Consensus, Conflict, and Partisanship in House Decision Making: A Bill-Level Examination of Committee and Floor Behavior

Jamie L. Carson
The University of Georgia
carson@uga.edu

Charles J. Finocchiaro
University of South Carolina
finocchi@mailbox.sc.edu

David W. Rohde
Duke University
rohde@duke.edu

Abstract:

The use of roll calls is ubiquitous in studies of the U.S. Congress. A particularly heavy reliance on roll calls characterizes much of the empirical work that examines the various theoretical claims regarding legislative organization. This paper shifts the focus of analysis to individual bills in an attempt to obtain an alternative picture of the broader context in which House decision-making occurs. Drawing on evidence spanning four Congresses across a 24-year period, we find that consensus is far more common than conflict in House decision making. Furthermore, our analysis at the bill level facilitates an examination of the context in which committees operate and the ensuing floor environment. Systematic analysis provides insight into the factors attending to the degree of consensus and conflict associated with bills, and paints a more complete picture of the day-to-day environment of the U.S. House.

How we view the legislative process is to a substantial degree a function of how we choose to marshal the evidence we collect regarding it. These choices involve what kind of data to use, what level of analysis to select for individual cases, and how we aggregate those cases. For example, one of the most frequently employed types of evidence for analyzing legislative behavior is roll-call data. These data can be used to characterize individual members, computing party-unity or interest-group support scores or more complex items like the NOMINATE scores developed by Poole and Rosenthal (1997, 2007). Then such data can be kept at the individual level for analysis, or aggregated in some way, such as to generate characterizations of committees as in committee-outlier analyses (e.g., Krehbiel 1991, Cox and McCubbins 1993, Londregan and Snyder 1994). Other analysts, like Richard Fenno, collect qualitative evidence from focused interviews and use that data to characterize individual members (Fenno 1978) or collectivities like committees (Fenno 1973).

All of the studies cited, and many others that have taken analogous approaches, have taught us a great deal about the legislative process and the place of committees in it. It is not our intent here to criticize them, or to find fault with the vantage point they chose. Yet it is true that different types of evidence, or different ways of aggregating evidence, focus our attention on certain aspects of the process and draw it away from others. In particular, the widespread use of roll-call data tends to concentrate on conflict in the legislative process and to ignore consensus (but see Collie 1988). For example, analyses that employ roll calls typically pay no attention to bills on which no roll calls occurred, and they often set aside unanimous and near-unanimous roll calls before computations begin. While these decisions are often perfectly appropriate for the specific purposes of individual studies, collectively they have the potential to leave us with an incomplete (and perhaps biased) picture of how the U.S. Congress operates.

In this study, we cast a wider analytical net by focusing on individual bills as the unit of analysis, and using roll-call data (or the lack thereof) to characterize those bills. This choice permits us to analyze almost the entire legislative agenda of the House and thereby avoid missing part of the larger story about the legislative process. The focus for the bill analysis is conflict and consensus, organized largely by committee. That is, we code each bill as to whether there is conflict over it, and if so, how much. We then aggregate the bills by committee of jurisdiction, and seek to explain variation in both the incidence and amount of conflict across committees and over time to gain a better understanding of agenda control in Congress (i.e., what gets voted on and what does not).

The focus on consensus and conflict is interesting in its own right, and it has certain advantages in relation to alternative theoretical perspectives on congressional politics. In general, if members of the House or one of its committees are widely in agreement on some legislation but deeply divided on other bills, it is important to understand why that may be the case. Moreover, if conflict is more frequent on some committees while consensus more often characterizes others, that variation is important as well. Regarding theories of legislative organization, for instance, analyses that focus on partisan conceptions of legislative politics (Rohde 1991, Cox and McCubbins 1993, Aldrich 1995) tend to concentrate on conflict over issues. They often use conflictual roll calls to measure how much disagreement there is within and between parties. However, distributive theorists (see, especially, Weingast 1979) argue that legislators will try to build universal coalitions in which nearly everyone gets a share of the "spoils." If this view is correct, but analysts set aside and ignore bills and votes on which there is consensus, such studies could miss the very evidence of the impact of distributive theory on the legislative process.

Thus, we think that an analysis like the one employed in this paper, which includes data and evidence on both consensus and conflict, has the potential to paint a more complete picture of the nature of the legislative process in the House and how it might change over time. Indeed, when coupled with prior work, we believe that our findings can further illuminate how decisions are made in Congress. In the next section, we discuss why focusing exclusively on roll calls may constrain the types of conclusions one can draw from legislative behavior. From there, we draw on a variety of earlier studies and perspectives to derive expectations about what forces should influence variation in consensus and conflict.

Why Not Roll Calls?

For decades, students of legislative politics have relied almost exclusively on roll-call based analyses to evaluate factors influencing how members behave on the day-to-day business conducted in Congress. In his seminal study of voting behavior in Congress, for instance, John Kingdon (1989) identifies a variety of factors affecting how legislators vote on issues including party influence, constituency interests, and members' own ideological preferences. While it is possible for these distinct factors to overlap when it comes to legislative voting, it is more likely that legislators regularly have to choose between competing interests when faced with a roll call vote (e.g., they may be pressured by the party leadership to support a particular bill that might prove controversial with their constituents). Under these circumstances, it is unclear whether roll call decisions reflect sincere or strategic preferences on the part of individual legislators.

In addition to the above concerns, there are a variety of potential problems that may arise when analyzing roll-call based measures to systematically understand legislative behavior. First, one always has to be wary of potential endogeneity problems associated with using any measure

derived specifically from roll call votes. Measures of party voting, homogeneity, or polarization, for instance, may prove problematic if they are based on the same underlying data they seek to explain. Even sophisticated measures such as NOMINATE are not immune from this criticism since employing this measure to analyze legislative voting in Congress amounts to using "votes to predict votes" (Jenkins, Schickler, and Carson 2004: 562). Absent an independent measure of legislative behavior, it becomes difficult to explain shifting patterns in Congress over time such as changes in partisan voting or increasing polarization.

