Getting Out of the House: The Senate and the President in the Making of Congressional Rules

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Abstract

This article argues that in separation of power systems the preferences of key institutional actors with whom House members need to negotiate to make laws play a fundamental role in legislators' organizational choices. Representatives have a strong incentive to choose organizational designs that will help them deal with the Senate and the President because they know these actors can effectively influence the final form of any law. By bringing the Senate and the President into the analysis, I explain the timing and direction of changes in House internal organization. When the preferences of the Senate or the President change, House members' expectations about the policy consequences of particular rules and procedures can change too. While a change in the House, Senate or President introduce the need for new rules and procedures; how preferences relate to each other influence the directionality of the new rules. This article tests the predictions with an original dataset that examines the relationship among the preferences of the Senate, the President and House parties from 1880 until 2011. The results strongly suggest that House members are far more likely to centralize power in the Speaker when the different ideological groups within the majority party can trust the Speaker; and more prone to decentralize power when either the Speaker becomes unreliable or when the Senate and the President are controlled by the House minority party. In contrast to existing theories, such dynamics depend in predictable ways on the preferences of the Senate and the President.

One of the most notable episodes in congressional history is the revolt against Republican Speaker Joseph G. Cannon (R-IL) in 1910, during the second session of the 61st Congress (1909-1911). A coalition of Democrats and Progressive Republicans stripped the Conservative Republican Speaker of his membership in the Rules Committee and did away with his ability to select its members. The revolt is the most noteworthy case of decentralization of power within the majority party in the House and it has an iconic significance in the literature on legislative leadership. It is the standard example used by scholars to emphasize that the Speaker, even one as "powerful" as Cannon, is always the agent of the majority caucus (e.g., Cox and McCubbins 1993; Jones 1968, 1970; Peabody 1976).

In the literature, the accepted explanation for the revolt focuses on Cannon's dictatorial management of the House, especially his manipulative use of committee assignments to further his agenda (Binder 1997, Bolling 1968, Cooper 1988, Galloway 1976, Jones 1968, Peabody 1976, Peters 1990, Polsby, Gallagher and Rundquist 1969, Rager 1998, Riddick 1949, Schickler 2001). Before the revolt, Speaker Cannon could deny recognition on the House floor, select the members and chair of the Committee on Rules (Cannon selected himself as chair), and appoint members and chairs to all other committees. Galloway argues that Cannon's "powers in combination were so far-reaching that the speaker came to be considered as an officer second only in power and influence to the President of the United States himself" (Galloway 1976:136).

However, both the timing of the revolt and the type of powers that were divested from the Speaker raise questions as to whether Cannon's autocratic management of the House were sufficient catalysts for the revolt. First, if Cannon's manipulation of the entire committee assignment process caused the revolt, why did the uprising only affect Cannon's power in relation to the Rules Committee? After the revolt, Cannon could still select members and chairs of all committees with the exception of Rules. Second, if we accept that Cannon's authoritarianism is sufficient reason for ousting him, why did House members

act only after Cannon had been serving as the Speaker for more than six years? Cannon had been elected Speaker in 1903, but the revolt happened in 1910.

Answering these questions requires considering more generally the wider context within which the revolt and the changes in rules occurred, and in which all House rule changes occur.

In this article, I argue that decisions about rules are not made in isolation, but instead within the separation of powers structure established by the Constitution. Article I, Section 7, states that bills become laws only if a House majority, a Senate majority, and the President agree on wording; or if two-thirds of the Senate and the House approve. If elected representatives want to make laws, they need to bargain—implicitly or explicitly, publicly or privately—beyond the House: within Congress and with the President. Therefore, House members interested in policy outcomes, reelection, or perks need more than to prevail in the House: by constitutional design, the success of the President, the Senate, and House are not independent of each other. Long before a Congress's first bill reaches the President's desk, House members have incentives to integrate the dynamics of the legislative endgame into their plans for distributing leadership positions and procedural powers. Thus, I develop a theory that explains timing and directionality by analyzing House decision-making in a broader context.

Research on organizational decisions within legislatures has by and large focused on the House of Representatives. Current scholarship is based on the assumption that changes in the preferences and behavior of House members suffice to explain the timing and characteristics of new rules, so all that matters when rational, strategic, and policy-minded House members decide on the rules and organization of the House are the preferences of other House members (e.g., Aldrich and Rohde 2000, Binder 1997, Cox and McCubbins 1993, 2005, Krehbiel 1991, Rohde 1991, Schickler 2000, 2001). I posit that precisely *because* House members are rational, strategic, and policy-minded, they not only

consider other House members' preferences, but also situate their decision-making in the broader interbranch bargaining environment in which they act.

Decisions regarding the internal organization of the House are fundamental to legislative proceedings. They shape policy outcomes by defining the extent to which House members influence the content and course of policy debates. Article I, Section 5 of the Constitution gives House members broad latitude to determine the chamber's power-sharing rules. Beyond implying that every two years the House must decide whether to adopt the same rules that governed the policy-making process during the previous Congress, or to adopt new rules, Section 5 offers no instructions about the chamber's internal organization.

I posit that House rules redistribute power within the majority party. While the existing literature converges on the conclusion that new House rules affect the balance of power between the majority and the minority party (e.g., Binder 1997; Schickler 2000, 2001), I consider that new rules give a group *within the majority party* greater power to set the agenda, while simultaneously removing this power from another intraparty group. In this sense build upon Cox and McCubbins (2005) who argue that new House rules redistribute power within the majority party, not between the majority and the minority party. Focusing on intraparty groups within the majority, I argue, broadens our understanding of the effect of new rules in the House. If new rules benefit one intraparty group over the other, then it is their preferences with respect to those of the Senate and the President that matters when the House majority must decide on a distribution of power.

I draw a clear conclusion from the analysis of House rules and their effects on the distribution of power within the majority: members of the House are cognizant of the preferences of the Senate and the President. When House members perceive a change in the President's and/or Senate's policy preferences, they often change their organizational decisions, even though their own preferences do not

change. The main dimension along which House rules differ from one Congress to another is the extent to which they centralize power in the House Speaker versus decentralize power among the majority intraparty groups. When majority party rule-making decisions are contextualized in terms of ideological relationships – both intraparty and relative to the preferences of the Senate and the President – we can anticipate the characteristics of rules that will be adopted in the House.

