War for the Floor: 
Partisan Theory and Agenda Control 
In the U.S. House of Representatives 

This article extends recent research on partisan agenda control in the U.S. House of Representatives to the issue of procedural control of the legislative agenda via special rules. In particular, we draw out a facet of cartel and conditional party government theories that has not been addressed in prior analyses: the simultaneous interrelationship between positive and negative agenda control. Using roll-call data on two procedural matters—votes to order the previous question on a special rule and votes to adopt a special rule—over the 1953–2002 period, we found that, in the area of procedural control of the floor agenda, the majority party’s amount of agenda control depends to a significant degree upon the party’s homogeneity and power.

In recent work, Cox and McCubbins (2002, 2005) have elaborated on their theory of parties in Congress by focusing on the ability of the majority party, as a procedural cartel, to control the floor agenda of the U.S. House of Representatives. In this article, we build upon their efforts by considering the concept of agenda control as it relates to one of the primary mechanisms used to shape the floor agenda: procedural decisions contained in the special rules that govern consideration of bills coming before the House. Prior research has been largely confined to questions surrounding the nature of special rules, while the variation in the use of special rules and changes in party success in this area have received much less attention. To further our understanding of this aspect of legislative organization, and to elaborate the theoretical and empirical relationship between positive and negative agenda control, we take as our starting point two closely related perspectives, cartel theory and conditional party government theory. We posit that, although there are not large-scale conflicts between the two theories, there are some differences between them with regard to procedural control.
Cartel theory gives primary attention, theoretically and empirically, to negative agenda control, which is defined as the ability to block passage of proposals that a majority of the majority party oppose. Cox and McCubbins contend that negative agenda control is largely invariant with changes in majority party power considered important in conditional party government, and they provide considerable evidence that supports this view. On the other hand, Cox and McCubbins’s theory devotes relatively little attention to positive agenda control, the ability to secure adoption of measures that the majority party favors. In the following analysis, we argue that the distinction between positive and negative agenda control, which is clear in theory, is not so clear in practice. In many situations of interest, the two powers are closely intertwined with regard to controlling floor procedures. As a consequence, in these situations even negative agenda control is variable with the conditions of conditional party government.

The article proceeds as follows. In the next section, we describe the central role of the special-rules process in organizing the House agenda, and we discuss some of the significant changes that have occurred within this process over the past 50 years. In the next three sections, we discuss cartel and conditional party government theories and their expectations with respect to special rules; describe our data; and sketch out a number of patterns consistent with the theoretical argument, before presenting our empirical results. The final section concludes.

The Majority Party and the Special-rules Process

Most bills that involve policy disagreements between the parties come to the floor under special rules that set the terms of floor debate. Special rules are resolutions proposed by the Rules Committee that must be adopted by a majority of the House before the bill they relate to can be considered.1 When the resolution comes to the floor, members who oppose the bill in any form may seek to defeat the rule, to prevent its consideration. Defeat of the rule effectively returns it (and the issue of scheduling the underlying bill) to the Rules Committee. If, however, members favor some form of the bill but object to the proposed debate procedures, then the legislators’ only recourse outside of killing the rule and sending it back to the Rules Committee is to defeat the previous question on the special rule (Bach and Smith 1988, 96–100). When such a defeat occurs, majority party control of the floor is effectively lost, and the minority is given control of the process and the opportunity to offer (via amendment) a rule of its own (Tiefer 1989, 371–73).
Defeating the previous question is the only method by which opponents can amend a rule. If the previous question on the rule is passed, then no amendments are possible, although the rule itself could be defeated.

Perhaps the best known and most instructive incident in House history relating to a fight over a special rule occurred during the partisan wrangling over President Reagan’s budget proposal in 1981. The critical vote occurred on ordering the previous question on the Democratic leadership’s rule, which, if adopted, would have split the Gramm-Latta II substitute to the budget reconciliation legislation into six parts, thereby splintering the opposition. The Republican minority was successful in winning over some Democrats and defeating the previous question, subsequently amending the rule to keep Gramm-Latta II intact and momentarily seizing agenda control from the Democrats and seeing the Reagan budget through to enactment (Tiefer 1989, 376–77).

As this episode illustrates, the content of special rules can have an effect on the character of substantive policies chosen by the House. Consequently, when the two parties have policy disagreements on legislation, they may have incentive to struggle over the content of rules, and the votes on the previous question and adoption of the rule are the keys to that struggle. Previous research on conditional party government (CPG) is replete with examples of the majority party seeking to structure rules to their advantage and to secure support for the proposed rule on the floor. There is also substantial anecdotal evidence regarding the importance the majority leadership attaches to these votes and the efforts on their part to induce their members to join in support of the party position (see, for example, Aldrich and Rohde 2000a, 58–59).

In March of 1997—after narrowly winning passage of a rule—Gerald Solomon of New York (then chair of Rules) sent a letter to his GOP colleagues warning them about his “grave concern” about the lack of party cohesion. He noted that the Democrats in the 103d Congress had six rules defeated and then lost their House majority: “They were unable to work out problems in advance, and the defeat of rules on the floor was a reflection of deeper divisions—they were simply unable to govern.” Moreover, party leaders make a sharp distinction between opposition on rule adoption and opposition on the previous question. In July of 1995, during preparation for the vote on a rule for an appropriations bill (which was defeated), Majority Whip Tom DeLay of Texas “had told [Republican] freshmen planning to vote against the rule that opposing the resolution was one thing—but they’d better not vote with the Democrats on the ‘previous question’ motion, which, if won by the minority, cedes control of the floor. ‘We explained it to them,’ DeLay said.”
Majority party control over the special-rules process is important for a number of reasons. Certainly one motive underlying the use of a special rule is grounded in policy interests. When members of the majority party are in agreement, a primary goal of that coalition will be to effect policy change—whether by keeping less-preferred yet passable policies off the floor (an example of negative agenda control) or by providing floor access to party measures through special rules (positive agenda control). When liberal Democrats and the majority leadership sought to expand the Rules Committee in 1961, they wanted to remove the capability of conservative southern Democrats to join with Republicans and exercise negative agenda control with regard to President Kennedy’s policy proposals. That is, they were concerned mainly with limiting the blocking power of opponents, but in the context of wanting to pass a positive agenda. Thus, positive and negative agenda control were linked. When, on the other hand, Democratic reformers sought in 1975 to give the Speaker control over the appointment and removal of majority party members of Rules, they were interested in more than preventing Rules from exercising blocking power, since blocking was no longer a problem. They wanted to permit the majority leadership to exploit procedural agenda control to increase the chances of passing Democratic party proposals. Here, positive and negative agenda control were even more intertwined.

