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MINORITY PARTY STRATEGY IN THE HOUSE OF REPRESENTATIVES: CROSS-PRESSURING AND THE MOTION TO RECOMMIT

by

BRIAN WEBB

Under the Direction of Jeffrey Lazarus

ABSTRACT

The minority party in the House of Representatives possesses few procedural advantages. As a result, it is typically dominated by the majority party. I argue that the minority controls the use of one procedure in the House, the motion to recommit, and that it uses this control to strategically cross-pressure members of the majority party. Ultimately, this cross-pressuring places the minority in a win-win situation where they either receive a policy victory or better election results. The results of this project overwhelming support the theory of cross-pressuring and indicate that the minority is able to design, implement, and reap the benefits of its own strategy in the House.

INDEX WORDS: Congress, House of Representatives, Minority party, Motion to recommit, Legislative process, Legislative strategy

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by

BRIAN WEBB

A Dissertation Submitted in Partial Fulfillment of the Requirements for the Degree of

Doctor of Philosophy

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Georgia State University

2012

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by

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Dedication

For Mom and Dad.

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Chapter 1

Cross-Pressuring the Majority: the Minority's use of the Motion to Recommit

During the 111th Congress, the primary legislative objective of both President Obama and the Democratic majority in Congress was to pass extensive healthcare reform. Specifically, two bills were introduced to accomplish this task, the Affordable Healthcare for America Act of 2010 (AHCAA) in the House of Representatives and the Patient Protection and Affordable Care Act (PPACA) in the Senate. In order to pass the AHCAA, Democrat Bart Stupak (MI) introduced the Stupak-Pitts Amendment which would prevent federal funds from covering neither abortions nor any insurance plan that covered abortions. The Stupak-Pitts amendment passed the House, along with the AHCAA, however, efforts to add a similar amendment to the PPACA in the Senate were defeated. In the ensuing negotiations between the chambers to reconcile the differences in the bills, it became clear that moderate Democrats in the House would not approve the Senate bill without including language similar to the Stupak-Pitts amendment, and that liberal Senators would not support the inclusion of such language.

In order to bridge the divide, Rep. Stupak convinced President Obama to issue an executive order very similar to the Stupak-Pitts amendment. This was done to appease moderate and conservative members of the House, while keep liberals in the Senate on board without actually adding the language in the legislation. After President Obama signed Executive Order 13535, the House attempted to pass the Senate's PPACA without the Stupak-Pitts amendment using the reconciliation process. However, before the Democratic House leadership could obtain a final passage vote, the House Republicans offered a motion to recommit with instructions containing, among other things, language very similar to the Stupak-Pitts amendment. If passed, the motion to recommit would have amended the PPACA in the House to include the Stupak-

Pitts language, meaning House Democrats were forced to choose between the executive order or including Stupak-Pitts. Ultimately, the motion to recommit was defeated and the Senate's version of PPACA passed the House through the reconciliation process, only after Stupak made a floor speech reassuring moderate members of the House that the executive order would stand.

The Republican motion to recommit strategically and intentionally contained the language of the Stupak-Pitts amendment. The motion to recommit was designed to cross-pressure moderate Democrats in the House who had originally supported the Stupak-Pitts amendment. Specifically, the Republicans hoped to use the motion so that they could paint Democratic supporters of the motion as "flip-floppers" on abortion (Allen 2010). Including Stupak-Pitts in the motion to recommit allowed the Republicans to force Democrats to make a choice between including the amendment, the policy preferred by the Republicans, or the unpopular executive order. Both pro-life and pro-choice groups and voters from both sides of the political spectrum were skeptical of the executive order (NRLC 2010; Franke-Ruta 2010; Shear 2010). Thus, the Republicans attempted to place themselves in a win-win situation. They would either obtain a policy victory by codifying Stupak-Pitts or force Democrats to vote against a popular amendment, and in essence voting in favor of an unpopular executive order. In the end, the Democrats won the policy battle; however, the Republicans were able to make the Democrats publicly and electorally vulnerable by using the motion to recommit to force them to publicly vote against the Stupak-Pitts amendment.

This anecdote highlights an important but understudied facet of the House of Representatives: the use of the motion to recommit by the minority party. More importantly it illuminates why the minority attempts to use the motion to recommit even though it is rarely successful. Typically, the motion to recommit is thought of as a policy tool; one last attempt for

the minority to alter legislation before it is gets a final vote (Krehbiel and Meirowitz 2002). However, the motion to recommit rarely passes (Roberts 2005), and therefore rarely allows the minority to amend legislation. This begs the question, if the motion to recommit is rarely successful then why does the minority continue to use it. I argue that the minority party uses the motion to recommit because it provides an opportunity to cross-pressure, placing majority party members in situations where they must either vote against their constituents or their party. The motion to recommit, consistently allows the minority party to actively cross-pressure the majority party. Thus, the tale of the Stupak-Pitts amendment is actually an account of one strategy that the minority party in the House always has available, cross-pressuring.

Very little is known about minority party strategies in the House and what is known tends to focus on policy strategies, not electoral strategies. Furthermore, existing scholarship indicates that minority party strategy is determined by the political setting. This project attempts to expand the extant understanding of the minority party in the House by examining the implementation and effects of cross-pressuring. I argue that cross-pressuring differs from other established minority party strategies because it is an electoral strategy that can be implemented at any time or setting through the motion to recommit. Thus, cross-pressuring is an innovative theory which reveals the minority party in the House as an active participant in the legislative process who can use the tools at its disposal to benefits its electoral standing.

The Motion to Recommit

In the House of Representatives, the minority always possesses the prerogative to request a motion to recommit (henceforth, MTRs). The purpose of an MTR is to send legislation back to its jurisdictional committee for further consideration. Three types MTRs exist in the House: straight, motions with “forthwith” instructions, and motions with “non-forthwith” instructions.

Formally, all three motions (if passed) would send a bill back to standing committee for further consideration and prevent a final passage vote from occurring. The instructions, if they are included, represent specific commands the committee must follow before sending the bill back to the floor. “Forthwith” instructions direct the committee to return the bill to the floor immediately upon having completed the included changes. “Non-forthwith” instructions do not include that specific instruction. In actual use, however, the consequences of passing an MTR are somewhat different. If an MTR with forthwith instructions passed, the bill is not actually sent back to the committee. Rather, it is amended immediately on the floor of the chamber in a procedural maneuver involving the committee chair. The logic is that the floor has agreed to the instructions (usually an amendment to the bill) so there is no need for the committee to meet. The ensuing final passage vote is then on the bill as amended by the attached instructions, instead of the original legislation. On the other hand, if a straight or non-forthwith MTR passes, typically the bill just dies; the committee seldom amends bills sent back to them (Lynch 2008, Oleszek 2011). In actuality, the minority almost exclusively relies on MTRs with instructions, seldom using straight MTRs, thus this project examines the use of MTRs with instructions. Table 1.1 provides a brief description of the three types of MTRs and their effects.

The MTR offers the minority a range of favorable outcomes for the minority. At the minimum, MTRs allow the minority to consume legislative time with the introduction of, debate over and vote on the MTR. In addition to the potential to alter the legislation, any MTR with instructions is guaranteed ten minutes of floor debate, equally divided among opponents and proponents, according to House rules. This benefits the minority because it affords the majority less time to pass legislation, thus, the majority is less likely to pass legislation damaging to the minority. Additionally, the vote on a motion with instructions (either forthwith or non-forthwith)

Table 1.1 MTR Types and Effects

Type of MTR	Effect
Straight	Sends legislation back to specified jurisdictional committee, kills legislation.
Forthwith with instructions	Immediately alters legislation to match the instructions (amends legislation), followed by vote on House floor.
Non-forthwith with instructions	Legislation sent back to jurisdictional committee with changes mandated by instructions, floor vote only occurs if legislation reported by committee again.

Source: Lynch (2008)

provides the minority party a rare opportunity to force a floor vote on a minority-crafted policy position. In the event that the motion passes the minority's benefits multiply. Straight and non-forthwith MTRs kill a majority policy proposal which the minority may be opposed to. Forthwith MTRs both kill the majority proposal *and* provide the minority an opportunity to stage a floor vote on one of its policy positions.

This last possibility has received the most attention in the existing literature because of the implications it has for partisan theories of legislative organization. Partisan theories posit that the majority party controls a host of procedural tools that allow them to set the House's agenda and thus control the partisan slant of legislation coming out of the House (Cox and McCubbins 1993, 2005; Rhode 1991; Aldrich and Rohde 1998, 2000). Though the means and nature of majority party control vary somewhat among the theories, the end result of both is that the majority party uses its tools to secure non-median policy outcomes that favor the majority party. However, if the minority party uses the last-mover advantage offered by the MTR to produce a minority-preferred outcome, or even one located at the chamber median, then the partisan theories' predictions are incorrect and their validity must be called into question.

Krehbiel and Meirowitz (2002) critique the partisan theories along these lines. They argue that the MTR is the last step to occur before the final passage vote. As such the minority can use its prerogative to offer an MTR with forthwith instructions to amend the bill to the chamber median's ideal point, which the minority party prefers to the majority-favored position in the bill. If the position represented by the forthwith MTR is indeed the chamber median, the following sequence should occur: the MTR passes, the chamber proceeds directly to final passage, and the newly-amended bill passes the chamber. Thus all of the agenda setting

mechanisms of the majority party are for naught because any objector to the bill can procure a median outcome during the penultimate step of the House legislative process

Krehbiel and Meirowitz present a formal model of their theory, but do not empirically test their conclusions. However, the argument has been examined more closely on a theoretical basis, and tested empirically, by other scholars. Roberts (2005) and Cox et al. (2007) each argue that the logical end of the Krehbiel-Meirowitz argument is that an MTR should be offered on every bill that reaches a final passage vote and that these MTRs should all pass with minimum wining coalitions. Nevertheless, in the time period examined by Roberts only 31% of bills receive an MTR, and only approximately 10% of the motions offered passed. Lynch (2008) similarly finds a 9% success rate for MTRs, giving little credence to the Krehbiel-Meirowitz theory. In addition, there is at least some evidence that the majority party is active in limiting MTRs' impact on policy outcomes. It is relatively well-established that the majority party leaders whip procedural votes harder than policy votes (Ansolabehere et al. 2001; Jenkins et al 2005; Snyder and Groseclose 2000), and votes on MTRs have usually been considered to be procedural votes. To the extent that majority party leaders enforce strict party discipline on MTR votes, they cannot have the moderating effect that Krehbiel and Meirowitz claim, simply because the majority is using its powers to prevent it. More direct evidence of this pattern is uncovered by Roberts (2005), who finds that the frequency with which the majority party is defeated on MTR votes varies significantly with the "condition" in conditional party government (Roberts 2005). This indicates that the majority party does use its prerogatives, when it can, to win these votes.

These more recent studies (Roberts 2005, Cox et al. 2007, Lynch 2008) reveal two important factors regarding MTRs. First, MTRs rarely pass. Second, MTRs do not have the moderating effect on policy outcomes that Krehbiel and Meirowitz predict. Since MTRs do not

appear to bring the minority a wealth of legislative or policy gains this begs the question, why does the minority consistently request MTRs? I argue that the minority continues to use MTRs, despite of their regular failure, in order to cross-pressure moderate members of the majority party. Specifically, the minority attempts to place moderate majority members in a position where they are pitted against a policy position preferred by their voters and the wishes of their party leaders.

Understanding why the minority uses the MTR is critical on two fronts. First, it simply reveals more about the intricacies of House procedures. Second, understanding the use of the MTR exposes the nature of minority party strategy in the House. The MTR is the only legislative procedure in the House used at the prerogative of the minority party. Indentifying why the minority party uses this prerogative shows what legislative strategies it is consistently using and what it hopes to achieve with these strategies. Therefore, understanding the inner workings and the use of MTRs is crucial to comprehending the true nature of the House and the relationship between the majority and minority party.

Minority Party Strategies

Congressional scholars routinely neglect the minority party in the House (Krehbiel and Wiseman 2005). Particularly, the legislative strategies of the minority and their procedural implementation have received scant examination. What little research regarding minority party strategies exists implies that the minority party is simply a slave to the congressional setting and political situation at the time. While these existing theories show what strategy the minority party may use during very limited situations, they do not provide a generalizable theory of minority party behavior. I argue that cross-pressuring is a strategy available to the minority that allows it to aggressively seek the majority status and is not bound by any congressional setting.

Thus, cross-pressuring through MTRs allows the minority efficient and consistent means to obtain the majority position in the House.

Jones (1970) was the first scholastic study of the minority party in Congress. Jones states that the ultimate goal of any minority party is to obtain the majority status. He suggests eight strategies that the minority party can choose from when dealing with any given piece of legislation in order to help obtain the majority. These strategies include supporting the majority, inconsequential opposition, complete withdrawal from the process, coalition building with the majority, independent policy innovation, opposition with alternate proposals, consequential opposition, and using in-party presidents to persuade the majority. However, not all of the strategies are available to the minority at any given time. In fact, in half of the House sessions in the study, the minority party had a restricted choice of strategies. Jones notes that the biggest influences on minority party strategy choice are the party unity of both parties, the party of the president, the party seat margin, and the strength and influence of party leaders. Thus, even though the minority possesses a wide variety of strategies, it is typically restricted by the political setting when making its choice.

While Jones determines that the goal of the minority is to attain the majority status, all of the strategies he presents focus only on policy-making, suggesting that it is through policy that the minority makes electoral gains. However, he does not consider strategies used in the House that do not serve policy ends. I argue that one of the primary strategies the minority party uses does not seek to adjust policy outcomes, but cross-pressures majority members into making difficult decisions so that the minority can reap electoral gains from majority mistakes. This strategy of cross-pressuring does not attempt to directly influence policy outcomes; rather it attempts to fortify minority electoral chances by making the majority and its members look bad.

Therefore, cross-pressuring does not fit into Jones' typology of minority strategies, as it is not an attempt to directly influence policy, but designed to secure better electoral outcomes for the minority and its members.

Dion (1997) refines the strategic choices of the minority down to two: acquiescence or obstruction. He argues that in any situation, the minority party can simply acquiesce to the majority, hoping to receive some sort of legislative concession, or they can obstruct in an attempt to prevent the majority from acting at all. As with Jones (1970), Dion argues that the congressional setting dictates minority party strategy. More specifically, he argues that the larger the majority party is, the more likely the minority is to obstruct. The logic is that large majorities are less cohesive (and small minorities are more cohesive) making it is easier for the minority to persuade majority members to stall or stop the progress on any given bill. Dion produces both formal and empirical support for his theory; however, his data have a limited scope (only looking at points of orders) and ultimately his theory predicts that factors beyond the control of the minority (majority party size and cohesion) shape the decisions of the minority.

While Dion (1994) and Jones (1970) were the first to examine the causes of minority party strategies, they were far from being the only ones. Binder (1996, 1997) shows that minority obstruction leads to a restriction of minority party rights in the House.[1] Rhode (1991) and Connelly and Pitney (1994) conduct studies of 1980s and early 1990s Republicans and show that younger and more extreme members of the minority party were more likely to obstruct. Specifically, Rohde (1991) showed that younger, more extreme Republicans were more likely to request votes on the House daily journal, considered to be a 'pure protest' procedure. The logic of obstruction holds that minority party members obstruct to either voice discontent with the majority or to obstruct the legislative process to the determent of the majority. However, these

[1] See Schickler (2000) for opposing results.

reasons become suspect when more recent research shows that rule changes in House that occurred in 1890 allow the majority to more or less bypass the will of the minority (Cox and McCubbins 2005), the majority has greater agenda control as floor time becomes more scarce (Webb Yackee 2003), and that challenges to the daily journal may actually be an organizational tool of the majority (Patty 2010).

Thus, the existing literature on minority party strategies in the House fails to fully and properly address minority party behavior for several reasons. First, it is very limited in scope. Jones (1970) address the minority before significant rule changes in the House by both parties in the 1970s and 1980s and Dion (1997) fails to address other strategic choice other than obstruction and acquiescence. Second, the existing literature tends to examine minority strategies by looking at certain procedures erroneously. For example, Rohde (1991) claims that journal votes are dilatory and protest tactics; while Patty (2010) shows that the majority is actually benefitting from journal votes. Dion determines points of order to be obstruction; however, points of order can also server a productive legislative function by ensuring that established House procedures are properly followed. Third, and more importantly, the existing literature fails to establish a strategy that the minority can implement regardless of the congressional or political setting. Overall, the literature does not identify any non-situational or non-temporal variables that predict or influence the minority's choice of strategy. However, I argue that the minority does posses a strategy, cross-pressuring, which can be implemented in any institutional setting, allowing the minority to actively participate in the legislative process, not just simply react to other actors and political institutions.

Identifying new minority strategies which do not rely on institutional settings is vital to not only an academic understanding of the House, but also to democratic theory. In any

democratic legislature there must be a viable minority party with an established set of rights (Dion 1997). While these rights may vary or be restricted, the legislative minority must be able to represent the policy positions and desires of national minorities. However, if the minority party in the House and its choices are simply slaves to the institutional setting of Congress then it cannot properly represent the will of the minority at large. Accordingly, if the institutional setting is dictating minority strategy then the House may be democratically deficient. However, I argue that this is not the case and that the minority party can implement strategies not reliant on institutional settings. Specifically, I argue that cross-pressuring is a strategy always available to the minority party because it is implemented through MTRs, which the minority can always request. In the next section I describe the underlying logic for cross-pressuring and hypotheses derived from cross-pressuring. In addition, I introduce and present the logic of two theories that also attempt to explain the minority's use of MTRs: position-taking and obstruction. Ultimately, the empirical data of this project strongly supports the claims of cross-pressuring.

Minority Strategies and the Motion to Recommit

As noted above, MTRs rarely pass and do not appear to substantively alter policy outcomes. Thus, it is clear that the minority party is not using MTRs to obtain policy victories. If immediate policy outcomes are not the goal of MTRs, then why does the minority continue to use MTRs and to what end? Not only does answering this question reveal the legislative ends of MTRs, but it also details the logic behind the minority party and how it chooses to operate. Based on the findings of Jones (1970) the minority party's overarching goal is to obtain the majority status, thus any strategy the minority uses should directly aide this goal. Cross-pressuring does exactly that. It attempts to either place individual members of the majority in precarious situations with their constituents or force them to defect from their party, hurting the

majority party label. Cross-pressuring picks up where the previous literature left off by illustrating that the minority party in the House can determine and implement its own strategy, even given its very limited rescores, and that the minority is far from inconsequential.

Cross-pressuring through MTR creates two distinct situations that help the electoral chances of the minority. First, cross-pressuring may result in individual members of the majority voting against their constituents and supporting the majority party position, which harm their electoral odds. Second, if majority members defect from their party and support their constituency, they make the majority seem less unified, potentially harming the party's label. Cox and McCubbins (1993) show that parties in the House are reliant on their party labels, or public impression of the party, for electoral success. Loyalty allows majority leaders to manufacture policy outcomes that create the best party label, which benefits all party members. Party loyalty is therefore vital to majority party leaders and they posses many tools to enforce party discipline (Cox and McCubbins 1993), especially on procedural votes like MTR[2] (Ansolabehere et al. 2001). Thus, cross-pressuring attempts either force majority party members to defect from their party, in order to tarnish the majority party's label, or defect from their constituents and face the electoral repercussions.