In what follows I derive the implications of a House bargaining model that clarifies how the dynamics established by the constitutional requirements to make laws affect legislators' power allocation decisions.

House Majority IntraParty groups

As mentioned before, intraparty groups are a core element of my analysis. I argue that alternative distributions of power in the House arise from the interplay among groups within the majority party, the minority party, the Senate and the President. I regard parties as coalitions that articulate and aggregate the preferences of diverse groups (Aldrich 1994; Eldersveld 1964, 1982; V.O. Key 1964) that have different ideas over which means are more appropriate for reaching their goals. Taking into account the different ideological groups that coexist within parties is key for understanding the dynamics at play in Congress, as intraparty groups structure the debate, organize interests, and shape policy outcomes (e.g., Baer 2000, Polsby 1981, Rae 1989, 1994).¹ Intraparty groups are also crucial in the presidential nomination process (e.g., Cohen et.al. 2008; Reiter 1980, 1996, 1998, 2004).²

¹ For instance, the intra-party cleavages between Southern and Northern Democrats since the late 1930's and until mid-1970s structured the Democratic agenda and influenced the type of bills the Rules
 Committee allowed on the floor (e.g. Cox and McCubbins 2005, Schickler and Pearson 2009).
 ² For instance, Reiter (1980, 1996, 1998, 2001 and 2004) identifies a "bifactional structure" in American parties by examining roll call votes at national conventions.

Intra-party groups characteristically have ideological preferences regarding the size and purpose of the federal government. For instance, going back to the "Cannon period" of the early 20th century, Progressive Republicans stressed a greater involvement of the federal government in the regulation of businesses, whereas Conservative Republicans advocated for a minimal intervention in the economy unless it was to protect the industrial system (e.g. high tariffs). Furthermore, these differences within parties frequently overlap with distinct geographical regions. While most of the Progressives came from rural states west of the Mississippi River and Wisconsin, Conservative Republicans overwhelmingly represented eastern states.³ These major ideological divisions within parties repeat themselves in presidential primaries, battles to control the party organization at the national and state level, and struggles in Congress over the control of legislation, committees, and rules.⁴ Although the formalization of intraparty groups has varied significantly, ranging from formal groups like the Democratic Study Group created in 1959 or the Conservative Opportunity Society founded in 1983 to informal networks of legislators, intraparty conflict in these different arenas provides the necessary evidence to cluster legislators into different intraparty groups as I have done in my research and analysis.

Following the literature that emphasizes the importance of intraparty groups, I assume the House is made up of three main players. One player is the minority party. The other two represent distinct groups

³For more information on the ideological differences of intra-party groups and how they overlapped with different geographical regions see for example, Aldrich 1995, Barfield 1970, Bensel 1984, Brady and Bullock 1980, Burns 1963, Galloway 1976, Gould 2003, Hasbrouck 1927, Hofstadter 1963, Kent 1928, Manley 1973, Moore 1967, Patterson 1966, Reinhard 1983, Reiter 2001, 2004, Rohde 1991, Rohde and Shepsle 1973, Shepsle 1978, Schousen 1994, Shelley 1977, Sinclair 1982, Smith and Deering 1984, Stang 1974, Wilensky 1965, and Wiseman 1988.

⁴ One of the most notorious studies of intra-party groups at the state level is V.O. Key (1948).

within the majority party. Since only two parties are typically represented in the House, one could argue that I should consider just two parties as most of the literature does. This argument, however, elides the possibility that members of the majority party may find it beneficial to threaten to side with members of the minority party if their interests are ignored—as occurred in the revolt against Speaker Cannon. Having two intraparty groups in the House majority offers a parsimonious way to represent majority party heterogeneity. We can think of these two intraparty groups as representing different ideological tendencies within the same party.⁵ I focus on ideological divisions only *within the majority party* because decisions regarding House organization generally stem from the negotiations between groups within the majority party.⁶

I also assume *one* of the House majority intraparty groups is closer to the preferences of the Speaker. For example, Conservative Republicans in the 1903-1910 period were much closer to Cannon than Progressive Republicans were. To offer a contemporary example, Liberal Democrats were much closer to Nancy Pelosi's ideal point than Blue Dogs were. For the purposes of my analysis, I designate the intraparty group closer to the Speaker's preferences the *Speaker group* and the other majority intraparty group the *non-Speaker group*.

A Constitutional Theory of Legislative Bargaining

The implications that I derive regarding the timing and directionality of House power-sharing are based on a two-dimension complete information model (see Appendix for a stylized version of the

⁵ For instance, the liberal/moderate and conservative tendencies within the Republican Party in the 1940's-1990's period, or the northern/liberal and southern/conservativre Democrats for the period 1930's-1980's.

⁶ For instance, the adoption of the pay-go rules by the Democratic majority in 2007 stems from the bargaining of liberal Democrats with New Democrats and Blue Dogs.

model). The model has three important attributes that mark an important difference with previous models. First, it includes the Senate and the President as key actors who appear in the legislative game. Second, the game features a legislature with three representative House members. I think of House members as representing up to three ideological factions in the House, two of those factions as representing distinct groups within the majority party and the third faction as representing the minority party.⁷ Third, the model includes future legislative dynamics that House members may anticipate when considering power-sharing rules. The actors play *three distinct games* in succession. In the *power-sharing game*, House members negotiate how to allocate power among themselves and choose a power-sharing rule. In the *bicameral agreement game* representatives of the House (determined by the power allocation agreement) and Senate (modeled as an exogenous unitary actor with possibly distinct preferences) can settle their differences. Third is a *constitutional game* where the President (another unitary actor with possibly distinct preferences) can approve or reject legislative proposals made in the bicameral agreement stage. The results come from a subgame-perfect Nash equilibrium, whose existence and uniqueness is proven in the appendix.⁸

⁸ A subgame-perfect Nash equilibrium consists of the following components: in the legislative game's final stage, players choose strategies that are best responses to the actions of all other players in this stage; and in the power-sharing game, House members choose strategies that are best responses to the

⁷ Having three factions is the simplest way to allow disagreement within the majority party to affect interparty and intraparty bargaining in the model. Furthermore, and more substantively, my motivation comes from the work of many scholars who have emphasized the importance of intraparty groups for legislative outcomes (Aldrich 1995, Brady and Bullock 1980, Burns 1963, Galloway 1976, Hasbrouck 1927, Nye 1951, Reiter 2001 and 2004, Rohde 1991, Schousen 1994, Sinclair 1982). I focus on the case where no faction constitutes by itself a majority of the House.

