Chapter 3: The Keys to Majority Party Effectiveness in Congress

The fact is that no theoretical treatment of the United States Congress that posits parties as analytic units will go very far.

- David Mayhew, Congress: The Electoral Connection (1974, 27)

First, let me admit that if I were writing The Electoral Connection today I would back off from claiming that “no theoretical treatment of the United States Congress that posits parties as analytic units will go very far.” ... Still, I have not seen any evidence that today’s congressional party leaders “whip” or “pressure” their members more frequently or effectively than did their predecessors thirty years ago.


The victors were celebrating across Michigan that night. In the Upper Peninsula, Bart Stupak was celebrating his reelection to an eighth term in Congress. On November 7, 2006, the Roman Catholic, pro-life, former police officer once again handily defeated the same Republican he had overcome in 2002 and 2004, each time more than doubling his opponent’s vote share.

Far to the southeastern part of the state, Joe Knollenberg was celebrating a much tighter race. Also a white, male, Roman Catholic, seven-term member of Congress, the incumbent was feeling the changing nature of his district – still able to rely on the Republican-leaning city of Troy and the conservative suburbs of Oakland County, but noticing the rising tide of Democratic support near Detroit, and a Democratic surge in the 2006 election year more generally. The
previously safe Republican had to spend nearly $3 million to defeat his Democratic opponent by six points. Yet, despite a more uncertain race, and thus a more satisfying victory, Knollenberg’s celebration was perhaps a bit less enthusiastic than that of the Stupak camp.

Although their demographic characteristics, congressional seniority, and electoral outcomes matched each other closely, the lawmaking fates of these two Michiganders were about to reverse entirely. Elsewhere in the country, beyond the control of either member, Democrats were replacing Republicans in key congressional seats, moving their party from about a dozen seats shy of a majority to about a dozen seats above a majority. Such a switch would elevate Stupak into the majority party, where he had not been since his first term, prior to the 1994 elections. In a reversal of fortunes, Knollenberg would return to the minority status he had only experienced briefly in his first term.

What would such changes mean for these two now-fairly-senior lawmakers? Would they continue to promote the causes that had won them electoral success and recognition back home? Would their proposals receive the same degree of consideration in committees and subcommittees, where much of congressional lawmaking takes place? Would those that reach the floor of the House face party-line votes, meaning certain defeat for Knollenberg and success for Stupak? How would the tightly divided Senate and end-of-term President Bush respond to these lawmakers’ initiatives?

In the previous chapter we developed Legislative Effectiveness Scores to compare the lawmaking skills and successes of members like Knollenberg and Stupak. We demonstrated how those scores could be used as a lens through which to view the inner workings of Congress, capturing the personal and institutional factors that undergird major theories of legislative
politics. Among the noteworthy findings, we uncovered a majority-party effect, wherein members of the majority party outscored minority-party members. Consistent with that finding, it is perhaps unsurprising that Stupak’s LES rose from 0.631 in the 109th Congress (2005-06) to 3.144 in the 110th (2007-08). In comparison, Knollenberg’s 3.539 LES plummeted to 0.138 as he entered the minority party.

What we had not been able to capture in such an overview, however, was exactly why party status mattered so much. At which stage in the legislative process does control of the majority party dictate the fate of a member’s lawmaking activities? Are the levers of partisan policymaking pulled in committees or on the floor? Can a minority-party member with a good idea still work her way through the lawmaking process, or is Congress too partisan of an institution today to allow for policy outcomes to be driven by proposal strength? And has the nature of party politics in Congress changed dramatically over the past four decades, as the increasingly polarized rhetoric in the media and in Washington might suggest? In this chapter we confront these questions, both in general and in determining the congressional fates of the two members from Michigan – Knollenberg who would be defeated in 2008, and Stupak who would retire two years later.

Where’s the Party in the U.S. House of Representatives?

To many casual observers of Congress, policymaking is a partisan activity. Parties advance platforms. They have agendas. Republican initiatives are pitted against Democratic proposals. And being in the majority party helps – a lot.

To legislative scholars, the process is much more complex. As the quote by David Mayhew at the start of this chapter suggests, considering parties as monoliths with all members
voting with the party is not the best approach to understanding policymaking in Congress. Especially in the 1970s, when Mayhew initially advanced his argument, party labels were far from sufficient to explain voting patterns. Many Southern Democrats were conservative enough as to prefer to vote more often with Republicans than with Northern Democrats on the floor of the House. Academics and journalists found modifiers, such as “liberal,” “moderate,” and “conservative,” useful in describing members and grouping them together.

Scholars, in particular, used spatial models to illustrate the alignment of members of Congress from liberal on the left to conservative on the right.\(^1\) And, during the 1970s and 1980s, conservative Democrats overlapped considerably with liberal Republicans, forming a moderate center, which has since diminished greatly.\(^2\) Because parties are only as strong and cohesive as their members want them to be, such distributions of preferences played a major role in how scholars theorized about parties in Congress.\(^3\)

In one prominent advance, David Rohde and John Aldrich put forth a theory of \textit{conditional party government}.\(^4\) They argue that when majority-party members are tightly aligned in their ideological preferences and when their preferred policy positions differ significantly from those of the minority party, then these members endow their leaders with the ability to advance a tight partisan agenda. No such strong party will arise if its members are ideologically diverse or if the majority and minority parties prefer policies that are quite similar. As these scholars claim, parties will act in a unified manner, but only under the right conditions.

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\(^1\) Krehbiel (1988) offers a helpful review of the spatial model of legislative politics and its usage in political science up through the 1980s.

\(^2\) Numerous scholars (Bartels 2008; Fiorina, Abrams, and Pope 2006; Hetherington 2009; and McCarty, Poole, and Rosenthal 2006) discuss polarization in contemporary legislative politics in the United States.

\(^3\) Recent explorations of the endogenous nature of party strength include Volden and Bergman (2006), Patty (2008), and Diermeier and Vlaicu (2011).

\(^4\) Most prominently, these arguments emerge from Rohde (1991), Aldrich (1995), and Aldrich and Rohde (2000a, 2001).
Of course, in the extreme case in which all members want the exact same policies as their copartisans, such a spatial model would collapse to simple bloc voting, with all majority-party members voting in favor of their party’s proposal and all minority-party members voting against it. Indeed, Keith Krehbiel argues that, under the conditions of conditional party government, party leadership is irrelevant, as the party’s members want to vote together, even without any pressure from the party. In his \textit{parties-as-preferences} view, political parties appear to be strong not because of coordination or because of leaders’ influence, but merely because of shared preferences, with liberals embracing the Democratic label and conservatives affiliating themselves with the Republicans.

As a majority-based institution, the most crucial member of the House of Representatives in such a preference-based spatial theory is the centrally located \textit{median}, long understood in the “Median Voter Theorem.” The appearance of partisan agendas and majority-party strength may therefore arise merely because of a close alignment between the preferences of the overall floor median and the median within the majority party, rather than through leaders forcing their members to toe the party line.

Neither the extreme view of unified partisan voting blocs nor that of parties as mere correlations of ideological preferences resonated strongly with legislative scholars. For example, Gary Cox and Mathew McCubbins argue that majority-party members could do better than to

\footnote{This is part of an extensive line of argumentation about political parties in Congress found in Krehbiel (1993, 2003, 2007).}

\footnote{Minozzi and Volden (2013) present a theory and evidence of parties playing a coordinating role on floor votes, issuing a call to join with copartisans that extremists are more likely than moderates to heed.}

\footnote{The idea that candidates in elections converge to the median position of voters, and that policy in legislatures similarly converges to the median, builds upon the formative work of Black (1948) and Downs (1957).}

\footnote{Wiseman and Wright (2008) track the alignment between the floor median and the majority party median across numerous Congresses over time.}
individually vote in line with their ideological preferences.\textsuperscript{9} Because there are many benefits of governance that could be directed to majority-party members and their districts, and because these members share similar outlooks on governance, they benefit from becoming more cohesive than their mere preferences alone would suggest. In essence, majority-party members form a “legislative cartel,” giving their leaders the carrots and sticks necessary to enforce agreements that collectively serve the party members’ interests.

In a refined version of this theory, Cox and McCubbins specify the mechanism of majority-party influence in greater detail.\textsuperscript{10} They advance a theory of \textit{negative agenda setting}, in which the key role of the majority party arises from keeping items off of the agenda that would not benefit a majority of members in the majority party.\textsuperscript{11} Proposals that move current status quo policies away from the majority party, such as liberal proposals when the Republican Party holds a majority, do not see the light of day. Majority-party members hold a majority of seats on each policy committee and subcommittee, and act on behalf of the party to kill proposals not in the party’s interest, including most bills sponsored by minority-party members.

Although there are many other important theories of parties in Congress, the above views are leading contenders in explaining the role of parties in policymaking.\textsuperscript{12} They lead to the following three hypotheses that we explore below in an attempt to identify the keys to majority-party effectiveness in Congress.

\textsuperscript{9} Their defining work on this subject is Cox and McCubbins (1993).
\textsuperscript{10} These arguments are best advanced in Cox and McCubbins (2002, 2005).
\textsuperscript{11} Analytically, the majority party median assumes a role that is analogous to the committee median in Denzau and Mackay’s (1983) seminal model of committee gatekeeping.
\textsuperscript{12} Smith (2007) offers a helpful overview and assessment of this voluminous literature. Recent contributions to this literature have wrestled with questions of how exactly parties influence the legislative process and policy outcomes (e.g., Anzia and Jackman 2013; Carson, Monroe, and Robinson 2011; Jackman 2014; Jenkins, Crespin, and Carson 2005; Jenkins and Monroe 2012; Krehbiel, Meirowitz, and Wiseman 2013; Minozzi and Volden 2013).
**Partisan Preferences Hypothesis:** Members near the majority-party median will be more effective in advancing their proposals than members further away from the majority-party median.

Consistent with the conditional party government theory, as well as with the view that apparent party strength arises due to preference alignment, the Partisan Preferences Hypothesis suggests that members near the heart of the majority party should outperform those further away. If majority-party status involves little more than preference alignment, or if it is highly dependent on the conditions of close alignment within the majority party set against a distant minority party, then properly controlling for spatial preferences should erase any evidence that majority-party status by itself results in greater legislative effectiveness.

**Party Leaders Hypothesis:** Majority-party members will endow their leaders with powers to enforce party discipline, making the leaders particularly effective.

Although leadership could take a variety of forms, the most blatant would be a hierarchical assignment of complete control to the party leaders. Were this the case, leaders would take up the party’s agenda, introduce proposals on their members’ behalf, and insist on party-line voting. Although we believe this to be an overly simplistic characterization, and although party leaders could use the mechanisms of party control to advance any party member’s proposed bill, such direct leadership effects are worthy of examination.

**Parties in Committees Hypothesis:** Majority-party members’ proposals will be privileged in committees. Committee and subcommittee chairs will be particularly effective.

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13 Spatial theories often feature similar proposals arising from members located across broad segments of the political spectrum, as they understand the strategic nature of which bills will pass. In contrast, where members can incorporate a costly quality (or valence) to their bills, the ideological locations of their proposals correlate instead more closely with their true preferences (e.g., Hirsch and Shotts 2012; Hitt, Volden, and Wiseman 2011). It is in this light that preferences may matter both for lawmakers’ proposals and for their ultimate legislative effectiveness.
This third hypothesis reflects negative agenda setting, wherein minority-party members should see less success in committees than do majority-party members. How exactly that committee effect works remains an open question. It could be that committee and subcommittee chairs will be particularly effective members, as we already began to uncover in Chapter 2. Alternatively, all majority-party members may receive some enhanced recognition in committees relative to minority-party members.

**Empirical Examinations of Parties in Congress**

Scholars of parties in Congress have extensively examined all of the theories discussed above. The typical approach has been to focus on roll call votes on the floor of the House (or the Senate). As the argument goes, if parties are important analytical units, we should see extensive numbers of partisan votes, wherein most Democrats vote against most Republicans.\(^{14}\) If partisanship extends beyond ideological preference alignments, such party voting should be evident above and beyond the liberal or conservative preferences of members.\(^{15}\) If the conditions must be just right for the party to band together for a collective purpose, coordinated party voting should be enhanced when those conditions are met.\(^{16}\) And, if proposals against the

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\(^{14}\) A wide body of literature has investigated the presence (or absence) of party strength by analyzing various roll-call based measures of party voting cohesion. Prominent examples of such work includes Collie (1989), Collie and Brady (1985), and Sinclair (1978). Lebo, McGlynn, and Koger (2007) develop a novel theory of “strategic party government” and test the implications of their theory by relying on various cohesion indices. Krehbiel (2000) provides a review and critique of such approaches for assessing the potential impacts of parties in legislatures.

\(^{15}\) Several scholars have attempted to isolate the impact of partisan pressure of roll call decisions, holding the influence of policy preferences constant. Important contributions to this debate include Snyder and Groseclose (2000, 2001), Krehbiel (2003), and McCarty, Poole, and Rosenthal (2001).

\(^{16}\) Aldrich and Rohde (2000a), for example, explore the empirical implications of the conditional party government theory in the context of legislative organization. Roberts (2005) and Roberts and Smith (2003) explore several of the theory’s other implications.
majority party’s wishes are left off the agenda, a majority of the majority party should rarely find
themselves on the losing end of votes.\(^{17}\)

Yet we argue that this focus on floor votes is far too narrow to understand the role of parties in Congress.\(^{18}\) As we discussed in the previous chapter, lawmaking involves much more than voting on already well-formed proposals. To be effective, lawmakers must formulate solutions to public policy problems. They must promote those solutions to a group of like-minded legislators. They must craft those solutions into bills, survive a rigorous review in committees and subcommittees, and navigate the legislative calendar just to get to the floor voting stage.

To explore the above hypotheses, then, we engage all of the major stages of the lawmaking process, both before and after floor votes. We do this through a four-step process. First, we assess the overall Legislative Effectiveness Scores of members of the majority and minority parties, to understand why majority-party members outperform minority-party members on the whole. Second, we break these scores down by the multiple stages of the lawmaking process, to assess whether majority-party strength arises from differences in proposals advanced, in committee activities, in floor voting, or in action beyond the House. Third, we conduct a series of regressions to discern which factors – whether preferences, leadership, or committee roles – account for the bulk of the enhanced legislative effectiveness of majority-party members. Finally, we examine how these factors have changed over time, from the early 1970s through

\(^{17}\) Cox and McCubbins (2002, 2005) have denoted situations in which a majority of the majority party finds itself on the losing end of a roll call as a “party roll.” They have investigated the relationships between majority-party roll rates and the preferences of pivotal actors in the majority party to establish evidence in support of their party cartel theory. Several scholars including Carson et al. (2011), Clinton (2007, 2012), Hirsch (2011), Krehbiel (2007), Schickler and Pearson (2009), Stiglitz and Weingast (2010), and Wiseman and Wright (2008) have investigated the implications and limitations of roll rate analyses.

\(^{18}\) Carrubba et al. (2006) and Clinton (2007) note the problems inherent in analyses of roll call votes, which are themselves endogenous outcomes of earlier strategic decisions, and thus biased in a variety of ways.
today. The totality of our approach suggests that party effects are not mainly based on floor voting patterns, and therefore that legislative scholars focused on floor voting have largely been looking in the wrong place to understand parties in Congress.¹⁹

**Legislative Effectiveness across Parties**

While legislative scholars tend to think about members of Congress in terms of their party status – majority or minority – members of the voting public tend to focus on party affiliations – Democrat or Republican. Our Legislative Effectiveness Scores characterize the degree to which lawmakers advance their legislative proposals through the House of Representatives and into law. To the extent that Republicans generally advocate for more limited government than do Democrats, one may wonder whether the LES measure is biased in such a way that Democrats score higher because of their more activist agendas. Before turning to an assessment of majority-party status, we therefore highlight differences between Republicans and Democrats.

[Insert Figure 3.1 about here]

Figure 3.1 presents LES scorecards averaging the values across the 99th through 110th Congresses (1985-2008), first for all Democrats and then for all Republicans. Over this time period, each party held majority control for twelve years, making them comparable on party status grounds. The first noteworthy characteristic of the scorecards is the average LES, which is

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¹⁹ This is not to say that scholars have altogether ignored the role of parties and leaders in committees in Congress (see, for example, Dion and Huber 1996, 1997; Evans 1991, 2011; Krehbiel 1991; Schiller 1995; Smith and Deering 1997). Rather, as committees diminished in power following the reforms of the 1970s and as parties became more polarized in recent decades, the amount of scholarship on committees in Congress has fallen and that on parties has increased. We argue that parties and committees need not be treated as substitutes; rather, a focus on how committee structures aid partisan goals remains crucial. As such, based on our findings below, we advocate more work on parties in committees, both theoretically and empirically. Moreover, empirical work based on data at the committee stage may be even more enlightening than the current trend of looking for party effects on floor votes.
just under the normalized 1.0 for Democrats and just above that average for Republicans, indicating no pro-legislation bias making Democrats’ scores higher than Republicans. Focusing on the first column, there is very little difference between Democrats and Republicans in their use of commemorative (c) legislation. As always, the Scorecard from top to bottom shows the progression of bills from their introduction (BILL) to action in committee (AIC), action beyond committee (ABC), passing the House (PASS), and finally becoming law (LAW). Although Democrats introduce commemorative bills at a somewhat higher rate, the average number of commemorative laws looks very similar across parties.

As shown in the middle column, both Democrats and Republicans on average introduce between 11 and 12 substantive (s) bills per lawmaker per Congress. The fates of these bills differ somewhat, however, with 3.3% of Republicans’ substantive bills becoming law, compared to just 2.3% for bills introduced by Democrats. This enhanced effectiveness of Republicans on substantive legislation is offset by Democrats’ greater success in substantive and significant (ss) areas, as detailed in the rightmost column. Here, on average, four bills are introduced across every five Democrats, compared to three bills introduced for every five Republicans. For this set of bills, which as detailed in the previous chapter receive mention in the *Congressional Quarterly Almanac*, the success rate of moving from bill to law is about 30% for both parties’ lawmakers. Thus, over this time period, Democrats are responsible for more of the laws that are deemed substantive and significant according to our measure, whereas Republicans produce more substantive legislation that does not receive as much widespread attention. The
combination of these factors accounts for the nearly indistinguishable overall scores between Democrats and Republicans.

[Insert Figure 3.2 about here]

In comparison to these small differences across party affiliations, Figure 3.2 shows the scorecards that reveal massive differences based on party status. Now exploring all Congresses in our dataset (1973-2008), the average LES of majority-party members is 1.452, more than triple that of minority-party members’ 0.404 score. These scorecards reveal a small difference in the overall rate of bill introduction, with the average majority-party member introducing about 19 bills, to about 15 bills for minority-party members. The largest difference here is in substantive and significant bills, where majority-party members introduce far more than do minority-party members. Rather than minority-party members being devoid of big ideas, however, we believe this difference arises mainly from those members’ big ideas not moving far through the legislative process and thus not meriting the same amount of attention in the Congressional Quarterly Almanac.

Indeed, the most noteworthy aspect of the party status scorecards arises in the transition from the bill introduction stage (BILL) to the committee stages, whether bills receive action in committee (AIC) through hearings, mark-ups, and votes in committees or subcommittees, and whether bills receive action beyond committee (ABC) and placement on the legislative calendars as movement toward a floor vote. Specifically for the center column of substantive bills, the power of the majority party comes into full light. Whereas 5.5% of minority-party members’ bills receive committee attention, that rate is doubled to 11.2% for bills of majority-party

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21 One might imagine that majority-party status would be even more valuable under unified government, with the president and Senate sharing the partisan leanings of the House. This does not appear to be the case empirically, however, with just over a 1.0-point LES difference between majority- and minority-party averages under both unified and divided government.
members. Even more dramatically, 7.3% of majority-party members’ substantive bills reach the floor of the House, three times the rate for minority-party members. This is even setting aside the substantive and significant legislation, where more than 95% of the bills receiving action beyond committee have been introduced by majority-party members.

Based on these Scorecards alone, we find immense support for the Parties in Committee Hypothesis. By the time bills reach the floor of the House, where the vast majority of legislative politics scholarship has focused in attempts to discern the effect of political parties, the battle is already over. Majority-party members have won, and minority-party members have lost. And, indeed, upon reaching the floor of the House, little further partisan differences are noticeable. The rates of conversion into law for bills reaching the floor of the House differ little for majority and minority-party members. Those proposals by minority-party members that survive the winnowing process of committees perhaps have sufficiently high value or broad enough support so as to be no more threatened on the floor or beyond the chamber than are proposals by majority-party members. Overall, 50% of bills by minority-party members that reach the floor of the House actually become law, compared to 41% for majority-party members.

We illustrate these differences across stages of the legislative process in Figure 3.3, which combines all types of bills, without regard to their commemorative or substantive natures. As shown in the figure, majority-party members introduce about 25% more bills overall than do minority-party members. The strongest partisan activities then emerge in committee, where majority-party members receive a boost. In terms of action in committee (AIC), majority-party

\[\text{Insert Figure 3.3 about here}\]

\[\text{22 Krutz (2005) offers a systematic examination of the winnowing process in Congress.}\]

\[\text{23 A significant part of this difference is clearly due to a different mix of commemorative, substantive, and substantive and significant bills at this stage across parties.}\]

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members enjoy a 200% increase over the typical minority-party member, thus tripling the amount of active legislation at that stage. For action beyond committee (ABC), this majority-party advantage reaches nearly 300%, indicating that about four out of every five bills reaching the floor of the House has been sponsored by a member of the majority party. Consistent with the discussion above, upon reaching the floor, this majority-party advantage diminishes somewhat, with minority-party members’ bills achieving greater success in floor votes and beyond the House, on average, than those of majority-party members.24

In sum, if the relevant question is “Where is the party in the House of Representatives?” the key answer emerging is “In committees!” From the point of view of majority-party leaders and their members, such an approach to bottling opponents’ proposals up in committee is quite attractive for a variety of reasons. For instance, floor votes on some such proposals might divide or embarrass the majority party, and some may even end up passing the House if given a vote on the floor.

