorithm and test the validity of my selection of roll calls is the percentage of votes that were correctly classified by the program. These results are presented in Figure 4.3. The percentage of votes correctly classified for both chambers is exceptionally high, ranging from 77% in the 1<sup>st</sup> House to 94% in the 6<sup>th</sup>. In the Senate, the worst fitting session are the 1<sup>st</sup> and 4<sup>th</sup>, where 82% of the votes are correctly predicted, while the best fitting is the 6<sup>th</sup>, at 94%. The addition of a second dimension fails to add more than 9% to the first dimension in any single Congress, and the gains from the second dimension are only marginal in the final two congresses. These figures compare favorably with the historical average of the US Congress where vote classification for the first dimension are 83% and 85% from the second.

**Table 4.14.** Percentage of Variance Explained by First Dimension of Roll Call Analysis, US House and Senate, 1789-1807<sup>1</sup>

Congress	House	Senate
First (1789-1791)	24.05	37.58
Second (1791-1793)	31.08	44.00
Third (1793-1795)	34.94	32.97
Fourth (1795-1797)	23.11	26.38
Fifth (1797-1799)	44.58	48.72
Sixth (1799-1801)	50.47	51.04
Seventh (1801-1803)	48.31	59.16
Eighth (1803-1805)	28.60	31.89
Ninth (1805-1807)	13.83	28.22

<sup>1</sup>Figures generated by Poole-Rosenthal W-NOMINATE program.

The trend lines for both the House and Senate indicate that voting became more predictable over the course of the early Congress. Note especially the gain after the 4<sup>th</sup> Congress. The 1<sup>st</sup>, 2<sup>nd</sup>, and 4<sup>th</sup> Senates perform poorly relative to other sessions of either chamber. Both Hoadley (1986) and Poole and Rosenthal (1997) report similar findings for the 1<sup>st</sup> Senate.<sup>82</sup> Similarly, Poole and Rosenthal (1997) find a strong second dimension in the 2<sup>nd</sup> Senate.<sup>83</sup> The 4<sup>th</sup> Senate continues to be problematic.

<sup>82</sup> Hoadley (1986) simply notes that voting during the 1<sup>st</sup> Senate was “chaotic” while Poole and Rosenthal attribute the second dimension to banking and finance issues.

<sup>83</sup> Poole and Rosenthal attribute the second dimension to the debate over apportionment. They also find a second dimension in the 2<sup>nd</sup> House that I do not. They also identify this dimension as involving apportionment.

Figure 4.3. Percentage of Roll Calls Correctly Classified, US House and Senate, 1789-1807

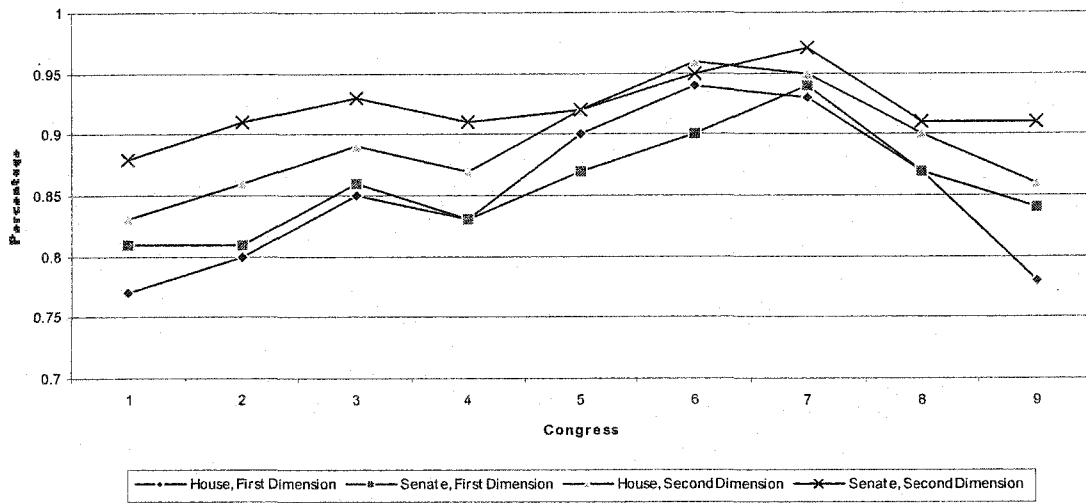
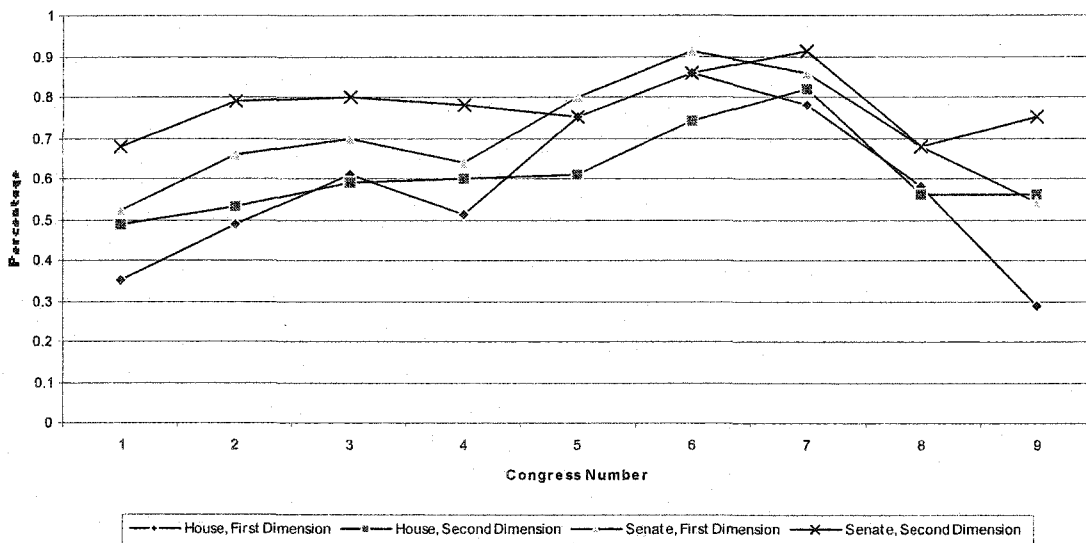


Figure 4.4. Proportional Reduction of Error, US Congress 1789-1807



The final method I use to assess the fit of the Poole-Rosenthal model to my selection of roll calls is the Proportional Reduction in Error (PRE). The PRE measure indicates how well a model improves predictability over some baseline measure, in this case, a model which would predict all MCs vote identically. The PRE measures are reported in Figure 4.4. Note how the reduction in error increases from the first meeting

of the House and Senate to the seventh again indicating votes became more predictable over the course of these early meetings of Congress. The figures again compare favorably to the historical congressional average where a one-dimensional model reduces the prediction in classification errors by .489 and a two-dimensional model increases that figure to .533. The second dimension adds slightly more explanatory power to the model for the first seven congresses, with the largest gain in the 1<sup>st</sup> Senate of over 22%. This again can be attributed to the importance of the second dimension for the chamber at this time.

### **The Stability of Legislative Preferences over the First Nine Congresses**

In this section, I operationalize the Senatorial Stability and Senatorial Similarity hypotheses which help explain individual and institutional behavior over time. Generally, the two arguments suggest that preferences will reach a plateau, and then fluctuate around that point. While Madison is silent on the rate at which this plateau would be reached, the Senate was expected, as the more stable institution, to reach it first.

Analyzing the roll call behavior of tenured MCs provides a logical way to test these two hypotheses. I examine the behavior of three sets of legislators, those who served in subsequent congresses regardless of the number of terms served, those who served a different number of consecutive terms, and those serving in the same cohort. In the final three tables, I have taken the first dimension coordinates generated by the W-NOMINATE program for each MC and correlated the estimate with the first dimension coordinates for each subsequent Congress in which a member served. High, positive coefficients indicate substantial stability in coordinate positions generated by the Poole-

Rosenthal program. Higher estimates suggest that MCs experience only small behavioral shifts from one session to the next. That is, their ideological preferences as captured by their position on a left-right ideological continuum remain relatively unchanged across different sessions of Congress.

Once again, the estimates of legislative preferences provide mixed support for Madison and his colleagues. Table 4.15 illustrates that on average, the ideal point estimates for Senators are more stable than the ideal points for Representatives serving in subsequent sessions of Congress. Estimates indicate that Senators were more stable in their voting behavior in only four congresses, three of which occur after the sixth session. The high correlation between subsequent congresses suggests that the Madisonian dynamic was operating as expected. The preferences of senior members appear to be stable enough to minimize the consequences associated with conversion and replacement effects. Similarly, over the early House series, the continuity of Representative's preferences were less stable than in later congresses.

While I can only speculate at this point, it appears that more senior Representatives minimized conversion and replacement effects in the lower chamber as well. As the House obtained an institutional memory of support for national policies, chamber preferences were passed on to freshmen cohorts. It seems the presence of senior Representatives was sufficient to ensure policy stability even with the high number of freshmen in the class of 1801. Of course, to be certain this process is taking place, it is necessary to perform a multivariate analysis with other institutions competing for influence on legislative behavior. This analysis is performed the next chapter.

**Table 4.15.** Correlations of Legislator Coordinates, US House and Senate, 1789-1807

Congress	House	Senate
1 <sup>st</sup> -2 <sup>nd</sup>	.81** (35)	.81** (19)
2 <sup>nd</sup> -3 <sup>rd</sup>	.74** (37)	.70** (15)
3 <sup>rd</sup> -4 <sup>th</sup>	.82** (59)	.82** (16)
4 <sup>th</sup> -5 <sup>th</sup>	.83** (60)	.94** (20)
5 <sup>th</sup> -6 <sup>th</sup>	.95** (63)	.91** (19)
6 <sup>th</sup> -7 <sup>th</sup>	.89** (49)	.98** (12)
7 <sup>th</sup> -8 <sup>th</sup>	.82** (57)	.94** (19)
8 <sup>th</sup> -9 <sup>th</sup>	.52** (81)	.87** (18)

\*significant at .05

\*\*significant at .01

Note: number of legislators in parentheses

A more rigorous test of the Senatorial Stability and Senatorial Similarity hypotheses would be to examine the stability of legislative preferences of members serving a different number of terms. Madison suggests that MCs who serve multiple terms should have preferences that are more stable than members who serve fewer terms. Thus, the roll call behavior of both Senators and Representatives should become more stable and predictable the longer they serve in office. In Table 4.16, I examine the continuity in legislative roll call behavior between MCs serving in five or more continuous sessions of Congress and those MCs serving in four or fewer congresses. Separate analyses are conducted for Senators and Representatives.

A few interesting patterns emerge in the data. When membership turnover is highest, as it was during the 3<sup>rd</sup> and 7<sup>th</sup> House, preferences are most stable for those serving three or more terms. When turnover rates are at their historical averages, those



who serve a fewer number of terms have more stable preferences, though the differences are relatively small. When called to the challenge, the preferences of senior Representatives stabilize the behavior of junior members. Senior representatives do not appear to be affected by replacement or conversion effects, despite the fact that they stand for re-election every two years. A different pattern emerges in the Senate data. In the early congresses, members who serve a fewer number of terms have preferences that are more stable than more senior members. It is not until the later congresses that the preferences of more senior Senators become more stable than those of junior members. Senators serving four or more terms do not have the most stable preferences of MCs over the first seven congresses. The hypotheses is not supported.

**Table 4.16.** Correlations of Legislator Coordinates by Number of Terms Served, US House and Senate, 1789-1807

Congress	House		Senate	
	Four or Less	Five or More	Four or Less	Five or More
1 <sup>st</sup> -2 <sup>nd</sup>	.79** (28)	.91** (7)	.79** (18)	
2 <sup>nd</sup> -3 <sup>rd</sup>	.73** (26)	.78** (11)	.73** (14)	
3 <sup>rd</sup> -4 <sup>th</sup>	.83** (45)	.80** (14)	.84** (13)	.77 (3)
4 <sup>th</sup> -5 <sup>th</sup>	.91** (43)	.63** (17)	.93** (16)	.99** (4)
5 <sup>th</sup> -6 <sup>th</sup>	.96** (42)	.93** (21)	.85** (14)	.95** (5)
6 <sup>th</sup> -7 <sup>th</sup>	.89** (33)	.90** (16)	.98** (8)	.98* (4)
7 <sup>th</sup> -8 <sup>th</sup>	.81** (43)	.89** (14)	.93** (16)	.98* (3)
8 <sup>th</sup> -9 <sup>th</sup>	.52** (70)	.49* (11)	.88** (16)	

\*significant at .05

\*\*significant at .01

Note: number of legislators in parentheses. Blank entries indicate insufficient MCs for analysis in that category.

**Table 4.17.** Cohort Analysis, Correlations of Legislative Coordinates, US House, 1789-1807<sup>1,2</sup>

Year Elected	Congress Number							
	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth
1789	.81** (35)	.83** (20)	.67** (15)	.31 (6)	.68 (4)			
1791		.72** (17)	.65* (10)	.69 (6)	.42 (4)			
1793			.84** (34)	.95** (18)	.81** (9)	.72 (4)	.96 (3)	
1795				.91** (29)	.89** (14)	.98** (5)	.99* (3)	
1797					.96** (32)	.95** (16)	.91** (10)	-.03 (7)
1799						.89** (49)	.81** (31)	.63** (22)
1801							.82** (57)	.72** (39)
1803								.53** (83)

\*significant at .05

\*\*significant at .01

<sup>1</sup>Number of legislators in parentheses.

<sup>2</sup>Figures presented are Pearson's correlation coefficients and represent coordinates for legislators serving in subsequent congresses. Blank entries indicate either no legislators from that cohort served in a Congress or the number serving was less than five.

**Table 4.18.** Cohort Analysis, Correlations of Legislative Coordinates, US Senate, 1789-1807<sup>1,2</sup>

Year Elected	Congress Number							
	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth
1789	.81** (19)	.59 (10)	.69 (6)					
1791		.85 (5)						
1793			.75 (6)					
1795				.93** (12)	.79** (10)			
1797					.93 (4)			
1799						.98** (12)	.96** (6)	
1801							.94** (14)	.90** (8)
1803								.87** (18)

\*significant at .05

\*\*significant at .01

<sup>1</sup>Number of legislators in parentheses.

<sup>2</sup>Figures presented are Pearson's correlation coefficients and represent coordinates for legislators serving in subsequent congresses. Blank entries indicate either no legislators from that cohort served in a Congress or the number serving was less than five.

Yet another tool to examine the behavior of MCs is to analyze the roll call behavior of legislators entering the legislature at the same time and serving a similar number of terms. Thus, in Table 4.17 I report the continuity of preferences of cohorts of MCs. For example, of those members elected to the House in 1789, there were 35 Representatives included for analysis in the 2<sup>nd</sup> Congress (1791-1793). The bi-variate relationship was .81 between the member's estimated first dimension coordinate in the First Congress and the estimated coordinate in the Second Congress. Of these 35, 20 served and were included for analysis from the 3<sup>rd</sup> Congress (1793-1795). The bivariate increases to .83 but decreases in the 4<sup>th</sup> Congress. In later years, the stability of these representatives' preferences wanes considerably. Generally a similar curvilinear pattern obtains for the 1<sup>st</sup> through 9<sup>th</sup> House, increasing stability the longer members serve then decreasing toward the end of their service. The pattern is not as clear in the Senate. As Table 4.19 indicates, the continuity of ideal point estimates only begins to reach sustainable significance with members elected in 1795. Thus, there is little support for the argument that Senators serving with the same cohort have preferences that become more stable over time.

**Table 4.19.** Comparison of Intra-Chamber Means of Returning Members, US House, 1789-1807

Congress	Mean	Std. Dev.	N	Sig.
First (1789-1791)	-.07	.65	35	
Second(1791-1793)	.06	.69		-1.88
Second (1791-1793)	-.07	.68	37	
Third (1793-1795)	-.18	.65		1.46

**Table 4.19 continued.** Comparison of Intra-Chamber Means of Returning Members, US House, 1789-1807

Congress	Mean	Std. Dev.	N	Sig.
Third (1793-1795)	-.01	.65	59	
Fourth (1795-1797)	-.17	.54		3.38
Fourth (1795-1797)	-.15	.54	60	
Fifth (1797-1799)	.04	.75		-3.55
Fifth (1797-1799)	-.07	.74	63	
Sixth (1799-1801)	-.04	.71		-.75
Sixth (1801-1803)	.19	.69	49	
Seventh (1803-1805)	-.31	.46		10.3
Seventh (1803-1805)	-.24	.46	57	
Eighth (1805-1807)	.22	.59		-10.10
Eighth (1805-1807)	.29	.57	81	
Ninth (1807-1809)	-.06	.55		5.86

Examining the differences of the means between the preferences of Representatives and Senators provides one final test of the Madisonian dynamic. However, the NOMINATE program does not allow for comparison of means across chambers. NOMINATE estimates, though, can be used to compare estimates across different sessions within the same chamber. While I cannot test inter-chamber differences, I can still analyze whether or not there are significant intra-chamber differences in preferences.<sup>84</sup> If substantial differences exist across sessions, the difference in the intra-chamber means should be significant which suggests that preferences had not yet stabilized. On the other hand, if differences are not significant, the intra-chamber preferences of MCs are not changing from one session to the next in a

<sup>84</sup> Comparisons across chambers cannot be made because as is the case with contemporary interest group ratings, legislator NOMINATE scores in my data set are based on different roll calls.

way that is substantially meaningful. A rigorous test of this process requires observation of Senators and Representatives who serve multiple terms. What I capture in this analysis is whether or not senior MCs were subject to conversion and replacement effects. MCs who do not stand for re-election should have preferences that remain stable from one election cycle to the next.

Table 4.20 provides these results. The data provide much stronger support for the theory. I use the 1<sup>st</sup> and 2<sup>nd</sup> Senate as my primary example to explain the table. In the 2<sup>nd</sup> Senate, there were 18 Senators who served in the 1<sup>st</sup> and 2<sup>nd</sup> Congress. The mean of the ideal points of Senators serving in the 1<sup>st</sup> Congress is .13, the mean ideal point for Senators serving in the 2<sup>nd</sup> Congress who also served in the 2<sup>nd</sup> is .08. The difference in means across the two sessions is not significant, .46.

Of the nine congresses and two chambers analyzed, there are only two instances when the intra-chamber, inter-session means is significant, the 3<sup>rd</sup>/4<sup>th</sup> and 6<sup>th</sup>/7<sup>th</sup>. In other words, the effects of what the framers believed to be rapidly changing public preferences had little effect on the preferences of members who returned to Congress unless there was a large number of freshmen or new partisans in an entering cohort which shifted the preferences of all members, including the mean for senior MCs. The lack of statistically significant difference of means suggests that intervening elections did not change the preferences of MCs from one session to the next in a way that is substantively meaningful. The mean policy preference of MCs suggests that intervening elections had little effect on overall chamber preferences.

**Table 4.20.** Comparison of Intra-Chamber Means of Returning Members, US Senate, 1789-1807

Congress	Mean	Std. Dev.	N	Sig.
First (1789-1791)	.13	.82	18	
Second(1791-1793)	.08	.85		.46
Second (1791-1793)	-.31	.81	15	
Third (1793-1795)	-.35	.71		.26
Third (1793-1795)	-.16	.72	16	
Fourth (1795-1797)	.13	.75		-2.62
Fourth (1795-1797)	-.08	.79	20	
Fifth (1797-1799)	-.17	.76		1.45
Fifth (1797-1799)	-.17	.76	19	
Sixth (1799-1801)	-.07	.75		-1.36
Sixth (1801-1803)	.25	.92	12	
Seventh (1803-1805)	.08	.91		3.07
Seventh (1803-1805)	.33	.82	19	
Eighth (1805-1807)	.22	.57		1.36
Eighth (1805-1807)	.09	.65	18	
Ninth (1807-1809)	.04	.58		.67

Table 4.21 reports the results from a similar analysis conducted on Representatives. As the data indicate, the House experiences significant swings in the position of its median voter from congress to congress. Thus, it appears that Representatives elected to subsequent congresses are subject to electoral forces such as conversion, and the size of the incoming freshmen class.

**Table 4.21.** Comparison of Intra-Chamber Means of Returning Members, US House, 1789-1807

Congress	Mean	Std. Dev.	N	Sig.
First (1789-1791)	-.07	.65	35	
Second(1791-1793)	.06	.69		-1.88
Second (1791-1793)	-.07	.68	37	
Third (1793-1795)	-.18	.65		1.46
Third (1793-1795)	-.01	.65	59	
Fourth (1795-1797)	-.17	.54		3.38
Fourth (1795-1797)	-.15	.54	60	
Fifth (1797-1799)	.04	.75		-3.55
Fifth (1797-1799)	-.07	.74	63	
Sixth (1799-1801)	-.04	.71		-.75
Sixth (1801-1803)	.19	.69	49	
Seventh (1803-1805)	-.31	.46		10.3
Seventh (1803-1805)	-.24	.46	57	
Eighth (1805-1807)	.22	.59		-10.10
Eighth (1805-1807)	.29	.57	81	
Ninth (1807-1809)	-.06	.55		5.86

Table 4.22 shows results from a final tool to assess the stability of legislative preferences over time. In this table, I compare the ideal point estimates of MCs as generated through the dynamic W-NOMINATE (DW-NOMINATE) program against those of a static baseline. The dynamic model allows the ideal points of MCs to change from session to session, while the static model holds their ideal points constant throughout their tenure in Congress. If legislators remain stable, the correlation between the rank ordering of the two models should be fairly high, indicating that the ideal points of MCs do not change dramatically over time. As the Spearman correlations in Table 4.21 illustrate, this is indeed the case. The strength of the relationship between the two



models increases over time, especially for the Senate. The data indicate that Senators serving in the first three congresses had preferences that were fairly volatile in comparison to the baseline static model. Only after the 5<sup>th</sup> Congress do the estimates reach .90. In the House, a strong pattern emerges as early as the 1<sup>st</sup> Congress, which suggests that the preferences of Representatives were more stable than the Senates. What remains to be seen however, is the source of this stability.

**Table 4.22.** Rank Order of MCs, Dynamic versus Static Model

Congress	House	Senate
First	.89**	.70**
Second	.90**	.61**
Third	.93**	.75**
Fourth	.92**	.85**
Fifth	.95**	.92**
Sixth	.94**	.92**
Seventh	.96**	.90**
Eighth	.90**	.94**
Ninth	.99**	.97**

Entries are Spearman's Correlation between static and dynamic estimates of legislator ideal points.

### **Conclusion: More Similarities than Differences**

Two points become clear after this initial analysis. First, it appears that there were few differences in the roll call behavior of Representatives and Senators during the first nine congresses. With few notable exceptions, roll calls can be predicted equally well for either chamber. Voting is more predictable in the Senate initially, however, beginning with the 4<sup>th</sup> Congress, the voting behavior of members of the lower chamber becomes more predictable. This leads to a second conclusion: voting becomes more predictable for both chambers over time. This is consistent with the arguments presented in earlier chapters of this dissertation. The question remains whether this increase in predictability can be attributed to constitutional or extra-constitutional institutions.

In this chapter, I tested the first five of seven hypotheses. There were no discernable patterns in the data, other than the emerging picture that the two chambers look strikingly similar in levels of support for national policies. The first look at the data suggests that constitutionally mandated electoral laws were insufficient to counter the effects of legislative replacement and conversion. In those congresses where the proportion of freshmen and opposition partisans was greatest, support for national policies drops considerably from the previous Congress. This suggests that there was an interaction taking place between seniority and partisanship against which the Constitution was powerless.

Despite the inability of constitutional rules to minimize conversion and replacement effects, electoral laws and bicameralism may have been able to structure the preferences of MCs. As the results of this chapter suggest, there was some institution that began to structure the voting behavior of MCs. Voting patterns shifted from what were essentially chaotic choices in 1789 to more structured patterns in 1803. Scholars such as Hoadley (1986) have attributed this change to the emerging strength of political parties. They treat the influence of constitutional variables as exogenous. The remaining chapters of this dissertation test the final two hypotheses in a multivariate model to assess the contribution of constitutional and extra-constitutional rules in structuring levels of support for national policies. Though the effect may be small, design differences may be sufficient to achieve the framers goals of tempering the strength of passionate majorities in national legislative councils.