I use the formal model to illuminate substantive and empirical implications of the theory regarding the timing of rule changes and the directionality of new rules –centralization or decentralization. In the discussion that follows I assume, as in the model, that one of the two groups within the majority party is closer ideologically to the Speaker and has the recognition to propose standing rules for the chamber at the beginning of a Congress, i.e., to propose a distribution of power. I call this majority party group the *"Speaker group"*. I call the majority party group whose ideological preferences are farther from the Speaker, the *"non-Speaker group."*

Implication: Timing of Organizational Decisions

I find that bargaining outcomes regarding distributions of power *are more than a function of House member ideal points.* Because the approval of the President and the Senate are needed to make laws, both are - in effect - given veto power over the content of bill proposals. Therefore, when shifts in the preferences of the Senate or President's preferences change the set of bill that can become law, they alter faction's preferences about who should have power within the House. Changes in what one faction is willing to offer or accept can affect the bargaining leverage of all factions. Thus, changes in the Senate's or President's preferences increase the likelihood of adopting new rules in the House, as legislators understand that the passage of their preferred policies depends on the support of the Senate and the President. The preferences of constitutional actors inform House members' expectations about policy outcomes; thus House majority party members strategically take those preferences into consideration when deciding on rules that affect the distribution of power in the House.

I draw a clear conclusion from the analysis of House rules and their effects on the distribution of power within the majority: members of the House are cognizant of the preferences of the Senate and the

actions of all other players, actions that are conditioned on common knowledge of the bicameral agreement algorithm and the belief that players will choose best responses in the final stage.

President. When House members perceive a change in the President's and/or Senate's policy preferences, they often change their organizational decisions, even though their own preferences do not change. For example, Democrats adopted one set of rules when they became the majority in 2007, and then radically changed them just two years later. A power-sharing arrangement that helped House Democrats in their negotiation with President George W. Bush was not optimal for interacting with President Barack Obama.

To evaluate this implication, I re-examine the relationship between changes in the preferences of the Senate and the President and changes in House organization. My dependent variable in this case is an updated version of Schickler's (2000) list of changes in rules and procedures of the House. This list includes any alterations in rules that had substantial effects on the distribution of power within the House. In this analysis the dependent variable is a dummy differentiating Congresses in which rules changed from those that did not, without specifications on the directionality of the change. The unit of analysis is the individual Congresses from 1879 until 2011 (46th - 111th Congresses), a total of 66 Congresses or observations.

My main independent variable measures change in the House majority, Senate majority, or the President. This is a categorical variable that distinguishes among: (i) Congresses in which the House majority remained stable from one period to the next, but the Senate majority and/or the President did change; (ii) cases in which the House majority changed, but the Senate majority and the President remained stable; and (iii) Congresses in which the House majority and the Senate majority and/or the President changed. The reference category is cases in which the House majority, Senate majority and the President remained stable from one Congress to the next. I expect that the variables that account for changes in the preferences of external actors to be positively associated with House rules change. There are a number of covariates the existing literature has emphasized to explain House internal organization.⁹ This research associates changes in rules with shifts in the preferences of House membership. To control for the variation of House floor median I use one covariate, *Change in House Median* (Schickler 2000, 2001), which focuses on changes in the floor median relative to the minority and majority party medians.¹⁰ To address research that focuses on majority party membership changes I use three covariates: *Change in Party Homogeneity, Change in Party Polarization*, and *Change in Party Capacity*. Change in Party Homogeneity (Cox and McCubbins 1993, 2005; Aldrich and Rohde 2000, 2001) measures changes in preference similarity among majority party members.¹¹ Change in Party Polarization (Aldrich and Rohde 2000, 2001) assesses the change in preference differences across parties.¹² The third covariate, Party Capacity (Binder 1997) tackles the difference in strength between the two parties.¹³

⁹ The data for the covariates is based on DW-NOMINATE. I followed Schickler (2000) on the specifics on how to construct each variable.

¹⁰ This variable represents the difference among the distance between the floor median and the minority party median and the floor median and the majority party median.

¹¹ Party Homogeneity is the ratio between the standard deviation of the majority party members and the standard deviation of the floor.

¹² Party Polarization is the difference between majority and minority party median.

¹³ Party Capacity is the difference between majority and minority party capacity. Majority party capacity is equal to the Majority Party Rice Cohesion score times the percentage of majority party membership in the House. Minority Party capacity is calculated in the same way.

Table 1 analyzes the likelihood of changes in the organization of the House after a shift in the partisan control of the House majority, the Senate majority or the President. I expect that the likelihood of rules change will increase in these circumstances.

[Table 1 about here]

The first four models in Table 1 include only the control variables *Change in House Median, Change in Homogeneity, Change in Polarization,* and *Party Capacity.* I find that no matter the model specification, the relationship between changes in House Organization and changes in House Median is statistically significant. Models one through four reflect the results in Schickler (2000), which show that shifts in the floor median are important in predicting whether the House adopts a major rule change.

However, these results change when we add the different variables that identify *changes in the House majority, Senate majority or a new President.* When these variables are added in Model 5, the coefficient *Change in House Median* is no longer significant. In fact, the results show that when the House majority is stable from one Congress to the next, but the Senate majority and/or the President changed, the likelihood of new rules in the House increases significantly. The same is true for those cases in which the House majority, Senate majority, and the President changed. The dummy variable that accounts for changes only in the House majority is also significant, although at the .1 level. It is important to note that my variables are the only ones that yield a statistically significant coefficient regardless of how many of the other variables are included. That is, once we account for a shift in the partisan control of the Senate or the President, the relationship between the enactment of new House rules and the variables used to describe rule changes in the existing literature are no longer significant. The variables representing changes in the preferences of outside actors are the only factors that survive such scrutiny. These results distinguish my theory from existing scholarship and demonstrate that changes in the preferences of the Senate and the President do predict changes in the rules of the House.