Cross-pressuring is possible through MTRs. Throughout the entire legislative process in the House, majority leaders use their agenda control to arrange votes so that the majority's preferred position is pitted against the status quo (Cox and McCubbins 2005). Therefore, the minority's policy preferences never receive a vote. However, by using the MTR the minority can official present its policy preferences to the chambers and obtain a vote on it preferences (Wolfensberger 2007). In order to cross-pressure, the minority proposes MTRs with instructions

[2] The MTR is almost always considered a procedural vote. The one exception to this is the 110th Congress. In the 110th, Speaker Pelosi instructed both party whips and rank-in-file to treat MTR votes as preference votes, not procedural votes, allowing majority members more leeway in MTR voting (Peters and Rosenthal 2010).

that are more favorable to moderate districts than the majority's preferred policy stance, which could be located anywhere from the chamber median to the majority party median (Cox and McCubbins 1993 & 2005; Monroe and Robinson 2008). The MTR, for the first time in the legislative process, forces majority members to choose between different policy option, not just the majority's positions and the status quo.

Once the MTR is offered, members of the House must vote on the MTR with instructions and therefore cast a vote between the policies preferred by more moderate districts and the majority's preference. This is not a problem for members of either party from extreme districts. Majority members from extreme districts that lean towards the majority are not cross-pressured because their constituents should overwhelmingly support the majority's policy position. Minority members from extreme districts can easily support the MTR as most of their constituents should prefer the MTR over the majority preferred policy. Minority members from moderate likewise find supporting the MTR easy as their district and their party should support it. However, majority members from moderate districts must make a difficult choice: vote against either the party, and risk party discipline, or the district, and risk the electoral consequences. Thus, cross-pressuring through MTRs is designed to target majority members from moderate districts.

The minority targets majority members from moderate districts for several reasons. First, members from moderate districts are at greater electoral risk. Representatives from moderate districts are more likely to attract quality challengers (Bond et al. 1985) and typically receive smaller share of the two-party voter (Canes-Wrone et al. 2002). Since they have a greater risk of electoral defeat, they are more prone to listen to their district (Kingdon 1989; Dodd 1977; Arnold 1990), which means the MTR will have a greater impact on their voting decision because they

must be sensitive to their constituents, who should prefer the MTR. Furthermore, representatives tend to be punished for more extreme voting behavior (Canes-Wrone et al. 2002), so all members, particularly those at risk of defeat, are motivated to stay moderate.

Second, moderate members are more likely to defect from their party. This occurs for three reasons. First, if the minority wrote the instructions properly, moderate members should prefer the MTR over the majority's position, just on face value. Second, members of Congress who are excessively loyal to their party run a greater risk of electoral defeat (Carson et al. 2010). Thus, to just simply protect their own electoral chances they may defect from their party. Third, majority party leaders are more likely to allow electorally vulnerable members to defect (Canes-Wrone et al. 2007; King and Zeckhauser 2003). However, majority party leaders still want protect against policy defeats (Cox and McCubbins 1993, 2005) and are typically unwilling to let all vulnerable members defect at the same time (King and Zeckhauser 2003) or on procedural votes (Ansolabehere et al. 2001; Jenkins et al 2005; Snyder and Groseclose 2000).

Thus, if cross-pressuring is executed properly, the minority places itself in a win-win situation. The MTR with instruction should force moderate majority members to either defect from their voters, placing themselves in a precarious electoral position or defect from their party, increasing the chances of an immediate policy victory for the minority. If moderate majority members are allowed to defect by the party, they are still causing the party harm by creating a less unified party label. They are publicly making the party look less cohesive and less capable of maintaining a governing coalition. Any damage done to the majority's party label ultimately benefits the minority in the next electoral cycle. Of these two options, tarnishing the party label through MTRs is the least preferable to the minority as the effect on the label is diffused over the entire party, thus the damage felt by each member is small. However, defecting from

constituents is preferred as the effect is concentrated on a individual majority member, making it easier for the minority sow the electoral benefits.

Cross-pressuring through MTRs, however, raises concerns about traceability. Arnold (1990) posits that voters only reward or punish members of Congress if their actions are traceable, meaning there action in Congress can be directly tied to specific outcomes. He argues that procedural maneuvers and votes are not traceable, and are typically used to disguise unfavorable action (Arnold 1990). MTRs are typically seen as procedural votes and indeed are unlikely to be noticed by voters. This poses a problem for cross-pressuring as a theory, if voters do not notice MTR votes then why should members be concerned about defecting from their voters on MTR votes?

The answer to this question is three fold. First, even if voters do not notice MTR votes, active interest groups and other donors will. Groups focused on the legislation will most certainly understand MTRs and their consequences; these groups can then alter contribution or alert voters if members do not act accordingly on MTR votes. Second, future electoral challengers will certainly highlight any behavior of the incumbent that goes against the wishes of the district. Again, while MTRs themselves may not be salient to voters, challengers can frame voting against MTRs as consistent opposition to the will of the district. Third, while voter may not notice individual procedural votes, they are likely to punish members who are too loyal to the party (Carson et al. 2010). If majority members vote against the MTR, they are inherently supporting their party, which is detrimental to their re-election chances. Thus, even though MTRs are a small and technical legislative procedure, several mechanisms exist to punish members for not voting correctly on MTRs.

In addition to targeting majority members from moderate districts, cross-pressuring also targets extreme legislation. It is much easier for the minority to cross-pressure moderate majority members on extreme legislation, as moderate districts are more likely to oppose extreme legislation. Thus, the minority should offer MTRs on extreme legislation. Again, the purpose is to pit the extreme legislation against a more moderate MTR, which moderate districts should prefer, and make majority members choose between the two. If majority party supported legislation is moderate to begin with then moderate majority members will simply support the legislation, as they can appease themselves, their district, and their party simultaneously.[3] Thus, there is no need for the minority to offer MTRs on moderate legislation as it does not cross-pressure. However, when legislation is extreme, the minority can legitimately cross-pressure moderate majority members by offering moderate MTRs.

The ultimate consequence of cross-pressuring is that the minority party is able to force moderated members of the majority party to choose between their voters and their party on more extreme pieces of legislation. If cross-pressing in the fashion predicted above is the motivating factor behind MTRs in the House, then three patterns should be observed. First, the minority party should offer MTRs on more extreme legislation. I test this hypothesis in the following chapter and find that this is indeed the case. Second, support for MTRs among majority party members should increase for members from more moderate district and as legislation becomes more extreme. This hypothesis is tested in Chapter 3. I find support for this hypothesis using a data-set comprised of member-bill dyads and conduct an analysis of when majority members vote in favor of MTRs. Third, support for MTR should significantly impact the electoral success of majority members from moderate districts. Cross-pressuring predicts that moderate majority

[3] See Cox and McCubbins (2005), Bawn (1998), and Monroe and Robinson (2008) for situations when the majority party in the House allows moderate bills to reach the floor.

members will have better electoral returns, the more they support MTRs. Using elections data from 1954 – 2008 and an original measure of support for MTRs, I tests this hypothesis in Chapter 4 and find support for the effects of cross-pressuring.

Cross-pressuring by way of the MTR, reveals several important characteristics about the minority party. First, it shows that the minority party in the House is rational. It uses the resources at its disposal in an efficient manner to achieve its ultimate goal. Furthermore, the minority party is rational in who it cross-pressures. It seeks moderate members, who are more likely to defect from the party and come from moderate or vulnerable districts. Thus, the minority is attacking the majority party label through the very majority members that rely on the party label the most. Second, it shows that the minority party is active. The minority party is not simply a legislative spectator, but an aggressive adversary of the majority. Using the MTR, the minority can consistently cross-pressure the majority, by either forcing majority members to vote against their district or tarnishing the majority's party label, and reap actual benefits from their strategy. Thus, the minority is setting its own strategy, not simply relying on the congressional setting to dictate its choices, assuaging any concerns that they are not part of the democratic process in the House.

Cross-pressuring, however, is not the only existing explanation for the use of MTRs. According to the existing literature, there are two other strategies the minority party could be pursuing using MTRs: position-taking and obstruction. Position-taking suggests that the minority party uses MTRs to publicly display its policy position. Wolfensberger (2007) puts forth this explanation in his historical account of MTRs. Specifically, Wolfensberger argues that at every other point in the House legislative process, members debate and vote between the status quo and the majority's preferred policy. It is only with MTRs that the minority party can put

forth its own policy position and obtain a vote on that position. In terms of minority party strategies, the minority is using MTRs to fortify its own party label, not attack the majority's. The minority is attempting to let the public know what its preferred position is in order to attract more voters.

At first glance position-taking may seem similar to cross-pressuring, however, they are two separate strategies that approach party labels from different angles. First, cross-pressuring is an aggressive offensive tactic designed to harm the majority's party label by forcing defection. Position-taking is not as aggressive. It does not attack the majority, just simply hopes to highlight the policy differences of the two parties, hoping voters will prefer the minority. Second, cross-pressuring can be implemented many more situations than position-taking. As noted above, cross-pressuring can occur any time there are moderate majority members and extreme legislation (based on the composition of Congress and the powers of the majority to control the agenda, this situation is likely). However, position-taking can only be used, when the issue is salient with constituents or interest groups and when the minority's stance on the issue is preferred by constituents and groups. If the issue is not salient, there is no need for the minority to differentiate itself from the majority, as its efforts will go unnoticed. Furthermore, if the majority's stance is preferred by the public, then the minority would harm itself by taking the other position. These factors do not occur with cross-pressuring, as the goal is to tarnish the majority's label through party defections or force moderates majority members to vote against their constituents, which can be achieved even if the majority's position is favored.

Ultimately if position-taking is the driving force behind MTRs, then MTRs should be requested on salient legislation. Again, the minority gains nothing by taking a position that will go unnoticed. I examine this hypothesis in portions of Chapter 2 and 4. In both cases, I find that

salience fails to predict implementation of or support for MTRs. Thus, there is little evidence supporting position-taking as a prominent minority strategy. Furthermore, I find that the scant evidence for position-taking suggest that the strategy is only benefitting minority party members who are already electorally advantaged. Thus, position-taking as a strategy is not helping the minority members who need it most and benefiting those who do not need help.

Finally, the minority party may also be using MTRs as a dilatory or obstructionist tactic. Simply put, MTRs expend precious floor time. MTRs with instructions are guaranteed ten minutes of floor debate (five each for a proponent and opponent of the MTR), in addition MTRs may receive votes, which will also absorb floor time. Thus, the minority could use MTRs to delay legislative proceeding, preventing the majority from being able to implement its full legislative agenda. Through wasting floor time, the minority is able to obstruct the minority from fulfilling its legislative obligation, causing the majority electoral troubles. However, as noted above, this is unlikely to happen in the House, as the majority possesses rules and procedures that allow it set the agenda in its favor, procuring legislation ideal to the majority (Cox and McCubbins 2005).

If obstruction is the driving force behind MTRs then MTRs should significantly and substantively increase the time it takes to pass legislation. Based on House rules, MTRs should increase the time it takes to pass legislation, however, the increase may not be substantive as the majority can simply work the potential for MTRs into its time allotment for each bill. I evaluate the obstructive capabilities of MTRs in Chapter 4. Using duration models of the time it takes to pass a bill, I find that MTRs significantly increase passage time but the substantive impact is rather low. Overall, I find little support for obstructionism.

This project unfolds in the following manner. In Chapter 2 I address MTRs and individual pieces of legislation. Specifically, I attempt to determine which legislation is more likely to receive a request for an MTR with instructions. I examine both cross-pressuring and position-taking using an original dataset composed of all contentious pieces of legislation in the House from the 101st to the 110th Congress. I find that extreme legislation is more likely to receive an MTR, while saliency does not significantly impact the use of MTRs. Thus, Chapter 2 provides evidence for cross-pressuring.

Chapter 3 examines support for MTRs among members of the majority party. If MTRs are being used for cross-pressuring, then more moderate majority members should support MTRs on more extreme legislation. To test this hypothesis, I created a dataset composed of member-bill dyads. This large and original dataset is comprised of the votes for every MTR by each member of the majority part from the 103rd to the 110th House. The empirical evidence reveals that majority members are more supportive on MTRs when their constituent's partisanship is moderate and the legislation is extreme, supporting the underlying logic of cross-pressuring. I then conclude the project with a discussion on the impact and implications of cross-pressuring and where future research can pick up.

Chapter 4 examines the effects of MTRs. Specifically, it tests the outcomes of cross-pressuring and obstruction. I examine two hypotheses in Chapter 4, whether MTRs actually possess the capability to substantively delay legislative proceedings and whether supporting MTRs actually increase the electoral success of moderate majority members. Using the same dataset from Chapter 2, I conduct Cox Proportional Hazard duration model to determine if MTRs impact the length of time it takes to pass legislation. I find that MTRs significantly increase the passage time of legislation, implying that MTRs due obstruct the legislative process. However, I

also find support for cross-pressuring in that support for MTRs does lead to better electoral outcomes for moderate majority members, just as cross-pressuring predicts.

This project puts forth an original and innovative theory of minority party strategy in the House. I argue that cross-pressuring is the one strategy that the minority can consistently use, regardless of the institutional setting, because it is implemented through the MTR. Not only is cross-pressuring always available to the minority party, of the available strategies, it is the strategy best suited to help the minority achieve its ultimate goal, taking over the majority status. The following chapters show that empirical evidence overwhelmingly supports cross-pressuring as the primary motivation of MTRs, and thus, the dominate minority party strategy in the House.

Chapter 2

Which Legislation Receives Motions to Recommit?

In the previous chapter, I laid out three theories regarding why the minority party in the House uses the motion to recommit, cross-pressuring, position-taking, and obstruction. These three theories make specific claims about why the minority uses MTRs and thus what strategy the minority chooses to use in a majority dominated environment. To further understand these theories and the actions of the minority I examine when the minority party offers MTRs on legislation. Through this chapter I look at the characteristics of legislation, as well as the House itself, to determine which situations lead the minority to request MTRs. I test these predictions to determine which theory best explains the minority's use of the motion to recommit and ultimately, understanding how the minority uses MTRs will reveal the overarching strategy of the minority party.

Requesting MTRs

The first academic account of why and when the minority party requests MTRs is Krehbiel and Meirowitz (2002). Using a formal model, they argue that MTRs are used by the minority to produce policy outcomes that match the preferences of the House median member. A direct prediction of Krehbiel and Meirowitz's model is that the minority should request an MTR on every piece of legislation (Roberts 2005). However, empirical tests show that this is simply not the case; MTRs are only requested on approximately thirty percent of legislation (Roberts 2005; Cox et al. 2007; Lynch 2008; Clark 2012).[4] These findings indicate that MTRs are not used to procure median policy outcomes and that there is something else explaining MTR requests. However, the authors that criticize Krehbiel and Meirowitz, do not produce their own

[4] The data I collected for this chapter comport with these findings. See Table 2.1.

theories of MTR requests, other than simply showing how MTRs do not violated the logic of partisan theories of the House.

Wolfensberger (2007) picks up where Krehbiel and Meirowitz left off and theorizes, based on years of working with Republicans in the House, that the minority party uses MTRs to obtain votes on their preferred policy position. He argues that every other procedure in the House is exploited by the majority to prevent a vote on the minority's position. However, the minority can in turn exploit the MTR to force a vote and establish its position. Wolfensberger argues that the minority is more reliant on MTRs when the majority is using restrictive rules. Under restrictive rules, it becomes difficult for the minority to even offer amendments, thus the MTR is literally the only opportunity for the minority to make its position known. Using this logic, MTR requests should be more likely under restrictive rules. Simply put, under open rules, the minority can use other means (amendments) to establish its position. Under restrictive rules, the minority must rely on MTRs.

Wolfensberger, however, neglects to describe what the minority gains from forcing votes on its policy position. This is where my theory of cross-pressuring comes into play. I pick up where Wolfensberger left off and argue that the reason the minority forces votes is not merely for position-taking purposes, but to force moderate majority members into difficult votes. By using MTRs to establish a more moderate policy alternative to the majority's position, the minority forces majority members to either vote with their party or for the MTR. This should cross-pressure majority members from moderate districts because the district prefers the more moderate MTR and party leaders have a plethora of tools (see Cox and McCubbins 1993 and Sinclair 1997) to punish members who do not vote in line with the party. Ultimately, by cross-

pressuring the minority hopes to make majority members vote against their districts and reap the electoral benefits in the next election.

Position-taking, as proscribed by Wolfensberger (2007), and cross-pressuring share a similar foundation, and as such make a similar prediction about when the minority requests MTRs. According to both theories, the minority is more likely to offer MTRs on bills with restrictive rules. While each theory makes this prediction, they follow different sets of logic to arrive at this predication. As noted above, when a bill is under a restrictive rule, the MTR is the only option available to take a position. For cross-pressuring, the minority is more likely to request MTRs on bills with restrictive rules because it makes cross-pressuring easier, because majority members have no other opportunity to offer amendments their constituents may like. Under restrictive rules, it is difficult if not impossible for any House member to offer an amendment. The minority takes advantage of this by crafting a moderate MTR and force a vote between the moderate MTR and the majority's bill. If executed properly, MTRs should cross-pressure moderate majority members because they must choose between the district's desires or the party's discipline, and they have none of the options available under an open rule. Thus, both theories arrive at the following hypothesis:

Restrictive Rules hypothesis: The minority party is more likely to request motions to recommit on bills which come to the floor under closed and restrictive rules than those which have open rules.

The similarities between cross-pressuring and position-taking end here. While both theories make the same prediction regarding restrictive rules, they deviate from each other on several other predictions. I now walk through the remaining logic of each theory revolving around MTR requests and arrive at specific predictions for each.

Cross-Pressuring and MTR Requests

In order to truly cross-pressure moderate majority members, MTRs with instructions must be more appealing to policy moderate than the legislation. The minority can more easily accomplish this task when the legislation in question is extreme. If the legislation itself is moderate, then moderate MTRs do not cross-pressure anyone. Therefore, in order to properly cross-pressure its intended targets, the minority must requests MTRs on more extreme bills. In this situation, MTRs are able to cross-pressure because moderate districts should prefer the MTR, while the majority party uses its powers to whip procedural votes (Ansolabehere et al. 2001; Jenkins et al 2005; Snyder and Groseclose 2000). Cross-pressuring predicts the following hypothesis:

Extremity hypothesis: The minority party is more likely to request motions to recommit on bills with extreme ideological positions.

Position-taking and MTR Requests

The idea of position-taking was introduced by Mayhew (1974). According to Mayhew, position-taking is one of the three behaviors members of Congress use to get re-elected. More specifically, members discover the policy preferences of their constituents and make public stances that match constituents (Mayhew 1974). In fact, Mayhew goes as far to say that recorded roll call votes at floor speeches are tools for members of Congress to take popular stands, not change policy. Thus, position-taking is an electoral strategy; however, it differs from cross-pressuring in that it attempts to differentiate the minority's position from the majority. It is not attacking majority members, like cross-pressuring, but trying to make the minority seem more appealing to voters. Mayhew is clear in his description of position-taking that members find popular issue to take a position. Likewise, if the minority is using MTRs for position-taking in

the purest Mayhewian sense it should be requesting MTRs with instructions on salient issues. There is no need for the minority to take a position of issues voters do not care about. Thus, it selects issues important to voters to establish its position through MTR with instructions.

Furthermore, if position-taking is the driving force behind MTRs, then the minority should not be too concerned with the ideological position of the legislation. It simply needs to differentiate itself from the majority on salient issues, not necessarily issues where the majority has an extreme stance. An extreme majority stance may allow the minority to increase the perceived distance between the parties, but it still must seek salient issues. Regardless of the bills ideological position, the minority seeks bills people are paying attention to in order to position-take. This makes saliency, not ideology, the main predictor for position-taking. This logic results in the following hypothesis:

Saliency hypothesis: The minority party is more likely to request motions to recommit on salient bills.