Beyond wanting to change policy, the parties may, in addition, have electoral concerns in mind when structuring the agenda, such as creating (or limiting) opportunities for position taking. Shaping the alternatives offered on the floor can have significant consequences that bear little if at all on policy outcomes. For example, the majority party has an interest in preventing amendments that would embarrass its members while allowing amendments that would embarrass the opposition. For all these reasons, control of the creation and adoption of special rules can be crucial to the majority party’s legislative success, at least when there is conflict over the legislation between the majority and the minority. Furthermore, although special rules are inherently a vehicle for positive action, they will often involve blocking alternative proposals. This dual nature of procedural agenda control is a point we will take up at some length in the next section.

**Conditional Party Government and Procedural Cartel Theory**

If the special-rules process is a mechanism for majority party control, as purported, then an important question to ask is whether or not its evolution and operation can be explained in the framework of
partisan theories. In this section, we review some of the key components of the two most prominent theories (CPG and party cartel), discuss the relationship between them and the subject of positive versus negative agenda control, and conclude with some expectations regarding the House special-rules process.

The theory of conditional party government—first proposed by Rohde (1991), extended by Aldrich (1995), and elaborated further by Aldrich and Rohde jointly (1997–98, 2000a, 2000b, 2001)—assumes that legislators are motivated by both policy and electoral goals. While virtually all members are elected under the label of one of the two major parties, the party’s influence over that electoral success is limited (and was even more limited before the 1980s). Furthermore, the degree to which those labels have distinguished the policy preferences of the two groups has varied over time. It is the degree of policy differentiation, the theory contends, that is the main determinant of how potent parties and their leaders are in the House. When the preferences of a party’s members are heterogeneous and the party medians are not very different, many members will worry that strong leaders may pursue strategies that could be potentially risky to the rank-and-file members’ reelection. In addition, representatives with intense policy interests will be concerned that strong leaders may adopt policies that rank-and-file representatives find unpalatable.

In contrast, when parties are ideologically homogeneous and their median positions are divergent, the probability of electorally risky strategies by leaders or the pursuit of undesirable policies is relatively small. Moreover, the legislative policies favored by the other party will be seen as unacceptable. In this latter case, CPG theory contends, members will be much more willing to delegate strong powers to leaders (and to support their use) in order to advance the party’s legislative agenda. Thus, the strength of parties and leaders should vary over time in conjunction with the amount of homogeneity in the two parties and the divergence between them.

Cox and McCubbins initially presented their theory of congressional parties in *Legislative Leviathan*: “Our view is that parties in the House—especially the majority party—are a species of ‘legislative cartel.’ These cartels usurp the power, theoretically resident in the House, to make rules governing the structure and process of legislation” (1993, 2). Cox and McCubbins assumed that an important (if not exclusive) component of legislators’ motivation is the desire for reelection and that the “party record” has a noticeable effect on the probability of its members’ reelection. Legislators will therefore have an interest in the party’s collective reputation, which is served through
the creation of “leadership positions that are both attractive and elective” (135). Leaders are induced to internalize the collective interests of the party and thereby solve the collective action problem. As a result, the House’s legislative organization grants a disproportionate advantage in legislative matters to the majority party and, through it, to the majority leadership.

Because of these advantages, Cox and McCubbins contend, the majority party controls access to the House’s floor agenda. They offer evidence on this point in *Legislative Leviathan*, but in more recent work (2002, 2005)—which distinguishes between two kinds of agenda power, positive and negative—their argument and analysis are more extensive. Negative agenda power is the ability to “keep issues off the floor agenda that would foreseeably displease significant portions of the party” (Cox and McCubbins 2002, 109). The majority party exercises this ability through its formal agenda powers, and Cox and McCubbins contend that it is “unconditional.” Positive agenda power is the ability to put on the floor agenda desired proposals to change public policy. This power “is ever present, but the frequency with which the [majority] uses this power varies with the degree to which the party membership agrees on what the party’s collective reputation should be” (Cox and McCubbins 2002, 109–10). Thus, the majority’s positive agenda power is conditional.

To date, the evidence marshaled with regard to majority party agenda control has, with a few exceptions, centered primarily on negative agenda control. By examining partisan roll rates at various stages of the legislative process (for example, in committee reports, votes to adopt special rules, and final passage votes), Cox and McCubbins (2002, 2005) have demonstrated that the majority party rarely loses to the minority party—indicating that negative agenda control is unconditional. Further, analysts employing both CPG and cartel perspectives have concluded that the majority party’s ability to push its agenda in a positive fashion is conditional (see, for example, Aldrich and Rohde 2000a; Cox and McCubbins 2005, ch. 10; and Rohde 1991).

