Filibuster Reform in the Senate, 1913-17

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“Fighting Bob” LaFollette
Both perspectives appear to be essential to understanding legislative parties. On the one hand, the history of House special rules and Senate UCAs indicates that majority parties consistently seek to create procedural tools to manage the agenda in their interest and that a certain minimum level of support for efforts to set the agenda are expected of rank-and-file members. Legislative parties surely are, in major part, procedural cartels. On the other hand, the use of procedural tools may reflect the extent of agreement about the policy purposes to which partisans hope that they are put. This would be reflected more in the timing and content of special rules and UCAs than in their frequency or, in the case of special rules, the vote margins by which they were adopted.

Different Responses to Similar Conditions

The late 19th century proved to be a critical period for both House and Senate parliamentary practice. Developments common to the two houses—a sizable increase in the legislative workload and the renewal of sharp partisan conflict—led to nearly continuous conflict about the floor agenda and a search for new rules to allow the majority party to get action on its legislation. Modifications of the formal order of business and competing special-order motions were typical of both House and Senate sessions.

We have observed that a critical difference in initial conditions—the presence of a motion for the previous question in the House and the absence of such a motion in the Senate—has been responsible for major differences in procedural development between the two houses since the late 19th century. These institutional features pre-date the modern party system and are clearly rooted in the nature of the two bodies in their formative years (Binder 1995, 1997; Binder and Smith 1997). They created a procedural status quo that was impossible to dislodge. In the House, majorities have no incentive to give up the motion for the previous question because it is the means by which a majority is able to get a decisive vote on a pending question. In the Senate, minorities have no incentive to reinstate a previous-question motion and have managed to retain supermajority rules for closing debate.

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Introduction

This chapter analyzes the adoption of the first Senate cloture rule in 1917. This institutional change marked the end of the Senate’s era of unregulated debate and the beginning of a long struggle over formal constraints on Senate minorities. The basic story of the 1917 rules change is familiar to most congressional scholars: in March 1917, a handful of senators filibustered a bill that authorized antishipmatic weapons on U.S. merchant ships during the waning hours of the 66th Congress. Furious, President Wilson publicly excoriated the Senate and called it back into session to adopt a rule limiting obstruction, which it did. Even though the Senate cloture rule is a central feature in American politics (Krehbiel 1998; Sinclair 2002b), there has been relatively little research on its adoption beyond early descriptive accounts (Burdette 1940; Haynes 1938; Luce 1922) and brief discussions in broad analyses of congressional history (Binder 1997; Binder and Smith 1997; Dion 1997). Ryley (1975) is an exception, but this book-length work devotes little attention to the Senate rule change itself.

Two elements of the basic story are curious. One puzzle is the content of the rule: why did the Senate adopt a two-thirds threshold rather than a simple majority? A second puzzle is the timing of the cloture rule change: why did these events occur in 1917 rather than earlier or later? This chapter
proposes new answers to these questions. The two-thirds threshold reflected the de facto balance of power in the 1910s; with or without a cloture rule, a filibuster could not last long without the cooperation of at least one-third of the chamber or an artificial time constraint. The timing of the change is explained by the emerging role of a policy-oriented, media-swaying presidency (Tulis 1987). Woodrow Wilson's aggressive use of the bully pulpit provided the additional incentive for senators to codify the status quo as a formal cloture rule. This analysis of events is based on analytical narratives of seven institutional choices regarding obstruction from 1913 to 1917, many of which illustrate senators' ambivalence about restricting debate. These case studies are guided by an underlying model of institutional choice summarized in the next section.

Frameworks for Analyzing Institutional Choice

There are four basic steps to analyzing legislators' choices. First, identify what the status quo rules are. This includes both the threshold for limiting debate (if one exists) and the price of filibustering for both the obstructionists and the supporters of the filibustered bill. The price will depend on how difficult it is to filibuster under the rules—Do obstructionists have to stand and speak? Can they read from texts? Do their speeches have to be germane?—and on how expensive it is for the antifilibuster coalition to wait until the obstructionists are exhausted. Waiting out a filibuster is increasingly expensive when time is scarce and many other bills await chamber consideration (Oppenheimer 1988). In the next three steps an entrepreneur, the minority party, and the majority party choose whether to support or oppose institutional change.1

Each actor considers two types of rewards or costs for institutional change: utility attached to outcomes and utility attached to acts. The former is easier to understand: if the chamber rules are changed, how does that affect the flow of legislation? Actors might consider whether a reform will generally make a chamber more efficient and whether it will facilitate the passage of controversial legislation. Legislators may also weigh short-term and long-term implications of a rule change, since a reform that benefits them now may cost them later when they are on the losing side.

Second, actors receive transaction payments based on their positions for or against institutional change. Transaction payments include the effort required to develop a proposal and form a reform coalition; the external rewards from voters, interest groups, presidents, or other outside players; and the internal sanctions imposed by other legislators who oppose reform.

I consider two veto points for institutional change: reform does not occur if no entrepreneur proposes a change or if the majority party opposes reform. The first condition can be met with relative ease since there must be merely one senator who cares enough about reform to make a proposal. However, it is worth noting that, given sufficient internal or external sanctions for proposing reform, institutions may remain unchanged even if a majority of the Senate is willing to vote for it.2

The minority party cannot directly veto reform, but it is able to influence the majority party's transaction payments. Senators and scholars sometimes suggest that a supermajority is required to change Senate rules since it takes 67 votes to invoke cloture on a rule change. While it is true that a supermajority may be necessary using rule 22, the majority party can overcome filibustering if it is willing to utilize unconventional tactics like revising Senate precedents (Binder and Smith 1997; Burdette 1940, 216–220; Haynes 1938, 420–426; Koger 2003; Wolfinger 1971).3 This may be a costly strategy, so the transaction payments for unconventional tactics are much higher than for conventional, bipartisan reform, but it is not impossible for a simple majority to achieve success. The cases that follow illustrate this point; in three instances (one in 1914, two in 1915), narrow Senate majorities could have limited obstruction despite minority opposition but did not.

In this framework, the primary claim is that institutional change occurs when the payoffs for reform are, on balance, positive for both the entrepreneur and the majority party, with prior procedural choices and the minority party having a significant influence on whether these two conditions can be met. In the following I specify how this claim can be evaluated within the context of the early 20th-century Senate. I should note, however, the scenarios that can arise when actors are influenced by both transaction payments and outcome preferences and these goals are conflicted. First, an actor may expect that reform would have positive policy benefits but that change would be costly. Then the actor will propose or support reform only if the effort will succeed and if the policy benefits outweigh the political costs. Second, a reform may be politically beneficial but have negative policy consequences. In these cases actors will either support reforms only if they are likely to fail or will support reforms that have minuscule policy consequences but reap political gains for action.