As mentioned above, the rules governing a bill impact whether the minority requests an MTR. Both Position-taking and cross-pressuring predict that bills with restrictive rules are more likely to receive MTR requests. Because both theories are grounded in the idea that the minority party uses MTRs to communicate with voters, both theories predict that the relationship should become even stronger when legislation is salient. The minority is more motivated to take a position on salient issues and has fewer opportunities to do so under restrictive rules. Thus, position-taking predicts that MTRs should be requested on salient bills with restrictive rules.

Saliency/Restrictive Rules hypothesis: The minority party is more likely to request motions to recommit on salient bills that receive restrictive rules.

Obstruction and MTR Requests:

In addition to cross-pressuring and position-taking, a third theory makes predications about MTR requests. Specifically, members of Congress believe the minority can use MTRs as a dilatory tactic (Lynch 2008). According to the standing rules of the House, MTRs are granted ten minutes of floor debate, thus the minority uses MTRs to obstruct the House process in order to either prevent the majority from executing its agenda, or obtain some sort of legislative concession from the majority. Much of the literature examining minority obstruction treats it as an independent variable (Binder 1996 & 1997: Schickler 2000), however, Dion (1997) treats obstruction as the dependent variable. Dion argues that the minority is more likely to obstruct when the majority party coalition less cohesive. Lack of cohesion makes it easier for the minority to obstruct because the majority does not have the required cohesion to prevent it. Dion finds support for his theory by looking at points of orders, which he shows to be dilatory tactics. Thus, if the MTR is likewise a dilatory tactic then the minority should be requesting them when the majority is incohesive. Thus, the standing theory of obstruction predicts one hypothesis dealing with MTR requests:

Obstruction hypothesis: The minority party requests more motions to recommit when the majority party is less cohesive.

Data and Methods

To test the hypotheses predicted in this chapter I created a database of legislation in the House from the 101st to the 110th Congress. Specifically, I collect data on any bill receiving a rule in the House.[5] Practically, MTRs are not offered on bills that do not receive rules, so in order to accurately test which bills get MTR requests, I only consider bills that actually have a

[5] I exclude any bill considered and passed under suspension of the rules or unanimous consent. Bills or resolutions that were considered privileged and not unanimously passed were included in the data set, while legislation considered privileged and passed unanimously were excluded.

chance of getting an MTR request. The dataset contains all types of House bills and resolutions and several types of Senate bills and resolutions.[6] In addition, the data set also includes conference reports on any bill or resolution that received a rule. The data set covers all situations in which MTRs realistically be requested. Thus, in the dataset, the unit of analysis is the floor action and not the legislation itself, as any given piece of legislation might receive an MTR during original House consideration or as a conference report. Over the time frame of the dataset, 2013 bills and resolutions received rules. Table 2.1 provides a descriptive table of the number of bills and resolution per congress received a rule and how many received an MTR request and what type of request.

The dependent variable in the analysis is a dummy variable that when the House considered the piece of legislation, the minority party offered an MTR with instructions. I do not include straight MTRs as the lack of instructions prevents any cross-pressuring or position-taking from occurring. In addition, as Table 2.1 indicates, straight MTRs make up a small percent of the actual MTRs offered. In the dataset, 594 floor actions received an MTR with instructions, while only 71 bills received straight MTRs. This data was collected by reviewing the legislative history for all the bills in the dataset on Thomas and were verified using an exhaustive list of MTRs from Lynch (2008).

The first statistical analysis I conduct tests the hypotheses dealing with cross-pressuring and position-taking. In this test, I use three key independent variables. The first is the DW-NOMINATE score of the legislation's sponsor. I use this measure as a proxy for the ideological

[6] Specifically, the dataset includes House Concurrent Resolutions, House Joint Resolutions, House Resolutions, House Bills, Senate Bills, Senate Concurrent Resolutions, and Senate Joint Resolutions.

Table 2.1 Legislation with Rules and MTR Requests by Congress

Congress	Legislation with Rules	Straight MTRs	MTRs with Instructions	Total MTRs
101st	203	9 (4.43%)	28 (13.79%)	37 (18.23%)
102nd	241	20 (8.29%)	48 (19.91%)	68 (28.22%)
103rd	189	14 (7.41%)	53 (28.04%)	67 (35.44%)
104th	222	10 (4.50%)	71 (31.98%)	81 (36.48%)
105th	215	6 (2.39%)	43 (20.00%)	49 (22.79%)
106th	240	5 (2.08%)	48 (20.00%)	53 (22.08%)
107th	161	0 (0.00%)	49 (30.43%)	49 (30.43%)
108th	193	3 (1.55%)	65 (33.67%)	68 (35.23%)
109th	162	3 (1.85%)	59 (36.42%)	62 (38.27%)
110th	187	1 (0.53%)	130 (69.52%)	131 (70.05%)
Total	2013	71 (3.52%)	594 (29.51%)	665 (33.03%)

location of the floor action.[7] During the time-frame of the dataset, the party control of the majority switches twice (from the Democrats to the Republicans in the 104th Congress and from the Republicans to the Democrats in 110th Congress). To compensate for these changes, I adjust the NOMINATE scores so that a 1 always represents an extreme majority position. Typically, NOMINATE runs from -1 to 1 with a -1 indicating a strong liberal. However, with the adjustment, a 1 is always pointing in the direction on the majority.[8] With this adjustment, I expect that a positive and significant relationship between an action receiving an MTR and the sponsor's ideology. This indicates that the more extreme legislation is, on the majority's side, the more likely it is to receive and MTR. This variable is just to test *extremity hypothesis*, I expect a positive and significant relationship with the probability of offering and MTR.

The second key independent variable is a measure of salience. This variable is used to test the implication of minority party position-taking. To calculate the salience, I conducted LexisNexis search of the *New York Times* for each floor action in the dataset. Specifically, I set the date of the search to the two year time period for the respective session of Congress, and then searched both the bill or resolutions number and its short title. I then recorded the number of hits returned for both the number and title added the two together. The mean salience is 1.2 with a standard deviation of 11.14, the mode is 0. To support the *saliency hypothesis*, salience should be positive and significant in the model.

The third key independent variable is a dummy variable indicating the presence of a restrictive rule. Rules a typically classified as open (allowing any amendment), modified (allowing only certain amendments), or closed (allowing no amendments). Any floor action with

[7] I choose this measure over the floor action's NOMINATE cutpoint because cutpoints can only be obtained if the floor action received a roll call vote. Thus, I lose approximately 200 observations (a large portion of the resolutions) if we use cutpoints.

[8] Since Republicans tend to be on the positive side of the NOMINATE scale, I simply multiplied all DW-NOMINATE scores by -1 for years in which the Democrats controlled the House.

a modified or closed rule is measured as restrictive. I use this variable to test the *restrictive rules hypothesis*. Ultimately, both the cross-pressuring theory and the position-taking theory predict that the restrictive rules variable should be positive and significant.

In addition, I implement several control variables into the model. The first is a control for the complexity of the floor action. I calculate this measure by counting the number of words for each bill or resolution then take the natural log of the word count. I use a dichotomous variable to control for appropriations bills. Appropriations bills go through a different process than non-appropriation bills, this variable controls for this variation. I also control for the number of cosponsors for each action, which was simply taken from the Congressional Bills Project (CBP) (1989-2008) and supplemented with Thomas. I also insert a dichotomous variable for conference reports, noting that while conference reports are subject to MTRs (with or without instructions) they are substantively different from pre-conference legislation. Finally, I implement fixed effects for each congressional session. I use a logit regression to test the hypotheses. Table 2.2 reports the descriptive statistics and sources of all of the variables used in the logit models.

Cross-Pressuring and Position-Taking Results:

Table 2.3 reports the results of three separate logit models. The first model looks at all of the floor actions in the dataset. The second only examines floor actions with restrictive rules and the third only tests floor actions with open rules. This was done to test the *saliency/restrictive rules hypothesis* and to see if the minority adjusts its behavior when different rules are in play.

In the model examining all floor actions both the *restrictive rules hypothesis* and the *extremity hypothesis* receive support. First, the independent variable *sponsor ideology* is positive and significant. This indicates that the further a bill or resolution is to the majority's side of the

Table 2.2 Descriptive Statistics of Floor Action Data

Variable	Mean	Standard Deviation	Min	Max	Source
MTR with Instructions	0.289	0.453	0	1	Thomas/Lynch (2008)
Sponsor Ideology	0.394	0.225	-0.704	0.973	Vote View
Salience	1.263	11.14	0	239	*New York Times*
Log of Word Count	8.485	1.838	2	12.86	Thomas
Restrictive Rules	0.595	0.91	0	1	Thomas
Salience*Restrictive	.994	9.29	0	231	Thomas/*NYT*
Appropriations Bill	0.315	0.465	0	1	Thomas
Number of Cosponsors	23.50	47.80	0	315	CBP/Thomas
Conference Report	0.193	0.394	0	1	Thomas

Table 2.3 Probability of a Piece of Legislation Receiving a Motion to Recommit

	All Legislation	Restrictive Rules	Open Rules
Adjusted Sponsor DW-NOMINATE	0.74**	0.53	1.28*
	(0.29)	(0.36)	(0.60)
Salience	0.01	0.00	0.00
	(0.01)	(0.01)	(0.01)
Restrictive Rule	1.05***	--	--
	(0.13)	--	--
Log of Word Count	0.23***	0.17***	0.45***
	(0.04)	(0.04)	(0.08)
Appropriations Bill	-0.03	-0.18	-0.03
	(0.14)	(0.17)	(0.25)
Number of Cosponsors	0.00***	0.00***	0.00
	(0.00)	(0.00)	(0.00)
Conference Report	-1.33***	-1.32***	-0.75
	(0.18)	(0.19)	(0.39)
Constant	-4.52***	-2.96***	-6.44***
	(0.41)	(0.49)	(0.85)
N	2003	1192	811
Pseudo R2	0.164	0.138	0.118

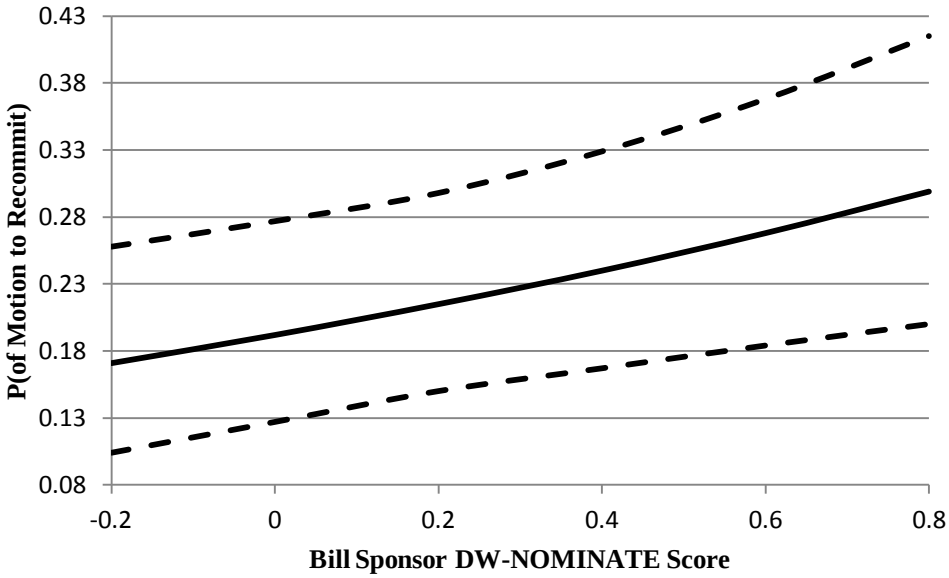
Note: Standard errors are in parentheses and are clustered by floor action. Fixed effects for congressional sessions are not reported. *p<.05, **p<.01, ***p<.001.

ideological spectrum (or more precisely, the further the sponsor is in that direction), the more likely the minority party is to offer a motion to recommit. This relationship is seen more clearly in Figure 2.1, which displays the predicted probabilities of the minority offering an MTR in relation to the ideology of the bill's sponsor.[9] The solid line indicates the predicted probability and the dashed lines the 95% confidence interval. Over the full range of the variable, as the sponsor moves from most moderate (-0.2, or slightly on the minority side of the ideological spectrum) to most extreme (0.8), the probability of observing a motion to recommit goes from slightly less than .18 to approximately .30. Thus, not only is the influence of sponsor ideology significant but substantive as well.

Next, the *restrictive rules* dummy is positive and significant, indicating that the minority is more likely to offer the motion to recommit when they are least able to use the amending process, indicating that when the minority cannot use amendments to cross-pressure or position-take, it relies on MTRs. This comports with the bivariate relationship between rule type and motion to recommit: in practice the minority party offers the motion to recommit on 18% of all open rule bills, and 38%, of all restrictive rule bills. This finding supports the *restrictive rules hypothesis*, a prediction made by both cross-pressuring and position-taking.

While position-taking is supported by the restrictive rules dummy, it is not supported by the salience variable, which is insignificant, indicating that minority is not relying on the public's interest or knowledge on a bill when offering MTRs. This finding is a large blow for position-taking. Furthermore, the restrictive rules model indicates that salience is not a significant predictor of MTR even on restricted floor actions. Thus, even on the floor actions where,

[9] Predicted probabilities are obtained using CLARIFY (Tomz et al 2001), with all variables other than *sponsor ideology* set to their median values.



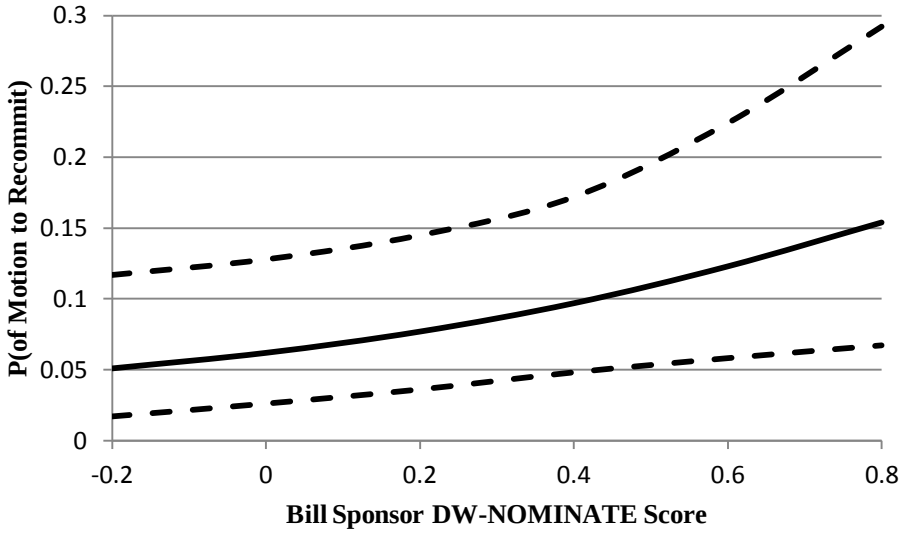
NOTE: Dashed lines represent 95% confidence interval

Figure 2.1 Bill Sponsor Ideology and Motion to Recommit Requests, All Bills

according to position-taking, salience should matter the most, it is insignificant. Therefore, it does not appear that the minority is offering MTRs as a means of position-taking.

In addition, a more nuanced story of cross-pressuring appears when the restrictive rules and open rules models are taken into account. The results indicate that the effect of sponsor ideology is limited to bills brought to the floor under open rules. Thus it appears that the minority party does not consider bill/sponsor ideology in its decision-making calculus when there is a closed rule, using the rule as a proxy for extremity and majority protection. However, when the minority is able to offer amendments, sponsor ideology does induce the minority to offer the motion to recommit - indeed, this appears to be one of the only factors, given the paucity of significant control variables in open rules model. Figure 2.2 displays the predicted relationship between sponsor ideology and the probability of the minority offering the motion to recommit when there is an open rule. The solid line indicates the predicted probability and the dashed lines the 95% confidence interval. Over the full range of the variable, as the sponsor moves from most moderate (-0.2, or slightly on the minority side of the ideological spectrum) to most extreme (0.8), the probability of observing a motion to recommit more than doubles. This finding supports the cross-pressuring hypothesis 3, that on open rules the minority offers MTRs on more extreme legislation.

After the first analysis, all three cross-pressuring hypotheses are supported, while only one position-taking hypothesis is supported. Furthermore, the only position-taking hypothesis supported is the one it shares with cross-pressuring. This leaves cross-pressuring in very good standing, while the footing of position-taking is rather shaky. This first analysis strongly indicates that cross-pressuring is the driving force behind MTRs, not position-taking. However, the obstruction hypotheses must be tested before any hard conclusions are made.



NOTE: Dashed lines represent 95% confidence interval

Figure 2.2 Bill Sponsor Ideology and Motion to Recommit Requests, Bills with Open Rules

Obstruction Results

As noted above, previous research on obstruction indicates that the minority is more likely to obstruct when the majority party is less cohesive (Dion 1997). Table 2.4 provides summary statistics of each session of congress used in the dataset. The first column, the percent of bills receiving MTRs, is taken directly from Table 2.1. In addition, I include another statistic, the majority party cohesion. The party unity measure is taken from *voteview.com*, which calculates the proportion of members from each party that voted with their party, when a majority of each party voted in opposition of each other (McCarty et al. 2006). If MTRs are used as obstruction, then, following Dion's logic, the minority should offer more MTRs when the majority is incohesive.

Table 2.4 suggests no connection between majority seat share or cohesion and the frequency of MTR requests. For example the 110th House had both the highest raw number of MTRs and the highest percentage of MTRs offered. However, it is ranked fourth highest in majority party cohesion. If MTRs were being implemented as obstruction, the 110th would be expected to have the lowest cohesion, but that is simply not the case. This is seem more clearly in Figure 2.3, which presents the lowess curve of majority party cohesion and the percent of floor actions that received MTR for each congress. Judging from Figure 2.3, there is not apparent relationship between cohesion and MTR offers. Furthermore, majority cohesion and MTR offers are correlated at .32, a rather weak but positive relationship. The direction of the correlation works against the hypothesis as the hypothesis predicts a negative relationship between the two variables. Ultimately, there is no apparent relationship between MTR offering rate and majority seat share and cohesion. These findings do not provide support for either of the obstruction hypothesis and imply that obstruction is not the motivation for MTRs.

Table 2.4 MTRs Offered and Majority Coalition Size and Cohesion

Congress	Percent of Bills Receiving MTRs	Majority Party Cohesion
101st	37 (18.23%)	87.96%
102nd	67 (28.22%)	86.15%
103rd	66 (35.44%)	86.03%
104th	77 (36.48%)	87.21%
105th	49 (22.79%)	91.81%
106th	51 (22.08%)	89.56%
107th	48 (30.43%)	89.34%
108th	66 (35.23%)	93.39%
109th	61 (38.27%)	93.71%
110th	130 (70.05%)	90.45%

Note: Majority seat share calculated at the start of the session. Party cohesion scores were taken from voteview.com.