## Chapter 5

### The Institutional Consequences for Legislative Behavior in the Early Congress

It is not unfrequent at this time to hear of an Eastern and Southern interest, and he had for some time silently and indignantly seen, or thought he saw, attempts by this means to influence the deliberations of this House upon almost every important question.

Robert Barnwell (Pro-SC), 2<sup>nd</sup> Congress  
*Annals*, 400.

Regular, organized parties only, extending from the northern to the southern extremity of the United States and from the Atlantic to the utmost western limits, threaten to shake this Union to its centre. No man can be so blind but he must see, and the fact is too notorious to be denied, that such parties have commenced in this country and are progressing with gigantic strides.

James Hillhouse (F-CT), 10<sup>th</sup> Congress  
*Annals*, 334.

In proportion as the United States assume a national form, and a national character, so will the good of the whole be more and more an object of attention; and the government must be a weak one indeed, if it should forget, that the good of the whole can only be promoted by advancing the good of each of the parts or members which compose the whole.

John Jay  
*Federalist* 65

Speaking before the House in 1792, Robert Barnwell, Representative from South Carolina, recognized what contemporary scholars have verified empirically. In the young Congress, northern (eastern) and southern regional interests were aligned against each other on certain roll calls. Sixteen years later, James Hillhouse, Senator from Connecticut, recognized a new force structuring the preferences of Members of Congress (MCs), political parties. Writing well before either Barnwell or Hillhouse served in Congress, John Jay recognized the potential of self-interested differences, whether

partisan, economic, or regional, to threaten national objectives, and that the only way to minimize their consequences was to promote a national character through the Senate.

Though they did not look much like modern political parties, these partisan coalitions or “parties-in-the-legislature” became more important than the role played by traditional cleavages such as region in previous national assemblies such as the Continental and Confederation congresses. As Barnwell observed, even the earliest days of the constitutional Congress saw the effects of regional influence on lawmaking.

Though Barnwell and Hillhouse served in different congresses, in different chambers, and were from different regions of the country, both recognized the power of extra-constitutional forces such as political parties and regional loyalties to structure legislative preferences and policy outcomes.<sup>85</sup> In other words, Barnwell and Hillhouse were critical of the fact that the attention of early legislators was drawn away from national interests and focused instead on the promotion of sectional or partisan pursuits just as Jay feared. Though scholars disagree when the transition from regional to partisan influences occurred (see Aldrich 1995; Hoadley 1986; Formisano 1974), Hillhouse suggests partisan coalitions were firmly entrenched on the legislative landscape by the 10<sup>th</sup> Congress, eventually replacing the role played by regional differences on the preferences of MCs. Despite the hopes of Jay and others that the Constitution would

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<sup>85</sup> As a supporter of the administration from the South, Barnwell would have been a minority in the region. As a Federalist from Connecticut, Hillhouse would have been a member of the state’s partisan majority, but part of a nationwide Federalist minority.

minimize regional and partisan forces, Barnwell and Hillhouse suggest that the bicameral design of the US Congress failed to reduce the imprint of extra-constitutional influences on MCs. The Constitution appears to have been powerless to stop either regional or partisan influences on legislative behavior.

In this chapter I explore competing explanations for the nature of legislative behavior represented on the one hand by Barnwell and Hillhouse and on the other by Jay and the Framers and test the two remaining hypotheses developed in Chapter 3. In the previous chapter, I presented preliminary evidence that there are at times substantial differences in the relative amount of support Senators and Representatives give to national legislation. Though the patterns in the data were contrary to the expectations of the Framers and the hypotheses developed from their arguments, constitutional differences between the House and the Senate may have minimized, if only at the margins, the consequences of extra-constitutional influences such as region and party on the roll call behavior of legislators. I begin this chapter by reviewing the assumptions of *The Federalist* that the Senate would be a federal body designed to minimize the effects of regional and partisan differences on legislative behavior and acknowledge that this interpretation is contrary to most readings of that work. I next review the arguments of contemporary students of legislative behavior captured by Barnwell and Hillhouse that forces operating outside the Constitution structure legislative preferences. I then discuss questions of measurement and operationalization of my variables of interest before turning to a preliminary assessment of inter and intra-chamber differences in levels of support for national policy. In the third section, I review the final hypotheses I developed in Chapter 3. In the fourth section, I use multivariate analysis to test empirically the

assumptions of the Framers against the assumptions of contemporary students of legislative behavior to determine the nature of the differences that do exist between the two chambers. The fifth section concludes.

### **Alternative Explanations for Legislative Behavior**

In Chapter 1, I identified two competing explanations for the behavior of MCs serving in the early Congress. The first theory, drawn from *The Federalist*, argues that constitutional differences in the design of legislative institutions are sufficient to produce political outcomes consistent with the intention of the individuals who designed those institutions. Writing under the pseudonym Publius, John Jay, James Madison, and Alexander Hamilton outlined their assumptions that electoral laws regulating the selection, term, and tenure of MCs could produce national, stable, and moderate policy outcomes while minimizing regional, partisan, or ideological differences. The key, they claimed, was instituting a second legislative branch with nationally oriented preferences, a chamber that would be national, not federal. The second theory comes from a more contemporary body of literature that suggests extra-constitutional institutions such as political parties are necessary to produce stable policy choices. This work notes problems such as collective action, collective choice, and coordination problems internal to the legislative assembly that lead to instability (Jillson and Wilson 1995; Wilson 1997). Policy outcomes may or may not be national as the Framers of the US Constitution hoped, but they will be stable, and as spatial theories suggest, moderate. Both of these theories are discussed in greater detail below.

*The Theory of Madison and Company.* Madison and his colleagues argued that the instability of legislative preferences and political outcomes were a function of the

presence of passionate majorities in the electorate. Such majorities, Madison reasoned in the famous *Federalist* #10, held opinions that were more intense and less moderate than the rest of the public. In order to minimize the negative consequences of these factious majorities, Madison provided a direct avenue for the expression of public opinion, passionate or otherwise, in the US Congress. He did not, however, let majority opinion go unchecked, nor did he deny majorities their legitimate right to govern. Instead, he filtered majority opinion through a series of institutions that delay the transformation of popular opinion into policy outcomes (see Figure 3.1). These institutions included a second legislative chamber that is not only on an electoral calendar different from the lower, but serves different constituencies and has different preferences as well.

Though Madison stressed the importance of the national electoral system in minimizing the consequences associated with passionate majorities, the US Constitution says very little about the selection of MCs to the national legislature. Because of the diversity of subnational electoral systems when the Constitution was drafted, states retained their regulatory authority over elections to the lower chamber of the US Congress. This included not only allowing the states to determine eligibility for voting for elections to the House of Representatives, but from an institutional standpoint, the states determined their own electoral systems as well. The Constitution, however, retains control over the terms of Representatives, setting them at two years. It also requires all Representatives to stand for re-election simultaneously, but says little about constituencies, other than they are “chosen. . . by the People of the several States.” It was here where states had the most liberty to institute various electoral systems in a conscious effort to control legislative behavior and manipulate policy outcomes favorable to local

interests. The Constitution, however, kept tighter control over the method of selection of Senators in order to minimize the effects of state (in)discretion on national policy.

The national electoral system that the Framers constitutionalized create well-known differences between the House and Senate that receive coverage in any standard introductory government textbook—different term lengths, different constituencies, different methods of selection, different senatorial cohorts, different age requirements, and different residency requirements. The institutional differences of primary concern form this project—term length, constituency size and method of selection, and staggered terms for Senators—were expected to not only minimize the consequences associated with passionate majorities as Madison outlined in *Federalist* #10 and #51, they were instituted to check self-interested policy outcomes resulting from regional or partisan coalitions.

*The US House and Senate: Interchamber Differences.* The first difference between the two chambers is the size of their respective constituencies. The Framers expected that members of the lower chamber would represent smaller constituencies than Senators because they would be selected in single member districts. Additionally, prior to the 17<sup>th</sup> Amendment, Senators and Representatives were responsive to two different constituencies. Representatives were, and still are, elected directly by the people of the individual states while Senators were chosen by state legislatures. Two consequences flow from these arrangements. First, and perhaps the more obvious, is the fact that Senators are removed from the direct effect of public opinion. As an intermediary body, the Framers believed state legislators would filter the preferences of the public and act as an initial check on the expression of popular opinion. Because Senators were chosen by



majorities in state assemblies, their preferences would not be directly induced by public opinion. Secondly, Senators are in most instances responsive to larger constituencies than the lower chamber. Though the actual size of the electorate is smaller than that of a Representative, the range of preferences expressed in a state assembly is much broader than that of a single congressional district. In other words, since state legislators represent a variety of interests within a single state, their preferences will be much more diverse than the preferences of a representative serving a single district that is more homogenous than the larger state. Senators would represent the mean of public opinion within a state.

The second difference between the House and Senate is term length. Representatives serve two-year terms and Senators longer six-year terms. The greater frequency with which Representatives stand for re-election ties them more closely to their constituencies and makes them more responsive to public opinion. Prior to passage of the 17<sup>th</sup> Amendment, the House provided the only direct expression of public opinion in the national councils. Since Senators face their electorate after six-year intervals, they are, Madison and Jay argued, provided with the opportunity to take a long-term view of public policy, and to gain experience with recurring legislation. Longer terms also contribute to the delay in transferring popular majorities into legislative majorities.

The third difference between the two chambers shields Senators from the effects of popular opinion as well by once again increasing the difficulty with which passionate majorities influence policymaking. Though all Senators serve six-year terms, only 1/3<sup>rd</sup> of the chamber stands for re-election every two years with the House. Those Senators not facing voters provide an institutional memory for the Senate. Not only are these Senators

a link with the policy past, current policy is likely to represent their preferences because of tenure certainty (McCarty 2000).

Through the interaction of these rules and the preferences of individual MCs, Publius believed that legislative replacement and conversion would be less likely to translate into policy change. As Poole (1998) notes, MCs since WWII have “died in their ideological boots.” Early MCs were similarly stable in their ideological predispositions (Poole and Rosenthal 1997), though preferences took several congresses before they stabilized (Hoadley 1986). Change in Congress, therefore, occurs as a result of replacement, the turnover in office, and not through conversion, or ideological change. Lacking such contemporary hindsight and statistical acumen, the Framers believed the problem of frequent policy change would be subject to both forces, replacement and conversion. They concluded that institutional arrangements could solve this dilemma. If their strategies were correct, I should find a positive relation between these three constitutional rules and MC level of support for national policy.

Where, then, are extra-constitutional institutions in the framer’s scheme of stopping the evils associated with popular majorities? What is the role played by political parties, state electoral systems, and chamber decision-making rules that contemporary scholars argue are necessary to structure legislative outcomes? The founding generation was vehemently opposed to the influence of both political parties and faction on public policies, arguing that they placed private interest ahead of public interest. Through constitutional design, Madison hoped to play different factions off each other so their mischief would do little damage to the aggregate and permanent interests of the community (Ackerman 1991). Newer theories of legislative behavior and constitutional

design, however, emphasize extra-constitutional arrangements that structure legislative preferences.

*Contemporary Theories of Legislative Behavior.* Contemporary constitutional design scholars present a different, less critical view, of extra-constitutional institutions on legislative behavior. Most notably, Cox (1990, 1997) and Shugart and Carey (1992) argue that electoral systems can be designed to affect the preferences of both candidates and parties (Cox 1997) or regime stability (Shugart and Carey 1992) or even the levels of cooperation between the executive and legislature (Shugart). While Madison and Hamilton were extremely cognizant of the effects of national electoral systems on legislative behavior, he is remarkably silent on the consequences in the variation of sub-national electoral systems on preferences. This may be in part, as Martis (1989) notes, because the framers expected the states to institute single member district elections. Anecdotal evidence provided by Zagari (1987) suggests state assemblies were highly aware of the fact local electoral systems could influence legislative behavior and determine the fate of partisan coalitions (see Geddes 1996 for a similar argument for the success and failure of Communist successor parties in Eastern Europe). State delegations elected in multi-member districts frequently voted as a bloc. Gerrymandering through the use of single member districts occurred as well, though with mixed results (Zagari 1987).

Cox (1990, 1997) provides theoretical insight on these observations. Single member plurality districts are most likely to produce centrist policy outcomes (Downs 1957). Most states did opt for single member, first past the post systems, though a few instituted at-large systems where the voter has as many votes as there are representatives

to be elected.<sup>86</sup> Under this scheme, two policy outcomes are possible. Preferences will be centrist “if the number of candidate exceeds the number of seats at stake but does not exceed twice the number of votes per voter” (Cox 1997:913). Because of the logic of squeezing, if there is an even number of seats available in an at-large district, legislative preferences will be centrist. Non-centrist results obtain if the opposite occurs.<sup>87</sup> Multi-member, at-large districts may also result, then, in non-centrist preferences.

There were four sub-national electoral systems operating under the US Constitution in the earliest days of the republic: single member plurality, at-large multi-member (general ticket), at-large single member, and multi-member plurality. I expect the following influences on legislative behavior as a result of these different electoral systems: single member plurality should produce centrist outcomes, at-large multi-member districts could produce either centrist or non-centrist preferences as could at-large single member districts. Multi-member plurality should be centrist as well. The meaning of centrist, however, is relative to the district. The preferences of MCs from Connecticut may be extreme relative to the position of MCs from North Carolina. Regardless of the local system, legislative preferences should remain invariant to their method of selection. In other words, the national electoral system should trump state systems.

A second extra-constitutional institution that has the potential to structure legislative preferences are political parties. Parties in the contemporary Congress assist with overcoming the problems inherent in the legislative process (McKelvey 1979;

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<sup>86</sup> This is also called a bloc vote system (Cox 1990).

<sup>87</sup> Sociological explanations for candidate preferences suggest centrist results will occur if there are two dominant cleavages, even if the system is at large. Multiple cleavages in an at-large plurality system result in non-convergent preferences.

Aldrich 1995; Cox and McCubbins 1993). It would be incorrect, however, to call the coalitions in the early Congress “parties” in the modern sense. Though MCs began voting in coalitions more frequently over the course of the first seven congresses (Hoadley 1986), these coalitions did not have the resources necessary to structure legislative preferences, namely a permanent committee system and formal leadership to protect and promote the party label (Cox and McCubbins 1993). Nonetheless, these partisan coalitions began to leave a strong imprint on legislative preferences as early as the 3<sup>rd</sup> Congress. They therefore seem to be a phenomenon with which to be reckoned. If these coalitions are indeed exerting an influence on legislative preferences those pro-administration nationalists, and later members of the Federalist Party, should be more supportive of national policy than MCs not part of this loose coalition.

Others suggest that procedural rules can be used by the majority party to predetermine policy outcomes (Binder 1997). Madison and his colleagues, however, are silent on the effect of chamber decision-making rules on legislative preferences. All three authors of *The Federalist* had legislative experiences at the national or state level. Jay served as president of the Second Continental Congress briefly, and Madison served as a delegate to the Continental Congress from Virginia. Hamilton was elected to the New York state assembly and served in the Continental Congress as well. Procedures at both the state and national levels were similar. The few rules instituted at the start of each session were designed to maintain decorum among members while floor debate took place. Chamber majorities kept tight control over committees and afforded very little power to official chamber leadership (Jillson and Wilson 1995). Thus, it is reasonable to assume that since there was minimal variation in legislative procedures throughout the

colonies and later the states, Madison and those who joined him in defending the Constitution had little reason to expect that these rules would be manipulated for political and not principled reasons. If experience in the Second Continental Congress can be used as a guide, efforts to provide greater autonomy to committees were quickly reversed and efforts by formal leadership to challenge floor decisions rebuked.

*Miscellaneous Factors.* There are a few other variables that could structure the preferences of MCs. Some of these, like region, waxed and waned over the course of the early Congress. As Barnwell noted at the outset of this chapter, regional influences were especially important in the earliest sessions. In addition to regional influences, contemporary studies on electoral and legislative behavior, drawing from classical democratic theory, suggest public opinion influences legislative preferences. Policy congruence studies conclude that elected officials are responsive to constituency preferences (Erikson 1979; Green and Shapiro 1992; Wlezien 1995; Erikson, Wright, and McIver 1995). Still others suggest that Senators adjust their roll call preferences based on the proximity of the next election (Kuklinski 1978; Thomas 1985; Wright and Berkman 1986). Preferences should converge with district opinion as the term of a Senator comes to a close. Thus, as Senators gain greater independence from state legislatures, they should become more supportive of national legislation. It is only during the sixth year of their term when they should be sensitive to their re-election constituency.

Thus, there are numerous factors that could influence the preferences of legislators. In the preceding discussion, I categorized these influences along the following: constitutional, extra-constitutional, and miscellaneous. These factors are

reproduced in Table 5.1 along with the expected direction of their influence on the roll call behavior of MCs. In the next section, I discuss the measurement of these variables.

**Table 5.1.** Expected Effects of Alternative Explanations for Levels of Support for National Legislation in the US Congress, 1789-1807

Variable	Influence
<i>Constitutional</i>	
Size of Constituency	Positive Support
Staggered Terms	Positive Support
Terms Served	Positive Support
<i>Extra-Constitutional</i>	
Partisan Coalition	Positive Support
At Large	Positive Support
Single Member	Negative Support
General Ticket	Positive Support
Proportional Representation	Negative Support
<i>Miscellaneous</i>	
Public Opinion	Unable to Test
North	Positive Support
South	Negative Support
Middle Atlantic	Depends
Border	Depends
Year of Term	Depends

## Measurement

The argument of Jay and the other authors of *The Federalist* that the Senate would nationalize public policy as a federal and not national institution cannot be generalized to all roll call votes. Madison's goal was to minimize the influence of passionate majorities on substantive legislative preferences and outcomes. In other words, Madison wanted to transform through institutional design self-interested majorities into nationally oriented majorities unencumbered by partisan or regional influences. The votes analyzed in this chapter do not, therefore, represent the entire universe of roll calls cast during the first

nine congresses. The decision-making rules that led to the selection of roll calls that constitute the dependent variable were explained in Chapter 3 and are briefly reviewed here. Roll calls were included for analysis only if they addressed a substantive issue of national policy. Thus, procedural questions, foreign policy questions, and advice and consent questions are omitted from the data set. Where necessary roll calls were recoded so the national position is indicated by a “yea” vote. This required that the national position be clear. Thus, there are three requirements in order for a roll call to be included for analysis. First, it deals with substantive policy; second, it deals with a national issue; and third, the policy content of the vote is clear.

After the data set was selected, votes were scaled using the Poole-Rosenthal W-NOMINATE program.<sup>88</sup> A total of 102,170 votes were cast by individual Representatives; 32,818 were included for analysis. In the Senate, 33,387 votes were cast and 6,871 were analyzed. I have excluded from subsequent analysis lopsided votes and MCs not participating in at least 90% of the votes in a Congress.<sup>89</sup>

To test the reliability of the results generated by the NOMINATE program, I created scores for each of the members serving during the first nine congresses similar to contemporary interest group ratings. To create a score for each MC, I counted the number of times each member voted in favor of the national position as determined by a

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<sup>88</sup> A detailed discussion of the NOMINATE algorithm can be found in McCarty, Poole, and Rosenthal (1997).

<sup>89</sup> The scaling procedure produced results favorable to those indicated by Poole and Rosenthal. Estimates for the percent correctly classified for the first dimension in the House range from a low of 77.2% in the 1<sup>st</sup> Congress to 99.4% in the 6<sup>th</sup>. In the Senate, estimates range from 80.9% in the 2<sup>nd</sup> Senate to 90.0% in the 6<sup>th</sup>. Comparable figures for Poole and Rosenthal over the course of the entire Congress is 82.7% in the House and 80.0% in the Senate. Comparable figures obtained for the average proportional reduction in error as well.



set of coding rules outlined in Chapter 4. This number was then divided by the number of opportunities a member had to cast a vote on a national policy roll call. Thus, unlike contemporary interest group scores such as the Americans for Democratic Action (ADA), abstentions are not included in the member's score. I expect that much like the contemporary Congress, my interest group scores should correlate highly with the Poole-Rosenthal NOMINATE scores.

Table 5.2 confirms this expectation. Correlations compare favorably with those of the modern Congress. Adams and Fastnow (2002) find that correlations between interest group ratings (ADA) and NOMINATE range between .872 and .885, and Burden, et al. (2000) find similar results for a variety of different ideological measures for US Senators serving during the 101<sup>st</sup> Congress. In the roll calls analyzed here, four of the first nine Houses exceed this range while five fall below. The Senate tells a different story. Estimates for the first two Senates do not even reach statistical significance, but this could be due to the fact that voting during the early Senate was unstructured (Hoadley 1986). Such an explanation sets well with the data, as the estimates between the interest group-type scores and NOMINATE scores jump considerably between the second and third Senate, the same time Hoadley (1986) suggests parties began to structure the voting behavior of Senators. Though the estimates for both chambers are not perfect, they are strong enough to indicate the reliability of the NOMINATE measure.

The choice of measurement, however, may substantially influence inferences drawn from roll call data (Adams and Fastnow 2002, but see Burden, et al. 2000). Table 5.3 shows that the pairwise NOMINATE correlations are higher than the interest group like ratings, suggesting that NOMINATE scores are a more stable measure than the

interest group scores I created from the same set of votes. The estimates presented by these two tables are a relatively lax test of reliability, however (cf. Adams and Fastnow 2002). Since different measurement strategies may produce different conclusions, I use both NOMINATE and interest group scores to ensure my results are robust.

**Table 5.2.** Correlation between D-NOMINATE and ADA-type Scores, US House and Senate

Congress	House	Senate
First	.80**	.39
Second	.96**	.37
Third	.95**	.66**
Fourth	.64**	.75**
Fifth	.98**	.97**
Sixth	.94**	.63**
Seventh	.86**	.95**
Eighth	.65**	.94**
Ninth	.49**	.81**

*Constitutional Rules.* There are three constitutional rules that are expected to influence legislative behavior for which I need measures: constituency size, senatorial

**Table 5.3.** Legislative Coordinates of Returning Members, D-NOMINATE and ADA-type Scores, US House and Senate

Congress	House		Senate	
	D-NOM	ADA	D-NOM	ADA
1 <sup>st</sup> -2 <sup>nd</sup>	.81**	.55**	.80**	.68**
2 <sup>nd</sup> -3 <sup>rd</sup>	.74**	.59**	.70**	.71**
3 <sup>rd</sup> -4 <sup>th</sup>	.82**	.41**	.82**	.47
4 <sup>th</sup> -5 <sup>th</sup>	.83**	.62**	.94**	.79**
5 <sup>th</sup> -6 <sup>th</sup>	.95**	.94**	.91**	.62**
6 <sup>th</sup> -7 <sup>th</sup>	.89**	.84**	.98**	.88**
7 <sup>th</sup> -8 <sup>th</sup>	.82**	.54**	.94**	.71**
8 <sup>th</sup> -9 <sup>th</sup>	.52**	.08	.87**	.77**

cohort, and tenure. The Constitution, however, is not a ready source for this information. I must therefore develop proxies for the most difficult of the three predictors of national

support, constituency size. To measure constituency size I assign a value of one for every representative serving a congressional district and assume, much like the framers, that each district is roughly populated by 30,000 people. Thus, if a MC is elected in a single member district, the population of the district is estimated to be 30,000 and constituency size would be one. If a MC is elected in an at-large multi-member district, population would be calculated as the number of representatives times the number of constituents, which in this case would be 30,000. Thus, if a state had four representatives that were elected in a single at-large district, the district population is estimated at 120,000 and constituency size would be four. I calculate constituency size for Senators the same way. States that have a single representative would have the same constituency as each of its two senators. Representation for the State of Virginia serves as an example. As a result of the 1803 census, Virginia was apportioned 22 representatives in the House increasing her delegation from the previous Congress by 3. For each of her 22 representatives, constituency size would be one. For each of the state's two senators, constituency size would also be 22.