A second issue that can complicate analyses employing roll-call based measures involves agenda control in Congress. In party-based explanations of legislative behavior, for instance, majority party leaders are considered to be quite effective at controlling what is allowed to come to the floor for a vote. Consistent with the cartel model of party influence, Cox and McCubbins (2005) maintain that the majority party leadership regularly utilizes negative agenda control to keep potentially controversial issues from coming to a vote to prevent the majority from being "rolled" on the floor. In a similar vein, proponents of conditional party government (see, e.g., Rohde 1991; Aldrich and Rohde 2000b) argue that it is the internal homogeneity of the majority party that allows the party leaders to act as an agent for the rank-and-file members. As such, the leadership effectively decides what is allowed to come to a vote, the sequence of the legislative agenda, and whether a bill receives an open or a closed rule, thus restricting probable amending activity (Marshall 2005). The consequence of both theoretical perspectives is that potentially controversial issues may not be allowed to come to a recorded vote on the floor, which could significantly bias our understanding of the legislative process if we focus exclusively on roll calls as the unit of analysis.

A third potential area of concern when employing roll-call based measures is that one has

to consider the underlying data-generating process by which the roll call record is created. Many analyses of roll calls simply ignore the process by which issues receive a recorded vote in either the House or Senate. Unfortunately, this oversight can prove to be problematic when attempting to compare legislative behavior across time since this process has fluctuated throughout history (Roberts 2007). As Roberts and Smith (2003: 315) explain in the context of examining claims about increasing polarization in Congress, "inferences about floor voting are conditional on the procedural context in which the roll-call votes occur."[1] Moreover, focusing exclusively on roll-call based measures leads one to overlook unrecorded voice votes, which can severely bias our understanding of legislative behavior since the types of bills subject to a recorded vote have varied significantly over time (Lynch and Madonna 2008).

Given the potential constraints associated with roll-call based measures, we advocate an alternative approach that examines individual bills as the unit of analysis.[2] Focusing on bills instead of roll calls gives us the opportunity to analyze almost the entire legislative agenda, not just issues that receive a recorded vote. Indeed, by analyzing individual bills, we are in a much better position to identify when, and under what conditions, bills are likely to generate roll call votes. As noted above, the focus of our bill analysis is between conflict and consensus at the committee stage of the legislative process. We then aggregate individual bills by jurisdiction, which allows us to account for variation in the degree of conflict across committees. This, in turn, allows us to examine what gets voted on in terms of agenda control in Congress. In the next section, we briefly touch upon the distinct theories of legislative organization in order to formulate expectations to be tested in the ensuing sections of the paper.

---

[1] On this point, see also Smith (2007).
[2] To be clear, we are not suggesting that every analysis employing roll calls is subject to measurement error. Rather, we are highlighting the limitations associated with roll-call based measures to better inform researchers about what inferences can and cannot be drawn when using roll call votes as the unit of analysis.

Theoretical Perspectives on Legislative Organization

Implicit within the various theories of legislative organization are expectations regarding the degree to which particular issues evoke consensus and conflict in the legislative process. Thus, the central question examined in this paper is when, and under what conditions, should we expect to find varying degrees of consensus, conflict, and partisanship on bills considered in the House? Drawing on evidence spanning four Congresses, we argue that no single motivation is appropriate for understanding the full scope of the legislative process. Rather, it is our view that different theoretical rationales can be compatibly linked in building a comprehensive explanation of legislative behavior. In examining that comprehensive account, we maintain that there are multiple motivations involved in the process for voters, legislators, and other relevant actors. These motivations interact to produce distinct patterns of behavior, resulting in various "domains" of decision making dominated by one or more of the theoretical perspectives.[3]

In part this view endorses the contention of Shepsle and Weingast (1994: 175) that the different organizational rationales are not mutually exclusive. "[A]lthough the various authors of this literature have sought to differentiate their respective products, a compelling case for exclusivity has not been made and perhaps should not be." But we would move beyond that contention and argue that a compelling case for *non*-exclusivity *can* be made. In our view, the complex variations in congressional organization—cross-sectionally and over time—are to a substantial degree the consequence of these multifaceted motivations, and to explain congressional behavior and outcomes we must grapple with that environment theoretically.

The complex environment we have been discussing cannot be captured by any single motivation or universal perspective, and we should not seek to demonstrate that any one of the

---

[3] See, e.g., Carson, Finocchiaro, and Rohde (2002), Hurwitz, Moiles, and Rohde (2001), Maltzman (1995), and Rohde (1994).

rationales is superior to the others across all congressional activity. Our challenge, as students of congressional politics, is instead to specify the conditions under which each rationale is relevant to behavior and outcomes of interest, and in particular the ways in which the sets of multiple motivations interact to affect results. In the remainder of this paper, we begin to apply this perspective to the House committee system and present some initial findings with respect to the pattern of consensus, conflict, and partisanship occurring on House decision making over time, and what these patterns tell us about the mode of operation in the House of Representatives.

An Application to House Committees

Congressional committees can contain a reasonable diversity of views without being very representative, and even in that case unanimity among committee members can be a powerful signal to nonmembers that there is nothing in a given bill to be concerned about. On the other hand, a few defections on policies on which a committee would usually be united could signal outsiders that closer scrutiny is warranted. Thus, the degree and character of conflict or consensus at one stage of the legislative process can be causally linked to conflict/consensus (and in turn to outcomes) at later stages.

A related point in considering the degree to which one might expect to find consensus or conflict deals with the jurisdictional context in which committees operate. Because most of the issues considered by constituency-oriented committees tend to be in the distributive domain, while much more of the jurisdiction of the policy committees tends to invoke the partisan domain, we are able to offer predictions about the patterns of the committees' legislative behavior. For example, we would expect more consensual and less partisan decision making in the former group than in the latter. When a constituency committee takes up an issue that

7

involves competing views among the electoral forces supporting the respective parties, however, we would expect partisan conflict to occur; and when a policy committee deals with a distributive issue, we would expect it usually to result in consensual legislation.[4] We can gain theoretical leverage in verifying this claim by making comparisons across types of issues within individual committees (see, e.g., Adler 2000; Hurwitz, Moiles, and Rohde 2001) and across categories of committees. Different kinds of issues involve different interests and motivations among members and voters, and thus, there should be predictable patterns of consensus and conflict on legislation across committees depending on the mix of types of issues they deal with and the context within which the committees operate.