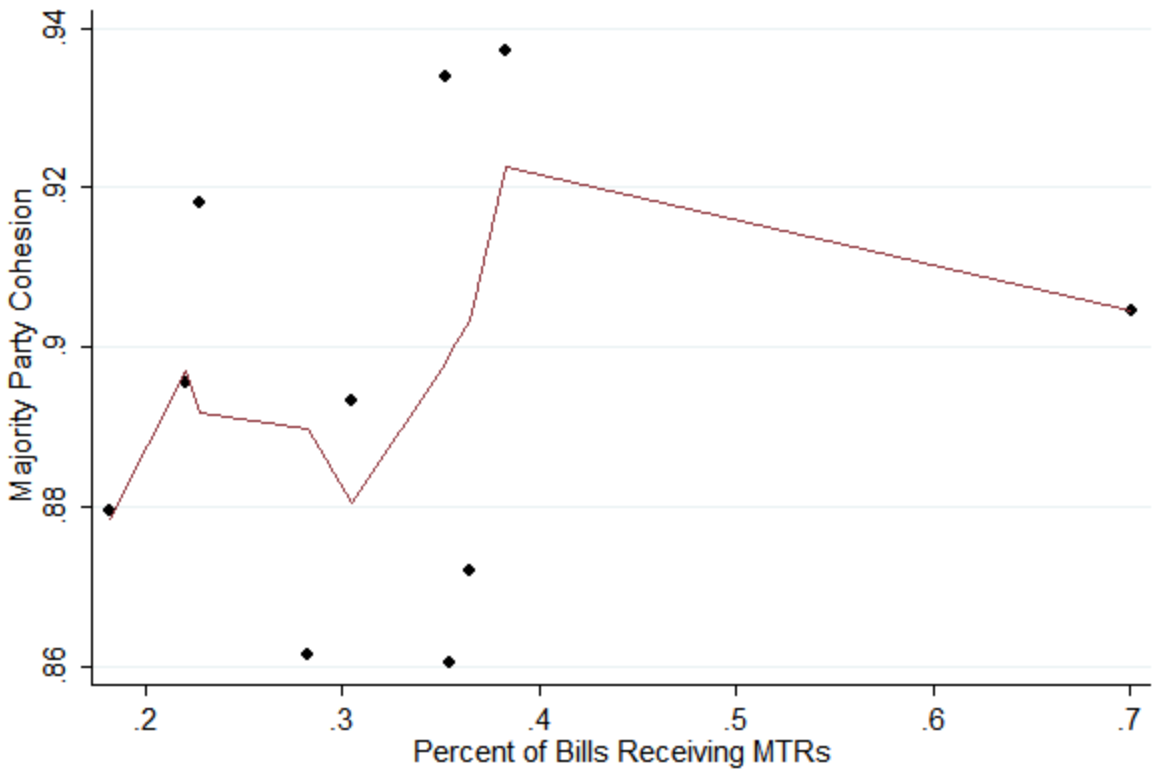


Figure 2.3 Lowess Curve of MTRs and Majority Cohesion

Conclusion:

Throughout this chapter, five different hypotheses were presented and tested. In the end, only two received support, the two specifically dealing with cross-pressuring. The only support position-taking received is the hypothesis it shares with cross-pressuring. This indicates strong support for my theory of cross-pressuring. More specifically, in determining when to offer an MTR, the minority party seems more likely to base their calculations on the variables and relationships predicted by cross-pressuring. When all legislation is considered, the minority uses the ideological extremity of the bill and the restrictiveness of the rule to determine whether to offer an MTR. When legislation is brought to the floor under an open rule, then ideological extremity of the bill influences the decision. All of which support the predictions of cross-pressuring.

Furthermore, the results of this chapter strike a strong blow to theories of position-taking and obstruction. Salience is not driving minority MTRs requests, regardless of the rule on the bill. Thus, there is no evidence that the minority is concerned with the public position of MTRs, indicating that it is not using MTRs to differentiate itself from the majority. In addition, existing theories of obstruction fail to empirically predict the aggregate use of MTRs, implying that obstruction is not the driving force behind minority MTR use. Ultimately, the tests conducted in this chapter provide a great deal of support for cross-pressuring, while providing little for the other existing theories of MTR use.

Chapter 3

Who Supports Motions to Recommit?

Members of Congress cast many votes throughout each congressional session. These votes range from mundane procedural and committee votes to final passage votes that directly shape American law. Members are influenced by a variety of factors when determining how to vote, including constituents (Mayhew 1974; Fenno 1978; Kingdon 1989) and parties (Cox and McCubbins 1993 & 2005; Sinclair 1997; Rohde 1991; Aldrich 1995; Aldrich and Rohde 2000). Building on established knowledge about members' voting behavior, the theories discussed at length in this project make predictions about when members of Congress vote for MTRs. More specifically, cross-pressuring and position-taking make explicit claims regarding who should support MTRs and when they should be supportive. Testing these claims leads to a more complete understanding of minority strategy, particularly regarding the use of MTRs.

How Members of Congress Vote

One of the cornerstones of the congressional literature is that members of Congress desire to be re-elected (Mayhew 1974). As such, members alter much of their behavior, whether it be in committee (Fenno 1973; Deering and Smith 1997), in the district (Fenno 1974), or on the floor (Mayhew 1974; Kingdon 1989), to obtain re-election. In particular, members follow the desires of constituents when making voting decisions, particularly if the issue is salient to voters (Kingdon 1989). In addition, members are concerned that any negative traceable action could eventually come to light, even to constituents not currently paying attention, and cause electoral damage (Arnold 1990). This fear is further cemented by the fact that attentive constituents (opinion leaders, interest groups, challengers) keep track of votes and notify the larger constituency of any missteps by the member of Congress (Arnold 1990; Bovitz and Carson

2006). Thus, members of Congress must take into account the preferences of constituents when making voting decisions.

However, as much as members seek to please their constituents, other factors often make it difficult. In both chambers of Congress (Roberts and Cohen Bell 2008; Gailmard and Jenkins 2007), but particularly the House (Cox and McCubbins 1993 & 2005; Aldrich 1995; Rohde 1991; Aldrich and Rohde 2000), party leaders posses several sticks and carrots to influence the voting behavior of members. These sticks and carrots include committee assignments, campaign funding, legislative assistance, and pork (Cox and McCubbins 1993; Carroll and Kim 2010; Monroe and Jenkins Forthcoming). While both parties in the House possess tools to control their own rank-and-file, the majority increases its power by controlling the legislative agenda. The majority gains this agenda control through its grip on House procedures.

The majority typically whips procedural votes much harder than passage votes (Ansolabehere et al. 2001; Jenkins et al 2005; Snyder and Groseclose 2000; Sinclair 2002; Marshall 2003; Cox and Poole 2002). It is procedures that grant the majority its legislative dominance in the House (Cox and McCubbins 2005), thus majority leaders are typically unwilling to allow defections on procedural votes. More specifically, majority party leaders tend to treat MTR votes as procedural votes and as such, whip them rather heavily (Roberts 2005; Lynch 2008, Peters and Rosenthal 2010). Therefore, majority members feel pressure from their leadership to vote against MTRs and support the legislation.

Thus, members' votes are legitimately pressured by both their constituents and their party. Constituents can punish members at the polls for any perceived mis-votes. Meanwhile, party leaders can use their tools to punish members for any party defection (Cox and McCubbins 1993). When the party and constituents share preferences, members have easy voting decisions

to make; however, when the preferences of the party and constituents diverge, members must choose one, typically selecting the option that produces the least amount of damage (Kingdon 1989). When the minority party introduces an MTR, it strategically places majority members in a predicament where they must choose between their constituents or their party. The minority knows that either choice can harm majority members. I now examine which members vote in support of MTRs and when they do so, according to cross-pressuring.

MTR Votes and Cross-Pressuring

To begin, cross-pressuring, while a minority strategy, is designed to alter the choices of majority party members. As such, cross-pressuring does not make any prediction about minority member regarding MTR support. As such, the discussion in this section refers to the incentives and actions of majority party members, unless otherwise indicated.

According to the literature, several factors come into play when majority members vote: constituency preferences, saliency, and party preferences. Thus, each of these factors must be addressed in determining how members vote on MTRs. Members often face strong pressure from the leadership to vote with the party on motions to recommit. The party leadership whips these votes hard, since a loss can result in the majority temporarily losing control over the floor agenda (Wolfensberger 2007). This places votes on the motion to recommit in the same category as voting on the previous question on special rules (Finocciaro and Rohde 2008) and other procedural votes (Sinclair 2002, Jenkins et al 2005) which the majority leadership whips harder than ordinary final passage votes. As described most thoroughly by Cox and McCubbins (1993), the majority procedural coalition is held together primarily by exercising party unity on votes which determine the floor agenda; in most Congresses, majority leaders include votes on adopting the motions to recommit among these (Wolfensberger 2007; Peters and Rosenthal

2010). Thus, members of the majority party face significant party pressure to toe the line on MTR votes.

Constituency influence on MTR votes is dictated by several factors. First, the ideological disposition of the district impacts majority members voting decisions. In order to please their constituents, members must create voting patterns that match the ideological position of their district (Arnold 1990). Next, the ideological positions of both the legislation and the instructions on the MTR influence whether majority members support MTRs. According to cross-pressuring, the MTRs are crafted to be attractive to policy moderates. In addition, the previous chapter showed that MTRs are much more likely to be offered on extreme legislation. Thus, if cross-pressuring is executed properly, the instructions included in the MTR should be moderate and the legislation extreme. This leads to the first three predictions of cross-pressuring and MTR support.

Moderate Districts Hypothesis: Majority party members are more likely vote *aye* on MTRs the more moderate their district is. Since cross-pressuring predicts the MTR is moderate, then more moderate districts should prefer the MTR over more extreme majority bill. Thus, the more moderate the district, the more likely a majority members is to defect from the party and support an MTR.

Extreme Legislation Hypothesis: Majority party members are more likely vote *aye* on MTRs the more extreme the legislation is. The more extreme the legislation is, the more likely policy moderates will prefer the MTR. Thus, those majority members who must placate policy moderates are more likely to support MTRs when the legislation is extreme.

District/Legislation Hypothesis: Majority party members are more likely vote *aye* on MTRs the more moderate there district is and the more extreme the legislation is. When

majority members come from a moderate district and the legislation is extreme, the more moderate MTR will be a much more appealing option to voters. Thus, majority members are more likely to support MTRs in this situation.

There is one more factor to consider. Constituency influences typically hinge on saliency. The more salient an issue is, the more influence constituents have on members' vote choices (Kingdon 1989). Thus, on salient issues, the three previous relationships should be more pronounced. This reveals a subsequent hypothesis.

Saliency Hypothesis: the impact of moderate districts, extreme legislation, and the combination of the two, should be stronger when the legislation being considered is salient.

The *saliency hypothesis* begs the question, do members of Congress feel that voters notice and punish them for MTR votes? The answer to this question appears to be yes, particularly on more salient issues. Several media accounts on MTR votes cite concerns from majority members about how their MTR votes are perceived by voters. For example, majority members were very much concerned about their vote on an MTR on the 2010 healthcare reform legislation, which contained language similar to the Stupak-Pitts amendment which prohibited federal funds from covering abortion. The Stupak-Pitts amendment originally passed the House, with the support of several moderate Democrats, but was dropped from the legislation in the conference committee. When the conference report returned to the House, many Democrats, particularly those from moderate districts, threatened to not vote for the bill fearing the electoral repercussions of passing the bill without Stupak-Pitts. To ease fears, President Obama issued an executive order to accomplish the same task as the amendment. However, despite the executive order, the Republican minority introduced an MTR with very similar language as Stupak-Pitts, basically forcing members to choose between the House bill containing the amendment and the

Senate which excluded the amendment. In discussing the MTR, Bart Stupak himself said that members of the Democratic majority were "concerned about [the MTR]," that voting against it may frame them as 'flip-floppers' or soft on abortion (Allen 2010).[10]

This was not the first time Republicans had attempted this maneuver. Throughout 2007, Republicans offered six MTRs increasing spending or opposition to illegal immigration on various pieces of legislation (Hunter 2007). Most of the Democrats who voted in favor of these MTRs were vulnerable freshmen who lamented concerns to party leaders about having to repeatedly vote on immigration themed MTRs (Hunter 2007). Thus, it appears that majority members are mindful of MTRs and are weary of their potential impact. Republicans are not the only ones to implement such a strategy. In 2012, the Democratic minority offered an MTR to a Republican tax cut bill. According to Democrats, the tax cut legislation would help the rich and famous, including several companies that produce pornography. The Democrats worded the MTR so that no business or individual that produces pornography could receive tax cuts (Strong 2012). This was an attempt to make Republican members seem supportive of granting cuts to pornographers. While the MTR failed, it appeared to have its intended effect as Majority Leader Eric Cantor publically went on the defensive stating that the MTR was simply a 'gimmick' and would not change who received the tax cuts (Strong 2012). Overall, these anecdotes provide some nascent evidence that majority members are quite concerned with how MTR votes are perceived by voters, particularly when the deal with salient issues.

[10] In addition, several pro-life groups including the National Right to Life Committee and Americans United for Life, made statements and issued ads highlighting how supporting the Senate bill was a vote in favor of federally funded abortions. While the MTR was never cited, the implications were clear that members had an opportunity to explicitly ban federally funded abortions.

MTR Votes and Position-Taking

As noted in the previous chapters, position-taking is a strategy implemented by the minority to differentiate its policies from those of the majority, in hopes of facilitating better election results. Ultimately, position-taking predicts that the minority uses MTRs to provide minority members with an opportunity to make a public vote for a policy alternative to the majority's preference. So, whereas cross-pressuring only made prediction about majority votes for MTRs, position-taking only makes predications about which minority members support MTRs and when they do so.

To determine who should be using MTRs for position-taking, I look at who benefits the most from publicly separating themselves from the majority. Simply put, minority members from more extreme districts (i.e., those most ideologically distant from the majority party) benefit most. In extreme minority leaning districts, constituents are far more likely to disapprove of the majority, so members representing these districts are rational in separating themselves from the majority. On the other hand, minority members from moderate districts run the risk of alienating portions of their constituents that prefer the majority party and its policies. Thus, the more extreme a minority member's district is, the more likely they are to support MTRs.

In addition, the ideological position of the legislation matters. The more extreme (to the majority's side) the legislation is, the likely minority members are to support MTRs. More extreme legislation should make minority members from both moderate and extreme districts more supportive of MTRs. In extreme districts, constituents not only disapprove of the majority but extreme majority legislation, so supporting MTRs on extreme legislation is an easy choice for minority members from extreme districts. Moderate districts are less likely to prefer extreme legislation, so a minority member from a moderate district can support MTRs on extreme

legislation and claim they are taking a stand for moderation. Furthermore, these relationships are highlighted on salient legislation. In order to take a position, constituents must be mindful of the issue and the position, thus, the predictions of position-taking are stronger when saliency is high. This yields the following four hypotheses. These hypotheses are similar to the ones for cross-pressuring except they deal with minority members and the district ideological prediction goes in the opposite direction.

Minority District Hypothesis: Minority party members are more likely vote *aye* on MTRs the more extreme their district is.

Minority Extreme Legislation Hypothesis: Minority party members are more likely vote *aye* on MTRs the more extreme the legislation is.

Minority District/Legislation Hypothesis: Majority party members are more likely vote *aye* on MTRs the more moderate there district is and the more extreme the legislation is.

Minority Saliency Hypothesis: the impact of moderate districts, extreme legislation, and the combination of the two, should be stronger when the legislation being considered is salient.

The first three hypotheses highlight a problem with the strategy of position-taking through MTRs. This problem is that position-taking neglects to help the minority members who need it the most. Position-taking through MTRs helps minority members from extreme districts take positions; however, they are coming from extreme districts so they are less likely to need electoral help (Jacobson 1980 & 2004; Carson et al. 2010). It is minority members coming from moderate districts who need the most electoral help, but using MTRs only allows them to take positions when the legislation is extreme. Thus, as a strategy, position-taking through MTRs is only able to help the minority members who need it most part of the time. Cross-pressuring does not suffer similar problems. Cross-pressuring is always able to focus its attention on the most

susceptible majority members. But, if could simply be that the majority dominated nature of the House only allows the minority a strategy where it can only help those who do not need help. If this is the case, and position-taking is motivation MTR use, then the four hypotheses dealing with the minority party should be supported.

Obstruction and MTR Votes

The predictions of the obstruction theory regarding MTR votes are rather straight forward. Scholars argue that minority members are more likely to obstruct and agree with obstruction the further their ideological preferences are from the majority (Rohde 1991; Connelly & Pitney 1994; Dion 1997). The logic is simple, the more extreme a minority member is, the more likely they are to want to prevent the majority from implementing its agenda. Thus, obstruction predicts one rather simple hypothesis.

Minority Member Ideology Hypothesis: Minority party members are more likely vote *aye* on MTRs the more extreme their ideology is.

This hypothesis, however, is problematic. Simply put, it is observationally equivalent with a pure preference model. Krehbeil (1993 & 1998) argues that members of Congress make voting decision solely based on their ideological preferences. Thus, an extreme minority member may support an MTR simply because it is closer to his or hers preferences than the majority's legislation. In this case, the MTR vote is a substantive policy vote for the member, not simply obstruction. However, both obstruction and Krehbiel's pure preference model predict the relationship between ideology and MTR support should be in the same direction so support for one should not forego support for the other. Furthermore, neither theory has direct bearing on my theory of cross-pressuring; I use ideology to test obstruction, even though it has observation equivalence with another theory and actually increases the likelihood of finding

support for obstruction, because it is the best known predictor of which minority members obstruct.

Data and Methods

The hypotheses generated in this chapter operate at two different levels of analysis: the piece of legislation and the member. As a result, I constructed a dataset in which the unit of analysis is the member-legislation dyad. To construct this dataset I focus on those bills and resolutions on which the minority offered a motion to recommit. The dependent variable, then, is how a given member voted on a given motion: an "aye" vote is coded 1 and a "nay" vote is coded 0. Thus once again I employ logit to estimate the dependent variable. I run models for majority and minority members separately to account for the different theoretical predictions of cross-pressuring and position-taking. Since my data are dyadic in nature, all models employ robust standard errors clustered on the individual member.

Several independent variables test the hypotheses of this chapter. First, I control for the ideology of the member of Congress by implementing their DW-NOMINATE score. I adjust DW-NOMINATE in the same manner I did in Chapter 2. The Obstruction theory predicts this variable is negative and significant for minority members. Next, we include our measure of the legislation's location in ideological space, *sponsor ideology*, also once again adjusted so that a positive score reflects the majority party's ideology. Both cross-pressuring and position-taking predict that this variable is positive and significant. In addition, *district partisanship* is the percentage of voters in the district who voted for the presidential candidate of the member's party in the most recent presidential election. Highly pro-majority districts have a high value while moderate districts have a low value. I use the same calculation in both the majority and

minority models. Thus, in the minority models, a low score indicates the constituency agrees with the minority party.

I also include a dummy variable for salience. I derive this measure from the salience score presented in Chapter 2. However, instead of using the raw number of mentions in the *New York Times*, I adjust the score to a dummy with a one representing bills that received at least one mention. I use a dummy for salience instead of the full measure for the sake of parsimony. In the models, salience is interacted with several other variables, to make the results easier to understand, I use the dummy. Finally, I implement several interactions into the models. Specifically, I include a three-way interaction between *sponsor ideology*, *district partisanship*, and the *salience* dummy. The three-way interaction term and all of the constituent two-way interactions are included. This allows me to determine exactly how these three variables are working together to predict MTR votes.

I also include several member-level and bill-level control variables. At the level of the member, I include dummy variables indicating whether the member was *party leader* or a *committee chair (ranking minority member* in the minority models). Bill-level controls include a dummy for *restrictive rules* and *appropriations bills*, as well as the natural *log of the word count* to account for the complexity of the bill. As noted in the previous chapter, cross-pressuring and position-taking predict the minority use MTR more frequently on restrictive rules. In order to determine if similar patterns hold on MTR votes, I use separate models for all legislation, legislation with restrictive rules, and legislation with open rules. The majority results (tests of cross-pressuring are presented in Table 3.1, the minority results (tests of position-taking) are presented in Tables 3.2.