In what follows I explain how the policy preferences of House majority intraparty groups catalyze the relationship between changes in the preferences of outside actors and changes in House organization. Then, I develop and test a theory that predicts the directionality of these new rules.

Implication: Directionality of New Organizational Rules

The main dimension along which House rules differ from one Congress to another is the extent to which they centralize power in the House Speaker versus decentralize power among the majority intraparty groups. For instance, the rules implemented after the revolt against Cannon *decentralized* power by transferring the Speaker's control over the Rules Committee to a majority of House members. When majority party rule-making decisions are contextualized in terms of ideological relationships – both intraparty and relative to the preferences of the Senate and the President – we can anticipate the characteristics of rules that will be adopted in the House.

1. Power to Outliers-Decentralization of Power

Preference outliers are legislators who do not have centrist preferences with respect to a particular set of issues. I find that if the Senate and the President share the ideal point of the minority party faction in the House, the majority party may gain greater policy utility by letting party members who have opposing preferences to those of the Senate and President control the negotiations with these actors.

The rationale for enabling powerful outliers and giving them an effective veto in the House negotiations with the Senate and the President lies in the fact that they can reject proposals that House moderates would be hard-pressed to reject themselves given constituency expectations and demands. When the outliers can do this, moderates may prefer that those members bargain on their behalf. Such dynamics play a critical role and are the primary reason that members of the majority party sometimes choose to yield a substantial amount of power to their party outliers.

Thus, if the Senate and the President share the ideal point of the minority party faction in the House, the majority party may gain greater policy utility by letting party members who have opposing preferences to those of the Senate and President control the negotiations with these actors. A recent example comes from the 112th Congress (2011-2013). In January 2011, Republicans gained the House majority by campaigning on strong pledges to address the nation's debt by rolling back spending to prestimulus, pre-bailout levels. However, Republicans knew that many of the promises they made during the campaign had very slim chances of becoming law, as Senate Democrats would never concur with the Republicans' promises; and in any case, the President would likely veto them. In such an environment, Republicans decided to adopt new rules and procedures that transferred significant power to party outliers, especially those identified with the Tea Party platform. One of the most significant decisions the Republican House adopted, given its subsequent repercussions on the nation's economy, was abolishing the so-called "Gephardt rule." This rule prevented House members from having to take an explicit vote on increasing the debt limit, as any budget resolution adopted by the House automatically triggered a separate debt ceiling measure that was without delay sent to the Senate. With the elimination of this rule, Republicans gave the most fiscally conservative members of their conference the power to oppose any increase in the debt limit and condition their vote on additional concessions from the White House in the form of major budget cuts.¹⁴ We now know that this rule change had political and economic consequences; it entangled legislators and the President in a bitter debate that ended in an agreement reached just hours before the country's borrowing capacity was exhausted, and that also led to Standard and Poor's downgrading the US credit rating for the first time in history.

¹⁴ For instance, CQ conveyed at the beginning of the year that "Both Boehner and House Budget Chairman Paul Ryan signaled that spending cuts would be the price of House Republicans support for the higher debt limit" (CQ, January 6 2011).

Yet, abolishing the Gephardt rule gave Republicans the needed bargaining leverage against Democrats. As a result of the intransigence of outliers against raising the debt ceiling, Republicans were able to strike a deal that immediately cut \$917 billion in spending and created a committee with superpowers to recommend \$1.2 trillion in additional cuts from the budget. Therefore, decentralization of power at the beginning of the 112th Congress heightened Republicans' bargaining power with a President and a Senate ruled by the Democratic Party, demonstrating the far-reaching implications of the timing and directionality of power-sharing rules for contemporary politics.

2. Empowering the Speaker-Centralization of Power

The House majority intraparty group whose preferences are farther from the Speaker, (the non-Speaker group), is, rightly, concerned about centralization of power. Although there are gains in efficiency to be made through centralization, as such centralization may be costly to the non-Speaker group because it moves policy away from the group's preferences and toward the Speaker's.¹⁵

I find that the non-Speaker group will agree to grant more power to a Speaker with whom it disagrees if the Speaker's actions can be blocked by an outside actor (the Senate or the President) with whom the group more consistently agrees. This statement contradicts the current literature that suggests that centralization depends solely on the distribution of House members' preferences and occurs when

¹⁵ Centralization of power in the Speaker is valuable since it solves collective action and coordination problems by using the time and resources available in the party leadership. Party leaders create focal points, structure the agenda, and increase the effectiveness of the majority party by streamlining the approval of bills and lowering transaction costs (e.g. saving legislators time and energy and reducing opportunity costs). For further explanation on the benefits of delegation see, for example, Cox and McCubbins 1993, Lupia and McCubbins 1994.

majority party members have similar preferences to those of the Speaker (e.g., Aldrich and Rohde 2000).

Instead, delegation of power in the Speaker depends on the relationship between the preferences of the Senate and the President and those of the House intraparty groups. Given the requirements of constitutional bargaining, the non-Speaker group knows that even if the Speaker has strong incentives to pursue policies close to her preferences when she has a tight control of the House, her ability to do so is limited by the preferences of the Senate or the President. If the non-Speaker group can count on the Senate or the President as an ally, then it knows that the Speaker's legislative initiatives will not move through the legislative process unscathed. Thus in keeping with my findings, the position of the Senate and the President is crucial to decisions regarding the distribution of power in the House.