Hypotheses

Variation Across Committees

As Fenno (1973) asserted, there are both inter- and intra-committee differences in Congress. For instance, we would expect a comparison of the Appropriations and Veterans Affairs Committees to reveal very different patterns of consensus and partisanship. Veterans Affairs, which deals mainly with issues reaching a broad national constituency and on which members are unlikely to take opposing stands, should be characterized by a highly consensual and non-partisan environment. This does not necessarily imply an absence of roll call votes (which may occur for credit-claiming purposes), however, and the environment may in fact stimulate hurrah-type votes simply for this reason. On the other hand, the Appropriations Committee has been characterized as one in which members are assimilated to a norm of low

---

[4] It may be, however, that the general orientation of a committee has an independent effect that mitigates or enhances these general tendencies. For example, a constituency committee may be less partisan when it deals with an issue in the partisan domain than another committee that frequently faces such issues, perhaps because of informal norms that are built up over time (Fenno 1966).

levels of partisanship and little overt conflict (Fenno 1966). Nevertheless, as Aldrich and Rohde (2000a) have described, the Appropriations Committee began to be used by the party leadership to accomplish purposes that were more partisan in nature as the parties changed in line with conditional party government expectations. Thus, we should expect to see low levels of conflict for much of the post-war Appropriations Committee, with partisanship (and conflict) increasing in recent years (particularly in the 104th and subsequent Congresses).

The same types of expectations are likely to hold, at least roughly, if committees are grouped according to the prominent typologies. For example, Deering and Smith (1997) divide committees into four types: prestige, policy, constituency, and unrequested. In line with the theory described above, the environment in which decisions are made is likely to vary according to the issues a committee faces. A classic constituency committee (e.g., Merchant Marine and Fisheries, Public Works and Transportation) is more likely characterized by consensus and low levels of partisanship. Prestige and policy committees, on the other hand, are more disposed to high levels of conflict and overt partisanship, in large part because the parties have staked out very public and usually opposing positions on the types of issues falling within such committees' jurisdictions.[5]

Salience of Legislation

In addition to differences in consensus, conflict, and partisanship arising from variation across committees, we should also expect the importance of legislation to vary across individual members. That is, as issues become more salient, they tend to invoke long-standing policy cleavages and various conflicting interests more than other minor bills. In light of this, we employ a three-level classification of bills according to their significance as measured by a news

---

[5] Other typologies, such as that of Cox and McCubbins (1993), would yield similar expectations.

9

source that closely tracks the day-to-day activities of Congress. The editors of Congressional

Quarterly, in various publications, provide a catalog of the significant legislative initiatives

undertaken in each Congress. The most prominent group of bills falls under the rubric of "major

legislation," which is recorded in each issue of the *CQ Weekly Report*. On average, about 50

bills per Congress meet this criterion, which includes questions such as whether the bill would

have a significant impact on the lives of the American people, whether it involves a degree of

controversy, etc. The second, broader category includes all bills mentioned in the annual

editions of the *CQ Almanac*. These data are part of a larger collection dealing with the evolution

of issue agendas in American politics.[6] Numerous scholars have employed such typologies in

assessing the importance of various pieces of legislation. For instance, Sinclair (2007) studies

major legislation in her analysis of the ways in which the "normal" legislative process is

circumvented in favor of more "unorthodox" means. Others, such as Krutz (2001) and Howell,

Adler, Cameron, and Riemann (2001) have examined those bills appearing in the *Almanac* to

obtain a sample of the more prominent issues under consideration in a given Congress.

Single and Multiple Referrals

The rise in the complexity in legislation over time corresponds with a greater incidence of

multiple referrals since the adoption of the procedure in the early 1970s. Congressional scholars

who have studied multiple referrals have argued that they are disproportionately likely to deal

with the most important issues on the agenda of a given Congress, and they are by nature

multifaceted (Davidson et. al. 1988, 23; Young and Cooper 1993, 213-215). There are likely to

---

[6] The data used here were originally collected by Frank R. Baumgartner and Bryan D. Jones, with the support of National Science Foundation grant number SBR 9320922, and were distributed through the Center for American Politics and Public Policy at the University of Washington. Neither NSF nor the original collectors of the data bear any responsibility for the analysis reported here.

be greater differences between the preferences of groups of members across committees (both in terms of their constituencies and their own personal preferences) than within the contingent of a single committee. It would seem, moreover, that a committee is less likely to find the narrow, distributive aspects of its jurisdiction shared with another committee than the broader policy matters it deals with. The universalistic tendencies of constituency committees, for example, should be strong for singular referrals, but could well be less so for bills they share with other committees. For all of these reasons, we should expect to find that multiply-referred bills are more likely to provoke conflict than singly-referred ones.

Across Time

Each of the phenomena described above is likely to vary in its impact on the level of consensus and partisanship over time. For example, the number of multiply-referred bills has risen dramatically, though the procedure was altered in the 104th Congress. Additionally, as the parties have become more internally cohesive and have become increasingly divergent from one another, we might expect the degree of partisanship to increase at all stages of the legislative process. Since measures of partisanship have typically focused only on roll call votes, our analysis will allows us to assess the broader applicability of this claim. We will attempt to draw out these and other such distinctions as we present our results for the various Congresses.

Data and Some Preliminary Findings

The data utilized in this analysis involve public bills and joint resolutions (which we refer to as "bills" from this point forward) referred to one or more House committees *and* either reported by the committee or debated on the floor during the 96th, 100th, 104th, and 108th

Congresses.[7] We exclude private bills, constitutional amendments, and bills that are dealt with

without being referred to a committee.[8] Also excluded are simple resolutions and concurrent

resolutions from either chamber, which do not need presidential consent and cannot result in

public laws. Finally, in presenting our findings regarding consensus, conflict, and partisanship in

House committees, we choose to highlight certain committees while excluding others whose

jurisdictions frequently fall outside the scope of the focus described above. For our purposes, we

exclude the Budget, Ethics, Homeland Security, House Administration, Intelligence, Post Office,

Rules, and Small Business Committees.[9]

The principal sources of information on the legislation are the LEGI-SLATE database (for

legislative histories and committee roll calls), *Congressional Quarterly* (for floor roll call data),

and THOMAS (as a supplement to the other sources).[10] This resulted in a fairly large relational

database for each of the Congresses linking roll call level data at both the committee and floor

stages to a primary file with data at the bill level.