Table 3.1 Probability of Majority Party Members Voting Aye on Motions to Recommit

	All Legislation	Restrictive Rules	Open Rules
DW-NOMINATE	-1.890***	-1.869***	-2.497***
	(0.483)	(0.505)	(0.442)
Sponsor NOMINATE	1.240*	0.739	1.444
	(0.649)	(0.765)	(1.127)
District Partisanship	-0.022***	-0.029***	-0.020
	(0.006)	(0.006)	(0.010)
Salience Dummy	-2.640***	-1.838***	-2.924
	(0.483)	(0.533)	(2.592)
Sponsor * District	-0.062***	-0.040**	-0.162***
	(0.012)	(0.014)	(0.024)
District * Salience	0.070***	0.067***	0.009
	(0.010)	(0.011)	(0.066)
Sponsor * Salience	6.240***	5.423***	2.324
	(1.094)	(1.245)	(5.742)
Sponsor * District * Salience	-0.144***	-0.156***	0.087
	(0.024)	(0.026)	(0.146)
Log of Word Count	0.029***	0.026***	0.167***
	(0.005)	(0.006)	(0.042)
Restrictive Rule	0.516***	--	--
	(0.038)	--	--
Party Leader	-0.688**	-0.621**	-1.980***
	(0.249)	(0.224)	(0.401)
Committee Chair	-0.347*	-0.352	-0.468
	(0.152)	(0.160)	(0.233)
Appropriations Bill	0.032	0.039	0.271
	(0.028)	(0.032)	(0.136)
Constant	0.224	0.878***	-0.497
	(0.229)	(0.265)	(0.617)
N	95808	76907	15047
Pseudo R^2	0.155	0.157	0.365
Log Pseudolikelihood	-21159	-17793	-2042

Note: Standard Errors are in parentheses and are clustered by member. Fixed effects for congressional sessions are not reported. ^p<.1, * p<.05, ** p<.01, ***p<.001, one-tailed tests.

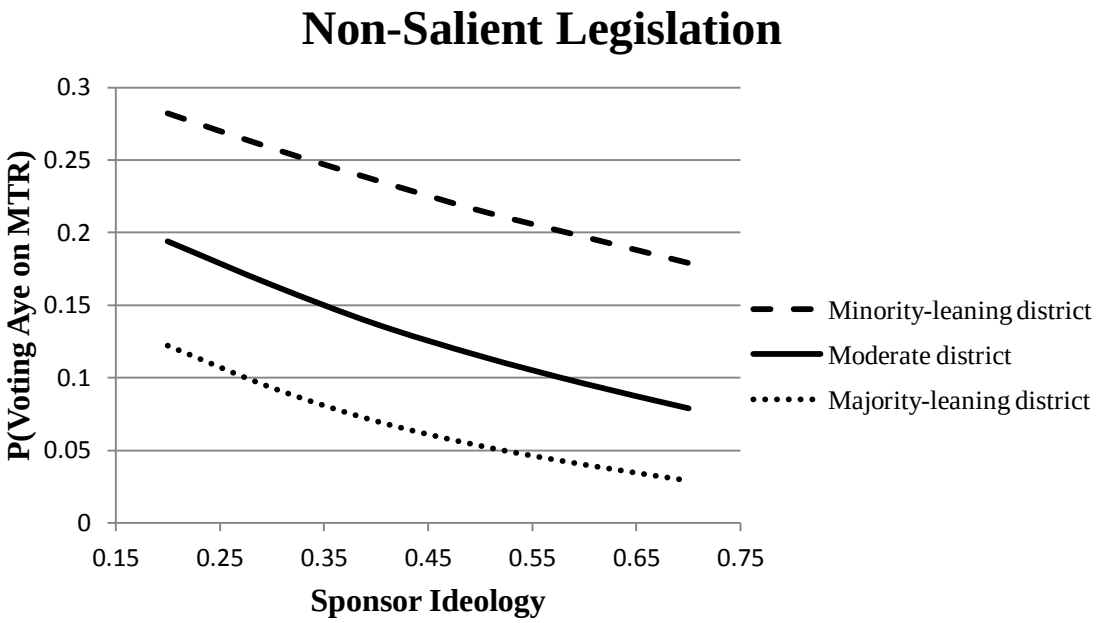
Results for Majority MTR Support

Table 3.1 reports the results for the majority models. In the model with all legislation, all of the variables used to test cross-pressuring (Sponsor *NOMINATE, District Partisanship, salience*), as well as all of their interactions, are significant. In the restrictive rules model *Sponsor NOMINATE* fails to reach significance, but otherwise the results are similar to the full-data model. In the open rules model, however, only the *Sponsor NOMINATE* and *District Partisanship* interaction is significant. This serves as another indication that the minority party primarily uses MTRs to cross-pressure majority party members on bills with restrictive rules. Direct interpretations of interactions (much less three-way interactions) proves difficult, thus I rely on predicted probabilities to aide in interpretation.[11] More specifically, I graph the predicted probabilities of voting *aye* on MTRs depending on the *sponsor's ideology*, for three types of majority districts: minority leaning (districts partisanship set at 39), moderate district (53), majority-leaning district (69). The district partisanship values represent the tenth, fiftieth, and ninetieth percentiles respectively. I present two charts each for the all legislation and restrictive rules models, one for salient legislation, the other for non-salient legislation. I omit charts for the open rules model because much of the predicted interaction breaks down under bills with open rules. The predicted probabilities for the majority model are presented in Figures 3.1 and 3.2. Figure 3.1 shows the probabilities for all legislation; Figure 3.2 shows the probabilities for legislation with restrictive rules.

Figure 3.1 A shows the predicted probabilities for non-salient legislation. For all non-salient legislation, all majority members are less likely to vote *aye* on MTRs the more extreme the legislation's sponsor is, regardless of their district. However, majority members from

[11] Predicted probabilities are obtained using CLARIFY (Tomz et al 2001), with all variables other than the key independent variables set to their median values.

3.1 A



3.1 B

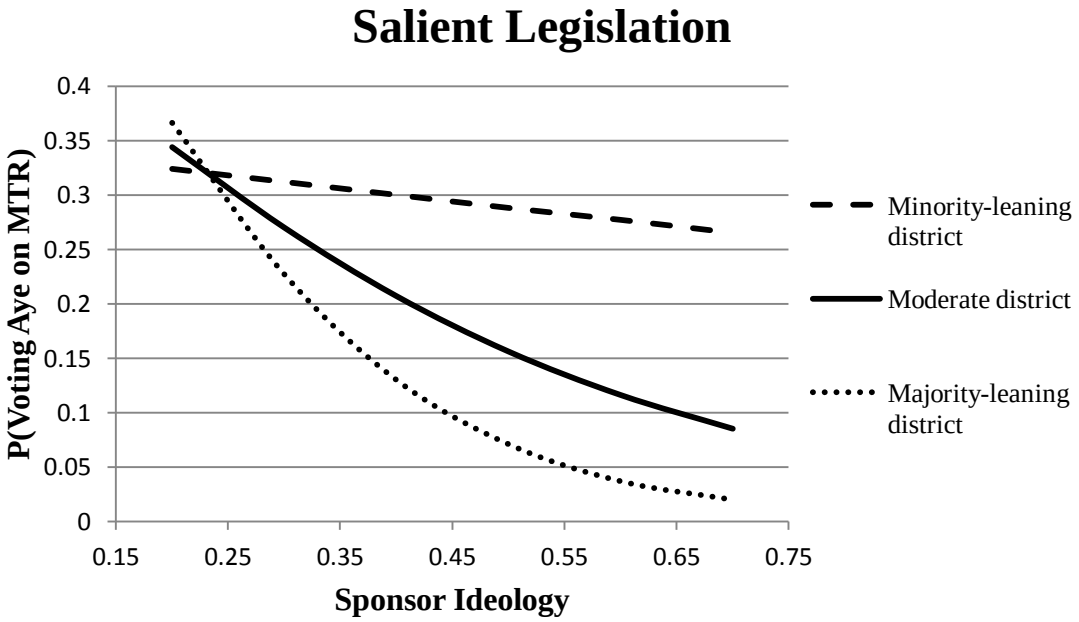


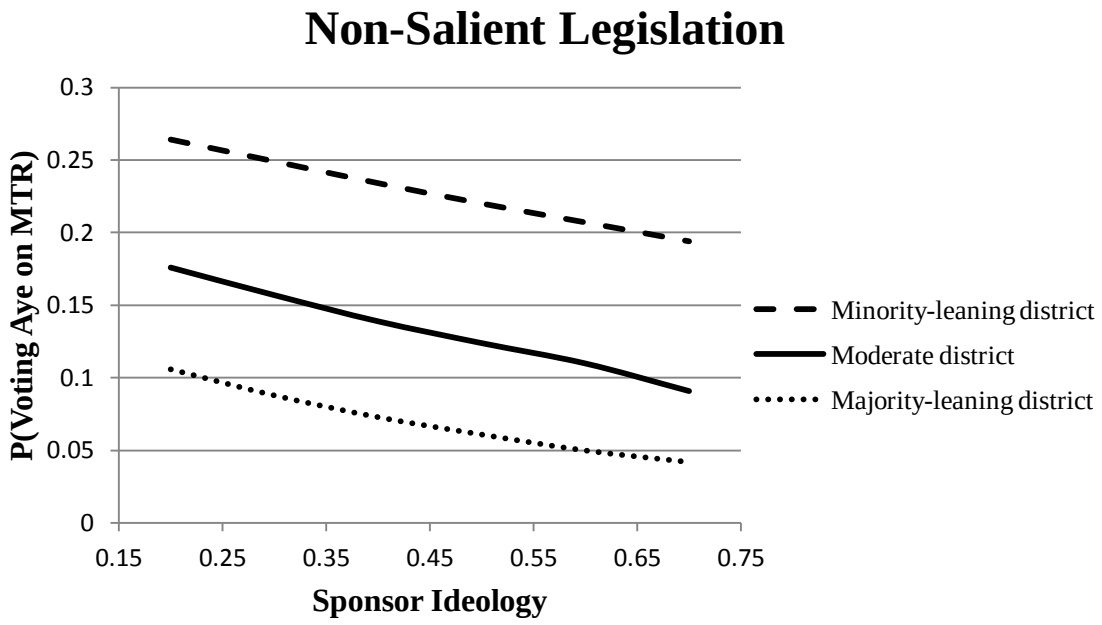
Figure 3.1 Predicted Probabilities of Majority Aye Votes on MTRs, All Legislation

minority-leaning districts are far more likely to support MTRs than those from moderate or majority-leaning districts, regardless of the extremity of the bill. Similar patterns hold in Figure 3.1 B, which looks at salient legislation. Figure 3.1 B shows a greater drop off in the probability of supporting MTRs for majority-leaning districts. Furthermore, the difference in the likelihood of supporting MTRs is greatest between minority-leaning and majority-leaning on extreme legislation with closed rules. This finding is supportive of cross-pressuring as more moderate districts are more likely to support MTRs on more extreme legislation. Figures 3.1 A and B look very similar to the figures in 3.1 and indicate similar findings.

The predicted probabilities simultaneously support and contradict the cross-pressuring theory. On one hand, Figures 3.1 and 3.2 bear out the notion that "minority-leaning" majority districts are more supportive of MTRs. This is seen in the fact that the dashed line and the solid line are consistently above the dotted line. In addition, under restrictive rules majority members from minority-leaning districts are far more likely to support MTRs on extreme legislation than those from majority-leaning districts. Both of these are very much predictions of cross-pressuring. However, cross-pressuring also predicts that the slopes of lines for minority-leaning districts and moderate-districts should be sloping upwards. This would indicate and increased likelihood of supporting MTRs as the ideology of the bill becomes more extreme. However, in all of the figures, all of the lines slope downward, indicating the majority members are less likely to vote for MTRs the more extreme the bill is, regardless of district ideology or salience. This finding is contrary to the predictions of cross-pressuring.

One possible explanation for this finding comes from King and Zeckhauser (2003), who argue that party leaders in Congress use ‘vote options.’ Instead of using the costly and inefficient strategy of ‘vote buying,’ outright purchasing support of legislation whether through

3.2 A



3.2 B

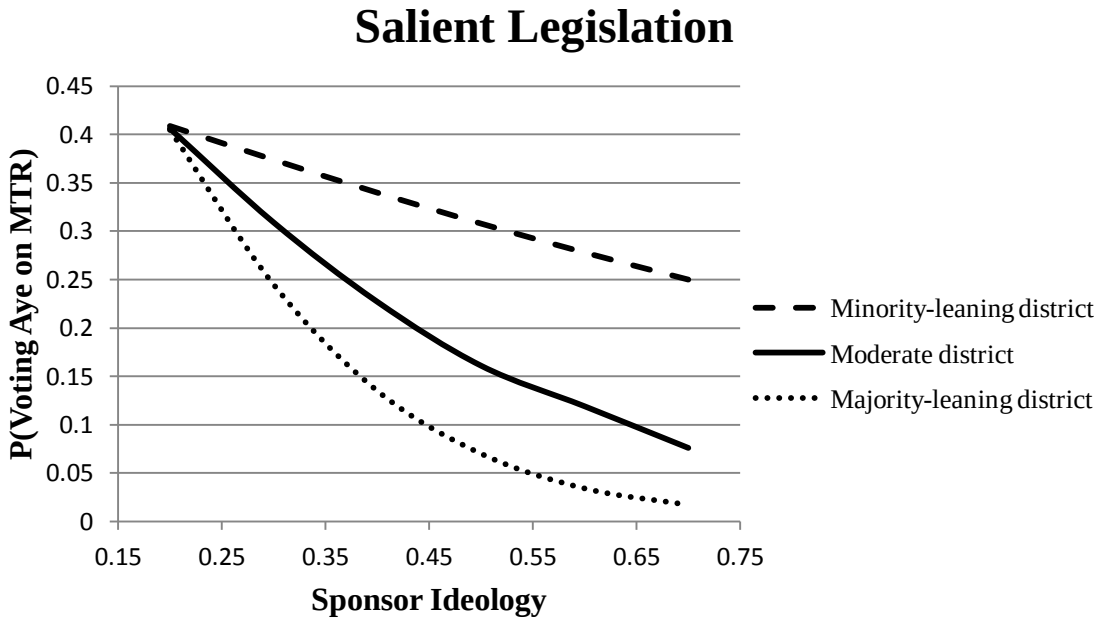


Figure 3.2 Predicted Probabilities of Majority Aye Votes on MTRs, Legislation with Restrictive Rules

sticks or carrots, leaders give electorally vulnerable members vote options, which are only used if needed. This allows leaders to save resources (only using sticks and carrots when needed) and allows vulnerable members to vote with their constituents, without reaping partisan punishment.

Figures 3.1 and 3.2 indicate that majority leaders are activating fewer vote options on moderate legislation than on extreme legislation. According to cross-pressuring, MTRs are moderate by nature, thus, there is far less difference between a moderate piece of legislation and the MTR than an extreme piece of legislation and the MTR. In essence, majority leaders understand that members need to be supportive of their district on MTRs, so they allow members to vote in favor of the MTR on moderate legislation. However, on extreme legislation, leaders need every vote, so they cannot allow vote options and force members to vote against the MTR. Thus, it is more costly for majority members to defect from the party on extreme legislation than moderate legislation, so they are less likely to support MTRs on extreme bills.

This logic is also seen in the differences between minority-leaning and majority-leaning districts in figures 3.1 B and 3.2 B, dealing with salient legislation. On salient legislation, the probability of supporting MTRs for minority-leaning and majority-leaning districts greatly diverges. This indicates that on moderate and salient legislation, majority leaders are allowing more vote options, however, as the extremity of the bill increases, leaders offer few vote options, particularly to majority-leaning districts, as they are less likely to need the option for electoral purposes. In fact, as salient legislation reaches its peak extremity (approximately .7) in either figure, the probability that a member from a majority-leaning district supports an MTR is virtually nil. Once again, indicating majority leaders are issuing some sort of vote option on MTRs, but that the vote options dwindle as legislation becomes more extreme and districts become more partisan.

Overall, the findings of Table 3.1 provide adequate support for cross-pressuring. All of the predictions of cross-pressuring were supported, except for the notion that extreme legislation is more likely to result in MTR support from majority members. However, this contrary finding can be explained using existing knowledge of how majority leaders negotiate and purchase votes among the rank-and-file.

Results for Minority MTR Support

Table 3.2 reports the results of the minority party models. Specifically, these models are used to test the predictions of the position-taking and obstruction theories. First, in all three models, *DW-NOMINATE* is negative and significant, supporting the prediction of obstruction. This indicates three possibilities. First, the minority party is implementing MTRs as a form of obstruction. Second, minority members use their pure preferences (Krehbiel 1998) to make MTR voting decisions. Third, the some combination of the first two explanations describes minority voting on MTRs. Due to the observational equivalence of the *minority member ideology hypothesis* it is impossible to tell what is driving this results, however, it is clear that ideology plays a significant role in determining the MTR votes of minority members.

The predictions of position-taking receive moderate support at best. Minority members from more extreme districts are more likely to support MTRs. This finding is seen in Table 3.2 with the positive and significant results for *district partisanship*, and in Figures 3.3 and 3.4, in which the lines representing extreme minority districts are consistently above the other two lines.[12] However, the other predictions of position-taking do not find support in the results. Specifically, bill ideology does not increase MTR support. According to the predicted probabilities, minority members from minority-leaning districts almost always support MTRs,

[12] The predicted probabilities for the minority figures were calculated in the same fashion as the majority figures. Note, however, the in the minority figures, minority-leaning districts are now the extreme districts and majority-leaning districts are the moderate districts.

Table 3.2 Probability of Minority Party Members Voting Aye on Motions to Recommit

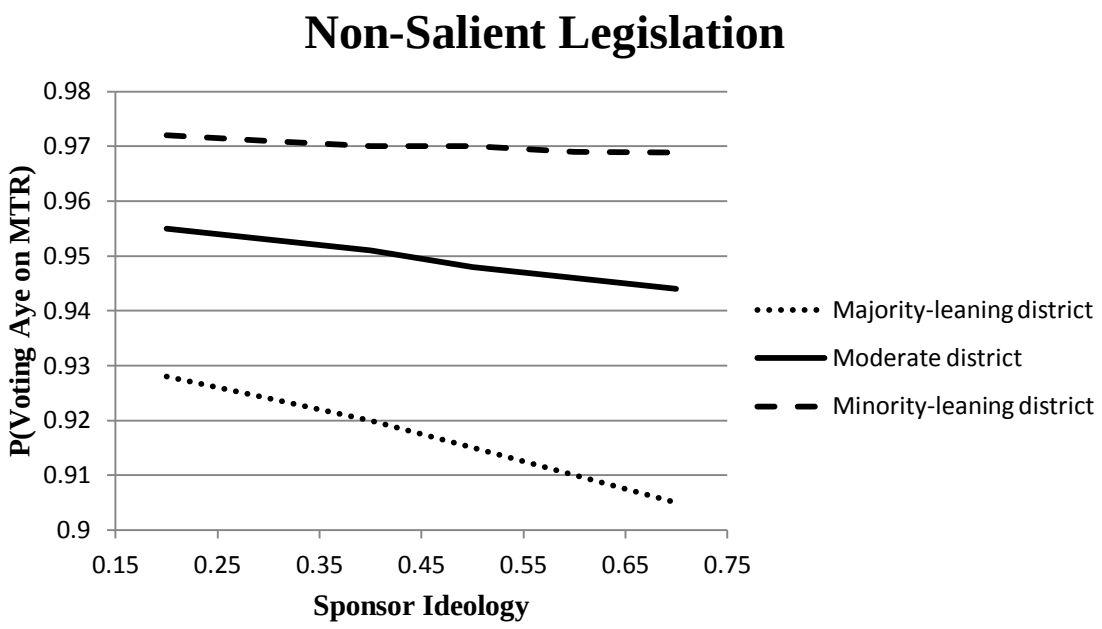
	All Legislation	Restrictive Rules	Open Rules
DW-NOMINATE	-1.907***	-1.935***	-2.024***
	(0.295)	(0.330)	(0.293)
Sponsor NOMINATE	-1.020	-0.621	-1.728
	(0.567)	(0.581)	(1.279)
District Partisanship	0.033***	0.041***	0.014
	(0.005)	(0.006)	(0.010)
Log of Word Count	-0.016	0.039***	-0.244***
	(0.007)	(0.008)	(0.019)
Salience Dummy	1.564**	1.486*	0.501
	(0.597)	(0.755)	(1.015)
Sponsor * District	0.011	0.006	0.017
	(0.010)	(0.011)	(0.023)
District * Salience	-0.014	-0.014	0.048**
	(0.012)	(0.015)	(0.021)
Sponsor * Salience	-4.543***	-4.423***	-1.553
	(1.184)	(1.393)	(2.279)
Sponsor * District * Salience	0.055*	0.055^	-0.080
	(0.024)	(0.028)	(0.045)
Party Leader	0.674**	0.768**	0.456
	(0.219)	(0.276)	(0.221)
Ranking Minority Member	0.128	0.182^	0.009
	(0.094)	(0.110)	(0.103)
Appropriations Bill	0.368***	0.195***	0.654***
	(0.036)	(0.048)	(0.071)
Restrictive Rule	0.459***	--	--
	(0.039)	--	--
Constant	0.288	-0.101	2.987***
	(0.288)	(0.318)	(0.603)
N	82842	66642	16200
Pseudo R2	0.116	0.127	0.139
Log Pseudolikelihood	-22038	-16362	-5221

Note: Standard Errors are in parentheses and are clustered by member. Fixed effects for congressional sessions are not reported. ^p<.1, * p<.05, ** p<.01, ***p<.001, one-tailed tests.

regardless of the bill ideology. In addition, members from moderate or majority-leaning districts are less likely to support MTRs on extreme legislation, particularly when the legislation is salient. This finding explicitly highlights the problem with position-taking as a strategy. Minority members from moderate districts do not take advantage of the strategy when they need it most, on extreme and salient legislation. Furthermore, members from extreme districts, who do not necessarily need to position-take, are those that benefit from the strategy the most.