An example comes from the 111th Congress. In 2009 the House Democratic majority adopted certain rules that centralized power in the hands of liberal Speaker Pelosi (D-CA). One of those rules relaxed the strict "pay-go" rules that the same majority had adopted just two years earlier. The pay-go rules established that any budget decision had to be deficit neutral, so that any mandatory spending increases or tax cuts had to be offset with tax increases or spending cuts elsewhere. Under the new rules, the majority could attach an emergency designation to a spending bill to respond to an act of war, terrorism, natural disaster or a prolonged period of low economic growth and exempt the bill from the "pay-go" requirements. In addition, the new rules allowed legislators to link exempted bills with other bills that did not meet the waiver requirements. Why did the democratic majority relax these rules? Why did the non-Speaker group, the moderate and conservative Democrats, go along with the changes? These fiscally conservative members of the Democratic Party knew that the relaxed rules would give the Speaker group greater flexibility to maneuver in the House. The theory I developed helps us understand that moderate and conservative Democrats accepted the relaxed rules because they could count with a

Senate pivot that was closer to their preferences than to those of Liberal Democrats'. They knew that, because bills need the approval of the Senate, any bill pushed by Pelosi and her group had to be within the Senate pivot's, and thus fiscally conservative Democrats', winset. Moderate and conservative Democrats were willing to place more power on the Speaker because the presence of an outside actor with close preferences to their own guaranteed that laws would not be skewed toward the liberal wing of the party. Again, the position of constitutional actors with respect to House factions is key for explaining these rule changes.

3. <u>Revolting against your own leader- Decentralization of Power</u>

If neither the Senate nor the President has ideal points that are closer to the non-Speaker group than to the Speaker's, the costs of delegating power on the Speaker increase dramatically. Without an external actor to constrain the position of policy outcomes, the Speaker can obtain legislation closer to her ideal point and thus farther from the non-Speaker group's ideal point. In this environment, the non-Speaker group has a strong incentive to disempower the Speaker, even against the opposition of the Speaker group.

Suppose, for example, that the Senate and the President suggest to the Speaker of the House, with whom they are close ideologically, the possibility of passing sweeping anti-regulatory legislation. The non-Speaker group knows that with the current rules, the Speaker can push the bill through the House, and that the Senate and the President will likely agree with the House version brought forward by the Speaker. The non-Speaker group also knows that if this deregulation program passes, it will strike at the core of their (and their constituency's) policy preferences. If the non-Speaker group prefers a version of the bill that does not contain any deregulation, the alternative it has is to push for new rules that give them power to influence the agenda or to veto the legislation during the legislative process. For instance, they can push for more seats in the powerful Rules Committee, or demand an "easy to use"

discharge rule, so that they can bring issues to the floor that have not been approved by the Speaker. The non-speaker group can use one of these institutional prerogatives as a bargaining chip, to avoid legislative outcomes skewing in favor of the Speaker group.

Thus, situations in which the Speaker group, the Senate, and the President are aligned ideologically and are able to move policy to their ideal point account for why a group in the majority party would choose to side with the opposition to change the rules.

An iconic example is the revolt against Republican Speaker Joseph Cannon (R-IL) in 1910. The Cannon revolt demonstrates the significance of the position of the Senate and President's preferences with respect to the ideological differences within the majority party in decentralization decisions. Conservative Republicans not only controlled the House through Speaker Cannon, but they also had a tight grip of the Senate, where Senator Nelson Aldrich (R-RI) reigned. Furthermore, Conservative Republicans won the support of the presidency when Taft arrived in the White House in 1909. Confronting this situation, the non-Speaker group, Progressive Republicans, allied with Democrats and revolted against the Speaker to reassert control over policy outcomes. For the Progressives, the revolt was the institutional remedy to the problem of an unconstrained Speaker. A shift in the ideal point of the President, tilting the balance of power in favor of the conservatives, is crucial for explaining this iconic case.

Explaining the Directionality of Organizational Decisions

To analyze how changes in the preferences of constitutional actors affect organizational decisions in the House, I use an original dataset that includes changes in the organization of the House from the 46th until the 111th Congress(1879- 2011). To build the dataset, I identified the two major intraparty groups and their members within the majority party and calculated their distances to the Senate pivot and the President.

Measuring Changes in House Rules and Procedures

To operationalize *changes in House organization*, I examined the effect of new rules in the distribution of power within the majority party. I conducted extensive research into whether new rules centralized power on the Speaker or decentralized it across groups within the majority party. In this sense, I followed Cox and McCubbins (2005) who claim that when power in the House has changed hands "it has simply been redistributed within the majority party, not allocated to any minority party members" (2005:26). This characterization differs from Schickler's (2000) and Binder's (1997) claims, which categorized rule changes depending on their effect on the minority party based on whether they enhanced or suppressed minority rights.¹⁶ Even though in operational terms my dependent variable and Schickler's are highly correlated, the coding regarding directionality differs for ten Congresses. The appendix contains a complete list of rules and procedures, their effects in the distribution of power in the House, and the reasons for the differences in coding with Schickler's.

This variable *changes in House organization*, is a nominal variable with three categories: (i) no changes in rules, (ii) new rules that decentralize power across House majority intraparty groups and, (iii)

¹⁶ For instance the 21 days rule, adopted in the 81st Congress, gave committee chairs the right, on specified days, to bring certain special rules to the floor— those that their committee had submitted to the Rules Committee and that Rules had not favorably reported to the floor. Schickler codes this change as strengthening the majority party. I code this organizational change as decentralizing power within the majority because it transferred power from Southern Democrats, who controlled the Rules committee and the Speaker position (Rayburn D-TX); to liberal democrats, the intra-party group farther from the Speaker.

new rules that centralized power in the Speaker.¹⁷ Table 2 shows the numbers of the Congresses that correspond to each category of changes in rules.

Table 2 about here

We can observe that most Congresses either do not change their rules and procedures or centralize power in the Speaker. Only 7 or 10% of Congresses since 1879 have decentralized power across the majority party groups.

Measuring the Position of House players, the Senate and the President

To explain organizational decisions in the House I measured the position of the Senate and the President with respect to House majority intraparty groups and the minority party. Cases of divided government in which the House minority party coincided with the President's party and the Senate majority were easy to operationalize: the Senate and the President were closer to the House minority party. However, the instances in which the President's party or the Senate majority party overlapped with the House majority were more problematic because I needed to determine which of the two House majority intraparty groups was closer to the preferences of the Senate and the President.