We have argued above that there should be predictable patterns of consensus and conflict

on legislation across committees depending on the mix of issues they deal with. Before turning

---

[7] Our rationale for choosing these Congresses was twofold. First, they allow for an examination of consensus and partisanship during periods when both parties controlled the House. Second, the analysis actually began with just the 100th Congress, and the results more or less stood alone. Our inclusion of the other Congresses was in large part an attempt to demonstrate the stability of the results across a wider period of time and turned out to be in line with our expectations.

[8] The exception to this rule is the Appropriations Committee, in light of the fact that much of its legislative workload is reported as original legislation subsequent to committee markup and reporting. Thus, in such cases, where a bill was obviously tied to the committee but did not receive formal referral, we treated the measures as falling within its jurisdiction and as if it had been referred.

[9] The Budget Committee, by the nature of its jurisdiction, considers primarily concurrent resolutions, while the Ethics and House Administration Committees tend to consider only resolutions. Similarly, the Rules Committee is unique in that most of the bills it sends to the floor are not referred to it and much of its business is conducted in the form of special rules (i.e., resolutions). The Post Office and Civil Service Committee is omitted because of the dominance of commemorative legislation within its jurisdiction. Including it in our analysis would bias the results in favor of finding consensus, when in fact such consensus deals simply with trivial topics such as designating "National Family Week" or "National Teacher Day" (both examples from the 96th Congress). Finally, with respect to Homeland Security (a select committee that only appears in our sample for the 108th), Intelligence, and Small Business, we have excluded them from our presentation due to the small number of bills linked to each.

[10] While LEGI-SLATE no longer exists, the data employed in this analysis may be obtained from the authors upon request. THOMAS is the website of the Library of Congress for legislative information (http://thomas.loc.gov/).

to these and other questions, it is necessary to consider how we intend to measure conflict on bills considered in the House. Theoretically, the measurement of the degree of controversy or conflict on bills is continuous, but for our empirical analysis we also employ a categorical classification to capture whether conflict occurred at any point in the legislative process in addition to an interval measure of conflict. Thus, we are able to speak to both the *incidence* and *magnitude* of conflict on bills considered in the House. In operationalizing the continuous variable, we consider the average level of conflict across all roll calls in a bill's history.[11]

For the dichotomous measure, we ask whether *at any point* in the process there was a roll call on which the losing side was of a specified size. We adopt a ten percent criterion such that if the winning position evoked less than 90 percent agreement, the vote was characterized as conflictual. Many alternative specifications were possible—we also examined the data using thresholds of 3/4 and 2/3 agreement for many of the estimates, but these produced little or no substantive change in the results. The criterion adopted here establishes a (very) minimalist definition, thus maximizing the amount of controversy we find. A bill could receive unanimous support in every aspect of consideration save one and it would be classified as controversial. For instance, adoption of the special rule, a series of amendments, and recommital might exceed the threshold, but final passage might not—this bill would be classified as conflictual. This criterion is therefore intentionally sensitized to favor finding more controversy, which tends to be the traditional view of how Congress functions. The advantage of using this minimalist standard for conflict will become clear as we present the results.

---

[11] Average conflict is defined as: $\dfrac{1}{n}\sum_{i=1}^{n}1-\left|\%Yea_i-\%Nay_i\right|$. The variable is bounded by zero and one, with higher values indicating higher levels of conflict. If there were no roll calls on the bill, the variable is coded zero.

Turning to a discussion of the initial results, Figure 1 indicates the percentage of bills that generated at least one conflictual vote at any stage of the legislative process in each of the Congresses we examine. We begin by looking across committees, with the corresponding percentages for all bills in the lower right panel. As noted above, given the liberal criterion for controversy, it is easy for a bill to appear controversial. Yet, as is evident from the figure, even with this liberal standard we observe that the preponderance of bills exhibited no conflict whatsoever at any stage of the legislative process. For instance, only about one third of bills in the 96th and 104th Congresses elicited one or more conflictual roll calls at any stage, while less than one quarter of bills in the 100th and 108th Congresses generated any conflict.[12]

[FIGURE 1 HERE]

We also notice differences in conflict across the various committees and over time.[13] For instance, Appropriations, Education and Labor, and Ways and Means regularly saw higher proportions of conflictual bills across the four Congresses. On the other hand, committees such as Interior and Veterans' Affairs tended to exhibit significantly less controversy when compared with other panels. Thus, there appears to be preliminary support for the rationale that prestige

---

[12] The tables appearing in the Appendix list the conflict data, as well as the source of conflict: in committee, on the floor, or both. Interestingly, we find that conflict was often not congruent between the committee and the floor. In numerous instances, conflict on a bill occurred at one stage or the other but not at both. For example, of the 40 bills linked to the Armed Services Committee in the 96th Congress, we see that about 28 percent evoked controversy at either the committee or the floor stage. However, about 10 percent of the bills were conflictual only in committee, while 15 percent were conflictual only on the floor, leaving less than three percent with conflict at both stages. Thus, there appears to be some dichotomy between the types of issues that evoke controversy at one stage as opposed to the other. Whether this is due to differences in the membership and/or preferences of the two groups of members, differences in the alternatives considered at the two stages, or a combination of both of these factors, we cannot say at this time. However, this is an issue that merits further attention and we hope to examine it further in subsequent work.

[13] As a result of the reforms enacted by Republicans in the 104th Congress, three committees (District of Columbia, Post Office and Civil Service, and Merchant Marine and Fisheries) were eliminated and the names of others were changed (Armed Services to National Security; Banking, Finance, and Urban Affairs to Banking and Financial Services; Education and Labor to Economic and Educational Opportunities; Government Operations to Government Reform and Oversight; House Administration to House Oversight; Interior and Insular Affairs to Resources; Interstate and Foreign Commerce to Commerce; and Public Works and Transportation to Transportation and Infrastructure). For the sake of comparison, we adopt the names of the committees that were in use in the 96th Congress.

and policy committees tend toward more conflict than those dealing with constituency-type issues. This claim will be explored more systematically later in our multivariate analyses.