The above aggregate statistics arise from the immense efforts of individual members of Congress and their staffs. For example, when in the majority party in the 109th Congress (2005-06), Joe Knollenberg developed a tightly focused agenda. Representing a manufacturing district in Michigan, he sponsored the American Manufacturing Competitiveness Act and the Stop Counterfeiting in Manufactured Goods Act. The latter proposal resonated with his colleagues, and soon became law, as did the appropriations bill he sponsored. Of the nine bills he introduced, three became law, one that we deem substantive, and two substantive and significant. In the next Congress, Knollenberg reintroduced the American Manufacturing Competitiveness Act, as well as other items left unfinished in his previous busy term. He expanded his agenda a

24 In Appendix 3.1, we revisit these overall stage-by-stage trends while controlling for all of the other factors raised in Chapter 2, in order to illustrate that these broader patterns are robust to the full set of controls.
bit further, to perhaps resonate with ideas also held by Democrats, toward high-tech research in one bill, and fuel efficiency in another, sponsoring eleven bills in total. Unlike his previous success, not one of these proposals received action in committee – no hearings, no mark-ups, no votes, nothing.

Knollenberg’s newfound fate was one to which Bart Stupak had grown familiar. None of his 37 sponsored bills in the 108th Congress (2003-04) had received any action in committee. His 30 sponsored bills in the 109th (2005-06) met with a similar fate. Members of Stupak’s party went so far as to seek a discharge petition to bring to the floor one of his bills that was bottled up in committee, but secured only 135 of the 218 signatures needed. Upon gaining majority-party status, Stupak grew even more ambitious, sponsoring 50 bills in the 110th Congress (2007-08), and found more success than in all twelve of his years in the minority party combined. Seven of his substantive bills moved beyond committee, along with one commemorative and one substantive and significant bill. Of those nine, six passed the House, and three became law, including the Online Pharmacy Consumer Protection Act of 2008. This was his most prominent lawmaking success since he was last in the majority party. In his freshman term, Stupak, the former police officer, drew attention to a new drug epidemic in northern Michigan, crafted legislation targeting the availability of ephedrine (used in the production of methamphetamine or “meth”), and saw his Domestic Chemical Diversion Control Act of 1993 signed into law by President Clinton. Representative Stupak’s proposals did not shift significantly between these two successes, but the institution had shifted around him.

Partisan Advantage in its Component Parts

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While the above analyses and narratives are revealing, they are also each limited in a variety of ways. For example, the summaries across stages in Figure 3.3 treat all bills alike; and absent from the above accounts are other factors like seniority or institutional positioning that we now know influence the effectiveness of majority-party members. Therefore many questions remain. For instance, is the overall elevated LES merely due to a spatial ideological alignment of majority-party members? Are majority-party members more senior on average than minority-party members and thus better able to leverage their experience into lawmaking success? What is the role of party leaders and committee leaders?

To address these questions systematically, we return to an analysis of the overall LES for each member. The benefit of this overall measure is that it captures all of the major stages of the lawmaking process and it assigns weights to each piece of legislation based on its substantive significance. Thus it provides an overall view of who is accomplishing what in Congress. As shown in the above Scorecards, at an aggregate level, majority-party members score a full point higher on our metric than do minority-party members, a tripling of their average LESs.

In this section, we assess the degree to which that total partisan effect can be explained by various component pieces. Specifically, in line with the above three hypotheses derived from the previous literature, we explore whether the total direct party effect is reduced substantially upon controlling for the indirect effects of ideological distribution, party leadership, and committee control. To do so, we return to a series of regressions, similar to those conducted at the end of the previous chapter, in order to isolate the main partisan effects and to break them into their component parts.

[Insert Table 3.1 about here]
Model 3.1 in Table 3.1 includes a single explanatory variable to account for variance in the LES dependent variable across members. Consistent with the Scorecards above, we find that Majority Party takes a coefficient of 1.073, indicating that majority-party members score about 1.4, relative to the approximate 0.4 Legislative Effectiveness Score for minority-party members.

To explore the Partisan Preferences Hypothesis, we include an additional variable in Model 3.2. Distance from Majority Party Median uses the DW-NOMINATE scores discussed in Chapter 2, giving lower values to members who are closely aligned with the middle of the majority party and greater values to those further away. If the party effect uncovered in the first model arises due mainly to these spatial preferences, with those further away from the heart of the majority party dismissed for making unwelcome proposals, the coefficient on this new independent variable should be negative and significant. As shown, it is negative, although it fails to achieve a high level of statistical significance in the specification of Model 3.2. Moreover, the coefficient on Majority Party remains close to 1.0, indicating that the overall partisan effect is little diminished upon accounting for parties in terms of preference alignment in this way.

Model 3.3 allows for an assessment of the Party Leaders Hypothesis, by now adding indicator variables for whether the given member is in the Majority Party Leadership, Minority Party Leadership, or Speaker. As we had found previously, leaders in the majority party gain a small advantage, leaders in the minority party face difficulty, and the Speaker introduces very few bills him or herself. As before, these additional controls do not make the direct partisan effect go away, nor do they diminish that effect much from its previous size.

In contrast, in Chapter 2 we included an independent variable capturing the distance between the member’s ideal point and the floor median. Such a variable was not statistically significant in Model 2.3 of Table 2.5.
In Model 3.4, however, we turn to the Parties in Committees Hypothesis, which already received substantial support above. Here we explore whether the majority-party advantage in committees results largely from committee leaders, by including indicator variables for whether the member under investigation is a Committee Chair or Subcommittee Chair. Coefficients on both of these variables are positive and highly significant in statistical terms. Therefore, once again, this analysis leads to the conclusion that party influence takes place in committees. These committee-based majority-party actors account for nearly all of the direct partisan effect uncovered previously. Now the total party effect of 1.073 for Majority Party in Model 3.1 has diminished to 0.157 in Model 3.4.

Model 3.5 adds all of the control variables introduced in the analysis of Legislative Effectiveness Scores in Chapter 2.\textsuperscript{26} Collectively, these leave the direct effect of Majority Party at about the same magnitude as was uncovered in Model 3.4. These final two models are much more fully specified than the earlier models in the table. Upon such controls, the effects of preferences and of party leaders come into sharper view. Consistent with the Partisan Preferences Hypothesis, the coefficient on Distance from Majority Party Median is negative and statistically significant. The average member of the minority party is 0.73 units away from the majority party median according to this ideological preference measure. Such a distance accounts for between a 0.1 and 0.2-point drop in the LES for minority-party members based on spatial considerations alone. Some support also emerges in these latter models for the Party Leaders Hypothesis, with majority-party leaders outperforming other majority-party members. Yet this effect is small and does little to explain the overall majority-party effect.

\textsuperscript{26} Specifically, we include all but one of the variables found in Model 2.3 of Table 2.5. Distance from Median is excluded due to its correlation with the variable Distance from Majority Party Median included here.
The nature of the Ordinary Least Squares regressions run in Table 3.1 allows us to characterize the relative weights of the component parts resulting in the total majority-party effect found in Model 3.1. Specifically, that total effect is comprised of a direct effect – the amount still evident in the Majority Party coefficient of Model 3.4 – and indirect effects for each of the preference, leadership, and committee variables that resulted in the reduction of the direct effect. Figure 3.4 illustrates how that total effect is divided up into its component parts, based on the results of Model 3.4.\(^7\)

As shown in the figure, spatial distance, via the Distance from Majority Party Median measure, does account for about 10% of the total majority-party LES effect. The indirect effects of the three leadership variables account for merely 2% of that total effect.\(^8\) In contrast, Committee Chair and Subcommittee Chair combine to account for nearly three-fourths of the total enhanced effect of majority party on LES. This is once again strong support for the Parties in Committees Hypothesis. The remaining direct effect of majority party (15% in the figure) is left unexplained, and could be due to such factors as majority-party members other than committee and subcommittee chairs still outperforming minority-party members within legislative committees.

*Parties in Committees over Time*

In two separate ways, we have found support for a committee-centered explanation of the increased effectiveness of majority-party members. Specifically, majority-party members are

\(^7\) The relative size of an indirect effect, for say preferences, is \(b_2b_{x2|x1}\), where \(b_2\) is the coefficient on Distance from Majority Party Median in Model 3.4 and \(b_{x2|x1}\) is the coefficient on Majority Party from a simple regression of Distance from Majority Party Median on Majority Party. The sum of all indirect effects and the remaining direct effect equals the total effect uncovered in Model 3.1.

\(^8\) This set of variables may well paint too limited a picture of party leaders, who may also play roles such as demanding or enabling opponents’ legislation to be killed in committee.
much more likely to gain attention and success in committees for their legislative proposals. And most of the enhanced LES for majority-party members arises through the effectiveness of committee and subcommittee chairs. Such effects are averages, however, of all of the Congresses from 1973 through 2008. These average effects may mask changes over time. Congress is today described as a more partisan and polarized institution than it has been in the recent past. We know that congressional reforms of the 1970s diminished the power of committees. Moreover, when the Republicans took control of the House following the 1994 elections, they sought to further reduce the power of committee chairs by establishing term limits for chair positions. Did either of these reforms decrease the indirect committee effect shown in Figure 3.4? And has the total effect of party increased over time along with greater polarization?

To answer these over-time questions, we reran Models 3.1 and 3.4 from Table 3.1 on a Congress-by-Congress basis. We then plotted the total effect, the indirect effect of parties in committees, and the remaining unexplained direct effect over time in Figure 3.5. The bold line on the top of the figure shows the total direct effect of party. Consistent with earlier analyses, it averages just above 1.0. This effect is fairly steady throughout the 1970s and 1980s, and then rises as the Republicans assume majority-party control in the 104th Congress (1995-96). The peak during the early years of the Republican majority then gives way to a diminished party effect over the next decade, back to traditional levels.

What is more remarkable is the extent to which that overall enhanced majority-party LES is explained away by the role of committee and subcommittee chairs. Throughout the period of

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29 For the role of parties and leaders following such reforms, see Rohde (1991).
30 Evans and Oleszek (1997) and Aldrich and Rohde (1997-98) provide parsimonious overviews of the institutional reforms that were implemented in the House following the Republicans’ rise to the majority in the 104th Congress.
Democratic control ending in 1994, the indirect committee effect accounts for nearly all of the total effect of parties. Committee and subcommittee chairs significantly outperformed minority-party members and members of their own party. Indeed, the remaining direct effect of Majority Party was essentially zero throughout this time frame, meaning that rank-and-file members of the majority party who did not hold chair positions performed no better than minority-party members on their LES measures.

The story changes substantially under the Republican majority. Consistent with the idea of diminishing the clout of chairs and spreading around the majority party’s power, a wide gap opens up on the right part of Figure 3.5 between the total party effect and the indirect committee effect. Relatedly, the direct effect of being in the majority party rises significantly over this period. Put succinctly, under the Republicans, both committee and subcommittee chairs as well as rank-and-file majority-party members outperformed those in the minority party. While in the majority from 1973-94, rank-and-file Democrats’ average LES was a mere 0.49. In contrast, following the Republican Revolution, majority-party non-chairs averaged 0.78. While the ideas of minority-party members were still dismissed, proposals of all Republicans became advantaged, not just the initiatives of those in top committee and subcommittee roles.31

Although there is limited data to draw a full picture, Democrats in the 110th Congress (2007-08)

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31 One factor that may play something of a role here is the support in lawmaking and credit claiming that Republican leaders offered to electorally vulnerable junior Republicans. Yet, such a strategy appears in our data even prior to Republicans attaining majority-party status in 1995. Also perhaps relevant to these findings, in the 104th Congress the Republican leadership advanced high profile legislation through the Appropriations committee, rather than various authorizing committees, as had been common practice previously (Aldrich and Rohde 2000b, Maraniss and Weisskopf 1996). Hence, chairs of authorizing committees likely had relatively fewer prominent bills move through their committees’ jurisdictions. The fact that such a pattern holds beyond the 104th Congress is intriguing, however, given that, after receiving significant political pushback, Speaker Newt Gingrich and others in the Republican leadership decided to revert back to the conventional practice of advancing authorizing legislation through authorizing committees (Aldrich and Rohde 2000b, 29).
seemed to be moving back away from the Republican model, with a decrease in the direct effect of party and a slight increase in the committee-based indirect effect.

One wonders therefore whether Representative Stupak would have been as effective a majority-party member in the 110th Congress if he had not assumed a subcommittee chair in Energy and Commerce within the new majority party. Representative Knollenberg’s LES rose from 0.378 to 1.966 when he became a subcommittee chair in 2001. However, consistent with the broader pattern of effectiveness across majority-party members, Knollenberg’s LES remained high as he moved across institutional positions in the majority party, diminishing only following the Republicans’ defeat in 2006.

The democratization of effective lawmaking across members of the Republican Party need not indicate that the effect of parties has moved out of committees and onto the floor of the House. Rather, it could merely be the case that a broader array of majority-party members’ bills is given greater attention in committee than ever before, while minority-party members’ bills are still largely set aside. Returning to the aggregate numbers from the previous sections bears this claim out. From 1973-94, majority-party Democrats introduced 24% more legislation than minority-party members, but had 282% more bills find their way through committee. Following the 104th Congress, from 1994-2006, those rates are identical for majority-party Republicans, with 24% more introductions and 282% more bills reaching the floor. The relative introduction rates of the majority-party members to minority-party members have remained constant over time, and parties are acting in committees as they have in the past.

The difference that has emerged, then, is that following the Republican rise in 1994, the proposals of a much broader group of majority-party members than merely the committee and subcommittee chairs were advancing further in the legislative process than had been the norm in
previous Congresses. This may have been a natural response to the very large influx of new Republican lawmakers in the 1994 elections and in surrounding years. New members tend to resist seniority norms whereby policymaking influence is consolidated among committee and subcommittee chairs.32

One further difference over time is in the size of agendas that majority-party members have been trying to move through Congress and in the capacity of the institution to handle their proposals. Prior to the 104th Congress (1995-96), majority-party members averaged 22 bills introduced. That number tightened to 14 introductions after the 104th Congress. Yet, whereas 2.0 bills per majority-party member passed the House in an average Congress in the earlier era, that capacity rose by ten percent to 2.2 bills per majority-party member per Congress in the more recent era. Recent increased productivity may be offset by bicameral difficulties and broader institutional gridlock, however, with the average majority-party member producing 1.0 law per Congress recently, compared to 1.1 prior to the 104th Congress. We raise concerns about legislative gridlock once again in Chapter 5 with a focus on many different specific areas of public policy.

For now, our research illustrates the usefulness of Legislative Effectiveness Scores in adjudicating among the sides in the debates over major issues in legislative politics. Consistent with the conditional party government theory of Aldrich and Rohde, we find that preferences of members relative to one another do indeed help explain the overall effectiveness of the majority party. However, such a preference-based approach is limited, leaving behind a large unexplained portion of the enhanced effectiveness of being a majority-party member. Moreover, the

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32 Similar patterns of resistance and reform occur at various points in congressional history (e.g., Rohde 1991, Schickler 2001).
increased effectiveness of majority-party members has not varied significantly between 1973 and the present, despite significant changes in the conditions that Aldrich and Rohde highlight.

Instead, our findings are even more consistent with the negative agenda setting theory of Cox and McCubbins. The enhanced effectiveness of majority-party members arises because the bills of minority-party members are largely ignored and killed in committees. Moreover, upon accounting for the role of committee and subcommittee chairs, little is left to explain regarding the enhanced effectiveness of majority-party members. That said, the story that emerges here is not quite as clean as the negative agenda setting view might suggest, with at least two puzzles remaining. First, the proposals of minority-party members perform equally well as those of majority-party members, if not better, on the floor of the House. Why might this be? Second, the relative effectiveness of committee and subcommittee chairs changed significantly in Republican-controlled Congresses. How does this seeming democratization of ideas across majority-party members fit into scholarship that focuses mainly on the ideological location of proposals rather than on the lawmakers who propose them? Work on parties in Congress remains unfinished, and our study suggests a fruitful approach of looking at lawmakers in their roles before and beyond floor voting for additional evidence.\footnote{The approach we use here may also be valuable in exploring the relative power of majority parties in other institutions such as the American state legislatures. There, scholars have thus far found substantial variance in partisan policymaking advantages (e.g., Anzia and Jackman 2013), and have been building tools to measure such concepts as partisan ideological differences (e.g., Shor and McCarty 2011).}

**Conclusion**

We began this chapter with the stories of two members of Congress from Michigan, whose lawmaking fates changed dramatically on a single election night in 2006. Despite his reelection, Joe Knollenberg’s party lost majority status and his proposals never again saw the
light of day. That election flipped the switch on his political power. The Detroit News had previously declared him to be “arguably the state’s most powerful Republican.” Now, seeing his slim electoral margin, the Democratic Congressional Campaign Committee targeted Knollenberg for defeat in the next electoral cycle. No longer able to make the case that he was a powerful subcommittee chair and an influential member of the majority party, Representative Knollenberg went down to defeat in 2008. Although his career lasted two years longer than many of his colleagues who were defeated in 2006, his fate was essentially sealed the same night. His legislative proposals were dead on arrival and the surge of Democratic support in Michigan for Barack Obama was more than he could overcome.

In contrast, Bart Stupak had been dealt a very favorable hand in the 2006 elections. Having survived a dozen years in the minority party, he was ready to use his institutional power to advance his legislative goals and the interests of his constituents. Stupak’s ultimate legislative fate came not from a lack of power, but perhaps from overplaying the cards he held. In late 2009 and early 2010, the pro-life representative led a small group of Democrats who claimed they would not vote for President Obama’s health care reforms without an amendment restricting coverage for abortions. Finally realizing the bill would be defeated without his support, Stupak withdrew his opposition upon receiving a pledge from the president of an executive order barring federal funding of abortions through the new law.34 His changing positions made Stupak a top enemy of both pro-choice and pro-life groups, and in the end made him a target of Tea Party activists, opposed to such a large government intrusion into health care. A few short weeks after the president signed the Patient Protection and Affordable Care Act, Representative Stupak

34 Ultimately, for political reasons that we discuss in Chapter 5, the House needed to pass the exact same version of the legislation that had previously passed the Senate, making amendments impossible. Nonetheless, the discussions that Stupak led factored significantly into subsequent policy debates.
announced that he would retire from Congress. Had he remained in the minority party, his good electoral fortunes would likely have continued for some time. He would have averted his health care fiasco, but would have remained frustrated and ineffective as a lawmaker.

Both Knollenberg and Stupak flourished as lawmakers when in the majority and wilted in the minority. Matching conventional wisdom and the aggregate findings from the previous chapter, majority-party status is immensely valuable. However, in recent decades, political scientists have debated just how the majority party attains its success. Does that success arise from merely a close ideological alignment of members? From a strong hierarchical leadership and influence over floor voting? From institutional prerogatives, such as the agenda-setting powers of committees?

In this chapter, we used the lens of legislative effectiveness to reach three main conclusions. First, most of the power of the majority party resides in committees, where the proposals of majority-party members are far more likely to receive hearings, mark-ups, and votes. Their bills are nearly four times more likely to reach the floor, and even more so for substantive and significant legislative proposals. This committee-based decision making accounts for about three-fourths of the enhanced lawmaking success of members of the majority party.

Second, upon reaching the floor, minority-party members are no longer disadvantaged relative to majority-party members. On the whole, minority-party members have greater success once their bills find their way out of committee. While much of that success arises from a larger portion of commemorative bills in their mix of floor votes, minority-sponsored substantive legislation that reaches the floor is no less likely to pass the House or to become law than are bills sponsored by majority-party members. Perhaps the proposals of minority-party members
that run the gauntlet of the majority-party-biased committee system are stronger and qualitatively better in some way, thus overcoming any residual bias against them on floor votes. In terms of political science scholarship, these two findings indicate that much of the work on parties designed to detect party influence based on floor voting patterns alone is misdirected. Studies focused on legislative activities beyond floor voting, such as our focus on legislative effectiveness, may well be better suited to uncovering the true nature of political parties in Congress.

Finally, we find that not all party members are equal. Through the period of Democratic control, committee and subcommittee chairs were highly effective by our measures, while rank-and-file Democrats were no more effective than Republicans. When the Republicans took control of Congress, however, they sought to reduce the control of committee and subcommittee chairs, and in so doing spread the enhanced effectiveness from being in the majority party to a broader array of Republicans.