Data and Methods

I evaluate these claims using theoretically guided case studies, or analytical narratives. This approach is useful for testing models because one can
evaluate not only the central prediction but also the assumptions and structure of a complex model (Bates et al. 1998; Buthe 2002). For example, we can evaluate whether the framework adequately summarizes the decision to propose a reform or whether the minority party’s choice influences the majority party’s transaction payments.

I use seven cases of institutional choice from 1913 to 1917 in the U.S. Senate. The best known of these is the adoption of the first Senate cloture rule in 1917, but the preceding choices help us evaluate the theory and explain the 1917 rule. By focusing on this time span I am able to hold constant important historical factors: the party in control of the White House and Congress, the general political and institutional climate, and the identity of most of the major actors. While these cases are from a limited time span, they include meaningful variation in the tactics used by would-be reformers and the outcomes of institutional choices. This is preferable to a study that selects on the dependent variable (i.e., that looks only at cases of successful reforms) because we have the leverage to distinguish the conditions for change from the conditions for stability (Geddes 2003).

How do we measure the policy and transaction payoffs for the key actors? The following studies make use of news reports, party caucus records, floor statements, and legislators’ actions to make inferences in specific instances. Additionally, there are some general indicators that we can apply to most cases:

- **Agenda-setting sequence** is usually a signal of the majority party’s outcome preferences. All else equal, the majority typically schedules its top priorities early, while low priorities are deferred until a later time—or never.
- The benefits of restricting obstruction probably increase with overall *inefficiency* in chamber decision making and with the value members attach to legislation targeted for obstruction.
- **Public presidential actions** (speeches to Congress, press releases) typically influence transaction payoffs by drawing media attention to the legislative process (Wolfinger 1971). Public positions may be supplemented by presidential influence over patronage jobs, distributive benefits, and campaign funds.
- **Party platforms** are also indicators of transaction payoffs. If Senate rules are explicitly mentioned in a party’s platform, senators of that party have an incentive to publicly conform to party preferences. Also, if reform is necessary to realize a policy promise in a party platform, that may increase the transaction payoffs for reform.

The next section uses these expectations to evaluate institutional choices during the 1910s Senate.

**Institutional Choices in the Senate, 1913–1917**

This section analyzes seven cases of institutional choice: (1) the Democrats’ decision to not challenge the right to filibuster at the start of the 63rd Congress; (2) prohibiting and then reinstating the right to yield for questions during debate; (3) raising the threshold for suspending Senate rules from simple majority to two-thirds; (4) a cloture proposal during the 1915 ship-purchase debate; (5) the Democrats’ failure to propose a cloture rule at the start of the 64th Congress; (6) a Rules Committee cloture proposal in June 1916; (7) the adoption of the first cloture rule in 1917. The central narrative of these cases is that the majority-party Democrats were initially unconcerned that obstruction would inhibit their agenda. The 1915 ship-purchase-debate crystallized senators’ view of obstruction; many senators came to see minorituy obstruction as a necessary check on majority-party domination. Thus the 1917 rule, adopted in a firestorm of public criticism, was designed to satisfy public demands for a cloture rule while minimizing its effect on the Senate’s balance of power. These choices are best understood against the backdrop of presidential and party politics during the Wilson administration.

**Responsible Democratic Party Government, 1913–1919**

Democrats won a complete but precarious victory in the election of 1912. Owing to a split in the Republican Party, the Democratic Party gained control of Congress and the presidency with a plurality of the popular vote. Woodrow Wilson won the White House with 41.8 percent of the popular vote, with Roosevelt and Taft splitting 50.5 percent of the votes. Similarly, House Democrats won 41.1 percent of the votes in congressional elections outside the South. Future success or defeat for the Democrats depended on the party’s ability to appeal to the progressive voters who bolted the Republican Party in 1912; they constituted a national swing group crucial to almost every state outside the South (Bowers 1918, 282–283; James 2000, 132–137).

Although the Democratic Party was, like the Republicans, split into conservatives and progressives (Oleszek 1991), Wilson sought to rule as the leader of a president-dominated responsible party (Link 1956). Wilson worked closely with party and committee leaders who, in turn, met frequently with
party caucuses in both chambers (Bowers 1918; Link 1956). Wilson worked to muster media attention and public support for his policy proposals, including frequent addresses to Congress (Kernell 1997, 261–262; Link 1956, 79–85, 152–153; Tulis 1987, 117–144). Finally, Wilson used patronage appointments to reward and punish members of Congress, as Arthur Link summarizes:

[Wilson] controlled the [Democratic Party] not merely by strong postures and a bold voicing of public opinion but also by using the immense patronage at his command as an instrument of effective government. Confronted by no entrenched national party organization and no body of officeholders loyal to another man, he was able to build from the ground up and to weld the widely scattered and disparate Democratic forces into nearly as effective a political organization as one can build in the United States. (1956, 157)

Senate Democrats even filibustered several of Taft’s nominations after the 1912 election so that they would receive the maximum benefits from presidential appointments (Burdette 1940, 93–94).

To ensure that the Senate would faithfully pass the party agenda, the progressive faction of the Senate Democrats replaced their current leader, Thomas Martin (Va.), with John Kern (Ind.), who had helped write the party platform. Since 30 of 51 Democrats were pledged to Kern, Martin conceded the position without a vote (Oleszek 1991). The next step was new caucus rules weakening the power of committee chairs so that senior conservatives could not stifle party legislation. On April 8, 1913, the Democratic caucus adopted rules allowing the majority-party members of a committee to call committee meetings, select conference committee members, and appoint subcommittees, all by majority vote (Bowers 1918, 293–295; Minutes of U.S. Senate Democratic Conference [Democratic Minutes] 1998, 74–76; Oleszek 1991). The most significant rule, however, had already been adopted. In 1903, trying in vain to organize a united front against the Panama Canal treaty, the Democratic caucus adopted a rule allowing two-thirds of the caucus to bind all party members to vote the caucus position, provided that members would not have to violate instructions from a state legislature, pledges to constituents, or their interpretation of the Constitution (Lambert 1953, 303–304; Democratic Minutes 1998, 3–4). According to the minutes of the Democratic caucus, this rule was not used from 1903 to 1913; the new majority revived the rule to commit members to New Freedom legislation and, in the process, made the rule a lightning rod for criticism of party government.

