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Cloture Reform and Party Government in the Senate, 1918 to 1925

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Cloture Reform and Party Government in the Senate, 1918–1925

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Why does filibustering persist in the U.S. Senate? This article analyzes senators' preferences toward majority cloture from 1918 to 1925, a crucial period in Senate history. I find that majority party members were more likely to support stricter cloture rules, but support for cloture reform diminished within both parties for senators far from the party median. I find little evidence that support or opposition to cloture reform was linked to seniority, prior House experience, legislative activism, or state size. These findings are consistent with the micro-level claims of conditional party government theory.

Beginning in early 2003, Senate Republicans began discussing using the “nuclear” or “constitutional” option to circumvent filibusters of judicial nominations. The nuclear option is a simple majority process for limiting obstruction by revising the parliamentary precedents of the Senate, e.g., “reinterpreting” Senate Rule XXII to allow a simple majority to invoke cloture on judicial nominations.¹ While this crisis was apparently abated by a bipartisan agreement in May 2005, it highlighted the ability of majorities to restrict minority rights in the Senate. Since minority coalitions filibuster to block legislation (Binder and Smith 1997; Sinclair 1989), force policy compromises (Krehbiel 1998), and compel consideration of their political agenda (Evans and Oleszek 2001; Sinclair 2002), Senate majorities have a clear motive to change the rules. If senators can impose majority rule at will, why haven't they done so?

The persistence of the Senate filibuster is an example of a broader puzzle in institutional politics. Much current research highlights the importance of institutions and procedural rules (e.g., Krehbiel 1998). If rules are crucial to outcomes, then the design and selection of institutions is a critical aspect of politics (Diermeier and Krehbiel 2003; Riker 1980). Of particular interest are *endoge-*

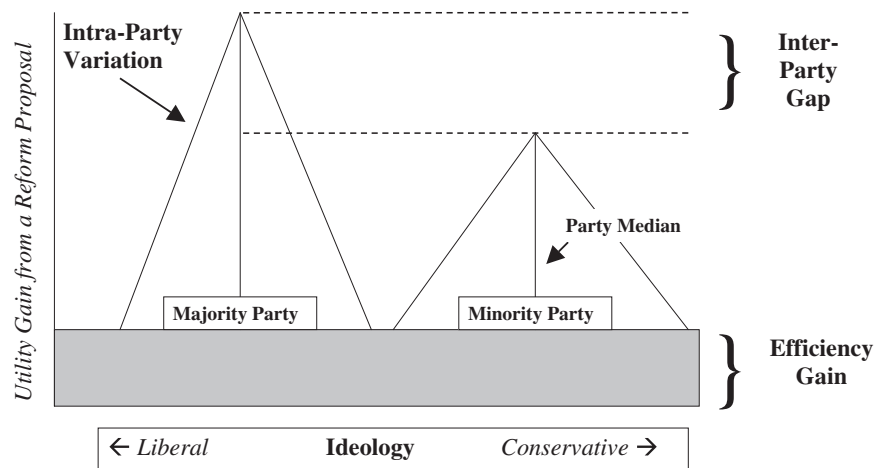
nous decision-making structures—including informal practices such as filibustering—that confer advantages upon political minorities. Under what conditions will political majorities large enough to revoke these privileges allow them to persist? This question requires a thorough understanding of how individual political actors evaluate their rules and make choices.

This article analyzes senators' institutional preferences from 1918 to 1925, a crucial period in Senate history. In 1917, the Senate adopted its first cloture rule allowing a two-thirds supermajority to limit debate on a pending measure;² on three subsequent occasions senators considered and rejected a majority cloture rule. Contrary to previous work on senators' cloture preferences (Binder and Smith 1997, 105–11) I find that cloture preferences during this era were strongly influenced by party status. Also important was each senator's ideological position as a moderate or extremist within his own party. I did not find that seniority, state size, previous House service, or workload considerations were related to cloture preferences. The next section develops a theoretical foundation for the study of procedural preferences and then applies this framework to the debate over majority cloture in the Senate.

¹For historical background on the nuclear option, see Koger (2002, 2003).

²The adoption of the cloture rule has been the topic of other recent work, e.g., Binder and Smith (1997), Koger (forthcoming), and Wawro and Schickler (2004).

FIGURE 1 Reform Preferences Varying by Efficiency, Ideology, and Party



Macro Theories and Micro Behavior

Most research on institutional choice in Congress focuses on macrolevel sources of change over time.³ Some research stressed the growing complexity of legislative business and the political environment as causes of institutional change (e.g., Binder 1997; Cooper 1970; Polsby 1968). Other research highlights the role of political parties (e.g., Aldrich and Rohde 2001; Binder 1997; Cooper and Brady 1981; Rohde 1991; Sinclair 1995). These works tie change in aggregated variables—party unity, party size, workload, etc.—to the *timing* of institutional change. Implicitly, however, they are premised on claims about individual preferences; change in macrolevel variables correspond to net variation in legislators’ satisfaction with status quo rules and their support for institutional reform.