In the next chapter, we advance this last theme further, exploring inequalities across members of the same party. We seek to explain why women tend to be more effective than men, all else equal. We assess why African Americans receive lower Legislative Effectiveness Scores. And we examine whether Southern Democrats used their pivotal positions as moderates in the 1970s and ‘80s to enhance their legislative effectiveness, or whether Northern Democrats dismissed their ideas as they did those of Republicans.
Figure 3.1: LES Scorecards Show Little Difference in Legislative Effectiveness between Democrats and Republicans

Note: LES Scorecards reveal no substantial difference in average Legislative Effectiveness Scores (LES) between Democrats and Republicans. They show the number of commemorative (c), substantive (s), and substantive and significant (ss) bills (BILL) the average lawmaker in each party introduced, as well as how many received action in committee (AIC), action beyond committee (ABC), passed the House (PASS), and became law (LAW). These Scorecards capture all Democrats and all Republicans in the 99th-110th House of Representatives (1985-2008), a period when Democrats and Republicans each held the majority for a comparable number of years.
Figure 3.2: LES Scorecards Show Substantially Greater Legislative Effectiveness among Majority-party members

Note: LES Scorecards reveal substantial differences in average Legislative Effectiveness Scores (LES) between majority- and minority-party members. They show the number of commemorative (c), substantive (s), and substantive and significant (ss) bills (BILL) the average lawmaker in each party introduced, as well as how many received action in committee (AIC), action beyond committee (ABC), passed the House (PASS), and became law (LAW), during the 93rd-110th Congresses (1973-2008).
Figure 3.3: Majority Party Activities Outpace Those of the Minority Party, Especially in Committee

Note: The figure shows the percentage by which majority-party activities surpassed minority-party activities for the average member of the House across the five stages of lawmaking. For instance, while the average majority-party member introduces about 25% more bills (BILL), this advantage climbs to 200% more bills receiving action in committee (AIC), and nearly 300% more receiving action beyond committee (ABC). Because minority-party members’ bills outperform those of majority-party members in floor voting and beyond the House, however, such advantages diminish in the House passage stage (PASS) and in bills becoming law (LAW).
**Figure 3.4: Committees Account for Nearly Three-Fourths of Enhanced Majority Party Effectiveness**

Note: The figure shows the component parts that make up the total boost in effectiveness for majority-party members over minority-party members. About 73% of the difference can be attributed to committee and subcommittee chairs, whereas much smaller portions are directly attributable to member preferences in their ideological spatial distances from the party median or to party leaders. About 15% of the total effect remains as a direct party effect through the analyses of Table 3.1, upon which this figure is based.
Figure 3.5: Committees Account for Nearly All of the Enhanced Majority Party Effectiveness until Republicans Control the House

*Note:* The figure shows a steady boost in effectiveness of about one point in Legislative Effectiveness Scores (LES) between majority-party members and minority-party members. Through 1994, this gap is almost entirely explained by enhanced effectiveness of committee and subcommittee chairs, leaving no difference between other majority-party members and minority-party members (direct effect of nearly zero). Upon Republicans assuming the majority in 1995, however, committee effects explain less of the total partisan boost, with rank-and-file members of the majority party outperforming their minority-party counterparts.
Table 3.1: Partisan Determinants of Legislative Effectiveness

<table>
<thead>
<tr>
<th></th>
<th>Model 3.1</th>
<th>Model 3.2</th>
<th>Model 3.3</th>
<th>Model 3.4</th>
<th>Model 3.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Majority Party</td>
<td>1.073***</td>
<td>0.951***</td>
<td>0.945***</td>
<td>0.157**</td>
<td>0.164***</td>
</tr>
<tr>
<td></td>
<td>(0.055)</td>
<td>(0.090)</td>
<td>(0.090)</td>
<td>(0.064)</td>
<td>(0.055)</td>
</tr>
<tr>
<td>Distance from Majority Party Median</td>
<td>-0.209 (0.127)</td>
<td>-0.205 (0.127)</td>
<td>-0.196** (0.096)</td>
<td>-0.300*** (0.075)</td>
<td></td>
</tr>
<tr>
<td>Majority Party Leadership</td>
<td>0.306 (0.235)</td>
<td>0.549*** (0.197)</td>
<td>0.289** (0.138)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minority Party Leadership</td>
<td>-0.024 (0.042)</td>
<td>-0.015 (0.042)</td>
<td>-0.043 (0.061)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Speaker</td>
<td>-0.604* (0.358)</td>
<td>-0.043 (0.359)</td>
<td>-0.314 (0.247)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Committee Chair</td>
<td>3.616*** (0.295)</td>
<td>2.082*** (0.193)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subcommittee Chair</td>
<td>1.111*** (0.082)</td>
<td>0.541*** (0.064)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constant</td>
<td>0.386*** (0.012)</td>
<td>0.537*** (0.094)</td>
<td>0.535*** (0.094)</td>
<td>0.519*** (0.072)</td>
<td>-0.818** (0.392)</td>
</tr>
</tbody>
</table>

Chapter 2 Controls? | No | No | No | No | Yes |
N                  | 7884 | 7884 | 7884 | 7884 | 6155 |
Adjusted-R^2       | 0.11 | 0.11 | 0.11 | 0.42 | 0.56 |

Note: Ordinary least squares estimation of member Legislative Effectiveness Scores, with robust standard errors in parentheses, and observations clustered by member. *p < 0.1 (two-tailed), **p < 0.05 (two-tailed), ***p < 0.01 (two-tailed).
Appendix 3.1: The Determinants of Bill Progression in Congress

In Chapter 3, we note an increasing share of bills by the majority party remaining in the legislative process throughout the committee stages and a declining share through subsequent stages. In particular, the illustration in Figure 3.3 makes this relationship quite apparent. However, that figure was based on raw numbers, without any analysis of the other considerations beyond majority-party status that may have resulted in increased or decreased lawmaking success through various stages of the legislative process. In this appendix, we report the results of a series of OLS regressions that control for all of the independent variables raised in Chapter 2 in assessing the partisan nature of the number of bills introduced and their progression through Congress and into law.³⁵

The results are shown in Table 3A.1, which includes the same specification of independent variables across five different dependent variables. Here, we concentrate our discussion merely on one key independent variable – the indicator of whether a member is in the Majority Party, shown in the top row of the table. The dependent variable in Model 3A.1 is the total number of bills introduced by each member. As the analysis reveals, all else equal, members of the majority party introduce approximately the same number of bills as minority-party members. Any differences detected in the body of the chapter are explained away by the greater number of introductions by committee and subcommittee chairs, among other variables.

Models 3A.2 and 3A.3 show the influence of congressional committees. The coefficients on Majority Party indicate approximately a five-point increase for majority-party members in the percent of their bills receiving action in committee and the percent moving beyond committees, respectively. The means for these two dependent variables are 15.4 and 11.9, meaning that the

³⁵ The lag of each member’s LES is now excluded, as the LES is no longer the dependent variable.
majority-party effect is relatively large. These findings are consistent with the illustration in
Figure 3.3. In addition to this overall effect for members of the majority party, committee and
subcommittee chairs and majority-party leaders all substantially outperform other majority-party
members in receiving attention for (and the success of) their bills in committees.

Models 3A.4 and 3A.5 show that the enhanced majority-party effectiveness ends once
bills pass out of committee. No longer are chairs and leaders substantially advantaged in passage
through the House or in navigating through the Senate and president into law. While, on
average, 83% of bills reaching the floor actually pass the House, this percentage is about five
points lower for the bills of majority-party members. Likewise, the average of 54% of House-
passed bills becoming law is comprised of about a nine-percent higher rate for minority-party
members than for majority-party members. These findings are consistent with decreased
effectiveness for majority-party members at stages beyond committees. On the whole, these
more detailed analyses reinforce support found throughout the chapter for the Parties in
Committee Hypothesis.
### Table 3A.1: The Determinants of Bill Progression in Congress

<table>
<thead>
<tr>
<th>Dependent Variable:</th>
<th>Model 3A.1</th>
<th>Model 3A.2</th>
<th>Model 3A.3</th>
<th>Model 3A.4</th>
<th>Model 3A.5</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Bills Introduced</td>
<td>Percent of Member's Bills Receiving Action in Committee</td>
<td>Percent of Member's Bills Receiving Action Beyond Committee</td>
<td>Percent of Bills Receiving Action Beyond Committee that Pass the House</td>
<td>Percent of Bills Passing House that Become Law</td>
</tr>
<tr>
<td>Majority Party</td>
<td>0.233</td>
<td>5.020***</td>
<td>5.263***</td>
<td>-5.260***</td>
<td>-9.080***</td>
</tr>
<tr>
<td></td>
<td>(1.097)</td>
<td>(0.669)</td>
<td>(0.574)</td>
<td>(1.584)</td>
<td>(2.217)</td>
</tr>
<tr>
<td>Minority Party</td>
<td>0.369***</td>
<td>0.363***</td>
<td>0.376***</td>
<td>-0.205</td>
<td>0.080</td>
</tr>
<tr>
<td></td>
<td>(0.110)</td>
<td>(0.094)</td>
<td>(0.090)</td>
<td>(0.144)</td>
<td>(0.198)</td>
</tr>
<tr>
<td>State Legislative</td>
<td>-3.003**</td>
<td>0.769</td>
<td>1.953*</td>
<td>5.074***</td>
<td>-0.473</td>
</tr>
<tr>
<td>Experience</td>
<td>(1.328)</td>
<td>(1.210)</td>
<td>(1.142)</td>
<td>(1.737)</td>
<td>(2.550)</td>
</tr>
<tr>
<td>x Legislative Prof.</td>
<td>3.358</td>
<td>-0.895</td>
<td>-4.037</td>
<td>-11.484**</td>
<td>-1.789</td>
</tr>
<tr>
<td>Majority Party</td>
<td>-3.055*</td>
<td>5.007***</td>
<td>5.440***</td>
<td>3.616</td>
<td>-0.937</td>
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<tr>
<td>Leadership</td>
<td>(1.749)</td>
<td>(1.924)</td>
<td>(1.948)</td>
<td>(2.526)</td>
<td>(3.951)</td>
</tr>
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<td>Minority Party</td>
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<td>-0.364</td>
<td>3.925</td>
<td>3.404</td>
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<td>Leadership</td>
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<td>(1.476)</td>
<td>(1.582)</td>
<td>(3.743)</td>
<td>(5.786)</td>
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<tr>
<td>Speaker</td>
<td>-12.363***</td>
<td>-1.776</td>
<td>15.213</td>
<td>17.180***</td>
<td>27.677***</td>
</tr>
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<td></td>
<td>(1.933)</td>
<td>(7.199)</td>
<td>(10.109)</td>
<td>(2.865)</td>
<td>(8.377)</td>
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<td>Committee Chair</td>
<td>7.271***</td>
<td>12.885***</td>
<td>16.801***</td>
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<td>1.004</td>
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<tr>
<td></td>
<td>(1.973)</td>
<td>(1.672)</td>
<td>(1.647)</td>
<td>(1.719)</td>
<td>(2.211)</td>
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<tr>
<td>Subcommittee Chair</td>
<td>5.284***</td>
<td>8.006***</td>
<td>6.365***</td>
<td>-0.838</td>
<td>-2.559</td>
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<tr>
<td></td>
<td>(0.940)</td>
<td>(0.846)</td>
<td>(0.769)</td>
<td>(1.174)</td>
<td>(1.601)</td>
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<td>Power Committee</td>
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<td>-2.111***</td>
<td>-0.873</td>
<td>3.878***</td>
<td>8.398***</td>
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<tr>
<td></td>
<td>(1.012)</td>
<td>(0.728)</td>
<td>(0.700)</td>
<td>(1.149)</td>
<td>(1.728)</td>
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<td>-2.920**</td>
<td>-0.218</td>
<td>-4.214</td>
<td>-7.879*</td>
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<td></td>
<td>(2.443)</td>
<td>(1.430)</td>
<td>(1.296)</td>
<td>(3.362)</td>
<td>(4.400)</td>
</tr>
<tr>
<td>Female</td>
<td>1.888*</td>
<td>-2.498***</td>
<td>-0.776</td>
<td>-4.060**</td>
<td>-3.163</td>
</tr>
<tr>
<td></td>
<td>(1.145)</td>
<td>(0.735)</td>
<td>(0.735)</td>
<td>(2.017)</td>
<td>(2.714)</td>
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<td>African-American</td>
<td>-5.852***</td>
<td>-0.289</td>
<td>0.714</td>
<td>3.338</td>
<td>-1.248</td>
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<td></td>
<td>(1.421)</td>
<td>(1.078)</td>
<td>(1.308)</td>
<td>(2.355)</td>
<td>(2.775)</td>
</tr>
<tr>
<td>Latino</td>
<td>-6.130***</td>
<td>3.017*</td>
<td>4.065***</td>
<td>1.133</td>
<td>-2.228</td>
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<tr>
<td></td>
<td>(1.792)</td>
<td>(1.757)</td>
<td>(1.565)</td>
<td>(2.757)</td>
<td>(3.746)</td>
</tr>
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<td>Size of CongressionalDelegation</td>
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<td>-0.003</td>
<td>0.032</td>
<td>-0.014</td>
</tr>
<tr>
<td></td>
<td>(0.035)</td>
<td>(0.024)</td>
<td>(0.022)</td>
<td>(0.038)</td>
<td>(0.053)</td>
</tr>
<tr>
<td>Vote Share</td>
<td>0.602***</td>
<td>0.177</td>
<td>0.128</td>
<td>-0.328</td>
<td>0.619</td>
</tr>
<tr>
<td></td>
<td>(0.203)</td>
<td>(0.159)</td>
<td>(0.144)</td>
<td>(0.315)</td>
<td>(0.451)</td>
</tr>
<tr>
<td>Vote Share^2</td>
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<td>-0.001</td>
<td>-0.001</td>
<td>0.002</td>
<td>-0.003</td>
</tr>
<tr>
<td></td>
<td>(0.001)</td>
<td>(0.001)</td>
<td>(0.001)</td>
<td>(0.002)</td>
<td>(0.003)</td>
</tr>
<tr>
<td>Constant</td>
<td>-7.823</td>
<td>3.256</td>
<td>-0.116</td>
<td>99.916***</td>
<td>36.410**</td>
</tr>
<tr>
<td></td>
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<td>(5.680)</td>
<td>(5.150)</td>
<td>(11.560)</td>
<td>(16.488)</td>
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<tr>
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<td>7572</td>
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<td>4465</td>
<td>4144</td>
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<tr>
<td>Adjusted-R^2</td>
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<td>0.17</td>
<td>0.20</td>
<td>0.01</td>
<td>0.02</td>
</tr>
</tbody>
</table>

**Note:** Ordinary least squares estimation, with robust standard errors in parentheses, and observations clustered by member. *p < 0.1 (two-tailed), **p < 0.05 (two-tailed), ***p < 0.01 (two-tailed).
Chapter 5: Gridlock and Effective Lawmaking, Issue by Issue

Today, after almost a century of trying; today, after over a year of debate; today, after all the votes have been tallied – health insurance reform becomes law in the United States of America.


In November 1992, a relative newcomer on the national political scene, Bill Clinton, was elected President of the United States. Arriving on the tail-end of a significant economic downturn (so much so that one of his campaign themes was “It’s the economy, stupid”), Clinton was embraced by younger and more liberal voters, and seemed to embody a new wave of optimism in America. He joined a Democratic House and Senate in bringing about the first period of unified party governance in over a decade, promising policy change after too much gridlock. While a wide range of policy items dominated his agenda, President Clinton made it well-known early into his Administration that he sought dramatic changes to health care in the United States.

To institute these changes, Clinton formed a health care taskforce early in 1993, comprised of a wide range of health care specialists from within and outside of government and headed by then-First Lady Hillary Rodham Clinton. After holding a series of behind-closed-doors meetings for the better part of a year, the task force completed its deliberations by the end of 1993 and released its policy proposal to the public. As originally conceived, health care (meaning, some form of health insurance coverage) would be made available to all Americans through a combination of Medicare, employer-based insurance, and government provisions for the unemployed and low-income workers. The costs of maintaining such a system would
purportedly be covered through efficiencies that were expected to be gained from competition among insurance companies and providers, and from a broader insurance pool that included all Americans. Furthermore, revenues generated from several new taxes (such as those on alcohol and cigarettes) would be directed towards covering the program’s costs. And large employers would face a mandate to provide affordable health insurance to their employees.¹

While the Administration’s plan engaged a problem that was widely considered a fundamental concern for American society, and while policy experts of all ideological stripes advocated for some type of health care reform, Clinton’s proposal quickly encountered obstacles. As Representatives and Senators digested the details of the Clinton plan and what it would mean for their constituencies, a wide range of policy alternatives emerged, with different legislative vehicles proposed to engage health care in both chambers. Each proposal sought to reform health care in a variety of ways, yet none gained the amount of attention received by the president’s plan. And that plan was not well tailored to pick up sufficient votes in either the House or the Senate, despite unified Democratic control of Congress. The program’s costs, coupled with aggressive lobbying and public relations campaigns against the reforms, left little support for Clinton’s proposal. The reform effort was abandoned in the fall of 1994 without so much as a floor vote. Republicans characterized Clinton’s proposals on health care and many other issues as far too liberal for the country, and captured control of the House for the first time in four decades.

♦♦♦♦♦

¹ Kingdon (2011, 217-221) provides a parsimonious description of the politics and policy proposals underlying the health care debates during the Clinton Administration. More broadly considered, the Clinton proposals (and their ultimate downfall) have been studied by numerous scholars including Brady and Buckley (1995), Hacker (1997), Johnson and Broder (1996), Skocpol (1996), and Steinmo and Watts (1995).
Fast-forwarding to November of 2008, a relative newcomer on the national political scene, Barack Obama, was elected President of the United States. Entering the White House in the midst of one of the most substantial economic downturns since the Great Depression, President Obama faced a large policy agenda including conflicts in the Middle East and an economic system that was arguably on the brink of collapse. Yet, similar to Clinton years earlier, Obama had been embraced by younger and more liberal voters, and seemed to embody a new optimism of hope for America – so much so that one of his campaign slogans was “Change you can believe in.” Such change seemed possible with the return of unified Democratic Party control of Congress and the presidency, unseen since Clinton’s first two years. Also similar to Clinton, President Obama made it known very early in his term that he was putting health care reform on the front burner of his domestic political agenda.

Unlike the Clinton Administration however, Obama chose to let the policy process begin largely in the Congress, with White House officials only working behind the scenes; the Administration did not become formally engaged in the policy deliberations until a bipartisan health-care “summit” in February 2010. As a result, congressional Democrats began the process of bargaining and compromise within, and across, the House and the Senate shortly after Obama took office in January 2009. Time after time, in their roles as lawmakers, pivotal members of the House and the Senate proved to be particularly influential in moving the legislation forward. For example, Speaker Pelosi insisted on the crafting of a single bill in the House, as opposed to separate bills from separate committees. On an issue-specific compromise, Representatives Bart Stupak (D-MI) and Joe Pitts (R-PA) played a key role in raising and resolving the issue of limiting federal funding for abortions. Democratic lawmakers in both the House and Senate worked to include concessions, such as greater federal funding of
state Medicaid costs for Nebraska, in order to secure additional votes of support. Finally, to avoid a Senate filibuster following a mid-session seat gain by Republicans, the House leadership devised a multi-bill process to first approve Senate revisions and then immediately pass changes as a separate bill.

In its final form, the “Patient Protection and Affordable Care Act” (commonly known as “Obamacare”) provided for: a substantial expansion of health insurance coverage for Americans, enhanced protections against denial of coverage for preexisting medical conditions, and the creation of health insurance exchanges within the states. While the law did not include many features that its proponents initially advanced (a federally funded insurance plan, denoted the “public option” had been excised from the bill late in 2009, for example), most observers agreed that the new law did, indeed, yield meaningful health care reform, for good or for ill. Democrats rejoiced, and Republicans prepared to take their battle to the courts.

In considering the experiences of the Clinton and Obama Administrations, a natural question is: “Why were fundamental health care policy reforms obtained in 2010, but not in 1994?” Another way of engaging this point is to ask, “Why was legislative gridlock successfully overcome during the Obama Administration, yet not during the Clinton years?” These questions have already received substantial attention and will undoubtedly be reexamined years and decades hence.\(^2\) For our purposes, one very clear difference stands out. Clinton treated members of Congress as voters, whom he felt should have supported their president’s well-thought-through proposal. Obama, instead, treated members of Congress as lawmakers, who

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\(^2\) Early contributions to this debate can be found in Hacker (2010) and Kingdon (2011), both of whom suggest that the particular tactics taken by Obama and the nature of the agenda setting environment distinguished the Obama Administration’s experiences from those of the Clinton Administration. Other perspectives on the politics underlying the passage of the Affordable Care Act can be found in Brown (2011), Burgin (2012), Feder (2011), Hacker (2011), Peterson (2011), Quadango (2011), and White (2011).
would use their lawmaking roles to construct compromises and formulate a politically viable policy.\(^3\)

Yet, if such lawmaking roles are indeed crucial to overcoming policy gridlock, their importance should not be limited merely to the instance of a single (albeit significant) policy change in health care. Instead, in policy area after policy area, and Congress after Congress, we should find that the nature of members in their lawmaking roles determines the course of American public policy. In this chapter, we seek to use what we have uncovered about members of Congress and their legislative effectiveness to explain why some policy issues are much more gridlocked than others, and how lawmakers as political entrepreneurs play a crucial role in bringing about policy change. Put simply, here we confront how individual legislative effectiveness (as considered in previous chapters) contributes to the productivity of the chamber, as a whole.