What Were the Status Quo Filibuster “Rules”?

Even without a formal rule for ending obstruction, Senate majorities were not powerless to stop obstruction. In the 19th-century House and Senate, the classic solution to a filibuster was to wait it out in the hopes that the obstructionists would become too tired to fight anymore. Furthermore, Senate rules limit members to two speeches per topic per legislative day; if a majority keeps a bill on the floor continuously, obstructionists run out of opportunities to speak. A waiting strategy was often accompanied by strict enforcement of existing rules limiting debate.

Senators had recently acted to increase the costs of obstruction. In 1897 the presiding officer refused to recognize a quorum call (i.e., counting members to ensure that at least 50 percent of the Senate is in attendance) when no debate or vote had occurred since the last quorum call (Burdette 1940). In 1908 the Senate approved 35–13 a precedent that further restricted quorum-call use by requiring some business other than debate to come between quorum calls. During the same vote, the Senate renounced the practice of counting nonvoting members toward a quorum, much as House Speaker Reed did in 1891. At the time, Senator Burkett (R-Neb.) called these reforms “the greatest evolution in facilitating legislation since [the Reed rules of 1890]” (“Filibuster Is Doomed,” Washington Post, June 1, 1908, p. A4).

One reason the Senate needed no formal cloture rules before 1913 was that the Senate’s overall efficiency reduced the payoffs for obstruction. The majority party’s opportunity costs of waiting out a filibuster increase with the backlog of legislation waiting for chamber consideration (Oppenheimer 1985). An efficient legislature, therefore, can afford to wait out a filibuster. In other work, I find that a backlog of workload during the 1880s House created the conditions for effective obstruction (Koger 2002). For example, during the 1880s the House passed only about 35 percent of its committee reports, while the 62nd Senate approved 71.0 percent of the bills reported out of Senate committees. In fact, the 62nd Senate took some floor action (passing, tabling, recommitting) on 90.3 percent of all bills reported from is committees, so the Senate chamber was usually able to register some opinion on most committee recommendations.

The Senate’s effectiveness coincided with a low level of obstruction from 1891 to 1913. According to a compilation of filibusters (Beth 1994), there were 11 recorded filibusters between 1895 and 1913, averaging 1.2 per Congress. This represents a mild acceleration over the previous period; from 1875–1895 there were 7 filibusters, 0.7 per Congress. Ten of the 11 filibusters occurred during “short” sessions of Congress, i.e., the 3 months
of legislating after the fall elections. During short sessions, the combination of a fixed end date and an accumulation of reported legislation increased the value of floor time and, therefore, the effectiveness of obstruction.

The combination of high chamber efficiency and low obstruction rates suggests that the potential policy rewards for reform were generically low for senators as the 63rd Congress began. Few bills were killed by filibusters and reducing obstruction would probably have a marginal effect at best on the Senate's overall effectiveness. Of course, legislators could have strong feelings about a single obstructed bill (or a few key bills) such that a rule change could realize a significant change in policy outcomes.

**Case 1: Organizing the 63rd Congress**

In our initial case, nothing happens—and that's interesting. At the beginning of the 63rd Congress, no member of the Democratic majority in the Senate proposed a new restriction on obstruction. This inaction occurred despite the Democrats' interest in forcing their party–platform legislation through the Senate and the interest of some Democrats in suppressing obstruction.8

In two scenarios no member proposes a reform: either there is simply no policy or political reward for institutional change or the costs of proposing one outweigh the likely gains—especially if reform is likely to fail. Both explanations are possible in this case, but the first scenario seems more likely—costs exceed any possible benefits. First, as previously noted, it is not clear that there were any policy benefits to reducing obstruction rights. Even though a couple of Democratic agenda items were later filibustered—the Federal Trade Commission and Clayton Antitrust bills (Beth 1994)—the Democrats were still able to pass these bills. Second, nothing indicates there were political rewards for supporting reform; no primary source mentioned presidential interest in changing Senate rules, and the 1912 Democratic Party platform did not mention Senate rules reform. On the other hand, Democratic efforts to restrict obstruction would have probably been politically costly. Assaulting the practice of filibustering just weeks after obstructing Republican nominations and legislation would have invited public ridicule. Furthermore, the Democratic progressives had just seized control of the party apparatus; pushing for a major rules change might have driven Democratic conservatives into open revolt. *Summary: low policy payoffs deter entrepreneurs.*

**Case 2: Yielding During Debate, September 1914**

During September 1914, Democrats briefly attempted to reduce obstruction by restricting the practice of yielding during a speech.9 In mid-

September a bill appropriating funds for rivers and harbors reached the Senate floor. This bill was a Democratic agenda item and especially important to Southern Democrats (*Democratic Minutes* 1998, 169–171). Several Republicans objected to the $53 million funding level and obstructed passage by prolonged speaking. After a week of debate and 2 consecutive days of speaking by William Kenyon (R-Iowa), Nathan Bryan (D-Fla.) objected to Kenyon yielding to other members for comments or questions without obtaining unanimous consent. The Senate sustained this objection 28–24, with Republicans (and one Progressive) opposing the ruling 0–18 and Democrats supporting it 28–6. Note that the majority was, as assumed, able to restrict obstruction despite minority–party opposition.

The effect of this precedent was to increase the physical cost of filibustering, since speakers would have to deliver uninterrupted speeches, but the ruling also reduced discussion and interchange during debate. The next day, however, the Senate held a second vote on the same question and reversed the precedent, 15–35. No Republican switched positions on the ruling, but 10 Democrats changed their positions from yeas to nays, including Kern. What changed overnight? The historical record is scanty, but the best explanation is that the Democrats reevaluated whether the policy payoffs for the institutional change were worth the costs of reduced deliberation and obstruction rights. In this case, the reform had already been accomplished and the transaction payments seemed to be minimal, so most of the reevaluation was probably tied to policy effects. One consideration was that reducing obstruction rights affected Democrats as well as Republicans; Democrats continued to filibuster while in the majority, including two Democratic filibusters in the final weeks of the 1914 session. Second, the immediate object of the reform—pushing the rivers and harbors bill through the Senate—became an untenable goal during the course of the Republican filibuster. Republicans linked this “extravagant pork barrel bill” to the Democrats’ imposition of “war taxes” during peacetime, suggesting that a military buildup could be funded by government belt-tightening instead. Days later, a coalition of Republicans and Northern Democrats reduced the bill to $20 million so it would pass (*New York Times*, September 23, 1914, p. 9). *Summary: minority and majority parties reject reform because of low policy payoffs.*