Workload. An intuitive explanation for the evolution of Congressional committees, agenda-setting procedures, and filibustering is that legislators revise their institutions when there are significant gaps between members’ expectations and institutional performance. Since this expectations gap is often due to increasing external demands, such as wars or growing populations and economies, it is typically associated with growing workload. In a workload-based model of institutional change, reforms that make a chamber more efficient benefit members to the extent they gain

from the resulting increase in the quality and quantity of legislative production.

Conditional Party Government. The most prominent theory of party-centered institutional change is known as *conditional party government* (CPG). The CPG framework suggests that members of legislative parties delegate power to party leaders if they agree with fellow party members and disagree with members of the opposing parties (Aldrich and Rohde 2001; Cooper and Brady 1981; Rohde 1991; for variations see Cox and McCubbins 1993, 2005; Dion 1997; Sinclair 1995; Swift 1996; for critiques see Krehbiel 1999; Schickler 2000). In the CPG framework, an individual legislator benefits by empowering party leaders to the extent he or she agrees with party positions, i.e., with ideological proximity to the party median (Rohde 1991; Sinclair 1995). Furthermore, members of the majority party should be more likely than minority party members to support amendments to chamber rules that empower majority party leaders. This is not as obvious as it may sound. Minority party members may support party-centralizing reforms to the extent that (a) they expect to be in the majority in the future and (b) they value long-term benefits. Conversely, majority party members may oppose pro-majority party reforms to the extent they expect to eventually be in the minority and would suffer as minority party members under the new rules.

A Unified Approach. Instead of viewing the workload and partisan models as competing accounts, we can tie these claims together into a single framework for estimating legislators’ institutional preferences. Figure 1 depicts the utility calculations along three dimensions for a single, hypothetical reform. The vertical axis of Figure 1 measures the utility payoff that a given legislator would receive from a reform proposal.

³Of course there has been prior microlevel research. Schickler (2001) analyzes legislators’ preferences on several rules changes but no filibuster-related reforms in the Senate. Binder and Smith (1997, 105–11) look at votes to change the Senate cloture rule from 1918 to 1979, but not the 1922 and 1925 cases studied here. Rohde (1991) discusses the factional politics behind intraparty reforms in the modern House of Representatives.

The shaded region at the bottom reflects the *average* efficiency gain from the reform. Below we devise measures for efficiency gain that vary across senators; here we depict efficiency gains as uniform to the extent that the probability distribution of efficiency payoffs is constant across parties and ideology. The height of this reward, labeled “Efficiency Gain,” can vary across proposals; a reform with a high efficiency payoff would imply a sizable efficiency region.

A second consideration is the difference in utility gains between typical members of the two major parties. In Figure 1 this is measured by the “InterParty Gap.” The size of the InterParty Gap will vary with the nature of the proposal, but also with legislators’ weighing of short-term payoffs (when the status of one’s party is known) versus long-term payoffs (when party status is unknown and variable).

Finally, Figure 1 depicts variation in payoffs for reform proposals due to ideological differences *within* each party. In this case, each party is portrayed as a “pyramid” in which the greatest utility gains are realized by the party medians but slope downward as one moves away from the party median. Figure 1 labels the differences in payoffs within a party as the “IntraParty Variation.” If we are comparing reforms with different levels of intraparty variation, this would imply that the slope of the lines leading from the median is flat for reforms that benefit all party members equally, but steep for reforms that centralize power within the party.

Filibustering and Micro Preferences

This article focuses on restrictions on filibustering in the Senate during a short period of time. Cloture reform invokes multiple dimensions of legislators’ procedural preferences: while increased limits on filibustering can make a legislature more efficient, cloture reform may also increase the ability of majority leaders to push partisan legislation through the chamber. Conversely, a lower cloture threshold would reduce the influence of the minority party and the leverage of rank-and-file members with their leaders by making it easier to override a threatened or actual filibuster.

During the post-World War I era, senators and observers drew a close link between majority cloture rule and party government.⁴ Some argued that the combination of binding caucus votes and majority

cloture would enable a minority of the Senate to dominate the chamber. During a 1918 majority cloture debate, William Smith (R-MI) claimed, “If this amendment to the rules is adopted . . . it will result in the crowning of King Caucus in this chamber, a thing that now can be forbidden and thwarted. The caucus decrees will take the place of the individual power of Senators in the determination of public questions” (*Congressional Record* (CR), 6/10/1918, 7560). George Norris (R-NB) feared that the Senate, like the House, would be dominated by party leaders, stating, “If we adopted majority cloture in the Senate as they have in the House, the last vestige of fair and honest parliamentary consideration would entirely vanish, *and what a picnic that would be for political machines and political bosses*” (1926, emphasis added; see also Haines 1925; Rogers 1926, 164). The “bosses” these critics feared were not the Senate majority party leaders per se, who had limited institutional power. Their larger concern was the *combination* of Senate party leadership, presidential power, and affiliated pressure groups. Together, this party nexus could intimidate or buy senators through the distribution of patronage, press coverage, and popular sentiment.