To do so, we first establish that legislative gridlock in Congress varies substantially across different areas of public policy, as well as over time. We adapt the Legislative Effectiveness Scores used throughout this book thus far to be issue-specific, and create member LESs for each of 19 broad issue areas across thirty years. We then utilize three aspects of those issue-specific scores to help explain issue-specific gridlock patterns. In particular, we argue that issues are likely to be more gridlocked when they: (1) are highly partisan, (2) require a high level of policy expertise, and (3) are characterized by a high degree of entrepreneurial politics. We analyze issue-specific Legislative Effectiveness Scores to determine whether each policy area in each Congress is high or low in partisanship, required expertise, and entrepreneurship. And we

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\(^3\) Our purpose here is not to examine whether the president’s treatment of members of Congress as lawmakers helps overcome gridlock. Rather, we argue that members of Congress are lawmakers (whether presidents fully appreciate that or not), and that examining them as such is informative for understanding the presence or absence of policy gridlock in Congress.
demonstrate how these characteristics influence what Congress as an institution accomplishes in different policy areas over time. Such analyses provide us with insights about the keys for overcoming legislative gridlock in the United States in different policy areas, shedding new light on public policymaking more generally.

How Pervasive Is Gridlock in Congressional Policymaking?

Torn between fear of an overly strong ruler and the reality of a need for leadership and coordinated action across the states, the Framers of the U.S. Constitution instituted a system of separated powers. Policy change would be limited by the need to reach agreement across policymakers selected in different ways, for different terms, between the House, the Senate, and the Presidency. From that point of view, policy gridlock is not new in America. Yet, from time to time, the distance between what the American people appear to want and what the political system offers them is substantial and difficult to comprehend.

Scholars of legislative politics have studied such gridlock in a variety of ways, and have laid blame at the feet of political parties, lawmakers with diverse preferences, tight budgets, or supermajority institutions like the filibuster or veto, just to name a few. Yet, in their analyses, scholars and public observers have largely examined national policy choices as a whole, rather

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4 Binder and Smith (1997), for example, explore the ways that the filibuster has contributed to legislative gridlock across much of the 20th century, while Binder (1999, 2003) builds on these points and discusses how additional features of the American political system, such as bicameralism, and partisan and electoral competition, has contributed to legislative “stalemate.” (But see Chiou and Rothenberg 2008 for a critique of Binder’s approach.) Brady and Volden (1998, 2006) and Krehbiel (1996, 1998) develop formal models that attribute gridlock to the interaction of heterogeneous preferences in the legislature and the need to generate supermajority support for any proposals to ensure that they will not be subject to veto or filibuster threats; and Callander and Krehbiel (2012) point to how these supermajoritarian institutions might prove particularly problematic for facilitating policy change in the presence of policy drift. Chiou and Rothenberg (2003, 2006, 2009) build on the analyses of Brady and Volden, and of Krehbiel, to explore how party discipline might interact with supermajoritarian institutions to facilitate gridlock. Howell (2003) and Moe and Howell (1999) suggest that collective action problems will generally limit the extent to which Congress can engage in meaningful policymaking (especially in comparison to the President). Diermeier and Myerson (1999) suggest that the combination of various formal parliamentary requirements and informal norms contribute to costly hurdle factors that are particularly difficult to overcome in bicameral lawmaking institutions. Stone (2013) provides a relatively novel perspective, arguing that gridlock might be due to the media environment.
than divided by the various issues to be addressed. For example, in confronting the question about whether more is accomplished under unified party government than divided government, David Mayhew identified all “landmark laws” since World War II. If lumped together by Congress, such an analysis shows little difference between the overall lawmaking output of divided governments when compared to unified governments.⁵

Such an overview is useful, and Mayhew’s work definitely caught the imagination of scholars, who then sought to understand why party governance did not matter as expected. Such an overall view also allows observers among the public and the press to occasionally pin the label of “do-nothing Congress” on their political opponents.

Yet, from our perspective, such an approach suffers from at least two problems. First, it starts at the end of the lawmaking process, rather than the beginning. The concept of gridlock is based on the gap between public needs and political outcomes. A focus only on the outcomes misses the scope of the policy problems that citizens hope their government will address.⁶ If the nation faces more crises at some times than others, a steady production of important policy changes may show a lack of response to changing policy needs rather than a steady triumph over gridlock. Second, overall lawmaking productivity disguises the fact that some policy areas are more gridlocked than others. Some issues are more intractable than others. And policymakers may often set aside the tough decisions to make progress on easier ones that will bring public approval and campaign contributions.

In contrast to earlier approaches, we characterize gridlock in the House of Representatives based on what percent of the bills introduced actually become law, and we do so

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⁵ Mayhew’s (1991) initial analysis ran through 1990, although updated versions find the same patterns.
⁶ Scholars have recognized this concern in the past. For example, Binder’s (2003) approach to studying gridlock overcomes this issue by first identifying the problems than receive media attention and then determining which of those problems Congress actually acted upon.
across nineteen major policy issues from 1973-2002.\textsuperscript{7} Doing so allows us to account not only for how many laws are produced, but also for how those laws compare to the demand for policy change, as captured by the number of proposals for change that are offered. This approach also allows us to characterize the issues to which Congress pays the greatest attention over time.

Clearly, there may be limitations to our approach. Members of Congress introduce bills for a large number of reasons, including position-taking or simple reactions to pleas from campaign contributors. In our view, however, the amount of pressure exerted on members, and the benefit of such position-taking, increases along with the degree to which particular policy areas feature pressing problems. Thus, the number of bills introduced serves as an appropriate proxy for public demand; and the frequency with which those bills become law then serves as a valid measure of whether Congress can meet demands in particular policy areas at given points in time.\textsuperscript{8}

In examining lawmaking by issue area and relative to bill introductions, we find significantly more variance than has been traditionally associated with congressional gridlock. Table 5.1 lists the nineteen issue areas, as well as the introductions and enactments within each policy area over our thirty-year period of examination.

\textsuperscript{7} Bills are coded into the nineteen issue areas developed by Baumgartner and Jones in their \textit{Policy Agendas Project} (see \texttt{www.policyagendas.org} or Baumgartner and Jones 2002) and adapted to congressional introductions in Adler and Wilkerson’s \textit{Congressional Bills Project} (see \texttt{www.congressionalbills.org} or Adler and Wilkerson 2013). We end our analysis in 2002, as this is the final year of systematic coding of issues within the Congressional Bills Project at the time of our writing.

\textsuperscript{8} When issues become prominent, many members tend to introduce bills that are very similar to one another. We consider this to be evidence of high public demand. In contrast, a disconnect between policy needs and congressional action may arise in this approach if members of Congress become so distant from the public policy problems they are elected to address that they do not even introduce bills to tackle such problems. However, given the relatively low cost of bill introduction, and given the desire of members of Congress to appear responsive to voters, we believe that our approach reasonably represents public demand for policy change. Future work linking bill introductions to public opinion surveys or other measures of public demand for policy change would be welcome.
The first column of Table 5.1 lists the issues, while the second column documents the percent of members of the House that sponsor bills in the given area in an average Congress. Here we see that the attention of members varies widely. Only one in five members cares enough about issues like Civil Rights and Liberties, International Affairs, or Science and Technology to introduce even a single bill on such policies in any given Congress. In contrast, half to two-thirds of all members introduce bills on Health, Public Lands, or Government Operations. Some of these differences may reflect the nature of representative governance, such as with only 25% of members introducing agricultural legislation, consistent with the small number of farm-area districts. In contrast, education is relevant in all districts, but addressed in bill introductions by only 30% of members. Perhaps such a low level of bill sponsorship across such policy areas reflects a high degree of issue specialization in Congress.

The next column shows the number of bills introduced across thirty years, illustrating the potential workload of Congress, in needing to sort through about 3,000-5,000 bills per year. From this point of view, it is perhaps unsurprising that bill success rates average around 4% of introduced legislation becoming law. Such rates come in the final two columns of the table, which show the number of laws enacted in each policy area and then calculate the success rate, defined as the percent of introduced bills that become law.

While there is substantial variation in the range of introductions across members and issues, there is likewise substantial variation in the success rates for the different issue areas, ranging from a low of 1.33% (Social Welfare) to a high of 10.41% (Public Lands). In other words, in the average Congress, only 1.33% of the bills that are introduced that focus on Social Welfare policy are ultimately signed into law (which translates into approximately 6 laws per
Congress). In contrast, of the approximately 580 Public Lands bills that are introduced into the typical Congress, 60 of them are signed into law on average.

It is not the case, however, that the most popular areas, in terms of number of introductions and percent of members introducing legislation, are always those with the greatest success rates. For instance, Health legislation has among the lowest rates of bill success (1.58%), whereas International Affairs has among the highest success rates (6.46%). Indeed, there is a slightly negative (but not statistically significant) relationship between the percentage of legislators who introduce bills in a given issue area and that area’s success rate. As such, interest from more lawmakers does not necessarily result in a greater likelihood of bill passage for any particular piece of legislation, partly because that bill is competing with so many others.

[Insert Table 5.2 about here]

Taken together, the results in Table 5.1 suggest that even if gridlock truly is a pervasive feature of the contemporary Congress, not all policies are equally gridlocked. Moreover, as demonstrated in Table 5.2, issues vary not only in their overall success rates, but also in terms of where in the lawmaking process they face more substantial hurdles. Consistent with the major lawmaking stages used to construct our Legislative Effectiveness Scores, Table 5.2 focuses beyond introduction to also account for Action in Committee, Action Beyond Committee, Passage, and Becoming Law.

If one wishes to understand why Social Welfare policies are so gridlocked, for example, we need not look far beyond the committee stage, where only 4.3% receive any attention at all, in terms of hearings, markups, or committee and subcommittee votes. This is evident in the “Percent Action in Committee” column of Table 5.2. Put simply, more than nineteen out of twenty Social Welfare bills are dead upon arrival in committee. In contrast, bills on Science and
Technology or on International Affairs have more than four times that rate of receiving action in committee, and nearly 30% of bills on Public Lands also receive committee attention.

A similar pattern emerges for bills reaching the floor of the House. As with those receiving Action in Committee, the most gridlocked in emerging from the committee stage (as seen in “Percent Action Beyond Committee” in the table) continue to be Social Welfare, Health, and Macroeconomics. For Social Welfare, for example, now only one in thirty bills survives out of committee. In contrast, the bills most likely to reach the floor of the House are on Public Lands and on International Affairs where one out of every five or six bills survives the committee process.

Upon running the committee gauntlet, approximately 80% of the remaining bills pass the House, as reported in the “Passage Rate Upon Reaching Floor” column of Table 5.2. That said, gridlock grabs hold of another one in five bills at the floor voting stage. And here, once again, there is considerable variation in House passage, with nine out of ten Defense bills passing the House upon reaching the floor, compared to only seven out of ten Energy bills. Finally, as is the nature of a separation of powers system, only half of the bills that pass out of the House ultimately become law, as illustrated in the final column of the table. Most of those subsequent cases of gridlock arise because the Senate chooses to not act on the House bill. Sometimes the Senate acts, but with different language, resulting in further gridlock when House-Senate conferees are either not appointed or unsuccessful in reconciling differences. And, albeit rarely relative to the volume of legislation, bills occasionally fall to presidential vetoes (and failed override attempts) even upon passing the House and Senate. Once again, such gridlock beyond the House varies considerably by policy area, with less than 40% of Housing and Community
Development bills becoming law upon passing the House, compared to around 60% for bills in Agriculture, Defense, and Government Operations.

The different stages of the process, as shown in Table 5.2 can sometimes shed light on the overall success or gridlock rates from Table 5.1. For example, Civil Rights and Liberties bills, with a success rate of only 1.88% are actually in the middle of the pack in terms of committee activity and success. But they face greater difficulty passing the House and still further hardship in the Senate, resulting in the low overall success rate. In contrast, consider International Affairs and Macroeconomics bills, which perform about average in passing the House upon reaching the floor and in becoming law upon passing the House. But International Affairs legislation is so well received and likely to be acted upon in committee, that its overall success rates are well above average at 6.46%, whereas Macroeconomics bills are three times as gridlocked in committee, resulting in just a 1.93% overall success rate.

In sum, while it is generally true that most bills are stopped somewhere in the legislative process, there is a good deal of variance across the different issue areas in regards to which bills, in which issue areas, are more or less likely to overcome the numerous hurdles that emerge between introduction and presidential signature.

[Insert Figure 5.1 about here]

Even further variance arises over time, from one Congress to the next. Figure 5.1 orders the issues from the most gridlocked to least, based on the averages from Table 5.1, and illustrates the highest and lowest success rates for each issue, with the middle half of the success rates noted by the black boxes. For instance, only half of one percent of Social Welfare bills became law in the 95th Congress (1977-78), whereas welfare reforms became a major issue in the early Clinton Administration, achieving success rates of 4.1% and 2.4% in the 103rd and 104th
Congresses (1993-96), respectively. Yet these rates were still well below the 9.7% of Science and Technology bills that became law in 100th Congress (1987-88), during the height of the Cold War. Among the greatest over-time variance is in Energy policy, which often faces success rates of less than two percent, but which opened up significantly to policy change with 33 new laws adopted in the early years of the Republican 104th and 105th Congresses (1995-98).

As the above examples suggest, not only do gridlock rates vary over time, but one area’s period of greatest activity could well correspond to another area’s era of greatest gridlock. For instance, Figure 5.2 illustrates the success rates in Health and in Foreign Trade, as well as for all policy issues combined. For all issues, the policy success rate increases from around three percent in the mid-1970s to a steady five percent by the late 1980s and beyond, yet with a peak above six percent in the 100th (1987-88) and 106th Congresses (1999-2000). As both of those Congresses featured divided government, we might once again conclude that divided or unified government alone does not explain the overall gridlock rates in Congress. That said, overall rates mask issue-by-issue differences. The figure shows the volatility of foreign trade measures, with notable peaks in the 95th (1977-78) and 104th Congresses (1995-96). Health care policy also sees its highs and low in terms of policy gridlock, yet with peaks and valleys seeming wholly independent of the overall trends or of those in distant areas such as foreign trade.

Given such volatility and variance across issue areas over time, we suggest that scholarly and public attention should not focus around the overall gridlock rates and lawmaking activities of Congress, but should instead be more nuanced, with a focus on separate issues. Moving in that direction, we dedicate the remainder of this chapter to developing Legislative Effectiveness Scores by issue area, using patterns surrounding those scores to highlight three important
explanations for gridlock across policy areas over time, demonstrating how partisan
effectiveness, issue expertise, and policy entrepreneurship are each linked to policy gridlock.

**Legislative Effectiveness across Issue Areas**

The premise of this chapter is that viewing members of Congress in their individual lawmaking roles will help scholars and practitioners understand successful lawmaking or policy gridlock for the institution as a whole. Indeed, because the bills that individual members sponsor and attempt to move through the lawmaking process eventually become the policy changes seen at the aggregate level, “overcoming institutional gridlock” and “effective lawmaking by individuals” are naturally intertwined.

Table 5.3 offers such an illustration of the role of legislative effectiveness in bringing about important policy changes. The table lists the House bills that became Mayhew’s “Landmark Laws” in the 100th Congress (1987-88). As shown in the final column, sponsors of these laws are among the most effective members in Congress, with Glenn Anderson (D-CA), Thomas Foley (D-WA), and Dan Rostenkowski (D-IL) all scoring above 4.2 in their Legislative Effectiveness Scores, placing them easily in the top 5% of all House members. Indeed, of the seven lawmakers in the table, only one is below the House average of 1.00 LES, with Harold Ford (D-TN) at 0.99. While the fact that they sponsored landmark laws certainly contributes to their LES in this Congress, it should not have been surprising that these seven were landmark law sponsors. Indeed, their average LES in the previous Congress was 4.31, and across the previous three Congresses was 3.59, placing them collectively in the top 5% of all House members. Put simply, if we want a best guess for the likely sponsors of landmark laws, looking to the most effective lawmakers by our measure is a good bet.

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9 Analyses of landmark laws in different Congresses show similar patterns to those discussed here.
Just as the LES is useful in addressing overall landmark laws, this approach also holds promise for explaining the variance in policy gridlock by issue area and across Congresses. However, to be most useful, we must adapt our scores to account for policy-by-policy differences. Specifically, we once again construct Legislative Effectiveness Scores for each member of the House of Representatives in each Congress; but now we do so for each of the nineteen issue areas discussed above.¹⁰

Unlike in our construction from Chapter 2, in which we found very few members of Congress who introduced no legislation whatsoever, in most issue areas most members do not introduce a single bill. We are not arguing that such members have nothing to add to policy choices in such issue areas, nor that they would be ineffective if they tried. Rather, those members are dedicating their lawmaking efforts to other issue areas. Therefore, to be consistent with the logic of issue specialization, throughout this chapter we refer to the issue-specific scores as Interest and Legislative Effectiveness Scores (ILES). Focusing on Health policy, for example, we see that more than half of House members have not introduced a bill in this issue area in any given Congress. Such members receive a Health-ILES of zero, due as much to their lack of interest in being lawmakers in health policy as to their ineffectiveness were they to try. Such scores are consistent with our definition of legislative effectiveness from Chapter 2: “the proven ability to advance a member’s agenda items through the legislative process and into law.” Without introducing legislation, these lawmakers have no proven abilities in this area.

¹⁰ The approach we offer here is quite flexible and can be extended in a variety of potentially useful directions in the future. For instance, instead of by issue area, bills could be classified by the committee(s) to which they are assigned, allowing us to score each member based on how effective she is on issues linked to certain committees. Alternatively, scores could be aggregated by subsets of members, such as in capturing which committee’s (or subcommittee’s) members are most effective at addressing which issue areas. Or, more generally, each committee could be given an overall score based on its members’ effectiveness, to track the policymaking prowess of each committee over time (perhaps then to be shown as a function of its staff, its culture of bipartisanship, and the like).
The scores are constructed following the same equation used for overall effectiveness scores in Chapter 2. Here, however, we focus only on the subset of bills that falls into each particular issue area. Specifically, we base our calculations on each policy area and each Congress separately, assigning an Interest and Legislative Effectiveness Score for each member in each Congress in each policy area. Once again, we rely on weights of $\alpha = 1$, $\beta = 5$, and $\gamma = 10$ applied to commemorative, substantive, and substantive and significant bills, respectively. Hence, similar to the calculation of the overall LES, our measure of ILES seeks to capture the difficulty in moving more substantive and more significant bills through the lawmaking process. Moreover, consistent with our earlier methodology, in calculating ILESs, we normalize the scores to ensure that for each Congress (and each issue area), the ILESs have a mean equal to one. This normalization facilitates interpersonal comparisons of ILESs across members. Finally, while the analysis presented in Chapter 2 calculated LESs for each member in the 93rd-110th Congresses, we here calculate ILESs only for the 93rd-107th Congresses, for reasons similar to those surrounding the discussion of issue specific success rates for these same Congresses above.\footnote{This is entirely an artifact of the coding protocol that we rely on (as developed by Adler and Wilkerson), which covers legislation only up until the 107th Congress at the time of this writing. Replications and extensions based on further data availability in the future would be welcome.}

Having stated these points, a brief examination of the resulting ILESs reveals several interesting findings. Consider, for example, the Health-ILES, wherein there is notable variation in the range of scores, from a low of zero (for those members who introduced no health-related legislation in any given Congress), to a high of 200.55, earned by Representative Paul G. Rogers (D-FL) in the 94th Congress (1975-76). The case of Rogers is instructive in that, during his time in Congress, he was dubbed “Mr. Health” by his colleagues, and either sponsored or played a major role in the passage of several prominent health measures, including the National Cancer
Act, the Health Maintenance Organization Act, the Health Manpower Training Act, the Medical Device Amendments, the Emergency Medical Service Act, and several other substantive and significant bills. More generally, Rogers’s influence in health policy is clearly detected in a consideration of his Health ILESs, which are the highest of any member of Congress.

Interestingly, upon retiring from the House in 1978, his position as health policy leader was taken up by Henry Waxman (D-CA), who subsequently had a Health ILES greater than 100 in every Congress until the Republicans gained a majority following the 1994 elections. Similar to Rogers, Waxman’s high Health ILES comports with conventional wisdom. Upon replacing Rogers as chair of the Subcommittee of Health within the Energy and Commerce Committee, Waxman either sponsored or helped to ensure the passage of a wide range of prominent health measures, including the Safe Medical Devices Act, the Patent Term Restoration and Drug Competition Act, and the Orphan Drug Act. The high scores of Waxman and Rogers in the 93rd-103rd Congresses (1973-94) far exceeded the scores of similarly placed Republicans when they were in the majority party between 1995 and 2002. For those four Congresses, no member’s Health ILESs averaged above 25. Hence, during those eight years of Republican rule, the most effective initiators of health policy accomplished notably less than Rogers or Waxman had accomplished in any given Congress previously. This is consistent with the democratization of effective lawmaking during the Republican era, away from the committee and subcommittee chairs, as highlighted in Chapter 3.

On its face, then, Rogers and Waxman seem to emerge naturally from the data as true health policy entrepreneurs, in that they were persistent in advancing a substantial health agenda,
and (by all accounts) possessed skill at negotiating deals and tough compromises. Such entrepreneurs emerge in many different issue areas at different points in time. For instance, in the area of Foreign Trade, Phil Crane (R-IL) twice scored above 100 in the Trade-ILES for his role in promoting free trade policies in Republican Congresses. In contrast, in a policy area like Government Operations, no member scored an ILES above 50, and only an average of one lawmaker per Congress scored above 25.

In Chapter 2, we estimated a series of regression models to find the determinants of members’ overall LESs. Similar analyses are possible within each issue area, as illustrated in Table 5.4 for the policy areas of Health, Foreign Trade, and Government Operations. More specifically, Table 5.4 presents the analysis from a regression where the dependent variable (in Model 5.2) is legislator $i$’s Health-ILES in Congress $t$, and the independent variables are identical to those analyzed in Table 2.5 in Chapter 2. Model 5.3 presents a similar analysis for the Trade-ILES, and Model 5.4 examines the Government Operations-ILES. As a point of comparison, Model 5.1 presents the results from an analogous model where the dependent variable is member $i$’s overall LES for comparable years (1973-2002).