**Case 3: Suspension of the Rules, January 1915**

A third notable event was an extraordinary reinterpretation of a Senate rule. During consideration of an appropriations bill for Washington, D.C., the Senate Rules Committee reported a proposal by Morris Sheppard (D-Tex.) to suspend the rules of the Senate and consider an amendment banning
saloons in the nation’s capital. Sheppard needed to suspend the rules because policy amendments were (and are) prohibited by Senate rules. Rule 40 (now 5) of the Senate allows senators to suspend, modify, or amend rules after a 1-day wait, but in 1915 no senator could remember an attempt to suspend the rules. The rules of the Senate did not (and do not) specify what proportion of the chamber must approve a motion to suspend the rules, implying that a simple majority was sufficient; the previous precedent was an 1861 suspension of the rules by simple majority. However, the Senate voted 41–34 on January 15, 1915, to require a two-thirds majority to suspend the rules.

This decision was a clear opportunity to end obstruction in the Senate. Motions to suspend the rules can include the restrictions now included in unanimous-consent agreements or House special rules—restrictions on amendments; time limits on speeches; and most important, definite times for votes on final passage (Beth 1993). Furthermore, this precedent demonstrates the ability of a simple majority of the Senate to alter the practical meaning of standing rules by establishing new precedents. The imposition of a two-thirds threshold was contrary to the previous (if rare) practice of the Senate and the general norm of parliamentary construction: unless specified otherwise, all decisions are based on simple-majority rule. The best argument the majority could muster was that the House of Representatives requires a two-thirds majority to change its rules, but this is only because House rules specify this threshold, and resolutions reported from the Rules Committee in the House require only a simple majority to pass.10

Gilbert Hitchcock (D-Neb.) raised the point of order against Sheppard’s motion. Hitchcock’s floor speech argues against the practice of appending policy riders to appropriations bills (Congressional Record, January 13, 1915, pp. 1504–1505). Other advocates for reinterpreting the Senate rule stressed that simple-majority suspension could be used on a variety of different issues (see Senator Stone’s speech, ibid.). Hitchcock may have been especially motivated to propose this change by his frequent disputes with the party caucus and Wilson administration over patronage, tax policy, and banking. Simple-majority suspension of the rules would empower a party he frequently opposed.

Curiously, the coalitions supporting and opposing the precedents were not based on any obvious cleavage: Democrats split 24–18, Republicans 17–15. While Republicans divided basically along progressive (simple majority) and conservative (two-thirds) lines, Democrats cleaved neither along ideological or regional lines.11 Nor is the precedent vote strongly correlated with key upcoming votes on the ship-purchase act. The cross-partisan nature of the coalition and the absence of overt presidential or party interest in the precedent suggest that the transaction payments were minimal for all concerned. In short, preferences on alcohol seem to have influenced senators’ votes, but so did the prospect of simple-majority rule on other issues (Congressional Record, January 13, 1915, pp. 1503–1512). Summary: legislators’ general policy interests motivated institutional change to further restrain majority action.

**CASE 4: THE SHIP-PURCHASE BILL, FEBRUARY 1915**

The final institutional choice of the 63rd Congress was a rejected cloture rule that would have obtained the passage of a shipping bill. After the November 1914 elections, the Wilson administration proposed a ship-purchase act that would have established a government corporation to purchase and operate merchant ships. The purpose of this bill was to alleviate a shortage of ocean transportation after the outbreak of World War I. A coalition of regular Republicans and renegade Democrats filibustered the bill to oppose the creation of a government enterprise and the provocative steps of giving cash to Germany (in exchange for German ships) and increasing trade with Germany (Garraty 1953, 308–311; Congressional Record, June 8, 1918, p. 7537).

While Democrats loyal to the Wilson administration tried to exhaust bill opponents on the Senate floor, they met in caucus six times January 16–23, debating and resolving their internal differences. At the conclusion of these meetings, the caucus voted to bind all Democrats to support the bill as a party measure. This vote, however, became a source of controversy. Since there were 53 Democrats in the Senate, 36 votes were required to bind a caucus. The initial vote was 35–3, other Democrats being absent, but Charles Thomas (Colo.) agreed to switch his vote so the caucus would be bound (Democratic Minutes 1998, 191–193). On this basis the caucus expected every Democrat to support the bill once the Republicans grew tired of talking.

On January 25, Duncan Fletcher (D-Fla.) introduced the caucus bill as a substitute amendment. Over the next 7 days, Republicans used every obstructive tactic—dilatory motions, prolonged speaking, and disappearing quorums—to prevent a final vote on the Fletcher substitute. Of the 19 votes during this week, most Republicans were absent from 12; on 8 of these 12 votes a quorum was “broken.” Six amendments to the underlying bill were tabled by almost perfectly party-line votes, demonstrating to Republicans the futility of deliberation. Finally, on February 1, several Democrats allied with the Republicans to support recommitting the bill to committee (Burdette 1940, 107). On the crucial vote to table the motion to recommit, seven Democrats opposed the party and the motion failed...
42–44. However, another five Democrats had supported the rebels on at least one of two preceding procedural votes, suggesting even broader discontent within the majority party.12

At this point the Democrats, instead of conceding defeat, began filibustering while rounding up absent members from around the country and negotiating with dissident Democrats and progressive Republicans (Democratic Minutes 1998, 194; Burdette 1940, 107). A week later, three returning senators had reinforced the Democrats and the roles reversed again—Republicans obstructing, Democrats pushing for a vote. Four days later (February 12) the Democrats began to press for a new cloture rule.

The primary Democratic proposal was the equivalent of a special rule in the House: it added a clause to the standing rules of the Senate requiring a vote on the shipping bill at 2 p.m. on February 19, 1915. On February 13, the Democratic caucus met and formally approved (no vote is recorded) a resolution supporting “modified cloture” enabling a majority to reach a final vote and, specifically, “a rule which would terminate the filibuster on the shipping bill” (Democratic Minutes 1998, 199). The targeted nature of this “rule” underscores senators’ apparent belief that obstruction rights generally served their policy interests. Despite this action, votes on the cloture resolution revealed an even divide, with seven Democrats consistently voting with the Republicans and the outcome heavily contingent on turnout.