If cloture reform strengthens party leaders, then the benefits of cloture reform should increase with each senator’s proximity to the median of his party with significant intraparty variation. This conforms to the “triangle” pattern shown in Figure 1. An alternative specification, however, is for party extremists (i.e., legislators outside the ideological range between the medians of the two major parties) to gain the most from strong parties and thus be the most likely to support reform. By meeting as a binding party caucus, party extremists could compel moderates in their party to join them in a winning coalition without fear of a filibuster. In this case, support for majority cloture should increase as senators’ preferences are extreme relative to his or her party.

Second, support for obstruction reform should vary by party, i.e., that the InterParty Gap will be significant. This claim is contrary to the common belief that senators’ six-year terms weaken the incentives of majority party members to impose partisan rules changes since they may be in the minority later in their terms. Below I also test whether senators up for reelection (and thus eager to enact legislation) are more likely to support reform; if concern for reelection increases over the course of senators’ terms, senators in the last two years of their terms should be more likely to support filibuster reform.

Third, senators’ support for limits on filibustering might vary with the benefits they would receive from streamlining the legislative process. Senators who

⁴During the post-WWI era senators’ attitudes were not determined by their preferences on civil rights. While there were major filibusters against civil rights bills in 1891 and 1922, from 1900 to 1930 filibusters were also waged against legislation on banking, shipping, appropriations, etc.

introduce a great deal of legislation might benefit personally and politically if the Senate is better able to consider their proposals. Furthermore, if legislators attach high value to bills that are likely to be filibustered, they have an extra incentive to limit filibustering.

We can also test several alternative claims about senators' cloture preferences. A number of scholars explore the relationship between chamber seniority and institutional preferences (e.g., Binder and Smith 1997; Matthews 1960; Schickler and Sides 2000; Sinclair 1989). Senators may become more tolerant of the slow pace and compromise induced by filibustering the longer they serve in the chamber. Second, legislators with previous experience in the U.S. House of Representatives—with its restrictive, majoritarian rules—may be socialized to support majority rule. Finally, senators' support for restrictions on filibustering may vary with the size of their state. Senators from low-population states with minimal representation in the House but equal representation in the Senate may believe that filibustering gives them additional leverage in negotiating for their states, so support for restrictions on filibustering will decrease with state population (on the effects of varying state size in the Senate, see Lee and Oppenheimer 1999).

Institutional Choices in the Senate, 1918–1925

This section analyzes key institutional choices in the U.S. Senate from 1918 to 1925 that were mentioned in one or more of these key texts: Binder and Smith (1997), Burdette (1940), Haynes (1938), Luce (1922), Rogers (1926). The first case was a simple majority cloture proposal in June 1918. Second, during a sluggish debate over a tariff bill in May 1922, the Republicans met in caucus to discuss majority cloture on appropriations and revenue legislation and, on the Senate floor, imposed new restrictions on amending the tariff bill. Third, in 1925 Vice President Dawes ignited a national debate by advocating simple majority cloture.⁵ Each of these cases provides evidence of senators' support or opposition to cloture reform.⁶

⁵A fourth major case was the November 1922 filibuster against an anti-lynching bill. Southern Democrats kept the bill off the Senate floor by filibustering the reading of the journal, and no majority applied the cloture rule to this tactic. This was a crucial nonaction, since the implication was that the cloture rule was impotent unless the targeted measure was actually under consideration by the Senate (Burdette 1940).

⁶The fact that none of these proposals succeeded is consistent with the macro-level claim that the conditions for party government were not present (see Brady, Brody, and Epstein 1989).

Three key variables are dichotomous. *Reelection Congress* is coded “1” for senators in the last two years of their terms who are running for reelection, “0” otherwise. *Ex-House* is coded 1 for senators with prior House experience, and *Democrat* is “1” for Democrats. *Seniority* counts the number of two-year Congresses a senator has served, including the current term, and varies from 1 to a maximum of 18 terms. Also, *Population* is state population in millions based on the 1920 census.

I used two distinct measures of ideology: *Party Extremism* and *Party Median Difference*.⁷ Both are based on a member's relationship to the median member of his party measured using first dimension DW-NOMINATE estimates of ideology (available at <http://www.voteview.com>). *Party Extremism* is coded so members more extreme than their party median have positive scores equal to the absolute difference between their DW-NOMINATE score and their party median's score. Members more moderate than their party medians have negative scores equal to the same difference.⁸ The second ideology measure, *Party Median Difference*, measures the absolute distance (again, in first dimension DW-NOMINATE scores) between each senator and his party median. This coding makes no distinction between extremists and moderates, so all scores are greater than or equal to zero. According to CPG theory, support for restraints on filibustering should decrease as *Party Median Difference* increases.

Finally, two variables estimate senators' interest in procedural efficiency independent of party or ideology. *Committee Stake* is the number of filibustered bills during the current and preceding two Congresses within the jurisdiction of each senator's committee assignments.⁹ *Committee Stake* ranges from 0 to 11 with a mean of 2.45. *Bills*, ranging from 1 to 542, is the number of bills introduced by each senator in the Congress during which reform was considered. If effi-

⁷This article presents the strongest and most interesting ideological patterns. In preparation for this work, I evaluated several alternative specifications for ideological effects: 1st and 2nd dimension DW-NOMINATE scores per se, and Euclidean distance between each member and the chamber median on the 1st and 2nd dimension. These results are available from the author.