The remaining constitutional variables are more easily calculated. To capture the effect of staggered terms on senatorial preferences I use the cohort, 1, 2, or 3, with which the Senator served. To capture the effect of longer-term lengths in the House, I include the number of terms a Representative served. As a measure of tenure, I use the current term the member is serving.

*Extra-constitutional influences.* The inclusion of extra-constitutional variables is designed to capture the influences of institutions that contemporary constitutional scholars suggest structure legislative preferences. During the early days of the US

Congress, there are two that have particular relevance, partisanship and local electoral laws. To identify the partisan affiliation of each member serving in the first seven US congresses I have relied on Martis (1989). Since it is widely agreed that partisan coalitions had little influence over the behavior of MCs during the first few sessions of Congress, the earliest members are identified as either pro-administration or anti-administration.<sup>90</sup> There is little agreement among scholars when these coalitions were able to structure legislative preferences. There is evidence that during the 3<sup>rd</sup> Congress MCs began to vote more frequently in coalitions identified as nascent Federalist and Republican parties (Aldrich 1995; Hoadley 1986). However, these coalitions did not have the resources such as formal leadership or a comprehensive standing committee system necessary to induce voting behavior (Cox and McCubbins 1993), and remained fairly fluid until the 5<sup>th</sup> Congress (Bell 1973). Despite taking this more rigorous view of congressional parties, roll call records indicate members of certain ideological coalitions voted more frequently with each other as the Congress matured. The presence of these partisan coalitions warrants inclusion in any study of legislative behavior, historical or otherwise.

Four different electoral systems were in operation over the course of the first seven congresses: single member, general ticket, proportional, and at-large. Single member systems have geographically defined districts and send one member each to the House of Representatives (Martis 1989). Much as the Framers intended, a majority of states used single member districts throughout the early days of the US Congress. I use

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<sup>90</sup>To identify the political predisposition of MCs serving in the 1<sup>st</sup> Congress, Martis (1989) uses the results generated by Hoadley (1986). Since Hoadley uses roll call votes to identify the partisanship of the earliest MCs, they will be biased toward finding party effects in subsequent analysis.

the general ticket method of selection to the House as Martis (1989) does to identify those states using at-large multi-member districts. Candidates under this plan were elected to the House as a single statewide delegation very similar to party list systems used by most European countries. Pennsylvania experimented with this system, eventually opting for single member districts. New Jersey, Connecticut, and New Hampshire used it exclusively during the first seven congresses. Georgia was the only state to replace a single member system with a general ticket system during this period. A third system in place in the states shortly after the Constitution was ratified was the proportional representation (PR) system where one, two, three, or four members were elected from geographically defined districts.<sup>91</sup> Massachusetts toyed with this system for elections to the 3<sup>rd</sup> Congress, and Pennsylvania used it for the Philadelphia area after the 4<sup>th</sup>. Small states apportioned a single member were left with one option—the at-large system. Under this scheme, a single representative was elected on a statewide basis.<sup>92</sup>

*Miscellaneous Factors.* Several control measures are included in the subsequent analysis predicting levels of support for national policies in the US Congress from 1789 until 1807. The first of these, region, was especially important in the earliest sessions of Congress. I have coded each member based on the region from which he was elected. New Hampshire, Vermont, Connecticut, Massachusetts, and Rhode Island are defined as northern states. New York, Pennsylvania, New Jersey, and Delaware are categorized as mid-Atlantic, and once it is admitted to the Union, I include Ohio in this category as well. Southern states include Virginia, North Carolina, South Carolina, and Georgia. A fourth category includes three border states—Maryland, Tennessee, and Kentucky. To capture

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<sup>91</sup> This system is more appropriately called a multi-member plurality district.

any term effects that may be present in roll call behavior, I include the year of the Senator's term. Measures of public ideology during the early days of the republic are difficult to obtain. There were no scholarly opinion polls such as the NES or even private agencies such as Gallup polling the public. Since popular statewide presidential returns, a measure frequently used to capture state political ideology in contemporary research, are not available until 1824, I am unable to include a control for this public opinion. To capture shirking effects, I have created a variable that measures how far a Senator is in his term prior to re-election.

### **Developing Two Testable Hypotheses of Legislative Behavior in the Early Congress**

According to the arguments of Jay, Madison, and Hamilton outlined in *The Federalist*, the preferences of Senators and Representatives should differ because of different institutional arrangements between the Senate and the House. In Chapter 4 I identified the existence of those interchamber differences when the roll call vote dealt with issues of national policy. It now remains to identify the causes of those differences. If, through legislative design, the Framers successfully achieved their goals in minimizing the influence of extra-constitutional forces on preferences and policies, those constitutional variables included in a multivariate analysis should have a significant effect while those extra-constitutional variables should not.

As Madison argued, preferences of Senators and Representatives should differ because members of the two chambers serve not only different constituencies, but different term lengths as well. Most importantly, the division of the Senate into three classes serving staggered terms was expected to minimize conversion and replacement

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<sup>92</sup> Classification of electoral systems for each congressional election was based on Martis (1989).

effects. The effect of these differences should obtain even in the presence of extra-constitutional variables such as chamber decision-making rules, state electoral laws, partisan coalitions, and regional voting blocs. Madison believed that the Constitution would be sufficient to check and balance passionate majorities as well as any competing institutions operating to influence legislative behavior.

To test whether Madison was correct in his assumptions, I developed two hypotheses in Chapter 3 that I proceed to test in this chapter. Hypothesis 8 stated that *the preferences of Representatives and Senators will differ in levels of support for national, moderate, and stable policy because of differences in term length, size of constituencies, and staggered terms*. Because the effects of replacement and conversion are limited by the Senate's staggered terms, I developed a ninth hypothesis which states that *the preferences of Representatives are a function of the contemporary and lagged preferences of Senators as well as the lagged and contemporary preferences of fellow Representatives*.

These two hypotheses and the multivariate analysis that follow allow me to test whether the Framers or contemporary constitutional design scholars and students of congressional politics are correct in their assumptions about the forces that structure legislative preferences. I accomplish this test in the next section.

### **Determining Support for National Legislation in the US House and Senate**

The two competing theories reviewed above suggest different sources of influence on legislative behavior. The older theory, the one that I have associated with John Jay, James Madison, and the framers of the US Constitution argued that constitutionally mandating certain institutional differences between the House and Senate would create

nationally oriented public policies. The key in this process would be the federal preferences of Senators. The more contemporary theory associated with contemporary congressional scholars suggests partisan majorities structure legislative preferences. In this section, I test cross-sectionally over the first nine congresses these competing theories. I begin with a discussion of the House before turning to the Senate. This section concludes with an inter-chamber comparison.

*Preferences in the House.* Table 5.4 presents results from the multivariate analyses for representatives serving in the first nine congresses. The most striking feature of the table is the lack of the significance for most of the variables and the lack of any discernable pattern among those that are. This is not to say, however, that voting was completely unstructured during this time. The data do indicate, though, that variation in local electoral laws and constituency size have virtually no effect on the ideal points of representatives. Though they are not reported here, results using interest group type ratings show similar results. The effects of constitutional mechanisms designed to influence legislative behavior is minimal, and at best, subject to unique circumstances during each of the nine congresses analyzed here. Since the effect of these variables is more or less random, it is difficult to generalize how electoral laws determine levels of support for national policy. It appears that the effects of these variables are idiosyncratic and depend on the set of roll calls in a given congress. In most instances, local electoral systems have no effect on determining whether or not a legislator will support a pro-national position on a given roll call vote.<sup>93</sup> I expected that larger districts captured by the constituency variable and measured by the number of representatives in a district

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<sup>93</sup> Single member districts are the excluded category.



would minimize particularistic interests because of their heterogeneity. This is obviously not the case.

**Table 5.4.** Determinants of Support for National Legislation: The US House of Representatives, 1789-1807<sup>1</sup>

Variable	Congress								
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	9 <sup>th</sup>
<b>Constitutional</b>									
Constituency	.02 (.02)	.02 (.01)	-.02 (.01)	-.01 (.01)	-.02** (.01)	.01*** (.00)	.00 (.01)	.01* (.01)	.01 (.01)
<b>Extra Constitutional</b>									
Partisan	-.85*** (.16)	-.05 (.13)	-.84*** (.10)	-.26** (.10)	-.73*** (.09)	-.20 (.11)	-.36** (.11)	.80*** (.11)	-1.02*** (.14)
At-Large	.07 (.42)	.28 (.24)	-.16 (.18)	-.34* (.17)	- (.11)	-.05 (.11)	.11 (.16)	-.31** (.12)	.19 (.13)
General Ticket	.34 (.18)	-.20 (.11)	.09 (.10)	-.04 (.09)	-.29* (.11)	-.07 (.06)	.11 (.08)	-.44*** (.09)	.25** (.09)
Proportional	-	-	-.04 (.17)	-.01 (.13)	-	-.37** (.15)	.08 (.15)	.25 (.14)	.30* (.14)
<b>Miscellaneous</b>									
North	-.39 (.41)	-.71** (.25)	.41 (.23)	.25* (.11)	.26* (.13)	-.24*** (.07)	.07 (.10)	.14 (.10)	.22 (.12)
South	.16 (.37)	-.11 (.22)	.16 (.22)	.42*** (.11)	.42*** (.12)	-.25*** (.07)	.12 (.09)	.17 (.10)	-.22* (.11)
Mid-Atlantic	-.21 (.43)	-.51 (.25)	.44 (.22)	.23* (.11)	.24* (.11)	-.12* (.06)	.07 (.08)	.03 (.10)	-.05 (.12)
Term Number	-	-.01 (.07)	.08 (.06)	-.07** (.03)	.05 (.03)	-.01 (.01)	-.02 (.02)	.01 (.02)	-.02 (.02)
Lagged NOM	-	.54*** (.10)	.49*** (.10)	.45*** (.09)	.57*** (.08)	.74*** (.08)	.37*** (.08)	.23* (.10)	.08 (.09)
Constant	.30	.36	.03	-.02	.38	.14	-.34	.65	.02
N	35	71	73	118	120	128	98	119	162
R <sup>2</sup>	.70	.80	.82	.72	.84	.93	.81	.79	.54

\*significant at .05

\*\*significant at .01

\*\*\*significant at .001

<sup>1</sup>Unstandardized coefficients. Standard errors in parentheses.

The partisanship variable performs as expected, but its effects are not consistent, nor does the importance of party increase over the course of analysis. Discounting the large estimate for the 1<sup>st</sup> Congress because of coding biases mentioned in footnote 6, party effects emerge where they are expected, the 3<sup>rd</sup> Congress. However, subsequent estimates indicate that partisan coalitions lacked complete influence over the structure of roll call behavior. Interestingly, when party effects are small or insignificant as they are in the 6<sup>th</sup> House, the regional variables are large and significant.<sup>94</sup> Conversely, when party effects are large, regional effects tend to be less important. Thus, it appears that on this sub-set of votes, partisan and regional forces battled for dominance in controlling legislative behavior. It appears though, that by the 7<sup>th</sup> Congress, partisan allegiance became more important than region in determining pro-national roll calls. On pro-national legislation, then, party effects took longer to develop than they did on most other roll calls.<sup>95</sup> The 2<sup>nd</sup> House deserves further mention. In the 2<sup>nd</sup>, the ideological positions of representatives are a function of legislative ideal points in the 1<sup>st</sup> Congress. This suggests, as Hoadley (1986) notes, the random nature of voting in the early House. Members of the House were voting their individual preferences apart from any regional or partisan effects.

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<sup>94</sup> Border states are the excluded category.

<sup>95</sup> Hoadley (1986) finds party effects as early as the 3<sup>rd</sup> House while Bell (1973) concludes that party effects occurred after the 5<sup>th</sup> House.

**Table 5.5.** Determinants of Support for National Legislation: The US Senate, 1789-1807<sup>1</sup>

Variable	Congress								
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	9 <sup>th</sup>
<b>Constitutional</b>									
Constituency	.02 (.06)	.07 (.05)	-.01 (.02)	-.04** (.01)	-.02* (.01)	.02 (.02)	.01 (.01)	-.00 (.01)	-.00 (.01)
Cohort	-.43* (.16)	-.01 (.13)	-.29* (.13)	-.01 (.10)	.07 (.05)	.02 (.07)	-.08 (.08)	-.02 (.03)	.09 (.07)
Term Number	-	-.01 (.16)	-.00 (.17)	.13 (.09)	-.06 (.05)	-.05 (.08)	-.06** (.02)	.01 (.03)	-.03 (.05)
<b>Extra Constitutional</b>									
Partisan	-1.15*** (.31)	-.18 (.34)	-.18 (.25)	-.52** (.15)	-.07 (.18)	-.52* (.28)	-.41** (.13)	.21 (.21)	-.06 (.40)
<b>Miscellaneous</b>									
North	.13 (.41)	-.57 (.30)	-.52 (.40)	.41* (.17)	-.17 (.13)	.13 (.20)	.74*** (.21)	-.13 (.13)	-.14 (.20)
South	1.03* (.42)	-.26 (.38)	-.27 (.49)	.37 (.18)	-.40** (.14)	-.44 (.25)	.07 (.09)	-.15 (.10)	-.01 (.20)
Mid-Atlantic	.13 (.41)	-.61 (.31)	-.28 (.41)	.13 (.17)	-.30* (.14)	-.24 (.24)	.46** (.12)	-.01 (.13)	-.05 (.18)
Lagged NOM	-	.86*** (.22)	.53* (.22)	.70*** (.10)	.94*** (.11)	.70*** (.18)	.99*** (.10)	.79*** (.15)	.67* (.31)
Constant	1.39	.20	1.00	.49	.05	.52	.26	-.00	-.16
N	18	36	30	32	41	38	24	38	36
R <sup>2</sup>	.67	.65	.51	.83	.91	.79	.98	.88	.74

\*significant at .05

\*\*significant at .01

\*\*\*significant at .001

<sup>1</sup>Unstandardized coefficients. Standard errors in parentheses.

Table 5.5 covers the determinants of support for national legislation in the Senate over the first nine congresses. There is once again the familiar lack of consistency among the size and significance of most of the variables. Several interesting patterns, however, emerge from the data. When it is significant, the cohort variable performs as expected. Senators who serve in later cohorts are more supportive of national legislation. The

significant effects of other constitutional variables are random at best. The sole extra-constitutional variable that is significant shows how the effect of partisanship failed to stabilize in the Senate as quickly as it did in the House. Discarding the 1<sup>st</sup> Senate because of coding biases resulting from identifying the partisanship of Senators, the effects of partisanship wax and wane over the first nine congresses. Similar to the process in the House, when the effects of party are large and significant, the importance of region attenuates. The dynamic is reversed when the importance of region increases relative to the importance of party. Lagged preferences are by far the most important force on senatorial preferences. In the 9<sup>th</sup> Senate, the W-NOMINATE program produced a strong second dimension. This second dimension, coupled with a small number of representatives included in the analysis failed to produce any significant influences on legislative ideal points.<sup>96</sup> Thus, the suggestion that voting was completely unstructured during the 9<sup>th</sup> Senate must be interpreted cautiously.

Interest group type ratings confirm the random nature of the effects of both constitutional and extra-constitutional influences on roll call behavior in the early Congress. Though constitutional and extra-constitutional variables are significant during different congresses when compared to the NOMINATE model, the general conclusion remains robust—roll call behavior on national legislation went largely unstructured by constitutional mechanisms.

Since Tables 5.4 and 5.5 present unstandardized coefficients, comparisons can be

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<sup>96</sup> The lack of significance may also be contributed to the issues before the 8<sup>th</sup> and 9<sup>th</sup> congresses as the House voted on both the Louisiana and Florida purchases. Since they were pro-national policies, Federalists favored the purchases, but Democrat-Republicans were torn. Philosophically they should have been opposed to them, but Jefferson championed both the Louisiana and the Florida purchases.

made across chambers. Generally, the effect of partisanship is greater in the House than in the Senate while roll call behavior in the previous congress is more important for Senators. These estimates capture nicely the development of partisan behavior in the House. Though partisan effects were inconsistent, party played an important part in structuring the preferences of Representatives. Lagged ideal points are larger in the Senate which suggests that individual preferences are more important for Senators than Representatives. The size of the estimate over time indicates that fluctuations in the importance of preferences in the Senate are smaller as well. As the Framers expected, the roll call behavior of Senators as captured by the ideal points generated by W-NOMINATE is more structured by past preferences than Representatives. Support for national policies is less subject to extra-constitutional forces in the Senate. However, it seems that Senators did not need other institutions to structure their preferences since their attitudes were pro-national to begin with.

### **Conclusion: A Question of Constitutional Design**

The assumptions of the framers and contemporary congressional scholars assessed in this paper are actually competing theories of constitutional design. The analysis here suggests that constitutions in and of themselves cannot determine legislative outcomes. Specifically, institutional differences between the House and the Senate were insufficient to induce, as the Framers suggested, different preferences among Senators and Representatives. The data also indicated that states were similarly unsuccessful in manipulating national policy through local electoral systems. State delegations that voted together did so not because of the electoral system but because their preferences were similar. While states designed electoral systems to produce political outcomes favorable

to one party or the other, it was not the systems themselves that induced certain similar voting patterns. Without reliable measures of public preferences, it is impossible to determine whether MCs were responsive to public opinion or their own personal preferences.

While partisan coalitions had the potential to structure legislative behavior, on national policies, these effects were somewhat limited and variable. There are several possible explanations for this. First, the type of issues before Congress may have changed over time. While an MC opposed to the administration in the 1<sup>st</sup> or 2<sup>nd</sup> Congress could easily oppose increasing the size and scope of the national government for both personal and partisan preferences, on issues such as the Louisiana Purchase, an MC may have been cross-pressured by his own personal preferences and that of the party and its de-facto leaders. Such cross-pressures did not effect Senators to a similar degree. Party pressures were less pronounced in the Senate. Parties were late to develop in the upper chamber, and when they did, their effects were limited. And as Jay notes in *Federalist* 64, “senators. . . will always be of the number of those who best understand our national interests, whether considered in relation to the several states or to foreign nations, who are best able to promote those interests, and whose reputation for integrity inspires and merits confidence.” If Senators had preferences that were already national, any constitutional or extra-constitutional effects would necessarily be small.

What is most striking about early MCs is the similarity in their levels of support for national policies. Both the House and the Senate appear to be federal institutions and are equally favorable to pro-national legislation. Since there are different electoral laws operating in the House and Senate, yet preferences remain the same, the explanation for

inter-chamber preferences cannot be institutional. The importance of parties in structuring national policies was somewhat limited, but in the House, began to look promising. Parties, as Hillhouse note, may have begun to make “gigantic strides” across the Congress, but they had yet to structure, as Barnwell notes, all roll call votes.

**Building a National Character:  
The Performance of the Senate, 1789-1809**

The Senate are (sic) indeed designed to represent the state governments; but they are also the representatives of the United States, and are not to consult the interest of any one state alone, but that of the Union.

Robert Livingston  
From the Debates in New York Convention on  
Ratification of the Constitution

I conceive that the true interest of every state is the interest of the whole; and that, if we should have a well-regulated government, this idea will prevail. But, sir, I conceive that partial interests will grow continually weaker, because there are not those fundamental differences between the real interests of the several states, which will long prevent their coming together, and becoming uniform.

Melancton Smith  
From the Debates in New York Convention on  
Ratification of the Constitution

From New Hampshire to Georgia, the people of America are as uniform in their interests and manners as those of any established in Europe.

Alexander Hamilton  
From the Debates in New York Convention on  
Ratification of the Constitution

Evidence is plentiful in the historical record that supporters of the Constitution believed that the Senate would create a national character by minimizing the influence of parochial state interests in the new Congress. Nowhere is this intent more clearly announced than in *The Federalist*. In several of the 85 essays that constitute *The Federalist*, James Madison, Alexander Hamilton, and John Jay championed the role of the Senate in turning, what Hamilton argued were, thirteen petty republics into a single, unified nation. While there are several notable scholars who note that it is impossible to make the three authors of *The Federalist* speak with a single, coherent voice (cf Banning 1995), there is, I have argued in previous chapters, consensus among the three as to the expectations for the Senate. The institutional design of the Senate would preclude the



local, particularistic interests of state legislatures and transform them into national, moderate policies.

*The Federalist*, however, does not hold a monopoly on this interpretation of the Senate. The understanding of the role of the Senate in forging a national character by promoting national policies was widespread among both supporters and opponents of the new Constitution. Though lacking the sophistication and details of the arguments in the lengthier *Federalist*, Robert Livingston recognized the dual nature of representation in the Senate, and while unclear about the process, he was certain that the primary function of the Senate would be to transform particular state interests into those of the whole union. Vocal critics of the Constitution took a similar view of the Senate. At the New York ratifying convention, Melancton Smith, no friend of the Constitution himself, also noted the nationalizing and unifying tendencies of the Senate and recognized that in time, the self-interest of the states would be absorbed into the interests of the union.

The recognition by both supporters and detractors of the role the Senate would play under the new Constitution provides a point of departure for this chapter and conclusion for this dissertation. Though the two men greeted this reality with different levels of enthusiasm, the comments of both Livingston and Smith suggest that there was consensus on the role that the Senate would play in nationalizing public priorities. Livingston, a staunch ally of the Constitution, welcomed the addition of a second chamber for many of the same reasons his Federalist colleagues in the New York convention did—stability, permanence, and independence. His arguments in the convention are similar to those of supporters of the Constitution in ratifying conventions throughout the country. Smith, though, was less receptive to the addition of a second

chamber.<sup>97</sup> Likeminded opponents of the Constitution envisioned the Senate as creating not only a national character, but along with the other branches, a consolidated system of government. Based on the results in the proceeding chapters, the Senate was merely one of several institutional players that would nationalize policy. In fact, those who drafted and supported the Constitution seem to have had the least understanding of its operation and miscalculated their own work. Not only were differences between the House and Senate lacking, extra-constitutional institutions were necessary to direct public policy outcomes consistent with the preferences of members of Congress.

But then again, maybe supporters were consummate politicians, and they well understood the institutional path down which they were headed. Such speculation is premature at this point of the concluding chapter, especially in light of the competing theory of institutional design advocated by contemporary congressional scholars who advocate the necessity of political parties in organizing legislative institutions. Indeed, the evidence presented in Chapters 4 and 5 indicates that there was a surprising lack of difference between the House and Senate in the early days of the republic. This finding may contribute to the lack of difference scholars find today. There are few differences in the preferences of Senators and Representatives today, because there were few differences in the first place. Furthermore, those institutions the framers designed to differentiate the policy preferences of Representatives and Senators—term length, constituency size, and staggered terms—failed to offer the protections for which the

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<sup>97</sup> Smith was especially nervous about the lack of control state legislatures had over Senators. He preferred maintaining the power of recall and term limitations under the Articles of Confederation. The lack of these two institutions suggests that the framers designed the Senate to be independent of state legislatures, despite arguing that the Senate would represent state interests (cf Binder 1997).

framers hoped. If these institutional arrangements fell short of performing as expected, there must be some competing theories to explain legislative behavior, or perhaps, it is simply that opponents to the Constitution were right all along.

### **The Limitations of Constitutional Design**

The basic thrust of the argument of the supporters of the Constitution centered on the addition of a second legislative chamber in order to protect the faults associated with the infirmities of the unicameral Confederation Congress. To achieve this end, each chamber would have not only a different constituency, each would have a different purpose as well: “the design of the House of Representatives is to represent the people of the United States, and to protect their liberties. The design of the Senate is to give stability and energy to the government” (Richard Harrison, Debate). Thus, the “checking” function of the Senate was well understood even outside of the circle of individuals such as James Madison and Alexander Hamilton who were active at the Philadelphia convention and who were now publicly canvassing for ratification of the Constitution.