First I operationalize the ideological position of majority party groups. In this regard I followed research that focuses on intraparty groups in three areas: state and national political parties, presidential primaries, and Congress.¹⁸ As mentioned above, although research on intra-party groups differs in many

¹⁸ Another method to classify House members into intra-party groups could have been to choose an arbitrary cut-point in an ideological continuum to sort out legislators depending on whether their

¹⁷ The literature disagrees on whether *changes in rules* should be treated as an ordinal or nominal variable. Because there are questions about the ordinality of the variable, I decided to treat it as a nominal variable so as to avoid biased estimates (Long 1997). However, I do replicate the analysis in the appendix treating this variable as ordinal. The results remain strong under this specification.

aspects, it generally agrees on distinguishing groups based on their preference ideology, which usually overlaps with distinct regional areas. Based on this research, I identified each legislator's group for every Congress between the 46th and the 111th Congress and calculated the groups' medians using Common Space DW-NOMINATE scores with bootstrapped standard errors in one dimension (Carroll, Lewis, Lo, McCarty, Poole, and Rosenthal 2009).¹⁹ Table 3 lists the groups within each party since 1880 and the legislators associated with them.²⁰

[Table 3 about here]

Figure 1 in the appendix provides a visual representation of the distribution of ideological preferences of majority party groups' medians for the whole period. The upper and lower caps on the spikes represent the medians of each majority party group. The figure provides descriptive information on the location and distances between these intraparty groups' medians.

To operationalize the position of the Senate vis-à-vis groups within the House majority party, I calculated the distance between each group's median and the Senate filibuster pivot.²¹ For the filibuster

NOMINATE score is to the left or right of the arbitrary cut point (e.g., Fleisher and Bond 2004 choose the point +/-.2).

¹⁹ The Common Space scores (http://voteview.com) produce ideal points and cutting planes for the rollcall votes that maximize the number of correctly classified voting decisions. Like DW-NOMINATE scores, Common Space scores range from -1 to +1 and are comparable not only among different Congresses but also between House legislators and Senators.

²⁰ See Sin 2011 for a detailed description of the differences between intra-party groups.

²¹ I use the filibuster pivot because even though the Constitution requires a majority of the Senate to pass a bill, Senate rules on debate mean that bills effectively need supermajorities to pass (e.g., Krehbiel 1998). pivot I also used Common Space DW-NOMINATE scores. Regarding the position of the President with respect to majority intraparty groups, I calculated the distance between the score for the intraparty groups' median and the President's own ideological score. Here I also used Common Space DW-NOMINATE scores for the President and House majority intraparty group's medians. Poole warns that scores for Presidents before Eisenhower should be used very cautiously because they are based on only a few roll call votes. For this reason I also conducted extensive research on each President, his presidential campaigns (primary and general) and party conventions so as to confirm the preference position of the presidents before Eisenhower with respect to these intraparty groups.

With this dataset I not only determined the relative position among constitutional actors but also established when such relative position changed. The directionality of the new rules, whether they centralize or decentralize power, hinges on the particular array of preferences. If the distance from the non-Speaker group to the Senate pivot and/or the President is smaller than the distance from the Speaker, then this means that the non-Speaker group has an ally in the Senate or the President. Accordingly, the new rules should centralize power in the Speaker.²²

If the distance from the non-Speaker group to the Senate pivot and the President is greater than the distance to the Speaker group, the new rules should decentralize power within the majority party. In this

²² For example, in the 110th Congress (2007-2008) the distance from the non-Speaker group (the moderate-conservative Democrats or New Democrats and Blue Dogs) to the Senate pivot was smaller than the distance from the Speaker group, the liberal Democrats. The President, G.W. Bush, was closer to the House minority party. My theory would predict that the new House majority would have adopted new rules that centralized power on the Speaker (Pelosi D-CA). The non-Speaker group would have supported those changes because they had an ally in the Senate (and the President) that could constrain the behavior of the Speaker.

case, both the Senate and the President are closer to the speaker group, which means that the non-Speaker group does not have an ally that can constrain the Speaker's behavior.

If both the Senate majority and the President are in the hand of the House minority party, then new rules should decentralize power within the majority party. Rules become a tool of the majority party to increase its bargaining power against a Senate and Presidency controlled by the opposition.

Table 4 shows the percentage of Congresses that changed their rules and procedures under each category of my independent variable.

[Table 4 about here]

For all the Congresses in which the House majority, the Senate majority, and the President remained stable, 68% adopted the same rules that were in operation during the preceding two years. Because the preferences of all actors and therefore the bargaining environment remained constant, there was no need to adopt new rules and procedures.

After a shift in House majority, the Senate majority, or the office of the President; and when the non-Speaker group was closer to Senate and/or the President, the majority party adopted new rules that centralized power in the Speaker 84% of the time. This high percentage is consistent with my theory, showing that the non-Speaker group supported centralization of power on the Speaker because it had an outside ally that could restrain the Speaker's actions.

Rules that decentralized power across groups within the majority party were adopted in 67% of the cases in which the non-Speaker group had lost its outside ally, and also in 60% of the cases in which the Senate and the President were controlled by the opposition. Both percentages are also consistent with an approach that studies institutional changes in the House as part of a broader bargaining environment.

Organizational Changes in the House

I now turn to examine the likelihood that a specific type of rule is adopted, given the preferences of constitutional actors, using multinomial logit estimation. The dependent variable is *changes in house organization*, a categorical variable. My main explanatory variable has four categories, the reference category is no changes in House, Senate and President.

The results of the multinomial regression are presented in Table 5, which displays the estimated coefficients for centralization and decentralization of power; the reference category is no changes in House organization. The results reveal a strong and significant effect of the change and alignment of preferences of constitutional actors on House organization's decisions.²³

[Table 5 about here]

The parameter estimates in the first column compare the impact of each independent variable on the relative likelihood that legislators will adopt new rules that centralize power in the Speaker as opposed to adopting the same exact rules that were in force during the previous Congress. On the whole there is strong support for my argument that after a shift in the preferences of constitutional actors, when the non-Speaker group has an ally in the Senate and/or the President, legislators are more likely to trust the Speaker and agree to centralize power in her hands. According to this model, when the non-Speaker group can trust the Speaker the odds of centralization relative to no changes are 18 times higher.