Throughout this debate, Republicans voiced traditional arguments for obstruction, but their primary focus was a new target: the institution of the caucus. Their specific complaint was that 35 senators were using the caucus to dictate outcomes to the remaining 61 senators, when clearly a majority of the Senate opposed the bill. More generally, Republicans claimed that the president used the caucus (backed by discretion over patronage) to pressure Senate Democrats, and thus the Senate, to adopt his legislation largely and without change. Gilbert Hitchcock (D-Neb.) noted, “There would have been no Democratic caucus [on the shipping bill] if it had not been for outside influences.” George Norris (R-Neb.) replied, “That is the case nine times out of ten” (Congressional Record, February 16, 1915, p. 3849). Theodore Burton (R-Ohio) noted that the party pressure on Democrats was greater on the shipping bill than on any of the significant New Freedom bills—tariff reform, antitrust bills, and the Federal Reserve Act. Albert Cummins (R-Iowa) cited this pressure as a justification for obstruction:

Whenever the Chief Executive of the country attempts to impose his will upon the Senate, and thus to preclude or prevent that fair and open mind to which all discussion ought to be directed, when senators do not feel that they are at liberty to vote upon a particular measure in any way which their judgment and their conscience direct them to vote, then a rebellion in the form of a filibuster is not only justified but, I think, it is absolutely required if we would preserve the freedom and the Senate of the United States. (Congressional Record, February 16, 1915, p. 3840)

The Republican critique was an innovation on classic arguments for obstruction. Since many Democrats faced severe conflicts between their policy views and political interests, minority obstruction was necessary to realize the true preferences of most Senators.

The unpopularity of caucus power may have contributed to the defeat of the Democratic cloture proposal. Cummins offered an amendment invalidating the cloture rule on any issue on which a party caucus had bound its members’ votes. An attempt to table this amendment failed 45–47, with Robert La Follette (R-Wis.) defecting from the pro-shipping-bill coalition to oppose caucus rule. Rather than take a direct vote on Cummins’s amendment, Democrats conceded defeat on both the proposed cloture rule and the shipping bill—not because obstruction prevented a final vote, but because the votes indicated that they would lose.13 In other words, the cloture-reform effort failed because the near-term marginal change in outcomes, passing the ship-purchase act, was not a sufficient inducement to motivate a partisan reform coalition.

Had the Democrats not conceded defeat, they had a majority strategy prepared to force a vote on the shipping bill and, in the process, transform the Senate. Ollic James (D-Ky.) suggested during Senate debate that any member could move the previous question on the bill. Once the chair ruled this motion out of order, any member could appeal the ruling. James promised to force a vote on his ruling if he were the presiding officer. Democrats seriously considered the strategy but abandoned it because they did not have the votes to win.14 Summary: there were insufficient policy payoffs to adopt a targeted cloture rule.

**CASE 5: THE DEMOCRATIC CAUCUS**

**DEBATES REFORM, DECEMBER 1915**

When the Senate Democrats, strengthened by a net gain of four members, met to organize their caucus in November–December 1915, their first act was to reelect Kern as majority leader; their second act was to begin debating cloture reform (Democratic Minutes 1998, 201–213). The caucus met five times in 6 days but eventually decided not to attempt a rule change.
Senators had a significant policy stake in these procedural questions. The New York Times claimed,

The proposed cloture rule is regarded as more important in its bearing on general legislation than any constitutional amendment that has been considered in recent years. If the caucus finds a way to have the rule adopted, opponents of the measure say, the doors will be thrown open to radical legislation in the years to come. Of more immediate interest . . . the adoption of the rule might make it possible for the President's program to be enacted in most of its particulars. (November 29, 1915, p. A1)

Wilson's policy agenda included increasing military troop levels, raising revenues, a ship-purchase bill, allowing corporations to cooperate in foreign trade, a rural loan system, Philippines autonomy, and Latin American treaties (ibid.).

The caucus appointed an ad hoc committee to propose changes in the Senate rules; the committee proposed a simple-majority cloture process that Democrats would push through by moving the previous question (New York Times, December 1–4, 1915). The caucus, however, took no action on the proposed cloture rule. The death knell for the reform effort was a caucus vote against making cloture reform a "party measure." This vote is unrecored in the caucus minutes, while the New York Times reports that only three senators supported this approach (December 5, 1915, p. 22). Further caucus debate revealed dissent over whether a simple-majority or two-thirds supermajority should be sufficient to limit debate, how much time should be allotted for postcloture debate, and what tactics should be used to push the rules change (ibid.; Democratic Minutes 1998, 201–213). Reform advocates proposed that the Democrats deny that the Senate is a "continuous body" with permanent rules. If the Senate does not have permanent rules, then the majority has increased latitude to push through rules changes at the beginning of a Congress while the chamber operates under general parliamentary law. This would make it easier to overcome an expected Republican filibuster against a rule change. Once it became clear to Democrats that they lacked the internal unity necessary to adopt a cloture rule, the caucus shelved the issue.

Why didn't some entrepreneur attempt reform anyway? The primary reform advocate was Robert Owen (D-Okla.; New York Times, December 2, 1915, p. 10), who considered a serious attempt on the floor. In the end, however, the expectation that the attempt would consume time, prevent President Wilson from addressing the Senate, and intensify Democrats' internal conflicts deterred a floor effort (New York Times, December 2–3, 1915). President Wilson took no overt position on cloture reform. Summary: Entrepreneurs were deterred by the transaction cost of proposing and anticipated failure. The majority party supported reform weakly, so the additional transaction costs imposed by minority-party obstruction meant that the proposal would die.

CASE 6: A REFORM PROPOSAL DIES, JUNE 1916

On March 16, 1916, the Democratic caucus expressed vague support for cloture reform and requested the Senate Rules Committee to report a rule allowing the Senate to defeat determined obstruction (Democratic Minutes 1998, 215). This request went unanswered until the June 1916 Democratic Convention approved a party platform stating "We favor such alteration of the rules of procedure of the Senate of the United States as will permit the prompt transaction of the Nation's legislative business." The Democratic platform was mostly written by President Wilson, and this plank presumably had his blessing (New York Times, June 12, 1915, p. 3). Days after the convention, Hoke Smith (D-Ga.) of the Rules Committee dutifully reported a rule that, at the petition of 16 senators, allowed a two-thirds majority to impose a 1-hour debate limit per senator—essentially the rule later adopted by the 65th Congress (Congressional Record, June 20, 1916, 9637–9638). However, Republicans expressed interest in discussing the proposal at length, and the Democratic caucus prioritized other issues during agenda-setting discussions (Democratic Minutes 1998, 217–231). Once again, the caucus's failure to develop a joint strategy on cloture reform or prioritize Smith's cloture proposal suggest both intraparty divisions on institutional change and low interest in reforming the Senate. Summary: increased publicity motivated a proposal, but the majority party was deterred by the transaction costs of overcoming minority opposition.