[Insert Table 5.4 about here]

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12 The legislative records of Rogers and Waxman suggest that both members represent textbook examples of “political entrepreneurs,” as defined by Kingdon (2011, 180-181). They both emerge among our twenty most effective lawmakers in Chapter 6.


15 Similar to the analysis in Chapter 2, the results in Table 5.4 follow from Ordinary Least Squares regression with robust standard errors (clustered by members).

16 It is useful to note that if we replicate the analyses in Table 5.4 and exclude those members who introduce no legislation in a particular area (i.e., all members with ILESs equal to zero), we uncover results that are substantively similar to those presented here, while the statistical significance of several variables (and party, for Health and for Trade, in particular) is enhanced.
A number of similarities and differences emerge across these models. For instance, for each policy area, similar to the overall LES, a member’s issue-specific ILES is strongly correlated with that member’s ILES in the previous Congress, with a positive and statistically significant coefficient on Lagged Effectiveness Score. Hence, legislators who are effective at moving health policy in one Congress, for instance, continue to be relatively successful at advancing health policy in subsequent Congresses. Also similar to the overall LES, we see that holding a position of institutional influence, such as a chair or subcommittee chair, is positively related to a member’s effectiveness in particular policy areas.\footnote{17} Whether because of the specialized expertise that these members possess, their role in advancing the majority party’s agenda, or their powers as institutional gatekeepers, it is clear that holding these positions facilitates the advancement of a member’s legislative program.\footnote{18}

There are also significant differences that emerge across policy areas, as evident in the coefficients in Table 5.4. For instance, in the area of trade policy, Seniority has a large and statistically significant effect. Each additional term in Congress boosts the average member’s Trade-ILES by about ten percent, relative to the average score of 1.0. This may perhaps be due to the need to develop expertise in order to understand the intricacies of trade deals. In contrast, the coefficient on Seniority is negative for Health and Government Operations, perhaps indicative of the success of junior members who bring new ideas to these policy areas.\footnote{19}

\footnote{17} While comparable in size to those for other policy areas, the coefficients on Committee Chair and Subcommittee Chair in Model 5.3 are not statistically distinct from zero, due in part to the limited overall explanatory power of Model 5.3.

\footnote{18} For more on the role of expertise in committees, see Krehbiel (1991). For the gatekeeping roles of committees, see Denzau and Mackay (1983).

\footnote{19} The negative coefficients on Seniority should likely not be interpreted as implying that more senior members are not as capable at advancing health policy as more junior members. Rather, the finding might be an artifact of specialization decisions in Congress across a legislator’s career path. That is, upon reaching a certain level of seniority, members have cultivated particular legislative portfolios such that those members who focus their greatest efforts on advancing health policy are most likely already in positions of institutional influence (i.e., committee and subcommittee chairs), such that no further benefits accrue from being more senior, per se. Moreover, the most
Also varying across policy areas is the effect of the *Majority Party* variable. There is little difference in size between the coefficients on *Majority Party* for the Overall LES and for the Health-ILES. But the coefficient for Trade-ILES is much larger, and that for Government Operations-ILES is actually negative. Of course, as highlighted in Chapter 3, the coefficient on *Majority Party* may only be picking up a small part of the effect from being in the majority party, with a larger indirect effect arising through variables capturing such considerations as the institutional benefits of being committee or subcommittee chairs within the majority party.

Another way to think about majority party differences, then, is just to consider the raw differences in the average ILES between members of the minority party and members of the majority party. Here again, policy areas differ from one another, such as with majority-party members outperforming minority-party members by 1.2 points in their Health-ILES but by less than one point in their Government Operations-ILES, and by only 0.6 points in their Public Lands-ILES.

Above we noted that there is significant variation in the overall policy gridlock or success rates by issue area and over time. We now see that there are also significant differences across issues in the factors that are associated with individual legislative effectiveness. In our view, these two factors are interrelated. That is, the nature of different policy areas at particular points in time dictate the legislative strategies that individual lawmakers adopt to advance their policy goals, and likewise influence the overall degree of change within any given policy area. Rather than explore each and every variable from the regression in Table 5.4, we dedicate the rest of the effective senior members’ performance may already be captured in the lagged dependent variable (therefore, in later analyses on a Congress-by-Congress basis, we set aside the lagged variable). Volden and Wiseman (2011) estimate a slightly different regression model than Model 5.2 that controls for *Seniority*², as well as *Seniority*, and whether a member is the chair of a committee dealing with health policy legislation, but they do not control for whether a member is a subcommittee chair. They uncover findings that are substantively quite similar to those reported here, with one notable exception being that the estimated coefficient on *Seniority* is positive, while the coefficient on *Seniority*² is negative (and statistically significant), indicative of diminishing returns from expertise beyond a certain point.
chapter to highlighting three such relationships between issue-specific Interest and Legislative Effectiveness Scores and issue-specific policy gridlock: the roles of majority party effectiveness, issue expertise, and political entrepreneurship. In so doing, we establish not only that gridlock arises for systematic reasons across policies and over time, but also that a focus on legislative effectiveness provides key insights into when and where such gridlock occurs and how it might be overcome.

**Partisanship and Issue-Specific Gridlock**

When members of the voting public become increasingly frustrated with the inability of Congress to deal with the pressing policy problems of the day, they look for someone to blame. And political parties serve as easy targets. Especially when one house of Congress is controlled by a different party from the other house, partisan bickering surrounds the gridlock of the Senate not acting on proposals coming out of the House, or vice versa. Likewise, when the president is from another party relative to the Congress, public discourse surrounds whose proposals will move forward, or whether gridlock will take hold of both parties’ proposals.

It is in this context that scholars were surprised and challenged by Mayhew’s finding of similar rates of major enactments across divided and unified government. Coupled with arguments that parties served as little more than the banding together of lawmakers with similar ideological preferences – conservatives in the Republican Party and liberals in the Democratic Party – scholars began to address more systematically what role political parties play in Congress.20

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20 Krehbiel’s (1993) challenge to find an effect of parties that could not be as easily explained by an alignment of members’ ideological preferences set the stage for a lively debate over more than a decade.
More than had previously been the case, scholars highlighted the roles of institutional obstacles and of members’ policy preferences to explain policy gridlock.\textsuperscript{21} For example, the filibuster in the U.S. Senate has been used with increasing frequency across recent decades, and the cloture process to end a filibuster currently requires a supermajority of 60 Senators.\textsuperscript{22} Therefore even a unified government might not yield sufficient votes to overcome policy gridlock, as Senate majorities rarely exceed 60 votes out of the 100 seats. In such instances, gridlock could be overcome by striking compromises with members of the minority party, highlighting the idea that parties in American government are not monoliths, but are instead made up of members whose reelection fates are largely in their own hands and for whom crossing party lines may be occasionally beneficial.

In this context, strong disagreements between parties may expand policy gridlock.\textsuperscript{23} When the parties hold their members in line (perhaps because of a high degree of polarization among party members’ ideological positions), compromise to overcome gridlock is tough to secure.\textsuperscript{24} Whether such differences across parties are so stark and compromise so unwieldy tends to vary over time and across issue areas. Such a relationship between partisanship and policy gridlock can therefore be characterized as follows.

\textit{Partisanship and Policy Gridlock Hypothesis: Policy gridlock is more likely when the parties are more greatly divided against one another.}

\textsuperscript{21} See, for example, Brady and Volden (1998, 2006) and Krehbiel (1998).
\textsuperscript{22} For important contributions to the study of the role and impact of the Senate filibuster, see Binder and Smith (1997), Koger (2010), and Wawro and Schickler (2004, 2006).
\textsuperscript{23} See, for example, Chiou and Rothenberg (2003, 2006, 2009) and Krehbiel, Meirowitz, and Wiseman (2013) who explore the role of parties (and party polarization) in legislatures in bringing about gridlock.
\textsuperscript{24} Such an outcome could be an underappreciated consequence of conditional party government theory (i.e., Aldrich and Rohde 2000a, Rohde 1991), or other theories of endogenous party strength (e.g., Diermeier and Vlaicu 2011; Lebo, McGlynn, and Koger 2007; Patty 2008; Volden and Bergman 2006).
While there may be conditions under which a single strong majority party can ram through its policy proposals without compromise or gridlock, such circumstances are rare, given the prevalence of divided government and institutional roadblocks to change built into the American public policy process.\footnote{Were one focused solely on the House of Representatives, rather than the entire lawmaking process, strong partisanship may instead enhance the ability of the majority party to act and pass policy proposals through the House.} Therefore, we expect a strong relationship between party conflict and gridlock. This relationship should manifest itself across policy areas and over time, as the parties become more starkly divided on some issues during certain Congresses.

While there may be a number of different ways to characterize party conflict, we naturally highlight a clear measure that emerges from studying legislative effectiveness.\footnote{An alternative method, commonly employed in the extant literature for measuring underlying partisan conflict on particular roll calls, is to use one of several cohesion indices that measure, in various ways, how often members of one political party vote with or against members of another political party (see Krehbiel 2000 for a review and critique of various metrics). Scholars (e.g., Snyder and Groseclose 2000, Minozzi and Volden 2013) have also devised methods for identifying the scope of partisan influence, or pressure, on individual roll call votes, independent of the policy preferences of legislators (but see McCarty, Poole, and Rosenthal 2001; and Krehbiel 2003 for critiques about certain aspects of these methodologies).} In particular, throughout Chapter 3, we focused on the difference between the legislative effectiveness of members in the majority party and those in the minority party. To the extent that partisan differences are small, minority- and majority-party members should find about equal success. However, in some policy areas, and at some points in time, minority-party members’ proposals are utterly ignored. Such an outright dismissal of potentially helpful policy ideas is indicative of a large degree of partisan conflict on the given issue, and should be significantly related to policy gridlock if the Partisanship and Policy Gridlock Hypothesis holds true.

To test for such a relationship, we create a variable \textit{ILES Party Difference}, which measures how much the average ILES of members of the majority party exceeds that of members of the minority party.\footnote{We use the same approach as in Model 3.1 from Table 3.1 in Chapter 3 to generate this measure.} We do so for each issue area generally, as well as for each
issue area in each Congress. At the aggregate issue level, such differences range from a 0.60-point majority party boost for the Public Lands-ILES to a 1.34-point boost on the Science and Technology-ILES, with a mean difference of 1.15. That Public Lands legislation is both the least gridlocked according to Table 5.1 and Figure 5.1 and the least partisan according to our measure provides the first evidence of support for the Partisanship and Policy Gridlock Hypothesis. More generally, consistent with the hypothesis, the ILES Party Difference measure correlates with issue Success Rates from Table 5.1 at a large and statistically significant level of -0.67.²⁸

Put another way, we can classify each policy area as being a “Highly Partisan Issue” or a “Low Partisan Issue” based on whether it is above or below the median ILES Party Difference. Aggregating across Congresses, the Highly Partisan Issues include many of the most gridlocked policy areas, such as Health, Housing and Community Development, and Labor, Employment, and Immigration, although certainly not all of the issues with the lowest success rates. The Low Partisan Issues include Government Operations and Public Lands, both of which have the highest bill-to-law success rates. On average, the highly partisan issues feature a 2.9% success rate, compared to a 4.1% success rate for the least partisan issues according to our measure.

That said, both the success rates and the ILES Party Difference measure vary over time. For example, the ILES Party Difference was at its lowest level of 0.30 in the 97th Congress (1981-82) for the issue of Public Lands, and at its greatest level of 1.76 in the 106th Congress (1999-2000) for Macroeconomics. Consistent with the Partisanship and Policy Gridlock Hypothesis, 10.9% of all Public Lands bills introduced in the 97th Congress became law, compared to only 0.88% of Macroeconomics bills introduced in the 106th Congress. More

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²⁸ This correlation is statistically significant with \( p < 0.01 \).
broadly, across all 15 Congresses and 19 issues, the correlation between ILES Party Difference and Success Rate is highly statistically significant, at -0.30.²⁹

To lend further interpretability to these results, we examined each policy area in each Congress separately, classifying them as highly partisan or low partisan issues depending on whether they were above or below the median ILES Party Difference for all issues and all Congresses. Based on these groupings, Figure 5.3 then illustrates the average success rate by Congress for the Highly Partisan Issues, compared to the Low Partisan Issues. Four noteworthy characteristics emerge from the figure. First, the success rates of the Low Partisan Issues have been rising over time, from less than three percent in the 94th Congress (1975-76) to nearly eight percent in the 107th Congress (2001-02). Second, in contrast, initial rises in success rates on Highly Partisan Issues leveled out at about four percent throughout the 1990s, before sliding back to three percent at the end of the dataset.³⁰ Third, in all but two Congresses, the Highly Partisan Issues were more gridlocked on average than the Low Partisan Issues, consistent with the Partisanship and Policy Gridlock Hypothesis.³¹

Fourth and finally, the largest gap between the success rates of the highly partisan and less partisan issues occurs at the end of the dataset, during a period in which Congress has grown far more polarized. Perhaps to compensate for the lack of policy movement on those issues characterized by the greatest partisanship, Congress has indeed been acting upon issues with

²⁹ The significance level is $p < 0.001$.

³⁰ The low success rates from the 93rd through 95th Congresses are partly a function of the much greater number of bill introductions during that period of time.

³¹ The values shown in Figures 5.3-5.5 are based on the averages of the aggregate success rates across the noted subset of issues in the particular Congress. These aggregate success rates are themselves based on the hundreds of bills introduced in each given issue area per Congress. At that bill level, gaps in success rates between the “Highly Partisan Issues” and “Low Partisan Issues” tend to be statistically significant ($p < 0.05$) for gaps above about 1.0 percent in the figure. Similar levels of statistical significance arise at the bill level for similar-sized gaps on Expertise and Entrepreneurship shown in Figures 5.4 and 5.5.
lower partisan *ILES Party Differences*. Most notably, an 11.6% success rate in International Affairs arose in the 107th Congress (2001-02) from the combined efforts of Democrats and Republicans in the wake of the 9/11 terrorist attacks of 2001. That success rate is double the rate for International Affairs in the previous Congress. While the terrorist attacks were (and hopefully will remain) rare events in American history, the patterns uncovered here hold across a wide range of policy areas and numerous Congresses. Put simply, the issues identified as partisan based on the *ILES Party Difference* measure face a higher degree of gridlock than do less partisan issues.

**Issue Expertise and Policy Gridlock**

Beyond partisanship, a second factor explaining issue-specific policymaking gridlock is the degree to which lawmakers gain expertise and translate that expertise into policy success. Such expertise, and its importance to the policymaking process, varies over time and across issue areas. Indeed, in some areas expertise at the disposal of senior members of Congress is needed to disentangle thorny policy puzzles, whereas the reliance on bold new initiatives is valued elsewhere.

It is innocuous to claim that some policies are inherently more complex or complicated than others. For example, devising a new policy for the processing of Social Security benefits is notably more straightforward than developing mechanisms to affect climate change. Given the underlying variance in complexity across policy areas, legislators might be relatively hesitant to adopt new policies unless they are reasonably confident that those proposals will lead to better
outcomes than the situation they are currently facing. In circumstances such as these, the political and policy expertise acquired by senior legislators is particularly valuable to the lawmaker process for several reasons. First, having acquired said expertise, the endorsement of a policy by a more senior lawmaker (who is deemed to be an expert) can generate enhanced support for the proposal among legislators who are less well-informed about the likely policy consequences of a given bill. Moreover, independent of policy complexity, a more senior advocate, having acquired expertise through accumulated time spent in the legislature, is generally more familiar with the relevant policy stakes among his or her colleagues on any given issue, as well as what approaches have been more-or-less successful in amassing coalitions on similar policies over time. This type of institutional memory and knowledge can be particularly valuable as legislators strive to form coalitions to pass new policies. We therefore advance the following hypothesis.

Issue Expertise and Policy Gridlock Hypothesis: Policy gridlock is more likely when greater issue expertise is required to address policy needs.

Whether an issue requires political or policy expertise may be quite difficult to discern. Yet the approach that we offer here produces estimates of issue expertise quite naturally, both

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32 Such sentiments are at the heart of informational theories of legislative organization (e.g., Gilligan and Krebni 1987, 1990; Krebni 1991) as well as more recent scholarship on the impacts of policy complexity on legislative delegation decisions and collective policymaking (e.g., Callander 2008, 2011).

33 Such a pattern of deference is consistent with Truman’s (1951) discussion of the virtues of being an effective legislator. Moreover, to the extent that legislative leaders control the bill scheduling process, there are reasons to expect (i.e., Adler and Wilkerson 2013, chap. 5) that proposals being advocated by legislators with expertise are most likely to be reported out of committee (thereby advancing in the legislative process).

34 Indeed, such sentiments commonly emerge in opponents’ arguments against the imposition of legislative term limits. As noted by Cain and Levin (1999, 176-177), “Term limit critics argue that expertise is central to the effectiveness of a strong legislature…experience fosters familiarity between the members, encouraging norms of collegiality and respect.” In a similar vein, drawing on anecdotal evidence from the California legislature, Kousser (2005, 37) points to how term limits appear to have effectively empowered legislative staff (in lieu of experienced legislators), contributing to enhanced partisanship in the legislature, and thereby limiting the prospects for compromise and deal-brokering. More generally, Kousser (2005) suggests that the implementation of term-limits leads to less-well-informed policymaking. Similar points are suggested by Montcrief and Thompson (2001) and Carey et al. (2006).
across issue areas and during different Congresses. Specifically, if the expertise of lawmakers is an important factor in their ability to move legislation forward, then the issue at hand is by definition one in which issue expertise is required, or at the least beneficial. Put more concretely, in Table 5.4 we offered a series of regression analyses to explain lawmakers’ issue-specific ILESs. For some issues, the expertise gained through greater seniority emerged as a positive and significant determinant of legislative effectiveness. For other issues, it was not a significant factor, or even emerged as negatively related to the ILES. Although other variables, such as State Legislative Experience might likewise tap into the concept of issue expertise, we here focus on Seniority for the sake of simplicity.35

We replicated the analysis from Table 5.4 for each of the nineteen issue areas, and also ran similar regressions on each of the ILES metrics by issue area and by Congress. Our key coefficient of interest is that on Seniority, which is crucial to the development of issue expertise in Congress. In looking at the aggregate issue level, we see that bills dealing with various aspects of legal policy (Civil Rights and Liberties, and Law, Crime, and Family) as well as international matters (International Affairs and Foreign Trade) all advance further when their sponsors are relatively more senior members of the House. Given that many of the bills that are covered by these policy jurisdictions deal with sophisticated issues of legal jurisprudence as well as issues that transcend narrow district-specific concerns, it seems reasonable that more senior members of the chamber would have been able to cultivate the necessary expertise across their careers to be able to engage successfully these relatively complex policy domains.

As with partisanship above, we subdivide issues into two categories, “High Expertise Issues” and “Low Expertise Issues,” based on whether the coefficient on Seniority was above or

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35 Other considerations, such as years of service on the relevant committee for the policy area, could likewise be used to judge a member’s issue expertise. In addition, other data could be used to judge the complexity of policy issues, which may, in turn, account for the need for the development and reliance upon issue expertise.
below the median value, respectively, across issue-specific regressions for all Congresses
combined. In so doing, we find initial support for the Issue Expertise and Policy Gridlock
Hypothesis. Specifically, the average success rate for the High Expertise Issues is 2.9%,
compared to a success rate of 4.1% for Low Expertise Issues. Put simply, issues requiring policy
expertise are more gridlocked than those for which even less senior members of Congress can
develop policy proposals that find success in the lawmaking process.

That said, the coefficients that arise in the issue-specific regressions across all Congresses
combined may be masking the true nature of issue expertise within any given Congress. For
instance, senior and effective lawmakers may be detected not only by their Seniority but also by
the fact that they are effective year after year, as detected in their Lagged Effectiveness Score.36
For this reason, and also because the expertise required to move issues forward may vary over
time across issues, we next conduct similar regression analyses by issue by Congress, excluding
the Lagged Effectiveness Score variable. As before, we rely on the Seniority variable’s
coefficient to capture issue expertise, and we use this measure of expertise in an attempt to
explain the degree of policy gridlock across issues and over time. We classify each issue in each
Congress as High Expertise or Low Expertise, based on whether the Seniority coefficient is
above or below the median value for all issues and all Congresses.

Figure 5.4 illustrates the success rates by Congress for High Expertise Issues compared to
Low Expertise Issues from 1973-1996. A number of patterns clearly emerge from the figure.
First, during the Democratic era from 1973-1994, High Expertise Issues received less success
than Low Expertise Issues in all Congresses except one. Second, the gap between the success
rates of the High Expertise and Low Expertise Issues grew steadily over this time period. In the

36 For this reason, it is somewhat unsurprising that the correlation between the Seniority coefficients and Success
Rate by each issue area as a whole is not significantly different from zero.
103rd Congress (1993-94), in particular, about three percent of bills in high expertise areas became law, which is only half the rate of success for low expertise issues. It is intriguing that the expertise gridlock gap is largest at the point in time when Democrats had been in control of Congress for the greatest length of time and therefore when they had the greatest opportunity to develop and utilize their expertise. For instance, in the 103rd Congress, the average committee chair had 13 previous terms of seniority, and the average subcommittee chair had served in nine previous Congresses.