In general, we think there are no major contradictions between the two theories, but there are significant differences in focus and emphasis, which appear to lead to some differences in expectations. To address theoretically the matter of exploitation of agenda control, we must, however, make clear the interrelationship of negative and positive agenda control. If a majority party wished only to block changes in the status quo, then veto power could be widely distributed across structures controlled by the majority, and who in the party controlled them would matter little. One might call this exercise of
gatekeeping “pure” negative agenda control. To the extent, however, that the majority wishes to put forth a positive agenda, which it must do to some degree regardless of circumstances (consider appropriations bills, debt ceiling increases, and so forth), then, in the context of procedural control of the floor, positive and negative agenda control become inextricably intertwined. The special rules drafted by the Rules Committee determine whether or not a bill can be scheduled for the floor and in what manner—positive agenda control in a procedural sense. The rule also sets the stage for positive agenda control in a substantive sense, by permitting a particular issue to be considered on the floor. But the committee can decide whether or not to block some or all amendments to the proposal to which the special rule is attached. If such restrictions are supported by the majority party and upheld by a floor vote, then this action constitutes negative agenda control—preventing passage of policy options opposed by the majority. Thus, in the context of special rules, both positive and negative agenda control can be, and very often are, exercised simultaneously.

Consequently, the relationship between positive and negative agenda control seems more complex than the analytical distinction would indicate. Once the majority leadership decides to “open the gates” and allow a bill to come to the House floor, both negative and positive agenda control depend on the leadership’s ability to shape special rules to their advantage and on their ability to hold together a majority coalition on the floor in support of these actions. Losing control of the special-rules process can lead to the procedural context for the consideration of an issue being tilted against majority interests (as in the Reagan budget episode described earlier) or to an issue the majority wanted to block altogether coming to the floor (as with the McCain-Feingold campaign finance reform bill of 2002). Both possibilities involve the failure of negative agenda control by the majority due to policy divisions within the party, a key element in the CPG account.

It is also important to note that the interrelationship of positive and negative agenda control varies significantly over time in a way not addressed by cartel theory: according to the political context. Conditional party government theory was initially formulated to explain the resurgence of strong party leadership in the wake of the reform era. More-recent work has focused on understanding the operation of party leadership under Republican rule. In both periods, members who sought to strengthen party leadership did so because they wanted to enact new policies. Liberal Democrats of the reform period believed that the veto powers vested in committees and controlled by conservatives stood in the way of enacting legislation that liberals favored.
Majority members during the Republican revolution sought to reverse policies that 40 years of Democratic House control had produced. Both party majorities faced situations in which most policy status quos were far from what they preferred. Negative agenda control was of relatively little use; positive agenda control was of supreme import. These party priorities were very different from those that would arise after a long period of same-party control, when policy would presumably much more closely approximate majority preferences, and protecting those policies through negative agenda control would be of great interest. It is thus not surprising that CPG has placed a great deal more emphasis on understanding the exercise of positive agenda control, in that CPG has generally focused on periods when positive control was of primary importance to the majority party and negative control had much less salience.

What would the two partisan theories expect with regard to the special-rules process? Cox and McCubbins (2005, ch. 7) explore in great detail the nature of the Rules Committee before, during, and after the “textbook era,” advancing a party cartel view of the committee as a faithful agent of the majority party. This perspective maintains that rules opposed by the majority party should not be reported (and therefore never adopted) and that this negative control should be invariant. In contrast, the majority’s ability to adopt rules it favors at the expense of the minority is said to vary according to the configuration of the ideal points of the Rules Committee and the majority and minority medians. Thus, the party’s power to adopt preferred rules may be conditional on party homogeneity, although this is not raised by Cox and McCubbins. Except for a handful of instances, they demonstrate that the majority party’s roll rate on rule adoptions is largely independent of compositional changes in the Rules Committee, whereas the minority party’s roll rate moves systematically in response to the proximity of the Rules and majority party medians.

For conditional party government, the theoretical expectations related to the special-rules process are different. To begin with, we argue that a fuller understanding of the role of partisan theories in the realm of special rules cannot be obtained without incorporating the role of the previous question motion. Although cartel theory is silent on the previous question, it is plausible to assume, and we will return to this point later, that similar (if not stronger) expectations regarding invariance would hold, as in the case of rule adoption.

Recall that the granting of procedural powers to party leaders and the exercise of those powers to obtain party advantage are central to CPG theory. Both the granting and the exercise of power should vary over time as the homogeneity of the parties and the divergence
between them changes. The basis of such developments are grounded in electoral politics (see, for instance, Rohde 1991). To be more specific about the theory’s predictions, we must first sketch the key developments regarding the majority party and the Rules Committee in the postwar era.7

The Rules Committee of the 1950s has been characterized as “a legislative cemetery” (Oppenheimer 1977, 97) dominated by a conservative coalition of southern Democrats and Republicans that often blocked the consideration of bills desired by a majority of House Democrats. The expansion of the committee in 1961 gave the wing of the party loyal to President Kennedy a working majority, yet the persistence of the seniority and property-right norms meant that Rules could still act as a roadblock to legislation desired by the majority. Although subsequent developments and membership changes in the committee strengthened the hand of the Democratic leadership, the committee’s independence continued until the reform era of the 1970s. Then the growing strength of the liberal forces in the Democratic Caucus altered various aspects of the House’s organizational structure that these members had regarded as impediments to their legislative goals (Rohde 1991). These changes included the 1975 shift of Democratic appointments to Rules from the party’s Committee on Committees to the Speaker, who also gained the right to appoint the committee’s chair. To firmly cement the leadership’s dominance of Rules, the Speaker was also given the right to remove (with Caucus approval) the committee’s chair and Democratic members. The result was that the Rules Committee changed from being an independent actor with substantial influence over the floor agenda to a “new arm of leadership” in the House (Oppenheimer 1977).

Even with these changes, the majority’s control of the procedural agenda on the floor remained shaky until the 1982 elections because of the continuing divisions within the Democratic party and the necessity of getting majority approval on the floor for special rules. The Democratic gains in the North and South in 1982 increased the party’s ideological homogeneity, solidifying the leadership’s practical control (Rohde 1991). In 1988 the Republicans followed the Democrats’ lead by granting their leader the right to appoint GOP members of Rules, and when they gained the majority in 1994, this power was maintained.