CASE 7: THE SENATE ADOPTS A ClOTURE RULE, MARCH 1917

On February 1, 1917, Germany resumed unrestricted submarine attacks on ships headed for Britain; Wilson broke relations with Germany on February 3. On February 26, only 7 days before the mandated end of the session, Wilson addressed Congress to request legal authority to arm merchant ships. It was clear to most senators that the president already possessed the authority to arm ships; Wilson's real intent, they feared, was to obtain a broad grant of power to pursue a policy of "armed neutrality" (Ryley 1975, 74). To do so, Congress would have to write, debate, and pass a law during the most hectic, time-pressured week of the Congress. On March 1,
the House approved its version 413–13. The same day, the White House made public Germany’s “Zimmerman note” to Mexico, which proposed a Germany-Mexico alliance in the event that the United States entered the war against Germany.

The armed-ship bill came up in the Senate on March 2 amid the public firestorm over the Zimmerman note. Notably, the Democrats did not meet in caucus to discuss the bill. An organized group of senators then began to obstruct the bill with William Stone (D-Mo.), chairman of the Senate Foreign Relations Committee, giving the longest speech (4 hours) against the bill (Burdette 1940, 118–123; Ryley 1975). Since time was short and the Senate had to interrupt the armed-ship bill to conduct other end-of-session business, the filibuster succeeded easily.

Wilson and the general public did not see the bill’s failure as the predictable outcome of trying to pass a new, controversial bill in a work-clogged system within a week. In a famous phrase, Wilson blasted the “little group of willful men” who had blocked his bill, and he called for reform of the Senate rules (New York Times, March 5, 1917, p. A1). Most major newspapers expressed similar outrage against the filibuster and those who had spoken against the bill (Ryley 1975, 132). Citizens held rallies criticizing the obstructionists, senators were burned in effigy, and some senators’ lives were threatened (Ryley 1975, 134–135). Public pressure to change the rules of the Senate was probably greater than at any other time in Senate history.

President Wilson reconvened the Senate in executive session on March 5, 1917, for the primary purpose of adopting a cloture rule. On March 6, both party conferences appointed committees to negotiate and agree on a cloture rule (Democratic Minutes 1998, 259; Wolff and Ritchie 1999, 67); this bipartisan committee played the role of entrepreneur. The Democrats appointed five senators who advocated simple-majority rule (Owen, James Reed, Walsh, and Swanson) and one senator who preferred supermajority rule: Hoke Smith, the senator who reported and defended the Rules Committee proposal in 1916. The Republican negotiators included Henry Lodge (Mass.), a defender of obstruction, and Cummins, a participant in the filibuster against the armed-ship bill who supported cloture but opposed caucus rule. A day later, the negotiators reported to their respective parties a rule much like Hoke Smith’s 1916 proposal: a 16-signature petition would trigger a vote and, if two-thirds of those voting supported cloture, each senator was limited to an hour of debate time. The Republicans endorsed the proposal by a vote of 30–2; the Democrats unanimously adopted the report after rejecting a proposal to further limit postcloture debate in the last 2 weeks of the session and after referring a previous-question proposal to the bipartisan negotiators (Wolff and Ritchie 1999, 68–70; Democratic Minutes 1998, 262–263).

On March 8, the Senate adopted the new rule 76–3 after brief debate. The bipartisan agreement on cloture included mutual restraint; members opposed to cloture would not obstruct the proposal or offer weakening amendments. Since the 1915 cloture proposal had been killed when a “caucus exemption” amendment had split the reform coalition, this was a significant concession. On the other hand, cloture proponents agreed not to try to strengthen the proposal; thus Thomas Martin persuaded Henry Hollis (D-N.H.) to withdraw an amendment lowering the threshold for cloture to a simple majority (Burdette 1940, 128).

Consequences. What was the effect of this rule on Senate policy making? First, had the rule existed a month earlier, it would have been ineffective against the ship-arming bill filibuster. There was not enough time for the cloture petition to ripen and bill opponents to exhaust their debate time, especially since opposition to the bill may have been broader than the 10 or 11 members labeled as the obstructionists (Ryley 1975). More generally, the rule essentially codified the status quo, since a prolonged filibuster already required a significant number of active participants. For example, it took careful preparation to plan the 2-day filibuster against the armed-ship bill (Ryley 1975, 73–78). A year later, Lawrence Sherman (R-Ill.) would argue, “A few members here can not carry on a filibuster. . . . In fact, if there was not a considerable number, or nearly a united minority, the minority had as well not undertake to carry on the filibuster for practical results; and even then it is limited to a certain time” (Congressional Record, June 11, 1918). When Hoke Smith first introduced the cloture proposal in 1916, his statements suggested its primary use would be to make the Senate more efficient by depriving small groups of their ability to delay business and block unanimous-consent requests, rather than to suppress a sincere filibuster (Congressional Record, June 20, 1916, pp. 9637–9638). It is no surprise, then, that the new rule had little marginal effect on organized obstruction (Burdette 1940); it was not intended to.

Why, then, didn’t the Senate adopt a stronger cloture rule, e.g., a simple-majority process for ending debate? The simplest explanation is that, transaction payments aside, only a minority of the Senate personally preferred majority rule. As described above, the Democrats were deeply divided on cloture reform. Even in the midst of the ship-arming firestorm, only a minority of the Senate expressed support for simple-majority rule. As the 64th Congress drew to a close, Senator Owen (D-Okla.) circulated a letter
pledging its signers to support a rule change that would "enable the major-
ity to fix an hour for disposing of any bill or question." Thirty-three of
96 senators signed the petition, while 7 more did not sign but supported
the "movement," including Hoke Smith (New York Times, March 5, 1917,
p. A1). Since a separate petition pledging support to the armed-ship bill
had circulated simultaneously and received 75 signatures (and only 10 sena-
tors were unable to sign it), we can infer that many members—probably
more than 33—had an opportunity to sign Owen's letter and refused.