[Insert Figure 5.4 about here]

In contrast, when the Republicans became the majority party in 1995, their committee chairs averaged less than 10 previous terms and subcommittee chairs averaged less than six. Not only had these members never served as chairs before, they had not even served in a Republican majority before. It was therefore more difficult to quickly develop the institutional capacity to translate their seniority and experience into effective lawmaking. As such, it is unsurprising that High Expertise Issues and Low Expertise Issues are blurred together in the early Republican Congresses, as illustrated on the right of Figure 5.4.37

In sum, issues that require a greater degree of political and policy expertise (perhaps because of their complex or technical nature) tend to be more gridlocked than those for which lawmaking depends to a lesser extent on the acquisition and utilization of expertise. Support for the Issue Expertise and Policy Gridlock Hypothesis emerges not only from the aggregate analysis of High Expertise and Low Expertise Issues, but also from examining these issues over time. Doing so highlights that the relationship between expertise and gridlock may be

37 The prominent gap in success rates based on issue expertise found in the figure does not return for the 105th-107th Congresses.
conditional on the extent to which Congress has the institutional capacity to translate expertise into policy change.\footnote{Alternatively, perhaps the relationship between issue expertise and policy gridlock is robust, but the measure of issue expertise based on \textit{Seniority} as constructed here does a poor job of tapping into the degree of required expertise across issues during the early years of the Republican-controlled Congresses.}

\textit{Political Entrepreneurs and Policy Gridlock}

Beyond partisanship and expertise, a third relationship between the legislative effectiveness of individual lawmakers and aggregate patterns of policy gridlock is based on political entrepreneurship.\footnote{See Wawro (2001) for an examination of legislative entrepreneurship based largely on the sponsorship activities of members of Congress.} Political entrepreneurs, like entrepreneurs in business, are those who take a risk to develop a new product. In the political setting, that product could be a new way of running and winning elections, a new method of building coalitions or exerting influence, or a new public policy. To an extent, all members of Congress are political entrepreneurs, as they each need to strike out on their own in the risky business of electoral politics, and as almost all attempt to forge new public policies through the bills they sponsor. From that point of view, it is difficult to discern one political entrepreneur from another. And the link between such entrepreneurship and institutional gridlock may be difficult to detect.

The entrepreneurship that we focus on in this section is somewhat different, however. It arises from the work of James Q. Wilson, a prominent political scientist who famously identified the nature of the politics associated with different types of policy change.\footnote{What several scholars have come to refer to as “Wilson’s Matrix” is laid out most clearly in Wilson (1980).} For example, according to Wilson, when the benefits of a policy change are widely distributed across members of society and the costs are concentrated, policymaking takes the form of “entrepreneurial
politics.41 Because of the powerful concentrated interests opposed to policy change, and the difficulty in building a coalition for change among widely distributed beneficiaries, policy change is unlikely absent a “political entrepreneur.”42 Such an entrepreneur faces a daunting task. He or she must exert all of the effort necessary to rally together a coalition based on diverse interests, all the while being vexed by the organized and concentrated forces seeking to halt policy change at every opportunity.

If successful, such entrepreneurs become well known as the actors who can “get things done” in Washington. They are lawmakers like Paul Rogers and Henry Waxman described above for health policy. If such well-regarded entrepreneurs cannot bring about policy change, perhaps no one can; and policy gridlock will result. In contrast, nearly any lawmaker is willing to step forward for what Wilson deems “client politics,” where the benefits of policy change go to a concentrated group and the costs are widely dispersed.43 Those paying the costs will not organize and may not even notice the policy harms on a daily basis, as the costs are disguised in the form of slightly higher prices due to regulations or subsidies, or marginally higher taxes. Those who benefit, however, receive a big payoff, part of which they are willing to share with policymakers who help advance their preferred policies, perhaps in the form of campaign contributions or other political support.

41 Lowi (1964) likewise draws distinctions across policy types based on similar considerations, albeit with a different focus and different terminology. See Grossmann (2013) for a critique of the use of policy typologies more broadly.
42 For more on the strategies needed to solve the collective action problem of mobilizing potential coalition partners with diverse interests, see Olson (1965).
43 According to Wilson, “interest group politics” exists when both those who benefit and those harmed by a policy change are concentrated, while “majoritarian politics” exists when both are widely dispersed.
Given the relative ease of engaging in client politics and the difficulty of overcoming the hurdles of entrepreneurial politics, it is unsurprising that policy gridlock would be related to the nature of the policy changes being sought.\textsuperscript{44} We capture such expectations in the following.

\textbf{Entrepreneurial Politics and Policy Gridlock Hypothesis:} Policy gridlock is more likely in policy areas and during times featuring entrepreneurial politics.

Although few scholars would disagree that entrepreneurial politics presents a significant hurdle for policy change, identifying cases of entrepreneurial politics on anything other than a policy-by-policy basis has proven difficult.\textsuperscript{45} For instance, some health policy changes seek to benefit a large number of Americans, but at a high cost to medical providers or the insurance industry. Other changes benefit these same industries, but spread the costs broadly to all taxpayers. Is health policy therefore best characterized as facing entrepreneurial politics or client politics? And how does that compare to other policy areas at different points in time?

In our view, there are times when the nature of the political scene tends toward entrepreneurial politics in particular policy areas, such as when Congress was seeking to close tax loopholes in the mid-1980s or attempting to broaden health insurance coverage in 2010. In these circumstances, if policy change is to come about at all, it will be led by a political

\textsuperscript{44} Brady and Volden (2006) argue that gridlock under entrepreneurial politics can more easily be overcome when Congress faces few budgetary constraints than during tough budgetary times. When lawmakers cannot build coalitions with budgetary concessions and side payments, gridlock is more likely, especially in areas of entrepreneurial politics.

\textsuperscript{45} An alternative perspective on the scope of political entrepreneurship is offered by Adler and Wilkerson (2013) who argue that much significant legislation is (effectively) must-pass, and hence, the keys to legislative success on many of the policies that are considered in a Congress involve sponsors’ particular positions in the institution (e.g., whether they are chairs of committees to which bills are referred) more so than the skills or personal qualities of a sponsor, \textit{per se}.
entrepreneur.\textsuperscript{46} And our examples of Rogers and Waxman highlight one way to identify such entrepreneurs.

Specifically, we characterize issues and times of entrepreneurial politics by the existence of political entrepreneurs, those who dramatically outperform their colleagues in their Interest and Legislative Effectiveness Scores for a particular Congress and a particular policy area. The logic is simple. If policymaking is easy, such as in the case of client politics, numerous lawmakers will be competing to advance their legislative proposals, and no one will stand out dramatically over the others. In contrast, if policymaking is difficult, as in the case of entrepreneurial politics, few will pay the costs of trying to bring about policy change, and far fewer still will succeed. In such circumstances, the rare policy entrepreneurs may arise, and they will be easily recognized by their ILES far exceeding the average score of 1.0 around which our measures are centered.

To proceed, then, little is needed beyond the construction of the issue-specific ILESs described above. We measure \textit{Entrepreneurship} in each issue and each Congress based on the ILES of the highest-performing member. We begin our analysis by then aggregating these high-performers up to the issue level across all Congresses, through an average of the highest ILES score for that issue across all fifteen Congresses. Upon generating such an average, we find that the greatest level of entrepreneurship exists in the area of Macroeconomics, which most broadly deals with how to promote economic growth, an often widely-dispersed benefit. Other policy areas with high entrepreneurship scores are Health, and Housing and Community Development, which contain many policy changes meeting Wilson’s definition of entrepreneurial politics. At the other end of the spectrum are client politics areas such as Public Lands, Defense, Banking

\textsuperscript{46} One form of policy entrepreneur may be those legislators whom Arnold (1990) denotes being “coalition leaders,” able to articulate the electoral virtues of adopting their proposals to a sufficiently large number of legislators so as to secure passage in the House. These points will be engaged further in Chapter 6.
and Commerce, and Government Operations. These areas feature many policies that aim to promote the interests of concentrated groups, like defense contractors or the banking industry. Thus we have some confidence that our measure of entrepreneurship is indeed tapping into an underlying characteristic of entrepreneurial politics.

But does this measure also help explain policy gridlock on an issue-by-issue basis? It clearly seems so. The correlation between Entrepreneurship and Success Rate across the nineteen issues is a statistically significant -0.57. This means that the most gridlocked policy areas are indeed those experiencing entrepreneurial politics. To build upon this initial result, we once again subdivide the issues at the median of the Entrepreneurship variable into “Highly Entrepreneurial Issues” and “Low Entrepreneurial Issues.” The subset of highly entrepreneurial issues average a success rate of 2.6%, compared to 4.3% for low entrepreneurial issues. This is consistent with the Entrepreneurial Politics and Policy Gridlock Hypothesis.

And these finding hold up across individual Congresses. Consider members with the highest ILES for each issue in each Congress. Among the highest scorers is Paul Rogers with a Health ILES of 200.6 in the 94th Congress (1975-76), when he was seeking to address the shortage of health care workers and the needs of the developmentally disabled. Also noteworthy is Dan Rostenkowski’s (D-IL) Macroeconomics-ILES rating of 285.2 in the 100th Congress (1987-88). During this Congress, he served as Chair of the Ways and Means Committee and brought about the Omnibus Budget Reconciliation Act of 1987, which took on organized interests by closing corporate loopholes and reining in large defense contractors, all for the dispersed benefit of lowering the budget deficit.

[Insert Figure 5.5 about here]

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47 This correlation coefficient is statistically significant with \( p = 0.01 \).
Once again, we further subdivide issue areas into Highly Entrepreneurial Issues and Low Entrepreneurial Issues, based on whether Entrepreneurship for each issue and Congress is above or below the median value. We illustrate the average success rates for each of these groupings of issues in each Congress, in Figure 5.5. As can be seen, in each Congress, High Entrepreneurial Issues are more gridlocked than Low Entrepreneurial Issues. And the gap between them seems to be growing over time. For instance, in the 106th Congress (1999-2000), bills in the issues characterized by entrepreneurial politics had a 2.7% probability of becoming law. In contrast, bills in low entrepreneurial issues had nearly triple that rate of success, at 7.9%. Together, these findings strongly support the Entrepreneurial Politics and Policy Gridlock Hypothesis.

**Overcoming Policy Gridlock in Congress**

In the above sections, we established that policy gridlock in Congress varies across issue areas and over time. While accounting for such diversity in lawmaking success is a daunting task, in this chapter we argued that three characteristics of policies, naturally emerging from our examination of legislative effectiveness, help to explain success rates of bills becoming law. Along the way, we formulated Interest and Legislative Effectiveness Scores for each member of Congress in each of nineteen policy areas across thirty years of congressional history. Such scores could be used for a variety of purposes. Currently, we demonstrate their usefulness in explaining gridlock on an issue-by-issue and Congress-by-Congress basis.

Specifically, first, we measure the difference between the average ILES for members of the majority party and members of the minority party. We argue that this gap captures the degree to which the House is divided by party in each issue area and each Congress. We then show that such partisanship is associated with a much greater level of policy gridlock. Second,
we run a series of regressions to explain the issue-specific ILESs with the same factors examined throughout the book. We detect the level of expertise that is required to advance policies by the coefficient on the Seniority variable, upon controlling for all other factors. We then show that issues requiring high expertise are more gridlocked, and that this is particularly true in the Democratic Congresses of the 1980s and early 1990s. Third, we denote as facing entrepreneurial politics those issues for which a policy entrepreneur emerges with a very high ILES relative to the average value of 1.0. We find that those highly entrepreneurial issues are also the most gridlocked in every Congress, especially recently.48

In some sense, these three factors – partisanship, required expertise, and entrepreneurial politics – may be tapping into related concepts. For example, if expertise is cultivated in committees, and committee chairs promote majority-party interests, then issues requiring high expertise might also be seen as highly partisan. Such committee leaders may also emerge as the political entrepreneurs that we detect in our analysis. Indeed, there is some degree of positive association among all three of the coding schemes we use throughout this chapter.49 For example, 58% of the high expertise issues are also highly partisan issues, in contrast to only 42% of the low expertise issues. That said, each concept is also tapping into a different element of lawmaking in Congress.

Together, these three factors help account for large swings in the success rate of bills across issues and Congresses.50 For example, an average bill in a policy area that is “low” in

48 To an extent, the measures constructed here may be seen as endogenous, arising from the same lawmaking processes that produce the success rates that we are explaining. That said, our purpose here is not to create variables that can be generated at the start of each Congress to predict its gridlock rates. Instead, we seek to illustrate how partisanship, issue expertise, and entrepreneurship are closely interrelated with the incidence of policy gridlock.

49 The correlation coefficients across each pair of our High-Low dichotomies for partisanship, expertise, and entrepreneurship across the issues and over time range modestly from 0.10 to 0.20.

50 Our goal here is not to fully explain the variation in success rates across issue areas and over time. Doing so would require the introduction of many new variables, such as those measuring issue salience according to the
partisanship, in requiring expertise, and in facing entrepreneurial politics has a 5.9% chance of becoming law. This is more than \textit{two and a half times} the success rate of a bill on an issue plagued by partisanship, expertise requirements, and entrepreneurial politics, of which only 2.3% become law.

While these results shed light on why particular topics are gridlocked at high rates, do they also point the way toward how to overcome gridlock in Congress? A simplistic reading of our results might suggest that more could be accomplished if we discourage partisanship, discourage the acquisition of expertise, and discourage the rise of political entrepreneurs. Wouldn’t eliminating these factors result in more than doubling the rate of policymaking success? In our view, such suggestions get the causal processes \textit{exactly wrong}. While we are reporting correlations rather than causal relationships, and while more in-depth research therefore is needed in the future, the following story seems to be more correct.

Republicans and Democrats are more starkly divided on some issues than on others. Likewise, some issues require more expertise than others. And some issues are more prone to entrepreneurial politics than others. Moreover, these considerations change over time, as issues evolve and the political landscape shifts. Nevertheless, partisanship, the need for expertise, and entrepreneurial politics all contribute to the policy gridlock detected here.

In light of such gridlock, and with a desire to nevertheless bring about policy change, what are lawmakers to do? It is instructive to revisit the case from the start of this chapter on health care reform early in the Obama Administration. In that case, Democratic officials

\begin{footnote}{A regression for the 285 issue-Congress observations on the dependent variable of \textit{Success Rate}, with independent variables being the dichotomous \textit{Highly Partisan Issues}, \textit{High Expertise Issues}, and \textit{Highly Entrepreneurial Issues}, as well as a linear time trend, reveals a coefficient (and robust standard error) of \(-1.21 \ (0.36)\) for Party, \(-0.51 \ (0.36)\) for Expertise, and \(-1.87 \ (0.33)\) for Entrepreneurship. These results provide the estimated success rates used throughout the chapter’s conclusion.}

\end{footnote}
attempted to bridge the significant partisan divides and incorporate ideas from Republicans. But in the end, it was a bridge too far, with Democrats unwilling to make the necessary changes to bring Republicans on board and Republicans unwilling to hand the president a major policy victory. Therefore, the final measure passed following concessions, promises, and persuasion within the Democratic Party, but without a single Republican vote. Ultimately, strong partisanship brought about the policy change.

So, too, is it with expertise and entrepreneurial politics. If policymaking requires expertise in order to secure a policy change, members seek to develop that expertise, and the source of said expertise might vary by legislator. As will be shown in Chapter 6, some members derive their expertise from their own personal or professional experiences, while others develop policy expertise that corresponds closely with the needs and priorities of their constituencies. Regardless of how such expertise is cultivated, legislators have an incentive to invest in these efforts, as doing so not only allows proposed policy changes to move forward, but also guarantees a seat at the table for the policy experts, and the chance to shape the ultimate policy choices in their favor. It is unsurprising, then, that the most effective lawmakers in one Congress are the ones sponsoring landmark laws and overcoming policy gridlock in the next. Their innate abilities and carefully cultivated skill sets may be even more important as Congress becomes more heavily gridlocked.

When political entrepreneurs are needed, effective lawmakers tend to step into such roles. As will be shown in Chapter 6, some legislators are particularly successful at leveraging their committee positions to ensure that legislation dealing with particular issues must flow through them, in order to move onward in the legislative process. These policy entrepreneurs keep pressing their issues and work on building their coalitions (sometimes actively reaching out to
partners outside of the House, such as Senators or allies in the White House) until the time is right to secure their long-sought policy change.

Thus the same factors that help us explain policy gridlock point the way towards overcoming gridlock, whether it be action through key institutional positions within the majority party, the cultivation of expertise in a particular policy area over time, or the development of a reputation as the go-to political entrepreneur on a particular issue. Yet, none of these tasks is easy, and they are all occurring on some of the most gridlocked policy areas in Congress. Who, then, are the individuals that take on these challenges, and what strategies do they use to advance their agenda items against all odds? These are precisely the questions we address in the next chapter, where we identify twenty of the highest performing lawmakers according to our metrics and highlight their habits for success.
### Table 5.1: Gridlock Rates Vary Substantially across Issue Areas

<table>
<thead>
<tr>
<th>Issue Area</th>
<th>% Members Introducing</th>
<th>Bills Introduced</th>
<th>Laws Enacted</th>
<th>Success Rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>25%</td>
<td>4,062</td>
<td>126</td>
<td>3.10%</td>
</tr>
<tr>
<td>Banking &amp; Commerce</td>
<td>45</td>
<td>7,665</td>
<td>230</td>
<td>3.00%</td>
</tr>
<tr>
<td>Civil Rights &amp; Liberties</td>
<td>20</td>
<td>2,715</td>
<td>51</td>
<td>1.88%</td>
</tr>
<tr>
<td>Defense</td>
<td>39</td>
<td>7,446</td>
<td>331</td>
<td>4.45%</td>
</tr>
<tr>
<td>Education</td>
<td>30</td>
<td>4,200</td>
<td>98</td>
<td>2.33%</td>
</tr>
<tr>
<td>Energy</td>
<td>32</td>
<td>5,125</td>
<td>129</td>
<td>2.52%</td>
</tr>
<tr>
<td>Environment</td>
<td>36</td>
<td>5,262</td>
<td>197</td>
<td>3.74%</td>
</tr>
<tr>
<td>Foreign Trade</td>
<td>33</td>
<td>5,354</td>
<td>124</td>
<td>2.32%</td>
</tr>
<tr>
<td>Government Operations</td>
<td>63</td>
<td>13,658</td>
<td>952</td>
<td>6.97%</td>
</tr>
<tr>
<td>Health</td>
<td>45</td>
<td>9,740</td>
<td>154</td>
<td>1.58%</td>
</tr>
<tr>
<td>Housing &amp; Community Development</td>
<td>23</td>
<td>2,800</td>
<td>49</td>
<td>1.75%</td>
</tr>
<tr>
<td>International Affairs</td>
<td>21</td>
<td>2,739</td>
<td>177</td>
<td>6.46%</td>
</tr>
<tr>
<td>Labor, Employment, &amp; Immigration</td>
<td>43</td>
<td>6,987</td>
<td>131</td>
<td>1.87%</td>
</tr>
<tr>
<td>Law, Crime, &amp; Family</td>
<td>40</td>
<td>7,185</td>
<td>186</td>
<td>2.59%</td>
</tr>
<tr>
<td>Macroeconomics</td>
<td>35</td>
<td>5,295</td>
<td>102</td>
<td>1.93%</td>
</tr>
<tr>
<td>Public Lands</td>
<td>47</td>
<td>8,693</td>
<td>905</td>
<td>10.41%</td>
</tr>
<tr>
<td>Science &amp; Technology</td>
<td>18</td>
<td>2,126</td>
<td>93</td>
<td>4.37%</td>
</tr>
<tr>
<td>Social Welfare</td>
<td>35</td>
<td>6,305</td>
<td>84</td>
<td>1.33%</td>
</tr>
<tr>
<td>Transportation</td>
<td>38</td>
<td>5,746</td>
<td>224</td>
<td>3.90%</td>
</tr>
</tbody>
</table>

*Note:* The table shows the aggregate numbers of bills introduced and laws produced by issue area from the 93rd through 107th Congresses (1973-2002), as well as the average percent of members offering proposals and overall success rates in each area. Success rates range from a low of 1.33% of Social Welfare bills becoming law to 10.41% for Public Lands, showing some policy areas to be much more gridlocked than others.
Table 5.2: Different Issues Become Gridlocked at Different Stages of Lawmaking