Supporters consistently defended three institutions—constituency size, term length, and staggered terms—as strengthening the Senate’s role in checking the lower chamber. In addition, these three electoral laws were necessary, supporters believed, to induce different preferences in the Senate to minimize the influence of extreme and intense majorities in the halls of the national councils. The reasons for these differences in methods of selection and tenure are clear to constitutional design scholars today, and the first, constituency size, can readily be framed in spatial terms. Two consequences are associated with large electoral districts. First, the range of preferences expressed in larger districts is greater than the range expressed smaller. However, even if there is greater variance in larger districts, the consequences for public policy, in this case, levels

of support for national legislation, may not matter is the median voter is the same in both districts. Second, preferences in smaller districts may be more extreme because not only is the variance around the median voter reduced, the median may be skewed toward the left or the right end of the ideological spectrum. Larger districts therefore have a moderating effect on the median voter, and hence MC preferences. By filtering the selection of Senators through state legislatures, the Constitution effectively increases the variance around the median voter in the Senate. The variance around the median voter is first increased in each state legislature as members are elected from small state districts. The variance once again is increased at the national level as state legislative preferences are aggregated to the national congress. The median voter in the Senate is therefore the median voter from the thirteen state legislatures.

The remaining two electoral laws—staggered terms and term length—are not as easily explained in spatial terms. Kuklinski (1978) and Thomas (1985) showed that California senators were more likely to shirk during the earlier years of their terms and less likely to do so as re-election neared. This work suggests that incorporating staggered terms into the legislative electoral cycle may result in a portion of the members who would engage in legislative shirking while at the same time, members who were standing for re-election would not. Manipulating the percentage of members standing for re-election may could therefore create a body that would be more or less responsive to public opinion, depending on the frequency of election. Staggered terms supporters argued also had the potential to minimize consequences associated with large freshman cohorts or a large number of freshmen partisans, regardless of cohort size.

Assuming, as did opponents to the Constitution, that the Senate would represent state interests, Senators could be less faithful representatives and shirk on a regular basis without fear of reprisal. Opponents therefore harbored reservations against such an independent Senate and favored retaining the institution of recall under the Confederation Congress “as a check calculated to make [senators] more attentive to the objects for which they were appointed” (Lansing, Debates). Supporters of the Constitution could lobby for the Senate based on this same assumption of independence while privately recognizing it would have the opposite consequence. Thus, supporters were not completely genuine in their defense of the Senate as the champion of state interests. By its design, the Senate would not faithfully represent state legislatures. Similarly astute observers in the opposition camp realized this as well and attempted unsuccessfully to tether senators to state legislatures. In the end though, the efforts of opponents to make senators less independent were futile, while their overall expectations for the operation of the Senate itself was correct. The new Senate would neglect local interests, but then again, so would the House.

Evidence does not support the assumption that the Senate would be more supportive of national legislation or more moderate than the House. Differences in chamber design do little to explain variation in levels of support for national legislation, and both chambers appear equally moderate in their approach to national policy. Time and time again, differences between the two chambers failed to emerge. At the individual and institutional level, senators and the Senate were more likely to support national legislation on average. And while this difference is in the expected direction, there was no consistent pattern of increasing inter-chamber differences as I have shown the authors

of *The Federalist* argued. Similarly, the frequency with which the Senate *passed* national legislation was inconsistent across the earliest congresses.

Finding differences between the stability of preferences proved equally difficult. Evidence suggested that senators had more stable voting records beginning in the 4<sup>th</sup> Congress, and while less volatility would support the arguments in *The Federalist* that the Constitution was structuring preferences, alternative, extra-constitutional explanations are equally plausible. Looking at particular House and Senate cohorts once again proved damaging to the arguments of supporters of the Constitution. As the number of terms an MC served increased, so would the stability of their preferences. This was not the case. Although both representatives and senators became more stable in their voting behavior during later congresses, expected inter- and intra-chamber differences failed to emerge once again.

Other tests of stability were equally disappointing. By assessing intra-chamber, inter-session means I expected to find that the mean would not be subject to session effects. While this was the case in a majority of congresses, it was not in the 3<sup>rd</sup>-4<sup>th</sup> and 6<sup>th</sup>-7<sup>th</sup>. These sessions prove fairly damaging to the assumptions of Madison and other supporters of the Constitution because it is precisely in these congresses when partisan change was at its greatest. Similar results obtained for the House—differences emerged where they were to be least expected if majoritarian checks were in place.

Based on the results in the previous chapters, the framers' faith in institutional design to differentiate the two chambers should be suspect. Differences in levels of support for national policy across the House and Senate were inconsistent and marginal at best. Most devastating to their assumption about institutional design was the inability of

the Senate to stabilize preferences of the House at precisely the point at which they were expected to function—with large incoming freshmen MCs of the opposition party. Instead, there is substantial movement in chamber means after these cohorts enter Congress. Despite similarities in levels of support for national policy, differences do exist in over half of the earliest congresses. The evidence presented in earlier chapters suggested that institutional design contributed very little to these differences, however, I found very little support that constituency size, staggered terms, or term length made any difference in level of support for national policy in either chamber. On average, these institutions did not matter for this particular area of policy during the earliest days of the Congress. This is not to say, however, that institutions themselves are irrelevant. Opponents to the Constitution and a strengthened central government recognized the potential for the federal government *itself* to nationalize policy and consolidate state interests. Thus, the need to include electoral laws in a constitution may not be necessary if the overall design of other institutions themselves contribute to those policy consequences desired by its authors. Such were the insights of anti-Federalist thought. The entire federal system, opponents argued, would remove MCs from dependence on local interests. “A representation must be extremely imperfect,” wrote the Federal Farmer, one of the most articulate among the anti-Federalists, “where the representatives are not circumstanced to make the proper communications to their constituents, and where the constituents in turn, cannot, with tolerable convenience, make known their wants” (Storing 1985).

Thus, the significance of these three electoral laws, while important to overall institutional design, must be viewed in light of the operation of the entire system which

includes both constitutional and extra-constitutional arrangements. While the parts of a political system can be analyzed separately, as *The Federalist* and numerous ratifying conventions did, its operation is not simply the sum of its parts, nor is its operation a function solely of formal institutions. Extra-constitutional institutions also influence legislative outcomes, despite the framers' best intention to minimize their effects. It is instructive to note that while the anti-Federalists tried to frame debate on the consequences of the operation of the entire federal system, supporters tried to focus debate on the disaggregated system, examining the operation of its parts at the expense of the whole. None, however, addressed the consequences of extra-constitutional arrangements.

### **The Limitations of Partisan Explanations**

The poor performance of constitutional rules to structure political preferences suggests that contemporary scholars who advocate extra-constitutional institutions to induce preferences may have the best understanding of the interaction of formal constitutional procedures and formal institutions outside the scope of the Constitution. Perhaps this is due to the fact that modern political science has had the opportunity to examine the evolution of American legislative institutions for over 300 years. Whatever the source of their insight, these extra-constitutional institutions do appear to matter. As parties matured during the earliest congresses, their ability to induce preferences strengthened measurably. This observation, however, is far from novel. What this project shows is that development was haphazard and initially incomplete at the end of the 9<sup>th</sup> Congress.

Influence over member behavior fluctuated between party and region. When the effects of partisan affiliation on member was prominent, the influence of region waned.



However, strengthened regional influence weakened partisan effects over member behavior. Studies which aggregate roll calls may therefore over estimate the effects of party affiliation over particular policy areas, or over substantive versus procedural votes. Evidence in earlier chapters suggested there were no differences in levels of support for non-national or procedural votes in the early Congress in comparison to national policy. However, such a test cannot be used to ascertain party strength over other policy areas. Nonetheless, party influence was certainly a force with which had to be contended. Unfortunately for the framers and authors of *The Federalist*, the constitution did not weaken partisan influence.

### **Stability, Delay, and Creation of a National Character**

Much has been written recently about the motives behind institutional design and choices of legislative procedures. Scholars today have an understanding of the strategic aspects of legislative behavior that was unknown a generation ago. More often than not, contemporary scholars are willing to recognize that procedural choices reflect short-term partisan choices and not necessarily the actions of principled political actors. As authors of the country's basic law, we can start from the same assumption—the framers were driven by self-interest and attempted to manipulate political institutions and procedures to achieve partisan goals. This is not to say that their work is devoid of any political theory or principle. What it does say, in light of the lack of difference between the House and the Senate in levels of support for national policy, is that theory alone cannot account for institutional choices the framers made. It is too easy to simply say that the framers and supporters got it wrong, that the Constitution did not operate according to design or theory. Supporters of the Constitution had clear goals that were based on a particular

understanding of the dangers associated with majoritarian rule. Based on this assumption, the framers instituted an extensive series of procedural hurdles on the majority in the legislative process. While recognizing the legitimacy of majority rule, the framers insured that the only legitimate majority would be those that shared their national goals.

Supporters of the Constitution justified the necessity of a second legislative chamber for three reasons: stability, delay, and creation of a national character by supporting national policy. The first two have been long recognized as the primary reasons for the division of the legislative branch into two chambers. Stability and delay contribute to the “checking” function that was envisioned for the Senate. Such attention, I have argued, has been misplaced, though the results here suggest that these two reasons remain dominant even today. Not only did the authors of *The Federalist* emphasize the checking role, the ratification debates held in the various states indicate both supporters and opponents of the Constitution understood that the Senate would predominantly check the activities of the House. As a result, modern legislative scholarship also emphasizes the checking role. Discussion of the Senate in contemporary literature continues to center around its unique role in the separation of powers system.

I have argued that, despite the focus on the stabilizing and delaying qualities in the nature of Senate decision making, there is a third reason for including the Senate, nationalizing policy and creating a national character for the young country. Evidence in support of this third reason, though, has remained elusive. I found little evidence that the preferences of the Senate look any different from those of the House which calls into question its utility other than its delaying quality. It is possible that the framers realized

their failure to control majority factions and structure legislative behavior early on in the development of the early Congress. They therefore found it necessary to resort to extra-constitutional institutions to achieve their ends. Drawing upon a wealth of experience in both parochial and national assemblies, the framers and members of the 1<sup>st</sup> Congress had expectations for the way the new Congress would operate. However, the procedures they inherited did not work well under new institutional arrangements. There was simultaneously a failure of old procedures and constitutional design to achieve the self-interested goals of MCs.

Little attention has been paid to what happens when legislative procedures or constitutional arrangements fail, and what replaces them. This dissertation has suggested that while the framers were able to successfully nationalize policy under the new Constitution, they were unable to do so under the arrangements provided for in the Constitution, namely a second legislative chamber on an electoral calendar different from the first. The results here suggest that extra-constitutional arrangements such as political parties may be necessary to overcome the shortcomings of institutional design. While the end of promoting national policy through a bi-cameral legislature was met, it was achieved by different means originally envisioned by the framers.

**Appendix A. Roll Call Votes Selected for Analysis, US House of Representatives, 1789-1807**

Congress	Roll Call	Page	Var	Classification	Yea	Nea	Type of Vote	Legislation Type	National
1	1	580	11	Govt authority	30	18	House Amendment	HR 8	Yea
1	4	585	14	Presidential Authority	31	19	House Amendment	HR 8	Nay
1	5	592	15	Presidential Authority	29	22	House	HR 8	Yea
1	8	703	18	Indian Affairs	28	23	House Amendment	HR 20	Yea
1	10	768	20	Govt authority	17	32	House		Nay
1	11	772	21	Govt authority	23	28	House Amendment		Nay
1	12	777	22	Govt authority	9	39	House Amendment		Nay
1	30	914	40	Judiciary	25	18	House Amendment	S 4	Nay
1	31	916	41	Judiciary	28	22	House Amendment	S 4	Nay
1	35	927	45	Govt authority	16	25	Senate Amendment	HR 27	Yea
1	43	1619	53	Banking/Finance	31	25	House Amendment	HR 63	Nay
1	44	1619	54	Banking/Finance	15	42	House Amendment	HR 63	Yea
1	45	1620	55	Presidential Authority	18	38	Senate Amendment	HR 35	Yea
1	59	1642	69	Tax Rate	19	35	House Amendment	HR 62	Yea
1	61	1646	71	Banking/Finance	10	45	House Amendment	HR 69	Nay
1	76	1684	86	Banking/Finance	40	15	House		Yea
1	77	1686	87	Presidential Authority	35	20	Senate Amendment	HR 74	Nay
1	78	1710	88	Banking/Finance	29	32	Senate Amendment	HR 74	Nay
1	79	1711	89	Banking/Finance	15	45	House Amendment	Senate Amendment	Yea
1	80	1712	90	Banking/Finance	13	47	House Amendment	Senate Amendment	Nay
1	81	1712	91	Banking/Finance	34	28	House Amendment	Senate Amendment	Yea
1	82	1716	92	Banking/Finance	33	27	House Amendment		Nay
1	83	1716	93	Banking/Finance	33	27	House	Senate Amendment	Yea
1	84	1719	94	Banking/Finance	36	19	House Amendment	HR 94	Yea
1	86	1721	96	Tariff	28	30	House Amendment		Nay
1	87	1837	97	Federal Authority	8	43	House	HR 102	Yea
1	88	1918	98	Tax Rate	16	36	House Amendment	HR 110	Yea
1	89	1927	99	Govt authority	21	37	House Amendment	HR 110	Nay
1	90	1931	100	Tax Rate	19	39	House Amendment	HR 110	Nay
1	92	1933	102	Tax Rate	35	21	House	HR 110	Yea
1	96	2012	106	National Bank	39	20	House	S 17	Yea

**Appendix A. Roll Call Votes Selected for Analysis, US House of Representatives,  
1789-1807**

Congress	Roll Call	Page	Var	Classification	Yea	Nea	Type of Vote	Legislation Type	National
1	97	2016	107	Public Lands	34	21	House Amendment	HR 114	Yea
1	98	2018	108	Tax Rate	35	21	Senate Amendment	HR 110	Yea
1	101	J390	111	Banking/Finance	53	2	House		Yea
1	107	2027	117	Govt authority	25	21	House Amendment		Yea
2	1	191	11	Apportionment	35	23	House Resolution	HR 147	Nay
2	2	208	12	Apportionment	21	38	House Amendment	HR 147	Yea
2	3	210	13	Apportionment	43	12	House Resolution	HR 147	Nay
2	4	250	14	Apportionment	23	37	Senate Amendment	HR 147	Yea
2	5	251	15	Apportionment	29	31	House Amendment	HR 147	Yea
2	6	274	16	Apportionment	27	33	Senate Amendment	HR 147	Yea
2	7	274	17	Apportionment	32	27	Senate Amendment	HR 147	Nay
2	10	311	20	Federal Authority	14	43	House Amendment	HR 154	Nay
2	11	311	21	Govt authority	25	33	House Amendment	HR 154	Yea
2	12	336	22	Apportionment	22	36	House Amendment		Yea
2	13	336	23	Apportionment	33	26	House Amendment		Nay
2	14	354	24	Indian Affairs	18	34	House Amendment	HR 162	Nay
2	15	355	25	Indian Affairs	29	19	House	HR 162	Yea
2	16	401	26	Govt authority	38	21	House	S 26	Yea
2	19	415	29	Apportionment	23	26	House Amendment	HR 163	Yea
2	20	416	30	Apportionment	25	26	House Amendment	HR 163	Yea
2	21	416	31	Apportionment	29	22	House Amendment	HR 163	Nay
2	23	418	33	Apportionment	34	16	House Resolution	HR 163	Nay
2	25	430	35	Presidential Authority	43	9	Senate Amendment	HR 162	Nay
2	26	435	36	Federal Authority	31	27	House Resolution	HR 148	Yea
2	33	474	43	Apportionment	29	31	House Amendment	HR 179	Nay
2	35	482	45	Apportionment	31	29	Senate Amendment	HR 179	Yea
2	36	485	46	Federal Authority	26	22	House Amendment	S 27	Nay
2	37	485	47	Govt authority	42	6	House Amendment	S 27	Nay
2	38	486	48	Govt authority	32	22	House	S 27	Yea
2	39	489	49	Govt authority	24	32	House Amendment	S 27	Yea
2	47	541	57	Apportionment	28	33	Presidential Veto	HR 179	Nay

**Appendix A. Roll Call Votes Selected for Analysis, US House of Representatives, 1789-1807**

Congress	Roll Call	Page	Var	Classification	Yea	Nea	Type of Vote	Legislation Type	National
2	48	548	58	Apportionment	34	30	House Amendment	HR 179	Yea
2	51	552	61	Presidential Authority	37	20	House Amendment	HR 102	Yea
2	52	555	62	Presidential Authority	24	37	House Amendment	HR 102	Yea
2	53	562	63	Domestic Economy	32	32	House Amendment	HR 162	Yea
2	54	563	64	Indian Affairs	37	20	House	HR 162	Yea
2	55	588	65	Tax Rates	26	27	House Amendment	HR 191	Yea
2	57	591	67	Judiciary	18	38	House Amendment	S 28	Yea
2	61	599	71	Judiciary	30	17	House Amendment	S 28	Yea
2	64	736	74	Indian Affairs	24	25	House Amendment	HR 196	Yea
2	65	736	75	Indian Affairs	20	21	House	HR 196	Nay
2	66	749	76	Govt authority	21	27	House Resolution		Nay
2	67	760	77	National Bank	18	35	House Amendment	HR 207	Nay
2	68	760	78	National Bank	27	27	House Amendment	HR 207	Nay
2	69	802	79	Military	26	32	House Amendment		Nay
2	73	810	83	Federal Authority	38	23	House Amendment		Nay
2	84	851	94	Banking/Finance	33	32	House	HR 217	Nay
2	92	890	102	Presidential Authority	30	31	Senate Amendment		Yea
2	93	891	103	Banking/Finance	39	17	House	HR 240	Nay
2	94	892	104	Banking/Finance	34	25	Senate Amendment	HR 207	Yea
3	7	459	17	Military	43	41	House		Yea
3	8	476	18	Govt authority	8	77	House Amendment		Nay
3	9	477	19	Federal Authority	81	9	House Amendment		Nay
3	10	497	20	Military	50	39	House	HR 14	Yea
3	17	656	27	Tax Rates	34	53	House Amendment		Nay
3	18	666	28	Tax Rates	35	58	House Amendment		Nay
3	19	666	29	Tax Rates	64	23	House Amendment		Yea
3	20	667	30	Tax Rates	41	45	House Amendment		Nay
3	21	670	31	Tax Rates	50	37	House Amendment		Nay
3	22	670	32	Tax Rates	25	61	House Amendment		Yea
3	24	672	34	Tax Rates	30	44	House Amendment		Nay
3	27	685	37	Banking/Finance	23	58	House Amendment	HR 39	Nay

**Appendix A. Roll Call Votes Selected for Analysis, US House of Representatives, 1789-1807**

Congress	Roll Call	Page	Var	Classification	Yea	Nea	Type of Vote	Legislation Type	National
3	28	685	38	Banking/Finance	27	60	House Amendment	HR 39	Nay
3	33	696	43	Banking/Finance	52	33	House Resolution	HR 39	Yea
3	34	699	44	Tax Rates	39	45	House Amendment	HR 46	Yea
3	35	707	45	Tax Rates	31	56	House	HR 50	Yea
3	36	709	46	Military	30	50	House Amendment	HR 32	Yea
3	42	726	52	Tax Rates	32	50	House	HR 53	Yea
3	43	730	53	Tax Rates	49	22	House	HR 55	Yea
3	44	738	54	Military	50	32	House	S 18	Yea
3	45	740	55	Tax Rates	53	23	House Resolution	HR 56	Yea
3	47	741	57	Tax Rates	55	27	House	S 58	Yea
3	51	765	61	Military	42	32	House	S 15	Yea
3	53	779	63	Federal Authority	26	42	Senate Amendment	House Resolution	Yea
3	54	781	64	Indian Affairs	30	28	Senate Amendment	House Resolution	Nay
3	55	943	65	Whiskey Rebellion	47	45	House Amendment	House Resolution	Nay
3	56	944	66	Whiskey Rebellion	46	46	House Amendment	House Resolution	Nay
3	57	944	67	Whiskey Rebellion	42	50	House Amendment	House Resolution	Yea
3	60	1000	70	Whiskey Rebellion	52	31	House		Yea
3	61	1057	71	Federal Authority	28	63	House Amendment	HR 83	Yea
3	62	1057	72	Federal Authority	59	32	House Amendment	HR 83	Yea
3	63	1161	73	Indian Affairs	14	56	House Amendment		Nay
3	64	1222	74	Indian Affairs	25	58	House Amendment	HR 106	Nay
3	65	1222	75	Indian Affairs	36	44	House Amendment	HR 106	Nay
3	66	1243	76	Banking/Finance	39	49	House Amendment	HR 110	Nay
3	67	1256	77	Indian Affairs	43	37	House	S 30	Nay
3	68	1269	78	Indian Affairs	40	46	House Amendment	S 30	Yea
3	69	1280	79	Presidential Authority	41	24	House	HR 128	Yea
4	5	820	15	Military	77	13	House	HR 115	Yea
4	7	840	17	Banking/Finance	72	21	House	HR 144	Yea
4	8	495J	18	Public Lands	40	45	House Amendment	HR 135	Nay
4	9	496J	19	Public Lands	45	42	House Amendment	HR 135	Yea
4	14	886	24	Military	55	36	House Amendment	S 43	Yea

**Appendix A. Roll Call Votes Selected for Analysis, US House of Representatives, 1789-1807**

Congress	Roll Call	Page	Var	Classification	Yea	Nea	Type of Vote	Legislation Type	National
4	15	891	25	Military	25	57	House Amendment	S 43	Nay
4	16	893	26	Military	62	23	Senate	S 43	Yea
4	17	905	27	Public Lands	36	47	House Amendment	HR 137	Yea
4	27	1419	37	Military	22	58	Senate Amendment	HR 166	Yea
4	28	1422	38	Military	34	49	Senate Amendment	HR 166	Yea
4	30	1429	40	Military	25	51	Senate Amendment	HR 166	Yea
4	31	1430	41	Military	37	45	Senate Amendment	HR 166	Yea
4	32	1459	42	National Bank	33	49	House Amendment	HR 164	Nay
4	33	1459	43	National Bank	45	35	Senate Amendment	HR 164	Yea
4	36	1472	46	Banking/Finance	45	35	Senate Amendment	HR 164	Yea
4	46	1727	56	Federal Authority	55	24	House Resolution		Yea
4	47	1810	57	Banking/Finance	57	27	House Resolution		Yea
4	50	1933	60	Tax Rates	48	39	House Resolution		Nay
4	51	1941	61	Tax Rates	68	23	House Resolution		Yea
4	52	1941	62	Tax Rates	49	39	House Resolution		Yea
4	53	1981	63	Military	44	39	House Amendment		Nay
4	54	1982	64	Military	18	64	House Amendment		Yea
4	60	2078	70	Banking/Finance	49	37	House		Nay
4	61	2094	71	Military	50	44	House Amendment		Nay
4	63	2148	73	Military	63	28	House Amendment		Nay
4	64	2149	74	Military	69	21	House Amendment		Nay
4	65	2150	75	Military	62	29	House Resolution		Yea
4	68	2162	78	Tax Rates	57	19	House	HR 214	Yea
4	69	2208	79	Military	59	25	House Amendment	HR 228	Yea
4	73	2280	83	Tarrifs	30	60	House Amendment	HR 233	Yea
4	74	2289	84	Tarrifs	66	21	House Resolution	HR 233	Yea
4	75	2292	85	Govt authority	50	34	House	HR 216	Yea
4	78	2332	88	Military	55	36	House	veto	Nay
4	79	2351	89	Military	45	47	House Amendment	HR 228	Nay
4	80	2351	90	Military	58	32	House	HR 228	Yea
4	83	2361	93	Govt authority	36	52	Senate Amendment	HR 236	Yea