Bill ideology is not acting as position-taking predicts, in reality minority members from more moderate districts are less likely to support MTRs on extreme and salient legislation. Thus, the results do not conform to the expectations of position-taking, which provides yet more evidence that the primary motivation behind MTR support is cross-pressuring. Ultimately, the data show two very clear trends among the minority party. The first is that individual ideology matters. More extreme minority members are far more likely to support MTRs. The second is that minority members from more moderate districts are less likely to support MTRs on extreme and salient legislation. I posit that both of these trends are explained by the notion that the minority is using MTRs for cross-pressuring. If the minority is using MTRs for cross-pressuring, minority leaders should not care how their members vote. Thus, minority members are left to their own devices to determine MTR votes. Minority members in turn rely on their own ideological preferences, or if they are from a more moderate districts decide to vote against the MTR if the bill is extreme and salient, not wanting to appear too partisan. This explanation loses some credence to the obstruction hypothesis. Technically, extreme minority members may be attempting to obstruct, not just voting their preferences. However, in the next chapter, I show that obstruction is not a likely motivation for introducing MTRs because these motions do not substantively slow the House legislative process.

3.3 A



3.3 B

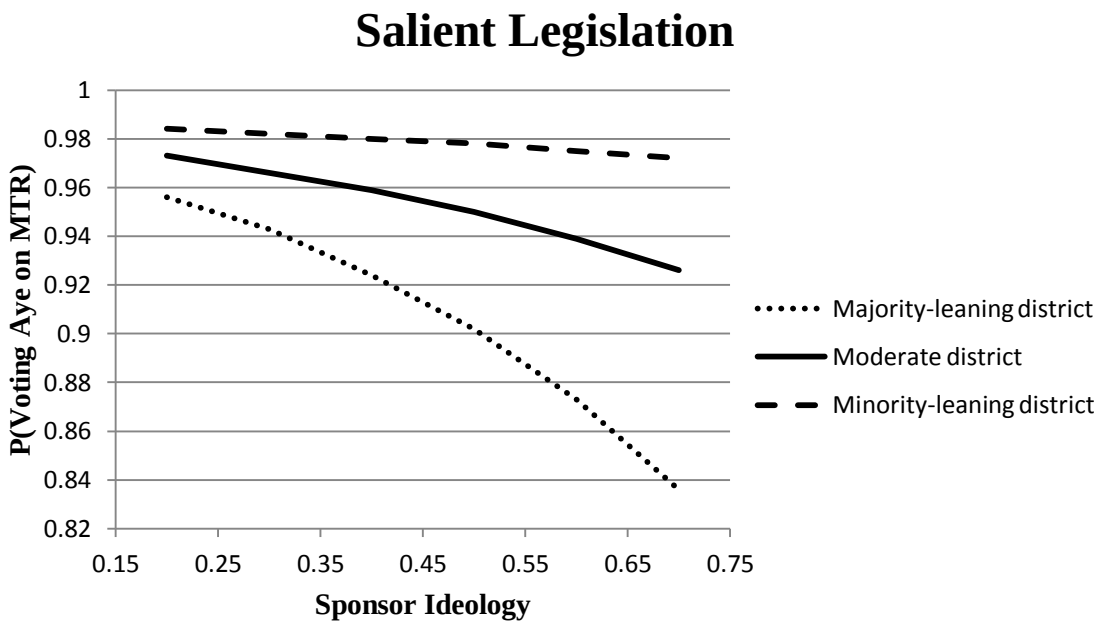
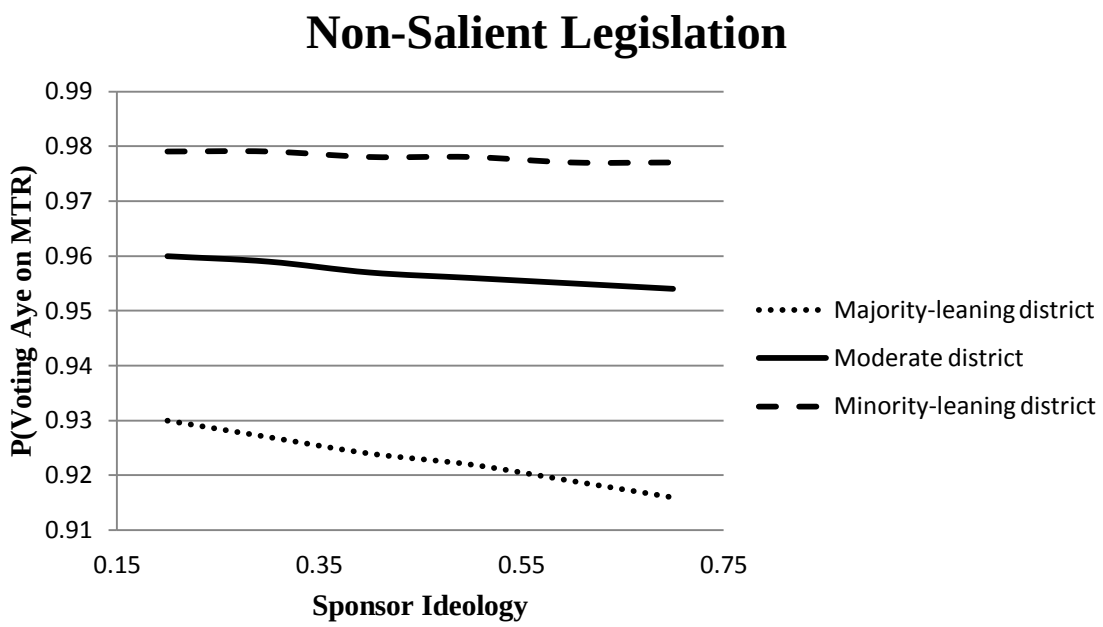


Figure 3.3 Predicted Probabilities of Minority Aye Votes on MTRs, All Legislation

3.4 A



3.4 B

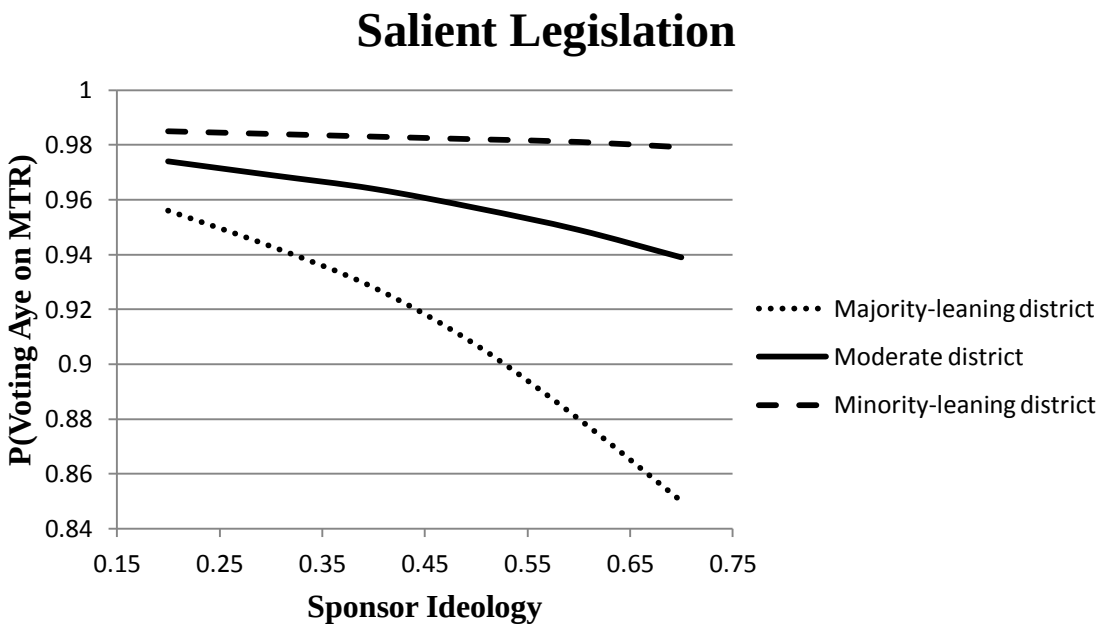


Figure 3.4 Predicted Probabilities of Minority Aye Votes on MTRs, Legislation with Restrictive Rules

Conclusion

This chapter presented and tested the theoretical regarding support for MTRs. Ultimately, this chapter provides the most support to cross-pressuring. Majority members from moderate districts are more likely to support MTRs, particularly on extreme and salient legislation. This finding very much implies that the minority crafts MTRs to attract policy moderates and that moderate majority members are very much aware and concerned about how their MTR votes are perceived by voters. The empirical tests of this chapter, however, provide one slight obstacle for cross-pressuring. Cross-pressuring predicts that moderate majority members are more supportive of MTRs the more extreme the legislation is. This prediction is not directly supported in the results. However, a rather straightforward explanation can be used to see why this prediction is not practically realized. Simply put, majority leaders appear more willing to let the rank-and-file defect on moderate legislation than extreme. Overall, cross-pressuring is the best explanation of MTR support.

Position-taking receives only a modest amount of support. Position-taking posits that minority members from extreme districts are more likely to approve MTRs. This finding is borne out, however, the rest of the predictions of position-taking are not supported. Thus, it does not appear that position-taking is not used by minority members when making voting decisions on MTRs.

Obstruction, likewise receives only modest support. While the specific hypothesis predicted by obstruction is supported, it is not theoretically clear if the hypothesis is truly addressing obstruction. The same hypothesis could be used to test the ideological preferences of minority members. If ideology is a proper proxy for the desire to obstruct, then obstruction receives support, if not, then minority members are simply making preferential votes, not

obstruction votes. Unfortunately, due to the equivalency of the theoretical expectations there is no way to determine which theory is being supported. Furthermore, if MTR votes are pure preference votes for minority members, then this finding actually supports cross-pressuring. While cross-pressuring makes no specific predictions about minority votes, it implies that the minority is concerned about majority behavior on MTRs, not minority behavior. Thus, minority leaders leave MTR decisions up to the members themselves and simply decided based on their ideology.

Chapter 4

Effects of Motions to Recommit

Throughout this project I have focused on three theories that seek to explain the minority's use of the motion to recommit in the House. In this chapter, I examine what each theory predicts about MTRs' broader legislative and electoral effects. I then test these predictions to determine which theory best represents the ultimate effects of MTRs. I conduct analysis of the impact of MTRs on both the majority and minority party, in addition to an analysis of how successful MTRs are at delaying the House legislative process. Determining the legislative outcomes of MTRs establishes whether the minority is aggressively attacking the majority, obstructing the majority, or simply taking care of its own positions.

Cross-Pressuring and Majority Election Results

For cross-pressuring to be an effective strategy, MTR votes must impact majority member's vote shares. Cross-pressuring is an electoral strategy that intentionally targets majority members from moderate districts who are forced to vote on ideologically extreme legislation. The end result is that these certain majority members must choose between their district or party, and due to the heavy influence of majority leaders on procedural votes (Ansolabehere et al. 2001; Jenkins et al 2005; Snyder and Groseclose 2000), voting with the district is unlikely. Thus, the goal of cross-pressuring is to cause electoral damage to majority party members, particularly those from moderate districts.

If, however, voters do not notice MTRs and do not punish members of Congress for MTR votes, then cross-pressuring is not a viable strategy for the minority party. This begs the question; do voters notice and punish members of Congress (specifically majority members) for MTR votes that go against the district's preferences? At first glance, the answer to this question

appears to be ‘no.’ American political knowledge is dreadfully low (Delli Carpini and Keeter 1996), to the point that most Americans cannot identify their members of Congress, much less how they vote on minute procedures. However, a closer look at the congressional literature, as well as news and academic accounts of MTRs, reveal a different picture.

First, the literature reveals that individual votes cast in the House can have a significant impact on electoral outcomes. Carson and Bovitz (2006) show that more controversial votes, as well as votes that increase intra-party disagreement, garner the interest of attentive publics (e.g. interest groups and challengers). These attentive publics (Arnold 1990) use their influence over voters to impact elections. Furthermore, Nyhan et al. (2012) argue that individual votes can make members seem ideologically extreme, and voters in turn punish members at the polls for being extreme. Hence, existing evidence shows that there is a significant correlation between member’s roll call decisions and their vote shares, with more ideologically extreme, controversial, and partisan votes causing the most damage to vote shares. In addition, strong evidence suggests that party loyalty is detrimental to member’s electoral chances (Carson et al. 2010). Thus, just as individual roll call votes can be detrimental to vote shares, so too are high levels of party loyalty. Cross-pressuring very much plays off of this notion. So, even if voters do not pay attention to MTR votes the minority is still providing majority members opportunities to increase their party loyalty, which could prove detrimental to the majority members.

Second, the minority party takes pains to publicize MTR votes. During the 110th Congress, for example, minority Republicans used to the motion "to incorporate language that would put Democrats on record as having voted...for example against a proposed tax cut....[They] crafted motions designed to put conservative and moderate Democrats in Republican-leaning districts on the spot... When a conservative Democrat voted against [a

motion to recommit], the Republicans were often quick to shoot out press releases highlighting his or her vote " (Peters and Rosenthal 2010). Throughout 2011 and 2012, the now Democratic minority returned the favor by using MTRs to force Republicans to vote against publicly disclosing whether they accept government sponsored health insurance (Hunter 2011) and expansion of grants aimed at preventing domestic violence in the 2012 Violence Against Women Act (Clawson 2012). More specifically, a recent press release from Rep. Jerrold Nadler (Democrat NY-8) criticized members of the Republican majority for rejecting an MTR that provided twenty million dollars in grants for domestic violence prevention (Nadler, May 10, 2012).[13] Thus, the minority certainly uses MTRs to publically frame members of the majority as deviating from the wishes of voters. Furthermore, the strategy appears to somewhat effective as several media reports on the 2012 Violence Against Women Act indicate that Republicans were under fire for the content of the legislation and their refusal to include Democratic expansions of grants and protections (Pear 2012; Kapur 2012). Those expansions were proposed in the MTR.

Ultimately, cross-pressuring predicts that voters notice and punish majority members for improper MTR votes and furthermore that the effect of MTRs on electoral outcomes is stronger in moderate districts than extreme. Specifically, two hypotheses are derived regarding the effect of MTRs on majority electoral success.

Cross-pressuring Hypothesis 1: The more a majority member votes in favor of MTRs (thereby voting against his or her party) the higher his or her vote share is. Conversely, the more a majority member votes against MTRs (for the party, against the district) the lower the vote share. This hypothesis tests whether voters notice and punish majority members for MTR votes that deviate from the district. While brief anecdotal evidence of this hypothesis is provided

[13] House Minority Leader Nancy Pelosi gave a similar account of the Violence Against Women Act of 2012 in a press release, however, she does not specifically mention the MTR (Pelosi 2012).

above, I conduct a systematic test to determine whether MTRs impact majority vote shares over a large time frame including many issues.

Cross-Pressuring Hypothesis 2: The effect of MTR support on majority vote shares is stronger in moderate districts than extreme districts. If the minority is cross-pressuring, then they are crafting MTRs to be attractive to policy moderates. This means that MTRs will not be preferred by extreme majority districts. As such, majority members from extreme districts can vote against MTRs without fear of electoral punishment. However, moderate districts prefer the MTR, so majority members from these districts will be punished for voting against MTRs.

Position-Taking and Minority Election Results

As noted throughout this project, MTRs allow the minority to obtain a vote on its policy preference, regardless of the rules governing the bill. The minority, it is thought, can use this ability to differentiate itself from the minority, in essence using MTRs for position-taking (Wolfensberger 2007; Oleszek 2011). If the minority is using MTR for position-taking purposes, then the end result is that supporting MTRs should increase the electoral success of minority members. Simply put, position-taking is designed to assist re-election goals (Mayhew 1974), so the minority should be reaping electoral assistance from MTRs, if their purpose is position-taking. More specifically, minority members who support MTRs are doing so wanting to, not only establish their position, but also differentiate themselves from the majority because they feel their voters do not like the majority's position. This logic reveals two predictions.

Position-taking Hypothesis 1: The more a minority member supports MTRs, the higher his or her vote share is. If minority members see electoral advantages in distinguishing themselves from the majority, they can do so by supporting MTRs. Thus, the more a minority member chooses to support MTRs, the more electorally successful he or she should be.

Position-taking Hypothesis 2: The effect of MTR support on minority vote share is stronger in more extreme districts. In extreme minority districts, voters are less likely to prefer the majority, thus, minority members are rewarded more for distinguishing themselves from the majority. Again, this highlights the problem with using position-taking as a strategy. It helps the minority members who need it least. Extreme members need electoral help less than moderate members, and need less assistance in differentiating themselves from the majority. Thus, position-taking is not helping the minority members who need it most.

Obstruction and the House Process

In addition to influencing electoral outcomes, it is believed that MTRs delay or obstruct House floor proceedings (Lynch 2008). To be clear, Lynch gives a procedural account of MTRs with few theoretical implications. However, she reveals several quotes and floor comments from majority members of Congress that express concern that the minority uses MTRs for obstruction slowing down the House process (Lynch 2008). Thus, it is evident that members of House themselves feel MTRs can be exploited to obstruct the legislative process.

On the other hand, academic accounts of House procedures provided mixed evidence on the question of whether the minority is able to obstruct the majority. Scholars argue that certain House procedures like points of order (Dion 1997), discharge petitions (Binder 1997), and journal votes (Rohde 1991) obstruct the majority and stall the legislative process. However, Cox and McCubbins (2005) have shown that modern rule changes have consistently favored the majority and Patty (2010) argues that even seemingly obstructive tactics like journal votes are used to benefit the majority party. Ultimately though, no existing study directly has directly addressed whether the minority can actually slow down or prevent the majority's agenda, so much of the claims regarding obstruction are speculative and theoretical.