With this background on historical developments and procedures, we can now be more specific about the expectations of CPG theory regarding procedural agenda control. We would expect the patterns in the data to change in particular ways over time. Before the reform era, the majority party leadership was not in control of the Rules Committee
and they led a heterogeneous party. The majority should thus have only rarely been in the position to use special rules to try to bias the floor situation in favor of the party’s legislative agenda. Therefore, we would expect to see few instances of floor conflict over rules or over previous questions on them, and particularly few with the majority party in favor and the minority against.

Once the reform effort commenced, with the Democratic majority gradually becoming more homogeneous and its leadership’s powers gradually increasing, leadership efforts to exploit growing control of floor procedures should have increased. As a consequence, during the reform era, we should observe increasingly frequent conflict (particularly partisan conflict) over rules and previous questions. Since, however, ideological divisions persisted in the Democratic Party, we would expect their ability to dominate this process to be imperfect. We would expect some defeats of the majority party in conflicts with the minority on these measures.

Finally, in the postreform period, after Democratic homogeneity had been solidified in the 1982 elections and centralization occurred under Speaker Wright beginning in 1987, Democratic leaders (and the Republicans who would succeed them) had both the tools and the party unity to exploit fully their procedural control. If they pursued that end as expected, then there would have been even more interparty conflict over rules and previous questions. With increased majority party homogeneity, however, there would have been fewer defeats of the majority party in these conflicts, particularly on previous question votes. Having outlined the expectations of the partisan theories, we can now turn to the relevant evidence.

Data and Analysis

The data employed here (Rohde 2004) comprise all roll-call votes on the adoption of special rules and on motions to order the previous question on special rules from the 83d Congress (1953–54) through the 107th Congress (2001–02). During these 25 Congresses, there were 339 votes on the previous question and 1,446 votes on the passage of rules. Since we are looking at roll-call votes, the normal caveats apply. For instance, our study cannot reveal cases in which the leadership may have bargained away its position to avoid losing. Of course, in such instances, one would presumably not find a successful challenge on the floor. The nature of the roll-call record limits the amount of information that can be gleaned, but in no way eliminates the opportunity for meaningful insights.
Conflict over Rules

First, we will discuss the incidence of conflict on these votes over time. Because the nature of the relationships we explore are best observed at the level of Congresses—that is, the conditions of CPG tend not to vary substantially within Congresses but rather exhibit gradual temporal change—our results are aggregated at that level. We should only see conflict over rules or previous question motions when some portion of the membership perceived their interests as being damaged by the special rules proposed. The top panel of Figure 1 presents the data on previous question votes; the bottom displays the data on passage votes on rules. For each of these vote types, we set a low threshold for conflict, classifying votes on which the majority was more than 90% as “consensual” and the remaining votes as “contested.” The figures show the number of contested votes in each Congress, as well as the number of votes that were party unity votes (with Democratic and Republican majorities on opposite sides) and the number that were defeated.

Looking first at the previous question, we see that in the earlier Congresses (through the 90th, 1967–68), the incidence of conflict was negligible. The per-Congress average was only 1.8. Then the frequency of contested votes began to rise, hovering around 10 votes per Congress through the 100th (the last Reagan Congress, 1987–88). The number of contested votes shot up again during the Bush, Clinton, and Bush II presidencies, averaging 30 per Congress in the eight years of Republican control. Party unity votes track the contested votes very closely, especially after the Watergate landslide class of Democrats entered the House in 1975 (the 94th Congress). As we would expect on this core power of the majority leadership, when there is conflict, it is almost always sharply partisan.

This pattern is reinforced by the votes on the adoption of special rules. First, the incidence of conflict is noticeably greater than what we observed for the previous question. During the first eight Congresses, the average number of contested rules was 11.3, more than six times the number for previous question motions. But only about 57% of these were party unity votes. With the 93d Congress (1973–74, the beginning of Nixon’s second term) came a sharp increase in contested votes. From 1973 to 1982, the average was 37.6 per Congress, but the proportion of party unity votes was only 53%. So, before the homogeneity of the Democratic Party had solidified, there was growing conflict over the passage of special rules, but that conflict often did not find the parties opposed. (The reasons for this finding
After the 1982 elections increased Democratic ideological consensus, both the frequency of conflict over rules and the proportion of those conflicts with parties opposed increased again. In the 98th to the 100th Congresses, the number of contested rules averaged 68.0, with 77.5% of the votes characterized as party unity votes. From the 101st to the 103d, the corresponding figure was 72.7 contested (85.8% party unity), and under Republican control, it was 73.0 contested (89.4% party unity).
These results are exactly what the theory predicts. When the majority party leadership did not have the capability to control the procedural agenda on the floor, conflict over rules passage was infrequent and often not partisan when it occurred, and contests over the previous question were nearly nonexistent. Then, in the middle period, with majority capability increasing but not yet solid, the partisan import of special rules increased. Fights over rules passage became more frequent, as did contests on the previous question. Finally, after the reform period, when the majority was relatively homogeneous, the majority leadership produced rules that caused partisan conflict much more often, making control of the previous question more frequently controversial and almost always pitting the parties against each other.

In this analysis of conflict over rules, we are also interested in assessing the degree to which conflict over a rule or previous question vote leads to its defeat. Figure 1 demonstrates that, despite the substantial increase over time in the incidence of contested special rules, there was little variation in the number of defeated rules. The maximum number of defeats in a Congress was eight, and only two Congresses had more than five. Similarly, there were few previous question defeats in any Congress (the maximum was six, and that was the only Congress with more than three), even though there was a substantial increase over time in the incidence of contested votes. We will return to the question of party defeats on the previous question and adoption of special rules.