In the second column of Table 5, and consistent with my expectations, the variables that capture when the non-Speaker group lost its outside ally and when the Senate and the President are controlled by

²³ I also conducted a likelihood ratio test for all the independent variables to test whether all coefficients associated with each variable are zero. The results show that the null hypotheses that all coefficients associated with my independent variables are simultaneously equal to zero can be rejected at the .05 level.

the opposition are highly significant in accounting for the likelihood of adopting new rules that decentralize power in the House vis-à-vis adopting the same rules from the preceding Congress. The results reveal that the particular preferences of the Senate and the President have an important effect on House members' decision to decentralize power in the House. That is, decisions to decentralize power are not independent of the Senate and President's preferences.²⁴

Columns 3 and 4 include the variables from the existing literature that measure changes in the preferences of House member. I included them to show that the effect of my variables is still significant after controlling for such preference changes. However, it should be noted that the dependent variable in this case differs slightly from the one Schickler's use, so the results should be consider with caution.

Figure 1 shows the predicted probability that my independent variables caused centralization, decentralization or no change in House organization. I analyze the probability of each category on the dependent variable when each of the independent variables equal 1, holding all others at their mean.

²⁴ Because the number of cases in the analysis is relatively small (67 cases) and the use of asymptotic analysis may be inappropriate, I conducted Fisher's exact test to analyze the association between two events. With Fisher's exact test the significance of the deviation from a null hypothesis can be calculated exactly, rather than relying on an approximation that only becomes exact in the limit as the sample size grows to infinity. The drawback is that this test only tells me whether two events are related, but doesn't tell me how they are related. The p-value of the Fisher's exact test for the independent variable is .0011 when the dependent variable is a dichotomous variable where 1 means change in the House, Senate or President and 0 its absence. When the dependent variable distinguishes between centralization and decentralization of rules, the p-value is 1.2e-4. Both results suggest that changes in the constitutional setting and the specific relationship among House parties, the Senate and the President are closely related to changes in House rules and procedures.

[Figure 1 about here]

The results show that, in every case, there are statistically significant and meaningful differences among Congresses in which rules are centralized, Congresses in which rules are decentralized and Congresses in which no changes in rules occurred. For example, the probability of centralization when the non-Speaker group has an ally in the Senate or the President and can trust the Speaker is .86 which is dramatically higher than the likelihood of .10 of no changes in rules at all or .04 of decentralization of rules. It is striking that the probabilities completely shift when it comes to Congresses in which the non-Speaker group has lost its outside ally or the Senate and President are in the hands of the opposition (the last two groups of columns), where the probability of decentralization becomes .67 and .60 respectively. The substantive difference between centralization and decentralization ranges from .82 in the cases where the non-Speaker group has an ally in the Senate or the President, to .57 where both the Senate and the President are controlled by the House minority party. Across all categories in which there was a change in the House, Senate or President, the average difference probability between centralization and decentralization is .67. Finally, the probability of no changes in the rules of the House is the highest, .67, when there are no shifts in the House majority, the Senate majority or the President. This result confirms the prediction that if the House, Senate or President remained unaltered there should not be changes in the organization of the House. The results not only constitute strong evidence that the preferences of the Senate and the President are important when analyzing changes in House rules, but also, taken altogether, reveal a fundamental alternative approach to studying House internal organization.

In general, the empirical analysis supports my theoretical expectations. The overall significance of the coefficients of my three measures that capture the relative position of constitutional actors' preferences point to the mechanisms through which preferences outside the House affect decisions to

change rules. The multivariate regression specification allows me to confirm that the results are robust to the inclusion of control variables.

Conclusion

This article began by describing one of the most important episodes of changes in rules in congressional history: the revolt against Speaker Cannon. The example suggested that the presidential change in 1909 was key to understanding the revolt. Accounts that only focus on Cannon's dictatorial use of power miss an important part of the equation. While the presence of Theodore Roosevelt as President meant that Progressive Republicans had an ally outside the House that constrained the Speaker and pressed for progressive policies, the election of Taft meant that Progressives had lost their partner and conservative bills could easily become law. To bring policy back to a more moderate tone, Progressives pushed for new rules that gave them power to advance progressive legislation. After examining rules change for almost 130 years, I showed that what it looked as an interesting puzzle is an empirical regularity. The analysis demonstrates that House internal organization responds in predictable ways to changes in the preferences of constitutional actors whose agreement is necessary to make laws.

One feature of this paper is very important: the Senate and the President were brought into the analysis. I develop a framework in which the array of the preferences among the Senate, the President and House parties is important to predict the directionality of new rules and procedures in the House. Furthermore, changes in such preferences predict when new rules in the House will be enacted. While a change in the House, Senate or President introduce the need for new rules and procedures; how preferences relate to each other influence the directionality of the new rules. Different rules and procedures are optimal for dealing with different bargaining environments. The empirical analysis was based on an original database that examined intra-party groups within the majority party, and the position of the Senate pivots and every President with respect to House parties. First, I show that when

the non-Speaker group has an ally in the Senate and/or the President it can trust the Speaker and centralization of rules are more likely. Second, when the non-Speaker group losses that outside ally or when the Senate and the President are in hands of the opposition; the probability of decentralization of power increases.

The results strongly suggest that a look into the preferences of institutions outside the House, which are absolutely necessary to enact laws, may be needed to understand actions and decisions in the House. The approach established here may also be a useful interpretive framework for the study of institutional changes in other settings where the Constitution requires bargaining among certain institutions.

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Independent	Model	Model	Model	Model	Model	Model	Model	Model	Model	Model
Variables	1	2	3	4	5	6	7	8	9	10
Stable House Change Senate and/or President					2.41*** (.698)	2.37*** (.701)	2.40*** (.713)	2.37*** (.701)	2.41*** (.713)	2.52*** (.6898)
Change House Stable Senate and President					2.16* (1.25)	2.77** (1.38)	3.33** (1.51)	2.21* (1.26)	3.42** (1.54)	2.06* (1.22)
Change House, Change Senate and/or President					2.09** (.917)	2.09** (.976)	1.88* (.979)	2.14** (.926)	1.94** (.99)	2.35*** (.893)
Change House Median	3.67** (1.83)	3.33* (1.84)	3.51* (2.04)	3.31* (1.84)	2.48 (2.14)	2.13 (2.16)	2.16 (2.12)	2.01 (2.368)	1.67 (2.40)	
Change Party Homogeneity		-2.89 (4.02)		-2.26 (4.08)		5.69 (5.15)	-5.49 (5.02)		-5.70 (5.06)	
Change Party Polarization				3.58 (5.94)			7.10 (7.47)		7.08 (7.53)	
Change Party Capacity			.001 (.034)					.014 (.041)	.018 (.042)	
Constant	.315 (.258)	.298 (.261)	.27 (.511)	.289 (.261)	88** (.422)	89** (.424)	93** (.43)	-1.08 (.707)	-1.19 (.74)	96** (.415)
Log Likelihood	-42.75	-42.12	-42.39	-41.94	-34.26	-33.47	-33.01	-37.18	-37.88	-34.96

 Table 1. Logit Estimates for Changes in House Organization, 1880-2011

***p < .01, **p < .05, *p < .1 N= 67. DV: At least one major rule change. Cell entries are logit estimates; standard errors in parentheses.