Could a determined majority have adopted a stronger cloture rule? It
seems unlikely that the Democratic majority proposed a weak cloture rule
for fear of a filibuster. The Republicans did not seem willing to obstruct
the cloture rule; it was the Republicans who had first proposed bipartisan
reform. Furthermore, given the public mood, the Republicans would have
suffered a disastrous political cost for obstructing cloture reform. As Ryle
notes, "The nature of public opinion was such that most people, who knew
very little about the complexity of Senate rules, would accept virtually any-
thing. They equated the filibuster with obstructionism and treason, and that
was enough for them" (1975, 148). Second, if Republicans (or a cross-party
coalition) had filibustered, the Democrats could have easily waited it out as
they had on the ship-purchase act and other party agenda bills. The cloture
proposal was introduced in the Senate on March 8; the next Senate vote
was April 4, so there was ample time to exhaust the minority if a majority
was willing to wait. The Democrats' acceptance of a weak, negotiated out-
come suggests that there was insufficient support for majority rule to ensure
its adoption.

Evaluating the Alternatives. An alternative account of the 1917 cloture rule
by Gregory J. Wawro and Eric Schickler (chapter 15 in this volume) sug-
suggests that the rule did significantly affect Senate decision making. It
would be rational, they suggest, for a legislative entrepreneur to trade off the
possibility of passing controversial legislation (i.e., bills supported by a near-
majority coalition) for increased certainty that one's bill will not be killed
by a filibuster. Thus the cloture rule aids bill sponsors by ensuring that
bills appealing to two-thirds of the Senate will pass.

Wawro and Schickler predict that (1) coalitions supporting legislation
on final passage will be larger and more uniform after adoption of the clo-
ture rule and (2) appropriations bills should be more likely to pass after
the adoption of the cloture rule. They test these claims with a dataset of
29 significant bills from 1881 to 1946 and appropriations bills from 1890
to 1946, finding support for their hypotheses. Their tests for coalition size
mean and variance are bivariate comparisons, while their test for appro-
priations success includes seven control variables.

Wawro and Schickler employ long time series to increase the power of
their tests, but their predictions can be tested more precisely using data
from immediately before and after the 1917 rule change. If we are to judge
the motives for reform, we should look for short-term effects traceable to
the new rule rather than the long-term or unintended consequences of the
rule. Thus I gathered data on all final-passage votes for legislation requiring
a simple majority from the last 3 months (i.e., the short sessions) from the
64th–67th Congresses (1917, 1919, 1921, and 1923).

If we compare distribution of coalition sizes on final passage votes for the
64th (no cloture rule) and 65th (cloture just adopted) Congresses, the
variance of the coalition sizes does decrease as predicted—but so too does
the average size of coalitions, contrary to prediction. Data from the 66th
and 67th Congresses do little to clarify the picture. Using a student's t test
for samples with unequal variance to compare the 64th Congress to each
subsequent Congress, only the shift from the 64th to the 65th Congress is
statistically significant—but this is a significant decrease, not the predicted
increase. The pattern of coalition size diversity is also interesting: if we
compare the standard deviation of the 64th Senate (13.4) with the standard
deviation of passage votes pooled from the 65th to 67th Congresses (15.6)
we find, contrary to prediction, an increase. A Conover parametric test of
equal variances does not reject the hypothesis of equal variance (p = 0.378
for a two-tailed test), but we can confidently reject the claim that variance
decreased after the adoption of the cloture rule.

A short-term analysis of the appropriations process also suggests a null
effect for the cloture rule. Wawro and Schickler endeavor to distinguish the
effects of the cloture rule from the 1921 Budget Act and the 20th Amend-
ment. We can avoid this difficulty by comparing the fate of appropriations
bills during each session of the precloture 64th Congress and the postclo-
ture, pre-Budget Act 65th Congress. These two Congresses shared several
relevant features: the same president, same majority party, same Senate Ap-
propriations Committee chair, and many of the same legislators and issues.
For each bill, we are curious whether it was reported by committee, passed
the Senate, and eventually made it to the president for signature or veto.

During both Congresses, every bill considered during long or special
sessions made it to the president. For the short session of the 64th Congress,
it is not surprising that 4 of 14 bills failed to pass since the filibuster against
the ship-arming bill occupied the Senate floor. The record of the 65th Congress, however, was worse; four reported bills failed to pass the Senate and another two bills died after passing the Senate. The cause of this attrition was a general Republican filibuster led by Robert La Follette (R-Wis.; Burdette 1940, 128–131), who wanted to force an early session of the Republican-controlled 66th Congress. In the end, La Follette was aided by less than a third of the Senate; the Republican Conference voted 15–14 against a strategy of blocking appropriations bills (New York Times, March 2, 1919, p. A1). The new rule offered little help; with 3 days left in the short session, Democrats found it easier to wait out a filibuster than to attempt cloture (New York Times, March 3, 1919, p. A1) and never attempted a cloture vote. The short-term effects of the cloture rule thus seem to be minimal.

What should we infer from these results? Nothing. Wawro and Schickler clearly acknowledge the limitations of inferences based on small samples. This limitation is highlighted by employing alternative samples and finding different results. Yet if analyses of different samples yield contrasting results, we should infer, in the absence of more powerful tests, that the immediate effects of the cloture rule were . . . nothing. That does not mean that the cloture rule would never be influential; as the Senate agenda grew and time became more scarce, senators eventually preferred to attempt cloture rather than wait out filibustering. This transition, however, would not occur for decades (Oppenheimer 1985), so the minimal short-term effects of the cloture rule are probably a better indication of senators’ expectations and preferences in 1917. Summary: an exogenous shock increased the transaction payoffs for both parties. Legislators supported reform to reap these gains yet designed this new rule to have minimal effects on policy outcomes.