⁸That is, for Democrats, Party Extremism = (Democratic median – individual DW-NOMINATE 1 estimate). For Republicans, Party Extremism = (individual score – Republican median).

⁹For example, in 1922 William Borah (R-ID) sat on the Education and Labor, Foreign Relations, Intercontinental Travels, and Judiciary committees. From 1917 to 1923, one bill within the jurisdiction of the Foreign Relations was filibustered; one bill for the Judiciary Committee; and zero for the others. Borah's Committee Stake during the 67th Congress was thus “2.”

TABLE 1 Distribution of Cloture Reform Preferences, June 1918

	Total	South	Democrats	Republicans	Up for Reelection	Ex-House	Mean DWI Extremism (relative to party)
Anti-Reform (Aye, Nay)	35	1	4	31	4	13	.015
Anti-Caucus (Aye, Aye)	7	0	1	6	4	4	-.191
Pro-Caucus (Nay, Nay)	8	5	8	0	2	3	.124
Pro-Reform (Nay, Aye)	27	12	27	0	12	9	.075
Total	77	18	40	37	22	29	Chamber Mean: .029

The vote positions in parentheses indicate how members of each group voted on a) an amendment to exclude any bill from majority cloture if it has been the subject of a caucus discussion; b) final passage of the majority cloture rule with the caucus exclusion included.

ciency was a significant concern for senators during this time span, we would expect these variables to be positively associated with support for cloture reform.

June 1918: The Senate Rejects Majority Cloture

On June 3, 1918, the Senate began debating a resolution to amend the rules of the Senate so a simple majority, after two days of debate, could impose a 90-minute limit on speeches (*Congressional Record* (CR), 65th Cong., 2nd Sess.; 7279–7728). This reform would only last for the duration of World War I, but its proponents hoped that senators would continue the rule in peacetime after a successful trial. Furthermore, once the rule was adopted, majorities could enact subsequent reforms using majority cloture.

It was unclear why the Rules Committee made this proposal. Senator Martin, the Democratic leader, cited the need for “tired” legislators to finish their business and take a summer recess (CR, 7281); the sponsor and floor manager, Oscar Underwood (D-AL), cited an upcoming revenue bill, while other Democrats mentioned Underwood’s personal preference for majority rule (CR, 7284–5; 7563). Other possibilities include a desire to respond again to public demands for cloture (CR, 7703) or to pave the way for a peace treaty (CR, 7704). Some reformers cited efficiency as a goal, but conceded that extraneous, nongermane debate was the cause of inefficiency, not long speeches on specific bills (CR, 7564; 7707–8). Opponents and proponents, however, agreed on two points. First, no war-related bill had been filibustered, and many had passed swiftly. Second, even if filibustering were a problem, this rule would not solve it; a provision allowing additional debate on each amendment opened a loophole

for post-cloture obstruction by offering hundreds of amendments.

On June 12, a test vote on an amendment changing the time limit for the rule failed 29–41 (D 5–33, R 24–8). Based in part on this vote, both the minority leader (Gallinger, NH) and Underwood believed that the majority of the Senate probably favored the rule change (*Washington Post*, June 13, 1918, A2). The Republican minority nonetheless agreed to a unanimous consent request to conclude debate and vote on the reform proposal on June 13. The next day, however, the pro-reform majority splintered on the question of party caucus influence¹⁰: by a 40–35 margin (D 5–35, R 35–0), they adopted an amendment exempting any bill “determined upon or agreed to by or in a party caucus or conference of senators of the majority party.” The caucus exemption reduced Democratic support on final passage by seven votes. Although six Republicans supported majority cloture on final passage, the proposal lost 34 to 41.

This curious pattern of votes invites further analysis of senators’ preferences using both the anti-caucus amendment *and* the final passage vote. I divided senators into four categories based on these votes: Anti-Reform (yes on the amendment to exempt caucus legislation, no on passage), Anti-Caucus (yes, yes), Pro-Caucus (no, no), and Pro-Reform (no, yes). Senators were excluded if they missed either vote. Table 1 displays descriptive statistics for these four groups by party, reelection status, House experience, and party extremism. There is a clear party difference between Republicans, all of whom are Anti-Reform or Anti-

¹⁰Holt (1967, 84–86) notes that progressive Republicans supported majority rule in principle but were vehemently opposed to Democrats’ use of binding caucuses.

Caucus, and Democrats. It also appears that senators who are moderates within their party (especially Republicans) were likely to be Anti-Caucus while Democrats who were more ideologically extreme than the rest of their party considered caucus influence a necessary condition for supporting majority cloture.

We can compare these influences on senators' preferences more systematically using multinomial logit with robust standard errors to estimate the relationship between our explanatory variables and each vote strategy. The parameters of this analysis (77 senators, four groups, seven variables) are less than optimal for this method, but the results are useful when combined with later analyses.

Two sets of results—one using *Party Extremism*, the other using *Party Median Difference*—are available online at <http://www.journalofpolitics.org>. *Committee Stake, Bills, Population*, and prior House experience had no statistically significant relationship with senators' cloture preferences in either analysis. There is a clear partisan gap in both sets of results: Democrats were more likely to be in the Pro-Caucus or Pro-Reform categories, indicating that many Democrats preferred the short term gains offered by a majority cloture rule.