**Appendix A. Roll Call Votes Selected for Analysis, US House of Representatives, 1789-1807**

Congress	Roll Call	Page	Var	Classification	Yea	Nea	Type of Vote	Legislation Type	National
5	9	297	19	Military	68	21	House Resolution		Yea
5	10	320	20	Military	50	44	House Amendment	HR 1	Nay
5	12	324	22	Military	54	35	House	HR 1	Yea
5	13	347	23	Military	57	39	House	S 3	Nay
5	17	374	27	Military	50	48	House Amendment	S 4	Nay
5	18	374	28	Military	72	25	House Amendment	S 4	Nay
5	19	375	29	Military	46	52	House Amendment	S 4	Yea
5	20	376	30	Military	82	14	House Amendment	S 4	Yea
5	21	376	31	Military	53	43	House Amendment	S 4	Nay
5	22	385	32	Military	70	25	House	S 4	Yea
5	23	391	33	Tax Rates	56	27	House	HR 12	Yea
5	25	392	35	Military	46	50	House Amendment	S 4	Nay
5	26	409	36	Military	51	47	House Amendment		Yea
5	27	431	37	Tax Rates	46	42	House Amendment	HR 8	Yea
5	28	431	38	Tax Rates	71	12	House Amendment	HR 8	Yea
5	29	432	39	Tax Rates	76	11	House Amendment	HR 8	Yea
5	31	433	41	Tax Rates	47	41	House	HR 8	Yea
5	32	443	42	Tax Rates	47	41	House	HR 17	Yea
5	33	446	43	Tax Rates	47	43	House Amendment	HR 17	Nay
5	34	447	44	Tax Rates	45	40	House Resolution	HR 17	Yea
5	46	1060	56	Indian Affairs	46	48	Senate Amendment	HR44	Nay
5	53	1098	63	Tax Rates	51	42	House Resolution	HR 56	Nay
5	55	1267	65	Judiciary	29	58	House	HR 59	Yea
5	59	1402	69	Presidential Authority	32	54	House Amendment	HR 79	Yea
5	60	1425	70	Military	36	45	House Amendment	HR 80	Nay
5	61	1521	71	Military	45	37	House Amendment		Nay
5	62	1521	72	Military	32	50	House Amendment		Nay
5	67	1768	77	Presidential Authority	53	35	House Amendment	S 19	Yea
5	68	1768	78	Govt authority	64	26	House Amendment	S 19	Nay
5	69	1769	79	Military	56	35	House Amendment	S 19	Nay
5	70	1770	80	Military	39	51	House Amendment	S 19	Nay

**Appendix A. Roll Call Votes Selected for Analysis, US House of Representatives, 1789-1807**

Congress	Roll Call	Page	Var	Classification	Yea	Nea	Type of Vote	Legislation Type	National
5	71	300J	81	Military	40	50	House Amendment	S 19	Yea
5	72	1772	82	Military	51	40	House	S 19	Yea
5	80	1875	90	Military	46	34	House Amendment	HR 73	Yea
5	83	1898	93	Tax Rates	22	59	House Amendment	HR 105	Nay
5	85	1925	95	Tax Rates	69	19	House	HR 105	Yea
5	86	1938	96	Military	55	17	House	HR 107	Yea
5	87	1950	97	Military	42	39	House Amendment	HR 111	Yea
5	88	1953	98	Military	35	46	House Amendment	HR 111	Nay
5	89	1954	99	Military	42	30	House	HR 111	Yea
5	90	2028	100	Govt authority	46	40	House	S 24	Yea
5	91	2042	101	Presidential Authority	37	38	House Amendment	HR 113	Nay
5	92	2048	102	Banking/Finance	34	48	House Amendment	HR 113	Nay
5	93	2059	103	Tax Rates	32	46	House Amendment	HR 116	Nay
5	94	2059	104	Tax Rates	54	24	House Amendment	HR 116	Yea
5	95	2060	105	Tax Rates	38	39	House Amendment	HR 116	Nay
5	96	2066	106	Tax Rates	62	18	House	HR 116	Yea
5	100	2092	110	Military	41	40	House Amendment		Yea
5	101	2113	111	Govt authority	36	47	House	S 31	Nay
5	103	2131	113	Military	29	43	House Amendment	HR 125	Nay
5	104	2132	114	Military	60	11	House	HR 125	Yea
5	105	2139	115	Judiciary	67	15	House Amendment	S 31	Nay
5	106	2138	116	Judiciary	43	39	House Amendment	S 31	Nay
5	107	2171	117	Govt authority	44	41	House	S 31	Yea
5	108	2176	118	Banking/Finance	45	28	House	HR 128	Nay
5	117	2545	127	Govt authority	65	23	House Resolution		Yea
5	118	2590	128	Govt authority	35	51	House Amendment	HR 141	Nay
5	119	2599	129	Govt authority	37	48	House Amendment	HR 141	Nay
5	121	2676	131	Judiciary	44	47	House	HR 135	Yea
5	123	2680	133	Govt authority	41	56	House Amendment	HR 141	Nay
5	124	2680	134	Govt authority	39	57	House Amendment	HR 141	Nay
5	125	2681	135	Govt authority	61	35	House Amendment	HR 141	Nay

**Appendix A. Roll Call Votes Selected for Analysis, US House of Representatives, 1789-1807**

Congress	Roll Call	Page	Var	Classification	Yea	Nea	Type of Vote	Legislation Type	National
5	126	2721	136	Govt authority	58	36	House	HR 141	Yea
5	129	2789	139	Presidential Authority	87	1	House Amendment	HR 140	Yea
5	130	2790	140	Presidential Authority	57	32	House Amendment	HR 140	Nay
5	131	2790	141	Presidential Authority	55	34	House Amendment	HR 140	Nay
5	133	2791	143	Presidential Authority	55	37	House Amendment	HR 140	Yea
5	138	2822	148	Presidential Authority	59	32	Senate Amendment	HR 140	Nay
5	139	2856	149	Presidential Authority	40	54	House Amendment	HR 150	Nay
5	140	2883	150	Military	54	42	House	HR 150	Yea
5	146	493J	156	Govt authority	52	48	House Resolution		Yea
5	147	494J	157	Govt authority	52	48	House Resolution		Yea
5	148	3016	158	Military	52	45	House Amendment	Senate Resolution	Nay
5	149	3018	159	Military	52	43	House Amendment	S 38	Yea
5	152	3042	162	Military	51	44	House Amendment	S 45	Nay
5	153	3043	163	Presidential Authority	39	56	House Amendment	S 45	Nay
5	154	3044	164	Military	54	41	House	S 45	Yea
5	155	3042	165	Presidential Authority	56	30	House	S 39	Yea
6	3	369	13	Military	60	39	House		Yea
6	3	403	15	Military	37	57	House Amendment		Nay
6	6	419	16	Govt authority	50	48	House		Nay
6	7	423	17	Govt authority	51	47	House		Nay
6	8	425	18	Govt authority	11	87	House		Nay
6	19	534	29	Judiciary	49	48	House	HR 186	Yea
6	29	632	39	Govt authority	54	37	House	HR 218	Nay
6	30	633	40	Banking/Finance	52	39	House	HR 210	Yea
6	37	662	47	Govt authority	54	37	House	HR 225	Yea
6	39	667	49	Tarriff	54	38	House Resolution		Yea
6	41	675	51	Tarriff	44	50	House Amendment		Nay
6	43	682	53	Govt authority	42	49	Senate Amendment	HR 218	Yea
6	44	685	54	Govt authority	46	34	Senate Amendment	HR 218	Nay
6	50	705	60	Tarriff	54	28	House		Yea
6	53	714	63	Military	38	42	House Amendment	S 63	Nay

**Appendix A. Roll Call Votes Selected for Analysis, US House of Representatives, 1789-1807**

Congress	Roll Call	Page	Var	Classification	Yea	Nea	Type of Vote	Legislation Type	National
6	57	836	67	Military	39	46	House Resolution		Nay
6	66	907	76	Judiciary	71	18	House Amendment	HR 275	Yea
6	67	908	77	Judiciary	36	53	House Amendment	HR 275	Yea
6	68	909	78	Judiciary	55	35	House Amendment	HR 275	Nay
6	69	910	79	Tax Rates	41	47	House Amendment	HR 276	Nay
6	70	911	80	Tax Rates	46	31	House	HR 276	Yea
6	71	915	81	Judiciary	51	43	House	HR 276	Nay
6	72	975	82	Govt authority	49	48	House Resolution		Yea
6	74	989	84	Govt authority	50	44	House	HR 281	Yea
6	80	1038	90	Govt authority	50	50	House	HR 309	Yea
6	85	1052	95	Govt authority	56	36	House	S 68	Yea
6	87	1057	97	Military	53	40	House Amendment	HR 306	Yea
6	90	1061	100	Military	69	18	House	HR 306	Nay
7	3	404	13	National Authority	85	4	House	HR 1	Yea
7	8	427	18	Military	36	54	House Amendment	HR 7	Nay
7	10	431	20	Military	77	12	House Resolution	HR 7	Nay
7	13	458	23	Domestic Economy	37	57	House Resolution		Nay
7	16	466	26	National Authority	81	5	House Resolution		Yea
7	23	951	33	National Authority	30	55	House Amendment	S 2	Yea
7	25	952	35	National Authority	37	51	House Amendment	S 2	Yea
7	26	952	36	National Authority	39	49	House Amendment	S 2	Yea
7	27	956	37	National Authority	37	52	House Amendment	S 2	Yea
7	29	957	39	National Authority	33	56	House Amendment	S 2	Yea
7	31	982	41	National Authority	59	32	House	S 2	Nay
7	35	993	45	National Authority	59	27	House Resolution	HR 18	Nay
7	38	997	48	National Authority	60	17	House		Nay
7	41	1019	51	Domestic Economy	30	54	House Amendment	HR 31	Yea
7	42	1020	52	Domestic Economy	31	57	House Amendment	HR 31	Yea
7	44	1022	54	Domestic Economy	32	58	House Amendment	HR 31	Yea
7	46	1042	56	Domestic Economy	25	48	House Amendment	HR 31	Yea
7	50	1055	60	Domestic Economy	31	53	House Amendment	HR 31	Nay
7	51	1055	61	Domestic Economy	28	53	House Amendment	HR 31	Nay
7	53	1053	63	Domestic Economy	61	24	House Resolution	HR 31	Nay

**Appendix A. Roll Call Votes Selected for Analysis, US House of Representatives, 1789-1807**

Congress	Roll Call	Page	Var	Classification	Yea	Nea	Type of Vote	Legislation Type	National
7	57	1096	67	Domestic Economy	38	32	House Resolution	HR 3	Nay
7	61	1158	71	National Authority	27	44	House Amendment	HR 46	Yea
7	62	1159	72	National Authority	25	48	House Amendment	HR 46	Nay
7	63	1160	73	National Authority	38	33	House Amendment	HR 46	Nay
7	64	1161	74	National Authority	47	29	House Resolution	HR 46	Yea
7	65	1185	75	Domestic Economy	27	46	House Amendment	HR 56	Yea
7	66	1186	76	Domestic Economy	26	48	House Amendment	HR 56	Nay
7	69	1189	79	National Authority	18	43	House Amendment	HR 56	Nay
7	71	1192	81	National Authority	55	19	House Resolution	HR 56	Nay
7	79	1213	89	National Authority	44	29	House Amendment	S 9	Nay
7	80	1227	90	National Authority	35	36	House Amendment	S 9	Nay
7	81	1227	91	National Authority	32	39	House Amendment	S 9	Yea
7	86	1248	96	National Authority	45	47	House Amendment	S 9	Nay
7	92	J236	102	National Authority	47	14	House Resolution		Nay
7	108	J288	118	Military	44	47	House		Nay
7	109	J289	119	Military	45	45	House		Yea
7	120	506	130	National Authority	66	26	House		Yea
7	121	530	131	National Authority	48	40	House Amendment	HR 90	Nay
7	123	534	133	National Authority	48	15	House Resolution	HR 89	Yea
7	127	578	137	National Authority	37	42	House Resolution	HR 113	Nay
7	133	611	143	National Authority	58	12	House Resolution	HR 119	Yea
8	1	419	11	Presidential Authority	57	59	House Resolution	House Resolution	Nay
8	2	488	12	Govt Authority	90	25	House Resolution	House Resolution	Yea
8	3	544	13	Govt Authority	88	31	House Resolution	Senate Resolution	Yea
8	4	546	14	Govt Authority	89	23	House	Senate Resolution	Yea
8	5	549	15	Govt Authority	85	7	House		Yea
8	11	622	21	Govt Authority	99	13	House	House Committee	Nay
8	14	644	24	Govt Authority	19	96	House Resolution	House Amendment	Yea
8	15	644	25	Govt Authority	108	10	House Resolution		Nay
8	19	682	29	Govt Authority	27	85	House Amendment	Senate Resolution	Nay
8	20	683	30	Govt Authority	32	85	House Amendment	Senate Resolution	Yea
8	21	684	31	Govt Authority	85	30	House Amendment	Senate Resolution	Nay
8	24	776	34	Govt Authority	84	42	House	Senate Resolution	Nay

**Appendix A. Roll Call Votes Selected for Analysis, US House of Representatives,  
1789-1807**

Congress	Roll Call	Page	Var	Classification	Yea	Nea	Type of Vote	Legislation Type	National
8	25	778	35	Govt Authority	58	55	House Committee	House	Nay
8	26	781	36	Govt Authority	88	13	House	House	Yea
8	38	883	48	Govt Authority	31	80	House Amendment	S 9	Nay
8	39	887	49	Domestic Economy	100	18	House	S 9	Yea
8	50	990	60	Military	73	40	House	House	Nay
8	55	1048	65	Military	63	54	House	HR 89	Yea
8	60	1089	70	Govt Authority	99	3	House	House Resolution	Nay
8	69	1122	79	Govt Authority	57	46	House	House Resolution	Yea
8	81	1195	91	Govt Authority	65	38	House	House	Nay
8	84	1199	94	Govt Authority	66	21	House	Senate	Yea
8	85	1202	95	Domestic Economy	28	73	House	S 3	Yea
8	87	1206	97	Domestic Economy	65	41	House	S 3	Yea
8	88	1206	98	Govt Authority	37	63	House Amendment	Senate Amendment	Yea
8	89	1207	99	Govt Authority	53	36	House Amendment	House	Yea
8	91	1224	101	Military	28	77	House Amendment	House	Yea
8	95	1234	105	Govt Authority	42	44	House	Senate	Nay
8	109	830	119	Govt Authority	53	55	House Committee	HR 59	Yea
8	111	961	121	Govt Authority	77	33	House	HR 59	Yea
8	121	1173	131	Govt Authority	63	58	House Committee	House	Yea
8	122	1177	132	Govt Authority	52	58	House	House	Nay
8	127	1210	137	Govt Authority	46	57	House Amendment	S 8	Nay
8	128	1213	138	Govt Authority	68	33	House		Nay
8	129	1214	139	Govt Authority	53	46	House	House Resolution	Nay
9	4	1120	14	Military	72	58	House Committee	House Resolution	Nay
9	5	1122	15	Foreign Affairs	74	57	House Amendment	House Resolution	Yea
9	8	1125	18	Foreign Affairs	57	62	House Amendment	House Resolution	Nay
9	16	455	26	Presidential Authority	71	45	House Amendment	HR 80	Nay
9	38	840	48	Government Authority	66	50	House	S 16	Yea
9	39	846	49	Military	78	33	House		Yea
9	40	847	50	Military	91	21	House Committee		Yea
9	41	848	51	Military	72	34	House Committee		Yea
9	44	891	54	Government Authority	25	86	House Committee	House	Yea

**Appendix A. Roll Call Votes Selected for Analysis, US House of Representatives, 1789-1807**

Congress	Roll Call	Page	Var	Classification	Yea	Nea	Type of Vote	Legislation Type	National
9	45	920	55	Government Authority	62	54	House	S 28	Nay
9	46	930	56	Government Authority	31	81	House Committee	House	Yea
9	48	936	58	Government Authority	94	21	House Committee	House	Yea
9	54	997	64	Government Authority	21	78	House Amendment	S 26	Nay
9	55	1002	65	Military	25	86	House Amendment	HR 125	Nay
9	56	1009	66	Government Authority	36	66	House Amendment	HR 136	Nay
9	57	1011	67	Government Authority	63	28	House	S 26	Yea
9	58	1015	68	Government Authority	68	34	House	HR 136	Yea
9	59	1017	69	Government Authority	67	18	House	HR 179	Yea
9	62	1051	72	Military	24	76	House Amendment	HR 128	Nay
9	63	1052	73	Military	31	71	House Amendment	HR 128	Nay
9	68	1076	78	Military	43	54	House Amendment	HR 89	Nay
9	69	1067	79	Military	37	60	House Amendment	HR 89	Nay
9	70	1077	80	Military	37	52	House Amendment	HR 89	Nay
9	71	1077	81	Military	34	59	House Amendment	HR 89	Nay
9	72	1078	82	Military	58	28	House	HR 89	Yea
9	76	1082	86	Presidential Authority	43	48	House Amendment	HR 138	Nay
9	84	1096	94	Domestic Economy	24	56	Senate Amendment	HR 141	Yea
9	85	1103	95	Domestic Economy	40	47	Senate Amendment	HR 141	Nay
9	87	1126	97	Foreign Affairs	77	54	House		Yea
9	88	1127	98	Foreign Affairs	80	52	House		yea
9	91	1130	101	Foreign Affairs	74	53	House	HR 144	Yea
9	92	1131	102	Foreign Affairs	76	54	House	HR 144	Yea
9	115	297	125	Domestic Economy	21	104	House Amendment	HR 165	Nay
9	116	298	126	Domestic Economy	12	109	House Amendment	HR 165	Nay
9	117	319	127	Domestic Economy	122	5	House Amendment	HR 165	Yea
9	119	331	129	Domestic Economy	112	13	House	HR 134	Yea
9	124	372	134	Military	26	95	House	S 36	Nay
9	126	424	136	Government Authority	113	19	House	S 39	Yea
9	132	500	142	Government Authority	82	7	House	S 40	Yea
9	134	616	144	Military	72	44	House		Yea
9	135	617	145	Military	30	78	House Amendment		Nay
9	136	618	146	Military	68	36	House		Yea
9	137	620	147	Domestic Economy	89	15	House	HR 134	Yea
9	151	661	161	Domestic Economy	20	64	House Amendment	HR 220	Nay

**Appendix A. Roll Call Votes Selected for Analysis, US House of Representatives,  
1789-1807**

Congress	Roll Call	Page	Var	Classification	Yea	Nea	Type of Vote	Legislation Type	National
9	152	661	162	Military	23	<b>58</b>	House Amendment	HR 220	Nay
9	153	662	163	Domestic Economy	24	<b>58</b>	House Amendment	HR 220	Nay
9	154	663	164	Military	46	<b>52</b>	House Amendment	HR 216	Nay
9	157	671	167	Government Authority	<b>30</b>	64	House	S 48	Yea
9	158	672	168	Government Authority	<b>57</b>	44	House	S 48	Yea

Note: National position in bold.



Description	Congress	Roll Call
to allow president to remove appointees without Senate approval	1	1
to eliminate reference to president's removal authority since it is implied in Constitution	1	4
to pass bill creating Department of Foreign Affairs	1	5
to appropriate funds for treaty negotiations with tribes	1	8
to substitute expressly before delgated	1	10
to prohibit congress from interfering in time, manner, and place of elections	1	11
to prohibit laying direct taxes	1	12
to issue writs in name of US not president	1	30
to adhere to issuing writs in name of US not president	1	31
to amend Constitution to allow president to call out military for protection of frontier against Indians	1	35
to fund continental dollars at 100:1	1	43
to pay interest on funded continental dollars	1	44
to give president discretion in paying foreign officers	1	45
to eliminate excise taxes on domestic liquor to raise money for public debt	1	59
to distribute public debt among states according to population	1	61
to pass public debt bill	1	76
to deny postmaster authority to establish cross post roads	1	77
to reject assumption of state debt	1	78
to allow original holders of debt certificates six months to claim	1	79
to allow states unlimited time to make claims against public debt	1	80
to agree to assumption	1	81
to defer interest on debt for seven years	1	82
to lower interest paid on public debt	1	83
to establish board to settle disputes over debt repayment	1	84
to decrease import duty on salt	1	86
to allow Congress to establish uniform regulation of state militia	1	87
to calculate domestic liquor tax according to proof	1	88
to prohibit tax collectors from interfering with elections	1	89
to limit duration of tax bill until next session	1	90
to pass revenue bill	1	92
to pass bank bill	1	96

Description	Congress	Roll Call
to establish general land office for sale of lands to pay off public debt	1	97
to strenghten enforcement of collection provisions in revenue bill	1	98
to agree to current system of funding public debt	1	101
to authorize president to establish a mint	1	107
to apportion representatives one for every thirty thousand	2	1
to apportion representatives one for every thirty four thousand	2	2
to apportion representatives one for every thirty thousand (third reading)	2	3
to apportion representatives at a fixed number for every state	2	4
to apportion representatives one for every thirty three thousand (Bell gives apportionment figures)	2	5
to recede from disagreement with Senate ratio of 33,000:1; Senate disagreed with 30,000:1	2	6
to adhere to disagreement with Senate ratio of 33,000:1; Senate disagreed with 30,000:1	2	7
to continue to allow states to license stage coach routes over federal post roads	2	10
to allow postal carriages to carry passengers over federal post roads	2	11
to strike call for second enumeration and apportionment of representatives	2	12
to prepare a new apportionment bill without the ratio of 30,000:1 after 1797	2	13
to eliminate proposed increase in number of regiments for frontier defense	2	14
to pass frontier protection bill	2	15
to pass bill providing bounties to cod fishermen	2	16
to eliminate a second census after 1797 for apportionment purposes	2	19
to eliminate reference to 30,000:1 apportionment ratio after 1797	2	20
to reapportion at 30,000:1 after 1797	2	21
to apportion at 34,000:1 until 1797 and 30,000:1 thereafter	2	23
to limit the authority of president to make appointments to military	2	25
to establish uniform militia throughout US	2	26
to cap size of House at 120 members in proportion of 30,000:1	2	33
to recede from remaining differences with Senate over apportionment	2	35
to omit Washington's head from US currency (Bell says Washington's name)	2	36
to stamp coins with word "liberty" instead	2	37
to create national mint	2	38
to place Washington's head on coins instead of word "liberty"	2	39
to override Washington's veto of apportionment bill	2	47

Description	Congress	Roll Call
to apportion representatives for 1793 at 33,000:1	2	48
to authorize president to call militia in emergencies (Bell-when Congress not in session)	2	51
to authorize president to punish militiamen who refuse to obey orders (Bell-authorize president to call forth m	2	52
to raise tax on hemp and cotton to finance frontier protection	2	53
to pass frontier proteciton bill	2	54
to institute tax on domestic whiskey	2	55
to invalidate insolvency laws passed by the states on Revolutionary War debts (Bell)	2	57
to regulate national court procedures regarding insolvency laws	2	61
to appropriate \$12,000 for negotiations with Creek Indians	2	64
to allow \$900 for treaty negotiations	2	65
to authorize military to take offensive measures against Cherokees	2	66
to eliminate president's authorization to make a loan in order to repay another loan	2	67
to reduce the amount of the bank's loan to the US government	2	68
to reduce the size of the military	2	69
to give state legislatures veto power over loans from general settlement of accounts	2	73
to pass bill establishing loan offices to settle general accounts	2	84
to provide president with discretionary power to oversee war department appropriations	2	92
to extend time limit for settling accounts with the states	2	93
to provide for repayment of loan to Bank of the US	2	94
to provide naval force to protect US ships against Algerian pirates	3	7
to allow state courts to hear suits against them from foreigners or residents of another state	3	8
to prohibit federal courts from hearing suits against states brought by foreigners or residents of another state	3	9
to pass bill for protection of American commerce against Algerian ships	3	10
to eliminate proposed carraige tax	3	17
to eliminate proposed stamp tax	3	18
to increase tax on court licenses	3	19
to eliminate proposed tobacco tax	3	20
to eliminate proposed tax on ships engaged in foreign trade	3	21
to increase proposed tax on foreign tonnage	3	22
to eliminate proposed tax on deeds	3	24
to relinquish certain debts owed to the US by the several states	3	27