<table>
<thead>
<tr>
<th>Issue Area</th>
<th>Percent Action In Committee</th>
<th>Percent Action Beyond Committee</th>
<th>Passage Rate Upon Reaching Floor</th>
<th>Enactment Rate Upon Passing House</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>11.0%</td>
<td>7.2%</td>
<td>77%</td>
<td>57%</td>
</tr>
<tr>
<td>Banking &amp; Commerce</td>
<td>14.7</td>
<td>9.2</td>
<td>77</td>
<td>43</td>
</tr>
<tr>
<td>Civil Rights &amp; Liberties</td>
<td>8.6</td>
<td>6.0</td>
<td>75</td>
<td>42</td>
</tr>
<tr>
<td>Defense</td>
<td>12.2</td>
<td>8.7</td>
<td>89</td>
<td>57</td>
</tr>
<tr>
<td>Education</td>
<td>8.3</td>
<td>6.3</td>
<td>83</td>
<td>45</td>
</tr>
<tr>
<td>Energy</td>
<td>12.1</td>
<td>7.5</td>
<td>71</td>
<td>48</td>
</tr>
<tr>
<td>Environment</td>
<td>17.3</td>
<td>10.8</td>
<td>77</td>
<td>45</td>
</tr>
<tr>
<td>Foreign Trade</td>
<td>11.3</td>
<td>6.3</td>
<td>75</td>
<td>48</td>
</tr>
<tr>
<td>Government Operations</td>
<td>14.5</td>
<td>13.3</td>
<td>88</td>
<td>60</td>
</tr>
<tr>
<td>Health</td>
<td>7.2</td>
<td>4.6</td>
<td>77</td>
<td>44</td>
</tr>
<tr>
<td>Housing &amp; Community Development</td>
<td>7.3</td>
<td>5.3</td>
<td>84</td>
<td>39</td>
</tr>
<tr>
<td>International Affairs</td>
<td>18.3</td>
<td>15.4</td>
<td>79</td>
<td>53</td>
</tr>
<tr>
<td>Labor, Employment, &amp; Immigration</td>
<td>9.1</td>
<td>5.1</td>
<td>76</td>
<td>48</td>
</tr>
<tr>
<td>Law, Crime, &amp; Family</td>
<td>14.2</td>
<td>7.5</td>
<td>80</td>
<td>43</td>
</tr>
<tr>
<td>Macroeconomics</td>
<td>6.4</td>
<td>4.8</td>
<td>78</td>
<td>51</td>
</tr>
<tr>
<td>Public Lands</td>
<td>28.4</td>
<td>21.9</td>
<td>84</td>
<td>57</td>
</tr>
<tr>
<td>Science &amp; Technology</td>
<td>19.2</td>
<td>12.8</td>
<td>80</td>
<td>43</td>
</tr>
<tr>
<td>Social Welfare</td>
<td>4.3</td>
<td>3.3</td>
<td>77</td>
<td>52</td>
</tr>
<tr>
<td>Transportation</td>
<td>15.3</td>
<td>10.8</td>
<td>78</td>
<td>46</td>
</tr>
</tbody>
</table>

Note: The table shows significant variance across issue areas in the lawmaking stage at which policy gridlock occurs, across the 93rd through 107th Congresses (1973-2002). Percent Action in Committee reports the percent of sponsored bills receiving hearings, markups, or committee/subcommittee votes. Percent Action Beyond Committee reports the percent of sponsored bills moving beyond committee to a legislative calendar for the floor. Passage Rate Upon Reaching Floor reports the percent of bills that pass the House upon reaching the floor (i.e., upon reaching the “action beyond committee” stage). Enactment Rate Upon Passing House reports the percent of bills that become law upon passing out of the House of Representatives (i.e., upon achieving the Passage stage).
### Table 5.3: Most Landmark Laws Come from Highly Effective Lawmakers

<table>
<thead>
<tr>
<th>House Bill in 100th Congress</th>
<th>Policy</th>
<th>Sponsor</th>
<th>LES</th>
</tr>
</thead>
<tbody>
<tr>
<td>H.R. 1</td>
<td>Water Quality Act of 1987</td>
<td>James Howard (D-NJ)</td>
<td>1.54</td>
</tr>
<tr>
<td>H.R. 2</td>
<td>Surface Transportation Act of 1987</td>
<td>Glenn Anderson (D-CA)</td>
<td>4.36</td>
</tr>
<tr>
<td>H.R. 442</td>
<td>Japanese-American Reparations</td>
<td>Thomas Foley (D-WA)</td>
<td>4.22</td>
</tr>
<tr>
<td>H.R. 1720</td>
<td>Family Support Act of 1988</td>
<td>Harold Ford (D-TN)</td>
<td>0.99</td>
</tr>
<tr>
<td>H.R. 2470</td>
<td>Catastrophic Health Insurance for the Aged</td>
<td>Fortney Stark (D-CA)</td>
<td>2.68</td>
</tr>
<tr>
<td>H.R. 3543</td>
<td>Deficit Reduction Measure</td>
<td>William Gray (D-PA)</td>
<td>1.14</td>
</tr>
<tr>
<td>H.R 4848</td>
<td>Omnibus Foreign Trade Measure</td>
<td>Daniel Rostenkowski (D-IL)</td>
<td>5.40</td>
</tr>
<tr>
<td>H.R 5110</td>
<td>McKinney Homeless Assistance Act</td>
<td>Thomas Foley (D-WA)</td>
<td>4.22</td>
</tr>
<tr>
<td>H.R. 5210</td>
<td>Anti-Drug Abuse Act</td>
<td>Thomas Foley (D-WA)</td>
<td>4.22</td>
</tr>
</tbody>
</table>

*Note:* The table shows the Landmark Laws or “Important Enactments,” according to David Mayhew’s (1991) criteria, originating in the 100th House of Representatives (1987-88). Each bill sponsor’s Legislative Effectiveness Score (LES) is listed, illustrating that they are among the most effective lawmakers in the House. These seven lawmakers were not only effective in the Congress in which their landmark laws were passed, but also previously. For example, these members averaged an LES of 4.31 in the previous Congress and 3.59 across the previous three Congresses, placing them collectively in the top 5% of all House members of their era.
Table 5.4: Determinants of Legislative Effectiveness across Policy Areas

<table>
<thead>
<tr>
<th>Model</th>
<th>Overall LES</th>
<th>Health ILES</th>
<th>Trade ILES</th>
<th>GovOps ILES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lagged Effectiveness Score</td>
<td>0.504*** (0.035)</td>
<td>0.755*** (0.078)</td>
<td>0.405*** (0.063)</td>
<td>0.520*** (0.043)</td>
</tr>
<tr>
<td>Seniority</td>
<td>0.001 (0.008)</td>
<td>-0.059** (0.028)</td>
<td>0.094** (0.047)</td>
<td>-0.031** (0.016)</td>
</tr>
<tr>
<td>State Legislative Experience</td>
<td>-0.074 (0.068)</td>
<td>0.041 (0.293)</td>
<td>0.518 (0.363)</td>
<td>-0.050 (0.172)</td>
</tr>
<tr>
<td>State Legislative Experience × Legislative Prof.</td>
<td>0.375* (0.215)</td>
<td>-0.127 (1.035)</td>
<td>0.884 (0.472)</td>
<td>(0.472)</td>
</tr>
<tr>
<td>Majority Party</td>
<td>0.258*** (0.046)</td>
<td>0.230 (0.142)</td>
<td>0.617* (0.345)</td>
<td>-0.118 (0.093)</td>
</tr>
<tr>
<td>Majority Party Leadership</td>
<td>0.256 (0.170)</td>
<td>-0.040 (0.309)</td>
<td>0.644 (0.973)</td>
<td>0.590* (0.352)</td>
</tr>
<tr>
<td>Minority Party Leadership</td>
<td>-0.047 (0.074)</td>
<td>0.126 (0.165)</td>
<td>-0.514* (0.289)</td>
<td>-0.092 (0.177)</td>
</tr>
<tr>
<td>Speaker</td>
<td>-0.265 (0.185)</td>
<td>2.501 (1.970)</td>
<td>-1.653 (1.033)</td>
<td>3.465** (1.662)</td>
</tr>
<tr>
<td>Committee Chair</td>
<td>1.898*** (0.199)</td>
<td>0.913** (0.449)</td>
<td>1.209 (0.856)</td>
<td>2.380*** (0.440)</td>
</tr>
<tr>
<td>Subcommittee Chair</td>
<td>0.623*** (0.066)</td>
<td>0.781*** (0.275)</td>
<td>0.470 (0.334)</td>
<td>1.129*** (0.157)</td>
</tr>
<tr>
<td>Power Committee</td>
<td>-0.082** (0.039)</td>
<td>-0.055 (0.075)</td>
<td>0.807*** (0.264)</td>
<td>0.364*** (0.107)</td>
</tr>
<tr>
<td>Distance from Median</td>
<td>-0.001 (0.104)</td>
<td>0.236 (0.423)</td>
<td>0.653 (1.015)</td>
<td>-0.198 (0.205)</td>
</tr>
<tr>
<td>Female</td>
<td>0.076* (0.045)</td>
<td>0.178 (0.147)</td>
<td>-0.034 (0.154)</td>
<td>0.267 (0.177)</td>
</tr>
<tr>
<td>African-American</td>
<td>-0.361*** (0.076)</td>
<td>-0.497*** (0.177)</td>
<td>-0.818*** (0.300)</td>
<td>0.174 (0.225)</td>
</tr>
<tr>
<td>Latino</td>
<td>-0.017 (0.110)</td>
<td>-0.508*** (0.152)</td>
<td>-0.225 (0.324)</td>
<td>-0.413*** (0.138)</td>
</tr>
<tr>
<td>Size of Congressional Delegation</td>
<td>-0.001 (0.002)</td>
<td>0.002 (0.003)</td>
<td>0.005 (0.006)</td>
<td>0.002 (0.003)</td>
</tr>
<tr>
<td>Vote Share</td>
<td>0.021* (0.012)</td>
<td>0.003 (0.053)</td>
<td>0.080* (0.048)</td>
<td>0.011 (0.025)</td>
</tr>
<tr>
<td>Vote Share²</td>
<td>-0.0001* (0.0001)</td>
<td>0.0000 (0.0004)</td>
<td>-0.0006* (0.0003)</td>
<td>-0.0001 (0.0002)</td>
</tr>
<tr>
<td>Constant</td>
<td>-0.613 (0.440)</td>
<td>-0.250 (1.903)</td>
<td>-3.681 (2.010)</td>
<td>-0.231 (0.937)</td>
</tr>
<tr>
<td>N</td>
<td>5026</td>
<td>5026</td>
<td>5026</td>
<td>5026</td>
</tr>
</tbody>
</table>

Note: Ordinary least squares estimation, with overall Legislative Effectiveness Score or issue-specific Interest and Legislative Effectiveness Score as the dependent variable, robust standard errors in parentheses, and observations clustered by member. *p < 0.1 (two-tailed), **p < 0.05 (two-tailed), ***p < 0.01 (two-tailed).
Figure 5.1: Gridlock Rates Vary Substantially Both Within and Across Issues

Note: The figure shows the percent of bills that become law in each issue area, for each of the 93rd through 107th Congresses (1973-2002). The highest and lowest success rates are shown by the top and bottom dots for each issue, while the interquartile range of the middle 50% of the data are shown by the darkened boxes.
Figure 5.2: Gridlock Rates Vary Substantially over Time within Issue Areas

Note: The figure shows the percent of bills that become law overall (squares and thick line) and in the Health (closed circles) and Trade (open circles and thin line) issue areas, for each of the 93rd through 107th Congresses (1973-2002), revealing substantial variance in policy gridlock across issues over time.
Figure 5.3: Highly Partisan Issues Are More Gridlocked

Note: The figure shows the percent of bills that become law, among those that are in highly partisan (thick line) and low partisan (thin line) issue areas, for each of the 93rd through 107th Congresses (1973-2002), revealing greater gridlock among highly partisan issues. Partisanship is characterized by the difference in Interest and Legislative Effectiveness Scores (ILES) between the average majority- and minority-party members. Each issue in each Congress is then labeled highly partisan if its ILES difference is above the median partisanship value for all issues and all Congresses.
Figure 5.4: Issues Requiring Greater Expertise Are More Gridlocked

Note: The figure shows the percent of bills that become law, among those that are in high expertise (thick line) and low expertise (thin line) issue areas, for each of the 93rd through 104th Congresses (1973-1996), revealing greater gridlock among issues requiring greater expertise. Issue expertise is characterized by the enhanced effectiveness of senior lawmakers in their Interest and Legislative Effectiveness Scores (ILES), upon controlling for all other explanatory factors shown in Table 5.4. Each issue in each Congress is then labeled high expertise if its regression coefficient on Seniority is above the median coefficient value for all issues and all Congresses.
Figure 5.5: Issues Requiring Greater Entrepreneurship Are More Gridlocked

Note: The figure shows the percent of bills that become law, among highly entrepreneurial (thick line) and low entrepreneurial (thin line) issue areas, for each of the 93rd through 107th Congresses (1973-2002), revealing greater gridlock among issues requiring greater entrepreneurship. Entrepreneurship is characterized by the highest Interest and Legislative Effectiveness Scores (ILES) among all lawmakers in the given issue and given Congress. Each issue in each Congress is then labeled highly entrepreneurial if its highest ILES value is above the median such value for all issues and all Congresses.
Chapter 7: The Future of Legislative Effectiveness

“Well, Doctor, what have we got – a Republic or a Monarchy?” “A Republic, if you can keep it.”

-An exchange with Benjamin Franklin, at the close of the Constitutional Convention of 1787.

“The House of Representatives is very human. It is a responsive audience; it can be moved to tears and give itself up to laughter, but its mood is merely of the moment. The clamor of party bitterness can be hushed or laughed at under the magic of the skilled orator, and when his voice no longer charms or amuses, passion again rages. It is a curious assemblage, this House of ours.”

-Speaker of the House Joseph “Uncle Joe” Cannon (R-IL)

The United States Congress is a remarkable and uncommon institution of representative democracy. Far more common are parliaments with electoral systems based on proportional representation. In many such systems, party members are placed on a list for elections. How many members off that list are selected into the parliament depends on their party’s proportional vote nationwide. The parties in parliament work to form governing coalitions, appointing the prime minister and cabinet. And that government’s leaders and bureaucrats then formulate the policies to be approved by the parliament, typically on party-line votes. For who would want to vote against his party and be left off the party list in the next election?

In contrast, in the U.S. Congress, each seat is won by an individual, perhaps aided by her party, but perhaps not. These legislators do not appoint the executive, nor do they serve as mere rubber stamps for policies handed down from the president. Rather, policies come from these members themselves – members who are closely linked to their constituents through a tight electoral connection. These representatives take ideas from their past experiences, from their constituents, or from other interested groups and individuals, formulate them into bills, and help

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1 Quoted in Busbey (1977, 303).
shepherd those bills through committees, onto the legislative calendar for the chamber, through a final passage vote, and into law.

Members of the U.S. Congress are, in a word, lawmakers. Once elected, they are mainly limited only by the quality of their ideas and by their ability to persuade others that their vision is the right one for the nation.

While the above facts are commonly understood and often taught, the crucial role of members of Congress as lawmakers has too frequently been understated or pushed aside. Explorations of political parties, representation, coalitions, and gridlock have largely neglected such a lawmaking role, instead often treating members of Congress solely in terms of their ideological positions or their party affiliations. In such a view, no ability is required to formulate better policy solutions. No skill is required to build coalitions. No member is seen as more effective than any other.

Yet, without recognizing that members’ lawmaking role is the keystone of American legislative behavior, we suffer from an inadequate understanding of the institutional structure of the U.S. government, and of the policies that it produces. For example, the vast bureaucratic structure of the American federal government has arisen from a Congress seeking to govern a growing nation confronting increasingly complex policy problems. The size and structure of bureaucratic agencies can only be understood relative to the lawmaking capabilities of members of Congress, who are seeking to rely on the outside expertise and extensive reach of administrative agencies. Similarly, the internal structures of Congress arise from the lawmaking roles of members. For instance, the power of committees comes from their ability to block or to shape legislation. Political parties facilitate the goals of party members only to the extent that lawmakers reach compromises across the disparate goals of individually elected members. And,
in terms of policy choices, once again, members of Congress as lawmakers play a central role. The policies that govern the American state come from the lawmakers themselves.

As we look across the many national governments around the world, we see a diverse set of institutional structures, but also a common set of challenges. Many countries face growing or aging populations, with rapidly rising health care costs and unsustainable social programs. Most face inevitable budgetary constraints that arise from having pushed off spending cuts or tax increases for too long; instead, they have built up significant national debts that serve as a drag on the economy, and a potential burden for future generations. Global concerns also continue to mount, whether based on extremist ideologies combined with advanced weaponry, scarce resources and climate change, or informational security in an increasingly connected world. Governments can attempt to address these issues proactively or wait until they must respond to what have become crises.

For a nation that has entrusted its path forward to elected lawmakers, the question arises as to whether members of Congress are up to the task demanded of them. Is there sufficient legislative effectiveness among the Senators and Representatives in key institutional positions to address these numerous policy concerns in ways that serve the best interests of the American people?

The complete answer to this question is beyond the scope of the work that we have undertaken in this book. Yet, in our view, this question and other key questions about American democratic governance cannot be answered adequately without refocusing our efforts toward understanding Congress as an institution comprised of lawmakers. We make such an argument throughout this book, generating scores that measure members’ lawmaking effectiveness, and illustrating the usefulness of such scores in understanding political parties and committees,
representation, the role of race and gender, and how to overcome policy gridlock. We also highlight the habits that members can cultivate to become highly effective legislators. In so doing, we hope to begin a new conversation about the American Congress.

New Approach, New Questions

We believe that our approach, and a focus on the lawmaking activities of members of Congress more generally, opens a new set of questions and debates for the scholarly community. Here we highlight but a few of the questions that we hope scholars will start to address as part of a larger “legislative effectiveness project.”

The Electoral Connection

It is safe to say that most members of Congress are highly motivated to seek reelection. To what extent does becoming an effective lawmaker aid in such efforts? Thus far, we have only explored the opposite question: to what extent does electoral safety help determine which members are highly effective? In response to that latter question, we found that neither the members facing the toughest electoral challenges nor those going entirely unchallenged were the most effective members. Rather, lawmakers with moderately safe seats were the most effective legislators, presumably because they felt some pressure to legislate while also having the latitude to dedicate themselves to lawmaking rather than solely to electioneering.

But the opposing question is certainly an intriguing one. Surely, part of being an effective lawmaker involves addressing voters’ needs and district problems. For instance, we documented how Bart Stupak (D-MI) helped tackle the growing drug use crisis among teenagers in Northern Michigan and how Don Young (R-AK) directed immense resources back to his

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2 The successful exploration of members of Congress through the lens of reelection seeking was begun most significantly by Mayhew (1974).
home state. Yet, do voters reward such effective lawmaking? An exploration of whether more effective incumbents’ vote shares exceed those that would otherwise be expected based on the quality of their challengers and the nature of their constituents would be a welcome advance.3 Perhaps more-effective lawmakers perform better at the polls, face fewer challenges, or are more likely to retain their seats. Or perhaps their effectiveness allows them the leeway to become even more effective in the future, granting them the freedom to reach out across party lines to forge compromises, even if such actions place them out of step with their legislative districts.4 Disentangling the direction of causality between electoral and lawmaking successes may prove difficult. Moreover, the answer may be a conditional one, that effectiveness in some policy areas is more highly rewarded in the electoral arena than effectiveness in other areas. And yet, these questions are well worth exploring to the best of scholars’ current ability.

However, such explorations may be a bit premature. Political science research has produced extensive evidence that voters may be insufficiently informed to detect which lawmakers should receive credit for which legislation.5 That said, it seems highly likely that voters would be willing to consider not only the party and ideological stances of the candidates they are selecting for office, but also how effective those candidates would be as lawmakers. Political scientists have increasingly relied upon experiments to discern the extent to which changes in the information available to voters affect their likelihood of voting and their vote

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3 Jacobson (1999) offers a useful overview of the politics of congressional elections.
4 Such conjectures comport well with the rapidly developing theoretical literature on the role of valence in electoral competition (e.g., Ashworth and Bueno de Mesquita 2009; Groseclose 2001; Meirowitz 2008; Wiseman 2005, 2006). Canes-Wrone, Brady, and Cogan (2002) offer significant empirical evidence that members of Congress who deviate too far from the ideological positions of their districts suffer in the electoral arena.
5 Delli Carpini and Keeter (1996) offer a useful overview of (and new research on) the question of Americans’ political knowledge and its importance.
Embedding descriptions of the legislative effectiveness of lawmakers into survey-based experiments may serve as a natural extension.

Furthermore, we find it highly plausible that politicians themselves would be interested in promoting their candidacies based on their legislative effectiveness. Candidates have long relied on credit claiming, and are often inventive in the lengths to which they go to make the case that they are influential on behalf of voters. It would be surprising, therefore, if the most highly effective lawmakers did not use systematic measures of effectiveness, either ours or others yet to be developed, to promote their electoral chances. Similarly, challengers to the least effective lawmakers might likewise emphasize their opponents’ woeful records. While certainly not the only criterion that voters should use in their choices, the complete absence of unbiased information about lawmaking effectiveness is surely not leading to better representation. As elections become more highly contested, information about the success of campaigns emphasizing legislative effectiveness would be of interest to candidates, campaign managers, and scholars alike.

**Legislative Organization**

Once elected to Congress, legislators more fully assume their roles as lawmakers seeking to navigate the norms, structures, and institutions in which they find themselves. Seniority, committee service, and party affiliation all play influential roles in the lawmaking process. For example, unsurprisingly, we found members of the majority party to be much more effective than those in the minority party. Yet, rather than merely being outvoted on the floor,

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6 Gerber and Green (2000) helped launch the experimental movement in the study of American politics; and a recent consideration of the field is offered by the essays found in Druckman et al. (2011).

7 Mayhew (1974) and Fenno (1978) explore members’ credit claiming activities both in general and in specific cases.

8 Sasha Issenberg (2012) offers a lively account of the political parties experimenting with different techniques to run effective electoral campaigns.
outmaneuvered by clever majority-party leaders, or outnumbered on their side of the ideological spectrum, minority-party members suffered the most from simple neglect. Their bills did not receive attention in committee and typically succumbed to an unceremonious death.