If MTRs are valid tools of minority obstruction then they should be able to significantly and substantively stop or slow down the legislative process in the House. Testing this claim not only speaks to the strategies of the minority but also to the agenda control of the majority. If MTRs can successful obstruct the majority agenda control, then standing assumptions of majority powers in the House must be reconsidered (Cox and McCubbins 1993 & 2005; Sinclair 1997; Roberts 2005; Cox et al. 2002). Ultimately, Obstruction makes one prediction regarding the effects of MTRs.

Obstruction Hypothesis: Motions to recommit increase the amount of time it takes to pass legislation on the House floor.

Majority Election Results Analysis

In this section, I examine whether votes on the motion to recommit influence majority members' vote shares when they run for reelection and thus, whether voter notice MTR votes and punish members of Congress for supporting the party on MTRs. To do this, I estimate an OLS model with the dependent variable being the member's share of the two-party vote. For this estimation, I include all majority party members seeking reelection between 1978 and 2004. The key independent variable is *MTR support*, coded as the percent of all votes to adopt a motion to recommit which the member voted "aye" on. A high value of *MTR support* indicates that the member sided with the minority party, and against his party, often. I predict that consistent party support (low values of *MTR support*) leads to lower vote shares, and voting with the minority (high values of *MTR support*) leads to higher vote shares. Thus, the prediction I test is that the coefficient on *MTR support* is positive and significant. Furthermore, I interact *MTR Support* with *district partisanship*, the vote share the presidential candidate of the incumbents party

received in the previous presidential election, to test the *Cross-pressuring Hypothesis.* I expect the coefficient on the interaction to be negative and significant.

The degree to which a member votes with the party on motions to recommit is closely related, both theoretically and empirically, with his or her level of party support more generally. I operationalize broad party support as the traditionally-used *party unity* score, coded as the percent of times a member votes with the party, on those votes in which a majority of one party vote against a majority of the other party. Theoretically, I should expect that members who are willing to defy their party will express this defiance, in part, on votes to adopt the motion to recommit. Empirically, this bears out in my data, as *MTR support* and *party unity* score correlate at r=.71 among majority party members. Since *party support* has already been shown to negatively affect members' vote shares (Carson et al 2010), this sets up an inferential problem for this analysis. If I find a significant relationship between *MTR support* and vote share, this may simply reflect a more general party unity affect. In other words, the correlation might be caused by the members' overall levels of party unity, and not specifically by votes on whether to adopt the motion to recommit. As a result, I include *party unity* as a control variable in several of the models I present. *Party unity* should be negatively related to vote share, as a positive score indicates high support for the party.

Other control variables account for factors which are commonly found to influence congressional elections. *Presidential vote* is, as above, the share of the two-party vote that the presidential candidate of the incumbent's party received in the congressional district. *Challenger Quality* is a dummy variable coded 1 if the challenger had previously held elective office and 0 otherwise. *Spending gap* measures the degree of advantage (or disadvantage) the incumbent had in electoral spending. It is measured as the natural log of challenger expenditures minus the

natural log of incumbent expenditures. *Freshman* is a dummy variable coded 1 if the incumbent is a freshman, 0 otherwise, and is multiplied by -1 for members not of the president's party. *Presidential approval* is the Gallup score taken during the fall of the election year. *Change in Real Disposable Income* is taken from the third quarter of the election year. Finally, I include election-year dummy variables to account for fixed effects by year. In general, my models emulate Carson et al's (2010) Table 1, Model 4.[14]

The results of my models are presented in Table 4.1. The election year dummies are not reported. For the sake of illustration, Model 1 includes *MTR support*, but not *party unity*. Results are as predicted: *MTR support* is positive and significant. Since these models are OLS, coefficients are directly interpretable. The range on *MTR support* is from 0 (indicating that the majority member voted with his or her party on every vote to adopt the motion to recommit) to 1 (indicating that the member voted with the minority party on every such vote). Thus, the coefficient represents the expected difference in vote share between members on the extremes of the theoretical range for *MTR support*. In this case, the empirical range matches the theoretical - at least some majority members supported none, and some supported all, of the motions to recommit in each Congress. According to Model 1, the members who supported all MTR scores would be expected to do 4.64 percentage points better at the polls than the members who stuck with their party and voted against all of the motions to recommit.

A tougher test of the effect that motions to recommit can have on majority members' vote shares is presented in Model 2, which includes *party unity*. Here, *party unity* has the expected positive and significant relationship with vote share. More interesting for my purposes is that *MTR support* remains positive and significantly related to vote share. The effect of MTR support

[14] The major difference between my model and that of Carson (2010) is that they run a 2SLS to account for the endogeneity between DW-NOMINATE and party unity. Since I do not include DW-NOMINATE in my model, we estimate only the second stage of their model.

Table 4.1 Support for Motions to Recommit and Reelection Vote Shares For Majority Party Members

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
District Partisanship	29.7***	32.8***	31.7***	33.9***	-4.19	3.34
	(1.45)	(1.54)	(1.76)	(1.81)	(11.5)	(8.78)
Quality Challenger	-1.58***	-1.50***	-1.59***	-1.52***	-1.53***	-1.54***
	(.334)	(.332)	(.334)	(.332)	(.331)	(.331)
Spending Gap	-2.05***	-2.07***	-2.05***	-2.08**	-2.09***	-2.09***
	(.093)	(.092)	(.093)	(.092)	(.092)	(.092)
Freshman	1.32**	1.21**	1.31***	-1.21***	1.22**	1.22***
	(.427)	(.425)	(.427)	(.424)	(.424)	(.424)
Presidential Approval	.047	.037	.044	.035	.029	.029
	(.137)	(.136)	(.137)	(.136)	(.136)	(.136)
Δ Real personal income	-.366	-.416	-.404	-.439	-.481	-4.88
	(.401)	(.399)	(.402)	(.399)	(.398)	(.398)
Lagged Incumbent Vote	.348***	.333***	.345***	.331***	.326***	.325***
	(.018)	(.017)	(.017)	(.017)	(.017)	(.017)
MTR Support	4.64***	1.72*	11.65***	6.28	-2.91	1.74*
	(.845)	(.998)	(.377)	(3.89)	(4.76)	(.995)
MTR Support*District Partisanship	--	--	-13.84*	-8.83	9.01	--
			26)	(7.28)	(9.02)	
Party Unity	--	-7.54***	--	-7.31***	-26.9***	-23.3***
		(1.39)		(1.41)	(6.04)	(4.82)
Party Unity*District Partisanship	--	--	--	--	40.2***	33.1***
					(12.1)	(9.72)
Constant	21.7***	28.0***	20.9***	27.3***	46.0***	42.2***
	(1.14)	(1.61)	(1.21)	(1.71)	(5.88)	(4.48)
N	1968	1968	1968	1968	1968	1968
Adj R^2	.558	.561	.556	.559	.559	.558

Note: Standard Errors are in parentheses and are clustered by member. Fixed effects for congressional sessions are not reported. ^p<.1, * p<.05, ** p<.01, ***p<.001, one-tailed tests.

is attenuated to be sure - the maximum effect that these votes can have on members' vote share is estimated to be only 1.72 percentage points here. However, it is notable that at least some vestige of the relationship exists independently of the relationship between party unity and vote share more generally - especially since the votes used to calculate members' *party unity* scores included votes on whether to adopt motions to recommit. Also because of this, I find it unlikely that the true magnitude of the effect of recommittal votes - in and of themselves, independent of other displays of party unity - have on majority vote shares is reflected in either Model 1 or Model 2. Rather, I believe that the true magnitude lies somewhere in between those two figures.

Models 3-5 investigate whether the effect of *MTR support* on majority members' vote shares is greatest in moderate districts. I do this by interacting both *MTR support* and *party unity* on *district partisanship*. Taken as a whole, the results of these models indicate that this is likely not the case. When *MTR support*district partisanship* is included in a model which lacks Party Unity, the relationship is significant and in the expected direction (Model 3). However, reintroducing *party unity* to the model (Model 4) renders the interactive variable not significant. Also, in this model, *MTR support* itself falls just short of statistical significance ($p < .052$, one-tailed test). Model 5 includes both *party unity* and *party unity*district partisanship*, and here as well neither *MTR support* nor *MTR support*district partisanship* is significant. Although, *party unity* and *party unity*district partisanship* are both strongly significant, indicating that partisan legislative behavior is most costly to majority members in moderate districts. Finally, Model 6 confirms that the relationship between *MTR support* and members' vote share - unaffected by an interaction - survives when I include *party unity*district partisanship* in the model. Results indicate that the relationship is still statistically significant, as both the coefficient and standard error on *MTR support* are virtually unchanged from Model 2.

Overall, these results provide decent support for cross-pressuring. While the relationship between *MTR support* and vote shares is influenced by party unity (see Models 4 & 5), the expected relationship remains even after the inclusion of the proper party unity controls (Model 6). This indicates that cross-pressuring assists the minority in achieving its primary goal, obtaining majority status. This finding is further cemented in Figure 4.1which plots the predicted probabilities of the impact of *MTR support* in both moderate and extreme districts from Model 3 of Table 4.1.[15] In Figure 4.1, the solid line represents moderate districts. If a majority member from a moderate district goes from never supporting MTRs (always voting with the party and thus against the district) to always supporting MTRs (supporting the district and not the party), they can expect a roughly five percent increase in their vote share, with all of the controls set at their median. The dashed line represents extreme districts. If a majority member from an extreme district moves from no MTR support to full MTR support they can expect around a two percent increase in their vote share. Furthermore, the marginal effects of the two lines indicate that the impact of *MTR support* in moderate districts is significant, while the impact on extreme districts is insignificant. Ultimately, these findings support both of the predictions cross-pressuring makes regarding majority vote shares.

Minority Election Result Analysis

To test the ultimate predictions of position-taking, I estimated a model using much of the same data as above but for the minority party. More specifically, the model I use replicates Model 4 of Table 4.1, but for minority party members. I use this model because *MTR score* and the interaction fail to reach significance in any other specification. Thus, the model is the best

[15] Predicted probabilities are obtained using CLARIFY (Tomz et al 2001), with all variables other than *MTR score*, *district partisanship*, and *MTR*District* set to their median values. A moderate district is defined as having a district partisan score at .45, an extreme district is defined at .70. The lines represent the full range of MTR scores. In the majority, some members had perfect MTR support (1), while other had a perfect lack of support (0). Thus, the lines trace the expected change in vote share as a member of the majority goes from no to perfect support of MTRs.

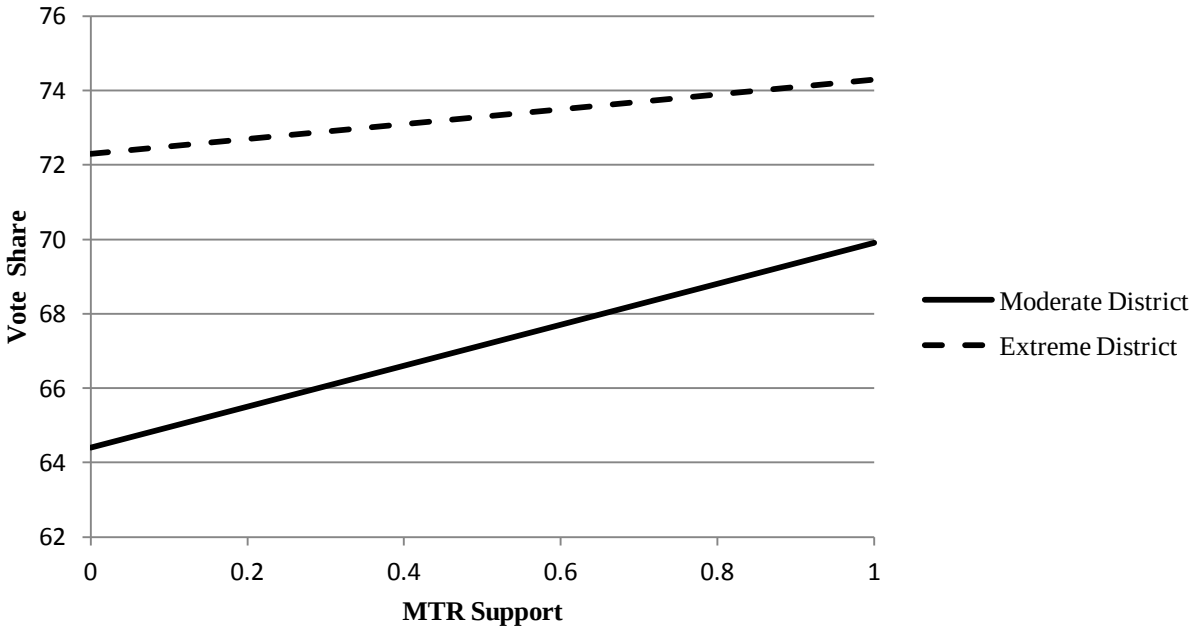


Figure 4.1 Predicted Probabilities of the Effect of MTR Support on Majority Vote Shares

case scenario for position-taking. In order to find support for position-taking the results must indicate that *MTR support* increases minority member's electoral share and that the effect is greater in extreme districts. Table 4.2 reports the results for the minority model. The *MTR support score* is significant, as well as the interaction between *MTR support* and *district partisanship*. However, *district partisanship* by itself is insignificant. To provide a more clear explanation of the interactive effect, I provide the predicted probabilities of minority members' electoral shares in Figure 4.2. The predicated probabilities were calculated using the same method as those in Figure 4.1.

Figure 4.2 shows that there is a substantive difference between moderate and extreme majority districts. In fact, minority members from extreme districts receive a great deal of benefit from supporting MTRs. Vote shares increase five percent for minority members from extreme districts who go from not supporting MTRs at all to having full MTR support. This result supports position-taking because, not only does MTR support increase electoral success for minority members but much more so for those from extreme districts. However, minority members from moderate districts do not receive any sort of benefit from supporting MTRs, in fact, they are punished. If a minority member from a moderate district goes from no MTR support to full MTR support, their vote share drops by approximately three and a half percent. This finding goes against *position-taking hypothesis 1* which states MTR support should help minority members. Furthermore, Figure 4.2 drives home the point that position-taking as a strategy itself is flawed because it does not help the minority members who need it most.

MTRs as Obstruction Analysis

MTRs are only a viable dilatory tactic if they actually obstruct or slow down the legislative process in the House. I test the dilatory capacity of MTRs by looking at the time it

Table 4.2 Support for Motions to Recommit and Reelection Vote Shares For Minority Party Members

	Model 1
District Partisanship	-4.276
	(6.456)
Quality Challenger	-1.842***
	(0.368)
Spending Gap	-2.503***
	(0.111)
Freshman	1.714***
	(0.433)
Presidential Approval	0.226***
	(0.018)
Midterm Election	-4.821***
	(0.388)
Party of President	2.523***
	(0.429)
Δ Real personal income	-0.226*
	(0.091)
Lagged Incumbent Vote	0.316***
	(0.018)
MTR Score	-18.399***
	(4.294)
District Partisanship * MTR Score	33.655***
	(7.503)
Party Unity	-0.052***
	(0.012)
Constant	45.820***
	(3.826)
N	1551
Adj R^2	0.668

Note: Standard Errors are in parentheses and are clustered by member. Fixed effects for congressional sessions are not reported. ^p<.1, * p<.05, ** p<.01, ***p<.001, one-tailed tests.

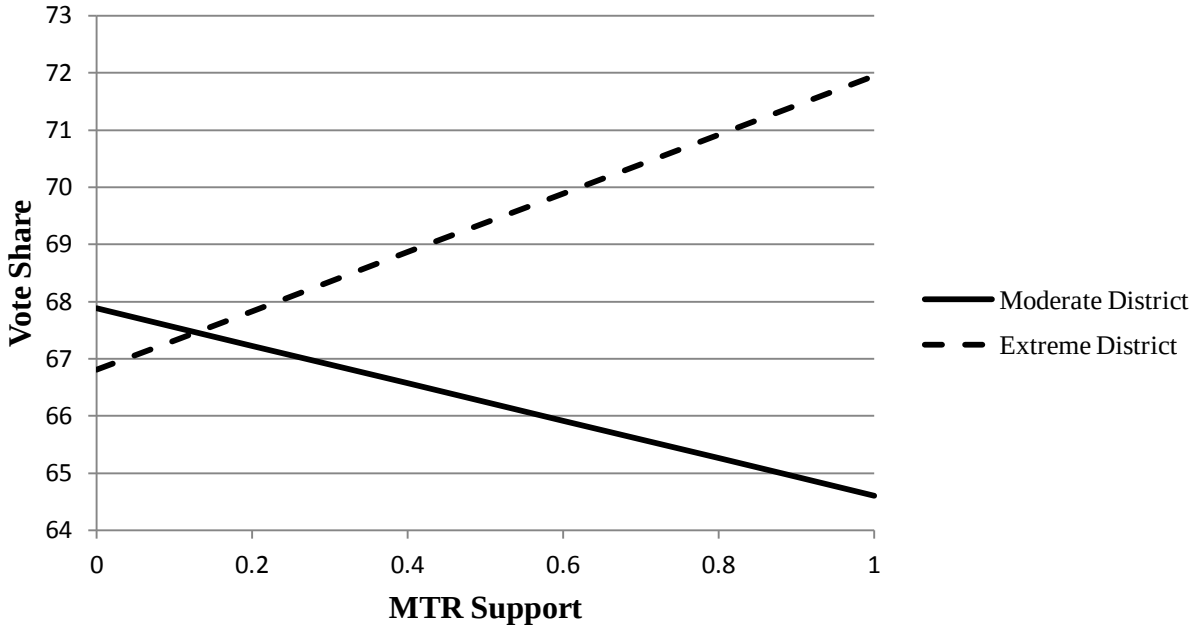


Figure 4.2 Predicted Probabilities of the Effect of MTR Support on Minority Vote Shares

takes for legislation to make it through the House floor process. I create a variable called *passage time*, which calculates the time it takes a bill to pass from the time it received its first legislative action on the House floor. I collected this data using the date and time stamp from the legislative history from the Library of Congress' website which warehouses information on bills and their passage through the legislative process, *Thomas.loc.gov*. *Passage time* is constructed from the date, hour, and minute each legislation received its first floor action, and the same information about when the bill passed. If a bill did not pass the chamber the terminal time for the legislation is the end of the congressional session. Ultimately, I coded *passage time* to measure the number of hours it takes legislation to pass. I incorporated *Passage time* into the data set from Chapter 2, therefore, I am examining all contentious legislation from the 101st – 110th House and the unit of analysis is the floor action. In the data set, 1413 did not receive an MTR with instructions; the average *passage time* for these bills is 24 hours with a standard deviation of 236 hours. For the 585 bills that did receive an MTR with instructions the average *passage time* is 35.6 hours with a standard deviation of 140.4 hours.[16] However, a difference of means test indicates that the difference is not statistically significant ($p<.269$). Thus, preliminary evidence suggests that MTRs are not obstructing the House process.

Going beyond averages, I estimate a model which employs *passage time* as the dependent variable. Duration models allow for the implementation of time based dependent variable and reveal whether independent variables prevent an event from occurring, in this case bill passage, and slow down or speed the occurrence of the event (Box-Steffensmeier and Jones 2004). Specifically, I use a Cox Proportional Hazard model, which is the preferred duration model as it makes no assumption about the underlying risk of the event occurring (Box-Steffensmeier and

[16] The distribution for passage time is very much skewed towards zero. In fact, about 1,500 of the 2,013 floor actions pass in the first five hours of floor debate. This skewness accounts for the smaller standard deviations.