Description	Congress	Roll Call
to cease payment on interest on state debts after 1798	3	28
to pass bill to pay creditor states in the general settlement of accounts	3	33
to increase tax on American ships by six cents	3	34
to pass tax on sugar and tobacco	3	35
to raise an additional provisional military force	3	36
to pass stamped vellum, parchment, and paper tax	3	42
to pass carriage tax	3	43
to increase size of military and encourage recruiting	3	44
to pass tax on retail liquor and wine	3	45
to pass tax on property sold at auction	3	47
to authorize president to purchase military vessels	3	51
to increase size of military for frontier protection instead of using state militias	3	53
to adhere to rejection of amendment providing \$20 for anyone enlisting for military service	3	54
to eliminate condemnation of "self-created societies" from response to state of union address	3	55
to recognize Whiskey Rebellion originated in the four western Pennsylvania counties	3	56
to add to response that the Rebellion was countenanced by self-created societies elsewhere	3	57
to request Washington assess property losses from Whiskey Rebellion	3	60
to prohibit immigrants from bringing slaves into the country	3	61
to require immigrants to renounce titles of nobility when applying for citizenship	3	62
to reimburse original purchasers of land ceded by North Carolina to the US in Indian territories	3	63
to reduce size of military when US is at peace with the Indians	3	64
to recognize that military exists for protection from Indians	3	65
to eliminate stringent repayment provisions from public credit bill (Bell)	3	66
to reject bill to prevent depredations on the Indians south of Ohio river	3	67
to punish persons in armed pursuit of Indians on Indian lands	3	68
to authorize president to accept cession of Georgia lands	3	69
to pass bill for relief and protection of American seamen	4	5
to pass a bill authorizing loan of \$300,000 to Washington, DC	4	7
to subdivide tracts in NW territories to 320 acres	4	8
to subdivide tracts in NW territories to 160 acres	4	9
to increase number of frigates from three to six	4	14

Description	Congress	Roll Call
to decrease number of frigates from three to two	4	15
to pass bill naval armament bill	4	16
to strike out provision for forfeiture of lands settled by whites on Indian lands	4	17
to retain all light dragoons in army	4	27
to retain post of major general	4	28
to recede from original disagreement with Senate over retaining all light dragoons	4	30
to recede from original disagreement with Senate over abolition of position of major general	4	31
to offer 25% of stock in national bank for sale (Bell: require 25% in advance for purchase of public lands)	4	32
to sell stock in Bank of US	4	33
to allow government debt shares at 6% to be sold below par	4	36
to reject relief for Savannah after major fire	4	46
to request payment from states for debts incurred prior to 1789	4	47
to institute a land tax	4	50
to institute a tax on slaves	4	51
to agree to resolutions instituting tax on land and slaves	4	52
to reduce number of infantry from four regiments to three	4	53
to restore two companies of dragoons	4	54
to disallow further claims on destroyed loan certificates	4	60
to deny president authority to rearrange the army	4	61
to repeal parts of the navy act concerning executive appointment of officers	4	63
to reject resolution that funds be appropriated to build a navy shipyard (Bell-build three frigates)	4	64
to reject use of live oak and cedar for naval purposes	4	65
to repeal tax on domestic liquor and institute tax on domestic stills	4	68
to appropriate funds for three frigates	4	69
to impose a tax on cloth goods	4	73
to pass bill authorizing tax on certain imports	4	74
to allow remission of fines in certain tax cases	4	75
to override Washington veto of bill reducing size of military	4	78
to finish hulls of three frigates	4	79
to pass bill finishing the whole of three frigates	4	80
to increase flexibility of military spending (Bell)	4	83

Description	Congress	Roll Call
to authorize Adams to provide galleys for defense of coast	5	9
to allow NY to deduct fortification expenses from its debt	5	10
to pass defense of ports and harbors act	5	12
to reject bill raising additional corps of engineers	5	13
to prevent use of frigates for merchant marine convoys	5	17
to eliminate provision for additional twenty gun vessels	5	18
to restrict use of cutters to coastal areas only at the president's discretion	5	19
to authorize use of cutters for coastal defense and increase salary of men employed on cutters	5	20
to limit duration of protection of trade bill to one year	5	21
to pass protection of trade bill	5	22
to pass bill laying additional taxes on domestic wine and imported liquor	5	23
to adhere to prohibition of use of frigates as merchant marine convoys	5	25
to recede from prohibition of use of frigates as merchant marine convoys	5	26
to institute a tax on certificates of naturalization	5	27
to eliminate exemption for military lands from stamp tax	5	28
to eliminate exemption for bank notes from stamp tax	5	29
to pass stamp tax	5	31
to pass salt tax	5	32
to limit duration of salt tax to one year	5	33
to pass salt tax	5	34
to commit federal government to extinguishing Indian claims in US territory for benefit of state or individual	5	46
to repeal stamp tax	5	53
to provide for trial of matters involving two states (Bell)	5	55
to allow president discretionary spending for harbor defense under harbor defense act	5	59
to limit the duration of bill to increase size of army	5	60
to reduce the number of vessels used for merchant marine convoys	5	61
to disallow use of frigates as merchant marine convoys to foreign ports	5	62
to authorize president to raise provisional army	5	67
to eliminate president's discretionary authority to raise an army	5	68
to reduce the size of provisional army in half	5	69
to use state militias instead of volunteers from the provisional army	5	70

Description	Congress	Roll Call
to recruit provisional army within 6 months instead of three years	5	71
to pass bill adding to provisional army	5	72
to increase flexibility of military spending (Bell)	5	80
to apply land tax equally to land taxed by state	5	83
to provide for valuation of land, houses, and slaves	5	85
to pass bill providing arms throughout country	5	86
to authorize the president to appoint necessary army officers	5	87
to require volunteers to supply their own arms (Bell)	5	88
to pass supplementary army bill	5	89
to pass alien enemies bill	5	90
to limit executive borrowing authority	5	91
to fix the amount of interest paid on federal loans instead of allowing executive to set the rate	5	92
to equalize direct tax	5	93
to tax slaves at .50 each	5	94
to tax lands at the lowest rate of buildings, to make land and building taxes proportional	5	95
to pass direct tax bill	5	96
to increase size of military during hostilities with France by adding four additional regiments	5	100
to reject the Sedition Act	5	101
to authorize eight regiments instead of twelve	5	103
to pass army augmentation bill	5	104
to allow juries to determine questions of law and fact in sedition cases	5	105
to make action and not advocacy punishable under the sedition law (Bell)	5	106
to pass Sedition Act	5	107
to credit debts of states who provide for their own frontier defense	5	108
to appoint committee to prepare bill outlawing usurpation of executive authority	5	117
to make intent punishable under usurpation bill (allow prosecution under existing treason laws-Bell)	5	118
to exclude from bill persons attempting to receive justice from foreign government	5	119
to pass uniform bankruptcy bill	5	121
to limit duration of usurpation bill to one year (Bell)	5	123
to include intent in the usurpation bill and interfering in foreign negotiations	5	124
to prohibit any citizen from interfering in unauthorized negotiations	5	125

Description	Congress	Roll Call
to pass usurpation bill	5	126
to authorize president to suspend trade with certain ports	5	129
to limit duration of president's powers to suspend trade	5	130
to exclude commerce on Mississippi from president's authority	5	131
to pass authorization of executive authority to suspend commerce with hostile ports	5	133
to eliminate president's authority to suspend trade with Spanish and Dutch ports	5	138
to eliminate authority to construct six additional ships	5	139
to pass bill augmenting navy	5	140
to continue in force alien enemies laws	5	146
to freeze size of military	5	147
to continue in force any laws concerning the military	5	148
increase size of army only if war actually broke out (Bell)	5	149
to prohibit compulsory out of state military service for volunteers	5	152
to eliminate president's authority to appoint new officers in case of war	5	153
to pass bill increasing size of army	5	154
to authorize president with power of retaliation	5	155
to reject reduction in size of military	6	3
to suspend military enlistments and discharge non-essential members	6	3
to repeal part of Sedition Act making libel and sedition a federal crime	6	6
to make sedition punishable at common law	6	7
to pass repeal of part of Sedition Act making sedition a federal crime and make it punishable by common law	6	8
to pass bankruptcy bill	6	19
to prohibit territorial governors from dismissing legislature	6	29
to allow president to borrow money for public service	6	30
to authorize president to accept jurisdiction over the western reserve of Connecticut	6	37
to continue tarriff on salt	6	39
to continue tarriff on salt for two rather than ten years	6	41
to allow territorial governor to dismiss legislature	6	43
to authorize commission to settle Mississippi land disputes	6	44
to allow additional tax on imported brown sugar	6	50
to authorize president to discharge army immediately	6	53



Description	Congress	Roll Call
to reduce of size of army	6	57
to require \$400 minimum to file in appellate courts	6	66
to allow circuit courts to hear cases involving recovery of notes and bonds	6	67
to maintain existing jurisdiction of federal courts	6	68
to continue liquor tax for two years	6	69
to continue liquor, slave, and carriage tax	6	70
to pass court reorganization bill	6	71
to continue in force the Sedition Law	6	72
to incorporate the mine and metal company	6	74
to reject bill repealing part of Sedition Act	6	80
to pass bill providing for government of the District of Columbia	6	85
to give president authority to discharge marine corps when not in service	6	87
to pass naval reduction bill	6	90
to apportion representatives at 33,000:1	7	3
to abolish office of brigadier general	7	8
to reduce size of military	7	10
to require Secretary of Treasury to put before the House account of internal revenues	7	13
to not approve of change in government of Northwest Territories	7	16
to reduce size of judiciary	7	23
	7	25
	7	26
	7	27
	7	29
to reduce size of judiciary	7	31
to reduce amount of time to become naturalized	7	35
to reject petition from Pennsylvania residents living on lands claimed by Connecticut	7	38
to repeal taxes on salt, brown sugar, stills, domestic spirits, and stamps	7	41
to retain tax on licenses to retailers	7	42
to retain tax on goods sold at auction	7	44
to retain tax on carriages	7	46
to repeal tax on imported brown sugar	7	50
to repeal tax on imported coffee	7	51
to repeal internal taxes	7	53

Description	Congress	Roll Call
to retain further sum on drawbacks in place of stamp tax	7	57
to exclude certain portion of land from Ohio territory	7	61
to allow Ohio who is eligible to vote for representatives	7	62
to allow Ohio to determine whether it is expedient to draft constitution in convention	7	63
to authorize people residing in territory of Ohio to draft a constitution	7	64
to allow commisioners in Bank of US to continue to sell shares and borrow money	7	65
to eliminate provision authorizing commissioners of Bank of US to pay Dutch debt	7	66
to eliminate authority of executive agent to conduct business regarding Dutch debt	7	69
to redeem public debt in its entirety	7	71
to repeal part of judiciary act requiring annual sessions of Supreme Court	7	79
to eliminate president's authority to appoint bankruptcy commissioners	7	80
	7	81
to recede from amendment authorizing president to appoint bankruptcy commissioners	7	86
to adopt constitutional amendment twelve	7	92
to provide arms to state militias free of duty	7	108
to allow states importing arms to do so free of duty	7	109
to reject resolution to return to Virginia territory originally attached to that state	7	120
to strike section requiring Supreme Court justices sit on district courts	7	121
to prevent importation of persons into states that prohibit their importation	7	123
to establish uniform rule of naturalization	7	127
to settle public land claims south of Tennessee	7	133
to order the president to present to Congress certain papers relating to Louisiana Purchase	8	1
to make provisions for purchase of Louisiana Territory from France	8	2
to amend Constitution to clarify presidential elections and operation of electoral college	8	3
to provide for temporary government of Louisiana Territory	8	4
to accept Louisiana Territory from France	8	5
to hear bill to repeal bankruptcy bill	8	11
to direct postmaster to provide aggregate expenses and receipts from post office	8	14
to direct postmaster to provide expenses and receipts from post office on per state basis	8	15
to abolish office of vice president	8	19
to send five names to House if no candidate wins majority in electoral college	8	20
to require electoral college to vote for president and vice president separately	8	21
to submit constitutional amendment regulating presidential elections to state legislatures	8	24

Description	Congress	Roll Call
to abolish office of loan commissioner	8	25
to give effect to US laws in Louisiana Territory	8	26
to eliminate accountability of tax collector to House	8	38
to pass bill amending collection of direct taxes	8	39
to reduce size of peacetime military	8	50
to establish peacetime navy	8	55
to request Secretary of Treasury to submit all fees paid to assistant counsel for US	8	60
to deny land claims under Georgia law	8	69
to repeal naturalization act	8	81
to pass Louisiana government bill	8	84
to allow import liquor taxes to be paid over six months	8	85
to pass import liquor tariff	8	87
to allow president to appoint governor and legislature of Louisiana	8	88
to specify terms and duties of governor and legislature of Louisiana	8	89
to use increased liquor tariff for protection of American seamen	8	91
to provide for reorganization of departments of treasury, war, and navy	8	95
to require armed merchant vessels to pay bond when entering US ports	8	109
to pass bill regulating clearance of armed merchant vessels	8	111
to establish committee to hear land claims from Mississippi	8	121
to reject bill establishing committee to hear Mississippi land claims	8	122
to allow Louisiana legislative council to appoint governor	8	127
to allow president to remove judges by joint resolution with Congress	8	128
to allow states to recall Senators	8	129
to deny presidential request for more troops on frontier for protection	9	4
to express US interest in purchase of Florida from Spain	9	5
to limit amount to be paid for Florida	9	8
to eliminate authority of secretary of treasury to extend drawbacks	9	16
to construct road from Maryland to Ohio	9	38
to appropriate \$150,000 for harbor fortification	9	39
to appropriate \$250,000 for gunboats	9	40
to appropriate \$660,000 for battle ships	9	41
to prohibit government contractors from holding elected office	9	44

Description	Congress	Roll Call
to reject bill regulating Tennessee land grants	9	45
to declare that multiple office holding is repugnant to spirit of Constitution	9	46
to prohibit military officers from holding elected office	9	48
to wait for approval of North Carolina legislature before authorizing Tennessee to issue land grants	9	54
to eliminate contingency expenses from naval appropriations	9	55
to grandfather current military officers from holding political office	9	56
to authorize Tennessee to issue land grants for unappropriated lands within the state	9	57
to prohibit military officers from holding elected office	9	58
to prescribe the effect of the records of judgments and decrees of courts in each state	9	59
to eliminate appropriations for fortification of ports and harbors	9	62
to increase appropriations for fortification of ports and harbors	9	63
to reduce amount appropriated for building frigates	9	68
to reduce the number of naval captains	9	69
to reduce the number of certain naval officers	9	70
to reduce the number of naval lieutenants	9	71
to pass the naval bill	9	72
to deprive Secretary of State authority in settling certain accounts with Tunis	9	76
to maintain salt duty	9	84
to insist on disagreement with Senate on repeal of salt tax	9	85
to appropriate funds for purchase of Florida	9	87
to note that an exchange of land between US and Spain is advantageous	9	88
to pay cost of purchase of Florida from surplus duties	9	91
to defray expenses incurred for purchase of Florida	9	92
to eliminate additional taxes on imported salt, black tea, brown sugar, and coffee	9	115
to make salt duty free	9	116
to pass tax bill for protection of navy seamen	9	117
to provide for redemption of public debt	9	119
to reject bill establishing military peace establishment	9	124
to reject suspension of habeas corpus for three months	9	126
to establish circuit courts in Kentucky, Tennessee, and Ohio	9	132
to appropriate \$150,000 for fortifications	9	134
to appropriate funds for purchase of materials but not to build gunboats	9	135
to appropriate \$150,000 for construction of 30 gunboats	9	136
to redeem whole of public debt	9	137
to limit duration of salt duty	9	151

Description	Congress	Roll Call
to eliminate protection of seamen and commerce	9	152
to limit duration of salt duty	9	153
to authorize Secretary of War to pay pensioners named by the states	9	154
to provide judicial review for all individual land claims	9	157
to prevent settlement on lands ceded to US until authorized by law	9	158

**Appendix B. Roll Call Votes Selected for Analysis, US Senate,  
1789-1807**

Congress	Roll Call	Page	Var	Classification	Yea	Nea	Type of Vote	Legislation Type	Clarity	National
1	4	50	14	Judiciary	14	6	Senate		Yes	Yea
1	5	65	15	Presidential Authority	9	9	Senate Amendment		No	Nay
1	6	66	16	Govt authority	10	9	Senate		Yes	Yea
1	7	82	17	Presidential Authority	9	10	Senate Amendment		Yes	Nay
1	8	83	18	Presidential Authority	8	10	Senate Amendment		Yes	nay
1	9	61J	19	Indian Affairs	12	7	Senate Amendment		Yes	Nay
1	10	71	20	Govt authority	10	10	House Amendment		No	Yea
1	15	70J	25	Federal Authority	2	14	Senate Amendment		Yes	Nay
1	16	71J	26	Govt authority	6	9	Senate Amendment		Yes	Nay
1	18	77J	28	Govt authority	8	8	Senate Amendment		No	Nay
1	39	991	49	Banking/Finance	13	10	Senate Amendment	HR 178	No	Nay
1	40	993	50	Presidential Authority	14	7	Senate Amendment	House Resolution	Yes	Yea
1	41	994	51	Govt authority	15	10	Senate	House Resolution	Yes	Yea
1	60	1009	70	Banking/Finance	14	11	Senate		Yes	Yea
1	61	1010	71	Banking/Finance	15	11	Senate		Yes	Nea
1	62	1010	72	Banking/Finance	16	10	Senate		Yes	Yea
1	64	1012	74	Banking/Finance	15	11	Senate	Senate Resolution	Yes	Yea
1	65	1013	75	Banking/Finance	9	16	Senate Amendment	House Resolution	No	Nay
1	66	1014	76	Banking/Finance	6	19	Senate Amendment		Yes	Nay
1	67	1014	77	Banking/Finance	8	17	Senate Amendment		Yes	Nay
1	68	1014	78	Banking/Finance	9	15	Senate Amendment		Yes	Nay
1	69	1015	79	Banking/Finance	8	17	Senate Amendment		Yes	Nay
1	70	1015	80	Banking/Finance	5	20	Senate Amendment		Yes	Nay
1	71	1015	81	Banking/Finance	8	17	Senate Amendment		Yes	Nay
1	72	1016	82	Banking/Finance	12	14	Senate Amendment		No	Nay
1	73	1016	83	Banking/Finance	14	12	Senate		Yes	Yea
1	74	1020	84	Banking/Finance	12	12	House Amendment	House Amendment	No	Nay
1	75	1020	85	Banking/Finance	12	12	Senate	House Amendment	Yes	Nay
1	76	1021	86	Banking/Finance	8	16	Senate	House Amendment	Yes	Nay
1	77	1021	87	Banking/Finance	13	11	Senate	House Amendment	No	Nay
1	78	1021	88	Banking/Finance	11	13	Senate	House Amendment	Yes	Nay

1	80	1022	90	Banking/Finance	8	16	Senate	House Amendment	Yes	Nay
1	81	1022	91	Banking/Finance	12	12	Senate	House Amendment	No	Nay
1	82	1022	92	Banking/Finance	8	16	Senate	House Amendment	Yes	Nay
1	83	1739	93	Banking/Finance	20	1	Senate		No	Yea
1	84	1745	94	Banking/Finance	11	10	Senate Amendment	Senate Resolution	Yes	Yea
1	85	1748	95	Banking/Finance	6	16	Senate Amendment	Senate Resolution	Yes	Nay
1	86	1748	96	Banking/Finance	5	18	Senate Amendment	Senate Resolution	Yes	Nay
1	87	240J	97	Presidential Authority	9	14	Senate Amendment	House Resolution	Yes	Nay
1	88	263J	98	Tax Rate	20	5	Senate	House Resolution	Yes	Yea
1	91	1761	101	Military	15	7	Senate	House Resolution	Yes	Yea
1	92	275J	102	Military	8	18	Senate Amendment	House Resolution	Yes	Nay
1	98	1769	108	Banking/Finance	9	17	Senate Amendment	House Resolution	Yes	Nay
2	7	43	17	Apportionment	9	15	Senate Resolution		Yes	Nay
2	8	43	18	Apportionment	11	13	Senate Amendment	HR 147	Yes	Yea
2	11	47	21	Apportionment	12	12	Senate Amendment	HR 147	Yes	Yea
2	12	47	22	Apportionment	14	10	Senate	HR 147	Yes	Yea
2	13	49	23	Apportionment	12	12	House Amendment	HR 147	Yes	Nay
2	14	51	24	Apportionment	12	12	House Amendment	HR 147	Yes	Yea
2	16	84	26	Indian Affairs	13	12	Senate Amendment	HR 162	Yes	Nay
2	18	89	28	Indian Affairs	15	12	Senate	HR 162	Yes	Yea
2	19	91	29	Presidential Authority	8	18	Senate Amendment	HR 162	Yes	Nay
2	20	92	30	Indian Affairs	8	18	Senate Amendment	HR 162	Yes	Nay
2	21	92	31	Indian Affairs	12	15	Senate Amendment	HR 162	No	Yea
2	22	93	32	Indian Affairs	16	11	Senate	HR 162	Yes	Yea
2	23	93	33	Apportionment	11	16	Senate Amendment	HR 179	Yes	Nay
2	25	102	35	Apportionment	13	14	Senate Amendment	HR 179	Yes	Nay
2	26	102	36	Apportionment	15	12	Senate Amendment	HR 179	Yes	Nay
2	27	102	37	Apportionment	11	16	Senate Amendment	HR 179	Yes	Nay
2	29	103	38	Apportionment	15	12	Senate Amendment	HR 179	Yes	Nay
2	30	105	40	Apportionment	14	13	Senate Amendment	HR 179	Yes	Yea
2	31	106	41	Apportionment	7	20	Senate Amendment	HR 179	Yes	Nay
2	32	106	42	Apportionment	11	16	Senate Amendment	HR 179	Yes	Nay
2	33	106	43	Apportionment	14	13	Senate	HR 179	Yes	Yea
2	35	111	45	Apportionment	14	13	Senate Amendment	HR 179	Yes	Yea

2	36	111	46	Apportionment	9	17	Senate Amendment	HR 179	Yes	Nay
2	38	115	48	Federal Authority	22	1	Senate	HR 148	Yes	Yea
2	39	124	49	Presidential Authority	11	11	Senate	HR 174	No	Nay
2	48	639	58	Banking/Finance	11	17	Senate		Yes	Yea
2	49	651	59	Presidential Authority	19	9	Senate	House Resolution	No	Yea
2	51	656	61	Indian Affairs	11	16	Senate Amendment		Yes	Yea
3	5	30	15	Govt authority	23	2	Senate Resolution		Yes	Nay
3	6	32	16	Govt authority	13	12	Senate Amendment	SJR 1	No	Nay
3	7	32	17	Govt authority	12	13	Senate	SJR 1	No	Nay
3	19	66	29	Govt authority	11	13	Senate Amendment	S 4	Yes	Nay
3	20	67	30	Govt authority	17	7	Senate Amendment	S 4	Yes	Yea
3	22	68	32	Presidential Authority	12	12	Senate Amendment	S 4	No	Yea
3	23	68	33	Govt authority	12	12	Senate	S 4	Yes	Yea
3	37	96	47	Indian Affairs	9	11	Senate Amendment	S 11	Yes	Nay
3	43	106	53	Presidential Authority	10	9	Senate	S 15	Yes	Nay
3	44	106	54	Presidential Authority	11	8	Senate Amendment	S 15	Yes	Yea
3	47	110	57	Banking/Finance	9	11	Senate Amendment	HR 39	No	Nay
3	48	111	58	Presidential Authority	8	12	Senate Amendment	S 18	Yes	Nay
3	51	113	61	Indian Affairs	12	8	Senate	S 18	Yes	Yea
3	52	114	62	Presidential Authority	14	5	Senate Amendment	HR 30	Yes	Nay
3	53	116	63	Tax Rates	7	13	Senate Amendment	HR 20	Yes	Nay
3	54	120	64	Tax Rates	12	8	Senate	HR 55	Yes	Yea
3	55	124	65	Presidential Authority	16	3	Senate Amendment	HR 49	Yes	Nay
3	56	124	66	Indian Affairs	13	4	Senate Amendment	HR 49	Yes	Yea
3	57	125	67	Indian Affairs	7	10	Senate Amendment	HR 49	Yes	Yea
3	59	131	69	Presidential Authority	15	4	Senate Amendment	HR 49	Yes	Nay
3	64	812	74	Federal Authority	13	11	Senate Amendment	HR 83	Yes	Nay
3	72	837	82	Indian Affairs	12	7	Senate	S 30	No	Yea
3	73	840	83	Banking/Finance	15	9	Senate Amendment	HR 110	Yes	Yea
3	75	843	85	Banking/Finance	21	1	Senate	HR 110	Yes	Yea
3	76	846	86	Banking/Finance	15	6	Senate	HR 113	Yes	Yea
4	21	38	43	Govt authority	12	11	Senate Amendment		No	Nay
4	45	83	61	Public Lands	11	11	Senate Amendment	HR 135	No	Nay
4	47	88	62	Indian Affairs	11	13	Senate Amendment	HR 137	Yes	Nay