[TABLE 1 HERE]

We turn our attention next to the incidence of partisanship on bills. Scholars often make the implicit assumption that conflict in Congress is partisan, but coalitions that are not solely or even predominantly partisan of course also emerge. Furthermore, at the heart of legislative theories is the expectation that parties and their influence may vary. To examine the scope of partisan conflict, we categorize partisanship as having occurred in those instances in which at least one party-unity vote was taken (i.e., a majority of one party opposed a majority of the other). Table 1 demonstrates that on bills where conflict occurred, partisanship generally increased over time across committees, even in light of what is a fairly minimalist standard for partisanship (just one party vote at any stage). With the exception of Appropriations (which held fairly steady in the 80-90 percent range), and Armed Services and Judiciary (which rose from the 96th Congress and held in the low to mid-80s and 90s, respectively, thereafter), there was a steady increase in partisanship for bills linked to each committee across the four Congresses. The only other blips in the trend are for Veterans Affairs, which was characterized by very little conflict, Transportation in the 100th Congress, and Foreign Affairs in the 108th Congress, which saw partisanship on conflictual votes drop from 91 percent to about 71 percent. By the 104th and 108th Congresses, nearly all bills that were conflictual according to our definition had at least one conflictual vote that was partisan in nature. For most committees, 90 percent or more of those bills that exhibited conflict also had a partisan component. This trend is underscored by the overall level of partisanship on all bills across the Congresses. Of the 281 bills in the 96th Congress on which some conflict occurred according to our criterion, about 75 percent also had a

15

partisan component. This percentage increased to about 80 percent in the 100th Congress and then exceeded 90 percent in the 104th and 108th Congresses.

Results

While the earlier results are informative for helping us understand the percentage of bills that are conflictual in a given Congress, we cannot yet speak with confidence about the factors associated with the incidence or magnitude of conflict. To explore the influence of multiple variables on the occurrence and degree of conflict on legislation, we turn to multivariate analysis. In Table 2, we explore the incidence of conflict at any stage of the legislative process, where the dependent variable is dichotomous and takes on the value of one if conflict occurred. Due to the binary nature of the dependent variable, we employ a logit model in estimating these equations. Included in this and subsequent models are variables capturing whether the bill was multiply referred, whether it was categorized by *Congressional Quarterly Weekly Report* as major legislation or appeared in the annual edition of the *CQ Almanac*, and whether it was referred to one of the three types of committees identified by Deering and Smith (1997): prestige, policy, and constituency.[14]

[TABLE 2 HERE]

Turning to the estimates presented in Table 2, we observe that bills considered to be of primary importance (CQ Major Legislation) and even those of moderate salience (CQ Almanac)

---

[14] Deering and Smith's (1997) typology is as follows. Prestige committees include Appropriations; Budget; Rules; and Ways and Means. Policy committees include Banking; Education and Labor; Energy and Commerce; Foreign Affairs; Judiciary; and Government Operations. Constituency committees include Agriculture; Armed Services; Interior; Merchant Marine and Fisheries; Public Works and Transportation; Science, Space, and Technology; Small Business; and Veterans' Affairs. The baseline in our models is the group of unrequested committees, which includes District of Columbia; House Administration; Post Office and Civil Service; Standards of Official Conduct; and Select Intelligence. We also estimated the models using Cox and McCubbins' (1993) classification, but found this measure to offer less leverage, given that the committees are classified according to externalities rather than organizational intent.

were significantly more likely to evoke controversy in each of the Congresses we examine. The substantive effect of the variables can be estimated via the change in predicted probability of a bill producing at least one conflictual roll call as the independent variable of interest moves from zero to one while holding other variables at their mean or mode. These estimates are displayed in the columns of the table labeled ΔP next to the coefficients that produced statistically significant effects. For example, bills appearing in the CQ Almanac were from 16 percent (100th) to 50 percent (108th) more likely to be conflictual than other bills (holding all other variables at their modal value). The change in predicted probability for important and consequential bills is even more striking—those that were categorized by CQ as "major legislation" were on average about 65 percent more likely to have elicited controversy than those that were not. Clearly, significant bills that are controversial attract media coverage—perhaps contributing to the perception of Congress as an increasingly hostile and confrontational environment.

Furthermore, bills referred to a prestige committee were consistently more likely to generate conflict than measures linked to a constituency committee (the baseline category) across time. The substantive effect is roughly 25 percent across the four Congresses. Bills linked to a policy committee in the 96th Congress were nine percent more likely to elicit controversy at some point, with a smaller effect (about five percent) in the 100th and 108th Congresses. Finally, multiple referral exhibits a statistically significant effect in only the 96th Congress, as the likelihood of conflict increases by about eight percent in those instances in which a bill was sent to two or more committees. The fact that this variable is insignificant in the 104th and 108th Congresses may be a result of the new rules instituted by the House in 1995 to limit the referral of bills to multiple committees (see Evans and Oleszek 1997: 141-142).

To this point, our systematic analysis has been focused solely on the incidence of conflict on bills. As mentioned above, this conceptualization of conflict is quite restrictive. That is, it does not take much to define a bill as conflictual. In light of this, we re-estimate the models presented earlier with a continuous measure of conflict as the dependent variable. Here, the dependent variable is the average level of conflict on all roll calls taken on a particular bill. We present these models, estimated using ordinary least squares regression, in Table 3.

[TABLE 3 HERE]

The results in Table 3 are for the most part quite similar to those of the logit estimates, as we find that the coefficients for CQ Almanac, major legislation, and prestige committees are all positive and significant. The average level of conflict on bills discussed in CQ's coverage increased across the time period examined. Additionally, while the additional contribution to conflict associated with bills referred to prestige and policy committees is comparatively low, it is important to note that major bills very likely make up a portion of this list and the size of the coefficients are significantly larger than the baseline intercept term. That said, aside from the most prominent legislation, which falls only in the middle of our scale of average conflict that ranges from zero to one, there is remarkably little conflict on most legislation considered in the House. We continue to observe that multiply referred bills are linked to higher levels of conflict in just the 96th Congress. Finally, we see that bills referred to a policy committee are associated with higher levels of conflict in the 96th, 100th, and 108th Congresses.

Discussion

This analysis has shifted the empirical focus away from the usual examination of aggregated roll calls to a consideration of bills as the unit of analysis. While a few studies of

aggregated roll call data discuss consensus and conflict (e.g., Collie 1988), most focus on the latter. Indeed, most studies of this nature exclude consensual roll calls at the outset. In addition to possibly introducing bias into our understanding of the legislative process via the underlying data generating process, this also means that the incidence of controversy versus consensus cannot be addressed. Our focus on bills as the unit of analysis has permitted the use of roll-call data to indicate the degree and the character of conflict, but it also has permitted the indication of its incidence or absence.