The analyses also point to two less obvious findings. First, senators who were up for reelection were more likely to choose a pro-reform voting profile—Anti-Caucus, Pro-Caucus, or Pro-Reform. All else equal, they were more likely to vote for majority cloture on final passage, or to vote against the caucus limitation before opposing the cloture proposal. Second, the results for the model using *Party Extremism* (which had a higher pseudo- R^2 than the *Party Median Difference* model) suggest an ideological distinction between senators in the Anti- and Pro-Caucus groups. Senators who voted for the amendment to exclude caucus-discussed bills from majority cloture tended to be ideologically moderate relative to their parties; senators who supported majority cloture only if applied to legislation discussed in party caucuses tended to be more ideologically extreme than their party medians.¹¹

These ideological patterns are illustrated in Figures 2 and 3. Figure 2 illustrates the probability that the most conservative (moderate) Democrat, the median Democrat, and the most liberal (extreme) Democrat will end up in each of the four voting groups. Moderate Democrats were more likely than

other Democrats to oppose reform outright, or to support the caucus exemption. The Democrats supporting reform were most likely to be party centrists or extremists, although extremists were also likely to oppose the cloture rule proposal once the caucus exemption was adopted.

The Republican profile is shown in Figure 3, which illustrates the probability that Republicans (separated into safe members and those running for reelection) will vote an anti-reform profile—for the anti-caucus amendment and against the rule change on final passage. Since all Republicans were either Anti-Reform or Anti-Caucus, Figure 3 implicitly shows the probability of being anti-Caucus. The clear pattern is that Republicans were more likely to vote a straight Anti-Reform pattern if they were not running for reelection and as their extremism/conservatism increased.

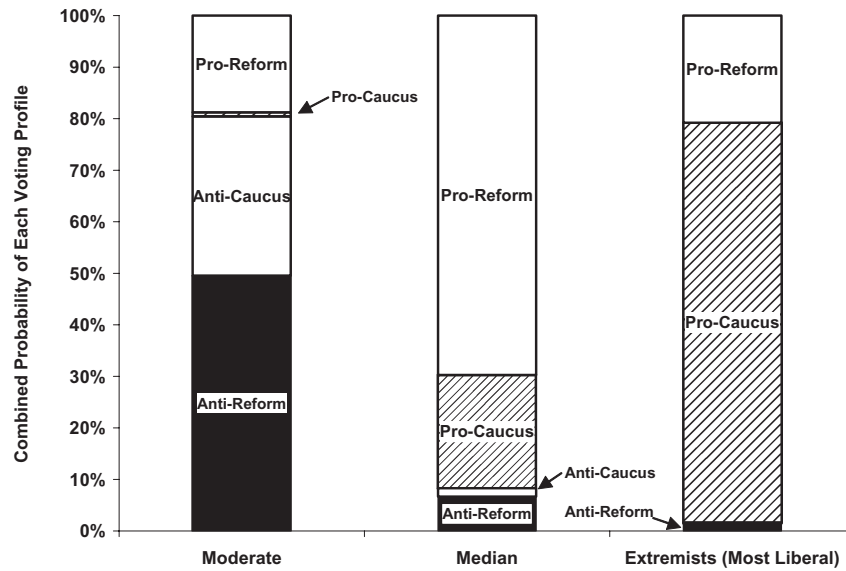
There are sincere and strategic explanations for these patterns. First, senators in both groups saw the combination of caucus meetings and majority cloture as a mechanism for the majority party to achieve its preferred outcomes by compelling moderates to support the party on procedural and substantive votes. Voting sincerely, moderates may have opposed a rule that would expose them to heavy pressure to cooperate with their parties, while extremists favored an arrangement that would enable caucuses (where extremists could set party policy) to manufacture majorities. On the other hand, these two factions may have been cooperating to defeat majority cloture. If neither moderates nor extremists favored majority cloture but they needed some pretext for voting against the proposal, the caucus exemption gave them that pretext; Anti-Caucus senators voted with Anti-Reform senators to add the exemption, then Pro-Caucus cite the amendment as justification for opposing the proposal. It is difficult to distinguish between these explanations in this case, but subsequent analyses suggest that both moderates and extremists tended to oppose majority cloture.

May 1922: Majority Cloture on Budgetary Bills?