Supporting Coalitions

Whereas the data on conflict over rules sheds light on what was being contested, the voting patterns among parties and factions on rules and previous questions indicate whose interests were being served by the special rules that were proposed. Figure 2 displays the mean percentage by Congress of northern Democrats, southern Democrats, and Republicans voting for contested rule adoption and previous question motions, respectively. We begin with voting on rules passage, shown in the upper panel, since there were far more contested votes of that type and the patterns are therefore clearer.

The first eight Congresses (through 1968) show the unstable patterns of support on rules before the reform era. This instability is due partly to the party factions being heterogeneous and partly to the Rules Committee not being controlled by the majority leadership. Thus, some of the few controversial rules would favor the majority party and their dominant northern faction, but others would favor the
conservative Republicans and their southern Democratic allies. Then came the Nixon administration and the increased divisions among Democrats coupled with a Republican president’s legislative agenda. In the 91st and 92d Congresses, conflict over those rules that were controversial became more intense, and support for special rules was somewhat higher among Republicans and southern Democrats than among northern Democrats. Beginning with the 94th Congress (with majority leadership control of Rules and growing Democratic ideological homogeneity), majority control of the drafting of special rules was solidified, and the Democrats increasingly sought to extract...
partisan advantage from that control. As a result, the level of support among the two Democratic factions began a steady increase (as long as the party remained in the majority), and Republican support levels began an inexorable decline. From the 97th Congress through the 103d, the average support of both Democratic factions on rules votes was very similar and very high, while GOP support was quite low.

The second panel of Figure 2 shows the parallel data on previous question votes. The smaller number of votes (especially in the earlier Congresses) makes the trends a bit erratic, but the pattern is similar. The support levels bounced around in the first eight Congresses, average GOP support exceeded northern Democratic support and nearly matched that of southern Democrats in the first Nixon Congress, and then Democratic support began to climb for both factions while Republican support slipped downward until the GOP gained the majority. In the last few Congresses, the gap between the two parties has been near the maximum possible. The support patterns we have observed on rule adoption votes and previous question motions are exactly what we would expect to see if, as hypothesized, these procedural issues became struggles for partisan advantage once the control of proposed rules was dominated by the majority leadership.

Success on Contested Rules

The data on the incidence of conflict and on sources of support for rules are instructive, but the more important issue is whether or not the majority was able to control the outcome of these votes and whether or not that ability varied over time. Figure 1 presented the initial data regarding defeats of previous question and rule adoption motions. To present the patterns more clearly, Table 1 provides the numbers for various types of outcomes for groups of Congresses. This table shows results analogous to Cox and McCubbins’s roll rates. For illustrative purposes, the grouping corresponds to periods of internal institutional change.\(^{10}\) The upper half of Table 1 shows the results for rule adoption votes. Column (2) lists the mean contested votes per Congress, which serve as the base for the percentages in columns (3)–(5).\(^{11}\) On rule adoption votes, the definitions of rolls are similar to those for bill passage. For example, a majority roll would be a rule adopted over the objection of a majority of the majority party. Majority rolls have been very rare: only 13 over the 25 Congresses, even fewer than the 1.5 per Congress that Cox and McCubbins found for bill passage votes. Minority rolls, on the other hand, were quite frequent: 700 total, with an average of 28 per Congress, which is about double the average of
13 for bill passage (Cox and McCubbins 2002, 168). There is, moreover, some relationship to the variations in party homogeneity and power that we have been discussing. From 1953 to 1968, before the majority party controlled the Rules Committee and before the Democratic divisions deepened, most contested rules did not involve a defeat for either party. Then, during the early years of the Nixon administration, majority rolls inched up and minority rolls actually declined. Beginning with 1975, as the reforms were completed and Democratic homogeneity began to increase, both of these patterns reversed. Majority rolls dropped to 0, and minority rolls increased to account for nearly 9 out of 10 contested votes.

Table 1 also shows the pattern for rules that a majority of the majority favored, but which lost anyway. With these “majority defeats,” too, there is a temporal relationship. A higher proportion of defeats occurred in the earlier Congresses and then majority defeats tailed off to only about 2% of the contested rules. Thus, for rule adoption votes, the majority’s agenda control appears to be, at least to some degree, conditional. On this point, we now return to the questions raised earlier regarding positive versus negative agenda control and the importance of the previous question in the context of the special-rules process. In particular, we think it necessary to establish what the observation of a roll on rule adoption entails for the majority party.

Cox and McCubbins (2005, ch. 7) view a majority party roll on rule adoption as evidence of unfaithfulness on the part of the Rules Committee to the party caucus—more specifically, of the majority party losing the ability to set the terms of debate on the floor (negative agenda control). Rolls on a special rule may stem from more than one source, however. If the committee were to report a rule on which the previous question motion had been defeated—thereby allowing the minority party to amend the rule and set the terms of debate—then we should not be surprised to observe the majority party getting rolled on adoption of the amended rule, even though the Rules Committee reported a rule in line with the majority’s wishes. Similarly, the Rules Committee may act with the leadership’s goals in mind and produce a special rule that diverges from the wishes of a significant portion of the caucus. This scenario would be evidence of the Rules Committee as an “arm of the leadership,” albeit one that is not fully responsive to the caucus. In both instances, the roll would not result from loss of negative agenda control, but rather from the imperfect (and varying) ability of the majority party to set the agenda (positive agenda control). Does the data bear this inference out?
# TABLE 1