Discussion

This chapter first developed a framework for studying institutional choices in which both legislators’ preferences and the decision-making process are influential. I then applied this framework to senators’ institutional choices from 1913 to 1917 to better understand the adoption of a weak cloture rule in 1917. The role of entrepreneurship is highlighted by two cases of inaction: the Democrats’ decision to not propose a rule change at the beginning of the 63rd and 64th Congresses. Second, the claim that the majority party can impose reforms despite minority-party opposition is supported by several cases. Together, these cases demonstrate the weak incentives to restrain obstruction during the 1910s Senate. It is not surprising, therefore, that the 1917 cloture rule included a two-thirds majority requirement that made it almost inconsequential. In the midst of a firestorm of public concern about Senate obstruction, senators chose to codify the status quo balance of power (it took at least a third of the Senate to sustain a prolonged filibuster) rather than push for simple-majority cloture. This case demonstrates the potential for positive transaction payments to motivate a rule change that legislators would not otherwise adopt for policy reasons.
test, we find that the proportion of returning majority-party members (who were not already on Ways and Means) that was appointed to Ways and Means (0.05) is significantly larger than the proportion of new majority-party members who were appointed to Ways and Means (0.02; the p value for the test is 0.0001).

5. We define key votes as those on which leading members from one party adopted a position that was opposed by leading members of the other party. See Den Hartog and Goodman (2004) for more details.

6. Though we do not show the results here, we have also estimated the model with unstandardized loyalty scores and fixed effects, unstandardized loyalty scores without fixed effects, and standardized loyalty scores without fixed effects. In each permutation, the direction and significance of the coefficient for $\text{Loyalty}_{i,t-1}$ is similar to what we report here.

7. $N = 787$; pseudo $R^2 = 0.0830$. Dummies for the 25th and 27th Congresses were omitted because they predict failure perfectly. See Den Hartog and Goodman (2004) for coefficients and standard errors of fixed-effect variables.

8. Standard errors were simulated using CLARIFY (King, Tomz, and Wittenberg 2000; Tomz, Wittenberg, and King 2001). All other variables are held constant at their means.

Notes to Chapter 12

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1. See Peters (1997), especially chapter 2, for detailed accounts of the exploits of Speakers Reed, Cannon, and a number of their Democratic counterparts. Riker (1986, chapter 12) provides an excellent account as well. He portrays the events that led to the adoption of the Reed rules and Cannon’s overthrow through the lens of his notion of heresethics.

2. When Crisp finally did order the count of Republicans in the chamber, Reed commented, “The House is about to adopt the principle for which we contended under circumstances which show its value to the country. I congratulate it upon the wise decision it is about to make.” (Peters 1997, 72–73).

3. We identify the top 10 committees for each of the Congresses in question, using the Grosewart estimates of committee values.

4. Abstention adjusted simply means we treat abstentions as missing data, unlike some roll-call indexes that treat abstentions as “incorrect” votes.

Notes to Chapter 14

5. We used the issue codes created by Poole and Rosenthal to identify the individual votes in question (see www.voteview.com for more details).

6. Ainsworth (1995) argues that support for Civil War pensions was not simply a partisan Republican position. Instead, support for Civil War pensions was a function of the size of the population of Civil War veterans and Grand Army of the Republic members in a congressman’s district.

7. The complete set of results for these regressions is available upon request from the authors.

8. The fixed-effects model assumes any differences across units are captured by differences in the constant term (Greene 2000). In this case, the fixed effects capture any variation unique to a specific Congress.

Notes to Chapter 13

1. The Constitution does not require the Speaker to be a member of the House, but a nonmember has never been nominated for the post. Current House rule 19 provides for the motion for the previous question: “There shall be a motion for the previous question, which, being ordered, shall have the effect of cutting off all debate and bringing the House to a direct vote on the question or questions on which it has been ordered.”

2. Our discussion of UCAs borrows heavily from Gamm and Smith (2000) and Smith and Flathman (1989).

3. The practice appears to have developed under Vice President John Nance Garner and Majority Leader Joseph Robinson. The precedent was noted by Garner in 1937 after Robinson died. Subsequent precedents extended the practice. In recognition priority, the majority leader is followed by the minority leader, majority bill manager, and minority bill manager whenever one of those senators seeks recognition (Riddick 1992, 1093).

Notes to Chapter 14

1. Entrepreneurs and parties are modeled as unitary actors for simplicity.

2. Another implication, not explored here, is that entrepreneurs can shape the direction of institutional change through their ability to set the reform agenda.

3. Binder and Smith (1997, chapter 6) stress the high transaction costs imposed on would-be reformers in the 20th-century Senate; consequently some senators who might prefer a revised cloture rule are deterred from supporting reform, and majority-preferred reforms are deterred or delayed. This is consistent with the structure of the model, in which majorities can achieve reform but may have to pay a steep price. This structure is intended to be diachronic and thus applicable to the 19th-century House, the 21st-century Senate, and other legislatures around the world in which the payments for majoritarian change may be negligible or even positive.
4. In this era, a conservative preferred limited government and low spending, while progressives sought government action to reform capitalism and address social inequities.

5. A legislative day ends when the Senate adjourns and thus may continue for several calendar days.

6. I compiled these statistics from the Senate Journal for the 62nd Congress. Another 1,590 bills not included in these statistics were reported from committee and incorporated into omnibus pension bills.

7. Beth stresses the limitations of this list of filibusters. The list was mostly compiled from secondary and historical sources and is used for illustrative purposes.

8. See, for example, Robert Owen's speech, Congressional Record, July 14, 1913, pp. 2407–2411.

9. This account draws from Burdette 1940, 97–101.

10. Senators reaffirmed this precedent on June 28, 1916, on a 42–25 vote. The implication of this vote is that, as senators argued at the time, the two-thirds threshold is itself subject to a simple-majority vote on the 1915 precedent and can be overturned at any time.

11. I base this on inspection of this vote in Voteview (software for manipulating legislative roll-call data; http://www.princeton.edu/~voteview/), Senate 63 Roll Call 486. The second dimension roughly corresponds to a progressive-conservative continuum.

12. ICPSR 0004, 63rd Senate, variables 528–530. On the motion to table, Democrats voted 41–7, Republicans 1–36 (La Follette bolting), Progressive 0–1. For the Democratic dissidents' varied motives, see Congressional Record, February 16, 1915, pp. 3843–3845; Link 1960, 153.

13. The Democrats passed a compromise shipping bill that was killed by a second filibuster when it emerged from a conference committee.


15. This formulation assumes that an entrepreneur can impose institutional preferences on the chamber or that all senators have uniform institutional preferences.

16. This finding is confirmed in a multivariate analysis (Koger 2004), which finds that the 1917 cloture rule had no significant effect once electoral patterns and workload effects are considered.

17. This includes both regular and supplemental appropriations. Source: U.S. Senate Documents 553 (64th Cong., 1st sess.), 744 (64th, 2nd), 303 (65th, 2nd), and 456 (65th, 3rd).