The 1920 Republican platform reaffirmed the party's support for "the protective principles" and pledged "a revision of the tariff as soon as conditions shall make it necessary for the preservation of the home market for American labor, agriculture and industry." Soon after the election—and before the newly elected 67th Congress met—the House Republicans began holding hearings on a new tariff bill. The House passed a bill

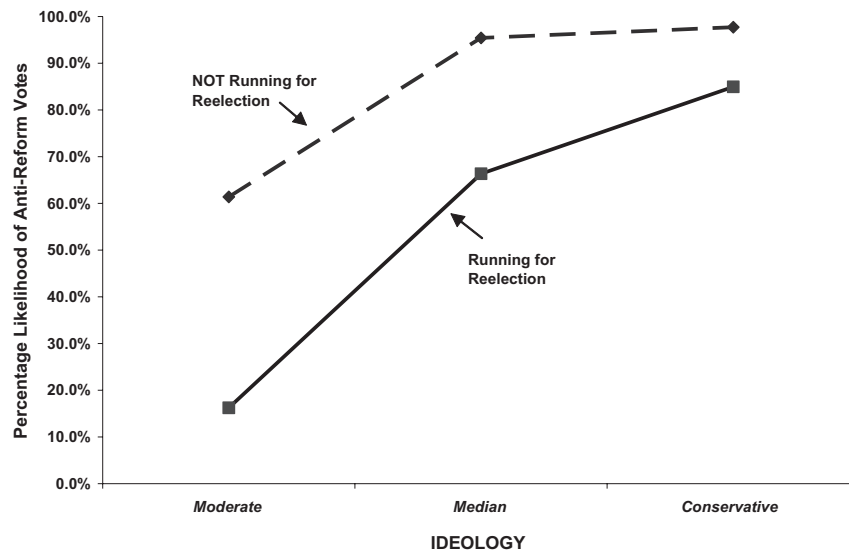
¹¹Also, both models indicate that Pro-Caucus senators tended to be more senior, while the *Party Median Difference* regression also suggested that Pro-Reform senators tended to be more senior as well.

FIGURE 2 Predicted Probabilities of Democrats' Cloture Reform Preferences, 1918



Calculated using *Clarify* (King, Tomz, and Wittenberg 2000) based on multinomial logit regression. Variables for House membership, seniority, state population, bills sponsored, and committee stake were held at their means for these estimates. Confidence intervals for these predictions are available from the author.

FIGURE 3 Predicted Probabilities of Republican Opposition to Cloture Reform, 1918



Variables for House membership, seniority, state population, bills sponsored, and committee stake were held at their means for these estimates. Confidence intervals for these predictions are available from the author.

by July 1921 but the Senate Finance Committee did not report until April 1922. This tariff bill was the primary agenda item until it passed the Senate on August 18, 1922.

Several Senate Republicans, led by Charles Townsend (MI) and Frank Kellogg (MN) were aggravated by the slow pace of debate on the bill. From May 25 to May 31, 1922, the Republican party conference discussed a proposal to allow majority cloture on

appropriations and revenue bills. After several stormy meetings the conference endorsed a majority cloture rule by a vote of 32 to 1 and then appointed a subcommittee to draft a proposal. The subcommittee never reported. Why? Over the course of the debate it became clear that the Democrats would resist the proposal vociferously, as would several Republicans. In fact, barely more than half the Republicans participated in the May 31 meeting that endorsed cloture

reform, with most of the remainder staying away to avoid any obligation to support the party position. (*New York Times*, June 1, 1922; *Minutes of the Republican Conference*, 1999, 129–33).¹²

The May 31 Republican caucus vote offers a snapshot of senators' cloture preferences if one codes nonattendance as a "nay" vote. This is consistent with *New York Times* coverage indicating that Republicans opposed to the cloture proposal avoided the meeting, but it introduces some measurement error. Again, I evaluated the effect of seniority, prior House service, pending reelection, state population, and ideology.

Table 2 presents the results of a logit analysis with robust standard errors of Republican support for reform (0 = oppose reform, 1 = support reform). Again House experience, seniority, state population, bills sponsored, committee stake, and pending reelection contests had no significant effect. In this case, *Party Extremism* (here simple first dimension DW-NOMINATE scores) had no significant effect; this was not a simple conflict between moderates and conservatives. Instead, the key pattern was that senators were less likely to support reform the further they were from the party median. This was true of both moderates (mostly progressives) and conservatives. Figure 4 displays the distribution of support and opposition within the Republican Conference by ideology. Republicans with DW-NOMINATE scores from .1 to .6 supported reform 27 to 18. All five Republicans with scores less than .1 opposed reform, as did seven of 12 conservatives with scores over .6. Using CLARIFY software to estimate the impact of varying Party Median Difference values (King, Tomz, and Wittenberg 2000), there was a 73% chance that a senator at the Republican party median would support the reform proposal. This probability drops to 49.3% for a senator one standard deviation (in DW-NOMINATE scores) from the Republican median and to 14.6% for Robert LaFollette, the Republican furthest from the party median.

The implication of this ideological pattern is that senators on *both* "fringes" of the Republican party were not enthusiastic about increasing the power of the majority party. As in 1918, these senators may have

TABLE 2 Logit Regression Analysis of Republican Support for Majority Cloture on Budget Legislation, 1922

Variable	Party Extremism	Median Party Difference
Seniority	.072 (.079)	.119 (.086)
Ex-House MC	-1.166 (.693) [#]	-1.152 (.703)
Up For Reelection	.512 (.617)	.704 (.669)
Population	.017 (.153)	.042 (.145)
Committee Stake	.172 (.131)	.173 (.137)
Bills	.005 (.007)	.005 (.007)
DW-NOMINATE 1	.283 (1.371)	
Distance from the GOP median		-5.444 (2.458) [*]
Constant	-.782 (.765)	-.104 (.680)
Senators	60	60
Pseudo R ²	.0788	.1326

Cells display unstandardized coefficients with robust standard errors in parentheses. ^{*}($p < .05$).

been concerned that majority rule would increase the ability of internal leaders and external forces to override senators' preferences.