Yet, substantial variance within the parties led to some intriguing inquiries. For example, we found that not all majority-party members performed equally well. Indeed, the Southern Democratic faction of the Democratic Party was brushed aside in the 1980s, due in no small part to its conservative stance and past obstructionism. Within the minority party, we found women substantially outperforming their male counterparts, due to their willingness to engage in consensus-building across party lines. We also found that time spent in the minority party cultivating policy expertise and tailoring a legislative agenda to one’s committee and subcommittee assignments was often rewarded.

Given the value of expertise, the role of seniority, and the importance of congressional committees, one is left to wonder: Is Congress as a whole organized so as to be an effective institution of lawmaking? For example, are the lawmakers who would best lead key committees placed in such leadership positions, even if not the most senior member of the committee? Is the expertise of minority-party members rewarded and effectively utilized in the lawmaking process, even if such members do not share all of the end-goals desired by majority-party leaders? And, are the members with the greatest policy expertise assigned to the committees and subcommittees from which they can best use their expertise to solve major policy problems?

Initial answers to such questions could be offered through a careful consideration (and perhaps reconstruction) of the Legislative Effectiveness Scores that we create here. For instance, just as we generated policy-specific scores for each of nineteen issue areas, so too could one

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9 Krehbiel (1991) offers a theoretical and empirical account of the legislative organization of Congress centered around the development of informational expertise in committees.
construct committee-specific legislative effectiveness scores. With such measures in hand, scholars could explore the extent to which members on or off certain committees excel in lawmaking within those committees’ jurisdictions. From there, it would be straightforward to ascertain whether non-committee members who are effective at lawmaking in a particular committee’s jurisdiction are better able to secure a reassignment to such a committee than are those who do not excel in advancing committee-relevant legislation. If so, this would provide evidence of congressional committees being constituted in ways to promote the matching of expertise and effectiveness with positions of institutional power. If not, such evidence would reaffirm the view that Congress is a “broken branch” for effective policymaking.

**Conditions for Policy Change**

Beyond an alignment between member expertise and institutional power, another key aspect of legislative effectiveness involves coalition formation. In building coalitions, there is often no single dominant legislative strategy. For instance, we found that a variety of potential natural coalitions varied substantially in the strategies they adopted. African Americans decided to diversify their strength, seeking scattered representation across the most powerful congressional committees rather than concentrated power over issues of greatest interest to their constituents. Southern Democrats often utilized blocking coalitions, whereas minority-party women tended to reach across party lines.

In looking at the most highly effective lawmakers, we found that the development of expertise, the willingness to compromise with opponents, and the generation of allies beyond the House of Representatives were all very helpful in the coalition-building stages of the lawmaking

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10 Shepsle (1978) offers a compelling assessment of the committee assignment process, quantitatively accounting for many of the well-known causes of reassignment and advancement across committees.

11 Mann and Ornstein (2006) argue that Congress is failing the American people due to its polarization and overall dysfunction.
process. With respect to policy gridlock, we found that political entrepreneurs, willing to take on the toughest issues, gained a reputation for action that attracted coalition partners. Such partners often felt that, if any policy was likely to advance through to law, it would be the policy sponsored by such entrepreneurial leaders. Thus these entrepreneurs’ bills would be the ones to which their coalition partners would try to attach their own agenda items, and the ones they would subsequently endorse and work to advance.\footnote{In this view, the bills of entrepreneurs would be akin to the must-pass legislation central to Adler and Wilkerson’s (2013) work or to the omnibus bills that Krutz (2001) studies.}

While many of the above claims follow smoothly from our analyses across the chapters, other aspects of such descriptions could be examined far more systematically. For instance, to what extent does success breed success? Are members whose bills succeed in one Congress more likely to attract more cosponsors in future Congresses, and more likely as a result to achieve further success? Put another way, how can members build reputations as the go-to people on specific issues, apart from their institutional positions as committee or subcommittee chairs? At the individual level, to what extent do members take stock of their own legislative achievements and learn from their early successes and failures? We found that more-effective freshmen were much more likely to generate a personal sense of progressive ambition and to seek higher office in the near future. In contrast, less-effective freshmen were more likely to abandon the whole enterprise and voluntarily retire from the House. But, along the way, do members position themselves for legislative success based on their prior experiences? Here, a study of the legislative portfolios of members may be instructive.\footnote{Such a study might build upon the approach of Sulkin (2005), who examines how members’ policy portfolios reflect the issues highlighted in their electoral campaigns.} For instance, if a lawmaker performs very well on environmental policymaking in one Congress, does she dedicate a larger
portion of her portfolio to environmental issues in subsequent Congresses? And, is such dedication short-lived, or is it something that accumulates over time? Do new leaders in specific policy areas emerge from their earliest successes, gaining confidence with their rising issue attention and expertise, and finally peaking as the most effective members later in their careers?

**Measuring Legislative Effectiveness**

To reach the conclusions summarized above, we developed and utilized what we termed Legislative Effectiveness Scores. These scores focused on lawmakers’ bill introductions and on the advancement of their bills in committee, to the floor, beyond the House, and into law. Commemorative bills were downgraded and significant bills were upgraded in assigning an overall score for each member in each Congress. These scores largely captured the share of all lawmaking activities in each Congress attributable to each member based on her sponsorship activities.

We believe the construction of these scores to be a significant advance over previous approaches, such as merely accounting for the percentage of a member’s bills that become law.\(^\text{14}\) They offer a more holistic view of the legislative process, and allow us to isolate the importance of different stages of lawmaking. For instance, this approach helped us identify committee action as central to the enhanced legislative success of members in the majority party. We were able to locate the success of minority-party women in the key coalition-building stages of helping their bills reach the floor and pass the House. And we found that gridlock varied substantially across particular issue areas because of their different rates of success across legislative stages.

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\(^{14}\) However, we benefited substantially in our approach from considering numerous excellent earlier works on legislative effectiveness (e.g., Matthews 1960, Frantzich 1979, Moore and Thomas 1991, Weissert 1991, Anderson et al. 2003, Padro i Miquel and Snyder 2006, and Cox and Terry 2008).
The scores we construct therefore are an important breakthrough in the evolution of the study of legislative effectiveness. That said, we do not believe that such an evolution is at its end. Similar to how measures of ideological positions moved from interest group ratings based upon a few key votes to increasingly sophisticated analyses of all votes in Congress, so too will measures of legislative effectiveness continue to improve.\(^{15}\) In our view, such measures will advance as scholars find adaptations useful for the specific questions they seek to address. For example, to address policy gridlock, we found it useful to generate separate scores by issue area. As we speculate on above, scholars may likewise wish to generate legislative effectiveness scores for each committee, in order to explore the causes and effects of committee assignments.

Our hope is that such adaptations are merely the beginning. As congressional scholars become better able to discern the direction and extent of policy changes relative to underlying status quo positions, effectiveness and ideology could be coupled, with scores then measuring each lawmaker’s effectiveness in moving policy in a liberal or conservative direction. Likewise, where the budgetary consequences of particular bills have been scored by the Congressional Budget Office or others, members’ effectiveness in addressing (or exacerbating) budget deficits could be measured. More broadly, for legislative proposals that are evaluated on cost-benefit grounds, members could be evaluated not only for their abilities to advance any legislation, but also for the extent to which the legislation they advance serves the needs of the American people.

As such measures advance, we expect that the assignment of *credit* to particular members of Congress will improve as well. As we discuss in Chapter 2, the scores we offer change very little if we also account for amendments offered on the floor of the House. That said, for bills offered by chairs on behalf of their committees, scholars could attempt to better track which

\(^{15}\) We see the key transformation in ideal-point measurement to have arisen from the work of Poole and Rosenthal (1997). Yet, researchers continue to seek to improve upon such initial measures, as part of what we believe to be a constructive scientific scholarly process (e.g., Clinton, Jackman, and Rivers 2004).
members are responsible for which items. For amendments across the House and Senate that substitute significant amounts of language to reach bicameral consensus, scholars could trace the extent to which the language of various original bills finds its way into the final agreements. In each case, the credit assigned to members could better reflect their true underlying ideas and effectiveness.

Our effectiveness scores are also biased toward the advancement of legislative initiatives, discounting the effectiveness of members in obstructing what they perceive to be the bad ideas of their political opponents. Here again, future scholarship may offer new paths forward. For instance, given the power of committee and subcommittee chairs, one could track which bills find their way out of which committees. Were the bills of Southern Democrats denied floor access by particularly liberal committee and subcommittee chairs? Are different bills likely to advance through subcommittees chaired by women than by men? Do ideologically moderate chairs (based on their floor voting patterns) act like ideological moderates in the bills they allow to move forward through their committees? Relying on such decisions, researchers could measure not only the individual effectiveness of these institutionally powerful actors in advancing legislation but also their abilities and willingness to obstruct the initiatives of opponents.

Even more broadly, the approach we offer need not stop at examinations of the U.S. House of Representatives. Most naturally, legislative effectiveness could be studied in the U.S. Senate or in the American states. Although alterations to these measures would be necessary to fit specific institutional characteristics, we have no doubt that lawmakers vary in their abilities

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16 Wilkerson, Stramp, and Dashiell (2012) offer fruitful work in this direction.
and effectiveness in such settings. Our approach may also be of use in the study of legislative bodies around the world – although, here again, developing the scores with an eye to specific legislative contexts would be paramount.

*Toward a Theory of Legislative Effectiveness*

Across the chapters of this book, we tested a series of hypotheses about topics ranging from political parties to policy gridlock, through the lens of the legislative effectiveness of lawmakers in Congress. In our view, the hypotheses we explored followed rather cleanly from prior scholarship and our tests shed new light on important phenomena. Moreover, our qualitative approach in Chapter 6 offered a series of insights that could be developed into testable hypotheses for future work.

While therefore theoretically grounded, this work has not relied upon an explicit theory of legislative effectiveness. In our view, such a theory, or rather a set of theories, is essential to fulfilling the promise offered by the legislative effectiveness project in its broadest sense. Indeed, a scientific approach to the study of politics demands the formulation of testable hypotheses (ideally arising from a general theory) and the subsequent rigorous testing of such hypotheses. Thankfully, many existing approaches to theory-building in legislative political science are amenable to the inclusion of legislative effectiveness as a core component.

One such approach would be to incorporate legislative effectiveness into the spatial models commonly used to study legislatures. Although we argue that spatial ideology alone is often inadequate to accurately characterize legislative behavior, such approaches have thus far

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17 For example, credit across stages of the lawmaking process in the U.S. Senate may need to be altered to account for Senate rules that allow Senators to bypass the committee stage and bring their proposals directly to the Senate floor.
18 Riker (1977) lays out an early parsimonious view of a scientific approach to the study of politics.
19 Krehbiel (1988) summarizes the value of spatial models to the study of Congress.
offered important insights. One way to incorporate effectiveness into such models is to allow lawmakers to attach some enhanced quality (or “valence”) to their legislative proposals, making such proposals more attractive to other legislators, and therefore potentially improving the likelihood of their passage into law.\(^{20}\) Out of such a model would arise a series of predictions about: the extent to which effective lawmakers can pull policy toward their preferred ideological positions, which legislators are likely to exert the effort necessary to move bills forward, and which legislators are likely to be most successful at different stages of the legislative process. Such predictions could then lead to series of additional empirical investigations.

An alternative approach for building a theory of legislative effectiveness would be to incorporate effectiveness into models of coalition building. Existing models tend to feature a legislator who serves as a proposer, seeking to modify current policy or to divide up the various valuable resources controlled by the legislature.\(^{21}\) A more-effective lawmaker may then be modeled as one who is more likely to be the proposer upon entering such a bargaining game, one who brings a substantial number of coalition partners along with her if included in the coalition, or one whose support is required to secure ultimate acceptance of the proposal. Any of these alterations to standard coalition-building models would offer new hypotheses about the influence of highly effective lawmakers.

Still another approach for developing a new theory of legislative effectiveness might involve a central role of information and expertise. In informational models, some actors have more knowledge or expertise than do others, such as possessing greater information about the preferences of other actors or about how policy proposals map onto real-world outcomes.\(^{22}\) If

\(^{20}\) Hitt, Volden, and Wiseman (2014) advance a spatial theory of legislative effectiveness along these lines.  
\(^{21}\) Baron and Ferejohn’s (1989) model is often central to such theoretical studies.  
\(^{22}\) For a discussion of the evolution of such models, as well as of the role of formal theories in the study of Congress, see Volden and Wiseman (2011).
legislative effectiveness is based on such expertise or on informational advantages, opportunities and incentives to develop expertise will help determine which legislators emerge with the greatest effectiveness. Such an approach might turn scholarly attention to the role of personal and committee staffs, of informative interest groups, of issue specialization, or of relative information acquisition across political parties, offering exciting new pathways for congressional research.

These three examples (spatial, coalition-building, and informational models) illustrate the potential for legislative effectiveness to play a prominent role across a wide array of theoretical studies of legislative behavior. Once again, we do not believe that researchers need to pick a single best path forward to developing new theories. Rather, those interested in the ideological consequences of legislative effectiveness might adopt a spatial approach, while those interested in coalitions or in information and expertise might turn in other directions. Collectively, both empirically and theoretically, scholars have much ground to cover, with legislative effectiveness playing a central role.

**Beyond Scholarship**

Interest in legislative effectiveness may extend well beyond students of Congress and scholars of legislative behavior. From the time of the American Revolution through securing women’s suffrage in the Nineteenth Amendment through the Voting Rights Act of 1965, Americans have sought redress from inadequate representation. In a similar vein, citizens may be thought to be denied proper representation when their representatives are ineffective at articulating their concerns and advancing their interests in the legislature.

The natural recourse for ineffective representation is found at the ballot box, where voters have the right and responsibility to remove from office those who do not adequately represent
them. Yet, voters may suffer from an overload of information during campaigns and from the obfuscation that accompanies opposing candidates seeking to advance their competing interests.\textsuperscript{23} Incumbents use many arguments to advance their case of being effective in Congress, and how are voters to separate fact from fiction?

Just as voters take cues from the party affiliation of candidates, so too could they benefit from a simple summary of how effective their member of Congress has been in recent years. Voters who learn that their representative is among the most effective members of her party, or that she exceeds the level of effectiveness that would be expected given her seniority and committee leadership position, might be more likely to vote for her again. In contrast, voters may lose patience with members who are ineffective in Congress after Congress, and may wish to remove them either in the primary or in the general election.\textsuperscript{24}

Of course, this assumes that voters value having effective lawmakers representing them. We believe that there is a larger political discussion taking place in the United States about the benefits of political compromise, and about whether parties should seek consensus and a middle ground or hold firm to their initial ideological positions. Our view on this matter arises from having studied the policies put forth across the years by the most effective lawmakers. For instance, in Chapter 6, we highlighted the environmental policy accomplishments of lawmakers such as John Breaux (D-LA) and Jim Saxton (R-NJ), and the compromises that they struck.

\textsuperscript{23} Minozzi (2011) presents a theoretical argument of how opponents “jam” the messages that informed elites try to send to citizens.
\textsuperscript{24} A recent primary challenge to long-term incumbent Mike Honda (D-CA) nicely illustrates this tendency. In late 2013, a collection of Silicon Valley entrepreneurs threw their support behind challenger Ro Khanna because they felt that Silicon Valley “hadn’t been represented at the federal level,” and that Honda had consistently failed to “[bring] the bacon to the Valley for the technology guy.” (Quinn, Michelle and Elizabeth Titus. 2013. “Silicon Valley takes aim at Honda.” \textit{Politico}. September 3. \url{http://www.politico.com/story/2013/09/silicon-valley-mike-honda-96201.html?hp=f2}, accessed February 18, 2014).
The core of such compromises can be understood with a stylized example of a polluting factory upstream from a small village.\textsuperscript{25} If the interests of the business alone are taken into consideration, the pollution put into the stream will come at substantial costs to the environment, to fishing and recreation opportunities, and to a clean source of drinking water for the village. On the other hand, if environmental interests alone are considered, the factory would be shut down, leading to a pristine stream, but also producing higher-priced goods and rising unemployment. Truly effective lawmaking means taking all of these goals into consideration simultaneously, allowing pollution levels that do not overwhelm the environment or the capacity of water treatment facilities, but that also allow the factory to continue to operate at profitable and community-beneficial levels. In this view, if either side wins the political battle alone, its own interests are achieved, but with the worst effects for the other side. Such winner-take-all politics does not allow for alternatives that mitigate the most harmful effects of one-sided policymaking. And, based on our review of compromises struck by the most highly effective lawmakers, such lessons apply to a myriad of policy areas beyond conflicts between business and environmental groups. If voters can see the wisdom of this argument and elevate the value of compromise and legislative effectiveness over single-minded partisanship, perhaps some of the great policy problems of our day can be addressed without undue distress.

Knowledge about the effectiveness of specific lawmakers may also be of interest to those who lobby Congress. Undoubtedly, the largest and most heavily funded interest groups are already well aware of which members of Congress are most effective in the policy areas of

\textsuperscript{25} In the view of Coase (1960), the socially optimum solution to this sort of situation will be agreed upon through bargaining by all parties, and secured through some allocation of resources in the absence of “transactions costs.” Unfortunately, transactions costs exist in nearly all such situations; and political disputes resolved in legislatures by the will of the majority can easily be biased away from a social optimum and toward the desires of one side, neglecting the concerns of opponents. In contrast, political compromise with opponents can result in policies that are undermined in their implementation and administration (e.g., Moe 1989).
greatest interest to them. But the First Amendment right to petition government for a redress of grievances does not apply only to those who are well-financed. Individual citizens and small groups would also benefit from knowledge about which members of Congress are most effective in particular policy areas. With such information at their disposal, these interested parties can better target their proposals, making them more likely to reach the desks of key policymakers and to be considered and properly weighed in the lawmaking process.

Finally, Representatives themselves may be interested in the extent to which they are (or are perceived to be) effective lawmakers. Indeed, members of Congress are public servants who wish to acquire and utilize political power for their constituents and for their broader political goals. And we have documented that those who see themselves as ineffectual are less likely to find the lawmaking enterprise sufficiently rewarding to continually seek reelection into Congress. Along such lines, new members of Congress may be interested in the habits they can develop in order to become more highly effective. And members of Congress interested in maintaining the institutional power and prestige of the legislative branch may seek reforms to ensure that the most effective lawmakers are well positioned to use their expertise and abilities in the best interests of their beloved Congress as a whole.

In so doing, lawmakers in Congress may find themselves better able to address the major problems of their time than are policymakers in other countries with different systems of democratic representation. On the other hand, by relying on a Congress comprised of members

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26 A future study exploring this concept, perhaps testing whether the most highly effective lawmakers are most likely to subsequently be lobbied and to receive a greater proportion of campaign contributions, would be welcome.
27 Indeed, former Rep. Tim Roemer (D-IN) commented in a November 2012 Politico article on how Tip O’Neill addressed his freshman cohort in 1991 and offered tips on how to become an effective lawmaker. Roemer built on these points to offer his own advice to the freshman members of the 113th Congress, including the suggestion that they “approach committee work thoughtfully” as “it is an efficient way to become an expert on a set of serious issues...[which] ultimately defines your reputation and charts a career path of opportunity.” Available at: http://www.politico.com/news/stories/1112/84197.html, accessed July 11, 2013.
28 Mayhew (1974, 141-158) describes how reelection-seeking goals interact with institutional maintenance concerns of leaders in Congress.
as lawmakers, the American system most fully experiences not only the benefits of democratic governance but all of its excesses as well. What is labeled here as “effective lawmaking” may then just take the form of members more cleverly pursuing particularistic, money-driven, electorally based self-interest, rather than seeking solutions to major public policy problems.29

Indeed, recent examples, such as the near-default on federal government debts, the lack of bipartisanship on the most comprehensive health care reforms in decades, and a budget sequestration without sufficient discretion to mitigate its most harmful effects, do not give much reason for hope.30 In light of such examples, it is unsurprising that the national legislature is held in low esteem by the American public, with less than 20% expressing approval of the job Congress is doing, in poll after poll.

Yet, despite such low overall approval, the vast majority of members of Congress are reelected time and time again.31 From this point of view, we do not believe that members of Congress will substantially change their behavior without incentives from their bosses, the American voters. If voters are willing to set aside partisanship and an emphasis on ideological purity to instead focus on legislative effectiveness and the need to solve the specific problems of greatest importance, only then should we expect change. As articulated in the Declaration of Independence, the American government derives its powers from the consent of the governed. It

29 One fears that, if members of Congress do pay some degree of attention to measures such as the Legislative Effectiveness Scores developed here, they will find ways to game the system and obfuscate their behavior. For example, the bills that would have been sponsored and advanced by members from safe seats will instead be attributed to at-risk junior members in the party to help secure their reelection bids. Were such manipulations to become more prevalent in the future, they would make the task of assigning proper credit to members even more difficult than it has been thus far.

30 We offer background on the passage of the 2010 Affordable Care Act at the beginning of Chapter 5. The Budget Control Act of 2011 was adopted in the summer of 2011, narrowly averting a default of the country’s debts due to a failure to increase the federal debt ceiling. To address the ballooning national debt, the act put in place a sequestration procedure of automatic spending cuts that was thought to be so unattractive as to force all sides to the table for a grand budget deal. However, politicians were unable to reach such a deal and the sequestration policy, intended to be an unfathomable threat, instead became the law of the land.

31 This phenomenon of disliking Congress as a whole but strongly supporting one’s own representative has been labeled “Fenno’s Paradox,” based on its description in Fenno (1978).
is therefore up to the people themselves to ensure that they are effectively represented.

Facilitating the election and proliferation of effective legislators is a crucial step in fulfilling the promise of American representative democracy, one that requires continual attention and a constantly renewed commitment.