## Outcomes on Contested Votes on the Previous Question and Adoption of Special Rules

<table>
<thead>
<tr>
<th>Period Congresses (Years)</th>
<th>Contested Votes per Congress</th>
<th>Majority Rolls as a % of (2)</th>
<th>Minority Rolls as a % of (2)</th>
<th>Majority Defeats as a % of (2)</th>
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<td>Adopted Rules</td>
<td>Defeated Rules</td>
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<td>Textbook Era</td>
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<tr>
<td>83d–90th (1953–68)</td>
<td>11.3 (90)</td>
<td>5.6 (5)</td>
<td>38.9 (35)</td>
<td>11.1 (10)</td>
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<td>Reform Era</td>
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<tr>
<td>91st–93d (1969–74)</td>
<td>20.3 (61)</td>
<td>6.6 (4)</td>
<td>14.8 (9)</td>
<td>11.5 (7)</td>
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<td>Caucus Rule</td>
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<td>94th–99th (1975–86)</td>
<td>47.2 (283)</td>
<td>1.1 (3)</td>
<td>58.7 (166)</td>
<td>3.5 (10)</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>100th–103d (1987–94)</td>
<td>73.3 (293)</td>
<td>0.3 (1)</td>
<td>80.2 (235)</td>
<td>4.1 (12)</td>
</tr>
<tr>
<td>Centralized Republican</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>104th–107th (1995–2002)</td>
<td>73.0 (292)</td>
<td>0.0 (0)</td>
<td>87.3 (255)</td>
<td>2.1 (6)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Previous Question Passed</th>
<th>PQ Defeated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Textbook Era</td>
<td></td>
</tr>
<tr>
<td>83d–90th (1953–68)</td>
<td>1.8 (14)</td>
</tr>
<tr>
<td>Reform Era</td>
<td></td>
</tr>
<tr>
<td>91st–93d (1969–74)</td>
<td>11.0 (33)</td>
</tr>
<tr>
<td>Caucus Rule</td>
<td></td>
</tr>
<tr>
<td>94th–99th (1975–86)</td>
<td>10.5 (63)</td>
</tr>
<tr>
<td>Centralized Democratic</td>
<td></td>
</tr>
<tr>
<td>100th–103d (1987–94)</td>
<td>21.3 (85)</td>
</tr>
<tr>
<td>Centralized Republican</td>
<td></td>
</tr>
<tr>
<td>104th–107th (1995–2002)</td>
<td>34.0 (136)</td>
</tr>
</tbody>
</table>

*Note:* The cells in column (2) give the average number of those votes per Congress, with the total number of those votes for the period in parentheses.
Of the 13 majority party rolls on the adoption of a special rule, one (in the 97th Congress) was preceded by defeat on the previous question, and ten were not marked by a roll of the party leadership. Accordingly, only two majority rolls on rule adoption can be attributed to the Rules Committee possibly acting against the interests of both the majority leadership and a majority of the caucus. Thus, we believe that these patterns support our perspective highlighting the varying ability of the majority party to manage a process inherently involving both positive and negative agenda control.

The lower portion of Table 1 presents the comparable results for previous question votes. Here, the patterns are even clearer. From 1953 to 1968, when the majority leadership did not control rule drafting, contests were very rare and the majority was never rolled and was defeated only once on the few contested votes. In the next period, conflicts increased and majority rolls were slightly more than half as frequent as minority rolls. In addition, majority defeats—failed previous questions supported by the majority party—were almost as frequent as majority rolls. Thus, during these years, the majority was only slightly more likely to control the outcome than the minority on (the relatively rare) contested previous question votes. Furthermore, recall the implications of the majority defeats. Control of the floor and of rule creation passed to the minority. From 1975 to 1986, with the Rules Committee under the majority leadership’s control, majority rolls and majority defeats declined, while the percentage of minority rolls more than doubled. Through the end of the 106th Congress, no more majority rolls occurred, and there was only a single majority defeat. In contrast, the proportion of minority rolls continued to increase, reaching more than 95% from 1987 on. So, for previous question votes as well, the pattern of outcomes is what we would expect, according to conditional party government theory.

The patterns on previous questions compared to rule adoptions also seem to be in accord with CPG’s implications. The majority leadership places a higher priority (and presumably more resources to hold their members in line) on previous question votes because defeat would permit the minority to set the terms of debate on a bill (while a rule defeat would merely block consideration of a bill). Therefore, we would expect more majority success and more minority failure on previous questions—and that is what we see. From 1987 on, there was only one majority roll on adoption versus zero on the previous question. The percentage of minority rolls on adoption was 83.8% compared to 95.0% on the previous question. And finally, the number of majority defeats was 18 (or 3.1%) on adoption votes but only 1 (0.5%) for the previous question.
The final phase of our analysis involves a more-systematic look at the variation in roll rates on previous question and rule adoption votes. We followed the approach of Cox and McCubbins (2005) and employed extended beta binomial regression as our estimator because of the potential for heterogeneity (represented by the parameter gamma) in the dispersion of the dependent variable, which takes the form of grouped binary data (King 1989). Our primary motivation was to explain an aspect of the special-rules process that cartel theory does not: the postwar variability we observe in the majority party’s control over and success with the Rules Committee, which CPG predicts to be a function of party polarization and majority homogeneity. We moved beyond the dichotomy of Rules as either a faithful or unfaithful agent of the majority party in order to account for what we believe to be the key dynamics that shape the process. By treating Rules as an agent operating within the varying (and conditional) context of party coalitions, we expected to find corresponding variation in both the minority and majority party’s roll rates on both types of votes.

We employed a single, principal-component measure of CPG that incorporates the divergence between the majority and minority party medians as well as the degree of majority party homogeneity. In line with CPG, as the two preceding conditions are increasingly met, we should expect a decline in the roll rates of the majority party and an increase in those of the minority party. We controlled for the effect of two contrasting accounts relating to majority party roll rates: one that sees an independent Rules Committee (see, for example, Dion and Huber 1997 and Schickler 2001) and one that interprets the Rules Committee as a faithful agent of the majority (Cox and McCubbins 2005). We captured these effects by assessing the influence of the Minority Party – Rules Committee Distance. As described by Cox and McCubbins (2005, 137–43), this variable spells out the interval over which Rules, when acting independent of the majority, cannot improve its position relative to the status quo, in essence capturing the space available for a majority party roll. The prediction of cartel theory for the period analyzed here is a majority party roll rate that does not vary with changes in the Rules Committee median, as represented by the distance measure, while an independent Rules Committee model predicts a positive relationship.