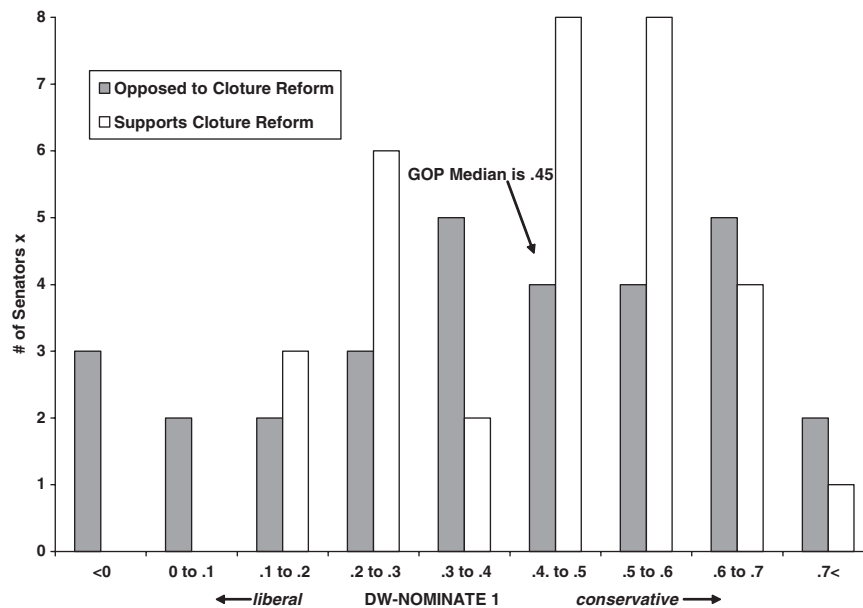
1925: Vice President Dawes Advocates Majority Cloture

When the 69th Congress convened in 1925 with a Republican majority, senators were confronted by a new Vice President, Charles Dawes, who openly disdained the Senate's filibustering tradition. Dawes proclaimed the Senate's rules an outrage against democracy and, since senators used filibusters to extort appropriations, an invitation to swindle (Burdette 1940, 224–26; Haynes 1938, 415–39). The resulting debate within and without the Senate provided a snapshot of members' views on obstruction.

Support for obstruction rights within the Senate was generally strong. A poll by the *New York Times* found that six senators (one Democrat, five Republicans) agreed with Dawes' majority-cloture plan, 22 probably supported Dawes (22 R), 17 senators were uncertain (14R, 3D), six probably disagreed (6R), and 45 disagreed (37D, 8R) (*New York Times*, May 31, 1925, pg. XX1). Two Republican party leaders were

¹²While this debate over a formal rules change was raging, a Republican majority imposed a new precedent barring amendments they considered dilatory. By a vote of 37 to 22 (R 36-2, D 1-20) senators determined that after a substitute tariff amendment passed, all other substitute amendments were prohibited (*New York Times*, May 30, 1922, 12). Logit regression analysis of this vote found no significant effect for House experience, state size, seniority, or reelection—just party affiliation.

FIGURE 4 Ideological Distribution of Republicans' Support for Cloture Reform, 1922



uncertain (Curtis and Wadsworth) and a third, Watson, was opposed; every Democratic party leader opposed cloture reform. The balance of members' private preferences may have been closer to 80 senators opposed (Haynes 1938, 418). The *Times* concluded that Dawes' proposal was doomed to "almost certain defeat."

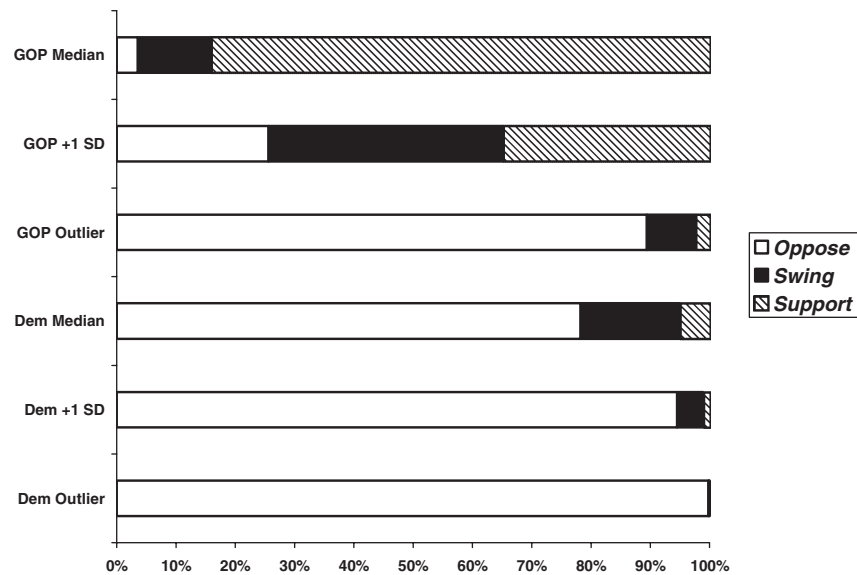
An ordered logit analysis with robust standard errors of the *New York Times* poll suggests that party affiliation and the relationship between senators and their parties are the dominant predictors of cloture rule preferences. For this analysis, I collapsed senators into three categories: opponents (both known and suspected), fence-sitters, and supporters (known and suspected).¹³ Full results are presented in an appendix available at www.journalofpolitics.org. Once again, seniority, previous House experience, state size, reelection pressures, committee stake, and bills sponsored have no significant effect on senators' choices. Not surprisingly, majority (Republican) party members were more likely to support cloture reform than Democrats. Both ideological variables are statistically significant, but the *Party Median Difference* variable has a stronger effect and does a better job of explaining variance. This implies that, within both parties, the