In light of this, we have sought to address two related yet distinct aspects of House decision making. First, scholars have realized for some time that much of what characterizes decision making in the House does not evoke much partisanship or even conflict. Following up on this perception, we have attempted to document the extent to which the House operates as a consensual body. On average, about two-thirds of bills receiving consideration in the House fail to provoke even one conflictual vote at any stage of the legislative process. This is particularly noteworthy in that we have excluded from our sample much of the commemorative and symbolic actions taken by the House. The fact that Congress so frequently operates in a consensual fashion may not be a new insight, but the extent to which this is the case will likely be surprising to many students of the institution.

A second and perhaps more important aspect of this analysis has been the attempt to document the conditions under which we observe various levels of consensus, conflict, and partisanship. Our results suggest that there is systematic variation in the amount of conflict (or consensus) according to a number of factors, including the committee context, the scope of the legislation (as measured by the degree of coverage it received), and to a lesser extent whether or not the bill was multiply referred. It is also the case that conflict in the early stages of a bill's

legislative history frequently foreshadows conflict that will emerge on the floor. However, by no means is such conflict determinative, and this remains an interesting area for future analysis. Furthermore, we find that conflict has occurred more frequently over time, at least in the Congresses we have examined here. Not surprisingly, as the congressional context has become more partisan, this has translated into a higher proportion of bills receiving one or more conflictual votes at some point in their consideration.

Our analysis provides extensive and systematic evidence for viewpoints in the literature that are based on limited or anecdotal data. Of course, the results here are hardly the last word on this complex subject. One set of theoretical issues needing to be considered in future work involves parsing out more clearly the relationship between motivations and issues at the committee and floor stages. For instance, what kinds of issues are most likely to involve the distributive and partisan domains respectively, and what is the mix within each committee? What are our theoretical expectations about variations in the relevance of informational motivations across issues? For different types of committees, what do we expect to be the impact of linkages to other aspects of the process (e.g., to the floor, to rank-and-file party members, to party leaders, to the president)? While these and other questions will likely stimulate further research, we hope that this analysis will serve as a foundation for future scholarship considering the degree to which House decision making is characterized by consensus, conflict, and partisanship at various stages of the legislative process.

APPENDIX
Table A1 – Conflict on Bills in the 96th Congress

| Committee | # of Bills | Any Stage | % Controversial | | |
			Committee Only	Committee and Floor	Floor Only
Agriculture	56	37.5	12.5	5.4	19.6
Appropriations	63	61.9	1.6	6.3	54.0
Armed Services	40	27.5	10.0	2.5	15.0
Banking	43	48.8	9.3	23.3	16.3
Commerce	97	43.3	9.3	14.4	19.6
Dist. of Columbia	14	28.6	0.0	0.0	28.6
Education	33	45.5	12.1	15.2	18.2
Foreign Affairs	42	35.7	2.4	2.4	30.9
Govt. Operations	19	26.3	5.3	21.0	0.0
Interior	138	16.7	5.1	3.6	8.0
Judiciary	83	37.3	14.5	13.2	9.6
Merchant Marine	77	13.0	3.9	3.9	5.2
Science	36	25.0	5.6	5.6	13.9
Transportation	79	19.0	3.8	6.3	8.9
Veterans' Affairs	12	8.3	8.3	0.0	0.0
Ways and Means	87	43.7	16.1	16.1	11.5
All Bills	**921**	**30.5**	**7.9**	**8.7**	**13.9**

Table A2 – Conflict on Bills in the 100th Congress

			% Controversial		
Committee	# of Bills	Any Stage	Committee Only	Committee and Floor	Floor Only
Agriculture	66	13.6	0.0	1.5	12.1
Appropriations	44	75.0	4.5	6.9	63.6
Armed Services	33	33.3	3.0	6.1	24.2
Banking	48	31.3	4.2	12.5	14.6
Commerce	125	25.6	8.8	8.8	8.0
Dist. of Columbia	5	60.0	40.0	0.0	20.0
Education	50	48.0	16.0	8.0	24.0
Foreign Affairs	55	25.5	1.8	7.3	16.4
Govt. Operations	24	33.3	8.3	8.3	16.7
Interior	191	12.6	3.1	2.7	6.8
Judiciary	92	21.7	5.4	6.5	9.8
Merchant Marine	73	21.9	5.5	2.7	13.7
Science	38	31.6	10.5	2.7	18.4
Transportation	72	16.7	1.4	1.4	13.9
Veterans' Affairs	26	19.2	7.7	0.0	11.5
Ways and Means	23	47.8	0.0	17.4	30.4
All Bills	**803**	**22.5**	**6.4**	**5.2**	**10.9**

Table A3 – Conflict on Bills in the 104th Congress

			% Controversial		
Committee	# of Bills	Any Stage	Committee Only	Committee and Floor	Floor Only
Agriculture	24	20.8	4.2	8.3	8.3
Appropriations	44	88.6	2.3	43.1	43.2
Armed Services	24	58.3	4.2	20.8	33.3
Banking	26	23.1	7.7	3.9	11.5
Commerce	85	27.1	9.4	5.9	11.8
Dist. of Columbia	*				
Education	40	62.5	27.5	12.5	22.5
Foreign Affairs	31	35.5	6.5	9.6	19.4
Govt. Operations	65	29.2	4.6	6.1	18.5
Interior	157	20.4	9.6	3.8	7.0
Judiciary	129	34.9	11.6	9.3	14.0
Merchant Marine	*				
Science	24	50.0	29.2	12.5	8.3
Transportation	69	17.4	2.9	8.7	5.8
Veterans' Affairs	17	0.0	0.0	0.0	0.0
Ways and Means	49	65.3	2.0	30.6	32.7
All Bills	**663**	**32.0**	**10.4**	**12.4**	**9.2**

* These committees were eliminated as part of the committee reforms at the beginning of the 104th Congress.