The results presented in Table 2, using essentially the same data and design as Cox and McCubbins (2005), lend support to the dynamics we discussed descriptively for the preceding table and figures. Majority party roll rates on rule adoption and the previous question do not seem invariant, as implied by the faithful-agent model (column 1 of the
regression estimates). At first glance, and analogous to Cox and McCubbins’s results, this finding seems to support the view of a Rules Committee that is independent of the majority party, but it does not account for the dynamics of CPG. The negative coefficient for CPG in the second column indicates that the majority party’s roll rate responds systematically to the conditional nature of party government in the House. This finding is robust to the inclusion of the distance variable as a control in the statistical model (column 3 of the regression estimates), despite the small sample size. The corresponding results for the previous question tell much the same story. And, as expected, the roll rate for the minority party on both vote types tracks closely with the CPG measure.
Taken together, these results offer strong evidence that as the parties differentiate from one another in spatial terms (increasing polarization and increasing majority party homogeneity), the majority party is bolstered in its ability to roll the minority on rules-related votes. When this distance condition is not met, the roll rates for the minority decline and those of the majority increase. We believe this result demonstrates two key aspects of the special-rules process: it varies in a predictable fashion and, as such, involves more than simply static negative agenda control. Also important is our ability to explain what appeared to be an incongruent finding in Cox and McCubbins’s work. Although the cartel model worked rather well in general, under the particular profile of preferences that correspond to the time period examined here, it was the independent Rules Committee model that received more empirical support. Once we consider the role of CPG, however, we observe not simply an independent Rules Committee, but rather a panel that was sometimes effective in managing and exploiting the special-rules process and other times much less successful, as evidenced in rolls of the majority party on key rules votes.

**Conclusion**

First in their 1993 book and more recently in their research on agenda control, Cox and McCubbins have demonstrated that certain advantages of the majority party do not vary substantially with fluctuations in party homogeneity. In particular, we regard the evidence of negative agenda control on bill passage to be very strong. As Cox and McCubbins’s theory predicts, the majority’s ability to prevent bills they oppose from reaching the floor does not appear to be conditional. With regard to agenda control on procedural matters, however, the theoretical expectations of cartel theory are not as clear, nor is the evidence as supportive of the theory’s implications. We have argued that despite the clear conceptual distinction between positive and negative agenda control, in practice the two are closely intertwined. This connection is particularly apparent with regard to the role of the Rules Committee, which creates resolutions that simultaneously permit issues to come to the floor (positive agenda control) and block from consideration opposition proposals that might pass (negative power). This interrelationship elicits somewhat different expectations from CPG theory than cartel theory regarding variations over time in the patterns of procedural agenda setting for floor consideration of bills through special rules, and the evidence we have presented appears to support CPG’s expectations.
Based on our reading of cartel theory, which seems to emphasize the negative agenda control (or blocking) aspects of the special-rules process, we think there should be no majority rolls on rules or previous question motions nor any previous question defeats (or, perhaps more realistically, these should be few and invariant in frequency over time). Yet this is not what CPG expects and not what we find. Our descriptive results reveal that before the majority leadership was empowered, there was virtually no conflict over the terms of special rules (a result we interpret to show that there was no significant effort to exploit procedural advantage through special rules). After the empowerment of the leadership, there was first a period of considerable conflict (and thus assumed attempts at procedural exploitation) but imperfect control of the process by the leadership. There were multiple majority rolls and previous question defeats. Finally, once the majority leadership had solidified their control (from the Wright speakership forward), conflict increased even further but majority rolls and previous question defeats became nonexistent, with the last one occurring in 1991. Our systematic evidence from roll rates supports the case we have made linking the majority party’s mastery of the special-rules process to the conditional nature of majority party power in the House. Instead of finding a constant roll rate unrelated to the dynamics of party coalitions, we have found that the majority party’s ability to control the special-rules process and its ability to exploit rules to the disadvantage of the minority party vary in a predictable fashion.

The bottom line of our theoretical argument, supported by the empirical evidence, is that the useful and important analytical distinction between positive and negative agenda control is not as clear in practice as it is in theory when we consider the construction of procedural terms for floor consideration of legislation. The drafting of special rules inherently involves both positive and negative agenda control and, as a consequence, both of these capabilities vary with changes in intraparty homogeneity and interparty divergence, the underlying conditions of conditional party government theory.

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NOTES

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1. Some researchers have contended that because the rules must be adopted by majority vote, the majority party will not be able to use them to bias outcomes in their direction and away from the median chamber preference (Krehbiel 1991, 1997a, 1997b). Most researchers, however, have concluded that control of the content of special rules offers the potential to tilt the legislative balance away from the chamber median (see Aldrich and Rohde 2000a, 2000b; Cox and McCubbins 1993; Dion and Huber 1997; Epstein and O’Halloran 1999; Marshall 2002; Rohde 1991, ch. 4 and 5; Sinclair 1995, 2002; and Young and Wilkins 2007).


4. As Roberts and Smith (2003) demonstrate, the House rules change that allowed electronically recorded votes in the Committee of the Whole stimulated an increase in roll-call votes on amendments. The newfound demand for amending opportunities may well have increased pressure to restrict amending activity. Additionally, as an anonymous reviewer pointed out, congressional history (particularly the Reed/Cannon era) offers further evidence that a cohesive majority that finds itself at odds with the minority is likely to take advantage of the rules process, leading to more partisan conflict over special rules. Special rules can also be employed to obtain broader legislative goals, such as preserving debate time for other bills. Of course, even in this context, as well as on the larger consensual agenda of the House (Carson, Finocchiaro, and Rohde 2001), it is the majority leadership that acts as managers on behalf of the full chamber.