further a senator was from his party median the less likely he was to support cloture reform. Figure 5 illustrates this pattern by showing the probability that six key senators would fall into each category. These probabilities were calculated with CLARIFY using the *Party Median Difference* results and holding reelection, House experience, state size, bills, committee stake, and seniority at their means and varying party affiliation and senators' ideological position within their parties.

Each horizontal bar in Figure 5 shows the probability that a senator of that party and relative ideology will *oppose* majority cloture (white), be *undecided* (black), or *support* majority cloture (gray). A Republican at the party median was most likely to support majority cloture (.84) with a small chance he would be on the fence (.12) or oppose (.04) reform. For a Republican one standard deviation from the party median, the probability of support dips to .35, while the likelihood that the Republican farthest from the party median (LaFollette) would support Dawes' proposal was only .024. Democrats were, in general, much less likely to support majority cloture. There was a .051 chance that a Democrat at the party median would support reform, which slipped to .011 for a Democrat one standard deviation away and essentially zero for the most extreme Democrat, Coleman Blease (D-SC). Thus the debate over Dawes' proposal indicated weak support for majority cloture, a strong interparty gap, and significant intraparty variation.

¹³Two senators, Ladd and Ralston, were dropped from the analysis because they died after the *New York Times* poll but before the long session of the 69th Congress.

FIGURE 5 Predicted Probabilities of Support for Majority Cloture By Party and Ideology, 1925



Coefficients for House membership, seniority, state population, reelection status, committee stake, and bills sponsored were all insignificant and these variables were held at their means for these estimates. Confidence intervals for these predictions are available from the author.

As in 1922, the farther a senator was from his party median, the less likely he was to support majority rule.

Discussion

What do these events tell us about the development of the Senate and institutional choice? First, although it was possible for majorities to reshape Senate procedures, there was limited support for majority cloture throughout this period. In 1918, given an unobstructed opportunity to adopt majority rule, senators rejected the proposal because they couldn't agree if party caucuses should be able to bind members and then push for majority cloture. In 1922, a Republican-led effort to adopt majority cloture for appropriations bills never came up for consideration due to the intense opposition of a bipartisan coalition. In 1925, despite Dawes' public advocacy and apparent public support for reform, most senators opposed any change in the cloture rule.

Regression analysis of senators' preferences in 1918, 1922, and 1925 help us understand why support for the existing cloture rule and majority cloture was weak. First, there is little evidence that Senate seniority, prior House experience, state population, or approaching election contests had much consistent influence on senators' preferences. Furthermore, support for majority cloture did not vary with indi-

vidual senators' stake in legislative efficiency. Third, short-term partisan considerations heavily influenced senators' preferences. Both Republicans and Democrats tended to favor majority cloture when their party was in the majority and oppose it when their party was in the minority. This suggests that senators had relatively short time horizons since they favored changes that would empower them in the short term but weaken them in the long term. This finding is contrary to the general pattern identified by Binder and Smith (1997); further research in this vein would help clarify the conditions under which we expect senators' cloture preferences to be swayed by party interests.

Finally, support for majority cloture varied with senators' proximity to the median of their party. In 1922 and 1925 both moderates and extremists were more likely to oppose cloture than the party median. In 1918 moderates were somewhat more likely to support majority cloture if bills discussed by party caucuses were excluded, while Democratic extremists were likely to oppose majority cloture if caucus bills are excluded; these 1918 votes could be consistent with the later analyses if the moderates and extremists were collaborating to defeat majority cloture by adopting a killer amendment.

These results help us to understand the persistence of filibustering rights in the Senate. Although a united majority could impose new limits on obstruction, it is difficult for senators to form coalitions that have a strong common interest in cloture reform, par-

ticularly majority cloture. Minority party members and outsiders in both parties have reason to fear that a stronger cloture rule will diminish their influence and facilitate strong party leadership.

This research should be extended to other time periods and other categories of institutional choice. In particular, it would be interesting to determine if modern senators share their predecessors' ambivalence toward party control. The outcome of the recent "nuclear option" debate in the Senate—a compromise negotiated by 14 mostly moderate senators from both parties—is consistent with this historic pattern. If we had full information of senators' preferences during this debate, we might also have expected some conservative Republicans to break ranks to preserve their independence of party regulation.

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