Table A4 – Conflict on Bills in the 108ᵗʰ Congress

			% Controversial		
Committee	# of Bills	Any Stage	Committee Only	Committee and Floor	Floor Only
Agriculture	33	18.2	0.0	9.1	9.1
Appropriations	46	76.1	4.4	37.0	34.8
Armed Services	28	39.3	10.7	17.9	10.7
Banking	60	30.0	10.0	8.3	11.7
Commerce	78	29.5	10.3	5.1	14.1
Dist. of Columbia	*				
Education	54	48.2	5.6	27.8	14.8
Foreign Affairs	38	18.4	5.3	7.9	5.3
Govt. Operations	126	7.9	4.8	0.8	2.4
Interior	195	8.2	4.1	1.0	3.1
Judiciary	108	40.7	10.2	23.2	7.4
Merchant Marine	*				
Science	40	30.0	10.0	7.5	12.5
Transportation	76	17.1	1.3	5.3	10.5
Veterans' Affairs	29	0.0	0.0	0.0	0.0
Ways and Means	79	41.8	7.6	11.4	22.8
All Bills	**769**	**21.5**	**5.5**	**8.2**	**7.8**

* These committees were eliminated as part of the committee reforms at the beginning of the 104ᵗʰ Congress.

References

Adler, E. Scott. 2000. "Constituency Characteristics and the 'Guardian' Model of Appropriations Subcommittees, 1959-1998." *American Journal of Political Science* 44: 104-114.

Aldrich, John H. 1995. *Why Parties? The Origin and Transformation of Political Parties in America*. Chicago: The University of Chicago Press.

Aldrich, John H., and David W. Rohde. 2000a. "The Republican Revolution and the House Appropriations Committee." *Journal of Politics* 62: 1-33.

Aldrich, John H., and David W. Rohde. 2000b. "The Consequences of Party Organization in the House: The Role of the Majority and Minority Parties in Conditional Party Government." In *Polarized Politics: Congress and the President in a Partisan Era*, Jon R. Bond and Richard Fleisher, eds. Washington, D.C: CQ Press.

Carson, Jamie L., Charles J. Finocchiaro, and David W. Rohde. 2002. "Partisanship, Consensus, and Committee-Floor Divergence: A Comparison of Member Behavior in the 96th and 104th Congresses." *American Politics Research* 30: 3-33.

Collie, Melissa P. 1988. "Universalism and the Parties in the U.S. House of Representatives: 1921-1980." *American Journal of Political Science* 32: 865-883.

Cox, Gary W. and Mathew D. McCubbins. 1993. *Legislative Leviathan*. Berkeley, California: University of California Press.

Cox, Gary W. and Mathew D. McCubbins. 2005. *Setting the Agenda: Responsible Party Government in the U.S. House of Representatives*. New York: Cambridge University Press.

Davidson, Roger H., Walter J. Oleszek, and Thomas Kephart. 1988. "One Bill, Many Committees: Multiple Referrals in the House of Representatives." *Legislative Studies Quarterly* 13: 3-28.

Deering, Christopher J. and Steven S. Smith. 1997. *Committees in Congress*, 3rd ed. Washington, D.C.: CQ Press.

Evans, C. Lawrence, and Walter J. Oleszek. 1997. *Congress Under Fire: Reform Politics and the Republican Majority*. New York: Houghton Mifflin.

Fenno, Richard F., Jr. 1966. *The Power of the Purse*. Boston: Little, Brown.

Fenno, Richard F., Jr. 1973. *Congressmen in Committees*. Boston: Little, Brown.

Fenno, Richard F. 1978. *Home Style: House Members in Their Districts*. Boston: Little Brown.

Howell, William, Scott Adler, Charles Cameron, and Charles Riemann. 2000. "Divided Government and the Legislative Productivity of Congress, 1945-94." *Legislative Studies Quarterly* 25: 285-312.

Hurwitz, Mark S., Roger J. Moiles, and David W. Rohde. 2001. "Distributive and Partisan Issues in Agriculture Policy in the 104th House." *American Political Science Review* 95: 911-922.

Jenkins, Jeffery A., Eric Schickler, and Jamie L. Carson. 2004. "Constituency Cleavages and Congressional Parties: Measuring Homogeneity and Polarization Across Time." *Social Science History* 28: 537-573.

King, Gary, Michael Tomz, and Jason Wittenberg. 2000. "Making the Most of Statistical Analyses: Improving Interpretation and Presentation." *American Journal of Political Science* 44: 347-361.

Kingdon, John W. 1989. *Congressmen's Voting Decisions*, 3rd ed. Ann Arbor: University of Michigan Press.

Krehbiel, Keith. 1991. *Information and Legislative Organization*. Ann Arbor: University of Michigan Press.

Krutz, Glen S. 2001. "Tactical Maneuvering on Omnibus Bills in Congress." *American Journal of Political Science* 45: 210-223.

Londregan, John and James M. Snyder. 1994. "Comparing Committee and Floor Preferences." *Legislative Studies Quarterly* 19: 233-266.

Lynch, Michael S. and Anthony J. Madonna. 2008. "Viva Voce: Implications from the Disappearing Voice Vote, 1807-1999." Paper presented at the Annual Meeting of the Midwest Political Science Association.

Maltzman, Forrest. 1995. "Meeting Competing Demands: Committee Performance in the Postreform House." *American Journal of Political Science* 39: 653-682.

Marshall, Bryan W. 2005. *Rules for War: Procedural choice in the U.S. House of Representatives*. Burlington: Ashgate Publishing.

Mayhew, David R. 1974. *Congress: The Electoral Connection*. New Haven: Yale University Press.

Poole, Keith T. and Howard Rosenthal. 1997. *Congress: A Political-Economic History of Roll Call Voting*. New York: Oxford University Press.

Poole, Keith T. and Howard Rosenthal. 2007. *Ideology and Congress*. New Brunswick: Transaction Publishers.

Roberts, Jason M. 2007. "The Statistical Analysis of Roll Call Data: A Cautionary Tale." *Legislative Studies Quarterly* 32: 341-360.

Roberts, Jason M. and Steven S. Smith. 2003. "Procedural Contexts, Party Strategy, and Conditional Party Voting in the U.S. House of Representatives, 1971-2000." *American Journal of Political Science* 47: 305-317.

Rohde, David W. 1991. *Parties and Leaders in the Postreform House*. Chicago: University of Chicago Press.

Rohde, David W. 1994. "Parties and Committees in the House: Member Motivations, Issues, and Institutional Arrangements." *Legislative Studies Quarterly* 19: 341-360.