Jones 2004).[17] Cox models report hazard ratios instead of coefficients. Hazard ratios do not follow standard interpretations. For hazard ratios, values less than one indicate a lower risk of the event occurring and indicate that a variable is slowing down the passage of legislation. Hazard ratios over one indicate that the event is more at risk of occurring, meaning that variables with ratios over one speed up the passage of bills. Moreover, the further away the hazard ratio is from one, the larger the effect of the independent variable.

The key independent variable in the duration model is a dummy indicating whether the legislation received an MTR with instructions. If MTRs are successful at obstructing the House floor process than the hazard ratio for MTRs should be less than one and significant. I include several other control variables in the model, all of which were used in Chapter 2. I control for the ideology of the bill's sponsor (with the adjusted discuss in Chapter 2), the salience of the bill, the log of the word count, whether the bill had a restrictive or closed rule, whether the bill was an appropriations bill or a conference report, and the number of cosponsors. In addition, I control for each session of Congress.

The results of the duration model are reported in Table 4.3. Legislation which receives an MTR with instructions takes a significantly longer time to pass than non-MTR bills. The hazard ratio is below one, indicating that MTRs increase the passage time of legislation. Thus, it does appear that MTRs serve a dilatory function in addition to cross-pressuring. Table 4.3 reports that neither the ideological position of the sponsor nor the salience of the bill impact passage time. However, the complexity of the legislation (log of word count) significantly increases passage rate. Legislation with closed rules pass at a much quicker rate than open rules, this makes sense as closed rules do not have any amendments debated on the floor, which save

[17] Cox Proportional Hazard models are recommended for most social science applications by Box-Steffensmeier and Jones (2004), as long as data does not violate the proportional hazard assumption. I have conducted the appropriate test and the data and it does not violate the assumption and thus the Cox model is appropriate for my purposes.

time. Thus, the majority is focusing more attention of legislation with closed rules and insuring the pass quickly. In addition, closed rules by definition cannot receive amendments, so no time is spent debating amendments.

Restrictive rules is not significant. This is most likely because the amendments that are allowed under restrictive rules tend to be highly contested and result in more arduous debate. Appropriation bills take longer pass, likely due to the additional complexities of the budgetary process. Conference reports pass significantly faster than pre-conference legislation. In addition, the hazard ratio for conference reports is 2.5 which indicates a very substantive impact. The number of cosponsors significantly slows passage, however, the actually effect of each additional cosponsor is very small as the hazard ratio is only slightly smaller than one.

Figures 4.3 and 4.4 show the survival curve for the duration model. The survival curve indicates the chances of a piece of legislation surviving (not passing) at any given point in time. Figure 4.2 shows the survival curve for legislation the first 24 hours after it receives its initial floor action. Figure 4.3 shows the survival curve for the first week. These survival curves allow for a more substantive interpretation of the results from Table 4.3, particularly regarding the impact of MTRs with instructions.

The survival curves highlight the findings of Table 4.2 and show that legislation that received and MTR has a greater chance of "surviving," i.e., a lower chance of passing at any given time. In other words, MTR bills take longer to pass. However, as the curves show, for the first several hours, there is little difference in MTR and non-MTR legislation. Furthermore, Figure 4.3 shows that after the first day of activity the curves begin to converge, indicating the effect of MTRs on passage time begin to wane rather early on and continues to until the end of

Table 4.3 Passage Rate of Contentious Legislation in the House 101st-110th

Independent Variables	Hazard Ratio
MTR with Instructions	0.718***
	(0.039)
Adjusted Sponsor Ideology	0.810
	(0.090)
Salience	1.004
	(0.002)
Log of Word Count	0.843***
	(0.013)
Closed Rules	1.322***
	(0.103)
Restrictive Rules	0.913
	(0.052)
Appropriations Bill	0.786***
	(0.046)
Conference Report	2.583***
	(0.220)
Number of Cosponsors	0.998***
	(0.001)
N	1977
Log Likelihood	-12229
Chi Squared	550.86

Note: Hazard ratios are reported. Standard Errors are in parentheses. Fixed effects for congressional sessions are not reported. * p<.05, ** p<.01, ***p<.001.

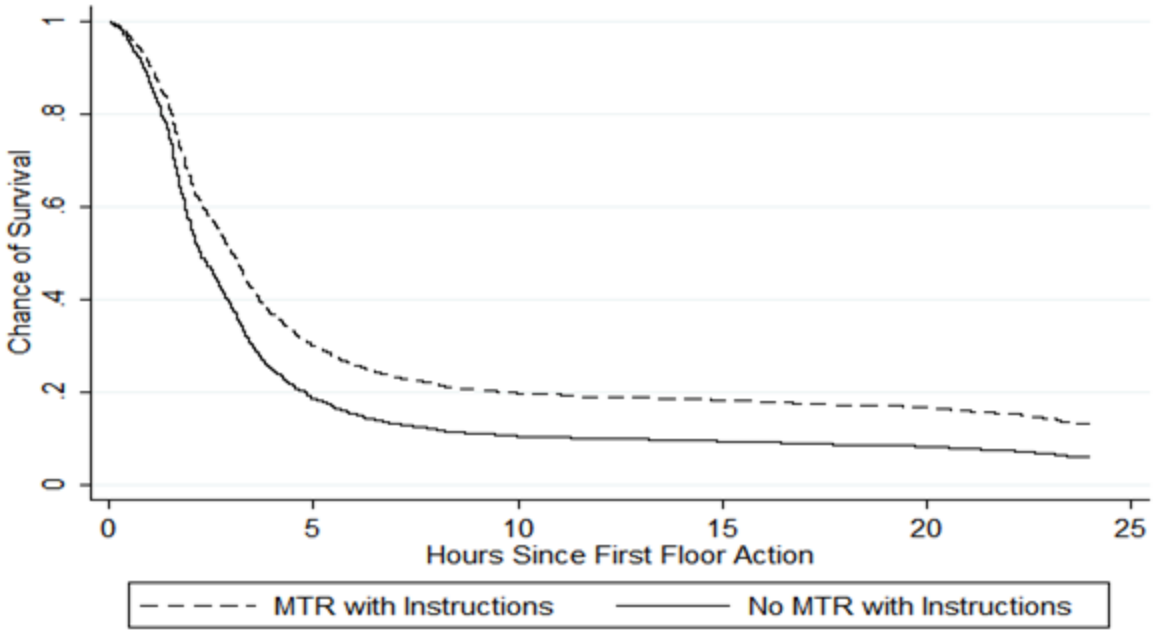


Figure 4.3 Survival Curve of House Legislation: First Day

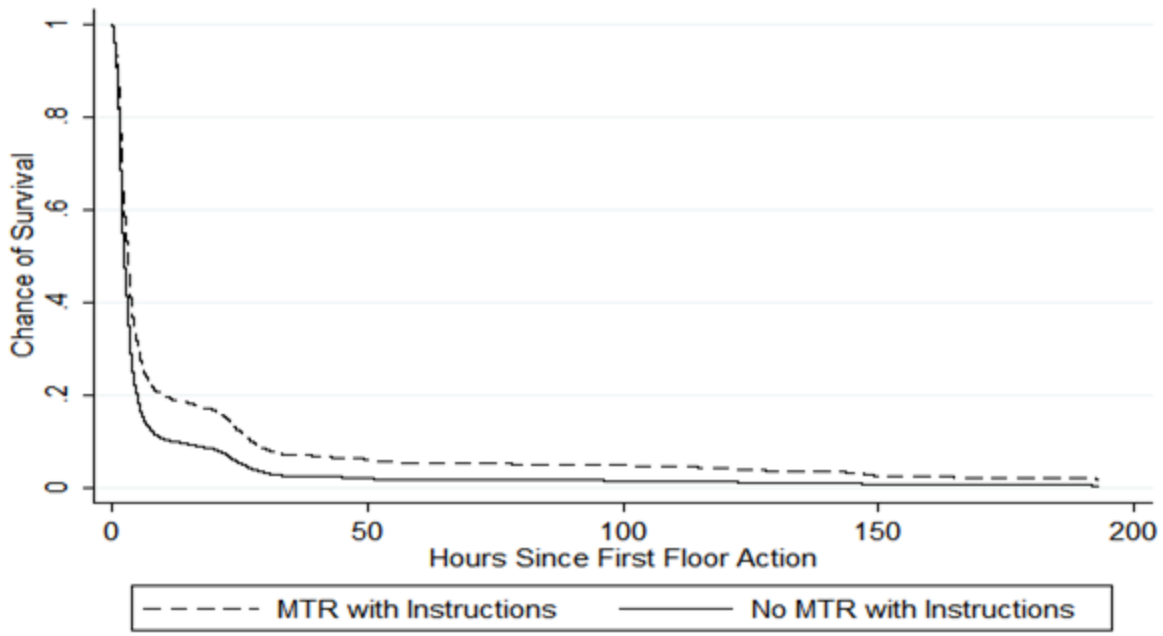


Figure 4.4 Survival Curve of House Legislation: First Week

the session.[18] The survival curves are most divergent between approximately six and twelve hours after initial floor action. During that six hour time frame, bills with MTR are approximately 10% more likely to survive. This highlights two important findings regarding the impact of MTRs on passage rates. First, MTRs have their largest effect on passage time during the first day of floor action and only for about six hours. Second, even during their largest impact, MTRs only increase survival by about 10%. Thus, while MTRs slows the House floor process to a statistically significant degree, they do not appear to have a large substantive effect. The results of Table 4.2 are likely driven by the fact that House rules state that all MTRs receive ten minutes of debate, which the majority party can easily take into account. Thus, while MTRs are obstructing the majority, it seems unlikely that obstruction is the primary motivation behind the minority's use of MTRs. Ultimately, this finding bodes well for cross-pressuring.

Conclusion

This chapter tests the end results of MTRs and provides support for cross-pressuring. Supporting MTRs increases the vote shares of majority members, and even more so for those from moderate districts. These findings not only support the hypotheses of this chapter but the overarching logic of cross-pressuring. Simply put, cross-pressuring states that moderate majority members are strategically placed in difficult positions where they must either vote against their party or constituents on MTRs. The findings of this chapter so that this is indeed occurring, majority members from moderate districts are punished at the polls if they defect from the district on MTR votes, exactly what cross-pressuring claims. Thus, this chapter confirms that the minority is able to design, implement, and reap the fruits of its own strategy.

[18] Survival curves of the entire time frame, ranging from almost immediate passage to slightly less than two years, indicates than much after a week, there is little difference in the survival of MTR and non-MTR bills.

The other two theories of MTR use do not fare as well as cross-pressuring. Position-taking finds some support in the fact that MTR support helps extreme minority members. However, minority members from moderate districts are hurt by MTR support, violating one of the hypotheses for position-taking. Similarly, obstruction finds support through the finding that MTRs significantly slow the legislative process in the House. On the other hand, the findings of the duration model indicate that while MTRs have a significant effect on passage time, their substantive impact is low. This indicates that MTRs are not overly effective at obstructing or delaying the House process, undermining the very notion of the obstruction hypothesis. The findings regarding position-taking and obstruction leave cross-pressuring in good standing. Cross-pressuring is the only theory which finds consistent and substantive results for each of its hypotheses, making it the theory that bests explains the effects of MTRs in the House of Representatives.

Chapter 5

Conclusion

The goal of this project is to establish the motion to recommit as an integral part of one of the House minority party's main electoral strategy. To this end, I conducted an exhaustive examination of this lone procedural prerogative of the House minority. Specifically, I tested three different theories regarding the use and effects of MTRs: cross-pressuring, position-taking, and obstruction. I argue throughout this project that cross-pressuring best explains the minority's use of the MTR, indicating that the minority is strategically placing majority members in difficult position with the intention of causing electoral damage. The empirical results of this project overwhelmingly supports cross-pressuring.

Cross-Pressuring and MTRs

Cross-pressuring through MTRs states that the minority party in the House designs the instructions on MTRs to be attractive to policy moderates. It does this so that majority members from moderate districts are legitimately cross-pressured to choose between their constituents and their party. The goal of this strategy is for the minority to place itself in a win-win situation. If majority members vote for the MTR, the minority can claim bi-partisan support for its position or obtain a policy victory if the MTR passes. On the other hand, if majority members vote against the MTR, and thus against their district, they increase their electoral vulnerability. Either outcome benefits the minority. However, MTRs are unlikely to pass (Oleszek 2011; Clarke 2012; Lynch 2008; Roberts 2005) and are typically whipped by majority leaders (Ansolabehere et al. 2001; Jenkins et al 2005; Snyder and Groseclose 2000; Sinclair 2002; Marshall 2005; Cox and Poole 2002). Thus, it is unlikely that the minority receives policy gains from cross-

pressuring. Yet, several findings from this project indicate that the primary motivation behind the minority's use of the MTR is electoral.

First, the minority is more likely to offer MTRs on extreme legislation or legislation with a restrictive rule. The minority is, therefore, using requesting MTRs in situations where they can legitimately cross-pressure majority members from moderate districts, and need to go outside of the normal amending process to do so. When legislation is extreme, moderate districts should prefer the MTR with instructions and punish members for supporting the legislation. Furthermore, the findings of Chapter 3 reveal that majority leaders are less likely to allow defections of extreme legislation. This indicates that the minority is rationally implementing cross-pressuring and using it when it is most effective. In addition, the minority requests MTRs on legislation with restrictive rules. Majority members find it more difficult to amend legislation under restrictive rules, making the MTR the only chance to show moderate voters they are not extreme. Thus, the very situations the minority chooses to request the MTR suggests they are implementing a cross-pressuring strategy.

Second, not only is cross-pressuring directed at moderate majority members, but actually attracts MTR support from these members. Majority members from moderate districts are more likely to support MTR, especially when the legislation is salient and voters are more likely to notice. This indicates that majority members, particularly those from moderate districts, are worried about the electoral consequences of MTR votes. Furthermore, this project indicates that the majority party itself is aware that MTRs pose electoral risk for its members. It appears that the majority offers vote options (King and Zeckhauser 2003) on MTRs when the legislation is moderate, in order to stave off any electoral threats to its members. However, on extreme legislation, the majority can afford fewer vote options, placing its members in dangerous

situations. This indicates that minority attempts to cross-pressure majority members are successful.

Third, cross-pressuring is an effective electoral strategy. MTR support significantly and substantively increases vote shares among majority members. More specifically, MTR support has a much greater impact on majority members from moderate districts. On face value, this finding is rather simple; when members vote with the district (for the MTR, in this case), their vote share is higher, when the vote against the district (against the MTR), they are punished at the polls. However, the implications of this finding are deeper. This finding suggests that voters notice MTR votes, through a combination of attentive publics (Arnold 1990; Bovitz and Carson 2006) and minority press releases (Peters and Rosenthal 2010), and punish or reward members accordingly. Thus, the win-win situation that the minority attempted to design by using cross-pressuring is real. Not only are the policy victories of cross-pressuring a possibility, but also the electoral gains.

The empirical support for cross-pressuring indicates that the minority is not a silent partner in the House. The minority party can design, implement, and reap the benefits from its own strategy. It can and does actively participate in the House legislative process, in a way that improves its own condition. In contrast to the majority, the minority is still weak. The majority maintains the capabilities to dominate House policy and procedure. However, the minority does a viable electoral strategy they can implement and benefit from. This is the first known project which shows the minority possess the tools to create and execute its own strategy, independent of majority or institutional factors.

While this project establishes cross-pressuring as a viable strategy for the minority party in the House and that it can be executed through MTRs, it leaves several questions open for

further research. First, additional research needs to establish if there are any other procedures the House minority exploits for electoral gain. Can amendments, committee behavior, or another small procedure be used to cross-pressure, or influence elections through another mechanism? Second, further research needs to test the scope and implementation of cross-pressuring in the Senate. Does the Senate minority cross-pressure, to what extent and how? Answering this question helps determine is cross-pressuring is a universal strategy or only present in the House. Third, research must examine the majority's response to cross-pressuring. This study suggests the majority's response is to offer vote options on cross-pressured procedural votes, however, this is an implication, not an empirical finding. Thus, further research is needed to discover exactly how the majority acts in the face of cross-pressuring.

Position-Taking and MTRs

Position-taking argues that the minority uses MTRs in order to publically establish their preferred policy position. Since the minority possesses few tools to influence policy in the House, it must rely on MTRs in order to do so. The empirical results of this project do not indicate that this is the primary motivation behind the minority's use of MTRs. Bill salience does not influence MTR requests. The minority is more concerned with the ideological position of the bill than the salience. Position-taking predicts that salience should be the predominant predictor of MTR requests, which is not the case. Position-taking also predicts that district ideology should be driving minority MTR support. However, member's ideology appears to be the best predictor of how minority members vote on MTRs. This indicates that minority party leaders are allowing minority members to use their own discretion on MTR votes. If they were concerned about position-taking, they would not allow this discretion. Furthermore, if position-taking is a successful strategy, then minority members should be electorally rewarded for

supporting MTRs. In reality, only minority members from extreme districts receive this benefit. Thus, all of the major predictions of position-taking throughout this project are falsified.

When combined with the findings regarding cross-pressuring, the position-taking findings indicate that the minority is indeed implementing an electoral strategy. However, it is not concerned with making itself look good to its own voters, but making majority members defect from their constituents. Thus, the minority in the House is using an aggressive tacit that seeks to damage the majority, not simply highlight the positive qualities and positions of itself. Furthermore, the resounding support for cross-pressuring indicates that the minority is fashioning MTRs to be moderate, not necessarily at its preferred location. Making it seem unlikely the minority is implementing a strategy of position-taking.

The empirical results of position-taking bring to light theoretical problems with position-taking. Position-taking through MTRs only helps those minority members who need it least, those from extreme districts. Minority members from moderate districts are motivated to not support MTRs, as it actually harms their vote shares. Thus, as a strategy position-taking fails to help the minority members who most need the electoral boost predicted by position-taking.

This project is rather conclusive that the minority party is not using MTRs for position-taking purposes. However, further research is needed to determine if position-taking is a viable strategy elsewhere in the House, or through other procedures. It is unlikely that future studies will find support for position-taking as Wolfensberger (2007) argues that MTRs are the only procedural available to the minority that allows for position-taking. Still, it is possible that position-taking is used by the minority in the House, just not through MTRs.

Obstruction and MTRs

In addition to disconfirming position-taking, this project also refutes obstruction as a motivation for introducing MTRs. There is no relationship between majority cohesion and the number of MTRs requested. There is some evidence that obstruction accounts for minority voting patterns on MTRs, however, this finding could also be attributed to member's ideology, not their desire to obstruct. Finally, MTRs do not substantially delay the House legislative process, making them inefficient tools for obstruction. Thus, all of the hypotheses stemming from obstruction remain unsupported.

This is the first project that directly tests the ability of the minority party to obstruct the majority. I found that MTRs to not substantively alter or delay the House process. However, future research should implement similar methods to test whether minority party obstruction is possible in the House. Research should focus on believed forms of obstruction such as points of order (Dion 1997), discharge motions (Binder 1997), or journal votes (Rohde 1991). Ultimately, this research would help establish the full extent of the majority's agenda control.

Implications

The overall implication of this project is that the House minority is rational entity that creates and implements its own strategy, sees the strategy through its completion and reaps its benefits. The minority uses whatever tools are available, in this case, the motion to recommit, and manipulates them for its own betterment. In the case of MTRs, the minority uses them to strategically cross-pressure majority members from moderate districts, in order to produce better electoral outcomes. The minority is not simply a passive participant in the legislative process, but an active and aggressive advisory of the majority, which capitalizes on opportunities to cause electoral strife to the majority.

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