4	48	88	63	Indian Affairs	11	14	Senate Amendment	HR 137	Yes	Nay
4	49	89	64	Indian Affairs	17	8	Senate	HR 137	Yes	Yea
4	51	91	66	National Bank	13	12	Senate Amendment	HR 164	No	Nay
4	54	95	69	National Bank	8	12	Senate Amendment	HR 164	No	Yea
4	55	95	70	National Bank	12	13	Senate Amendment	HR 164	No	Yea
4	56	95	71	National Bank	14	10	Senate	HR 164	No	Yea
4	58	99	73	Govt authority	7	14	House Amendment	S 37	Yes	Nay
4	68	1532	82	Govt authority	10	16	Senate		Yes	Yea
4	72	1541	85	Govt authority	14	14	Senate		Yes	Yea
4	74	1553	87	Govt authority	13	18	Senate Amendment		Yes	Nay
4	75	1554	88	Military	15	17	Senate Amendment		Yes	Nay
4	78	1565	91	Govt authority	14	16	Senate Amendment		Yes	Nay
4	80	1569	93	Govt authority	15	15	Senate		Yes	Yea
5	9	18	41	Military	18	8	Senate	S 3	Yes	Yea
5	10	18	42	Military	11	18	Senate Amendment	S 4	Yes	Nay
5	11	19	43	Military	13	15	Senate Amendment	S 4	Yes	Yea
5	12	19	44	Military	15	13	Senate Amendment	S 4	Yes	Yea
5	13	20	45	Military	12	15	Senate Amendment	S 4	Yes	Nay
5	15	22	47	Military	16	13	Senate	S 4	Yes	Yea
5	16	24	48	Military	9	18	Senate Amendment	HR 1	Yes	Nay
5	19	28	50	Presidential Authority	12	15	Senate Amendment		Yes	Nay
5	21	30	52	Presidential Authority	12	15	Senate	Senate Resolution	Yes	Yea
5	23	36	54	Tax Rates	20	7	Senate	HR 8	Yes	Yea
5	34	492	62	Tax Rates	9	15	Senate Amendment	HR 32	Yes	Nay
5	53	493	63	Tax Rates	16	9	Senate Amendment	HR 32	Yes	Yea
5	41	507	69	Indian Affairs	16	11	Senate	S 43	Yes	Yea
5	46	515	74	Federal Authority	8	20	Senate Amendment	S12	Yes	Nay
5	48	515	75	Govt authority	20	8	Senate	S 12	Yes	Yea
5	57	525	83	Federal Authority	15	9	Senate	HR 58	Yes	Yea
5	58	528	84	Presidential Authority	24	3	Senate	S 14	Yes	Yea
5	65	539	91	Govt authority	17	6	Senate	HR 65	Yes	Yea
5	66	541	92	Military	10	15	Senate	S 18	Yes	Nay
5	67	541	93	Military	19	6	Senate	S 18	Yes	Yea
5	68	544	94	Military	16	7	Senate	S 19		Yea

5	70	546	96	Military	13	8	Senate	S 19	Yes	Nay
5	71	545	97	Military	13	8	Senate	S 19	Yes	Yea
5	72	547	98	Military	12	9	House Amendment	HR 115	No	Yea
5	76	556	101	Presidential Authority	9	12	Senate Amendment	S 26	Yes	Nay
5	81	563	106	Military	16	7	Senate	S 22	Yes	Yea
5	83	565	108	Govt authority	22	1	Senate Amendment	S 26	Yes	Yea
5	84	566	109	Presidential Authority	8	14	Senate Amendment	S 26	Yes	Yea
5	85	566	110	Presidential Authority	10	13	Senate Amendment	S 26	Yes	Nay
5	86	566	111	Presidential Authority	10	13	Senate Amendment	S 26	Yes	Nay
5	87	566	112	Presidential Authority	10	13	Senate Amendment	S 26	Yes	Nay
5	88	567	113	Govt authority	14	10	Senate Amendment	S 26	Yes	Yea
5	89	567	114	Govt authority	20	4	Senate Amendment	S 26	Yes	Yea
5	91	568	116	Govt authority	16	6	Senate Amendment	S 26	Yes	Yea
5	93	569	118	Presidential Authority	10	14	Senate Amendment	S 27	Yes	Yea
5	98	575	122	Govt authority	6	17	Senate Amendment	S 26	Yes	Nay
5	99	575	123	Govt authority	16	7	Senate Amendment	S 26	Yes	Yea
5	100	577	124	Govt authority	10	11	Senate Amendment	HR 92	Yes	Nay
5	101	578	125	Govt authority	8	13	Senate Amendment	HR 92	Yes	Nay
5	102	578	126	Govt authority	13	8	Senate	HR 92	Yes	Yea
5	103	578	127	Military	10	12	Senate Amendment	S 25	No	Nay
5	104	579	128	Military	8	15	Senate Amendment	S 25	No	Nay
5	105	579	129	Military	16	7	Senate	S 25	Yes	Yea
5	106	580	130	Military	16	7	Senate	S 25	Yes	Yea
5	107	582	131	Military	15	3	Senate		Yes	Yea
5	108	583	132	Military	20	2	Senate	HR 106	Yes	Yea
5	109	584	133	Presidential Authority	16	5	Senate	HR 19	Yes	Yea
5	111	585	135	National Bank	19	1	Senate Amendment	S 28	Yes	Yea
5	113	586	137	National Bank	15	6	Senate	S 28	Yes	Yea
5	123	593	147	Federal Authority	3	17	Senate Amendment	S 30	Yes	Nay
5	126	594	150	Tax Rates	10	11	Senate Amendment	HR 143	Yes	Nay
5	127	594	151	Tax Rates	6	14	Senate Amendment	HR 143		Nay
5	128	595	152	Tax Rates	11	8	Senate Amendment	HR 143	Yes	Nay
5	129	595	153	Tax Rates	10	11	Senate Amendment	HR 143	Yes	Yea
5	131	596	155	Tax Rates	10	12	Senate Amendment	HR 143	Yes	Nay

5	132	597	156	Tax Rates	11	11	Senate Amendment	HR 143	Yes	Yea
5	133	597	157	Tax Rates	22	0	Senate	HR 143	Yes	Yea
5	136	598	159	Banking/Finance	15	6	Senate	HR 61	Yes	Yea
5	137	599	160	Govt authority	8	15	Senate Amendment	S 31	Yes	Nay
5	138	599	161	Govt authority	6	18	Senate Amendment	S 31	Yes	Nay
5	139	599	162	Govt authority	18	6	Senate	S 31	Yes	Yea
5	140	600	163	Govt authority	13	9	Senate	HR 217	Yes	Yea
5	142	602	165	Tax Rates	13	10	Senate Amendment	HR 116	Yes	Yea
5	143	603	166	Tax Rates	9	12	Senate Amendment	HR 116	Yes	Nay
5	144	603	167	Tax Rates	6	16	Senate Amendment	HR 116	Yes	Nay
5	145	604	168	Presidential Authority	11	9	Senate Amendment	HR 113	Yes	Nay
5	146	606	169	Banking/Finance	9	14	Senate Amendment	HR 113	Yes	Nay
5	147	606	170	Banking/Finance	19	4	Senate Amendment	HR 113	Yes	Yea
5	148	606	171	Presidential Authority	11	11	Senate Amendment	HR 113	Yes	Yea
5	150	608	173	Tax Rates	9	12	Senate	HR 116	Yes	Nay
5	151	608	174	Tax Rates	13	8	Senate	HR 116	Yes	Yea
5	154	610	177	Military	18	3	Senate	HR 123	Yes	Yea
5	156	611	179	Military	15	2	Senate	HR 125	Yes	Yea
5	166	617	189	Banking/Finance	9	10	Senate	HR 128	No	Yea
5	169	2199	190	Federal Authority	17	2	Senate		Yes	Yea
5	175	2206	192	Govt authority	18	2	Senate		Yes	Yea
5	185	2218	201	Presidential Authority	22	2	Senate		Yes	Yea
5	188	2224	203	Military	21	6	Senate		Yes	Yea
5	191	2227	204	Presidential Authority	17	8	Senate		Yes	Yea
5	193	2230	206	Federal Authority	16	12	Senate		Yes	Yea
5	200	2240	210	Presidential Authority	13	11	Senate Amendment		Yes	Yea
6	6	45	45	Military	17	14	Senate Amendment	HR 188	Yes	Nay
6	7	45	46	Military	21	10	Senate	HR 188	Yes	Yea
6	21	67	58	Govt authority	14	15	Senate Amendment	S 58	Yes	Yea
6	30	109	67	Judiciary	13	15	Senate Amendment	HR 186	Yes	Nay
6	31	110	68	Judiciary	12	14	Senate Amendment	HR 186	Yes	Nay
6	50	126	87	Judiciary	16	12	House Resolution	HR 186	Yes	Yea
6	58	157	94	Federal Authority	3	22	Senate Amendment	HR 218	Yes	Nay
6	59	161	95	Federal Authority	19	8	Senate Amendment	HR 218	Yes	Yea

6	64	165	100	Govt authority	10	15	Senate Amendment	HR 225		Nay
6	65	166	101	Federal Authority	15	10	Senate	HR 225	Yes	Yea
6	66	166	102	Presidential Authority	14	11	Senate Amendment	S 63	Yes	Nay
6	67	169	103	Military	19	6	Senate	S 63	Yes	Yea
6	68	170	104	Federal Authority	9	16	Senate Amendment	S 64	Yes	Nay
6	69	170	105	Presidential Authority	11	14	Senate Amendment	HR 210	Yes	Yea
6	70	170	106	Presidential Authority	10	15	Senate Amendment	HR 210	No	Nay
6	71	171	107	Presidential Authority	15	10	Senate	HR 210	No	Yea
6	72	171	108	Tax Rates	16	8	Senate	HR 248	Yes	Yea
6	110	741	122	Judiciary	13	17	Senate Amendment	HR 275	Yes	Yea
6	113	742	125	Judiciary	16	11	Senate	HR 275	Yes	Yea
7	27	46	37	National Authority	23	5	Senate	House Resolution	Yes	Yea
7	29	55	39	National Authority	15	13	Senate		Yes	Nay
7	36	183	46	National Authority	16	15	Senate		Yes	Nay
7	41	195	51	Military	15	10	Senate Amendment		Yes	Nay
7	43	201	53	Indian Affairs	12	8	Senate Amendment		Yes	Yea
7	44	205	54	Domestic Economy	8	17	Senate		Yes	Nay
7	45	207	55	Domestic Economy	24	2	House Resolution		Yes	Yea
7	46	206	56	Domestic Economy	21	2	Senate Amendment		Yes	Yea
7	47	250	57	Domestic Economy	15	11	House Resolution		Yes	Nay
7	48	252	58	National Authority	18	8	House Resolution		Yes	Yea
7	51	256	61	National Authority	11	15	Senate Resolution		Yes	Yea
7	52	257	62	National Authority	16	10	Senate Resolution		Yes	Nay
7	54	263	64	National Authority	5	20	Senate Resolution		Yes	Yea
7	56	267	66	National Authority	7	17	Senate Amendment	House Resolution	Yes	Yea
7	60	220	70	Domestic Economy	10	16	Senate Amendment		Yes	Yea
7	61	291	71	Domestic Economy	17	10	Senate		Yes	Nay
7	64	294	74	National Authority	12	14	Senate Amendment	House Resolution	Yes	Yea
7	65	294	75	National Authority	12	14	Senate Amendment		Yes	Yea
7	66	295	76	National Authority	8	18	Senate Amendment		Yes	Yea
7	67	296	77	National Authority	6	14	Senate Amendment		Yes	Yea
7	68	299	78	National Authority	8	14	Senate Amendment		Yes	Yea
7	69	296	79	National Authority	16	6	Senate		Yes	Nay
7	70	297	80	Military	15	6	Senate Amendment	House Resolution	Yes	Nay
7	71	301	81	Military	12	11	Senate	House Resolution	Yes	Nay
7	75	304	85	National Authority	15	8	Senate	House Resolution	Yes	Nay
8	50	26	60	Govt Authority	26	6	House Resolution	HR 142		Yea

8	52	73	62	Govt Authority	26	5	House Resolution	HR 133	Yea
8	56	124	66	Govt Authority	12	19	Senate Committee	Senate Amendment	Nay
8	57	124	67	Govt Authority	21	10	Senate Committee	Senate Amendment	Yea
8	58	137	68	Govt Authority	22	10	Senate Committee	Senate Amendment	Nay
8	59	209	69	Govt Authority	22	10	Senate Committee	Senate Resolution	Yea
8	60	214	70	Govt Authority	4	25	Senate	Senate Resolution	Nay
8	63	215	73	Govt Authority	17	12	Senate	HR 140	Nay
8	72	227	82	Govt Authority	18	8	Senate Amendment	HR 142	Yea
8	74	229	84	Govt Authority	4	22	Senate	Senate Resolution	Nay
8	75	229	85	Govt Authority	4	22	Senate	Senate Resolution	Nay
8	76	229	86	Govt Authority	0	26	Senate	Senate Resolution	Nay
8	80	233	90	Govt Authority	12	18	Senate Amendment	S 23	Yea
8	81	234	91	Govt Authority	12	18	Senate Amendment	S 23	Nay
8	83	239	93	Govt Authority	14	14	Senate Amendment	S 23	Nay
8	84	240	94	Govt Authority	6	22	Senate Amendment	S 23	Nay
8	85	240	95	Govt Authority	21	6	Senate Amendment	S 23	Yea
8	86	242	96	Govt Authority	11	17	Senate Amendment	S 23	Yea
8	87	242	97	Govt Authority	21	7	Senate Amendment	S 23	Yea
8	89	244	99	Govt Authority	18	11	Senate Amendment	S 23	Yea
8	88	244	89	Govt Authority	13	15	Senate Amendment	S 23	Yea
8	90	245	100	Govt Authority	16	9	Senate Amendment	S 23	Yea
8	91	248	101	Govt Authority	10	18	Senate Amendment	S 23	Nay
8	93	251	103	Govt Authority	5	19	Senate Amendment	S 23	Yea
8	97	255	107	Govt Authority	9	19	Senate Amendment	S 23	Nay
8	98	255	108	Govt Authority	11	17	Senate Amendment	S 23	Nay
8	99	256	109	Govt Authority	8	18	Senate Amendment	S 23	Yea
8	100	257	110	Govt Authority	20	5	Senate	S 23	Yea
8	102	258	112	Presidential Authority	21	10	Senate	Senate Resolution	Nay
8	108	273	118	Govt Authority	13	15	Senate Amendment	HR 158	Yea
8	109	275	119	Military	14	12	Senate Amendment	HR 185	Nay
8	110	281	120	Govt Authority	17	10	Senate Amendment	HR 176	Yea
8	113	290	123	Govt Authority	6	22	House Amendment	S 23	Nay
8	119	300	129	Domestic Economy	8	17	Senate	HR 219	Nay
8	123	397J	133	Domestic Economy	8	18	Senate Amendment	HR 219	Nay

8	124	302	134	Domestic Economy	8	17	Senate Amendment	HR 219		Nay
8	125	303	135	Domestic Economy	7	20	Senate Amendment	HR 219		Nay
8	126	304	136	Military	20	5	Senate	HR 219		Yea
8	139	49	149	Govt Authority	12	22	Senate	HR 5		Yea
8	140	50	150	Presidential Authority	13	20	Senate	HR 5		Yea
8	141	51	151	Govt Authority	26	6	Senate	HR 33		Yea
8	144	62	154	Military	16	18	Senate Amendment	HR 5		Yea
8	145	63	155	Govt Authority	20	8	Senate	HR 5		Yea
8	148	68	158	Housekeeping	18	13	Senate	S 10		Yea
9	13	41J	23	Foreign Affairs	13	18	Senate Amendment			Nay
9	14	42J	24	Foreign Affairs	9	20	Senate Amendment			Nay
9	15	42J	25	Foreign Affairs	17	11	Senate			Yea
9	44	141	54	Government Authority	15	11	Senate			Yea
9	45	141	55	Military	8	19	Senate			Yea
9	46	143	56	Government Authority	17	11	Senate Amendment	Senate Resolution		Yea
9	47	162	57	Government Authority	19	9	Senate Amendment	Senate Resolution		Yea
9	48	162	58	Government Authority	22	4	Senate	Senate Resolution		Yea
9	54	184	64	Government Authority	25	2	Senate			Yea
9	56	208	66	Government Authority	19	11	Senate			Yea
9	59	227	69	Domestic Economy	7	21	Senate Amendment	Senate Resolution		Nay
9	60	227	70	Domestic Economy	22	6	Senate			Yea
9	72	56	82	Government Authority	17	15	Senate			Yea
9	73	71	83	Domestic Economy	17	15	Senate	House Resolution		Nay
9	74	75	84	Domestic Economy	15	14	Senate Amendment			Nay
9	75	75	85	Domestic Economy	13	14	Senate Amendment			Nay
9	77	88	87	Domestic Economy	15	12	Senate			Nay
9	78	91	88	Domestic Economy	15	13	Senate			Nay
9	79	96	89	Government Authority	18	8	Senate Amendment			Yea
9	81	97	91	Government Authority	22	3	Senate			Yea
9	82	101	92	Domestic Economy	9	21	Senate Amendment			Nay
9	83	101	93	Domestic Economy	20	11	Senate			Nay
9	88	105	98	Domestic Economy	17	7	Senate			Nay

Note: National position in bold.

Description	Congress	Roll Call
to pass Judiciary Act	1	4
to strike clause regarding the president's dealing with the appointment of the chief clerk	1	5
to agree to a bill establishing the Department of Foreign Affairs	1	6
to deny removal of officers in Department of War by president	1	7
to require presidential acts in the Northwest Territories be approved by Senate	1	8
to reduce amount appropriated for Indian Treaties	1	9
to rescind from disagreement that in absence of Secretary of Treasury, the assistant is in charge	1	10
to allow states to instruct Senators	1	15
to raise military troops without 2/3rd consent of Congress	1	16
to reconsider amendment relating to trials of navy crews	1	18
to fund debt at 4%	1	39
to authorize president to purchase land for West Point	1	40
to pass bill authorizing West Point	1	41
to authorize \$21 million for state assumption	1	60
to allow states unlimited time to make claims for assumption	1	61
to authorize a loan to the United States	1	62
to combine assumption with funding of debt	1	64
to fund continental dollars at 40:1	1	65
to issue certificates to all subscribers of the loan	1	66
to allow subscribers to loan to pay subscription in interest and principal	1	67
to pay subscribers to loan 6% after 1800	1	68
to pay subscribers to loan 4%	1	69
to pay subscribers to loan 6%	1	70
to pay subscribers to loan 4%	1	71
to remove regulation pertaining to debt assumption	1	72
to pass the debt bill	1	73
to allow holders of certificates a second certificate at 33.3:100 and pay 6% interest thereafter	1	74
to entitle subscribers to loan 6% interest on deferred certificate after 1797	1	75
to change interest from 3% to 4%	1	76
to entitle subscribers to debt second certificate funded at 33.3:100	1	77
to agree with 6% interest on deferred part of loan after 1800	1	78

to pay 6% after 1797	1	80
to redeem certificates at 8% and not 7% on principal and interest	1	81
to pay 4% on 1/3rd of principal	1	82
to not alter current system of funding national debt	1	83
to extend charter of national bank	1	84
to limit charter of national bank to ten, not twenty, years	1	85
to eliminate non-competition clause from bank bill	1	86
to eliminate president's authority to appoint tax collectors during Senate recess	1	87
to pass liquor tax bill	1	88
to increase number of non-commissioned officers	1	91
to decrease number of non-commissioned officers	1	92
to abolish national bank after 1802	1	98
to set size of House at 113 and apportion representatives 1:30,000	2	7
to apportion house at ratio of 33,000:1	2	8
to set size of House at 99 and apportion representatives 1:33,000	2	11
to pass apportionment bill setting size of house at 99 and apportioning representatives at 1:33,000	2	12
to recede from setting size of House at 99 and apportioning representatives at 1:33,000	2	13
to adhere to disagreement with House over specified number of representatives	2	14
to discharge regiments from frontier when peace is declared with Indian tribes	2	16
to raise three additional infantry regiments until peace is declared with Indians	2	18
to deny president authorization to employ Indians in protection of frontier	2	19
to reduce the number of men in each frontier regiment	2	20
to authorize the president to enlist woodsmen in the military	2	21
to pass the frontier protection bill	2	22
to conduct a second census and apportion representatives at ration of 30,000:1 and set size of House at 100	2	23
to make new apportionment figures effective in 1793 and set size of House at 120	2	25
to remove cap of House membership at 120	2	26
to set size of House at 112	2	27
to set size of House at 112 after 1796	2	29
to disagree with House decision to set size of House at 120	2	30
apportion representatives at 30,000:1 with remainders going to states with largest fractions	2	31
to set House membership at 120 and apportion reps at 30,000:1	2	32
to pass apportionment bill	2	33
to cap House membership at 120	2	35



to recede from all Senate amendments to apportionment bill	2	36
to pass bill creating uniform militia throughout US	2	38
to authorize president to grant land to the Ohio company	2	39
to settle all accounts with the states	2	48
to authorize president to borrow money on account of certain states	2	49
to license anyone trading with Indians	2	51
to prohibit federal courts from hearing suits against states brought by foreigners or residents of another state	3	5
to prohibit members of Congress from holding office in the Bank of the United States	3	6
to pass prohibition of members of Congress from holding office in the Bank of the United States	3	7
to limit punishment for crimes against the US bill for six months	3	19
to enforce the above bill for two years	3	20
to authorize president to detain foreign vessels in US ports	3	22
to pass the crimes against the US bill	3	23
to deny president authorization to augment rations for soldiers	3	37
to specify when president may obtain naval ships during recess of Congress	3	43
to allow president to borrow and appropriate money for naval ships	3	44
to strike interest schedule from assumption bill	3	47
to deny president discretionary authorization to raise additional military forces	3	48
to pass bill increasing size of army	3	51
to restrict president's discretionary power to lay embargos while Congress is in session	3	52
to strike tax caps on sugar and tobacco	3	53
to pass carriage tax	3	54
to restrict president's discretionary authority over the troops protecting Southwest frontier	3	55
to authorize president to increase the number of regiments on the Southwest frontier	3	56
to subject persons warring against Indians the rules of war established for US troops	3	57
to restrict president's discretionary authority to increase the number of regiments on the SW frontier	3	59
to allow any free white person to become a citizen of the US	3	64
to pass bill to prevent attacks on Indians south of Ohio River	3	72
to require states to settle accounts within twenty years	3	73
to pass public credit bill and redemption of public debt	3	75
to pass bill to effectively recover debts due to the US from individuals	3	76
to assign patents to aliens	4	21
to extend rights of bill pertaining to sale of lands in NW Territories to anyone	4	45
to allow individuals to enter Indian territory illegally without penalty	4	47