Change in House Organization	N	%	
No Change in Rules	29	43.28	
Decentralization of Rules	7	10.45	
Centralization of Rules	31	46.27	
Total	67	100	

 Table 2 Number of Congresses that changed its internal organization, by type of rules adopted

 (1879-2011)

Period	Groups within the Republican Party	Groups within the Democratic Party
46 th -51 st (1879-1891)	Stalwart/Conservative Republicans ²⁵ - Half Breed/Moderate Republicans ²⁶	Conservative Democrats ²⁷ - Reform Democrats ²⁸
52 nd -72 nd (1891-1933)	Conservative Republicans ²⁹ - Progressive Republicans ³⁰	Conservative/Anti-Bryan Democrats ³¹ - Reform Agrarian/Pro-Bryan Democrats ³²
73 rd – 111 th (1933-2011):	Conservative Republicans ³³ - Moderate/Liberal Republicans ³⁴	Conservative Democrats ³⁵ - Liberal Democrats ³⁶

Table 3. Intra-Party Groups, 1880-2011

- ³¹ Legislators coming from the urban East: CT, DE, ME, NH, NJ, NY, PA, MA, RI AND VT.
- ³² Legislators coming from the rural West and South.

 ²⁵ Representatives from the 11 states from Confederacy (e.g. .South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana, Texas, Virginia, Arkansas, North Carolina, Tennessee) plus Delaware, Maryland, West Virginia, Missouri, Kentucky, New York, Pennsylvania, Illinois.
 ²⁶ Rest of the states.

 ²⁷ Representatives from the Northeast --Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

²⁸ Representatives coming from the South (i.e., 11 states from Confederacy plus Maryland, West Virginia and Kentucky) and the West.

²⁹ Representatives coming from all states east of the Mississippi with the exception of Wisconsin

³⁰ Representatives coming from states west of the Mississippi, plus Wisconsin.

³³ Conservative Republicans includes the traditional conservatives from the 30's-60's (like Taft) and also the members of what became the New Right. These are Representatives coming from the South, Midwest and West became the conservative republican faction.

³⁴ Representatives coming from Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

³⁵ The Conservative Democrats include the Southern Democrats that emerged in the 30s and also the New Democrats that arise in the 80's and the Blue Dogs that emerged on the 90's. These are legislators from the 11 states from Confederacy (South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana, Texas, Virginia, Arkansas, North Carolina, Tennessee) plus Oklahoma and Kentucky.

³⁶ Liberal Democrats include the traditional liberal-labor democrats and also the New left Democrats that emerged in the 70's. Legislators coming from the Northeast, Midwest and West.

	Change in House Organization			
	No change	Decentralization	Centralization	Total
NO Shift in House, Senate and/or President	68%	3%	29%	100%
Shift House, Senate and/or President and				
Non-Speaker group has an outside ally in the Senate and/or President	12%	4%	84%	100%
Non-Speaker group does not have outside ally	33%	67%	0%	100%
Senate and President in hands of Opposition	40%	60%	0%	100 %

Table 4. Distribution of Congresses by type of change and preferences of constitutional actors.

	Centralization vs.	Decentralization vs.	Centralization vs.	Decentralization vs.
Primary Hypotheses	No changes in Rules	No changes in Rules	No changes in Rules	No changes in Rules
rimary hypotheses				
Shift in partisan control				
of House, Senate and/or				
President and				
Non-Speaker group has	3.18***	2.44	2.83***	1.48
an outside ally in the	(.831)	(1.59)	(.831)	(1.74)
Senate and/or President				
Non-Speaker group does	-15.86	3.83**	-15.65	4.61**
not have outside ally	(4233.8)	(1.59)	(3939.4)	(2.1)
Senate and President in	-14.17	3.54***	-15.04	4.62**
hands of Opposition	(1282.9)	(1.36)	(1569.5)	(2.07)
Controls				
Change Party Homogeneity			-3.17	3.06
			(5.86)	(7.87)
Change Party Polarization			-2.17	18.01
			(8.65)	(15.94)
Change Party Capacity			.035	045
			(.046)	(.091)
Change House Median			6.71	-2.95
			(3.45)	(4.47)
Constant	83**	-3.13***	-1.46	-3.22**
	(.38)	(1.02)	(.79)	(1.48)

Table 5 Multinomial Logit Estimates for Models of Changes in House Organization, 1880-2011

Note: N= 67. Standard errors in parentheses. **p < .05, ***p < .01

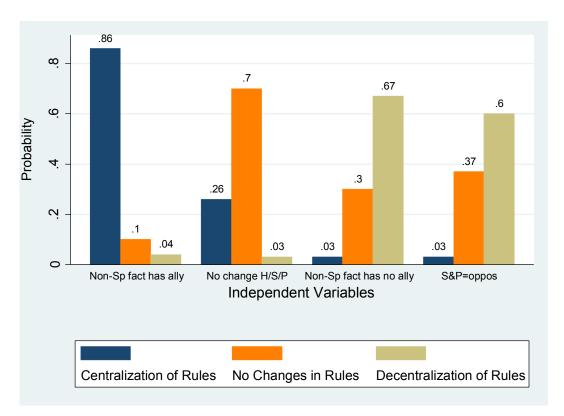


Figure 1 Predicted Probability of Changes in House Organization