Shepsle, Kenneth A. and Barry R. Weingast. 1987. "The Institutional Foundations of Committee Power." *American Political Science Review* 81:85-104.

Shepsle, Kenneth A. and Barry R. Weingast. 1994. "Positive Theories of Congressional Institutions." *Legislative Studies Quarterly* 19: 149-179.

Sinclair, Barbara. 2007. *Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress*, 3rd ed. Washington, D.C: CQ Press.

Smith, Steven S. 2007. *Party Influence in Congress*. New York: Cambridge University Press.

Tomz, Michael, Jason Wittenberg, and Gary King. 2003. CLARIFY: Software for Interpreting and Presenting Statistical Results. Version 2.1. Cambridge, MA: Harvard University, Last accessed October 23, 2008. http://gking.harvard.edu/clarify.

Weingast, Barry R. 1979. "A Rational Choice Perspective on Congressional Norms." *American Journal of Political Science* 23: 245-262.

Weingast, Barry R., and William J. Marshall. 1988. "The Industrial Organization of Congress; or, Why Legislatures, Like Firms, Are Not Organized as Markets." *Journal of Political Economy* 96: 132-163.

Wilson, Woodrow. [1885]. 1985. *Congressional Government: A Study in American Politics*. Boston: Houghton Mifflin.

Young, Garry and Joseph Cooper. 1993. "Multiple Referral and the Transformation of House Decision Making." In *Congress Reconsidered*, 4th ed. Lawrence C. Dodd and Bruce R. Oppenheimer, eds. Washington, D.C.: CQ Press, 211-234.

Table 1 – Partisanship on Conflictual Bills in Congress

Committee	96th Congress % Partisan	100th Congress % Partisan	104th Congress % Partisan	108th Congress % Partisan
Agriculture	71.4 (21)	77.8 (9)	100.0 (5)	100.0 (6)
Appropriations	94.9 (39)	81.8 (33)	97.4 (39)	88.6 (35)
Armed Services	27.3 (11)	81.8 (11)	85.7 (14)	81.8 (11)
Banking	76.2 (21)	86.7 (15)	100.0 (6)	83.3 (18)
Commerce	66.7 (42)	87.5 (32)	95.7 (23)	95.7 (23)
Dist. of Columbia	75.0 (4)	100.0 (3)	*	*
Education	80.0 (15)	91.7 (24)	96.0 (25)	96.2 (26)
Foreign Affairs	73.3 (15)	85.7 (14)	91.0 (11)	71.4 (7)
Govt. Operations	80.0 (5)	87.5 (8)	89.5 (19)	90.0 (10)
Interior	73.9 (23)	79.2 (24)	84.4 (32)	100.0 (16)
Judiciary	83.9 (31)	90.0 (20)	97.8 (45)	95.5 (44)
Merchant Marine	60.0 (10)	62.5 (16)	*	*
Science	55.6 (9)	75.0 (12)	91.7 (12)	100.0 (12)
Transportation	86.7 (15)	66.7 (12)	91.7 (12)	92.3 (13)
Veterans' Affairs	0.0 (1)	40.0 (5)	(0)	(0)
Ways and Means	73.7 (38)	81.8 (11)	84.4 (32)	93.9 (33)
All Bills	**75.1 (281)**	**80.1 (181)**	**91.5 (212)**	**90.3 (165)**

* These committees were eliminated as part of the committee reforms at the beginning of the 104th Congress.

Table 2 – Predicting the Incidence of Conflict on Bills in Committee or on the Floor

	96th Congress		100th Congress		104th Congress		108th Congress	
Variables	β	Δ P	β	Δ P	β	Δ P	β	Δ P
Multiple Referral	0.702** (0.230)	.08	0.127 (0.246)	---	0.316 (0.245)	---	0.120 (0.270)	---
CQ Almanac	1.549** (0.172)	.22	1.220** (0.199)	.16	2.044** (0.214)	.32	2.533** (0.261)	.50
Major Legislation	2.843** (.655)	.52	4.772** (1.050)	.80	3.793** (0.605)	.70	3.195** (0.494)	.64
Prestige	1.364** (0.222)	.18	1.840** (0.317)	.29	1.727** (0.303)	.25	1.440** (0.264)	.24
Policy	0.825** (0.183)	.09	0.372* (0.210)	.04	-0.162 (0.216)	---	0.631** (0.238)	.05
Constant	-2.361** (0.165)		-2.338** (0.165)		-2.226** (0.207)		-2.685** (0.205)	
Pseudo R^2	0.188		0.189		0.292		0.295	
Wald χ^2	146.58**		100.31**		145.88**		183.20**	
N	921		802		663		769	

Note: Coefficients are logit estimates. White-Corrected Standard Errors reported in parentheses. The change in predicted probability is calculated from a baseline model using Tomz, Wittenberg, and King's (1999) CLARIFY program. All variables in the model are dichotomous where the values reported reflect changes from one category to the other. For more information about the CLARIFY program, see King, Tomz, and Wittenberg (2000).

*p ≤ .10, **p ≤ .05

Table 3 – Average Conflict on Bills in Committee or on the Floor

Variables	96th Congress	100th Congress	104th Congress	108th Congress
Multiple Referral	0.098**	0.018	0.037	0.0004
	(0.028)	(0.023)	(0.039)	(0.025)
CQ Almanac	0.164**	0.107**	0.243**	0.321**
	(0.018)	(0.020)	(0.026)	(0.039)
Major Legislation	0.330**	0.339**	0.440**	0.450**
	(0.061)	(0.052)	(0.048)	(0.053)
Prestige	0.182**	0.241**	0.210**	0.139**
	(0.028)	(0.042)	(0.036)	(0.032)
Policy	0.085**	0.044**	-0.006	0.041**
	(0.019)	(0.018)	(0.022)	(0.017)
Constant	0.028**	0044**	0.063**	0.043**
	(0.010)	(0.010)	(0.016)	(0.012)
R^2	0.234	0.194	0.314	0.313
F-Statistic	49.03**	36.34**	66.41**	52.09**
N	921	802	663	769

Note: Coefficients are OLS estimates. White-Corrected Standard Errors reported in parentheses.

*p ≤ .10, **p ≤ .05

Figure 1 – Percentage of Bills with Conflict at Any Stage