to eliminate fine for entering Indian territory illegally	4	48
to pass bill regulating trade with Indians	4	49
to sell shares of stock in US Bank instead of certificates of stock to pay off national debt	4	51
to strike clause authorizing sale of stock in US Bank instead of certificates of stock	4	54
to sell as many shares in US Bank as allowable by law	4	55
to pass bill authorizing sale of stock in US Bank to pay off national debt	4	56
to provide federal benefits to debtors equal to those provided by the state	4	58
to allow Senate to inspect records regarding accounts to be settled between US and states	4	68
to pass bill regarding punishment for fraud against Bank of the US	4	72
to recede from Senate amendment to call debtor states only for sums they had assumed	4	74
to strike out all references to dragoons in the military bill	4	75
to recede from Senate amendment to call debtor states only for sums they had assumed	4	78
to authorize president to lay, regulate, and revoke embargoes	4	80
to pass bill to add corp of engineers	5	9
to prohibit president from purchasing additional ships	5	10
to authorize president to use ships to protect US trade	5	11
to authorize president to use ships to protect US trade in US waters (harbors and ports)	5	12
to deny president authorization to raise additional ships	5	13
to pass navy augmentation bill	5	15
to prohibit credit on public debt states providing own fortification	5	16
to prohibit president from using a discretionary power to embargo ships in US ports when Congress is in session	5	19
to pass bill to authorize president to regulate embargos	5	21
to pass stamp act	5	23
to include states in tax bill	5	34
to amend to amendment rejected above	5	33
to pass bill authorizing president to allow trading in US territory for benefit of state or individual	5	41
to authorize MS territorial government after consent of Georgia obtained	5	46
to pass bill establishing Georgia boundaries with Mississippi territory	5	48
to pass bill consenting to legislation passed by MA legislature	5	57
to pass bill authorizing president to purchase arms	5	58
to pass bill appropriating funds for DC	5	65
to extend term of navy bill from one to four years	5	66
to pass navy bill	5	67
to order third reading of bill authorizing president to raise provisional army	5	68

to limit provisional army for three years	5	70
to pass bill authorizing president to raise provisional army	5	71
to allow merchant marine convoys	5	72
to deny president authority to waive alien extradition	5	76
to pass harbor protection bill	5	81
to require all ship captains to record names of aliens aboard to report to customs officials	5	83
to authorize president to remove any alien for any action contrary to alien act	5	84
to eliminate president's authority to remove certain aliens	5	85
to eliminate president's authority to remove aliens suspected of treason	5	86
to provide Congress with all information regarding removal of aliens by the Secretary of State	5	87
to omit clause in naturalization act allowing aliens to renounce allegiance to home country after passage of Act	5	88
to exclude from naturalization act those aliens who have renounced their citizenship	5	89
to imprison for life any illegal aliens staying after deportation order	5	91
to allow president to prescribe regulations regarding alien act	5	93
to inform aliens of the cause of their removal	5	98
to pass Alien Enemies Act	5	99
to reduce the time necessary to become a citizen	5	100
to allow an alien to become a citizen by means other than proscribed by existing law	5	101
to pass naturalization act	5	102
to limit amount of interest to be paid on loaned vessels	5	103
to limit the number of guns to be provided by privateers	5	104
to authorize president to accept any vessel by use of military	5	105
to pass bill authorizing president to accept armed vessels by use of the US	5	106
to pass harbor protection bill	5	107
to pass bill to equip galleys	5	108
to pass bill authorizing president to raise provisional army	5	109
to allow Senate to set punishment for fraud against Bank of US	5	111
to pass bill regarding fraud against Bank of US	5	113
to allow states to regulate arrival of foreigners	5	123
to exempt uncultivated lands from taxation	5	126
to reconsider exemption of uncultivated lands from taxation	5	127
to exempt disabled slaves from taxation	5	128
to strike provision that limits enumeration of slaves to those between 12 and 50	5	129
to exclude uncultivated property except farm property or wooded property	5	131

to eliminate age limit on slaves to be enumerated	5	132
to pass direct taxation bill	5	133
to pass bill limiting time for which claims can be filed for credits against US	5	136
to exclude from Sedition Act speech or publication defaming president, courts, or judges	5	137
to eliminate prohibition of scandalous or libelous writings against the president, courts, or judges	5	138
to pass Sedition Act	5	139
to pass bill regulating sale of lands in the NW territory	5	140
to strike cap on amount of direct tax	5	142
to exempt from national tax property not assessed by the states	5	143
to make all personal property taxable	5	144
to stipulate the amount of money the president may borrow for the public service	5	145
to fix the amount of interest to be paid on money borrowed for the public service	5	146
to eliminate clause in public service bill providing loans are fixed and irredeemable after 25 years	5	147
to allow the president to borrow any amount he wants for the public service	5	148
to eliminate the valuation of property from \$100 to \$500	5	150
to recede from amendment capping valuation of lots and dwellings at \$500	5	151
to pass appropriations for additional navy armaments	5	154
to pass bill augmenting army	5	156
to pass bill considering debts owed the US by the states	5	166
to hear a bill regarding cessation of CT lands in the west	5	169
to pass crimes against the US bill	5	175
to pass bill authorizing president to use retaliatory measures	5	185
to pass army augmentation bill	5	188
to authorize president to release governor of CT for responsibility over western lands	5	191
to accept the cessation of CT western lands	5	193
to authorize president to call on governors	5	200
to strike provision of naval bill not preventing president from employing officers for recruiting	6	6
to pass naval bill	6	7
to recognize electors from any state whether authorized by legislature or not	6	21
to apply uniform bankruptcy proceedings to merchants only	6	30
to exclude farmers, townkeepers, and others from consideration under the bankruptcy bill	6	31
to pass bankruptcy bill	6	50
to place restrictions on commission settling land claims in with Georgia	6	58
to allow a commission to hear land claims in Georgia territory	6	59

to authorize AG to determine the title of Western lands	6	64
to pass bill accepting release of Connecticut western land claims	6	65
to deny president suspension of further military appointments	6	66
to pass military augmentation bill	6	67
to determine jurors by lot or by the selection methods of the highest court in state as far as it is practical in US courts	6	68
to eliminate provision limiting amount president is allowed to borrow	6	69
to reduce time for repayment of loan from fifteen to eight years	6	70
to pass the bill authorizing president to borrow money	6	71
to pass salt tax	6	72
to establish four circuit courts, increase size of Supreme Court from six to eight	6	110
to pass judiciary bill	6	113
to apportion representatives at 33,000:1	7	27
to repeal Judiciary Act	7	29
to pass court reorganization bill	7	36
to reduce size of military	7	41
	7	43
to refund tax stamp at 17.5%	7	44
to provide better security for public monies	7	45
to refund tax stamp at 7.5%	7	46
to repeal internal taxes	7	47
to pass naturalization bill	7	48
to authorize president to appoint bankruptcy commissioners	7	51
to pass court reorganization bill	7	52
to add to US land claims those Indian land claims in Tennessee not claimed by North Carolina	7	54
to make an offense refusal to give right of way to vehicles carrying mail	7	56
to appropriate annually to sinking fund to an amount not to exceed \$7.3 million	7	60
to pass redemption of public debt bill	7	61
to require Ohio to take land sold by US Congress off tax roles for five years	7	64
to apply 1/20 of proceeds from Ohio land sales to road construction	7	65
to set aside land for public use in Ohio for period of ten years	7	66
to establish public lands around Salt Springs, Ohio	7	67
to remove from tax roll for five years land sold in Ohio	7	68
to pass Northwest Territory bill	7	69
to authorize president to reduce size of navy	7	70
to pass navy reorganization bill	7	71
to adopt constitutional amendment twelve providing voters designate ballot choices	7	75
to assume jurisdiction over Louisiana Territory	8	50

to authorize purchase of Louisiana Territory	8	52
to send five names to House if no candidate wins majority in electoral college	8	56
to send three names to the House if no candidate wins majority in electoral college	8	57
to have vice president serve as president if House fails to make a choice	8	58
to adopt constitutional amendment resolution	8	59
to send to states constitutional amendment placing term limits on president	8	60
to repeal uniform system of bankruptcy bill	8	63
to begin jurisdiction over Louisiana Territory	8	72
to recognize that Congress does not have consent to impose taxes on residents of Louisiana	8	74
to recognize that Congress acted unconstitutionally by imposing taxes on residents of Louisiana	8	75
to recognize that the House has sole authority to impose taxes on residents of Louisiana	8	76
to allow legislative council in Louisiana to send a non-voting delegate to the US House	8	80
to strike section from Louisiana bill vesting legislative powers in a 24 person council and governor	8	81
to strike section authorizing governor to appoint legislative council	8	83
to strike section prohibiting slaves into Louisiana Territory	8	84
to prohibit importation of slaves into Louisiana Territory	8	85
to allow males slaves freedom after one year of living in Louisiana	8	86
to prohibit importation of slaves into Louisiana Territory from any where in US	8	87
to allow only those slaves into Louisiana that are owned by US citizen	8	89
to prohibit importation of slaves into Louisiana Territory unless they are property already	8	88
to allow president to appoint governor of Louisiana Territory	8	90
to allow any white resident to serve on juries	8	91
to prescribe method of selecting members to Louisiana Assembly	8	93
to allow slaves into Louisiana Territory	8	97
to grant slaves freedom if owner violates provisions of Louisiana Act	8	98
to prohibit importation of slaves into Louisiana from any state that allows their foreign importation	8	99
to pass Louisiana Act	8	100
to request Secretary of Navy present Senate with expenditure report	8	102
to appoint road commissioner	8	108
to reduce size of military and marine corps	8	109
to build post road from Tennessee to Georgia and from Georgia to New Orleans	8	110
to allow all free white males to vote for Louisiana Assembly	8	113
to strike tariff increase to protect navy seamen	8	119
to strike tariff increase to fight piracy	8	123

to reduce tariff	8	124
to reduce tariff and tonnage on foreign vessels	8	125
to pass bill protecting navy seamen	8	126
to require owners of armed merchant vessels to post bond	8	139
to make merchant vessels bill effective upon president's signature	8	140
to pass bill authorizing postmaster general to make new mail carrying contract	8	141
to punish all crimes on high seas as if they were committed on US waters	8	144
to pass bill regulating armed merchant vessels	8	145
to pass franking bill	8	148
to reduce amount appropriated for the foreign intercourse bill	9	13
to state reason for purchase of Florida	9	14
to pass foreign intercourse bill regarding purchase of Florida from Spain	9	15
to extend powers of general surveyor to Louisiana	9	44
to class militia and assign each class particular duties	9	45
to set punishment for counterfeiting	9	46
to punish counterfeiting of current and actual use of coins used in circulation as money	9	47
to pass counterfeiting bill	9	48
to settle land claims with Tennessee and authorize the state to issue grants and titles	9	54
to provide for disposal of lands south of Tennessee	9	56
to prohibit sale of federal lands for redemption of public debt	9	59
to pass the public credit bill	9	60
to prohibit sale of lands ceded to US unless authorized by Congress	9	72
to repeal the salt tax for any purpose	9	73
to repeal the salt tax	9	74
to prohibit any future taxes on salt	9	75
to repeal taxes on salt	9	77
to adhere to all amendemtns pertaining to repeal of salt taxes	9	78
to appoint commissioners to enquire into navigation on Ohio River	9	79
to have Secretary of Treasury present plan on internal improvements	9	81
to prohibit use of salt tax for protection of American seamen	9	82
to repeal salt tax in nine not six months	9	83
to repeal taxes on salt	9	88

## Appendix C

In the contemporary Congress, the partisan affiliation of MCs is widely known and available to the public. Unfortunately, the partisanship of the earliest MCs is considerably more difficult to obtain. It was not until the 28<sup>th</sup> Congress when the party membership of congressmen were first reported as part of the *Register*. This is not to say that contemporaries did not know the partisan affiliation of those serving in the 1st-27th Congress. In many instances, though, party labels held little meaning for the general public (Formisano 1974). There have been, Hoadley (1986) notes, several attempts by historians and political scientists to identify the party affiliation of MCs serving prior to 1843.<sup>98</sup> One of the earliest attempts was Poore's ([1878] 1997) *Biographical Directory of the American Congress 1774-1996*.<sup>99</sup> Compiled from numerous historical sources including biographies and historical associations, the collection falls short of identifying the affiliation of every member.<sup>100</sup> In a second study, Paullin (1904) identified the party affiliation of members serving in the 1<sup>st</sup> House based on their support or opposition to ratification of the US Constitution. This coding strategy is advantageous because it is not biased by subsequent roll call behavior. Unfortunately, the utility of the Paullin collection is limited since he only classified the 1<sup>st</sup> House. More recently, Dauer (1953) compiled a more complete record of the partisanship of Representatives. He classified House members serving in the 4<sup>th</sup> through the 7<sup>th</sup> Congress based on the identification of

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<sup>98</sup> The following discussion is borrowed from Hoadley (1986).

<sup>99</sup> This volume has the official sanction of the US Congress.

<sup>100</sup> Hoadley (1986) notes that the partisanship of as many as 10% of the members serving in the early Congress could not be identified.



the member at the time of his election. Again, this scheme is advantageous because any sort of subsequent voting behavior does not bias the partisan identification of members.

ICPSR records were compiled from the initial New Deal WPA project, but as many as 20% of MCs lack a partisan affiliation in the data set. Poole and Rosenthal (1997) have returned to the original partisan coding of the ICPSR data and have corrected many of their errors. Hoadley (1986) presents his own classification based on a Multi-Dimensional Scaling (MDS) analysis of roll call votes from members serving in the first seven congresses. While Hoadley's analysis provides the affiliation of all MCs serving during those congresses, they are based on the roll call voting behavior of members and are subject to other influences on the vote. Thus, while its completeness is attractive, it provides little information on how members perceived themselves or presented themselves to their constituents.

## Bibliography

- Ackerman, Bruce. 1991. *We the People: Foundations*. Cambridge, MA: Harvard University Press.
- Adams, Greg D. and Chris Fastnow. 2002. "Legislative Ideology Measures: The New Tower of Babel?" Carnegie Mellon University. Unpublished manuscript.
- Aldrich, John H. 1995. *Why Parties? The Origin and Transformation of Party Politics in America*. Chicago: University of Chicago Press.
- Arrow, Kenneth J. 1951. *Social Choice and Individual Values*. New York: John Wiley and Sons.
- Bach, Stanley. 1990. "Suspension of the Rules, the Order of Business, and the Development of Congressional Procedure." *Legislative Studies Quarterly* 15: 49-63.
- Baker, Richard Allan. 1988. *The Senate of the United States: A Bicentennial History*. Malabar, FL: Robert E. Krieger Publishing.
- Bell, Rudolph M. 1973. *Party and Faction in American Politics: The House of Representatives, 1789-1801*. Westport, CT: Greenwood Press.
- Binder, Sarah A. 1999. *Minority Rights, Majority Rule: Partisanship and the Development of Congress*. Cambridge: Cambridge University Press.
- Binder, Sarah A. and Steven S. Smith. 1997. *Politics or Principle: Filibustering in the United States Senate*. Washington, DC: Brookings.
- Burden, Barry C., Gregory A. Caldeira, and Tim Groseclose. 2000. "Measuring the Ideologies of US Senators: The Song Remains the Same." *Legislative Studies Quarterly* 25 (May): 237-258.
- Byrd, Robert C. 1991. *The Senate, 1789-1989, Addresses on the History of the United States Senate, Volume 2*. Washington, DC: Government Printing Office.
- Congressional Quarterly, Inc. 1982. *Origins and Development of Congress*, 2<sup>nd</sup> Edition. Washington, DC: CQ, Inc.

- Cox, Gary W. 1997. *Making Votes Count: Strategic Consideration in the World's Electoral Systems*. Cambridge: Cambridge University Press.
- Cooper, Joseph. 1970. "The Origins of the Standing Committees and the Development Of the Modern House." *Rice University Studies* 56 (3): 1-167.
- Cox, Gary W. and Mathew D. McCubbins. 1993. *Legislative Leviathan: Party Government in the House*. Berkeley: University of California Press.
- Cunningham, Noble E., Jr. 1965. *The Making of an American Party System: 1789-1809*. Englewood Cliffs: Prentice Hall.
- Dauer, Manning J. 1953. *The Adams Federalists*. Baltimore: Johns Hopkins Press.
- Dion, Douglas. 1999. *Turning the Legislative Thumbscrew*. Ann Arbor: University Of Michigan Press.
- Fink, Evelyn C. 2000. "Representation by Deliberation: Changes in the Rules of Deliberation in the US House of Representatives, 1789-1844." *Journal of Politics* 62 (Nov): 1109-1125.
- Follett, Mary Parker. 1902. *The Speaker of the House of Representatives*. New York: Longmans, Green.
- Formisano, Ronald P. 1981. "Federalist and Republicans: Parties, Yes—System, No." In *The Evolution of American Electoral Systems*. Eds. Paul Kleppner, Walter Dean Burnham, Ronald P. Formisano, Samuel P. Hays, Richard Jensen, and William G. Shade. Westport, CT: Greenwood Press.
- \_\_\_\_\_. 1974. "Deferential-Participant Parties: The Early Republic's Political Culture, 1789-1840." *American Political Science Review* 58: 473-87.
- Galloway, George. 1976. *History of the House of Representatives*, 2<sup>nd</sup> Edition. New York: Thomas Crowell.
- Gammon, Gary E. 1978. *The Role of the United States Senate: Its Conception and Its Performance*. Ph.D. Dissertation, Claremont Graduate School.
- Geddes, Barbara. 1996. "Institution of New Democratic Institutions in Eastern Europe and Latin America." In *Institutional Design in New Democracies: Eastern Europe and Latin America*. Eds. Arend Lijphart and Carlos H. Waisman. Boulder, CO: Westview Press.
- Hamilton, Alexander, John Jay, and James Madison. 2001. *The Federalist*. Eds. George W. Carey and James McClellan. Indianapolis: Liberty Fund.

- Harlow, Ralph V. 1917. *The History of Legislative Methods in the Period before 1825*. New York: Russell and Russell.
- Haynes, George H. 1960. *The Senate of the United States: Its History and Practice*. New York: Russell and Russell.
- Hoadley, John F. 1986. *The Origins of American Political Parties, 1789-1803*. Lexington, KY: University Press of Kentucky.
- Hofstadter, Richard. 1969. *The Idea of a Party System: The Rise of Legitimate Opposition in the United States, 1780-1840*. Berkeley: University of California Press.
- Jenkins, Jeffery A. 2000. "Examining the Robustness of Ideological Voting: Evidence From the Confederate House of Representatives." *American Journal of Political Science* 44 (October): 811-822.
- \_\_\_\_\_. 1999. "Examining the Bonding Effects of Party: A Comparative Analysis of Roll-Call Voting in the US and Confederate Houses." *American Journal of Political Science* 43 (October): 1144-1165.
- Jillson, Calvin and Rick K. Wilson. 1994. *Congressional Dynamics: Structure, Coordination, and Choice in the First American Congress, 1774-1789*. Stanford, CA: Stanford University Press.
- Josephy, Alvin M. 1975. *The Congress of the United States*. New York: American Heritage Publishing Co.
- Keech, William R. 1986. "Thinking about the Length and Renewability of Electoral Terms." In *Electoral Laws and their Political Consequences*. Eds. Bernard Grofman and Arend Lijphart. New York: Agathon Press.
- Krehbiel, Keith. 1993. "Where's the Party?" *British Journal of Political Science* 23: 235-266.
- \_\_\_\_\_. 1991. *Information and Legislative Organization*. Ann Arbor: University of Michigan Press.
- Kuklinski, James H. 1978. "Representatives and Elections: A Policy Analysis." *American Political Science Review* 72 (March): 165-177.
- Levmore, Saul. 1992. "Bicameralism: When are Two Decisions Better than One?" *International Review of Law and Economics* 12: 145-162.
- Martis, Kenneth. 1989. *Historical Atlas of Political Parties in the United States Congress, 1789-1989*. New York: Macmillan.

- \_\_\_\_\_. 1982. *The Historical Atlas of United States Congressional Districts, 1789-1803*. New York: Macmillan.
- McCall, Samuel W. 1911. *The Business of Congress*. New York: Columbia University Press.
- McCarty, Nolan. 2000. "Proposal Rights, Veto Rights, and Political Bargaining." *American Journal of Political Science* 44 (July): 506-522.
- McCarty, Nolan, Keith T. Poole, and Howard Rosenthal. 2000. "The Hunt for Party Discipline in Congress." Unpublished Manuscript. University of Houston.
- McKelvey, Richard D. 1976. "Intransitives in Multidimensional Voting Models and Some Implications for Agenda Control." *Journal of Economic Theory* 12:472-82.
- \_\_\_\_\_. "General Conditions for Global Intransitivities in Formal Voting Models." *Econometrica* 47: 1085-1112.
- Miller, Gary J. and Thomas H. Hammond. 1989. "Stability and Efficiency in a Separation of Powers Constitutional System." in *The Federalist Papers and the New Institutionalism*. Ed. Bernard Grofman and Donald Wittman. New York: Agathon Press.
- Miller, Gary J. and Thomas H. Hammond. 1987. "The Core of the Constitution." *American Political Science Review* 81 (December): 1155-1174.
- Nokken, Timothy P. 2000. "Dynamics of Congressional Loyalty: Party Defection and Roll Call Behavior, 1947-1997." *Legislative Studies Quarterly*. Forthcoming.
- Patterson, Samuel C. and Anthony Mughan. 1999. "Senates and the Theory of Bicameralism." In *Senates: Bicameralism in the Contemporary World*. Eds. Samuel C. Patterson and Anthony Mughan. Columbus: Ohio State University Press.
- Paullin, Charles O. 1904. "The First Elections Under the Constitution." *Iowa Journal Of History and Politics*. 2: 3-33.
- Pole, J.R. 1966. *Political Representation in England and the Origins of the American Republic*. New York: St. Martin's Press.
- Poole, Keith T. and Howard Rosenthal. 1997. *Congress: A Political-Economic History of Roll Call Voting*. Oxford: Oxford University Press.
- Poore, Benjamin P. 1997. [1878]. *Biographical Directory of the American Congress, 1774-1996*. Washington, DC: Government Printing Office.

- Popkin, Samuel L. 1991. *The Reasoning Voter*. Chicago: University of Chicago Press.
- Riker, William H. 1955. "The Senate and American Federalism." *American Political Science Review* 49: 452-69.
- Rogers, Lindsay. 1926. *The American Senate*. New York: Knopf.
- Rohde, David. 1991. *Parties and Leaders in the Postreform House*. Chicago: University Of Chicago Press.
- Sait, Edward. 1938. *Political Institutions: A Preface*. New York: Appleton-Century.
- Shepsle, Kenneth A. and Barry R. Weingast. 1984. "Uncovered Sets and Sophisticated Voting Outcomes with Implications for Agenda Institutions." *American Journal of Political Science* 28 (Feb): 49-74.
- Schiller, Wendy J. 2000. *Partners and Rivals: Representation in US Senate Delegations*. Princeton, NJ: Princeton University Press.
- Shugart, Matthew S. and John M. Carey. 1992. *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*. Cambridge: Cambridge University Press.
- Sinclair, Barbara. 1989. *The Transformation of the United States Senate*. Baltimore: Johns Hopkins University Press.
- Smith, Steven S. 1999. *The American Congress*, 2<sup>nd</sup> Edition. Boston: Houghton Mifflin Company.
- Stewart, Charles H. III. 1992. "Responsiveness in the Upper Chamber: The Constitution And the Institutional Development of the Senate." In *The Constitution and American Political Development*, ed. Peter F. Nardulli. Urbana: University of Illinois Press.
- Stimson, James A., Michael B. MacKuen, and Robert S. Erikson. 1995. "Dynamic Representation." *American Political Science Review* 89: 543-565.
- Swift, Elaine K. 1996. *The Making of an American Senate*. Ann Arbor: University of Michigan Press.
- Tsebelis, George and Jeannette Money. 1997. *Bicameralism*. Cambridge: Cambridge University Press.
- Wood, Gordon S. 1998. *The Creation of the American Republic, 1776-1787*. Chapel Hill: University of North Carolina Press.

Zagarri, Rosemaire. 1987. *The Politics of Size: Representation in the United States, 1776-1850*. Ithaca, NY: Cornell University Press.