5. There is one perceived difference between CPG and cartel theory that is worth clearing up. Cox and McCubbins (2005, 213–14) see the primary causal mechanism by which majority party influence operates in CPG to be “issue-by-issue arm-twisting” of members, “forcing them to cast votes that their opponents might exploit in the next election.” Cartel theory, on the other hand, asserts that “the primary causal mechanism is . . . deciding what issues will see the light of day to begin with.” This perceived difference between the theories is incorrect. As Aldrich and Rohde sought to make clear (2000a, 37–38), the effort to influence members’ votes is “one potentially relevant activity, but at least as consequential are the majority party’s influences on the agenda and procedures, which do not involve switching votes in any conventional sense.” Indeed, in all the analyses employing CPG theory, much more of the theoretical and empirical focus has centered on shaping legislative rules and procedures and the consequences of those procedures for influencing outcomes.

6. This theoretical point was developed in collaborative work between David Rohde, Barry Weingast, and Jed Stiglitz (the latter two of Stanford University).
7. Since this is a history that is quite well known (see Cox and McCubbins 2005, Schickler 2001, and the citations therein), here we will focus only on the components most relevant to our account.

8. Scholars have noted a relationship between majority size and homogeneity (Binder 1996; Cooper and Sieberer 2005; Dion 1997). The large influx in 1982 of Democrats who were more supportive of the majority party agenda resulted in both the size of the majority and the homogeneity of the Democratic Party increasing. While the two qualities are to some degree complementary, CPG focuses on homogeneity as the primary factor of interest in understanding majority party dynamics.

9. Note that the 83rd Congress (1953–54) is the only House besides the last four that had a Republican majority.

10. Our classification derives from categories used by Brady, Cooper, and Hurley (1979, 393), which were extended to 1994 by Aldrich, Berger, and Rohde (2002, 33). The patterns illustrated in the tables are not particularly sensitive to the cut-points chosen—analogous results arise with more-frequent dividing lines and with cut-points at slightly different places. Nevertheless, we chose these particular divisions because of the variation over time that we discussed in the theoretical expectations of CPG.

11. The number of contested votes seems more appropriate than the total number of votes. Particularly for rule adoption votes, roll calls were taken for reasons other than to determine the outcome. During certain Congresses, roll calls were used as a substitute for quorum calls, to summon members to the floor when debate was going to begin on a bill. This use was unrelated to any disagreement over the rule. Since this propensity varied over time, using the total number of roll calls to compute percentages would yield misleading results.

12. The results are similar if we compare the percentages rather than the average bills per Congress.

13. It is interesting to note, however, that from 1953 to 1968, the minority was rolled nearly 40% of the time on rule adoption votes, suggesting that, even in this period, there was some degree of partisan motivation underlying the process.

14. Although these patterns underscore the substantive argument we have made about expected change over time, it is worth noting that much of the temporal variation is also statistically significant. For instance, with a difference-of-proportions test, we can reject the null hypothesis that there is no distinguishable difference between the majority roll rates of 6.6% and 1.1% with \( p < 0.007 \).

15. It is important to note that the majority party may be rolled in terms of its procedural agenda control in other ways, as well. For instance, successful adoption of a discharge petition effectively cedes control of the floor to the minority (or some coalition of members opposing leaders of the majority party).

16. When a previous question is defeated, the minority member leading the opposition has, according to House rules, a few options, including seeking further debate, motioning that the rule be referred or tabled, and offering an amendment. For all practical purposes, however, the only option unique to this situation is the opportunity for the minority to amend the rule and, not surprisingly, that was the option chosen on each occasion that a previous question was defeated on a roll-call vote from 1953 to 2002.

17. Despite many similarities between our analysis and that of Cox and McCubbins (2005), there are some important differences. Their analysis is based on
the 62d to 100th Congresses, whereas we focus on the 83d to 106th. Also, our dataset is somewhat different from theirs. First, our baseline is contested votes, and we discovered an additional majority roll in the 92d Congress. Second, in extending the Cox and McCubbins measures to the 106th Congress, we found those authors had used two different releases of DW-NOMINATE scores, thus producing a different constellation of preference profiles than reported in their Appendix 7A. While this disparity changes the Congresses that fall into their various regressions, the substantive findings they report are not affected, nor do our results change if the estimates are based on their vote and roll counts. Data are available upon request.

18. Using two-dimensional DW-NOMINATE scores, Aldrich, Rohde, and Tofias (2007) have developed four measures—interparty heterogeneity, majority party homogeneity, party separation, and party label fitness—that tap various aspects of CPG. Because these variables are often highly correlated with one another, we performed a principal-components analysis with varimax rotation to create a single summary measure. The estimates resulted in eigenvalues of 2.60, 1.01, 0.32, and 0.07. The second factor is at the borderline for inclusion, according to the Kaiser and Scree criteria. We chose not to include it because the first factor distinctly captures the two central ingredients of CPG (distance between the party medians and majority party spread) with factor loadings of 0.91 and –0.87 (the other variables loaded at 0.25 and 0.16). The regression estimates we present are substantively unchanged if the second factor is included, and the use of one-dimensional NOMINATE scores produces similar results to those reported here.

19. Once we corrected the previously noted discrepancy in Cox and McCubbins’s (2005) data by using the 106th release of DW-NOMINATE, we found that only one Congress (the 86th) did not fall into the preference profile associated with this measure of the block-out zone (in contrast to the results presented in their Appendix 7A). We therefore present a single estimate for the remaining Congresses. Since each of the theories assumes that the Rules Committee is independent of the minority party, with very similar predictions, we do not incorporate the additional measure for minority roll rates.

REFERENCES


